Your Role on the Tribal Gaming Board of Directors

Source: Gaming Ordinance of the Hannahville Indian Community, No. 05-15-00-A, As Amended (adopted July 24, 2000). Citations are to ordinance sections. Later amendments may change these rules.

Purpose

- The Board regulates all gaming on Hannahville lands. [Sec. 4.1]
- It acts as an independent regulator for the Tribe. [Sec. 4.4]
- Regulating is kept separate from running the casino. The Board regulates. The General Manager runs day-to-day operations. [Sec. 1.3(C); Sec. 9.1(B)]
- Main jobs: issue licenses, make rules, inspect, investigate, hold hearings, do background checks, oversee surveillance. [Sec. 4.18(H), (Q), (R), (AP), (AX); Sec. 4.20(A)(5)]
- Council cannot overturn a Board decision on a regulatory matter. Only Tribal Court can. [Sec. 4.25]

Who Appoints Members

- Members are not appointed. Tribal members elect all 7 directors at regular tribal elections. [Sec. 4.11(A)]
- Council appoints only to fill an open seat, by resolution. It must pick the next-highest vote-getter from the last Board election. [Sec. 4.11(D); Sec. 4.16(B)]
- To qualify: be a tribal member, live on tribal lands, and pass a background check before your name goes on the ballot. [Sec. 4.11(B); Sec. 4.11(C)(4)]
- You cannot sit on Tribal Council and the Board at the same time. [Sec. 4.11(A)]
- Sign a confidentiality agreement before taking office. [Sec. 4.11(D)]

Terms

- Each term is 2 years. [Sec. 4.12]
- Staggered: 3 seats end in odd years, 4 in even years. [Sec. 4.12]
- Take office within 10 days after the election. [Sec. 4.11(D)]
- An appointee serves out the rest of the term. [Sec. 4.16(B)]
- Council may remove a director for cause, after written notice at least 10 days ahead and a hearing. [Sec. 4.16(A)]
- Term limits: **NOT IN DOCUMENT – ask Council**

Quorum

- A quorum is 4 members. [Sec. 4.14(D)]
- Regular meetings: 1st and 3rd Wednesday, unless the Board sets other dates. [Sec. 4.14(A)]
- Special meetings: called by Council, the Chair, the Vice Chair, or 4 members. Chair or Vice Chair must be present. [Sec. 4.14(B)]
- Whether non-voting (ex-officio) members count toward quorum: **NOT IN DOCUMENT – ask Council**

Voting

- Questions are decided by majority vote. [Sec. 4.14(E)]
- The Chair votes only to break a tie. [Sec. 4.14(E)]
- Whether "majority" means members present or the full Board: **NOT IN DOCUMENT – ask Council**
- A Board rule only counts if adopted by written resolution and filed with the Tribal Secretary and Tribal Court Clerk. [Sec. 4.20(B)]

Conflicts of Interest

- You cannot serve if you or any immediate family member has a financial interest in any gaming business. [Sec. 4.17; Sec. 4.11(C)(3)]
- Or if any business, personal, or legal tie conflicts with your duties. [Sec. 4.17]
- "Immediate family" includes in-laws, step-relatives, and half-siblings. [Sec. 2.23]
- You may not work at, or play games at, a tribal gaming facility. [Sec. 4.11(B)]
- No loans, financing, or anything of value between a director and anyone involved in gaming. [Sec. 8.2(E)]
- Breaking confidentiality leads to removal. [Sec. 4.18(AX)]
- How to disclose a conflict or step out of a vote: **NOT IN DOCUMENT – ask Council**

> **Challenge:** The ordinance gives two rules for breaking confidentiality. One says it "may" lead to removal. The other says it "shall." Which one should the Board follow, and who decides? [Sec. 4.11(D); Sec. 4.18(AX)]

Who the Board Reports To

- The Tribal Council, which created the Board. [Sec. 4.1]
- Monthly report on the health of gaming from a regulatory view. [Sec. 4.18(BD)]
- Quarterly written report summarizing the managers' reports. [Sec. 4.26]
- Copies of minutes that are not confidential. [Sec. 4.15]
- A yearly budget. [Sec. 4.19]
- The Board needs Council's written OK to sue or waive immunity. [Sec. 4.18(Y); Sec. 4.7]

Discussion Questions

1. Council funds your budget and can remove you, but cannot overturn your rulings. How do you stay independent in practice?
2. Your sister-in-law is hired as a key employee at the casino. Is that a conflict under the ordinance? What should you do?
3. The ordinance never says how a director steps aside on a conflict. What procedure should the Board write into its own rules?