

PATHWAY TO PROSPERITY: Plan to Incorporate Pawnee Nation Gaming Seminar Dispute Resolution Principles into PBC Oversight Duties for the Nation's Gaming Industry.

Introduction: The Pawnee Nation Business Council (PBC) is the supreme governing body of the Pawnee Nation of Oklahoma under the Constitution. It exercises all the inherent, statutory, and treaty powers of the Pawnee Nation of Oklahoma, with oversight responsibility over for the Tribal government and its subdivisions, subordinate boards and commissions, and tribal corporations owned entirely by the Pawnee Nation. These oversight responsibilities apply to Tribal officials and entities that administer the Nation's gaming industry: Pawnee Tribal Development Corporation (PTDC) & Tribal Gaming Commission (TGC).

Throughout the national Indian gaming industry, a natural tension exists between the regulator and a licensee. That tension is healthy – it is a good thing that is necessary for every fully-functional and successful gaming industry. In recent months, that healthy tension in our gaming industry has experienced problems. To address and strengthen that relationship, PTDC proposed a training seminar by Elizabeth Homer, a nationally known Indian gaming legal expert, to help diagnosis those issues and restore healthy tension. That seminar was held June 10-11. To follow-up, PBC's President asked the Business Council, PTDC, and TGC to institutionalize plans to incorporate Ms. Homer's dispute resolution principles into their respective standard operating procedures.

This is PBC's Plan for incorporating those principles into PBC oversight of the Nation's gaming industry (approved July 13, 2021). This Plan seeks to restore and strengthen a healthy tension between regulator & licensee; promote professionalism; foster growth; and explore ways to diversify the Tribal economy. Legislative proposals to promote these goals will be developed. And PBC President will work with PTDC/TGC leadership to: (1) incorporate Homer's principles into standard operating procedures; and (2) resolve concerns to restore a healthy tension between regulator/licensee in the gaming industry.

1. Guiding Principles of Professionalism: PBC members resolve to comport themselves in a professional manner when carrying out oversight duties for the Nation's gaming industry. Simply put, "Professionalism" is defined as "good manners." For effective governance and to get things done, all Tribal officials must (1) know their lane and stay in it; (2) follow established chain of command in their relationship with staff and employees; (3) treat colleagues, staff, employees on a professional basis in a respectful way; and (4) refrain from making decisions in anger. PBC expects these principles to apply to all Tribal government officials.

In carrying out appropriate political oversight over the Nation's gaming industry, PBC will follow the above principles It will strive to (1) understand its role and stay in its lane;

(2) respect the boundaries, autonomy, independence, delegated powers, and responsibilities provided by tribal law; (3) refrain from the abuse of power and observe checks and balances provided by tribal law; (4) help PTDC and TGC deescalate conflict based on Homer's principles for sound conflict management; and (5) make legislative reforms necessary to foster healthy relationships in the Nation's gaming industry, promote efficient operation of the regulatory and operations sides of the industry, and strengthen the industry.

2. Proposed Legislative Reforms: The PBC's work group will review, update, and improve the legal framework for the Nation's gaming industry. PBC wants to update, improve, strengthen, and modernize governing documents for the industry in a way that (1) preserves the mission and autonomy of PTDC and TGC; (2) fosters good relationships in the industry; (3) promotes professionalism; and (4) strengthens casino operation, planning, and growth. The work group will examine these improvements:

1. Improve Gaming Ordinance: The PBC wants to ensure that the Ordinance requires regulators to understand their roles and always stay in their appropriate lanes. The PBC wants to prevent creating conflict by any overreaching of regulatory authority and foster professionalism and sound relationships in the enforcement of gaming laws, rules, and regulations.

2. Amend PTDC Articles: There is a need to review and upgrade PTDC Articles of Incorporation. The last time this governing document was upgraded was in 2008. It is time to strengthen PTDC's autonomy by: (1) removing PBC's power to appoint PBC members to the PTDC Board; and (2) removing PBC approval of PTDC's annual budget to ensure that it is a business budget, not a political budget.

3. Establish a Revenue Dividend Plan: To address budgetary uncertainty, we want to examine establishing a revenue dividend plan for PTDC monthly payments to the Nation's government. The goals are to strengthen the financial relationship between PTDC & PBC and improve the reliability of their budgetary planning. A revenue dividend plan can better define how those monthly assessments are calculated, budgeted, set aside, paid, and enforced.

4. Strengthen Gaming Infrastructure: To strengthen professionalism, improve operations, and promote growth, PBC wants to consider creating a smaller focused gaming board composed of industry experts vested with delegated authority over gaming operations. Enhanced acumen of experts versed in the financial, regulatory, operational, growth, and development aspects of the industry will foster healthy tension between regulator/licensees and lift our industry to the next level.

5. Diversifying the Economy: The work group will explore creating a new entity or advisory committee for PTDC's non-gaming duties & responsibilities. The Nation needs to diversify its economy to relieve undue pressure on growing the gaming

industry. Experienced professionals could lend expertise to PTDC leadership in diversifying the economy in crucial areas. ¹

¹ Such as: (1) Developing a strategic Economic Development Plan that is appropriate for the Nation and congruent with the Nation's Strategic Master Plan. (2) Writing and analyzing business plans for diverse enterprises. (3) Providing technical assistance to help Tribal members start new businesses. (4) Establishing Tribally owned enterprises as the business arm of the PBC. (5) Evaluating business proposals for our community and labor force; and (6) Rendering advice on economic development matters, such as finance, loans, marketing, contracting, enterprise organization, joint ventures, and related business processes.