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NATIONAL INDIAN GAMING COMMISSION MEETING,
PUBLIC MEETING
HELD ON JULY 18, 2013, BEGINNING AT 11:00 A.M.
TULALIP RESORT CASINO
10200 QUIL CEDA BLVD.,
TULALIP, WASHINGTON

Job No. NJ1686444

REPORTED BY: Judy Robinson-Hallberg, CCR #2171

P R O C E E D I N G S

* * * * *

CHAIRWOMAN STEVENS: My name is

Tracie Stevens, and I'm the Chairwoman of the National Indian Gaming Commission, the second public meeting of the commission for 2013.

Dan, will introduce.

MR. LITTLE: Good afternoon, everybody.

Or actually, good morning still.

I want to welcome you all today and look forward to hearing any comment the public might have during our public comment period at the end.

So thank you for coming.

CHAIRWOMAN STEVENS: Our public meetings are an opportunity for tribes and the general public to sort of witness the general business of NIGC and also provide public comment about topics that we may be discussing or general business that falls under the NIGC.

If you would like to make public comment, please sign up.

I think there's a sign-up sheet out in the hallway with Rayanne, and we will get to you at the very end, but in the meantime, you should have an agenda.

We will be recording this.

So this is Judy, (indicating) and she is recording

1 this and will transcribe today's meeting.

2 And while I'm here, I'm going to have our staff
3 introduce themselves. I'll start with Christina and we'll
4 come this way.

5 MS. THOMAS: Christina Thomas, the Deputy
6 Chief of Staff for NIGC.

7 MR. CONRAD: Randy Conrad, training
8 manager for NIGC.

9 MR. SHEPARD: Eric Shepard, Acting
10 General Counsel, Office of General Counsel, NIGC.

11 MS. WALTERS: Good morning.
12 Sarah Walters, member of the Cheyenne River Sioux Tribe of
13 South Dakota. Counselor to the Chairwoman of the NIGC.

14 MR. ODLE: A very good morning.
15 Mike Odle, Director of Public Affairs for the National
16 Indian Gaming Commission.

17 CHAIRWOMAN STEVENS: Okay, thank you.

18 So let's get underway with our agenda.

19 We'll go ahead and start with the Chief of Staff
20 Report, if you follow along on your agenda under Item
21 Number 2.

22 I also want to make sure that there is a change to
23 the agenda that we will push our new business. We're going
24 to move the consultation policy to new business, as we have
25 a consultation policy that we need to pass as a commission,

1 just as a note.

2 So we'll go ahead and go with the Chief of Staff's
3 Report.

4 MR. CONRAD: I will be debriefing with the
5 Chief of Staff Report in the absence of Don and Christina
6 not feeling as well as she could.

7 Start off with the training and technical
8 assistance to 2013, statistics as of July 13th. We have
9 held 70 events so far, 895 training hours with 1124 in
10 attendance representing 147 tribes. The current statistics
11 show 96% satisfaction with the training that has been
12 received, which is actually an increase from FY 2012 which
13 had 93% satisfaction rating.

14 The numbers are down slightly because of the
15 departure of NIMISH. So when we pick the regulating gaming
16 technology courses back up in October we'll probably see a
17 rapid increase in the numbers again.

18 New regulations for training and technical
19 assistance training opportunities.

20 The catalogue is currently under review once again
21 for major change to include Part 518 and enhance Part 543.
22 We are currently offering training on our new fees
23 regulation Part 514.

24 It is the number one requested training in the
25 field right now, in the TA requests. We're currently

1 preparing a new regulating gaming technology course through
2 GLI and with our new IT auditor Travis.

3 Are there any questions from the commission on this
4 portion?

5 CHAIRWOMAN STEVENS: No. Please proceed.

6 MR. CONRAD: Agency operations review,
7 strategic plan update. The plan will cover FY 2014 to
8 2018. All public comments and comment made during the
9 consultations were taken into consideration in updating the
10 plan from the drafted plan discussed during those
11 consultation meetings. All comments made by OMB during the
12 review were taken into consideration in updating the plan
13 to its final version that has been presented here today.

14 The time line in April 30th of 2012, NIGC assigned
15 a team to create a draft strategic plan. September and
16 October of 2012, consultations were held. On June 3rd,
17 2013, agencies applicable to GPRA submitted draft plans to
18 ONB. March 13, 2013, NIGC submitted our draft plan.

19 ONB then had four weeks to review and comment on
20 the plan once it was submitted.

21 April 24, 2013, ONB responded to the NIGC plan.
22 And on June 26 we updated our plan based on ONB'S comments
23 and submitted our final version. ONB responded once again
24 the same day stating all issues and concerns were
25 addressed.

1 December 20th of 2013 is the deadline to have the
2 final plan posted to the agency website, posted to Max and
3 submitted to ONB. February 4th of 2014, a letter must be
4 issued to the director of ONB and to Congress notifying
5 them that the final plan is posted to the agency website.

6 Upon approval today, the plan will be posted on our
7 NIGC website resulting in NIGC being far ahead of schedule.

8 Are there any questions?

9 CHAIRWOMAN STEVENS: No. But I do want
10 to say thank you to all staff that has been working on the
11 strategic plan, as we have done major revisions from the
12 previous strategic plan and coordinating with other
13 agencies within the federal government to make sure that
14 our priorities are cemented into the plan moving forward,
15 and also to the tribes for giving comment that has informed
16 our final strategic plan.

17 MR. CONRAD: Thank you.

18 Next order of business is our office move.

19 As we have been discussing, we'll be moving to
20 90 K Street in Washington. The tentative move is currently
21 scheduled to take place the end of October or early
22 November of this year. Occupancy agreement has been
23 received and is close to finalization.

24 That's my understanding.

25 Space build-out plans are also close to being

1 finalized.

2 Are there any questions?

3 CHAIRWOMAN STEVENS: No.

4 MR. CONRAD: The next order of business
5 is policies and procedures. Under new business to be
6 approved are the training and employee development policy
7 which is a brand new policy. The performance appraisal
8 system policy updates 5/23/12. The Mission Statement
9 update, organizational chart update, acting officials
10 policy update and rescinding the NEPA Procedures Manual.
11 NIGC currently has an MOU with BIA to provide these
12 services so we don't need our own.

13 Records management, we are currently working with
14 NARA on headquarters records management which will coincide
15 with our office move.

16 CHAIRWOMAN STEVENS: No questions.

17 Again, I want to thank all the staff that have been
18 working diligently on the office move, on these extensive
19 internal policy and procedures, so that we can better
20 provide all of our employees solid ground on what their --
21 what is expected of them and how we work with them.

22 Please proceed to the next item. Thank you.

23 MR. CONRAD: The final fee rate is the
24 next item. And the 2013 fee rate has been established as
25 .072% which is a reduction from the previous .074%.

1 The 2012 compliance report has been published and
2 is available on the NIGC website. It can be found under
3 the tab "Reading Room" on the web.

4 Other business, within the NIGC staffing since the
5 last public meeting the agency has hired a Director of
6 Public Affairs, Mr. Michael Odle; myself, as the training
7 manager; the Finance Administrative Assistant, Sharon; OGC
8 intern, Stephanie Limki; our new Deputy Chief of Staff,
9 Christina Thomas; and IT Auditor, Travis Waldo, in Tulsa.

10 We also have tentative offers out for a finance
11 specialist in the Oklahoma Region AA.

12 We have job postings that are about to be announced
13 for an audio-visual specialist, director of compliance
14 ongoing, auditor manager and a temporary detail position,
15 in the hopes of having someone detailed to the agency that
16 is a warranted contractor for the United States Government
17 to assist with our move purchases.

18 And I'm sorry. Go ahead.

19 CHAIRWOMAN STEVENS: Please proceed.

20 MR. CONRAD: NIGC has also been
21 recognized as one of the top 12 best very small agencies to
22 work for in the United States Government. The ranking was
23 based on data from the Office of Personnel Management's
24 annual federal employee viewpoint survey that was conducted
25 in April through June of 2012.

1 Pretty impressive, if you ask me.

2 And new business --

3 CHAIRWOMAN STEVENS: We're going to go on
4 to the general Counsel's report, and then we'll come back
5 to new business. Thank you very much, Randy and Christina.

6 MR. SHEPARD: Thank you. Good morning.

7 For final rules that are published in the Federal
8 Register and their effective dates, there's just one on
9 June 20th, the commission published a technical amendment
10 to 518, Part 518, which is a self-regulation to Class 2
11 Gaming.

12 That technical amendment clarifies certain time
13 lines for the review of petitions of self-regulation, and
14 it becomes effective when the entire new Part 518 becomes
15 effective on September 1st, 2013.

16 For notice of proposed rule making there are two
17 amendments to Part 543 that addressed kiosks and
18 surveillance kiosks, and other kiosks.

19 Those were published on February 20th of this year,
20 the comment period closed on April 22nd and the commission
21 is reviewing comments.

22 The second NPRN that's out right now is on
23 electronic One-Touch Bingo systems, and that was the
24 subject of this morning's consultation.

25 There's another consultation scheduled for Oklahoma

1 City following OWIGA on August 14th and the comment period
2 will close on that on August 26th, 2013.

3 CHAIRWOMAN STEVENS: Okay. Thank you
4 very much, Eric.

5 We did move the consultation policy to new business
6 so we'll proceed with new business.

7 MR. CONRAD: Okay. Go ahead. Sorry.

8 CHAIRWOMAN STEVENS: So we have actually
9 a number of items that are up for new business.

10 On the table for adoption first, we have Part 1,
11 Chapter 1, Mission and Vision Statement.

12 Do we have a motion to approve?

13 MR. LITTLE: So moved.

14 CHAIRWOMAN STEVENS: I'll second that.

15 Third motion on the table. There's a motion on the
16 table and second to adopt the Chapter 1, Mission and Vision
17 Statement of our personnel policies.

18 Is there any discussion?

19 MR. LITTLE: Madam Chair, I would request
20 that Mr. Conrad briefly explain the policy.

21 CHAIRWOMAN STEVENS: Hearing no
22 objection, please proceed.

23 MR. CONRAD: The current Mission
24 Statement was actually approved on January 31st, 1997.

25 There have been a significant number of changes

1 within the organization since that time. And our new
2 Mission Statement is updated to reflect the approved
3 Mission Statement that has been added to the strategic plan
4 that we've already discussed.

5 CHAIRWOMAN STEVENS: Okay, great. Thank
6 you.

7 So the question before the commission is the
8 adoption of Part 1, Chapter 1, Mission and Vision Statement
9 of our personnel policies.

10 Those in favorite of adoption, please say aye.

11 ATTENDEES: Aye.

12 MR. HOENIG: Those opposed say no.

13 The motion is adopted. So we will proceed with an
14 effective date for the Part 1, Chapter 1, Mission and
15 Vision Statement.

16 We also have on the table for adoption Part 1,
17 Chapter 2 of the organizational chart.

18 Do I have a motion to approve?

19 MR. LITTLE: So moved.

20 CHAIRWOMAN STEVENS: I'll second that.

21 We have a motion and a second to adopt the Part 1, Chapter
22 2, organizational chart.

23 Is there any discussion?

24 MR. LITTLE: Madam Chair requests that
25 Mr. Conrad briefly explain the policy.

1 CHAIRWOMAN STEVENS: Hearing no
2 objection, we'll proceed.

3 MR. CONRAD: Once again, this is simply a
4 new chart to better visually identify the changes that have
5 occurred within the organization.

6 CHAIRWOMAN STEVENS: Okay. Thank you,
7 Randy.

8 The question before the commission is the adoption
9 of Part 1, Chapter 2, the organizational chart.

10 Those in favor say aye.

11 ATTENDEES: Aye.

12 CHAIRWOMAN STEVENS: Hearing no
13 objection, the motion is adopted.

14 We'll also consider on the table Part 3, Chapter 1,
15 Performance Appraisal Systems.

16 Do I have a motion to approve?

17 MR. LITTLE: So moved.

18 CHAIRWOMAN STEVENS: Seconded.

19 We have a motion on the table and a second. Is
20 there any discussion on Part 3, Chapter 1, appraisal --
21 Performance Appraisal Systems?

22 MR. LITTLE: Madam Chair requests that
23 Mr. Conrad briefly explain the policy.

24 CHAIRWOMAN STEVENS: Please proceed.

25 MR. CONRAD: The approval was May 23rd of

1 2012, and this is simply updating language to ensure that
2 each rating level includes a supervisory narrative for the
3 level that's being used to better identify why we're
4 assigning at certain levels.

5 CHAIRWOMAN STEVENS: Okay. Thank you,
6 Randy.

7 So the question before the commission is the
8 adoption of Part 3, Chapter 1, the Performance Appraisal
9 Systems.

10 All in favor of the policy, please say aye.

11 ATTENDEES: Aye.

12 CHAIRWOMAN STEVENS: Hearing no
13 objection, the policy is adopted.

14 Next on the agenda is Part 3, Chapter 22, Training
15 and Employee Development.

16 Do I have a motion to approve?

17 MR. LITTLE: So moved.

18 CHAIRWOMAN STEVENS: I'll second.

19 Having the motion on the table with the second, is
20 there any discussion?

21 MR. LITTLE: Madam Chair requests
22 Mr. Conrad briefly explain the policy.

23 CHAIRWOMAN STEVENS: Please proceed.

24 MR. CONRAD: The Training and Employment
25 Development Policy is to provide employee development for

1 fostering self-development and recognize self-initiated
2 performance improvements within the organization.

3 It is also to assist employees in achieving the
4 agency mission and performance goals and aid in training of
5 employees in the performance of their official duties.

6 It better identifies the opportunities to develop
7 skills, knowledge, and abilities which will best qualify
8 them for performance of official duties.

9 The policy provides further guidance to these
10 processes, covering responsibilities, planning for
11 training, paying for training expenses, accepting
12 contribution awards and payments from non-government
13 organizations, evaluating training reports and
14 recordkeeping and continued service agreements.

15 BSEE and NIGC's Office of General Counsel have
16 reviewed and provided comments to this policy which was
17 taken into consideration on the arrival.

18 CHAIRWOMAN STEVENS: Thank you, Randy.

19 The question before the commission is the adoption
20 of Part 3, Chapter 22, Training and Employee Development.
21 Those in favor of the adoption of this policy, please say
22 aye.

23 ATTENDEES: Aye.

24 CHAIRWOMAN STEVENS: Hearing no
25 opposition, the motion is adopted.

1 The last policy is Part 4, Chapter 3, Acting
2 Officials.

3 Do I have a motion to approve?

4 MR. LITTLE: So moved.

5 CHAIRWOMAN STEVENS: Having a motion on
6 the table and a second, is there a discussion?

7 MR. LITTLE: Madam Chair requests once
8 again Mr. Conrad briefly explain the policy.

9 MR. CONRAD: And again, this original
10 policy was dated January 31st of 1997. And due to the
11 extensive changes within the organization since then, this
12 is just an update to reflect the agency's current
13 organizational structure.

14 CHAIRWOMAN STEVENS: Thank you, Randy.
15 The question before the commission is the adoption
16 of Part 4, Chapter 3, Acting Officials.

17 Those in favor of the adoption of this policy,
18 please say aye.

19 ATTENDEES: Aye.

20 CHAIRWOMAN STEVENS: Hearing no
21 objection, the motion is adopted.

22 And lastly, we -- for the policies, we need to
23 rescind Part 4, Chapter 10, the NEPA Manual.

24 Do I have a motion to rescind?

25 MR. LITTLE: So moved.

1 CHAIRWOMAN STEVENS: Is there any
2 discussion?

3 MR. LITTLE: Madam Chair for the last
4 time requests Mr. Conrad briefly explain this policy
5 change.

6 MR. CONRAD: Thank you.

7 The NEPA Procedures Manual is actually not
8 necessary. NIGC has an MOU with BIA to provide these
9 services, therefore it's just redundant documentation.

10 CHAIRWOMAN STEVENS: Okay. Thank you,
11 Randy.

12 The question before the commission is the
13 rescission of Part 4, Chapter 10, the NEPA Manual.

14 Those in favor of recision, please say aye.

15 ATTENDEES: Aye.

16 CHAIRWOMAN STEVENS: Hearing no
17 objection, the motion is adopted.

18 Okay, I'd like to turn it over to the -- well,
19 actually we have moved the consultation policy approval to
20 new business. And -- yeah. So I'm just following along.

21 Do I have a motion to approve the consultation
22 policy?

23 MR. LITTLE: So moved.

24 CHAIRWOMAN STEVENS: And I'll second
25 that, with a motion on the table and a second to adopt.

1 Is there a discussion?

2 MR. LITTLE: Madam Chair, I would request
3 that Mr. Shepard please briefly explain this policy.

4 MR. SHEPARD: The consultation policy
5 underscores the commission to enhancing
6 government-to-government relationship between the agency
7 and tribes, and it reaffirms the executive order 13175 and
8 is modeled after the Department of Interior consultations
9 policy, which was adopted in December of 2011 and is -- the
10 consultation was held on the consultation policy in March
11 of this year and comments received from the public were
12 considered.

13 CHAIRWOMAN STEVENS: Okay. Thank you,
14 Eric.

15 The question before the commission is the adoption
16 of NIGC's Consultation Policy.

17 Those in favor of the adoption of the policy,
18 please say aye.

19 ATTENDEES: Aye.

20 CHAIRWOMAN STEVENS: Hearing no
21 objection, the motion is adopted.

22 That is all of our new business.

23 We are going to move on to any individuals who
24 would like to make public comment to the commission.

25 This is intended for individuals to make a brief

1 statement to the commission supported by fact on current
2 issues which are within the jurisdiction of the NIGC. It's
3 not intended to be an open forum for debate. However, the
4 commission may choose to address any issues or comments
5 that are raised or not.

6 We will work on -- off of a sign-up sheet. If we
7 have anyone signed up, please state your name and
8 organization for the record before making your statement.

9 Do we have anyone that was on the list for public
10 comment?

11 MR. PHILLIPS: Nobody signed up
12 previously.

13 CHAIRWOMAN STEVENS: Yes, Eric?

14 MR. SHEPARD: Just a clarification,
15 strategic plan.

16 CHAIRWOMAN STEVENS: Thank you. Sorry.
17 That was completely my fault.

18 So let's go back. As you had heard, we got an
19 update on the strategic plan. That is also up for
20 adoption.

21 Do we have a motion to approve the 2014 to 2018
22 NIGC Strategic Plan?

23 MR. LITTLE: So moved.

24 CHAIRWOMAN STEVENS: With the motion on
25 the table and a second to adopt, is there any discussion?

1 Well, I think we have already discussed this so
2 we're in the process of moving this through to R&B.

3 The question for the commission is the adoption of
4 the NIGC 2014 to '18 strategic plan.

5 Those in favor, please say aye.

6 ATTENDEES: Aye.

7 CHAIRWOMAN STEVENS: Hearing no
8 objection, the motion is adopted.

9 I think that's all of our new business and absent
10 public comment, we can go ahead and go on to our
11 announcements. Which we have a few, some training updates,
12 consultation, et cetera.

13 MR. CONRAD: The upcoming training
14 events, July 23rd in Sacramento Regional Training in
15 Tuolumne, California.

16 COURT REPORTER: Can you spell that?

17 MR. CONRAD: It's spelled
18 T-U-O-L-U-M-N-E.

19 And then again on July 25th. Also, Sacramento
20 Regional Training in Palo, California. Both of those are
21 on the new background investigation procedures.

22 August 20th through the 22nd is the DC regional
23 training which will take place in Hogansburg, New York.
24 And September 19th NIGC will be providing training on
25 several tracks at NTCGR this year.

1 Upcoming meetings, consultation is scheduled for
2 August 14, 2013, following the Oklahoma Indian Gaming
3 Association Conference and Trade Expo in Oklahoma City.

4 That's it.

5 CHAIRWOMAN STEVENS: Okay. Well, that's
6 everything on our agenda. I appreciate everybody attending
7 and listening.

8 For more information about all of these items that
9 we've discussed, you can go to our website at NIGC.gov.
10 For training you can sign up there. You can do training
11 requests on our website. You can get the information on
12 the consultation and their upcoming, any of the final rules
13 that we've recently adopted.

14 And our strategic plan as well, as that is going to
15 be posted soon.

16 Always feel free to contact us or your region, if
17 you need assistance in any way with your regulatory bodies,
18 your operation, your facilities.

19 We are always happy to help.

20 I'll turn it over to Dan for some closing remarks.

21 MR. LITTLE: Well, I just want to thank
22 you all for coming today.

23 And I do want to say, probably for the last time,
24 as our Chairwoman at a public meeting here, I just want to
25 thank you, Tracie, for your service to the agency, to

1 Indian country, and what has been accomplished over the
2 last three years at this agency, with all the new business
3 that we've been working on, could only have come about
4 because of your steady leadership.

5 You should feel very, very confident that, you
6 know, after your leave you put some fantastic processes
7 that the mission of the agency will continue to move
8 forward. You know, working on the great work that you've
9 done and Indian country will forever be better because of
10 your service.

11 So I just want to publically thank you for your
12 commitment, moving to the East Coast, leaving this
13 beautiful part of the country and dedicating your
14 profession to Indian country.

15 So thank you.

16 CHAIRWOMAN STEVENS: Thank you, Dan, for
17 those kind words. And it has been a pleasure and an honor
18 to work with you, and it has been a whole lot of fun, more
19 than anything. I say that literally and with a little bit
20 of sarcasm.

21 It has been quite a journey and I appreciate
22 everybody. And when I say "everybody," I mean the staff.
23 Everybody that has come and gone in our staff. All of the
24 tribes for keeping up with us because we did have a very
25 aggressive agenda, and working with us when we didn't

1 agree, but we did not part being disagreeable, and we're
2 able to move on where we agreed and even where we did not
3 agree.

4 And so that is a reflection of my upbringing
5 inherent to Tulalip and, you know, how my people are.

6 And I hope that I'm a good reflection of my people.

7 So with that, I hope to see you all in Oklahoma or
8 at least see your comments.

9 Again, feel free to contact us if you need anything
10 at all from all of us.

11 So, in my language, thank you. And my hands go up
12 to all of you. This meeting is adjourned.

13 (The proceedings were concluded at
14 11:45 a.m.)

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I further certify that I am sealing the proceeding in an envelope with the title of the above-referenced cause thereon and marked "Proceeding" with the name of each witness and promptly delivering the same to the appropriate party or parties.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Washington State CCR Seal this 28th day of July, 2013.

Washington State Certified Court Reporter
WA CCR No. 2171
License effective until: 11/4/16.
Residing at Federal Way, Washington

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