



MAR 15 2001

Honorable Bob Guenthardt  
Chairman, Little River Band of Ottawa Indians  
1762 U.S. 31 South  
Manistee, MI 49660

Dear Chairman Guenthardt:

This letter responds to your request to the National Indian Gaming Commission (NIGC) to review and approve the Little River Band of Ottawa Indians' (Band) amendments to the Tribe's Gaming Ordinance, which was submitted on January 19, 2001. The Band, by Resolution No. 00-1212-01 on December 12, 2000, adopted the amendments to the ordinance. The Chairman of the National Indian Gaming Commission on January 28, 1997, approved the original ordinance. This letter constitutes approval of the amendments under the Indian Gaming Regulatory Act (IGRA). Such approval does not constitute approval of specific games. It is important to note that the gaming ordinance is approved for gaming only on Indian lands, as defined in the IGRA, over which the Band exercises jurisdiction.

Thank you for submitting the amendment to the tribal gaming ordinance of the Little River Band of Ottawa Indians for review and approval. The NIGC staff and I look forward to working with you and the Band in implementing the IGRA. If you have questions or require further assistance, please contact Ms. Frances Fragua at 202/632-7003.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Montie R. Deer".

Montie R. Deer  
Chairman

cc: William J. Brooks, Tribal Attorney  
Little River Band of Ottawa Indians



**Little River Band of Ottawa Indians**

1762 U.S. 31 South  
Manistee MI 49660  
(231) 723-8288

Resolution No. #00-1212-01

**Approving Amendments to Sections 1.15, 4.04, 4.05, 4.06 and 5.01  
of the Gaming Ordinance and  
Authorizing Submission of Those Amendments to the  
National Indian Gaming Commission**

WHEREAS, the Tribe's status as a federally-recognized Indian tribe was reaffirmed and restored by Congress pursuant to Public Law 103-324, 108 Stat. 2156 (25 U.S.C. §1300k et seq.)(hereinafter "Little River Act"); and

WHEREAS, the Tribe adopted a new Constitution, pursuant to a vote of the membership on May 27, 1998, which Constitution became effective upon its approval by the Assistant Secretary-Indian Affairs on July 10, 1998; and

WHEREAS, the Tribal Council, pursuant to Article IV, 7 of the Constitution has the power to enact ordinances and resolutions to promote the general welfare of the Tribe and its members; and

WHEREAS, the Tribal Council did, on March 25, 1999, recodify and amend the Tribal Gaming Ordinance, Ordinance No. 97-400-01, Ordinance was approved by the National Indian Gaming Commission; and

WHEREAS, the Tribal Council has, in consultation with the Gaming Commission, recommended certain amendments to the Gaming Ordinance to clarify and correct provisions intended to address conflicts of interest by Commissioners; and

WHEREAS, the Tribal Council believes that the amendments proposed will protect the integrity of the Gaming Commission, while permitting a greater number of Tribal members to qualify for appointment to the Commission.

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby approves the following revisions to the Tribal Gaming Ordinance:

- a. The definition of "Immediate family" is amended to read as follows:

1.15. *Immediate family.* "Immediate family" means with respect to the person under consideration, a husband, wife, father, mother, son, daughter, brother, sister, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister **or other persons residing in the same household.**

- b. The criteria for disqualification of applicants for appointment to the Gaming Commission set forth in Section 4.04, are amended to provide as follows:

4.04. *Background Investigation.* Before any applicant may be appointed to serve on the Gaming Commission, the Tribal ~~Ogema Council~~ shall perform or arrange to have performed a comprehensive background check on each prospective member. **The results of the background checks shall be submitted to the Tribal Council when the Tribal Ogema submits his/her request for appointment.** No person shall serve as a Commissioner if:

- (a) That person's prior activities, criminal records, if any, or reputation, habits or associations:
- (i) Pose a threat to the public interest; or
  - (ii) Threaten the effective regulation and control of gaming; or
  - (iii) Enhance the dangers of unsuitable, unfair, or illegal practices, methods, or activities in the conduct of gaming;  
or
- (b) That person has been convicted of or entered a plea of nolo contendere to a felony or any gaming offense in any jurisdiction or to a misdemeanor involving dishonesty or moral turpitude; or
- (c) That person has a present financial interest in the conduct of any Gaming Enterprise;
- (d) **That person is an employee of the Gaming Commission;**
- (e) That person has a member of his immediate family, residing in the same household, who is employed as a **primary management official or key employee** by any Gaming Enterprise regulated by the Gaming Commission; or
- (f) **Fails to disclose a conflict of interest, as defined in Section 4.05.**

In the event a disqualifying event, as defined in paragraph (c), (d) or (e) of this Section 4.04 occurs after the date a person's appointment to the Gaming Commission has been confirmed by the Tribal Council, that Commissioner may continue to serve on the Commission for up to 120 days after the date the disqualifying event occurred so that the Tribal Ogema may begin the process of submitting a new candidate for appointment to the Gaming Commission. In the event of any other disqualifying event, as defined in this Section, the Tribal Council may take immediate steps to remove that Commissioner.

The conflict of interest provisions in Section 4.05 are amended to permit Tribal members, whose immediate family members are employed at a gaming facility regulated by the Tribe, to serve on the Gaming Commission provided such family members do not reside in the same household and the member discloses all potential conflicts of interest. New language would be added to this Section requiring Commissioners to refrain from participating in decisions that involve a conflict of interest. The amended Section 4.05 would read as follows:

**4.05. Conflict of Interest.** ~~No person shall serve as a Commissioner if that person or any member of his immediate family has a financial interest in any management contract to which the Tribe is a party or that person or any member of his immediate family is a key employee of or has a financial interest in any Gaming Service business, or if s/he has any other similar personal or legal relationship which creates a conflict of interest.~~ No person shall serve as a Commissioner if that person is a member of the Tribal Council or a judge of the Tribal Court. **Persons nominated for appointment to the Gaming Commission must, prior to his/her appointment, disclose the names and addresses of his/her immediate family members, whether such immediate family members are employed at any Gaming Enterprise regulated by the Gaming Commission, and whether he/she or a member of his/her immediate family has a financial interest in any Gaming Service business. Gaming Commissioners are prohibited from participating in making decisions, which involve balancing personal financial interests or the interests of members of that Commissioner's immediate family, other than interests held in common by all Tribal members, against the interests of the Gaming Commission or the Tribe. Failure to disclose a conflict of interest, or to refrain from participating in decisions that involve a conflict of interest, shall be grounds for removal of a Commissioner pursuant to Section 4.07 of this Ordinance.**

- c. New language would be added to Section 4.06, requiring execution of a written oath of office, which would read as follows:

**4.06. Oath of Office.** Immediately upon appointment, the Tribal ~~Chairperson or~~ Ogema shall administer the oath of office to the members of the Gaming Commission which oath of office shall include a commitment to uphold the Constitution and laws of the Little River Band of Ottawa Indians and to perform faithfully and diligently the duties and responsibilities of the Gaming Commission.

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Each person appointed to the Gaming Commission shall sign an oath of office, which designates the date of that appointment and the date upon which that appointment expires.

- d. New language would be added to Section 5.01(c), to permit Gaming Commissioners to receive a stipend or other compensation, provided those amounts are included in the budget approved for the Commission, which would read as follows:

5.01. *Meetings.*

(a) *Regular Meetings.* The Gaming Commission shall hold at least one regular monthly meeting which shall take place at a suitable time and place determined by the Gaming Commission.

(b) *Special meetings.* Special meetings may be called at the request of the Chairman of the Gaming Commission or three (3) members of the Gaming Commission.

(c) *Compensation of Commissioners.* **Commissioners may receive a stipend for their service on the Commission in accordance with the budget approved for the Gaming Commission** ~~Any honorarium may be paid for attendance at each meeting or hearing date.~~

IT IS FURTHER RESOLVED THAT the Tribal Council hereby directs the Tribal Attorney to submit a copy of this Resolution, together with a copy of the proposed amendments to the National Indian Gaming Commission requesting the Chairman's approval of these amendments.

**CERTIFICATE OF ADOPTION**

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 6 FOR, 0 AGAINST, 3 ABSENT, and 0 ABSTAINING, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held at the Little River Band Community Center on December 12, 2000, with a quorum being present for such vote.



Charles Fisher, Council Recorder



Attest:

Joan Spalding, Council Speaker