

NATIONAL INDIAN GAMING COMMISSION
PUBLIC COMMISSION MEETING

Phoenix, Arizona

April 7, 2011

2:04 p.m.

REPORTED BY:

Cindy Bachman

Certified Reporter No. 50763

Job No. NJ319751

1 THE NATIONAL INDIAN GAMING COMMISSION,
2 PUBLIC COMMISSION MEETING, taken on April 7, 2011,
3 commencing at 2:04 p.m. at the WYNDHAM PHOENIX HOTEL,
4 50 East Adams, Phoenix, Arizona, before CINDY BACHMAN,
5 Arizona Certified Court Reporter, in and for the State
6 of Arizona.

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Committee Members Present:

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10 Tracie Stevens, Chairwoman
11 Steffani Cochran, Vice Chairwoman
12 Daniel Little, Associate Commissioner
13 Paxton Myers, Chief of Staff
14 Lael Echo-Hawk, Councilor to Chairwoman
15 Kathy Zebell, Staff Attorney
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1 (The meeting commenced at 2:04 p.m.)

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3 CHAIRWOMAN STEVENS: Good afternoon. I'd like
4 everyone to take their seats, if they could, please.

5 Thank you. I'd like to call to order the
6 National Indian Gaming Commission Public Meeting for
7 today, April 7, 2011. This is a public forum meeting,
8 and we will proceed as such. Before we begin, I'd like
9 to provide some opening remarks to attendees here.

10 Unlike the meeting that we had this morning,
11 which was an actual Tribal consultation, this is just
12 the Commission running their normal course of business
13 here, and not meant to be a dialogue. But I'll address
14 that in a moment.

15 We, as this new Commission, decided that we
16 would reinstitute the meeting. If you read under the
17 statute, it says that the Commission will meet no less
18 than every four months, which is technically three
19 times a year.

20 In the past Commissions, and it's been some
21 time ago, there were public meetings that were held
22 like this to sort of conduct the business of the
23 Commission, and the Commission would vote on issues.
24 And we're instituting that here today.

25 Before we move on with the agenda, all the

1 information is back there (indicating). I would like
2 the other Commissioners to provide opening statements,
3 or if they have a few words they'd like to share.

4 Steffani Cochran is our Vice Chair, and I'll
5 turn the microphone to her.

6 VICE CHAIRWOMAN COCHRAN: Good afternoon.
7 I'm Steffani Cochran, Vice Chairwoman in the National
8 Indian Gaming Commission.

9 I know many of you were here this morning, so
10 it's nice to see you, and thank you for staying this
11 afternoon to participate in our public meeting. We
12 look forward to giving you some insight into the actual
13 agency operations and things that are going on
14 internally that you may not get an opportunity to see
15 as often in our consultations.

16 So thank you for staying with us and joining us
17 today, and I'll turn it over to Commissioner Little.

18 COMMISSIONER LITTLE: Good afternoon,
19 everybody. I'm very happy that we're doing this.
20 These meetings are in line with the President's
21 directive of open government transparency.

22 We want to be more open and transparent to the
23 Tribes so that they can see the business that we do on
24 a regular basis. And this is probably the most
25 appropriate way, is that we bring our meetings to

1 different locations around the country and give you a
2 little glimpse of some the issues that we tackle on a
3 daily basis.

4 Thank you for all being here, and I'll talk to
5 you soon.

6 CHAIRWOMAN STEVENS: Just some housekeeping.
7 I just want to remind everybody that these proceedings
8 are not intended to be participatory. We're going to
9 conduct some business here.

10 We have a public comment section at the end of
11 the agenda. Anyone who would like to make public
12 comments to the Commission about any of our activities,
13 it's at the end of the agenda that we'll address that.

14 If you would like to make a comment, there's a
15 sign-up sheet at the desk that you can make a comment.
16 But we'll go ahead and continue with the business of
17 the Commission.

18 The first thing on the agenda is a review of
19 our policy initiative report. As many of you know, the
20 Commission has four major initiatives that we have
21 launched: one, "Consultation and Relationship
22 Building"; two, "Technical Assistance and Training";
23 three, "Regulatory Review"; and four, "Agency Operation
24 Review."

25 It's on your agenda. It's a little out of

1 order. But those are our four major initiatives.

2 The first initiative I will address. It's on
3 "Consultation and Relationship Building." We've heard
4 over the past nine months, and for Vice Chairwoman
5 Cochran almost a year and half now, the need for the
6 Commission to address consultation and the process of
7 consultation with Tribes.

8 We held consultations last summer to discuss
9 this, among other issues. We've continued to hear from
10 Tribes about consultation processes and policies. And
11 with that information, along with information we
12 gathered from the Department of Interior's consultation
13 process, released a draft Consultation policy for the
14 NIGC on March 8th, last month, 2011.

15 The comment period for that will close on
16 May 31, 2011. We held a consultation this morning in
17 this room from 9:00 a.m. to 12:00. It garnered many
18 good revisions -- or suggested edits to the policy,
19 comments from Tribes, which we will incorporate into a
20 record, and that will be part of the bigger objective.

21 I believe we do have some extra copies of the
22 draft consultation policy, should anyone need that.

23 It is posted on our website. We encourage everyone to
24 participate in commenting on the consultation policy.

25 We'd like to have that solidified and ironed out before

1 too long. We've received good information so far, and
2 that will be the tool and instrument that we will use
3 as we move forward through other processes that we have
4 in place now.

5 So our first priority was how to deal with
6 consultation and how to revise our practices, which
7 we've done. And we put out a policy for comments that
8 Tribes had input in, and then we will finalize it as we
9 move forward.

10 Next, I'd like to turn it over to
11 Vice Chairwoman Steffani Cochran to discuss the
12 training and technical assistance and give us a report
13 on how we're doing on technical assistance and training
14 and that particular initiative of the Commission.

15 VICE CHAIRWOMAN COCHRAN: The Commissioners --
16 as many of you know, you've heard us speak about how
17 we've each taken on a major initiative, to kind of lead
18 the way on the initiative. And the one initiative that
19 I'm responsible for is training and technical
20 assistance.

21 I am very fortunate because the Commissioners
22 each agree that this is a significant objective for us
23 to achieve. We did do a survey that I know many Tribes
24 participated on, and I'll walk you through the results
25 of the survey as we go through.

1 As we said, training and technical assistance
2 is a major initiative of the Commission. We do view it
3 as an essential component of what we do within the
4 agency, and we also see it as an essential component
5 that must be done in cooperation with the Tribes.

6 We also firmly believe that successful
7 regulation depends upon a properly trained, skilled,
8 and informed work force, and we have an obligation to
9 assist the Tribes in the efforts to make that happen.

10 We also firmly believe that well-targeted
11 training and technical assistance programs provide a
12 foundation that maintains not only the integrity, but,
13 ultimately, the success of gaming. So this is clearly
14 something that we believe is of utmost importance
15 during our time on the Commission.

16 We also acknowledge that training and technical
17 assistance activities are a requirement by statute.
18 And many of you sitting here, I know, were involved in
19 the amendments to IGRA that involved our requirement to
20 provide training and technical assistance to the
21 Tribes.

22 But more importantly for us, I think we do see
23 it as a preventative measure that we can use to help
24 pre-empt potential violations, if there are some; to
25 decrease the compliance issues that have come up as

1 work labor tribes; to reduce the need for any
2 additional regulations. If we're providing the level
3 of training and technical assistance that is needed,
4 additional regulation shouldn't be necessary.

5 We also believe that training and technical
6 assistance obviously enhances operations and
7 performance. So we are looking to help equip Tribes
8 with the tools that they need to protect their
9 operations, as admissioned by IGRA itself.

10 Within the training and technical assistance
11 initiative, we have set out some new objectives to try
12 to help measure our efforts during our time. We, first
13 and foremost, took a look at the program itself to look
14 at the training levels; the attendance, who was
15 attending, where they were attending, what they were
16 attending; how much agency staffing, time, resources
17 were being devoted to these activities.

18 Looking at the coordination amongst the
19 divisions, many of you are familiar with how the agency
20 is set up currently at the divisions: enforcement,
21 compliance, and audits. So we're looking at the
22 coordination between those divisions to see how well
23 they were providing these types of activities.

24 We also were looking at partnerships, you know,
25 whether or not we were engaged in partnership

1 activities, which would, again, get more resources to
2 the Tribes through training and technical assistance
3 activities.

4 We are very concerned with the resources that
5 are allocated to these activities and making sure that
6 we maximize those resources. We know that Tribes are
7 being pushed to the limit on their budgets. We also
8 understand that these are often funds that are, first
9 and foremost, to be reduced when Tribes are looking at
10 budget cuts. So we're looking to make sure that if we
11 have the ability to step in and provide resources to
12 you, that we do that through this program.

13 Part of the survey, the objective of the survey
14 itself, was looking to ways that we can improve the
15 offerings that we currently provide. We're looking at
16 what's working, what made need some improvement.

17 We're looking at the survey, which was designed
18 to look at, I should say, what the Tribes need. We
19 have thoughts, obviously, as an agency, as to what the
20 needs are out there, but we needed to know from the
21 Tribes directly what the needs were.

22 And we also were looking through the survey to
23 try to identify the variances that might exist and the
24 new levels and the types. There are different issues
25 that are more important in the different regions.

1 And, again, all of this is designed to maximize
2 what our limited resource is, not only on behalf of the
3 agency, but on behalf of the Tribes. We are also
4 looking to, of course, improve participation and to the
5 concerns of the Tribes.

6 So the survey came out in January. It was
7 completed in February. There were 596 surveys that
8 were sent to Tribal leadership, Gaming Commissions,
9 operations personnel. We received 255 responses, which
10 was an amazing response rate for surveys.

11 We had 123 gaming Tribes that did participate
12 in this survey. So the feedback from the Tribes was,
13 in my opinion, amazing. And we were provided a lot of
14 information that we needed to know.

15 The survey says 48 percent of the respondents
16 indicated they had attended NIGC training. We asked
17 that question specifically so that we knew what level
18 of feedback we were getting. These people that had
19 attended had thoughts and ideas on what we currently
20 offer or there were people that were responding based
21 on what they need, a future need or an assisted need.

22 The barriers that were listed -- there were
23 many barriers. What I provided here for you is the top
24 four: funding, distance, an awareness of what we offer,
25 and time. These were the top four barriers that were

1 provided.

2 These are all things that we can have an impact
3 on, as an agency. We need to direct our resources to
4 overcome these barriers, or helping you overcome the
5 barriers. And we needed to look at, as we will be
6 looking at, how we can help with the distance issues by
7 maybe making better use of technology; by maybe making
8 better use of widely-attended gatherings where
9 regulators might be; by bringing us to you in cases
10 where a Tribe simply cannot get its people out to
11 training. How can we get to you perhaps so that we
12 also make best use of your time?

13 And then obviously if we're getting feedback
14 that they're not certain what we offer, then we need to
15 do a better public outreach. And that is certainly
16 absolutely something within our control.

17 The rankings on the survey did ask about the
18 current offerings of the NIGC. And the rankings
19 clearly indicated that there was not an increased need
20 for IT, internal audit-related courses; an on-going
21 preference for fundamentals; and a decreased demand for
22 pre-gaming courses.

23 And these are courses of taking land into trust
24 for gaming. Also some courses that weren't widely
25 attended, Keno, for example. Pari-mutuel was another

1 course.

2 It also showed us that there's a maturity in
3 the industry and that we need to make sure that all
4 things reflect the maturity of the industry.

5 There were also some distinct global
6 preferences. And when I say "global," I mean
7 throughout all Indian Country. But there were also
8 some clear indications on some regional preferences,
9 things that are unique to the regions.

10 As to the current curricular, again, the
11 respondees did ask for more refresher courses and more
12 advanced courses. And we are currently working on
13 trying to get some advanced courses out there.

14 These are the highest-ranked courses. I won't
15 go through them, but they do, again, clearly indicate
16 IT being a course of importance for the people who
17 responded. Internal audits being another course in
18 high demand.

19 Our lowest ranked courses are ANEPA basics,
20 liquidity, basic IGRA, eligibility of land for IGRA
21 gaming, Pari-mutuel, Keno. These are the things that I
22 was describing earlier as showing having at least the
23 least amount of preference by the survey takers.

24 The other thing that we took away from the
25 survey was a need for us to tailor some courses to

1 align with the priorities of the various people who
2 responded to the survey. This is the priorities of the
3 leadership, the priorities of the Commissioners -- the
4 Gaming Commissioners, and the priorities of the
5 operations. And it may be that we need to start
6 thinking in terms of how to reach out to those groups
7 and how do we make sure we're meeting the needs of each
8 individual group.

9 There were some identified preferences that we
10 took away from the survey. We do need to overcome some
11 barriers to participation, and we've got some ideas on
12 how to do that, and I've mentioned those earlier.

13 We do also have a need out there for advanced
14 or practical courses, also refresher courses. Gaming
15 technology and audit training being in preference. And
16 IT and practical hands-on type courses also being in
17 high preference.

18 We also need to take increased use of available
19 technology to meet some needs right now. Tribes that
20 maybe have distance issues, maybe have budget issues
21 that simply won't allow them to get out.

22 The next steps that you can see from the survey
23 will -- we are going to put the executive survey, which
24 I believe has been made available to you today, will be
25 put up on the website so that, again, you can look at

1 it.

2 We are in the process of working through our
3 course catalog to try to, again, eliminate courses that
4 are not in high demand right now, offer those courses
5 that might be in high demand, and, again, make sure
6 that we're targeting various leads.

7 And then finally, the survey has allowed us to
8 also identify those areas which might bolster some of
9 the partnerships -- potential partnerships that we like
10 to see.

11 Madame Chairwoman, the last thing that I would
12 like to offer and talk about in regard to training, in
13 addition to the survey and the catalog and the work
14 that's going on with the catalog, is we do have some
15 ongoing or some current training activities.

16 We will be offering regional training up in
17 Portland next week. The information, again, about any
18 of our training activities is on the website. If you
19 need assistance on how to find it, please let me know,
20 and I can certainly give you that direction.

21 There's also going to be regional training in
22 Oklahoma City and in Tulsa next month, that will be
23 available. And then Nimish is going to be doing,
24 actually, a partnership with the Oklahoma Tribal Gaming
25 Regulators Association -- or conference, excuse me, in

1 Choctaw this month. So that will be our first kind of
2 introduction to getting out and doing some partnership
3 activities with some of the gaming associations.

4 We hope to use this as an opportunity to look
5 at it more carefully and figure out where we can do
6 some future partnerships, not only on the Tribal side,
7 but also to work with our federal agencies to come up
8 with, perhaps, partnerships to get more information out
9 to Indian Country. Thank you.

10 CHAIRWOMAN STEVENS: Thank you, Vice
11 Chairwoman.

12 I'd like to turn it over to Associate
13 Commissioner Dan Little to go over the agency
14 operation's initiative and give us an update on where
15 we're at with that.

16 COMMISSIONER LITTLE: Thank you, Madame
17 Chairwoman.

18 As many of you have heard, this Commission said
19 this in the past, and we've said it often, we are just
20 as concerned about how we run our operation as we are
21 about how Tribes run their own operations.

22 This Commission is set forth to do a complete
23 review of all agency operations, with the goal of
24 improving agency efficiency, streamlining operations,
25 eliminating any redundancies, with an effort to make an

1 agency that's leaner, smarter, and better equipped to
2 serve the industry.

3 And how we're doing that is through a number of
4 ways. The first one is, we've enlisted the help of the
5 Office of Policy and Management to provide information
6 and some assistance to the agency on how our
7 organization is structured.

8 I think putting things in terms of -- the
9 agency actually, physically, is only about 18 years
10 old. The act was created in 1988, and the NIGC, as an
11 office, was set up, I'd say, around '93 or '94. I'm
12 sure some folks could probably correct me on that one.
13 So we're relatively an infant in terms of federal
14 agencies.

15 And what we've found as we were reviewing how
16 the agency operates, is that there's a lot of
17 inconsistencies and incompleteness in our policies and
18 procedures, in our organizational charts, in our job
19 descriptions, our FTEs, and such. That it's only
20 appropriate that we take a look at the way the agency
21 is organized and to ensure that what our employees are
22 doing matches what their job description says.

23 We've got a lot of really dedicated employees
24 that have assumed responsibilities that may not
25 necessarily be part of their job description. We need

1 to make sure that the agency, through job description,
2 reflects that.

3 So we've enlisted the help of the Office of
4 Policy and Management, and they have begun helping the
5 agency through -- first of all, it's looking at the
6 structure, the job descriptions. And they're getting
7 ready to start a series of employee surveys and focus
8 groups to get more information. And that way, the
9 Commission can make better determination and make some
10 good planning as we move forward with the agency.

11 The next step that we're looking at is
12 formalizing a budget process. Many folks understand
13 that these are long and tenuous processes that really
14 forces the agency and organization to do a detailed
15 look at where every dollar is spent. It's very
16 appropriate considering the fact that our agency is not
17 funded through any federal appropriations and they are
18 through tribal dollars.

19 Over the course of the previous four or five
20 years of this Commission, the agency hired a lot of
21 people. We've come to the -- I don't want to say
22 "problem." But we've come to a point where the cost of
23 our capital is getting near close to 75 percent of the
24 overall agency budget. And that's become tough in long
25 term, if you're doing long-term forecasting.

1 So what we've done is we've implemented a
2 formal budgeting process where we will sit down with
3 all the divisions and senior supervisors and managers
4 to just go through where, in fact, we are spending our
5 money to ensure that we're capitalizing on all of our
6 efficiencies.

7 We are on a fiscal year budget, so the process
8 will begin here in the next couple of months with the
9 hope of having things completed by summer and be able
10 to pass a budget late summer or in September.

11 The next agenda item is office utilization
12 assessment. The NIGC headquarters in Washington, DC,
13 is -- we are losing our lease, and that will be in May
14 or June of 2013. So the long-term plan is we have to
15 start looking at areas where we can possibly move the
16 agency, looking at where the agency will need to be
17 because this will probably be for the next ten years,
18 as far as staffing and budget constraints go.

19 And also the actual cost of moving the agency,
20 which could be somewhere in the realm of one and a half
21 to \$2 million. One of the other reasons why we need to
22 be very caution, and we need to look carefully at our
23 budget.

24 And then the final issue I want to report to
25 the Commission here is on the progress of our policies

1 and procedures. Like I was saying earlier, the
2 Commission is relatively young, in terms of how federal
3 agencies go. Many Commissions before have moved
4 forward with policies and procedures.

5 Our effort is to ensure that our policies and
6 procedures are in accordance and in line with what's
7 required in a federal law. It's very important that
8 our employees understand the responsibilities, their
9 roles, and what's expected of them.

10 The current policies that we're working on
11 actually will -- under new business today, we're going
12 to have a vote on the alternative work schedule. But
13 other policies that are on the short-term, coming
14 before the Commission, will be under premium pay
15 policy, that includes comp time; dress code policy;
16 ethics policy; and our travel policy.

17 These are what's required for all federal
18 agencies. These are areas where ours either need --
19 they're incomplete or they need updating. And those
20 are what we'll be moving forward in the next few
21 months.

22 That's all I have to report. Thank you.

23 CHAIRWOMAN STEVENS: Okay. I do want to ask
24 one question that might help inform the folks that are
25 in attendance of this meeting.

1 Commissioner Little, what other policies have
2 we passed since this Commission has been in place,
3 maybe off the top of your head?

4 COMMISSIONER LITTLE: We recently passed the
5 Indian Privates Policy. We've adopted the -- oh, that
6 was a couple months ago.

7 MR. MYERS: Umm.

8 COMMISSIONER LITTLE: The grievance --

9 CHAIRWOMAN STEVENS: Progressive Discipline?

10 COMMISSIONER LITTLE: Progressive Discipline
11 and Grievance Policy.

12 CHAIRWOMAN STEVENS: Harassment and EEO.

13 Just to inform everybody that this is a
14 constant work in process. There has not been a full
15 set of personnel policies at the Commission, and we're
16 trying to backfill and make sure they're current,
17 they're relevant, and that they're compliant.

18 So I just wanted to point that out that this is
19 not just these that we've mentioned today that are
20 upcoming, but some have already been authorized and
21 passed in an effort to make a complete book of
22 personnel practices for the personnel manual.

23 COMMISSIONER LITTLE: Thank you.

24 CHAIRWOMAN STEVENS: Okay. And for our last
25 initiative, I'll ask the counselor to the Chair,

1 Lael Echo-Hawk, to go over where we're at in our
2 regulatory review process.

3 As many of you know, we've released our
4 regulatory review agenda and consultation schedule last
5 Friday, April 1st. It has been the subject of
6 conversation this week, so I'm going to turn it over to
7 Lael Echo-Hawk.

8 MS. ECHO-HAWK: Good afternoon. I hope you
9 guys are not in a lunchtime coma just yet. I promise
10 not to bore you too much with the regulations. Well,
11 actually, I cannot make that call. I don't find it
12 boring, so I apologize.

13 For most of you that have been keeping track of
14 the agency and what we're doing and the four
15 initiatives, you understand that this Commission has
16 taken seriously the mandate by IGRA that we promulgate
17 regulations -- to incorporate regulations to implement
18 the act.

19 Additionally, Executive Order 12866, the recent
20 January 18th of 2011 President Obama Executive Order
21 supplementing and supporting this Executive Order, and
22 the Regulatory Flexibility Act, all combine to tell
23 agencies to begin review of their regulations, to look
24 at your regulatory structure, and to streamline things,
25 reduce duplication, and come to some efficient way of

1 managing the regulatory scheme.

2 So last year on November 18, 2010, most of you
3 know that we released a Notice of Inquiry, and we
4 invited Tribes and the public to tell us: What did
5 Tribes see this regulatory review looking like? What
6 regulations need to be reviewed? When and in what
7 order priority do they need to be reviewed? And
8 finally, how? By what means should we be reviewing
9 them?

10 Comment closed in February of this year. We
11 held a series of eight consultations, and we received
12 numerous written comments. All of those comments and
13 the consultation transcripts are posted on our website.

14 We received over 70 tribal comment letters.
15 We received one comment from the State; some from
16 industries, such as accountants; and some regional
17 Tribal Regional Gaming Associations. A lot of the
18 comments were from the general public, mostly having to
19 do with their opposition to gambling. And, again, we
20 had the eight Tribal consultations.

21 All these comments are considered. Every
22 comment was read. I read every comment. All the
23 commissioners read the comments, and we put together
24 summaries. We looked at what Tribes said, and then we
25 came up with a schedule that was released on Friday of

1 last week.

2 It's important to note it -- and we did the
3 panel and went over this again yesterday. One of the
4 comments that we received, and I want to emphasize
5 today, is that this regulatory review agenda just sets
6 out the regulations that we're going to review
7 substantively.

8 The Notice of Inquiry was not about the
9 substance of the regulations. It was about, which ones
10 need to be revised? Which ones do we need to look at
11 substantively? So that's what we're going to be doing
12 over the course of the year.

13 It's important to note that the Commission has
14 not taken a position on whether or not the regulation
15 scheduled for review will, in fact, be revised. This
16 is just, we're looking at the regulations
17 substantively. We're looking to see if they actually
18 do need revision, based on the comments received from
19 Tribes and from our staff.

20 These are the regulations that appear to need
21 some careful review and some consideration. So we may
22 proceed with Notice of Proposal and making a final rule
23 on some, and we may not on others. But we are
24 beginning that review process.

25 So we were trying to figure out, how are we

1 going to do this? How are we going to begin this
2 massive undertaking and manage it and make it as
3 manageable for the agency as possible and as manageable
4 for the industry and Tribes as possible?

5 And we came up with three phases. And these
6 phases also fall in line with the Executive Order of
7 the Tribal consultation, 13175, where it says:
8 (Reading) "An agency needs to consult --" and,
9 additionally, I brought the consultation policy that we
10 talked about this morning.

11 The agencies need to consult with Tribes before
12 we even begin propagating the standards. So that's
13 what we're really trying to do. We've set out at least
14 a 60-day preliminary drafting phrase.

15 And over the course of this phase, we'll begin
16 reviewing the regulation, and we'll be having Tribal
17 consultations. We'll be talking with you. We'll be
18 coming out to the regions and asking Tribes, "Look at
19 the substance of this. What revisions, if any, need to
20 be made," and soliciting that input.

21 The second phase, if, in fact, a regulation
22 does appear that it needs to be revised, then there'll
23 be another set of Proposed Rulemaking issued, with
24 approximately a 60-day comment period. Initially,
25 that's our goal is that we will have a 60-day comment

1 period, and, if necessary, we can extend. But, again,
2 we're operating on a tight time frame. So we're hoping
3 to utilize all of your knowledge. And even though
4 we'll be moving fast, try to stick to the time frames.

5 Additionally, there'll be consultation meetings
6 during this period as well, for each phase in each
7 regulation.

8 And then finally, if we come to an agreement
9 that the proposed rule is okay or it needs a little bit
10 of a revision, we may issue a final rule and get a
11 45-day written comment period. Once that regulation
12 gets to the final rulemaking stage, there'll be a
13 45-day written comment period, but they'll be no more
14 Tribal consultations on that particular regulation.

15 So in addition to the phrases, we've divided
16 the regulations from the comments we received and the
17 Notice of Inquiry. We divided those up into five
18 different groups.

19 Now, these group numbers don't indicate
20 priority. It was just a matter of thinking about how
21 can we manage all these grouping parts in a way that
22 sort of addresses some of the low-hanging fruit, while
23 also giving enough time to those issues that are going
24 to require a lot of work, energy, and resources.

25 And this has all been based on agency

1 experience in rulemaking, as well as the comments
2 received from Tribes.

3 So the first group covers -- and this is all in
4 Federal Register Notice, which is on the table
5 (indicating). The first group is the proposed Buy
6 Indian Act regulation, part 523, which is just a review
7 and approval of existing ordinances or resolutions --
8 which is sort of an obsolete regulation -- and comments
9 received from Tribes who are supportive of taking a
10 look at this regulation.

11 Part 514, which is the fee section. Facility
12 licenses, which is Part 559. And then the minimum
13 Internal Control Standards for Class III gaming.

14 Now, we had some questions on this yesterday,
15 so I wanted to clarify what this means. Because if you
16 look at the group sections, you see Class III addressed
17 Group 1 and in Group 5.

18 But the question that we're really going to be
19 asking in Group 1 is this: What do we do with
20 Class III? We know it's a giant elephant in the room.
21 We get asked that question every time we go anywhere.
22 What are you going to do with Class III? Do you know
23 you don't have any authority to deal with Class III?

24 On the other hand, we've got tribes saying,
25 "It's in our ordinance that we have the authority to

1 enforce Class III at our location."

2 So we have to come to a decision. The industry
3 needs it, and the agency recommends that. So we've
4 removed that from any other discussion of Class II mix
5 or technical standards, for example. And we're going to
6 address that as a stand-alone issue during the Group I
7 consultation meeting.

8 Group 5 is -- well, we'll start, if you look at
9 the Federal issue notice, you'll see that when we start
10 looking at Group 5. And when we start that process,
11 we'll begin implementing any solution that we're able
12 to come to when we talk about what to do with
13 Group 3 -- with Class III mix and Group 1.

14 There's been a number of solutions floated out
15 there. We're hoping that over the course of this
16 regulation review, that we're going to be able to
17 address that elephant in the room and, hopefully, come
18 to a resolution that meets the needs of the industry
19 and the Tribes nationwide.

20 The second group is the enforcement regulations
21 and proceedings before the Commission. Again, due
22 process issues were raised. Many tribes suggested
23 voluntary compliance procedures outlined in the
24 enforcement provisions. And so we're going to be
25 reviewing those.

1 Group 3 is work intensive. As most of you
2 know, we have the current Class II mix drafts out
3 there. We recently adopted a Part 547, minimum
4 technical standards for Class II, a couple of years
5 ago. And we're hearing that those already need to be
6 updated, so we're doing those during the Group 3
7 sessions.

8 Group 4, backgrounds and licensing. The
9 licensing pilot programs, formalizing this pilot
10 program. It's been a pilot program now for, you know,
11 10 or 15 years, so we'd like to formalize that.

12 So management contract provisions, such as
13 collateral agreements, definitions -- and then
14 definitions, in general. Anticipating that as we go
15 forward with this review, we're going to come to some
16 definitions that are going to need updating, and so
17 we'll be taking a looking at that step then.

18 Finally, Group 5. Tribes were very excited
19 about the possibility of taking a look at the
20 self-regulation regulation.

21 As most of you know, IGRA provides for a Tribe
22 to obtain a self-regulation certificate.
23 Unfortunately, we've only had two tribes that have been
24 able to take advantage of this probation. Tribes are
25 excited about the possibility of taking a look again at

1 this regulation and seeing if there's a way that we can
2 make it be more of a benefit to Tribes, so Tribes will
3 attain the self-regulation certificate. Dan can be
4 signing more certificates.

5 (Reading) "The sole proprietary interest
6 regulation." Now, this is proposed. We've have
7 individual Tribes come into the Commission and ask for
8 some assistance on this issue, as it relates to their
9 tribe specifically. We've seen it raised nationally
10 and regionally.

11 It's an issue that's out there, and something
12 that we need to take a look at. Whether or not we
13 address it in the form of a regulation, we'll learn
14 more over the course of those consultations and
15 figuring out a way to address that issue in the way
16 that meets the needs of the industry and Tribes. But,
17 again, we'll be taking a look at that then.

18 And what I referred to earlier, the
19 implementation of the Minimum Internal Con- -- I'm not
20 going to call it that. The implementation of whatever
21 solution we come up with to address the Class III
22 issue.

23 So regulations that we heard back from Tribes
24 that did not need to be addressed: the net revenues -
25 allowable uses; the expansion of management contracts,

1 definition to include percentage-based agreements; and
2 then the disapproval of management contracts. And the
3 explanation for all this stuff is again in the Federal
4 Register so you can kind of see what the thought
5 process was there.

6 (Reading) "Internal Policies." So things that
7 we're going to be looking at internally, that we won't
8 necessarily be talking about over the course of these
9 consultation meetings. We talked about this a little
10 bit earlier this morning.

11 (Reading) "The Tribal Advisory Committee."
12 What do we do with those? For Tribes, we heard
13 unanimously that Tribes were not that fond of the last
14 couple of Tribal Advisory Committees or the process
15 used to select those members, the process used to
16 facilitate those meetings, and that the input that was
17 received wasn't considered. And Tribes just felt like
18 they were unheard.

19 Additionally, Tribes stated unanimously that
20 the Tribal Advisory Committee does not substitute for
21 Tribal consultation. So we're going to take a look at
22 that. We're going to take a look at identify times
23 when we may meet a Tribal Advisory Committee, how
24 selection is made.

25 We've had lots of Tribes make reference to the

1 Tribal Budget Advisory Committee at the Department of
2 the Interior. There are lots of ways to do this; we
3 just need to come up with a way that works for our
4 agency.

5 (Reading) "Additionally, a communication
6 policy." How do we communicate with Tribes? How do we
7 make sure that we're communicating with all the Tribes?
8 That the information is getting to the Tribal
9 government officials, to the Gaming Commissions, to the
10 agencies and the operations, so that nobody is kind of
11 missing a piece of information.

12 But we definitely need to do our homework and
13 our research internally in figuring out how we can do
14 that, given our technological constraints, and how do
15 we keep up with changes in personnel and all that kind
16 of thing. So those are some issues that we're going to
17 be looking at internally at the same time as we're out
18 on the road doing these consultations.

19 So the process will be this, mostly, hopefully.
20 We're going to make every attempt to put out a
21 preliminary draft that we're going to be working from
22 before we begin the consultations. Circulate those
23 prior to the consultations, if we have them available.

24 And, again, please utilize our website. We're
25 going to be posting everything that we have on the

1 website. You guys will be able to get it. So even if
2 our database falls apart and we didn't have your
3 e-mail on it or something, then you can find it on the
4 website easily.

5 Again, we'll be making every effort to
6 transcribe the meetings and post those on the website.
7 Additionally, the written comments, as they come in,
8 they'll also be posted on the website.

9 So this was a little bit confusing for people.
10 I know when I first sat down at the commission, I'm
11 like, we have all these color-coded calendars and
12 sheets, and they're looking at me cross-eyed.
13 (Laughter.)

14 Okay. Let's walk through the way that we kind
15 of envisioned this process happening. For example, in
16 June, on the 21st and 22nd, we scheduled a Tribal
17 consultation. Now, this consultation meeting will
18 occur two days before the regional association meeting.

19 One of the things that the Commission was
20 adamant about was we need to schedule our meetings to
21 coincide with other meetings that the Tribes will be at
22 so that we can minimize the cost of this on everybody,
23 not just on the agency, but also on Tribes. We don't
24 want to make you travel twice, so that's why we're
25 holding this meeting today so that we can capitalize on

1 where Tribal leaders are going to be.

2 So you have a location at the bottom. You have
3 the Group Nos. 1, 2, 3, and 4. Those are the groups
4 that we're going to be talking about during those two
5 days, those groups and regulations. It seems like a
6 lot. So I'll go back to that in a second. The slides
7 are a little bit fuzzy here (referring to the
8 PowerPoint slides).

9 The agency participants, you will have at least
10 one Commissioner, a decision-maker, and appropriate
11 staff. So if we're working on an issue where an audit
12 person -- someone from the audit division needing to be
13 there, then we'll try to have the staff there.

14 We'll utilize our regional staff, like we're
15 doing today. Thank you guys very much.

16 So we minimize the travel -- you know, having
17 someone from DC to do the list and those kind of
18 things.

19 So the agenda for this meeting that I'm talking
20 about, the example meeting, the one in June, at this
21 stage of the game, by the time we get to this point,
22 Group 1, if we're going to have proposed rules, it'll
23 be in that stage.

24 So a Notice of Proposed Rulemaking will have
25 been booked forward, based on the drafting that we had

1 all done, collaboratively, prior to that. And so we'll
2 be consulting on that Notice of Proposal Rulemaking, if
3 that, in fact, has been issued.

4 Groups 2, 3, and 4 will also be in various
5 stages of the drafting phase. Some will have begun
6 earlier. Some will have begun a little bit longer.
7 But that's sort of the idea. So as we move forward,
8 we have some momentum. We're getting something done.
9 We're issuing Notice of Proposed Rulemaking, and
10 eventually signing the rules at the same time as we're
11 still at the drafting process, perhaps, for others.

12 The agenda will be very similar to what we did
13 this morning. We have a welcome, introduce the
14 regulations, and then we'll have the time for Tribal
15 comments on regulations.

16 I did have a question come up. Someone sent me
17 an e-mail last night, and they're like, "Well, how are
18 you going to do this? Is it going to be line by line?
19 Are you going to have a facilitator? How is this going
20 to work?"

21 Some of this is going to be very technical.
22 There's going to be pages and pages of documents.
23 I think we are really trying to be very flexible.
24 We're going to use whatever means we think might work.

25 If you have some ideas, please suggest them to

1 us. If we have to break up into work groups, you may
2 do that. If we need a facilitator, we'll do that.
3 So whatever process that we think is going to work the
4 best, particularly for whatever group we're working on,
5 we're going to utilize.

6 But the goal is to make the best -- the most
7 well-informed decisions that protect the industry.

8 Again, every comment received will be reviewed
9 and considered. Any proposed or final rules will
10 include a summary of the comments received, much like
11 the Federal Register notice that you have now.

12 The Commission is committed to a clear and
13 transparent process. So that's where we are. Our
14 first meeting is April 28th. Our first consultation is
15 April 28th at the Oklahoma Tribal -- I think it's after
16 the Oklahoma Tribal Regulators Conference at the
17 Choctaw Casino in Durant, Oklahoma.

18 And then from there, we'll meet in Palm Springs
19 on May 2nd and then in Biloxi, Mississippi on the --
20 I believe it's the 5th. So that is what I have to.

21 CHAIRWOMAN STEVENS: Thank you, Lael.

22 At this time, we are at the Chief of Staff
23 report. Paxton Myers is our Chief of Staff. He, along
24 with the Office of General Council, Larry Robert's
25 office -- the way we're structured, you know, we have

1 all of these initiatives as a Commission, but they are
2 actually the guys that have to make it happen.

3 Our staff is divided into, basically, two pots.
4 We've got the Commission, and then we have the Office
5 of General Counsel and all the attorneys and legal
6 support staff and then the Chief of Staff who has all
7 the other divisions: Enforcement, Audit, Management
8 Contracts, Training, Congressional Affairs. Everything
9 that's not legal is under Paxton Myers.

10 Really, he carries the load of making sure --
11 outside of the legal staff -- all of these initiatives
12 are moving forward. And on top of it, the day-to-day
13 work of the Commission is being done by staff.

14 So I wanted to incorporate a Chief of Staff
15 report into our regular meetings so that he can tell
16 the Commission more about what his staff's role has
17 been in these initiatives.

18 So, Paxton?

19 MR. MYERS: Good afternoon. Thank you,
20 Chairwoman, for the introduction.

21 I was joking with Dan that he kind of stole
22 some of my thunder, about what I was going to talk
23 about. But we'll let him slide today.

24 I'd like to start off with just a general
25 update on technical assistance and training.

1 Vice Chairwoman Steffani Cochran did an excellent job
2 of explaining where we are with that. I just wanted to
3 provide us with a few more updates.

4 Myself and Deputy Chief of Staff Dawn Houle,
5 who's not with us today, work closely with the
6 Vice Chairwoman on this initiative. It's very
7 important both to this Commission and we have a
8 statutory requirement to offer technical assistance and
9 training to Tribes.

10 So we're working, basically, on a day-to-day
11 basis, developing a new training internal process.
12 When we came in, there was not a true process on how a
13 Tribe could request training and how that process
14 flowed through our internal operations. So we have
15 developed a training process in our training forum that
16 we're working on now.

17 It's not perfect by any stretch of the means.
18 We're constantly changing. And I think Ken can attest
19 to some of the changes that we're having to go through,
20 but it is a process that we're working on.

21 Through that process, we're able to utilize the
22 survey that was just sent out to Tribal leaders and
23 Tribal Gaming Commissioners and also to Tribal
24 Operations, and we received useful information from
25 that survey.

1 Through that survey, we're hoping that we will
2 develop a new and improved training catalog. We have a
3 lot of classes that probably were beneficial back in
4 the early days, the early '90s. But as technology and
5 gaming has made leaps and bounds from where we were
6 there, we need to start offering some new and improved
7 classes and maybe some advanced classes for some of
8 those who are just getting gaming. And from that,
9 we'll build on classes and get some more advanced
10 classes.

11 We're also working with Nimish on his training
12 catalog. Most of you know Nimish, and his classes are
13 very sought after. He receives very high remarks, and
14 I want to give a shout out to Nimish and all that he
15 does for the agency and the Commission.

16 He is working with some manufacturers and the
17 Tribal regulators to develop advanced classes. Where
18 he is with his training, he's heard it from Tribes
19 throughout his time with the agency, that they love his
20 classes, and they'd like for him to teach a little bit
21 more, a little bit further.

22 So he's taking that initiative on himself.
23 He's presented it to myself and my Deputy Chief of
24 Staff, and we've approved it and letting him go with
25 that, and I applaud him for taking the initiative to do

1 that.

2 Moving on now, as Dan had mentioned, we have
3 partnered with the Office of Personnel Management to do
4 an overall review of our agency and our agency
5 operations and how we can improve those and provide
6 better services to the Tribes. Because that's who
7 we're here for. That's who we're working for, to
8 provide the best services we can to Tribes.

9 So we are in the beginning stages with that.
10 This month we hope to get out two focus groups: one
11 with our DC staff, and then one with our regional
12 staff. The way that we're set up, we just have to do
13 it that way. We have regional offices, and then we
14 have our DC staff.

15 But those focus groups will begin, hopefully,
16 this month and which we'll be able to get some great
17 feedback from some people that have worked with the
18 agency for many, many years. So look for that to be
19 rolling out this month.

20 We'll also roll out a survey to all employees.
21 Not to be confused with some of the surveys that are
22 out there now. But this survey will actually solicit
23 information from all employees about what their job
24 duties are; how long they've been with the agency; what
25 they do on a day-to-day basis to help us better analyze

1 how we can structure our agency to, again, better serve
2 the Tribes. At the end of the day, that's what we're
3 here for is to provide the best service to Tribes.

4 So that's just an overview of that.

5 Dan also related to the budget process. When
6 we came in, that was probably the first task that I was
7 assigned, was to develop a new and improved budget
8 process. So I'm happy to say that we're moving rapidly
9 towards a new process. We will bring in the directors,
10 and they'll have direct input on the budget, which is
11 presented to the Commission.

12 We're working so we can have a more transparent
13 budget process that we, hopefully, will be discussing
14 at the next open meeting that the Commission has. And
15 then, hopefully, we will have the actual budget
16 presentation at the September open meeting.

17 This Commission is all about transparency and
18 all about making our agency run the most efficient and
19 the most effective way that it can. Mr. Green had
20 alluded that we had to raise the fee, and that was
21 something that we debated back and forth for a long
22 period of time.

23 We worked diligently on trying to cut some
24 costs through this budget process, and we'll actually
25 work to streamline some more cost effective measures

1 with the next budget. But that's very important to
2 this Commission and to my staff, that we are good
3 stewards of the fees that we receive And, hopefully,
4 through this budget process, we will be able to show
5 how those fees are actually used and utilized.

6 Moving down to the policies and procedures.
7 We have implemented several policies and procedures
8 since I came onboard as Chief of Staff in August.
9 It's probably the second thing that the Chairwoman said
10 that I needed to get involved on and get moving. So
11 I'm happy to report that we have initiated several of
12 those. We have several that are in various stages of
13 review, and we should have more of those in the very
14 near future.

15 The biggest one, and the most important one, I
16 think that we did was we implemented an Indian
17 Preference Policy in our hiring. We heard from Indian
18 Country, and we heard loud and clear that that was an
19 important policy that they wanted to see implemented in
20 this agency, and we followed suit with the VIA and IHS
21 and had implemented that.

22 It was very important to this Commission as
23 well. It was one of the main policies that we worked
24 on.

25 We're also developing a total personnel policy

1 for the agency. We had some policies that were in
2 place; some that weren't in place; and some that needed
3 to be updated. So that is where we are with that. By
4 the end of this, hopefully, by -- my goal is June,
5 we'll see if we can make that mark, that we'll have an
6 actual personnel policy that we can actually hand out
7 to employees when they come onboard.

8 I think it's only fair that a new employee
9 receive a personnel policy so that they'll know what's
10 expected of them and what they expect of their
11 supervisors.

12 And, finally, we had spoke about this earlier,
13 and I just wanted to reemphasize that, pending a
14 government shutdown, we will remain open, and we will
15 still be providing services to Tribes. We are totally
16 funded by Tribal fees, so we're not subject to
17 congressional appropriations. So we will remain open
18 and remain providing services to Tribes and to all the
19 folks that are in this room. Thank you.

20 CHAIRWOMAN STEVENS: Thank you, Paxson.

21 I just wanted, again, to applaud Paxson for the
22 amount of work he does. He doesn't say much. He's got
23 a lot of work. I give him a lot of work. We all give
24 him a lot of work, and he doesn't say "Boo." He
25 doesn't complain. He just keeps trucking along.

1 So thanks to Paxton for all the work you do and
2 to help us meet our initiations. And thanks to all of
3 your staff.

4 We're on to the new business section of the
5 agenda. We have one issue on the table that's up for
6 adoption. This is the alternative work schedule. I'll
7 ask if we have a motion to approve the alternative work
8 schedule that has been presented to the Commission.

9 COMMISSIONER LITTLE: Madame Chairwoman,
10 I would like to make a motion to approve the
11 alternative work schedule policy.

12 CHAIRWOMAN STEVENS: There's a motion on the
13 table. Do we have a second to adopt the alternative
14 work schedule policy?

15 VICE CHAIRWOMAN COCHRAN: Madame Chairwoman,
16 we need a second.

17 CHAIRWOMAN STEVENS: Okay. So we have a motion
18 on the table. Is there any discussion?

19 COMMISSIONER LITTLE: Madame Chairwoman, I
20 would respectfully request you allow the Chief of Staff
21 to summarize.

22 CHAIRWOMAN STEVENS: Yes, Paxton. If there's
23 no objection, go ahead and proceed.

24 MR. MYERS: Thank you, Madame Chairwoman.

25 Just to summarize to the general public out

1 there. We're following the president's initiative to
2 provide the best service to the people, and through
3 that, we have alternative work schedule, which will
4 provide alternative work schedules for our employees.

5 This president has put forward a measure
6 initiative on teleworking. This will be part of that
7 process where our employees will have an option to work
8 from home. This is not a day off. They actually have
9 to log in and be accountable for their time.

10 They have to work an eight-hour shift, but
11 they're just at home. That keeps traffic congestion
12 down, and it helps the employee out that they can be at
13 home and not have to come to the office. It helps us
14 out because we're still getting the services from the
15 employee.

16 Part of the other alternative work schedule is
17 a maxi-flex system, where an employee can choose to
18 work a nine-hour day for ten days, I believe, and then
19 the next day, they will be off. So that, again, gives
20 us more time with the employee, where they can actually
21 do their projects and get their projects completed more
22 timely, and we can actually get more things out to the
23 Tribal folks, who we're all working for.

24 There's another gliding scale where the
25 employee has more flexibility, where if they need to

1 come in at 8:00 one morning, they can come in at 8:00
2 and work until 5:00. Or the next day, they could come
3 in at 10:00 and work until 6:30.

4 Again, giving the flexibility to the employee,
5 making it easier on the employee to come to work and
6 get to work and handle their business. Because we all
7 know they have business that's not just NIGC business
8 that they need to work with.

9 But it gives us time to also get eight hours
10 out of the employee and not have this leaving --
11 "I need to leave early" or "I need to come in late."
12 It gives the employee more flexibility, and it gives us
13 more flexibility to work with the employee.

14 We also have just a basic work schedule, where
15 they'll come and work a set amount of hours, 9:00 to
16 5:30 or 8:00 to 5:00, whatever the employee will work
17 out with their supervisor. So that's basically where
18 we are with the alternative work schedule.

19 I would make a request that we do not have the
20 policy effective until June 6th. That will give me
21 time to work with my supervisors and staff so that we
22 can train the staff on the different options that they
23 have before them and also train the supervisors on what
24 they need to do with their employees when they're on
25 these different work schedules.

1 CHAIRWOMAN STEVENS: Okay.

2 So do you have any questions?

3 VICE CHAIRWOMAN COCHRAN: I want to make sure I
4 understand. Paxton, this will also allow the staff to
5 accommodate the time zone issues so that we can work
6 with Tribes on the West Coast as well, correct?

7 MR. MYERS: Right. Right, it will allow more
8 flexibility for us in the DC office to be in the office
9 when the majority of our clients are an hour to three
10 hours behind DC time. So that will give us more of an
11 opportunity to be able to give service to those folks
12 on the West Coast.

13 We have altered our directors' schedule where
14 they are coming in at 9:00 and leaving at 5:30.
15 Because, again, the majority of our Tribal clients are
16 one to three hours behind, and the majority of our
17 employees are in the same situation. So this will give
18 us more flexibility.

19 And it will also give us more flexibility if we
20 do have a field investigator or an auditor on the
21 property, that they can actually work past that eight
22 hours and get their job completed quickly and more
23 timely, and then take off a few hours earlier the next
24 day.

25 CHAIRWOMAN STEVENS: Paxton, so just taking off

1 of your last example, like for a field investigators,
2 people out in the field, the auditors. If they only
3 have two more hours of work to do at a location,
4 instead of having them saying, "I have to quit. It's
5 quitting time," let them stay, and then they can leave.
6 That's just an example.

7 So we're not incurring more cost for them to
8 stay overnight again in a hotel, more travel expenses.
9 They're done rather than incurring the cost for another
10 two hours of work the next day.

11 MR. MYERS: Correct. That way we can, again,
12 be more cost effective in our agency operations and
13 also provide the service to the Tribe.

14 CHAIRWOMAN STEVENS: Also, the current status
15 right now is that we have fixed hours; is that correct?

16 MR. MYERS: Yes.

17 CHAIRWOMAN STEVENS: So we don't have any
18 flexible time for employees. It's, you know, you work
19 this amount of time; you end at this time. Anything
20 above and beyond that has to be worked out. You can
21 get either into overtime or comp time, correct?

22 MR. MYERS: Right. We don't offer our
23 employees any alternative work schedule, other than
24 some employees are allowed to telework one day out of
25 their work schedule. Depending on what their job is

1 and what their position is, they're allowed to work one
2 day. But other than that, they're on a set schedule.

3 They have to be there -- we have core hours,
4 which are 9:00 to 3:30. Everyone is expected to be
5 there during those core hours. But we have a wide,
6 wide range of when folks come in and out, and this will
7 better serve our employees and serve Tribes.

8 CHAIRWOMAN STEVENS: I could possibly see --
9 and I think that the burden of ensuring that this
10 policy works correctly is -- the burden is going to be
11 on the supervisor. Because not all people are going to
12 qualify to be able to use this policy or some of the
13 options in the policy; is that correct?

14 MR. MYERS: That's correct. It will be based
15 on the supervisor's discretion. But it will also be
16 based on what position they have within the agency.

17 We know, for example, our receptionist needs to
18 be there a set amount of hours, so, you know, a
19 telework day for her or a flexible schedule would not
20 work. But for our field staff, it would be a great
21 bonus for them and for our attorney staff as well.

22 CHAIRWOMAN STEVENS: Okay. But, generally,
23 though, the first priority is to ensure coverage during
24 the core hours and availability for the wide range of
25 Tribes that we serve, correct?

1 MR. MYERS: Correct.

2 CHAIRWOMAN STEVENS: So not everybody's going
3 to be -- I can see how, from the outside, it may appear
4 that if everybody qualifies for this, we'll never be
5 able to ensure and find out who's going to be here,
6 when the NIGC staff is going to be available.

7 There are measures in place to ensure that the
8 supervisors make sure that adequate coverage is
9 available for the work that they're responsible for and
10 that their staff is responsible for, correct?

11 MR. MYERS: That's correct. And it'll put --
12 not more of a burden, but it'll put more -- my office
13 and the Deputy Chief of Staff's office will have to
14 monitor this and make sure that we have adequate
15 coverage and work with our supervisors to ensure that.

16 That's one of the reasons why we need the
17 June 6th deadline so that I can work with my
18 supervisors and directors to work on the schedules that
19 we're going to lay out for the employees.

20 CHAIRWOMAN STEVENS: Thank you, Paxton.

21 Are there other questions from the Commission?

22 COMMISSIONER LITTLE: I'd like to make a
23 comment. I think two major reasons for doing so. One,
24 obviously, the administration is very supportive of
25 these types of work schedules and teleworking.

1 The second thing is, what we found is we've got
2 a lot of dedicated employees. Oftentimes, councils or
3 commissioners can only meet in the evening, and our
4 system doesn't allow for them to attend those meetings,
5 so they do it on their own. And they're not being
6 properly compensated.

7 So I think it's something that we should do,
8 and I wholeheartedly support this policy.

9 CHAIRWOMAN STEVENS: Any other discussion or
10 question?

11 So we have a request before the Commission on
12 the adoption of the alternative work schedule. All
13 those in favor of adoption of the alternative work
14 schedule, please say aye.

15 MR. LITTLE: Aye.

16 MS. COCHRAN: Aye.

17 CHAIRWOMAN STEVENS: Aye.

18 Those opposed say no.

19 And so the motion is adopted with an effective
20 date of July 6, 2011.

21 COMMISSIONER LITTLE: June 6th.

22 CHAIRWOMAN STEVENS: June 6th.

23 Okay. So that was our business. What I do
24 want to say before we move on, as we have more of these
25 public meetings, you're going to see more and more

1 actions from this Commission.

2 We're going to have, possibly, regulations in
3 front of us, the decisions and authorities that are
4 outlined in IGRA that the Commission must agree upon.
5 Regulations are one of them on the agreement of the
6 Commission. Those you'll see moving forward as we put
7 our budget forward. That's another authority the
8 Commission has to adopt budgets.

9 Personnel policies, like this one today, and
10 other decisions that are under our statutory authority.
11 This is just the first one to begin. And as we
12 continue to have these meetings, you're going to see
13 more and more discussion on decisions of the Commission
14 and these public votes.

15 We are at the section of public comment.
16 It's a public comment portion of the agenda, if you've
17 looked at your agenda. This is intended for
18 individuals to make brief statements to the Commission
19 on current issues that are within the jurisdiction of
20 the NIGC. It's not intended to be, unnecessarily, an
21 open forum for debate, but we do want to hear if there
22 are any comments.

23 We may choose to address the issues or not,
24 depending on what the subject matter is. But we would
25 like to listen to concerns that are raised by the

1 public or attendees here. We had a sign-up sheet at
2 the front desk.

3 If you do have comments that you would like to
4 make at this meeting for consideration by the
5 Commission, please state your name when you address the
6 Commission and speak into the microphone, maybe the
7 organization that you're with for the record before
8 making your statement.

9 The first on our list is Tracy Burris of the
10 Viejas Gaming Commission.

11 MR. BURRIS: Thank you, Madame Chairwoman and
12 Commissioners. My name is Tracy Burris. I'm the
13 Gaming Commissioner of the Viejas Band of Kumeyaay
14 Indians.

15 Really, I wanted to make a comment, but I also
16 had a question -- or at least a comment on one of the
17 slides that was made earlier -- if it's possible to
18 bring it back up -- because I'm concerned about the
19 wording that you put on that survey, if I may.

20 CHAIRWOMAN STEVENS: On the training survey?

21 MR. BURRIS: Training survey, yes.

22 FEMALE SPEAKER: Do you know which slide?

23 MR. BURRIS: Right there, I believe it is.

24 You used the words "Liquidity - an overview."

25 And on the slide that we have, it refers to it as --

1 I believe it's "Internal Audit - an overview."

2 My question would be to the Commission, at some
3 point, is what's their definition of "liquidity"?
4 Because I do have a concern about what that word means
5 and what it implies.

6 VICE CHAIRWOMAN COCHRAN: That one?

7 MR. BURRIS: This one right here, the "lowest
8 ranked courses."

9 VICE CHAIRWOMAN COCHRAN: Okay. In the current
10 course catalog, those are the actual names of the
11 courses, as they're provided for.

12 So what you're looking at is, there is an audit
13 course that's captioned an overview of Liquidity. And
14 then there is another audit division-offered course
15 that's captured "Internal Audit - an overview." And
16 one of them does focus more on liquidity, and that was
17 amongst the lowest-ranked courses.

18 And that's actually been a source of
19 discussion, as we look at the course catalog, that I've
20 had with the Chief of Staff and the Deputy Chief of
21 Staff when we were looking at the course offerings and
22 the rankings, you know, to see why they were coming in
23 that way, to see what we're offering.

24 We did look at liquidity and bankroll because
25 there was a separate bankroll course. It was

1 recommended it be combined. It never was, but that was
2 the recommendation.

3 So that's absolutely a subject of discussion as
4 we look at what might be useful. Because liquidity, as
5 you know, is really an industry kind of focused by
6 professional auditors. It's a business-based course.

7 So if you have insights on how we might look at
8 this, I welcome them.

9 MR. BURRIS: Yes, I would. And I will at a
10 later date provide written comment on that because I do
11 have concerns of where it could be misconstrued by
12 someone that's not in the industry and someone not
13 familiar with Indian Country.

14 Now, if this was commercial gaming, I could see
15 where that plays a vital role in terms of meeting
16 certain needs. But for some tribes, it may be an issue
17 with contracts or collateral agreements or anything
18 like that. So I want to be concerned about how this
19 agency would handle that type of definition.

20 At least I would have that concern. I'm not
21 sure if anyone else would, but I would.

22 VICE CHAIRWOMAN COCHRAN: Madame Chairwoman,
23 along those same lines, if I could also say, one of the
24 things that we're very mindful of is we look at each
25 individual course offering, are we staying in our lane?

1 Is the NIGC staying in our lane? And that's one of the
2 first and foremost questions. So your comments are
3 very well taken.

4 CHAIRWOMAN STEVENS: And if I may, I want to
5 reiterate Vice Chairwoman Cochran's point. That's why
6 we're looking at the catalog. That's why we asked
7 Tribes about it. That's why we're looking at
8 curriculums and asking that very question: What is
9 this? Why are we offering it? Do Tribes even use it?
10 Is this appropriate material?

11 Part of this is sort of scrub we're doing, you
12 know, taking an inventory, so to speak, of what we
13 have, what we offer. What does it mean? Is it
14 relevant? Is it under our authorities? And does this
15 meet our policy objectives as a Commission?

16 MR. BURRIS: And if I may add, that was just a
17 comment. I did have comments, if I could make a few
18 more further ones. I'm going to be real careful here
19 because I always try to do this -- in the house report
20 in 1920, back in September of 1986. It says: (Reading)
21 "President Reagan's Indian policy statement includes
22 the following passage, which should be kept in mind in
23 developing the Federal policy on Indian gaming.

24 "It's important to the concept of
25 self-government that Tribes reduce their dependence on

1 Federal funds by providing a greater percentage of the
2 cost of their self-government."

3 Having said that, I think it's Congress' intent
4 that Tribes pay their share of this regulatory asset.
5 In doing that, I think the technical training, type of
6 training, type of work by this agency is well
7 justified.

8 And I think that report right there gives
9 credence to that. Not to undermine that need -- and I
10 realize that there will always be input from Tribal
11 leadership on how that's probably being spent
12 correctly, but I think it's extremely important toward
13 the technical assistance training.

14 And I have in the past said this to the
15 previous chairman about three years ago, advocating
16 that there should be a training center built, utilizing
17 these funds and creating a mock casino on the floor, a
18 cash room, a drop floor, surveillance room. You know,
19 every place possible. I think there should be a
20 hearing room.

21 There are things that this agency, in its
22 role -- because, again, in that same report, it says
23 about whether or not there should be a dual agency or a
24 single agency -- Federal agency. It was decided that
25 there would be a dual agency made up of Tribal

1 regulators and the Federal government. It met that
2 requirement. So I think there's still very much in the
3 house report that there is that.

4 The framers of this statute intended for some
5 of this to occur. I'm sure we're worried about the
6 details, but I think pointing back to training is that
7 it's important to put forth a training facility with
8 the appropriate things that would be utilized by --
9 especially with Tribal regulatory bodies that turnover
10 Commissioners every three- to five-years cycle.

11 And having said that, there won't be a
12 redundance on training in this business. There will be
13 a redundance of keeping everybody current. And I think
14 that if we take credibility from the agency that's
15 directed by the Federal government to do this, then it
16 gives a lot of credence to the Tribal agencies and
17 people being certified, if you will.

18 So I think it's the same thing as -- I remember
19 this because I was just in the National Judicial
20 College in Reno, Nevada, for a week's training, trying
21 to do this. And from that experience eight years
22 ago -- eight or nine years ago, I think it's a great
23 platform that should still be used.

24 It may be a little bit ahead of its time, but
25 now is a good time to bring it forward and try to move

1 forward on creating a training center that could be
2 centrally relocated. I'm sure, being from Oklahoma,
3 Oklahoma would love it being there.

4 But I think it's something that should be
5 considered because midway in the country, when you have
6 a training center and an auditorium that can seat 3- to
7 600 or 600 to 1,000, it would be a great meeting place
8 for regulators from the Federal agency to get the
9 information all at the same time.

10 And I understand the concern about travel and
11 all that. But I think it's important to give
12 credibility to your agency. I've said it before and
13 said it at the Grand Hotel back the first of the year.
14 It's important that we give the credibility. It's
15 important because when you have half credibility --
16 this agency does, then we all have credibility.

17 We can work hand-in-hand, because that was the
18 intent of Congress back in '86 when it had the hearings
19 on this matter. So I think it's something that we try
20 to move forward on, you know, obviously how to figure
21 out how to -- this is being part of the solution and
22 not part of the problem.

23 And there will be those that would object to
24 it, but I think the agencies should take on that role
25 and should be the leader in that. And there will be

1 other things that will filter down to more smaller
2 classes for the IT, for the lower areas of smaller
3 class of 50 or 60 or whatever. But there are things
4 that can be greater in numbers for meetings, going to
5 offer this as a -- if we're going to be regulators, we
6 can do it as a whole. We need to, collectively.

7 If we want to go down different avenues -- this
8 highway that we're on, then we're going to run into a
9 little bit of conflict, and we often do because
10 everyone's going to have a different interpretation
11 that will apply.

12 Maybe this gives this agency an ideal -- a
13 bigger level thing, getting the word one or two times a
14 year, saying "This is what we believe and this is what
15 we'd like to see. This is what we'd like to
16 accomplish."

17 Those are my comments. Thank you very much.

18 CHAIRWOMAN STEVENS: Thank you, Tracy.

19 Next on the list for public comment is
20 John Magee from the Pechanga Tribe.

21 MR. MAGEE: John Magee, Pechanga Gaming
22 Commission for the Pechanga Tribe, Temecula,
23 California.

24 Actually, I just put my name on the list as
25 kind of a placeholder, not knowing what was going to

1 come out of discussion today. And, quite frankly, I
2 don't have any questions, no comments.

3 Although, the only comment that I'll issue is
4 that it was good to hear a direction the Commission is
5 heading in the next coming few months and the next
6 year. That was good to hear. Thank you.

7 CHAIRWOMAN STEVENS: Thank you. We'll take
8 compliments too in public comment.

9 (Laughter.)

10 CHAIRWOMAN STEVENS: So Jess, if you want to
11 back on the record.

12 (Laughter.)

13 MR. GREEN: You got your one for the year.

14 (Laughter.)

15 CHAIRWOMAN STEVENS: You've had your limit.
16 You'll get no more.

17 Next on the list is Cheryl Andrews-Maltais.

18 MS. ANDREWS-MALTAIS: Thank you again. My name
19 is Cheryl Andrews-Maltais, and I'm the Chairwoman of
20 the Wampanoag Tribe of Gay Head (Aquinnah).

21 I would like to thank you on the record for all
22 the work that you've done and that the Commission and
23 staff have put into all the initiatives so far. It's
24 really exciting and optimistic looking at these
25 upcoming years. So thank you and congratulations on

1 the successes.

2 I'd like to just note that -- I'm probably
3 going to read instead of just winging it because I want
4 to make sure I get the points that I need to.

5 In these challenging economic times, the Tribes
6 and agencies really have to begin to truly think
7 outside the box. So that this way, we're able to
8 maximize the resources and end the needless delays,
9 redundancies of the work effort, and duplication of
10 work inflow.

11 To that end, I'd like to see if the NIGC would
12 support the following concepts while reviewing your
13 internal policies and issues.

14 One is to specifically encourage and support
15 more Tribal partnerships of established Tribes that are
16 currently effectively performing their gaming
17 responsibilities and their gaming initiatives and
18 partnering them with the non-gaming Tribes that are
19 looking to get into this venue.

20 Because what we're finding is that the gaming
21 Tribes can provide a lot more guidance than non-gaming
22 Tribes. And I think that that would also help because
23 it will allow the Commissioners to adopt the approved
24 ordinances that already have been vetted and have been
25 able to be adopted and implemented so that, again, it's

1 not duplicating any work efforts.

2 And if the Tribes agree, the newly gaming
3 Tribes agree to the established gaming Tribal partner's
4 ordinances, that may help to facilitate a more quick
5 response and turn around.

6 It would also create an expedited process to
7 assist the new Tribal partnership in achieving the
8 intent of IGRA, since the ordinances and management
9 contracts have already been approved. And if they were
10 requested by the Tribes to do site visits so that the
11 Commissioners would actually be able to have a
12 reference point for the challenges that the Tribes are
13 facing.

14 I don't know if that's currently in practice or
15 something that's allowable, but I think in a lot of
16 instances, particularly in remote Tribes, often what's
17 on paper doesn't truly communicate the true situation.
18 I think that if Tribes were requesting the
19 Commissioners to come out to truly get a clear sense
20 and to fully evaluate their situation, I think that
21 that would be helpful.

22 I think also if the Commissioners are able to
23 provide an enabling guidance so Tribes can better meet
24 the IGRA and NIGC rules and regulations. A lot of time
25 the agencies and the commissions -- it's almost like

1 they're set up to be established to just be regulatory
2 oversight. It's almost like the Tribes are expected to
3 walk blindly into it, hit a barrier, bounce back, and
4 navigate their own way.

5 And I think that if we're taking a different
6 perspective on being more cooperative, the agency and
7 the Commission can do that and provide a more
8 encouragement type of guidance and how to get it done
9 versus, no, you can't do that. That might be an easier
10 remedy for some of the situations.

11 And helping to find the Tribes find a remedy to
12 whatever challenges their particular situation may
13 illuminate while you're going through the process of
14 obtaining self-sufficiency underneath Gaming.

15 And, again, to the gaming courses, I didn't
16 respond back to the survey, and that was on my part.
17 I probably didn't read it close enough. Because when I
18 see things coming through from the agency that we're
19 particularly not currently participating, I'll set that
20 aside because we have some many things.

21 And if you did put "To Gaming Tribes and
22 Non-Gaming Tribes," alike somewhere in the banner or
23 the poster, I apologize for not reading it. But it
24 wasn't there, maybe that might help to make sure that,
25 even the Tribes that are not currently gaming, do

1 respond to these surveys that went out. Because it is
2 important that you get feedback on a broader base, and,
3 unfortunately, I didn't read it well enough.

4 CHAIRWOMAN STEVENS: Okay.

5 MS. ANDREWS-MALTAIS: And the other thing is,
6 is that if you are designing or considering a pilot
7 program or any suggestions about how to work the
8 internal office better or improve it, I'd be happy to
9 sign up.

10 We've got a challenging situation, and we do
11 know that because our situation is so challenging, that
12 if those rules can be meant for us, most of the Tribes
13 will be able to meet and exceed whatever
14 recommendations will be put forth because we're in a
15 tough place. We want to try to make it worthwhile for
16 the Tribes. Thank you.

17 CHAIRWOMAN STEVENS: Thank you, Chairwoman, for
18 your good words.

19 Those are the only individuals that were listed
20 for public comment. I will open the floor if there's
21 anyone who would like to -- you know, now that we've
22 heard how the meeting has gone -- provide some public
23 comment.

24 If not, I do want to say that we'll have
25 another public meeting in July, in Washington, DC.

1 The date is to be determined. We know that there are a
2 number of tribes that will be coming through DC at that
3 time. Because this was our first one out of the chute,
4 we will be scheduling these further out so that Tribes
5 can plan to attend. We can plan to roll out decisions
6 in a public meeting.

7 And, again, this was our effort to sort of draw
8 the curtain back on the agency so that Tribes who fund
9 us can see the internal workings of NIGC. And also to
10 give recognition to all the work that we do and that
11 our staff does.

12 I'm not sure the Tribes realize how many people
13 we actually have that do a lot of hard work, you know,
14 from here in the region all the way back into the
15 office at DC. And sort of pull the curtain back and
16 allow everybody a good look to see how we conduct our
17 business and why we conduct our business the way that
18 we do.

19 So with that, we'll go ahead and adjourn this
20 meeting -- I'm going to turn it over to
21 Commissioner Little.

22 COMMISSIONER LITTLE: We having a lot of
23 consultation coming up here, and we do have a process
24 online where you can register. So please take
25 advantage of that, if possible. It's very helpful to

1 have folks pre-register.

2 And also during our July public meeting,
3 obviously, we're very cognizance of tribal and
4 expenses, so we're going to coordinate that when NITA
5 and C-NITA do legislative days in DC, so we'll try to
6 piggyback them on one of those events.

7 Thank you everyone. I'll turn it back over to
8 the Chair.

9 MR. GREEN: I have a point to make. Will you
10 pick the front or the back date? Because if we start
11 making our reservations for our lodging, it's really
12 important that we know that you're going to pick the
13 front or the back date.

14 CHAIRWOMAN STEVENS: Well, I think the location
15 is to be determined at this point. I'm hearing from
16 Lael that we're having some trouble finding a time
17 during C-NITA and NITA. I am just now hearing this.

18 MS. ECHO-HAWK: Well, we got some dates from
19 C-NITA and NITA for their legislature in the
20 summertime. We had scheduled on the back end of that,
21 on the Thursday and Friday, a consultation.

22 Now, the first three dates are likely going to
23 be the C-NITA and NITA meetings, and we certainly don't
24 want to interfere with those. So while I do think
25 we're planning on meeting in July, we also have two

1 other locations that we will be at. So it may be at
2 any one of those locations.

3 But our concern has been not to -- you know, to
4 be respectful of Tribal leaders' time, and we know that
5 you want to be in the Legislative Summit. So it just
6 may not work out to where we're able to find a half a
7 day to set aside, where we can have this meeting in DC
8 at that time. We're working on it, but we want to be
9 respectful of everybody's time.

10 CHAIRWOMAN STEVENS: We'll give you plenty of
11 advance notice once we determine where is the best
12 place, that doesn't intrude on an already established
13 event. That's something we've been trying to do.
14 That's why you see a consultation schedule that goes
15 out almost 12 months. So you all know where we're
16 going to be, and if you'd like to join us, you can and
17 make plans that aren't going to be too expensive
18 because it's last minute.

19 So with that, I'd like to adjourn this meeting,
20 and we'll reconvene in July for our next public
21 meeting. Thank you all for attending and safe travels
22 to you all.

23 (The meeting was adjourned at 3:35 p.m.)

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| 2 | 6 | | |
| <p>2 19:21 34:3 35:4 2010 23:2 2011 1:3 2:2 3:7 6:14,16 22:20 51:20 69:21 2013 19:14 20th 69:20 21st 33:16 22nd 33:16 255 11:9 28th 36:14,15 2:04 1:3 2:3 3:1 2nd 36:19</p> | <p>6 51:20 60 25:14,24,25 60:3 600 59:7,7 6:30 46:3 6th 46:20 50:17 51:21,22</p> | | |
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| <p>3 28:13 29:1,6 34:3 35:4 59:6 31 6:16 3:30 49:4 3:35 68:23</p> | <p>7 1:3 2:2 3:7 70 23:14 75 18:23</p> | | |
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| <p>4 29:8 34:3 35:4 45 26:11,13 48 11:15</p> | <p>86 59:18 8th 6:14</p> <p>9</p> <p>90s 39:4 93 17:11 94 17:11 9:00 6:17 46:15 47:14 49:4</p> <p>a</p> <p>a.m. 6:17 ability 10:11 69:16 able 19:9 28:11,16 29:24 33:1 38:21 40:16 42:4 47:11 49:12 50:5 62:7,25 63:11,22 65:13 68:6</p> | | |

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| <p>alike 64:22 allocated 10:5 allow 14:21 44:20 47:4,7 51:4 62:23 66:16 allowable 30:25 63:15 allowed 15:7 48:24 49:1 alluded 41:20 altered 47:13 alternative 20:12 44:6,7,11,13 45:3,4 45:16 46:18 48:23 51:12,13 amazing 11:10,13 amendments 8:19 amount 13:23 43:22 46:15 48:19 49:18 analyze 40:25 andrews 61:17,18 61:19 65:5 anepa 13:19 answers 69:9 anticipating 29:14 apart 33:2 apologize 22:12 64:23 appear 24:20 25:22 50:3 applaud 39:25 43:21 apply 60:11 appropriate 4:25 17:20 18:16 34:10 56:10 58:8 appropriations 18:17 43:17 approval 27:7 approve 44:7,10 approved 39:24 62:23 63:9 approximately 25:24</p> | <p>april 1:3 2:2 3:7 22:5 36:14,15 69:21 aquinnah 61:20 areas 15:8 19:15 20:18 60:2 arizona 1:2 2:4,5,6 69:1,6,20 aside 64:20 68:7 asked 11:16 27:21 56:6 asking 25:18 27:19 56:8 assessment 19:12 asset 57:4 assigned 41:7 assist 8:9 63:7 assistance 5:22 7:12 7:13,20 8:1,11,17 8:20 9:3,6,10 10:2 15:19 17:6 30:8 37:25 38:8 57:13 assisted 11:21 associate 2:12 16:12 association 15:25 33:18 associations 16:3 23:17 assumed 17:24 attain 30:3 attempt 32:20 attend 51:4 66:5 attendance 9:14 20:25 attended 11:16,19 12:8,25 attendees 3:9 53:1 attending 9:15,15 9:16 68:21 attest 38:18 attorney 2:15 49:21 attorneys 37:5 audit 12:20 14:15 34:11,12 37:7 54:1 54:12,14,15</p> | <p>auditor 47:20 auditorium 59:6 auditors 48:2 55:6 audits 9:21 13:17 august 42:8 authorities 52:3 56:14 authority 27:23,25 52:7,10 authorized 21:20 availability 49:24 available 14:18,24 15:23 32:23 50:6,9 69:12 avenues 60:7 awareness 11:24 aye 51:14,15,16,17</p> <p style="text-align: center;">b</p> <p>bachman 1:10 2:4 69:5,24 back 4:1 30:23 34:6 39:3 41:21 53:18 56:20 58:6 59:13,18 61:11 64:3,16 66:8 66:14,15 67:7,10,13 67:20 backfill 21:16 backgrounds 29:8 band 53:13 bankroll 54:24,25 banner 64:22 barrier 64:3 barriers 11:22,23,25 12:4,5 14:11 base 65:2 based 11:20 24:18 26:25 31:1 34:25 49:14,16 55:6 basic 13:20 46:14 basically 37:3 38:10 46:17 basics 13:19 basis 4:24 5:3 38:11 40:25</p> | <p>beginning 24:24 40:9 begun 18:4 35:5,6 behalf 11:2,3 believe 6:21 8:6,10 8:14 9:5 14:24 36:20 45:18 53:23 54:1 60:14 beneficial 39:3 benefit 30:2 best 12:12 36:4,6 40:8 41:3 45:2 68:11 69:15 better 12:7,8,15 17:1 18:9 40:6,25 41:1 49:7 63:23 65:8 beyond 48:20 bigger 6:20 60:13 biggest 42:15 biloxi 36:19 bit 26:9 31:10 33:9 34:7 35:6 39:20,21 58:24 60:9 blindly 64:3 bodies 58:9 bolster 15:8 bonus 49:21 boo 43:24 book 21:21 booked 34:25 bore 22:10 boring 22:12 bottom 34:2 bounce 64:3 bounds 39:5 box 62:7 break 36:1 brief 52:18 bring 4:25 41:9 53:18 58:25 bringing 12:9 broader 65:2 brought 25:9</p> |
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| | | | |
|--|---|--|--|
| <p>budget 10:10 14:20 18:12,24 19:7,10,18 19:23 32:1 41:5,7 41:10,13,15,24 42:1 42:4 52:7 budgeting 19:2 budgets 10:7 52:8 build 39:9 building 5:22 6:3 built 57:16 burden 49:9,10 50:12 burriss 53:9,11,12,21 53:23 54:7 55:9 56:16 business 3:12,22 4:23 5:9,16 20:11 44:4 46:6,7,7 51:23 55:6 58:12 66:17,17 buy 27:5</p> | <p>certainly 12:15 15:20 67:23 certificate 29:22 30:3 certificates 30:4 certified 1:11 2:5 58:17 69:5,25 certify 69:17 chair 4:4 21:25 67:8 chairman 57:15 chairwoman 2:10 2:11,14 3:3 4:6,7 5:6 6:4 7:11,15 15:11 16:10,11,17 20:23 21:9,12,24 36:21 37:20 38:1,6 42:9 43:20 44:9,12 44:15,15,17,19,22 44:24 47:1,3,25 48:14,17 49:8,22 50:2,20 51:9,17,22 53:11,20 54:6,9 55:22,22 56:4,5 60:18 61:7,10,15,19 65:4,17,17 67:14 68:10 challenges 63:12 64:12 challenging 62:5 65:10,11 changes 32:15 38:19 changing 38:18 charts 17:18 cheryl 61:17,19 chief 2:13 36:22,23 37:6,14 38:4 39:23 42:8 44:20 50:13 54:20,20 choctaw 16:1 36:17 choose 45:17 52:23 chute 66:3 cindy 1:10 2:4 69:5 69:24 circulate 32:22</p> | <p>city 15:22 clarify 27:15 class 27:13,16,20,22 27:23 28:1,4,13 29:2,4 30:21 60:3 classes 39:3,7,7,9,10 39:12,17,20 60:2 clear 13:8 36:12 42:18 63:19 clearly 8:13 12:19 13:15 clients 47:9,15 close 6:15 18:23 64:17 closed 23:10 closely 38:5 coast 47:6,12 cochran 2:11 4:4,6,7 6:5 7:11,15 38:1 44:15 47:3 51:16 54:6,9 55:22 cochran's 56:5 code 20:15 coded 33:11 cognizance 67:3 coincide 33:21 collaboratively 35:1 collateral 29:13 55:17 collectively 60:6 college 58:20 color 33:11 coma 22:9 combine 22:22 combined 55:1 come 8:25 16:7 18:21,22 22:25 26:8 28:2,12,17 29:15 30:7,21 32:3 33:7 35:16 43:7 45:13 46:1,1,2,5,11,15 49:6 61:1 63:19 coming 20:13 25:18 47:14 54:22 61:5 64:18 66:2,23</p> | <p>commenced 3:1 commencing 2:3 comment 5:10,14,15 6:15 23:10,14,15,22 23:22 25:24,25 26:11,13 36:8 50:23 52:15,16 53:15,16 55:10 56:17 60:19 61:3,8 65:20,23 commenting 6:24 comments 5:12 6:19 7:7 23:12,12,18,21 23:23 24:4,18 26:16 27:1,8 33:7 35:15 36:10 52:22 53:3 56:2,17 60:17 61:2 commercial 55:14 commission 1:1,1 2:1,2 3:6,12,15,17 3:23,23 4:8 5:12,17 5:20 6:6 7:14 8:2,15 16:18,22 18:9,20 19:25 20:2,14 21:2 21:15 22:15 24:13 28:21 30:7 33:10,19 36:12 37:1,4,13,16 38:7 39:15 41:11,14 41:17 42:2,22 44:8 50:21 51:11 52:1,4 52:6,8,13,18 53:5,6 53:10 54:2 56:15 60:22 61:4,22 64:7 commissioner 2:12 4:17,18 16:13,16 21:1,4,8,10,23 34:10 44:9,19 50:22 51:21 53:13 66:21 66:22 commissioners 4:2 7:15,21 14:3,4 23:23 38:23 51:3 53:12 58:10 62:23 63:11,19,22 commissions 3:20 11:8 20:3 32:9</p> |
| <p style="text-align: center;">c</p> | | | |
| <p>c 67:5,17,19,23 calendars 33:11 california 60:23 call 3:5 22:11 30:20 capital 18:23 capitalize 33:25 capitalizing 19:5 captioned 54:13 captured 54:15 careful 24:21 56:18 carefully 16:5 19:22 carries 37:10 cases 12:9 cash 57:18 casino 36:17 57:17 catalog 15:3,13,14 39:2,12 54:10,19 56:6 caution 19:22 center 57:16 59:1,6 centrally 59:2 certain 12:14 55:16</p> | | | |

| | | | |
|---|---|--|--|
| <p>63:25 committed 36:12 committee 2:8 31:11 31:20,23 32:1 committees 31:14 communicate 32:6 63:17 communicating 32:7 communication 32:5 comp 20:15 48:21 compensated 51:6 complain 43:25 complete 16:22 21:21 completed 11:7 19:9 45:21 47:22 compliance 8:25 9:21 28:23 compliant 21:17 compliments 61:8 component 8:3,4 con 30:19 concept 56:24 concepts 62:12 concern 54:4 55:20 59:10 68:3 concerned 10:4 16:20 53:18 55:18 concerns 11:5 52:25 55:11 conduct 3:22 5:9 66:16,17 conference 15:25 36:16 conflict 60:9 confused 40:21 confusing 33:9 congestion 45:11 congratulations 61:25 congress 57:3 59:18 congressional 37:8 43:17</p> | <p>consideration 24:21 53:4 considered 23:21 31:17 36:9 59:5 considering 18:16 65:6 constant 21:14 constantly 38:18 constraints 19:18 32:14 consult 25:8,11 consultation 3:11 5:21 6:3,6,7,10,12 6:13,16,22,24 7:6 22:4 23:13 25:7,9 26:5 28:7 31:9,21 33:17,17 36:14 66:23 67:21 68:14 consultations 4:15 6:8 23:11,20 25:17 26:14 30:14 32:18 32:22,23 consulting 35:2 continue 5:16 52:12 continued 6:9 contract 29:12 contracts 30:25 31:2 37:8 55:17 63:9 control 12:16 27:13 conversation 22:6 cooperation 8:5 cooperative 64:6 coordinate 67:4 coordination 9:18 9:22 copies 6:21 core 49:3,5,24 correct 17:12 47:6 48:11,15,21 49:13 49:14,25 50:1,10,11 69:14 correctly 49:10 57:12 cost 18:22 19:19 33:22 41:25 48:7,9</p> | <p>48:12 57:2 costs 41:24 council 36:24 councilor 2:14 councils 51:2 counsel 37:5 counselor 21:25 country 5:1 13:7 16:9 42:18 55:13 59:5 county 69:2 couple 19:8 21:6 29:4 31:14 course 3:12 11:4 13:1,16,17 15:3 18:19 24:12 25:15 28:15 30:14 31:8 54:10,13,14,19,21 54:25 55:6,25 courses 12:20,22,23 12:24 13:11,12,13 13:14,19,25 14:14 14:14,16 15:3,4 54:8,11,17 64:15 court 2:5 coverage 49:23 50:8 50:15 covers 27:3 cr 69:24 create 63:6 created 17:10 creating 57:17 59:1 credence 57:9 58:16 credibility 58:14 59:12,14,15,16 cross 33:12 current 12:18 13:10 15:15 20:10 21:16 29:2 48:14 52:19 54:9 58:13 currently 9:20 10:15 11:19 13:12 62:16 63:14 64:19 64:25</p> | <p>curricular 13:10 curriculum 56:8 curtain 66:8,15 cut 41:23 cuts 10:10 cycle 58:10</p> <hr/> <p style="text-align: center;">d</p> <hr/> <p>daily 5:3 dan 16:13 30:3 37:21 40:2 41:5 daniel 2:12 database 33:2 date 51:20 55:10 66:1 67:10,13 dated 69:20 dates 67:18,22 dawn 38:4 day 25:14,24,25 26:11,13 37:12,12 38:10,10 40:25,25 41:2 45:8,18,19 46:2 47:24 48:10,24 49:2,19 68:7 69:20 days 33:18 34:5 39:4 45:18 67:5 dc 19:12 34:17 40:11,14 47:8,10 65:25 66:2,15 67:5 68:7 deadline 50:17 deal 7:5 27:23 debate 52:21 debated 41:21 decided 3:15 57:24 decision 28:2 34:10 decisions 36:7 52:3 52:10,13 66:5 decrease 8:25 decreased 12:21 dedicated 17:23 51:2 definitely 32:12 definition 31:1 54:3 55:19</p> |
|---|---|--|--|

| | | | |
|--|--|---|--|
| <p>definitions 29:13,14 29:16 delays 62:8 demand 12:21 13:18 15:4,5 department 6:12 32:1 dependence 56:25 depending 48:25 52:24 depends 8:7 deposition 69:4,15 deputy 38:4 39:23 50:13 54:20 describing 13:22 description 17:22 17:25 18:1 descriptions 17:19 18:6 designed 10:17 11:1 designing 65:6 desk 5:15 53:2 detailed 18:14 details 58:6 determination 18:9 determine 68:11 determined 66:1 67:15 develop 39:2,17 41:7 developed 38:15 developing 38:11 42:25 56:23 devoted 9:17 dialogue 3:13 different 5:1 10:24 10:25 26:18 46:22 46:25 60:7,10 64:5 diligently 41:23 direct 12:3 41:10 directed 58:15 direction 15:20 61:4 69:12 directive 4:21</p> | <p>directly 10:21 directors 41:9 47:13 50:18 disapproval 31:2 discipline 21:9,10 discretion 49:15 discuss 6:8 7:11 discussing 41:13 discussion 28:4 44:18 51:9 52:13 54:19 55:3 61:1 distance 11:24 12:6 14:20 distinct 13:5 divided 26:15,17 37:3 division 34:12 54:14 divisions 9:19,20,22 19:3 37:7 documents 35:22 doing 4:19 7:13 15:23 16:2 17:3,22 18:25 22:14 24:11 29:6 32:18 34:15 50:23 56:11 57:5 dollar 18:15 dollars 18:18 draft 6:13,22 32:21 drafting 25:14 34:25 35:5,11 drafts 29:2 draw 66:7 dress 20:15 drop 57:18 dual 57:23,25 due 28:21 duly 69:7 duplicating 63:1 duplication 22:25 62:9 durant 36:17 duties 40:24</p> | <p>e e 33:3 35:17 earlier 13:22 14:12 20:1 30:18 31:10 35:6 43:12 47:23 53:17 early 39:4,4 46:11 easier 46:5 64:9 easily 33:4 east 2:4 echo 2:14 22:1,7,8 67:18 economic 62:5 edits 6:18 eeo 21:12 effective 41:19,25 46:20 48:12 51:19 effectively 62:16 efficiencies 19:6 efficiency 16:24 efficient 22:25 41:18 effort 16:25 20:5 21:21 33:5 62:9 66:7 efforts 8:9 9:12 63:1 eight 23:11,20 45:10 46:9 47:21 58:21,22 either 20:18 48:21 elephant 27:20 28:17 eligibility 13:20 eliminate 15:3 eliminating 16:25 emphasize 24:4 employee 18:7 43:8 45:12,15,17,20,25 46:4,5,10,12,13,16 employees 17:21,23 20:8 40:20,23 43:7 45:4,7 46:24 47:17 48:18,23,24 49:7 50:19 51:2 empt 8:24</p> | <p>enabling 63:23 encourage 6:23 62:14 encouragement 64:8 energy 26:24 enforce 28:1 enforcement 9:20 28:20,24 37:7 engaged 9:25 enhances 9:6 enlisted 17:4 18:3 ensure 17:21 19:5 20:5 49:23 50:5,7 50:15 ensuring 49:9 envisioned 33:15 equip 9:7 equipped 17:1 especially 58:9 essential 8:3,4 established 62:15 63:3 64:1 68:12 ethics 20:16 evaluate 63:20 evening 51:3 event 68:13 events 67:6 eventually 35:10 everybody 4:19 5:7 21:13 33:22 50:4 58:13 66:16 everybody's 50:2 68:9 everyone's 60:10 example 12:25 28:5 33:15 34:20 48:1,6 49:17 exceed 65:13 excellent 38:1 excited 29:18,25 exciting 61:24 excuse 15:25 executive 14:23 22:19,20,21 25:6</p> |
|--|--|---|--|

| | | | |
|---|--|--|--|
| <p>exist 10:23 existing 27:7 expansion 30:25 expect 43:10 expected 20:9 43:10 49:4 64:2 expedited 63:6 expenses 48:8 67:4 expensive 68:17 experience 27:1 58:21 explaining 38:2 explanation 31:3 extend 26:1 extra 6:21 extremely 57:12 eyed 33:12</p> | <p>female 53:22 field 47:20 48:1,2 49:20 figure 16:5 24:25 59:20 figuring 30:15 32:13 filter 60:1 final 19:24 24:22 26:10,12 36:9 finalize 7:8 finally 15:7 23:8 26:8 29:18 43:12 find 15:19 22:11 33:3 50:5 64:11,11 68:6 finding 62:20 67:16 firmly 8:6,10 first 5:18 6:2 7:5 9:12 10:8 16:1 17:4 18:5 27:3,5 33:10 36:14,14 41:6 49:23 52:11 53:9 56:2 59:13 66:3 67:22 fiscal 19:7 five 18:19 26:17 58:10 fixed 48:15 flex 45:17 flexibility 22:22 45:25 46:4,12,13 47:8,18,19 flexible 35:23 48:18 49:19 floated 28:14 floor 57:17,18 65:20 flowed 38:14 focus 18:7 40:10,15 54:16 focused 55:5 folks 17:12 18:12 20:24 43:19 45:23 47:11 49:6 67:1 followed 42:20 following 45:1 56:22 62:12</p> | <p>fond 31:13 force 8:8 forces 18:14 forecasting 18:25 foregoing 69:4,13 foremost 9:13 10:9 56:2 form 30:13 formal 19:2 formalize 29:11 formalizing 18:12 29:9 forth 16:22 41:21 58:7 65:14 fortunate 7:21 forum 3:7 38:15 52:21 forward 4:12 7:3,9 18:10 20:4,20 29:15 34:25 35:7 37:12 45:5 52:6,7 58:25 59:1,20 found 17:15 51:1 foundation 8:12 four 3:18 5:20,23 6:1 11:24,25 18:19 22:14 frame 26:2 framers 58:4 frames 26:4 frankly 61:1 friday 22:5 23:25 67:21 front 52:3 53:2 67:10,13 fruit 26:22 ftes 17:19 full 21:14 fully 63:20 fund 66:8 fundamentals 12:21 funded 18:17 43:16 funding 11:24 funds 10:8 57:1,17</p> | <p>further 39:21 56:18 66:4 69:17 future 11:21 16:6 42:14 fuzzy 34:7</p> |
| <p>f</p> | | | <p>g</p> |
| <p>facilitate 31:16 63:4 facilitator 35:19 36:2 facility 27:11 58:7 facing 63:13 fact 18:16 19:4 24:15 25:21 35:3 fair 43:8 fall 25:6 falls 33:2 familiar 9:19 55:13 far 7:1 19:18 61:23 fast 26:4 favor 51:13 february 11:7 23:10 federal 16:7 17:13 18:17 20:2,7,17 27:4 28:9 31:3 36:11 56:23 57:1,24 58:1,15 59:8 fee 27:11 41:20 feedback 11:12,18 12:13 40:17 65:2 fees 42:3,5 43:16 felt 31:17</p> | | | <p>gambling 23:19 game 34:21 gaming 1:1 2:1 3:6 4:8 8:13 11:8,11 12:22,24 13:21 14:4 14:14 15:24 16:3 23:17 27:13 32:9 38:23 39:5,8 53:10 53:13 55:14 56:23 60:21 62:16,17,18 62:20,21 63:2,3 64:14,15,21,22,25 garnered 6:17 gathered 6:12 gatherings 12:8 gay 61:20 general 23:18 29:14 36:24 37:5,24 44:25 generally 49:22 getting 11:18 12:13 16:2 18:6,23 32:8 35:8 39:8 45:14 60:13 giant 27:20 give 5:1 7:12 15:20 16:14 39:14 43:23 43:23 46:20 47:10 47:11,17,19 59:11 59:14 66:10 68:10 given 32:14 gives 45:19 46:9,12 46:12 57:8 58:16 60:12 giving 4:12 26:23 46:4 gliding 45:24 glimpse 5:2</p> |

| | | | |
|--|--|---|---|
| <p>global 13:5,6 go 5:16 7:25 13:15 16:13 19:4,18 20:3 22:1 27:21 29:14 34:6 38:19 39:24 44:23 60:7 66:19 goal 16:23 25:25 36:6 43:4 goes 68:14 going 4:13 5:8 12:20 14:23 15:14,21,23 20:11 22:6 24:6,11 25:1,1 26:23 27:18 27:22 28:5,16,24 29:15,16 30:20 31:7 31:21,22 32:16,20 32:21,25 34:1,4,22 35:18,18,19,19,21 35:22,24 36:3,5 37:22 49:10,11 50:2 50:5,6,19 51:25 52:2,12 56:18 60:4 60:5,8,10,25 62:3 64:13 66:20 67:4,12 67:22 68:16,17 good 3:3 4:6,18 6:18 7:1 18:10 22:8 37:19 42:2 58:25 61:4,6 65:18 66:16 government 4:21 32:9 43:14 56:25 57:2 58:1,15 grand 59:13 great 40:16 49:20 58:22 59:7 greater 57:1 60:4 green 41:19 61:13 67:9 grievance 21:8,11 group 14:8 26:19 27:3,5,16,17,17,19 28:6,8,10,13,13,20 29:1,6,8,18 34:3,22 36:4</p> | <p>grouping 26:21 groups 14:6 18:8 26:18 34:3,5 35:4 36:1 40:10,15 guidance 62:21 63:23 64:8 guys 22:9 33:1 34:15 37:2</p> <p style="text-align: center;">h</p> <p>half 6:5 19:20 59:15 68:6 hand 27:24 43:6 59:17,17 handle 46:6 55:19 hands 14:16 hanging 26:22 happen 8:9 37:2 happening 33:15 happy 4:19 41:8 42:11 65:8 harassment 21:12 hard 66:13 hawk 2:14 22:1,7,8 67:18 head 21:3 61:20 heading 61:5 headquarters 19:12 hear 6:9 52:21 61:4 61:6 heard 6:3 7:16 16:18 30:23 31:12 39:18 42:17,18 65:22 hearing 29:5 57:20 67:15,17 hearings 59:18 held 3:21 6:8,16 23:11 help 8:23 9:7,12 12:6 17:4 18:3 20:24 40:25 44:2 62:22 63:4 64:24 helpful 63:21 66:25</p> | <p>helping 12:4 18:4 64:11 helps 45:12,13 hereof 69:19 hereto 69:18 high 13:18 14:17 15:4,5 39:13 highest 13:14 highway 60:8 hired 18:20 hiring 42:17 hit 64:3 holding 33:25 home 45:8,11,13 homework 32:12 hope 16:4 19:9 22:8 40:10 hopefully 28:17 32:19 40:15 41:13 41:15 42:3 43:4 hoping 26:2 28:15 39:1 hotel 2:3 48:8 59:13 houle 38:4 hour 45:10,18 47:9 hours 46:9,15 47:10 47:16,22,23 48:3,10 48:15 49:3,5,18,24 house 56:19 58:3 housekeeping 5:6</p> <p style="text-align: center;">i</p> <p>idea 35:7 ideal 60:12 ideas 11:19 14:11 35:25 identified 14:9 identify 10:23 15:8 31:22 igra 8:19 9:9 13:20 13:20 22:16 29:21 52:4 63:8,24 ihs 42:20 ii 28:4 29:2,4</p> | <p>iii 27:13,16,20,22,23 28:1,13 30:21 illuminate 64:13 impact 12:2 implement 22:17 implementation 30:19,20 implemented 19:1 42:7,16,19,21 62:25 implementing 28:11 implies 54:5 importance 8:14 13:16 important 10:25 20:7 24:2,13 38:7 42:1,15,19,22 56:24 57:12 58:7 59:11,14 59:15 65:2 67:12 importantly 8:22 improve 10:14 11:4 40:5 65:8 improved 39:2,6 41:7 improvement 10:16 improving 16:24 include 31:1 36:10 includes 20:15 56:21 incomplete 20:19 incompleteness 17:17 inconsistencies 17:17 incorporate 6:19 22:17 37:14 increased 12:19 14:18 incurring 48:7,9 indian 1:1 2:1 3:6 4:8 13:7 16:9 21:5 27:6 42:16,17 55:13 56:21,23 indians 53:14 indicate 13:15 26:19</p> |
|--|--|---|---|

| | | | |
|---|--|--|---|
| <p>indicated 11:16 12:19 indicating 4:1 27:5 indications 13:8 individual 14:8 30:7 55:25 individuals 52:18 65:19 industries 23:16 industry 13:3,4 17:2 25:4 28:2,18 30:16 36:7 55:5,12 infant 17:13 inflow 62:10 inform 20:24 21:13 information 4:1 6:11,11 7:1 11:14 15:17 16:8 17:5 18:8 32:8,11 38:24 40:23 59:9 informed 8:8 36:7 initially 25:24 initiated 42:11 initiations 44:2 initiative 5:19 6:2 7:14,17,18,18 8:2 9:11 16:14 21:25 38:6 39:22,25 45:1 45:6 initiatives 5:20 6:1 22:15 37:1,11,17 61:23 62:17 input 7:8 25:20 31:16 41:10 57:10 inquiry 23:3 24:8 26:17 insight 4:12 insights 55:7 instances 63:16 instituting 3:24 instrument 7:2 integrity 8:12 intended 5:8 52:17 52:20 58:4</p> | <p>intensive 29:1 intent 57:3 59:18 63:8 interest 30:5 interested 69:19 interfere 67:24 interior 32:2 interior's 6:12 internal 12:20 13:17 27:13 30:19 31:6 38:11,14 54:1,15 62:13 65:8 66:9 internally 4:14 31:7 32:13,17 interpretation 60:10 introduce 35:13 introduction 16:2 37:20 intrude 68:12 inventory 56:12 investigator 47:20 investigators 48:1 invited 23:4 involved 8:18,19 42:10 ironed 6:25 issue 19:24 26:10 28:6,9 30:8,11,15 30:22 34:11 44:5 55:16 61:3 issued 25:23 35:3 issues 3:23 5:2 6:9 8:25 10:24 12:6 14:20,20 26:23 28:22 32:16 47:5 52:19,23 62:13 issuing 35:9 it'll 34:22 50:11,12 item 19:11</p> | <p>47:22 48:25 john 60:20,21 join 68:16 joining 4:16 joking 37:21 judicial 58:19 july 51:20 65:25 67:2,25 68:20 june 19:14 33:16 34:20 43:4 46:20 50:17 51:21,22 jurisdiction 52:19 justified 57:7</p> <p style="text-align: center;">k</p> <p>kathy 2:15 keep 32:15 keeping 22:13 58:13 keeps 43:25 45:11 ken 38:18 keno 12:25 13:21 kept 56:22 kind 7:17 16:1 31:4 32:10,15 33:14 34:17 37:21 55:5 60:25 knew 11:17 know 4:9 5:19 7:16 7:23 8:18 9:24 10:6 10:20 11:14 15:19 22:3 23:3 27:20,22 29:2,10,21 33:10 34:16 36:25 39:12 43:9 46:7 48:18 49:17,18 53:22 54:22 55:5 56:12 57:18 59:20 63:14 65:11,21 66:1,13 67:12 68:3,4,15 knowing 60:25 knowledge 26:3 known 69:4 kumeyaay 53:13</p> | <p style="text-align: center;">l</p> <p>labor 9:1 lael 2:14 22:1,7 36:21 67:16 land 12:23 13:20 lane 55:25 56:1 larry 36:24 late 19:10 46:11 laughter 33:13 61:9 61:12,14 launched 5:21 law 20:7 lay 50:19 lead 7:17 leader 59:25 leaders 34:1 38:22 68:4 leadership 11:8 14:3 57:11 leads 15:6 leaner 17:1 leaps 39:5 learn 30:13 lease 19:13 leave 46:11 48:5 leaving 46:10 47:14 legal 37:5,9,11 legislative 67:5 68:5 legislature 67:19 letters 23:14 letting 39:24 level 9:2 11:17 60:13 levels 9:14 10:24 licenses 27:12 licensing 29:8,9 limit 10:7 61:15 limited 11:2 line 4:20 20:6 25:6 35:18,18 lines 55:23 liquidity 13:20 53:24 54:3,13,16,24 55:4</p> |
| | <p style="text-align: center;">j</p> <p>january 11:6 22:20 jess 61:10 job 1:25 17:18,22,25 18:1,6 38:1 40:23</p> | | |

| | | | |
|--|---|--|---|
| <p>list 34:17 53:9 60:19 60:24 61:17</p> <p>listed 11:22 65:19</p> <p>listen 52:25</p> <p>little 2:12 4:17,18 5:2,25 16:13,16 21:1,4,8,10,23 26:9 31:9 33:9 34:7 35:6 39:20,21 44:9,19 50:22 51:15,21 58:24 60:9 66:21,22</p> <p>load 37:10</p> <p>location 28:1 34:2 48:3 67:14</p> <p>locations 5:1 68:1,2</p> <p>lodging 67:11</p> <p>log 45:9</p> <p>long 7:1 18:13,24,25 19:14 40:24 41:21</p> <p>longer 35:6</p> <p>look 4:12 9:13,13 10:18 12:5 14:25 16:4 17:20 18:15 19:22 22:23 24:10 25:18 27:10,16 28:8 29:19,25 30:12,17 31:21,22 40:18 54:19,24 55:4,7,24 66:16</p> <p>looked 23:24 52:17</p> <p>looking 9:7,18,21,24 10:9,10,14,15,17,22 11:4 12:6 18:5,11 19:15,16 23:5 24:16 24:17 28:10 29:17 31:7 32:17 33:12 54:12,21 56:6,7 61:24 62:19</p> <p>losing 19:13</p> <p>lot 11:13 17:16,23 18:20 23:17 26:24 34:6 39:3 43:23,23 43:24 51:2 58:16 62:21 63:15,24 66:13,22</p> | <p>lots 31:25 32:2</p> <p>loud 42:18</p> <p>love 39:19 59:3</p> <p>low 26:22</p> <p>lower 60:2</p> <p>lowest 13:19 54:7,17</p> <p>lunchtime 22:9</p> <p style="text-align: center;">m</p> <p>madame 15:11 16:16 44:9,15,19,24 53:11 55:22</p> <p>magee 60:20,21,21</p> <p>mail 33:3 35:17</p> <p>main 42:23</p> <p>maintains 8:12</p> <p>major 5:20 6:1 7:17 8:2 50:23</p> <p>majority 47:9,15,16</p> <p>maker 34:10</p> <p>making 10:5 12:7,7 24:22 33:5 37:10 41:18 46:5 53:8 67:11</p> <p>maltais 61:17,18,19 65:5</p> <p>manage 25:2 26:21</p> <p>manageable 25:3,3</p> <p>management 17:5 18:4 29:12 30:25 31:2 37:7 40:3 63:8</p> <p>managers 19:3</p> <p>managing 23:1</p> <p>mandate 22:16</p> <p>manual 21:22</p> <p>manufacturers 39:16</p> <p>march 6:14</p> <p>maricopa 69:2</p> <p>mark 43:5</p> <p>massive 25:2</p> <p>matches 17:22</p> <p>material 56:10</p> <p>matter 26:20 52:24 59:19</p> | <p>maturity 13:2,4</p> <p>maxi 45:17</p> <p>maximize 10:6 11:1 62:8</p> <p>mean 13:6 56:13</p> <p>means 23:8 27:15 35:24 38:17 54:4</p> <p>meant 3:13 65:12</p> <p>measure 8:23 9:12 45:5</p> <p>measures 41:25 50:7</p> <p>meet 3:17 14:19 31:23 36:18 44:2 51:3 56:15 63:23 65:13</p> <p>meeting 1:1 2:2 3:1 3:6,7,10,16 4:11 14:7 20:25 28:7 33:17,18,25 34:19 34:20 36:14 41:14 41:16 53:4 55:15 59:7 65:22,25 66:6 66:20 67:2,25 68:7 68:19,21,23</p> <p>meetings 3:21 4:20 4:25 26:5 31:9,16 33:6,20,21 37:15 51:4,25 52:12 60:4 67:23</p> <p>meets 28:18 30:16</p> <p>members 2:8 31:15</p> <p>mentioned 14:12 21:19 40:2</p> <p>met 58:1</p> <p>method 69:10</p> <p>microphone 4:5 53:6</p> <p>midway 59:5</p> <p>million 19:21</p> <p>mind 56:22</p> <p>mindful 55:24</p> <p>minimize 33:22 34:16</p> | <p>minimum 27:12 29:3 30:19</p> <p>minute 68:18</p> <p>misconstrued 55:11</p> <p>missing 32:11</p> <p>mississippi 36:19</p> <p>mix 28:4,13 29:2</p> <p>mock 57:17</p> <p>moment 3:14</p> <p>momentum 35:8</p> <p>money 19:5</p> <p>monitor 50:14</p> <p>month 6:14 15:22 16:1 40:10,16,19</p> <p>months 3:18 6:4 19:8 20:21 21:6 61:5 68:15</p> <p>morning 3:10 4:9 6:16 25:10 31:10 35:13 46:1</p> <p>motion 44:7,10,12 44:17 51:19</p> <p>move 3:25 7:3,9 18:10 19:15 35:7 51:24 58:25 59:20</p> <p>moved 20:3</p> <p>moving 19:19 20:20 26:4 37:12 40:2 41:8 42:6,10 52:6</p> <p>mutuel 12:25 13:21</p> <p>myers 2:13 21:7 36:23 37:9,19 44:24 47:7 48:11,16,22 49:14 50:1,11</p> <p style="text-align: center;">n</p> <p>name 53:5,12 60:24 61:18</p> <p>names 54:10</p> <p>national 1:1 2:1 3:6 4:7 58:19</p> <p>nationally 30:9</p> <p>nationwide 28:19</p> <p>navigate 64:4</p> |
|--|---|--|---|

| | | | |
|---|--|---|--|
| <p>near 18:23 42:14 necessarily 17:25 31:8 necessary 9:4 26:1 need 6:5,22 9:1,8 10:16,18 11:21,21 11:21 12:3,14,19 13:3,25 14:5,10,13 14:18 15:19 17:25 19:16,21,22 20:18 20:19 23:6,7 24:10 24:10,18,20 25:11 25:19 29:5,16 30:12 30:24 32:3,12 33:20 36:2 39:6 44:16 45:25 46:8,11,11,24 50:16 57:9 60:6 62:4</p> | <p>nine 6:4 45:18 58:22 nita 67:4,5,17,17,19 67:19,23,23 nj319751 1:25 non 62:18,21 64:22 normal 3:12 nos 34:3 note 24:2,13 62:2 notice 23:3 24:8,22 26:17 27:4 28:9 34:24 35:2,9 36:11 68:11 november 23:2 number 17:3 28:14 66:2 numbers 26:19 60:4 numerous 23:12</p> | <p>50:12,13 65:8 66:15 offices 40:13 officials 32:9 oftentimes 51:2 oh 21:5 okay 20:23 21:24 26:9 33:14 44:17 47:1 49:22 51:23 54:9 65:4 oklahoma 15:22,24 36:15,16,17 59:2,3 old 17:10 onboard 42:8 43:7 once 26:11 68:11 ones 24:9,10 56:18 ongoing 15:15 online 66:24 open 4:21,22 41:14 41:16 43:14,17 52:21 65:20 opening 3:9 4:2 operates 17:16 operating 26:2 operation 5:23 16:20 operation's 16:14 operations 4:13 9:6 9:9 11:9 14:5 16:21 16:23,24 32:10 38:14,24 40:5 48:12 opinion 11:13 opportunity 4:14 16:4 47:11 opposed 51:18 opposition 23:19 optimistic 61:24 option 45:7 options 46:22 49:13 order 3:5 6:1 22:19 22:20,21 23:7 25:6 ordinance 27:25 ordinances 27:7 62:24 63:4,8 organization 17:7 18:14 53:7</p> | <p>organizational 17:18 organized 17:21 outcome 69:19 outlined 28:23 52:4 outreach 12:15 outside 37:11 50:3 62:7 overall 18:24 40:4 overcome 12:4,4 14:10 overnight 48:8 oversight 64:2 overtime 48:21 overview 41:4 53:24 54:1,13,15</p> |
| <p>needed 9:3 10:20 11:14 12:5 42:10 43:2 needing 34:12 needless 62:8 needs 10:20,21 14:7 14:19 25:8,22 26:9 28:3,18 30:16 49:17 55:16 net 30:24 nevada 58:20 never 50:4 55:1 new 3:15 9:11 10:24 20:11 38:11 39:2,6 41:7,9 43:8 44:4 63:7 newly 63:2 nice 4:10 nigc 6:14 11:16 12:18 17:10 19:12 46:7 50:6 52:20 56:1 62:11 63:24 66:9 night 35:17 nimish 15:23 39:11 39:12,14</p> | <p style="text-align: center;">o</p> <p>obama 22:20 object 59:23 objection 44:23 objective 6:20 7:22 10:13 objectives 9:11 56:15 obligation 8:8 obsolete 27:8 obtain 29:22 obtaining 64:14 obviously 9:6 10:19 12:13 50:24 59:20 67:3 occur 33:18 58:5 offer 11:20,24 12:14 15:4,12 38:8 48:22 56:13 60:5 offered 54:14 offering 15:16 39:6 54:23 55:25 56:9 offerings 10:15 12:18 54:21 office 17:5,11 18:3 19:11 36:24,25 37:4 40:3 45:13 47:8,8</p> | <p>open 4:21,22 41:14 41:16 43:14,17 52:21 65:20 opening 3:9 4:2 operates 17:16 operating 26:2 operation 5:23 16:20 operation's 16:14 operations 4:13 9:6 9:9 11:9 14:5 16:21 16:23,24 32:10 38:14,24 40:5 48:12 opinion 11:13 opportunity 4:14 16:4 47:11 opposed 51:18 opposition 23:19 optimistic 61:24 option 45:7 options 46:22 49:13 order 3:5 6:1 22:19 22:20,21 23:7 25:6 ordinance 27:25 ordinances 27:7 62:24 63:4,8 organization 17:7 18:14 53:7</p> | <p style="text-align: center;">p</p> <p>p.m. 1:3 2:3 3:1 68:23 pages 35:22,22 69:13 palm 36:18 panel 24:3 paper 63:17 pari 12:25 13:21 part 6:20 10:13 17:25 27:6,11,12 29:3 45:6,16 56:11 59:21,22 64:16 participants 34:9 participate 4:11 6:24 11:11 participated 7:24 participating 64:19 participation 11:4 14:11 participatory 5:8 particular 7:14 26:14 64:12 particularly 36:4 63:16 64:19 parties 69:18 partner's 63:3</p> |

| | | | |
|---|--|--|---|
| <p>partnered 40:3 partnering 62:18 partnership 9:25 15:24 16:2 63:7 partnerships 9:24 15:9,9 16:6,8 62:15 parts 26:21 pass 19:10 passage 56:22 passed 21:2,4,21 paxson 43:20,21 paxton 2:13 36:23 37:9,18 44:1,22 47:4,25 50:20 pay 20:14 57:4 pechanga 60:20,21 60:22 pending 43:13 people 11:18,20 12:10 13:16 14:1 18:21 33:9 40:17 45:2 48:2 49:11 58:17 66:12 percent 11:15 18:23 percentage 31:1 57:1 perfect 38:17 performance 9:7 performing 62:16 period 6:15 25:24 26:1,6,11,13 41:22 person 34:12 personnel 11:9 21:15,22,22 32:15 40:3 42:25 43:6,9 52:9 perspective 64:6 phase 25:15,21 26:6 35:5 phases 25:5,6 phoenix 1:2 2:3,4 phrase 25:14 phrases 26:15 physically 17:9</p> | <p>pick 67:10,12 piece 32:11 piggyback 67:6 pilot 29:9,9,10 65:6 place 7:4 21:2 43:2 43:2 50:7 57:19 59:7 65:15 68:12 placeholder 60:25 plan 19:14 66:5,5 planning 18:10 67:25 plans 68:17 platform 58:23 plays 55:15 please 3:4 15:19 32:24 35:25 51:14 53:5 66:24 plenty 68:10 point 18:22 21:18 34:21 54:3 56:5 63:12 67:9,15 pointing 58:6 points 62:4 policies 6:10 17:17 19:25 20:4,5,10,13 21:1,15 31:6 42:6,7 42:23 43:1 52:9 62:13 policy 5:19 6:13,18 6:22,24 7:7 17:5 18:4 20:15,15,16,16 21:5,11 25:9 32:6 42:17,19,25 43:6,9 44:11,14 46:20 49:10,12,13 51:8 56:15,21,23 portion 52:16 portland 15:17 position 24:14 49:1 49:16 possibility 29:19,25 possible 25:3,4 53:17 57:19 66:25 possibly 19:15 49:8 52:2</p> | <p>post 33:6 posted 6:23 23:13 33:8 poster 64:23 posting 32:25 potential 8:24 15:9 pots 37:3 powerpoint 34:8 practical 14:14,16 practice 63:14 practices 7:6 21:22 pre 8:24 12:22 67:1 preference 12:21 13:23 14:15,17 42:17 preferences 13:6,8 14:9 preliminary 25:14 32:21 premium 20:14 present 2:8 presentation 41:16 presented 39:23 41:11 44:8 president 22:20 45:5 56:21 president's 4:20 45:1 preventative 8:23 previous 18:19 57:15 prior 32:23 35:1 priorities 14:1,2,3,4 priority 7:5 23:7 26:20 49:23 privates 21:5 probably 4:24 17:12 19:17 39:3 41:6 42:9 57:11 62:2 64:17 probation 29:24 problem 18:22 59:22 procedures 17:18 20:1,4,6 28:23 42:6</p> | <p>42:7 proceed 3:8 24:22 44:23 proceedings 5:7 28:21 69:14 process 6:6,13 15:2 18:12 19:2,7 21:14 22:2 24:24 28:10,22 31:5,14,15 32:19 33:15 35:11 36:3,13 38:11,12,13,15,20 38:21 41:5,8,9,13 41:24 42:4 45:7 63:6 64:13 66:23 processes 6:10 7:3 18:13 professional 55:6 program 9:13 10:12 29:10,10 65:7 programs 8:11 29:9 progress 19:25 progressive 21:9,10 projects 45:21,21 promise 22:9 promulgate 22:16 propagating 25:12 properly 8:7 51:6 property 47:21 proposal 24:22 35:2 proposed 25:23 26:9 27:5 30:6 34:22,24 35:9 36:9 propounded 69:8 proprietary 30:5 protect 9:8 36:7 provide 3:9 4:2 8:11 8:20 10:11,15 17:5 38:3 40:5,8 41:3 45:2,4 48:13 55:10 62:21 63:23 64:7 65:22 provided 11:13,23 12:1 54:11 provides 29:21</p> |
|---|--|--|---|

| | | | |
|---|---|--|--|
| <p>providing 9:2,23 43:15,18 57:1</p> <p>provisions 28:24 29:12</p> <p>public 1:1 2:2 3:6,7 3:21 4:11 5:10,11 12:15 23:4,18 44:25 51:25 52:14,15,16 53:1 60:19 61:8 65:20,22,25 66:6 67:2 68:20</p> <p>pull 66:15</p> <p>pushed 10:7</p> <p>put 7:7 14:23,25 23:23 32:20 45:5 50:11,12 52:6 53:19 58:7 60:24 61:23 64:21 65:14</p> <p>putting 17:8</p> | <p>rapidly 41:8</p> <p>rate 11:10</p> <p>reach 14:6</p> <p>read 3:16 23:22,22 23:23 62:3 64:17 65:3 69:13</p> <p>reading 25:8 30:5 31:6,11 32:5 56:20 64:23</p> <p>ready 18:7</p> <p>reagan's 56:21</p> <p>real 56:18</p> <p>realize 57:10 66:12</p> <p>really 17:23 18:13 25:13 27:18 35:23 37:10 53:15 55:5 61:24 62:6 67:11</p> <p>realm 19:20</p> <p>reasons 19:21 50:16 50:23</p> <p>receive 42:3 43:9</p> <p>received 7:1 11:9 23:11,14,15 24:4,18 26:16 27:2,9 31:17 36:8,10 38:24</p> <p>receives 39:13</p> <p>receptionist 49:17</p> <p>recognition 66:10 69:11</p> <p>recommendation 55:2</p> <p>recommendations 65:14</p> <p>recommended 55:1</p> <p>recommends 28:3</p> <p>reconvene 68:20</p> <p>record 6:20 53:7 61:11,21</p> <p>reduce 9:1 22:25 56:25</p> <p>reduced 10:9</p> <p>redundance 58:12 58:13</p> <p>redundancies 16:25 62:9</p> | <p>reemphasize 43:13</p> <p>reference 31:25 63:12</p> <p>referred 30:18</p> <p>referring 34:7</p> <p>refers 53:25</p> <p>reflect 13:4</p> <p>reflects 18:2</p> <p>refresher 13:11 14:14</p> <p>regard 15:12</p> <p>region 66:14</p> <p>regional 13:8 15:16 15:21 23:16,17 33:18 34:14 40:11 40:13</p> <p>regionally 30:10</p> <p>regions 10:25 13:9 25:18</p> <p>register 27:4 31:4 36:11 66:24 67:1</p> <p>regular 4:24 37:15</p> <p>regulation 8:7 9:4 24:14 25:16,21 26:7 26:11,14 27:6,8,10 28:16 29:20,20,22 30:1,3,6,13</p> <p>regulations 9:2 22:10,17,17,23 23:6 24:6,9,16,20 26:16 28:20 30:23 34:5 35:14,15 52:2,5 63:24</p> <p>regulators 12:9 15:25 36:16 39:17 58:1 59:8 60:5</p> <p>regulatory 5:23 22:2,4,22,24 23:1,5 24:5 57:4 58:9 64:1</p> <p>reinstitute 3:16</p> <p>reiterate 56:5</p> <p>related 12:20 41:5 69:18</p> <p>relates 30:8</p> | <p>relationship 5:21 6:3</p> <p>relatively 17:13 20:2</p> <p>released 6:13 22:3 23:3,25</p> <p>relevant 21:17 56:14</p> <p>relocated 59:2</p> <p>remain 43:14,17,18</p> <p>remarks 3:9 39:13</p> <p>remedy 64:10,11</p> <p>remember 58:18</p> <p>remind 5:7</p> <p>remote 63:16</p> <p>removed 28:4</p> <p>reno 58:20</p> <p>report 5:19 7:12 19:24 20:22 36:23 37:15 42:11 56:19 57:8,22 58:3</p> <p>reported 1:9</p> <p>reporter 1:11 2:5 69:5,25</p> <p>request 38:13 44:20 46:19 51:11</p> <p>requested 63:10</p> <p>requesting 63:18</p> <p>require 26:24</p> <p>required 20:7,17</p> <p>requirement 8:17 8:19 38:8 58:2</p> <p>research 32:13</p> <p>reservations 67:11</p> <p>resolution 28:18</p> <p>resolutions 27:7</p> <p>resource 11:2</p> <p>resources 9:16 10:1 10:4,6,11 12:3 26:24 62:8</p> <p>respectful 68:4,9</p> <p>respectfully 44:20</p> <p>respond 64:16 65:1</p> <p>responded 13:17 14:2</p> |
| q | | | |
| <p>qualifies 50:4</p> <p>qualify 49:12</p> <p>question 11:17 20:24 27:18,21 35:16 51:10 53:16 54:2 56:8</p> <p>questions 27:14 47:2 50:21 56:2 61:2 69:8</p> <p>quick 63:4</p> <p>quickly 47:22</p> <p>quit 48:4</p> <p>quite 61:1</p> <p>quitting 48:5</p> | | | |
| r | | | |
| <p>raise 41:20</p> <p>raised 28:22 30:9 52:25</p> <p>range 49:6,24</p> <p>ranked 13:14,19 54:8,17</p> <p>rankings 12:17,18 54:22</p> | | | |

| | | | |
|--|--|---|--|
| <p>respondees 13:11 respondents 11:15 responding 11:20 response 11:10 63:5 responses 11:9 responsibilities 17:24 20:8 62:17 responsible 7:19 50:9,10 results 7:24 revenues 30:24 review 5:18,23,24 16:23 22:2,4,23 23:5 24:5,6,15,21 24:24 27:6 28:16 29:15 40:4 42:13 reviewed 23:6,7 36:8 reviewing 17:15 23:8 25:16 28:25 62:12 revise 7:6 revised 24:10,15 25:22 revision 24:18 26:10 revisions 6:18 25:19 right 14:19 15:4 47:7,7 48:15,22 53:23 54:7 57:8 road 32:18 robert's 36:24 role 37:16 55:15 57:22 59:24 roles 20:9 roll 40:20 66:5 rolling 40:19 room 6:17 27:20 28:17 43:19 57:18 57:18,20 rule 24:22 26:9,10 rulemaking 25:23 26:12 27:1 34:24 35:2,9 rules 34:22 35:10 36:9 63:24 65:12</p> | <p>run 16:20,21 41:18 60:8 running 3:12</p> <hr/> <p style="text-align: center;">s</p> <hr/> <p>safe 68:21 sat 33:10 saying 20:1 27:24 48:4 60:14 says 3:17 11:15 17:22 25:7 56:20 57:22 scale 45:24 schedule 20:12 22:4 23:25 33:20 44:6,8 44:11,14 45:3,16 46:14,18 47:13 48:23,25 49:2,19 51:12,14 68:14 scheduled 24:15 33:16 67:20 schedules 45:4 46:25 50:18,25 scheduling 66:4 scheme 23:1 scrub 56:11 seat 59:6 seats 3:4 second 25:21 28:20 34:6 42:9 44:13,16 51:1 section 5:10 27:11 44:4 52:15 sections 27:16 see 4:10,14,23 8:4 8:22 9:22 14:22 15:10 23:5 24:17 27:16 28:9 31:4 42:19 43:5 49:8 50:3 51:25 52:6,12 54:22,23 55:14 60:15 62:11 64:18 66:9,16 68:14 seeing 30:1</p> | <p>seen 30:9 select 31:15 selection 31:24 self 29:20,22 30:3 56:25 57:2 64:14 senior 19:3 sense 63:19 sent 11:8 35:16 38:22 separate 54:25 september 19:10 41:16 56:20 series 18:7 23:11 seriously 22:16 serve 17:2 41:1 49:7 49:7,25 service 41:3 45:2 47:11 48:13 services 40:6,8 43:15,18 45:14 sessions 29:7 set 9:11,20 16:22 17:11 21:15 25:13 25:23 40:12 46:15 49:2,18 64:1,19 68:7 sets 24:5 share 4:3 57:4 sheet 5:15 53:1 sheets 33:12 shift 45:10 short 20:13 shout 39:14 show 42:4 showed 13:2 showing 13:22 shutdown 43:14 side 16:6 sign 5:15 53:1 65:9 69:13 significant 7:22 signing 30:4 35:10 similar 35:12 simply 12:10 14:21</p> | <p>single 57:24 sit 19:2 site 63:10 sitting 8:18 situation 47:17 63:17,20 64:12 65:10,11 situations 64:10 skill 69:16 skilled 8:7 slide 37:23 53:22,25 slides 34:6,8 53:17 smaller 60:1,2 smarter 17:1 sole 30:5 solicit 40:22 soliciting 25:20 solidified 6:25 solution 28:11 30:21 59:21 solutions 28:14 soon 5:5 sort 3:22 26:22 27:8 35:7 56:11 66:7,15 sought 39:13 source 54:18 speak 7:16 53:6 56:12 speaker 53:22 specifically 11:17 30:9 62:14 speech 69:11 spending 19:4 spent 18:15 57:11 spoke 43:12 springs 36:18 ss 69:1 staff 2:13,15 24:19 34:11,13,14 36:22 36:23 37:3,6,6,11 37:13,14 38:4 39:24 40:11,12,14 42:2,8 44:3,20 46:21,22 47:4 49:20,21 50:6 50:10 54:20,21</p> |
|--|--|---|--|

| | | | |
|---|--|---|--|
| <p>61:23 66:11 staff's 37:16 50:13 staffing 9:16 19:18 stage 26:12 34:21,23 stages 35:5 40:9 42:12 stand 28:6 standards 25:12 27:13 28:5 29:4 start 14:5 18:7 19:15 28:8,9,10 37:24 39:6 67:10 state 2:5 23:15 53:5 69:1,6 stated 31:19 statement 53:8 56:21 statements 4:2 52:18 status 48:14 statute 3:17 8:17 58:4 statutory 38:8 52:10 stay 48:5,8 staying 4:10,16 55:25 56:1 steffani 2:11 4:4,7 7:11 38:1 step 10:11 18:11 29:17 steps 14:22 stevens 2:10 3:3 5:6 16:10 20:23 21:9,12 21:24 36:21 43:20 44:12,17,22 47:1,25 48:14,17 49:8,22 50:2,20 51:9,17,22 53:20 56:4 60:18 61:7,10,15 65:4,17 67:14 68:10 stewards 42:3 stick 26:4 stole 37:21 streamline 22:24 41:25</p> | <p>streamlining 16:24 stretch 38:17 structure 18:6 22:24 41:1 structured 17:7 36:25 stuff 31:3 subject 22:5 43:16 52:24 55:3 substance 24:9 25:19 substantively 24:7 24:11,17 substitute 31:20 success 8:13 successes 62:1 successful 8:6 sufficiency 64:14 suggest 35:25 suggested 6:18 28:22 suggestions 65:7 suit 42:20 summaries 23:24 summarize 44:21,25 summary 36:10 summer 6:8 19:9,10 summertime 67:20 summit 68:5 supervisor 46:17 49:11 supervisor's 49:15 supervisors 19:3 43:11 46:21,23 50:8 50:15,18 supplementing 22:21 support 37:6 51:8 62:12,14 supporting 22:21 supportive 27:9 50:24 sure 10:5,10 13:3 14:7 15:5 17:12 18:1 21:16 32:7</p> | <p>37:10 47:3 50:8,14 55:21 58:5 59:2 62:4 64:24 66:12 surveillance 57:18 survey 7:23,25 10:13,13,17,22 11:6 11:12,15 12:17 13:23,25 14:2,10,22 14:23 15:7,13 38:22 38:25 39:1 40:20,22 53:19,20,21 64:16 surveys 11:7,10 18:7 40:21 65:1 sworn 69:7 system 45:17 51:4</p> <p style="text-align: center;">t</p> <p>table 27:4 44:5,13 44:18 tackle 5:2 tailor 13:25 take 3:4 14:18 17:20 29:24 30:12 31:21 31:22 47:23 58:14 59:24 61:7 66:24 taken 2:2 7:17 22:16 24:14 56:3 69:5,10 takers 13:23 talk 5:4 15:12 28:12 37:22 talked 25:10 31:9 talking 25:17 31:8 34:4,19 targeted 8:10 targeting 15:6 task 41:6 teach 39:20 techical 28:5 technical 5:22 7:12 7:13,19 8:1,11,16 8:20 9:3,5,10 10:2 29:4 35:21 37:25 38:8 57:5,13 technically 3:18</p> | <p>technological 32:14 technology 12:7 14:15,19 39:4 telework 48:24 49:19 teleworking 45:6 50:25 tell 22:22 23:4 37:15 temecula 60:22 tempe 69:20 ten 19:17 45:18 tenuous 18:13 term 18:25,25 19:14 20:13 terms 14:6 17:8,13 20:2 55:15 testify 69:8 testifying 69:7 text 69:11 thank 3:5 4:10,16 5:4 16:9,10,16 20:22 21:23 34:15 36:21 37:19 43:19 43:20 44:24 50:20 53:11 60:17,18 61:6 61:7,18,21,25 65:16 65:17 67:7 68:21 thanks 44:1,2 thereto 69:9 thing 5:18 13:24 15:11 32:16 42:9 51:1 58:18 60:13 65:5 things 4:13 12:2 13:4,9,21 17:8 19:9 22:24 31:6 33:19 34:18 45:22 55:24 57:21 58:8 60:1,3 64:18,20 think 8:22 17:8 35:23,24 36:3,15 38:18 42:16 43:8 49:9 50:23 51:7 57:3,5,8,12,19 58:2 58:6,13,18,22 59:4</p> |
|---|--|---|--|

| | | | |
|---|---|---|---|
| <p>59:11,19,24 62:6,22 63:15,18,20,22 64:5 67:14,24 thinking 14:6 26:20 thought 31:4 thoughts 10:19 11:19 three 3:18 5:23 25:5 47:9,16 57:15 58:10 67:22 thunder 37:22 thursday 67:21 tight 26:2 time 3:21 8:15 9:12 9:16 11:25 12:12 20:15 26:2,4,23 27:21 32:17 34:21 35:10,14 36:22 39:19 41:22 45:9,20 46:9,21 47:5,10 48:5,18,19,19,21 58:24,25 59:9 63:24 66:3 67:16 68:4,8,9 timely 45:22 47:23 times 3:19 31:22 60:13 62:5 today 3:7,24 4:17 14:24 20:11 21:19 24:5 33:25 34:15 37:23 38:5 52:9 61:1 tool 7:2 tools 9:8 top 11:23,25 21:3 37:12 total 42:25 totally 43:15 tough 18:24 65:15 tracie 2:10 track 22:13 tracy 53:9,12 60:18 traffic 45:11 train 46:22,23 trained 8:7</p> | <p>training 5:22 7:12 7:13,19 8:1,11,16 8:20 9:3,5,10,14 10:2 11:16 12:11 14:15 15:12,15,16 15:18,21 37:8,25 38:9,11,13,15,15 39:2,11,18 53:20,21 57:5,6,13,16 58:6,7 58:12,20 59:1,6 transcribe 33:6 transcript 69:12,14 transcripts 23:13 translated 69:11 transparency 4:21 41:17 transparent 4:22 36:13 41:12 travel 20:16 33:24 34:16 48:8 59:10 travels 68:21 tribal 3:11 11:8 15:24 16:6 18:18 23:14,17,20 25:7,16 26:14 31:11,14,20 31:21,23 32:1,8 33:16 34:1 35:14 36:15,16 38:22,23 38:23 39:17 43:16 45:23 47:15 57:10 57:25 58:9,16 62:15 63:3,7 67:3 68:4 tribe 12:10 29:21 30:9 38:13 48:13 60:20,22 61:20 tribes 4:23 6:7,10,19 7:8,23 8:5,9,21 9:1 9:7 10:2,6,9,18,21 11:3,5,11,12 14:19 16:21 23:4,5,24 24:19 25:4,11,18 27:2,9,24 28:19,22 29:18,23,24 30:2,2 30:7,16,23 31:12,13 31:17,19,25 32:6,7</p> | <p>33:21,23 38:9 39:18 40:6,8 41:2,3 43:15 43:18 47:6 49:7,25 55:16 56:7,9,25 57:4 62:5,15,18,21 62:22 63:2,3,10,12 63:16,18,23 64:2,11 64:21,22,25 65:12 65:16 66:2,4,8,12 trouble 67:16 trucking 43:25 true 38:12 63:17 69:13 truly 62:6 63:17,19 trust 12:23 truth 69:8 try 9:11 10:23 15:3 26:4 34:13 56:19 58:25 59:19 65:15 67:5 trying 13:13 21:16 24:25 25:13 35:23 41:23 58:20 68:13 tulsa 15:22 turn 4:5,17 7:10 16:12 22:6 63:5 66:20 67:7 turnover 58:9 twice 33:24 two 5:22 29:23 33:18 34:4 37:3 40:10 48:3,10 50:23 60:13 67:25 type 14:16 55:19 57:5,6 64:8 types 9:23 10:24 50:25</p> | <p>underneath 64:14 understand 10:8 18:12 20:8 22:15 47:4 59:10 undertaking 25:2 unfortunately 29:23 65:3 unheard 31:18 unique 13:9 unnecessarily 52:20 upcoming 21:20 61:25 update 16:14 37:25 updated 29:6 43:3 updates 38:3 updating 20:19 29:16 use 7:2 8:23 12:7,8 12:12 14:18 16:4 35:24 49:12 56:9 useful 38:24 55:4 uses 30:25 utilization 19:11 utilize 26:3 32:24 34:14 36:5 38:21 utilized 42:5 58:8 utilizing 57:16 utmost 8:14</p> |
| | | | v |
| | | | <p>variances 10:23 various 14:1 15:6 35:4 42:12 venue 62:19 versus 64:9 vetted 62:24 vice 2:11 4:4,6,7 6:4 7:11,15 16:10 38:1 38:6 44:15 47:3 54:6,9 55:22 56:5 viejas 53:10,13 view 8:2 violations 8:24 visits 63:10</p> |
| | | u | |
| | | <p>ultimately 8:13 umm 21:7 unanimously 31:13 31:19 undermine 57:9</p> | |

| | | |
|--|---|---|
| <p>vital 55:15 voice 69:10 voluntary 28:23 vote 3:23 20:12 votes 52:14</p> | <p>week's 58:20 welcome 35:13 55:8 went 24:3 65:1 west 47:6,12 wholeheartedly</p> | <p>wyndham 2:3</p> |
| <p style="text-align: center;">w</p> | <p>51:8</p> | <p style="text-align: center;">y</p> |
| <p>walk 7:24 33:14 64:3 wampanoag 61:20 want 4:22 5:7 18:21 19:24 20:23 24:4 33:24 39:14 47:3 51:24 52:21 55:18 56:4 60:7 61:10 62:3 65:15,24 67:24 68:5,8 wanted 21:18 27:15 37:14 38:2 42:19 43:13,21 53:15 washington 19:12 65:25 way 4:25 7:18 17:20 18:8 22:25 26:21 30:1,15,15 32:3 33:14 36:25 40:12 40:13 41:19 48:11 54:23 62:7 64:4 66:14,17 69:17,19 ways 10:14 17:4 32:2 we've 6:3,9 7:1,7,17 14:11 16:19 17:4,15 17:23 18:3,21,22 19:1,1 21:5,19 22:3 25:13 26:15 27:24 28:3 29:23 30:6,9 31:25 37:4 39:24 51:1 65:10,21 68:13 website 6:23 14:25 15:18 23:13 32:24 33:1,4,6,8 week 15:17 22:6 24:1</p> | <p>wide 49:5,6,24 widely 12:8,24 winging 62:3 witness 69:7,9,9 word 54:4 60:13 wording 53:19 words 4:3 53:24 65:18 work 8:8 9:1 15:13 16:7 20:12 21:14 26:24 29:1 35:20,24 36:1,3 37:13 38:5 41:25 43:22,23,23 43:24 44:1,6,7,11 44:14 45:3,4,7,10 45:16,18 46:2,3,5,6 46:8,13,14,15,16,18 46:21,25 47:5,21 48:3,10,18,23,25 49:1,20 50:9,15,17 50:18,25 51:12,13 57:6 59:17 61:22 62:9,10 63:1 65:7 66:10,13 68:6 worked 40:17 41:23 42:23 48:20 working 10:16 13:12 15:2 20:10 32:21 34:11 36:4 38:10,16,20 39:11 39:16 40:7 41:12 45:23 68:8 workings 66:9 works 32:3 49:10 worried 58:5 worthwhile 65:15 writing 69:10 written 23:12 26:11 26:13 33:7 55:10</p> | <p>year 3:19 6:5 19:7 23:2,10 24:12 59:13 60:14 61:6,13 years 17:9 18:20 19:17 29:4,11 40:18 57:15 58:10,21,22 61:25 yesterday 24:3 27:14 young 20:2</p> |
| | | <p style="text-align: center;">z</p> |
| | | <p>zebell 2:15 zone 47:5</p> |