



DEC 29 1997

Honorable Phil Shopodock  
Chairman, Forest County Potawatomi Community  
P.O. Box 340  
Crandon, Wisconsin 54520

Dear Chairman Shopodock:

This letter responds to your request to review and approve the amendment to the tribal gaming ordinance of the Forest County Potawatomi Community (Community). The amendment to the ordinance was adopted by the Community by Resolution GC008-97 on October 25, 1997, and approved by the Chairman of the National Indian Gaming Commission (NIGC) on November 8, 1993. This letter constitutes approval under the Indian Gaming Regulatory Act (IGRA).

Under the IGRA and the regulations of the NIGC, the Chairman is directed to review amendments to ordinances with respect to the requirements of the IGRA and the implementing regulations. Thus, the scope of the Chairman's review and approval is limited to the requirements of the IGRA and the NIGC regulations.

Thank you for submitting the amendments to the tribal gaming ordinance of the Forest County Potawatomi Community. The NIGC staff and I continue to look forward to working with you and the Community in implementing the IGRA.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Tadd M. Johnson".

Tadd M. Johnson  
Chairman



# Forest County Potawatomi Community

P.O. Box 340, Crandon, Wisconsin 54520

Phone: 715-478-2903

Fax: 715-478-5280

Resolution No. GCO08-97

WHEREAS, the Forest County Potawatomi Community is a duly constituted Tribal Government in accordance with all the provisions of the Forest County Potawatomi Constitution and By-Laws adopted on June 5, 1982 pursuant to the Indian Reorganization Act of June 18, 1934 (P.L. 73-383), AND

WHEREAS, the Forest County Potawatomi Community (Tribe) has adopted the Gaming Control Ordinance, amending the Bingo Control Ordinance, and the Class II and Class III Gaming Control Ordinance, AND

WHEREAS, the Tribe in various meetings duly called and held, and more specifically on April 29, 1995, and May 13, 1995, discussed the Tribe's gaming issues; specifically issues of budgeting, accountability, and authority directly flowing from the current Gaming Control Ordinance, and thereby passed motions at said meetings directing that the Tribe's Gaming Commission be placed under the Tribe's Executive Council and that the Gaming Control Ordinance be amended to reflect the same, AND

WHEREAS, the Tribe, pursuant to said motions, approved an amendment to its Gaming Control Ordinance on July 2, 1997, which amendment was submitted to the National Indian Gaming Commission ( Commission) for approval, AND

WHEREAS, the Commission disapproved the amendment and suggested certain provisions be changed, AND

WHEREAS, such changes were made pursuant to the Commission's recommendations and which are reflected in the attached Amended Gaming Control Ordinance, AND

RESOLVED, that the Forest County Potawatomi Community, is in a session duly called and held on October 25, 1997, hereby approves the modifications to the Amended Gaming Control Ordinance as attached and direct the Executive Council to submit the same to the National Indian Gaming Commission for approval

## CERTIFICATION

I, Lorna Shawano, the undersigned Secretary of the Forest County Potawatomi Community do hereby certify that 97 members constituted a quorum at a meeting duly called, convened, and held on the 25<sup>th</sup> day of October, 1997 and that said resolution was duly adopted by an affirmative vote of 80 members for, 3 members against, and 2 members abstaining and that said resolution was not rescinded or amended in anyway.



POTAWATOMI  
(Keeper of the Fire)

# *Forest County Potawatomi Community*

*P.O. Box 340, Crandon, Wisconsin 54520*

*Phone: 715-478-2903*

*Fax: 715-478-5280*

*Lorna Shawano*

Lorna Shawano

Tribal Secretary

Forest County Potawatomi

**FOREST COUNTY POTAWATOMI COMMUNITY**

\* \* \*

**AMENDED GAMING CONTROL ORDINANCE**

OCT 29 1997

**BE IT ENACTED**, by the General Council of the Forest County Potawatomi Community, acting pursuant to the authority vested in it by Article VI, Section 1, of its Constitution, that all gaming operations conducted by the Forest County Potawatomi Community be governed by the following provisions.

**CHAPTER I. GENERAL PROVISIONS AND PURPOSE**

Section 101. This Ordinance shall be known as the Amended Gaming Control Ordinance of the Forest County Potawatomi Community ("Tribe") amends the Gaming Control Ordinance, the Bingo Control Ordinance, and the Class II and Class II Ordinances, adopted by the General Council of the Forest County Potawatomi Community and rescinds any portions of those ordinances which are inconsistent with this ordinance.

Section 102. The intent of this ordinance is:

(1) to provide a statutory basis of promoting tribal economic development, self-sufficiency, and a strong tribal government; and,

(2) to provide appropriate regulations and rules, which shall be strictly and uniformly enforced throughout the jurisdiction of the Forest County Potawatomi Community to ensure the close control by its Gaming Commission, under the direction of the Tribe's Executive Council of the regulation of its gaming operations.

Section 103. The Tribe shall have the sole proprietary ownership of, interest in, and responsibility for all Class II and Class III gaming activities conducted on the Tribe's lands pursuant to 25 C.F.R. Part 522.4(b)(1).

Section 104. The regulations and rules set forth in the Tribe's gaming Ordinances shall govern all gaming operations conducted on the Tribe's lands.

Section 105. This Ordinance may be amended by a majority vote of the Forest County Potawatomi Community General Council at any time.

## CHAPTER 2. DEFINITIONS

For purposes of this ordinance:

Section 201. "Class II gaming" means Class II gaming as defined in accordance with the IGRA, 25 U.S.C. sec. 2703(7)(A).

Section 202. "Class III gaming" means Class III gaming as defined in accordance with the IGRA, 25 U.S.C. sec. 2703(8).

Section 203. "Compact" means any compact between any state and the Tribe entered into pursuant to the IGRA, including any amendments thereto.

Section 204. "Executive Council" means the executive governing body of the Tribe, duly elected and authorized in accordance with the Constitution of the Tribe.

Section 205. "Gaming Commission" means the Forest County Potawatomi Community Gaming Commission established pursuant to the Gaming Control Ordinance, adopted on February 1, 1993, and amended pursuant to this Amended Gaming Control Ordinance adopted on July 12, 1994.

Section 206. "General Council" shall mean the General Council of the Forest County Potawatomi Community, as that body is defined in the Constitution of the Community.

Section 207. "Gaming Enterprise" means all of the Tribe's Class II and Class III gaming operations conducted pursuant to this Ordinance. "Gaming Enterprise" means each economic entity that is licensed by the Tribe, operates the games, receives the revenues, issues the prizes, and pays the expenses.

Section 208. "Gaming Facilities" means the buildings and associated real property within which the Tribe conducts Class II and Class III gaming and other associated commercial activity related to such gaming.

Section 209. "General Manager" means the individual who has responsibility for day-to-day operations of a Gaming Enterprise.

Section 210. "Household Member" means a person currently residing in a household on a consistent basis and treated as a member of the family residing in the household;

Section 211. "IGRA" means the Indian Gaming Regulatory Act, Pub.L. 100-497, 25 U.S.C. §§. 2701, et seq.

Section 212. "Immediate Family Member" means a spouse, parent, child, or Household Member.

Section 213. "Immediate Relative" means a spouse, sibling, parent, grandparent, child, or grandchild, whether by blood, adoption, or legal relation.

Section 214. "Key Employees" mean the following persons;

(a) All persons performing one or more of the following functions in any of the Gaming Enterprises:

- (i) bingo caller;
- (ii) counting room supervisor;
- (iii) chief of security;
- (iv) custodian of gaming supplies or cash;
- (v) floor manager;
- (vi) pit boss;
- (vii) dealer;
- (viii) croupier
- (ix) approver of credit; or
- (x) custodian of gaming devices including persons with access to cash and accounting records within such devices.
- (xi) surveillance personnel;
- (xii) accounting staff;
- (xiii) any person with authority to disburse funds for, or approve shipments of, materials or supplies; and,

(b) If not otherwise included, any other person whose total cash compensation is in excess of \$50,000 per year; or

(c) If not otherwise included, the four most highly compensated persons in each Gaming Enterprise.

Section 215. "Management Contract" means any contract, subcontract, or collateral agreement between an Indian Tribe and a contractor or between a contractor and a subcontractor, if such contract or agreement provides for the management of all or part of the gaming operation.

Section 216 "Net Revenues" means gross gaming revenues of an Indian Gaming operation less -- (a) amounts paid out as, or paid for, prizes and (b) total gaming-related operating expenses, excluding management fees.

Section 217. "NIGC" means the National Indian Gaming Commission" established pursuant to the IGRA, 25 U.S.C. §sec. 2704.

Section 218. "Ordinance" means this Gaming Control Ordinance.

Section 219. "Person" means any individual or entity, including any corporation or general or limited partnership.

Section 220. "Premises" means any place, facility, or location on the Tribe's Lands at which Class II or Class III gaming is conducted.

Section 221. "Primary Management Official" means

- (a) The person having management responsibility for a Management Contract;
- (b) Any person who has authority:
  - (i) To hire and fire employees; or
  - (ii) To set up working policy for the Gaming operation; or
- (c) The chief financial officer or other person who has financial management responsibility.

Section 222. "Tribe" means the Forest County Potawatomi Community, any of its subdivisions, enterprises, agencies, or instrumentalities, corporations chartered under federal, state, or tribal law, which are wholly owned by any of the foregoing, and authorized officials, agents, and representatives of any of the foregoing.

Section 223. "Tribe's Lands means:

- (a) All lands within the limits of the Forest County Potawatomi Community reservation;
- (b) All lands held in trust by the United States for the benefit of the

Tribe as of October 17, 1988; and,

- (c) All lands which may be acquired in trust by the United States for the benefit of the Tribe after October 17, 1988, over which the Tribe exercises governmental power, and which meet the requirements of section 20 of the IGRA, 25 U.S.C. §2719.

### **CHAPTER 3. AUTHORIZATION OF GAMING ACTIVITIES**

Section 301. Authority for Class II Gaming. The Tribe shall be authorized to conduct all forms of Class II gaming on the Tribe's Lands.

Section 302. Authority for Class III Gaming. The Tribe shall be authorized to conduct the following types of Class III gaming on the Tribe's Lands:

- (a) Electronic games of chance with video facsimile displays;
- (b) Electronic games of chance with mechanical displays;
- (c) Blackjack;
- (d) Pull-tabs or break-open tickets when not played at the same location where bingo is being played; and
- (e) Any other type of Class III gaming conducted pursuant to the terms of the Tribe's Compact.

The Compact is hereby incorporated within and enacted as an integral part of this Ordinance with respect to all forms of Class III gaming as if set forth in full herein; provided, however, that nothing in the adoption of the Compact herein shall be deemed to affect the operation by the Tribe of any Class II gaming, whether conducted within or without the gaming facilities, or to confer upon any state any jurisdiction over such Class II gaming conducted by the Tribe on the Tribe's Lands.



Section 303. Authority for Management and Other Contracts. The Tribe may enter into any contracts or other agreements to further its gaming interests, including one or more Management Contracts. Each Management Contract shall designate the person or persons having responsibility for management of all or part of any Gaming Enterprise. Management Contracts and other gaming-related contracts shall contain such provisions as are required under the IGRA, the implementing NIGC regulations, the Compact, and shall be submitted to the NIGC or other appropriate federal regulatory body for approval as required by the IGRA, and shall be submitted to the Lottery Board or other appropriate state regulatory body for approval as required by the Compact. All such contracts shall not be effective until approved by the NIGC, other appropriate federal regulatory body, and/or the Lottery Board or other appropriate state regulatory body.

#### **CHAPTER 4. CONFORMANCE WITH IGRA AND COMPACT**

This Ordinance shall be construed in a manner that conforms to the IGRA and the Compact in all respects, and if inconsistent with the IGRA or the Compact in any manner, the provisions of the IGRA or the Compact, respectively, shall govern.

#### **CHAPTER 5. STANDARDS OF OPERATION AND MANAGEMENT**

Sec. 501. Class II Games. The Tribe shall abide by its standards of operation and management for bingo and other Class II games duly adopted to protect the integrity of such games. The standards of operation and management for Class II games shall hereby provide, at a minimum, that:

- (a) No person under the age of 18 shall be permitted to participate in any Class II gaming operations as an employee, contractor, or player.
- (b) The rules by which the game will be conducted and the winner or winners determined shall be established in advance of the game and shall be visibly displayed or available in pamphlet form in the Gaming Enterprise.

Sec. 502. Class III Games. The standards of operation and management for Class III games shall be those set forth in the Compact. The Tribe may amend its standards of operation and management for Class III games that are no less stringent than, nor otherwise inconsistent with, the Compact.

#### **CHAPTER 6. PUBLIC SAFETY STANDARDS**

Sec. 601. The construction, maintenance, and operation of any gaming facility, shall be conducted pursuant to 25 C.F.R. sec. 522.4(b)(7) and in a manner that adequately protects the environment and the public health and safety and for that purpose shall comply with the requirements of the Compact and all applicable health, safety and environmental standards

enacted by the Tribe and all applicable state and federal laws. Those public health and safety standards for public buildings, electrical wiring, fire protection, plumbing and sanitation that are set forth in Chapters 101 Wis. Stats and the administrative rules adopted thereunder, including but not limited to CHS. ILHR 14 Fire Prevention, 16 Assembly Halls, and 8186 Plumbing, Wis. Admin. Code, as they may be amended from time to time, shall be deemed to be incorporated by this Ordinance as the laws of the Tribe applicable to the Tribe's gaming facilities located in the State of Wisconsin.

## **CHAPTER 7. NET REVENUES**

Sec. 701. The Net Revenues from any games shall be exclusively devoted to the purposes authorized by the Forest County Potawatomi Community.

Sec. 702. The Net Revenues are not to be used for purposes other than: (a) to fund tribal government operations or programs; (b) to provide for the general welfare of the Tribe and its members; (c) to promote tribal economic development; (d) to donate to charitable organizations; or, (e) to help fund operations of local government agencies.

Sec. 703. If the Tribe chooses to issue Per Capita payments, the interests of minors and other legally incompetent persons who are entitled to receive per capita payments will be protected and preserved as required by the IGRA.

## **CHAPTER 8. FOREST COUNTY POTAWATOMI COMMUNITY GAMING COMMISSION**

Sec. 801 Establishment of Commission.

The duly-created Gaming Commission, pursuant to the Gaming Control Ordinance, adopted on July 24, 1993, establishing nine (9) members, shall now be established at five (5) members. The terms of the remaining five members shall be unaffected by this Amended Ordinance. The term of all members shall be four years. If any Gaming Commissioner's term has not been renewed upon his or her anniversary date, that term shall be deemed expired on the anniversary date, and the position will be considered vacant.

Sec. 802. Qualifications. In order to qualify for appointment to the Commission, an applicant must satisfy all of the following requirements:

- (a) Be an enrolled member of the Tribe.
- (b) Be age 21 or older.
- (c) Have at least a high school or GED equivalent education and have knowledge of or experience in the gaming industry.
- (d) Have no prior record of conviction of, or entry of a plea of guilty or no contest to, any of the following in any tribal, county, state, or federal court, unless he or she has been pardoned; or the Tribe has opted to waive such restriction by legislative resolution pursuant to Article IX, Section B of the Gaming Compact.

- (i) A felony; within the last 10 years other than those crimes or acts indicated in (d) (ii), (iii) and (iv);
  - (ii) Any gaming-related offense;
  - (iii) Fraud or misrepresentation in any connection;
  - (iv) A violation of any provision of Chs. 562 or 565, Wis. Stats., any rule promulgated by the Lottery Board, Wisconsin Racing Board or other appropriate state regulatory body, or this Ordinance or any other ordinance of the Tribe regulating or prohibiting gaming;
- (e) Not be serving on the Executive Council or any elected or appointed committees of the Tribe at the time of his or her appointment to, or during his or her term of office on, the Commission. This prohibition does not include persons serving on Area or local committees;
- (f) Not be employed by any Gaming Enterprises, and not be a Primary Management Official or Owner or Controlling Person with respect to any Management Contract.
- (g) Have satisfied restrictions under Chapter 11. "Conflicts of Interest," herein.

Sec. 803. Term; Quorum. The Commissions. A majority of the acting Commissioners present at a meeting duly called shall constitute a quorum.

Sec. 804. Compensation. Commissions shall serve on a full-time basis and will be compensated for their time on a salary basis as determined by the General Council from time to time.

Sec. 805. Removal/Suspension. Any Commissioner may be removed or suspended by an affirmative majority vote of the members voting of the General Council at a regular or duly called special meeting of that body. Such action may be recommended upon a majority vote of the Executive Council or by any member of the Forest County Potawatomi Community upon submission to Executive Council of a petition signed by at least 10 of the qualified voters of the Community. Such removal shall only be for cause, including malfeasance, dereliction or neglect of duty, unexcused failure to attend three successive meetings of the Commission, failure to continue to meet the qualifications for appointment to the Commission, conviction of a felony in any tribal, county, state or federal court, while in office, any willful and persistent misconduct reflecting on the dignity and integrity of the Executive Council or the Tribe, or failure to comply with any provisions of the Tribe's Constitution and By-laws, this Ordinance, and any other applicable laws. Any Commissioner being considered for removal may be suspended with or without pay by the Executive Council pending final determination by General Council. In cases of removal and suspensions, said Commissioner shall be provided with prior notice in writing stating the grounds and evidence supporting such grounds for removal, and he or she shall have 30 days to provide an explanation to the Executive Council in person or in writing, which explanation shall be considered by the General Council in voting on the question within 180 days of the date of suspension or removal notice. If a General Council meeting does not convene within 180 days to decide the removal or suspension charge(s), said Commissioner(s) will be deemed to have been reinstated, all charges will be deemed to be dismissed with prejudice, and all back pay will be reinstated. Judicial review of such General Council determinations may be obtained by bringing an appeal in tribal court within 15 days after the date of the General Council's determination.

Sec. 806. Vacancies. A vacancy on the Commission through death, resignation, term expiration, or removal from office shall be filled by appointment within 30 days by the Executive Council to complete the unexpired term.

Sec. 807. Powers and duties of Commission. The Commission shall have the following powers and duties:

- (a) The Commission shall have primary responsibility for developing policies, guidelines, and regulations for Class II and Class III gaming on the Tribe's Lands, and for recommending to the General Council that the General Council adopt such policies, guidelines, and regulations.
- (b) The Commission shall monitor all Class II and Class III gaming on the Tribe's Lands and all monthly reports and annual audits of such activities to insure that such activities conform to the provisions of this Ordinance and other applicable laws.
- (c) The Commission shall issue and revoke gaming licenses in accordance with the Tribe's Rules of Licensing Procedures as adopted by the Forest County Gaming Commission on 2/10/95 and on 2/11/95 by the General Council.

- (d) The Commission shall investigate all alleged violations of this Ordinance.
- (e) The Commission shall report to the Executive Council penalties imposed for violations of this Ordinance in accordance with Chapter 14 of this Ordinance and any other actions to enforce the provisions of this Ordinance or to enjoin or otherwise prevent any violation of this Ordinance or other laws relating to gaming on the Tribe's Lands.

- (f) The Commission shall prepare and recommend an annual budget for purposes of allocating funds to the Commission for necessary activities and expenses, which must be approved by the Executive Council, prior to General Council's final approval, during its annual process of approval of tribal budgets. The Commission may, in accordance with an approved budget, employ such staff from time to time as it deems necessary to fulfill its responsibilities under this Ordinance, and may retain professional services, other than legal counsel, including investigative services to assist the Commission with respect to any of the issues over which the Commission exercises jurisdiction.
- (g) In addition to any procedures required under the Tribe's property and procurement manual or policies, and except as limited under any Management Contracts or other gaming-related contracts, all gaming-related purchases in the amount of \$5,000 or less that have not been included in the approved budget shall be subject to approval by the Commission, and all gaming-related purchases in excess of \$5,000 that have not been included in the approved budget shall be subject to approval by the Executive Council.
- (h) The Commission shall report to the Executive Council at least monthly and as needed pertaining to the activities of the Commission and the status of the Tribe's gaming enterprises.
- (i) The Commission shall timely post the minutes and all notices of its meetings at the Tribal Center of the Community, and provide to the Executive Council a complete and up-to-date record of its minutes.
- (j) The Commission shall have the authority to negotiate on behalf of the Tribe and shall report to the Executive Council prior to any execution of any and all contracts related to regulation and licensing that are not inconsistent with the authority delegated under this Ordinance, and that are necessary for the operation of any gaming enterprise owned and operated by the Tribe. If any such contract requires the waiver in any manner of the Tribe's sovereign immunity, the Gaming Commission shall have the prior approval to execute such a contract by the General Council.
- (k) The Commission shall have such other powers as are delegated to it from time to time by the General Council.
- (l) Only upon prior approval by the Executive Council shall the Gaming Commission make official statements on behalf of the Tribe related to the Tribe's gaming.

Sec. 808. Procedures of the Commission.

- (a) **Meetings.** All meetings (except licensing hearings, related meetings, and executive sessions) of the Commission shall be open to all members of the Tribe. The Commission may, upon motion duly passed, go into executive session. At such sessions, all persons shall be excluded from the meeting chamber, and any persons whose presence shall be required before the Commission shall be designated by the presiding officer, and no other persons shall be allowed to be present other than the Commissioners and any Executive Council members.
- (b) **By-laws.** The By-laws appended hereto as Appendix A shall be the initial bylaws governing the operations of the Commission. Subject to any limitations set forth in this Ordinance, such bylaws may be amended by the Commission at any time, but amendments shall not be effective until approved by the General Council.

## **CHAPTER 9. BACKGROUND INVESTIGATIONS**

Sec. 901. **Required Background Investigations.** The Commission shall conduct background investigations of the following persons:

- (a) All Primary Management Officials, Gaming Commissioners, and Key Employees; and
- (b) Such additional persons as required under the IGRA, the Compact or in the discretion of the Commission.

Sec. 902. **Standards for Background Investigations.** All background investigations shall be conducted to ensure that the Tribe in its Gaming Enterprises shall not employ or contract with persons whose prior activities, or reputation, habits and associations pose a threat to the public interest or to the effective regulation of gaming conducted under the Tribe's Gaming Ordinances, or create or enhance the dangers of unsuitable, unfair or illegal practices and methods and activities in the conduct of such gaming. Such investigations also shall otherwise meet the standards of such investigations imposed under the IGRA and/or the Compact and shall be updated as required under the IGRA and/or the Compact, as applicable. Nothing herein shall prevent the Commission from conducting more comprehensive background investigations than those required under the IGRA or the Compact.

Sec. 903. **Required Notifications and Record Keeping.** As appropriate, the Commission shall promptly notify the NIGC or other appropriate federal regulatory body and the Lottery Board of information obtained in the course of any background investigation as required under the IGRA and the Compact, and shall comply with all record-keeping requirements with regard to such investigations as are set forth in the IGRA and the Compact.

## **CHAPTER 10. LICENSING PROCEDURES**



The Gaming Commission shall have the authority to issue and revoke such gaming licenses as may be required pursuant to applicable Tribal law and in accordance with the Forest County Potawatomi Gaming Commission Rules of Licensing Procedures as adopted by the General Council on February 11, 1995, together with all amendments thereto.

**CHAPTER 11. CONFLICTS OF INTEREST PROHIBITED.**

Sec. 1101. No member of the Executive Council or the Commission shall:

- (a) be employed by any Gaming Enterprise, or be a Primary Management Official or Owner or Controlling Person with respect to any Management Contract, either while serving on the Executive Council or the Commission.
- (b) Participate in the approval, denial or renewal of any application for a gaming license by, or participate in the revocation or suspension of any license granted hereunder to, any Household Member or Immediate Relative of such member of the Executive Council or the Commission.
- (c) Engage in any business, transaction, or professional activity or incur any obligation of any nature which conflicts with the proper discharge of his or her official duties in administering this Ordinance; provided that a Gaming Commissioner who may engage in a conflicting activity or incur a conflicting obligation that is not otherwise disqualified under Sec. 1101(a) shall promptly disclose that activity or obligation to the Executive Council and refrain from voting on any matter regarding when such activity or obligation may constitute a conflict.
- (d) Use or attempt to use, any official or apparent authority of this office or duties which places, or could reasonably be perceived as, placing their private economic gain or that of any special business interests with which they are associated, before those of the general public, whose paramount interests their office or employment is intended to serve.
- (d) Use or disclose confidential information gained in the course of or by reason of their official position or activities, to further their own economic interests or that of anyone else.

Sec. 1102. No party to a Management Contract, Owner, or Controlling Person, Primary Management Official, or employee of the Tribe in any of its Gaming Operations shall:

- (a) Participate as a player in any Class II or Class III games conducted pursuant to this Ordinance, except that employees of the Tribe in any of its Gaming Enterprises may participate as players at locations other than those at which they are employed.
- (b) Engage in any business transaction or professional activity or incur any obligation of any nature which conflicts with the proper performance of any Management Contract or employment duties, as the case may be.

Sec. 1103. In addition to the prohibitions in Sec. 1102, no employee of the Tribe in any of its Gaming Enterprises shall own, be employed by, or have any direct or indirect pecuniary interest in any Management Contract or other gaming-related contract of the Tribe. However, nothing in this Sec. 1103 shall prevent the Tribe from employing a person with a direct or indirect financial interest in a gaming-related contract which has been submitted to the Bureau of Indian Affairs ("BIA") for review and approval during the period of such review, provided that any such employment shall terminate upon approval by the BIA of the contract.

## **CHAPTER 12. ACCOUNTING, MONTHLY REPORTS, AND ANNUAL AUDITS.**

Sec. 1201. The Commission shall maintain an adequate computerized accounting system for the purpose of recording all receipts and expenditures in connection with the conduct of games and the disbursement of profits derived therefrom. Printed copies of all information shall be in the possession of the Commission and the Executive Council.

Sec. 1202. No later than 15 days after the end of each month, the General Managers of each of the Gaming Enterprises shall prepare and submit to the Commission and the Executive Council a comprehensive report for the month completed of the gaming operations for which such General Manager has overall responsibility. The report shall include, but not be limited to:

- (a) An itemized statement of the gross receipts.
- (b) An itemized statement of expenditures, including amounts paid for salaries and benefits, prizes, supplies and equipment, and other expenses.

Sec. 1203. The monthly report shall be signed by the General Manager with overall responsibility for the operations.

Sec. 1204. In compliance with 25 U.S.C. §2710(b)(2)(C) and (D), all Gaming Enterprises shall be subject to an audit by independent certified public accountants, not less than annually, to be submitted to the Executive Council and the Commission. Copies of the annual audit shall be provided to the NIGC. In addition, all contracts for supplies, services, or concessions for a contract amount in excess of \$25,000 annually (except contracts for professional legal or accounting services) relating to Class II or Class III gaming shall be subject to an independent audit not less than annually.

## **CHAPTER 13. POWERS OF THE EXECUTIVE COUNCIL**

Section 1301. The Executive Council shall be the body within the Tribe's government that has primary responsibility for dealing with an entity established by the United States Government and/or the State of Wisconsin for all non-regulatory and non-licensing gaming-related purposes.

## **CHAPTER 14. POWERS OF THE GENERAL COUNCIL**

Section 1401. The General Council retains the authority to review and rescind any action of the Gaming Commission, provided that if the General Council has not acted to rescind an action of the Gaming Commission within 30 days from the date minutes describing that action have been posted, then the action shall be final and not subject to rescission.

Section 1402. The General Council retains the sole authority to retain legal counsel for the Tribe in the area of gaming.

## **CHAPTER 15. INTERPRETATION**

Section 1502. In the interpretation and application of the provisions of this Ordinance, said provisions shall be held to the minimum requirements, and shall be liberally construed in favor of the Forest County Potawatomi Community and shall not be deemed a limitation or repeal of any other tribal power or authority.

## **CHAPTER 16. MISCELLANEOUS PROVISIONS**

Sec. 1601. Right to Exclude Any Person From Premises At Any Time. Any person may be excluded from the premises for cause at any time at the discretion of any Primary Management Official, General Manager, or other Key Employee.

Sec. 1602. Permissible Alcohol Beverages. No person shall have in his or her possession any alcoholic beverages on any Premises, except for such beverages as are purchased from the Tribe or its authorized agents for on-sale consumption in accordance with licensing and other requirements of the Compact and laws of the Tribe, with possession and consumption of such beverages to be confined to such areas as are specifically defined by the Executive Council.

Sec. 1603. Prohibited Substances. No person shall have in his or her possession any substance prohibited by federal, state or tribal laws while on any premises.

Sec. 1604. Firearms. No person shall have in his or her possession any firearm on any Premises. This section shall not apply to law enforcement officers or security personnel employed by the Tribe.

Sec. 1605. Disorderly Conduct. No person shall engage in conduct which is violent, abusive, indecent, profane, boisterous, unreasonably loud, or otherwise disorderly under circumstances in which the conduct tends to cause or to provide disturbance on any Premises.

Sec. 1606. Enforcement. Any person who violates any of the above subsections shall be asked to leave the Premises. If any person so requested to leave refuses to promptly leave the Premises, any of the Tribe's authorized law enforcement officers or security personnel shall be called to escort such person from the Premises.

Sec. 1607. Transportation Providers. No person providing conveyance on Tribal Lands, or whose destination is Tribal Lands, shall conduct or permit to be conducted, any Class II or Class III games in such vehicle.

## **CHAPTER 17. PENALTIES FOR VIOLATIONS**

Any person who violates any provision of this Ordinance or gives false testimony in any matter provided for hereunder before either the Commission or the Executive Council shall be subject to civil penalties to be imposed by the Executive Council, including suspension or exclusion from employment in any Gaming Enterprises, exclusion from the Tribe's Lands if not a member of the Tribe, and/or a fine of not more than \$10,000 for each such violation.

## **CHAPTER 18. EFFECTIVE DATE**

This Ordinance shall take effect upon its adoption by a majority vote of the General Council at a duly convened meeting and subject to approval by the NIGC.

## **APPENDIX A**

### **FOREST COUNTY POTAWATOMI COMMUNITY GAMING COMMISSION BYLAWS**

#### **CHAPTER 1. NAME AND PRINCIPAL OFFICE**

Sec. 101. Name. This Commission shall be known as the Forest County Potawatomi Gaming Commission ("Commission").

Sec. 102. Principal Office. The location of the principal office of the Commission shall be Crandon, Wisconsin, 54520. Mailing address: Forest County Potawatomi Community Gaming Commission, P.O. Box 340, Crandon, WI, 54520.

#### **CHAPTER 2. OFFICERS**

Sec. 201. Election of Officers. A Chairperson, Vice-Chairperson, and Secretary will be elected by the Commission in even-numbered years at the first regular meeting of the Commission after \_\_\_\_\_ in such years.

Sec. 202. Duties of Officers.

- (a) Chairperson. The Chairperson shall be from among the Commission; shall preside over all meetings and proceedings of the Commission; shall have Ex-Officio membership on all committees of the Commission; and shall have the general powers given to the Chairperson by the Executive Council, including powers allowed by law to sign contracts, certificates, and other instruments which are authorized by the Executive Council and the Gaming Ordinances of the Forest County Potawatomi Community ("Tribe"). The Chairperson shall act as supervisor over all other Commissioners.
- (b) Vice-Chairperson. The Vice-Chairperson shall be from among the Commission; shall perform duties as the Chairperson and Commission may direct; and shall serve in the Chairperson's stead in the Chairperson's absence or if the Chairperson is unable to perform, at which time the Vice-Chairperson shall have all the powers of the Chairperson.
- (c) Secretary. The Secretary shall be from among the Commission and shall perform all duties assigned by the Commission.
- (d) Any documents, orders or other documents of the Commission shall be

signed by the Chairperson or the Vice-Chairperson in the absence of the Chairperson.

### CHAPTER 3. MEETINGS

#### Sec. 301. Open Meetings.

- (a) All meetings of the Commission (except during licensing hearings, meetings that involve licensing issues, and executive sessions) shall be open to all members of the Tribe. Balloting at all sessions shall be either by acclamation or by secret written ballot, as the Chairperson shall direct.
- (b) During any regular or special meeting, the Commission may, upon motion duly passed, go into executive session. At such sessions, all persons except for the following persons shall be excluded from the meeting chamber: members and officers of the Commission, any members of the Executive Council who are present, and any person designated by the Chairperson whose presence shall be required before the Commission.

Sec. 302. Regular Meetings. Regular meetings of the Commission shall be held at least monthly at a time, date, and place designated and duly posted at the Tribal Center by the Commission.

Sec. 303. Special Meetings. Special meetings of the Commission may be called by the Chairperson, the delegated representative of the Chairperson, or a majority of the Commission.

#### Sec. 304. Notice.

- (a) Regular Meetings. Notice of each regular meeting shall be given to Commissioners by written notice delivered no less than 5 days prior to the meeting, which notice shall be deemed to be delivered when deposited in the U.S. mail so addressed with postage thereon. Notice of all regular meetings must also be posted for a minimum of 5 days at designated locations in each of the designated areas of the Tribe.
- (b) Meetings. Notice of special meetings shall be given to Commissioners at least 40 hours prior to the meeting and may be written or oral, via telephone. Notice of all special meetings also must be posted for a minimum of 40 hours at the Tribal Center and notice of special meetings must state the purpose of the meeting.

Sec. 305. Quorum. A majority of the active Commission must be present at a meeting to establish a quorum.

Sec. 306. Voting. At all Commission meetings, each Commissioner shall have one vote. No proxy votes shall be permitted. The vote of a majority of the Commissioners present at a meeting at which a quorum is present shall be the act of the Commission.

Sec. 307. Minutes. The Commission shall keep a correct and complete record of all Commission proceedings, which shall be attested by the signature of the Secretary of the Commission or his or her delegated representative and which shall be provided to the Executive Council in a timely manner.

Sec. 308. Procedure Rules. All non-licensing meetings of the Commission shall be governed by the Bylaws and, in all matters not covered in the Bylaws, Revised Roberts Rules of Order.

#### **CHAPTER 4. AMENDMENTS**

These Bylaws may be amended by the Commission at any time, but amendments shall not be effective until approved by the General Council.

#### **CHAPTER 5. FISCAL YEAR**

The Commission's fiscal year shall be from October 1 to September 30.

#### **CHAPTER 6. COMMITTEES**

The Commission shall establish such committees as it chooses from time to time, to be constituted by such Commissioners and advisors as it deems advisable. Reasonable effort shall be made to notify committee members of the time and place of committee meetings.