

TITLE 7 – ENROLLMENT, COMMITTEES, ELECTIONS AND REFERENDUMS

CHAPTER 7-8 GAMING FACILITY OPERATIONAL REVIEW BOARD

7-8-1 Purpose

The purpose of this Code is to establish a Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians (Tribes) Gaming Facility Operational Review Board (Board) for purposes of overseeing the operations of the Three Rivers Casino and Hotel.

7-8-2 Authority; Establishment

Article 1, Section 1 and Article VI, Section 2 of the Tribes' Constitution authorizes the Tribal Council to exercise executive authority. Tribal Council may establish boards or committees to assist the Tribal Council in carrying out its responsibilities to provide quality services to the tribal membership and to develop, maintain and protect the assets and interests of the Tribes. The Tribal Council hereby exercises this authority and establishes a Gaming Facility Operational Review Board.

7-8-3 Membership

The Board shall consist of three (3) members: one (1) member of the Tribal Council, the Tribal Economic Development Director and one (1) member who may be chosen from the Tribal Council, Tribal employees, or Tribal members with relevant experience and skills as determined by the sole discretion of the Tribal Council. No employee shall be appointed whose job duties conflict with the duties of the Board. Members shall be required to qualify for and maintain a high security gaming license from the Gaming Commission.

7-8-4. Appointments and Oath of Office

The Tribal Council shall appoint the members of the Board. Members of the Board are required to take and file an oath of office at the first regular Tribal Council meeting following their appointment, administered by the Tribal Chief or Tribal Chairman or designee. Board members will also be required to pass a background check by the Gaming Commission.

7-8-5 Terms of Office

The Tribal Economic Development Director shall serve so long as he or she remains in that position. The remaining two (2) members of the Board shall serve for four- (4) year terms or until they leave the office or position which qualified them for appointment to the Board, whichever is shorter.

7-8-6 Duties

The Gaming Facility Operational Review Board shall:

- (a) Maintain oversight of all facets of the gaming facility.
- (b) Supervise the Chief Operating Officer, Vice President and/or General Manager of the Three Rivers Casino and Hotel.
- (c) Make final decisions regarding the hiring, promotion, termination and salary adjustments of all Primary Management Officials, as defined in § 5-2-3(r) of the Tribes' Gaming Code No. 30B, and all departmental directors, and all employees who's salary exceeds \$50,000 annually.
- (d) Authorize the execution of contracts for budgeted capital purchases for goods that are in excess of \$25,000.00, but less than \$500,000.00, and which do not include a waiver of sovereign immunity.
- (e) Authorize the execution of contracts for services that do not exceed \$500,000 and which do not include a waiver of sovereign immunity
- (f) Maintain oversight of any associated Economic Enterprises delegated by Tribal Council made subject to the provisions of this Code.
- (g) Report monthly to Tribal Council regarding all actions taken.

7-8-7 Meetings

- (a) The Board shall meet no less frequently than once per month and may establish a more frequent meeting schedule as required by business needs.
- (b) All regular meetings require three (3) days' written notice. Notice shall be delivered to each Board member by mail, facsimile or e-mail as established by the Board. Notice shall include the date, time, place and an agenda for the meeting.
- (c) Meetings shall be closed; however, the Board may invite guests to attend meetings as necessary to conduct business.
- (d) The General Manager and the Assistant General Manager shall be required to attend all meetings as a non-voting member and will provide an agenda and documentation to review as necessary.
- (e) The Director of the Gaming Commission or designee shall be required to attend all meetings as a non-voting member and will advise the Board regarding regulatory matters and the regulatory impacts of matters before the Board.

(f) Special meetings may be called by any member of the Board when business must be done prior to the next regular meeting. No special meeting shall be held without twenty-four (24) hours' notice to each Board member unless waived in writing.

7-8-8 Confidentiality

Board Members must agree to sign a confidentiality agreement that states that they understand and agree that as a Board member they must hold as confidential all information learned in the course of their board member status concerning the confidential business of the Tribes. Further, as a Board member, they understand that by signing the confidentiality agreement, they will not violate the confidentiality of any person(s) or provide confidential information or documents to anyone not authorized by the Tribes. If it has been determined that a Board member has violated this confidentiality agreement, that Board member will be removed as more fully stated below.

7-8-9 Removal of Board Members

(a) By majority vote, the Tribal Council may remove any Board member to include, but not limited to the following:

- (1) Overstepping their authority;
- (2) Creating a disruptive atmosphere;
- (3) Violation of their confidentiality agreement; or
- (4) Violating Tribal law.

(b) A Board member shall automatically be removed upon having been found guilty of or entered a plea of no contest or guilty to any felony or misdemeanor offense under Federal, State or Tribal law.

7-8-10 Quorum

A majority of the Board members must be present to constitute a quorum. Board action is valid only when a quorum exists.

7-8-11 Personal Conflicts of Interest

No Board member may vote on any action directly involving a member of his or her immediate family. A Board member may take part in discussion and count toward a quorum regarding action involving a member of his or her family. Immediate family members include father, mother, adoptive mother, adoptive father, daughter, son, spouse, person in a spousal relationship, brother, sister, stepbrother and stepsister.

7-8-12 Compensation

(a) There shall be no compensation paid to Board members who are employees or officers of the Tribes, in excess of their salary. Authorized travel shall be paid subject to the travel requirements specified by Tribal policy.

(b) Board members who are not employees of the Tribes may be compensated for their services on the Board in an amount to be determined by Tribal Council at the time of appointment.

7-8-13 Rules; Records

The Board may adopt rules for the transaction of its business, subject to Tribal laws, and shall keep a record of its agendas, transactions and findings, which shall be a public record unless otherwise deemed confidential and not subject to public disclosure under applicable law.

7-8-14 Severability

If a court of competent jurisdiction finds any provision of this Code to be invalid or illegal under applicable federal or tribal law, such provision shall be severed from this Code and the remainder of this Code shall remain in full force and effect.

APPENDIX A
LEGISLATIVE HISTORY AND EDITORIAL CHANGES

GAMING FACILITY OPERATIONAL REVIEW BOARD

LEGISLATIVE HISTORY AND EDITORIAL CHANGES

The Tribal Council of the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians enacted the Amended Gaming Facility Operational Review Board Ordinance in Resolution -07-112 on October 14, 2007, Ordinance #078A. Amended was 7-8-3 to require licensing of board members and 7-8-7(d) reflecting the current management structure of the Three Rivers Casino. Vote was 7 (for), 0 (against) and 0 (abstaining).

The Tribal Council of the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians approved the Amended Gaming Facility Operational Review Board Ordinance in Resolution 07-094 on August 12, 2007, Ordinance #078A. Vote was 5 (for), 0 (against) and 1 (abstaining).

The Tribal Council of the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians approved and enacted the Gaming Facility Operational Review Board Ordinance in Resolution 06-098 on July 31, 2006, Ordinance #078. Vote was 6 (for), 0 (against) and 0 (abstaining).