

**LOCAL REVENUE SHARING BOARD FOR THE
LITTLE RIVER BAND OF OTTAWA INDIANS/
STATE OF MICHIGAN GAMING COMPACT**

BYLAWS

**As Adopted December 2, 1999
As Amended January 17, 2000
As Amended December 11, 2000
As Amended January 13, 2010**

BYLAWS OF THE LOCAL REVENUE SHARING BOARD FOR THE LITTLE RIVER BAND OF OTTAWA INDIANS/ STATE OF MICHIGAN GAMING COMPACT

ARTICLE I: DEFINITIONS

- 1.1 Band. “Band” means the Little River Band of Ottawa Indians.
- 1.2 Casino. “Casino” means the Class III gaming facility operated by the Band pursuant to the Compact.
- 1.3 Class III Gaming Facility. “Class III gaming facility” means a facility which may lawfully conduct Class III gaming activities as defined by the federal Indian Gaming Regulatory Act or its successors, being 25 USC §2701 et seq.
- 1.4 Compact. “Compact” means the document titled “A Compact Between the Little River Band of Ottawa Indians and the State of Michigan Providing for the Conduct of Tribal Class III Gaming by the Little River Band of Ottawa Indians” dated January 29, 1997.
- 1.5 Compact Revenues. “Compact Revenues” means the required semi-annual payments by Band due and owing to the Board under §18(a)(1) of the Compact.
- 1.6 Eligible Local Unit of Government. “Eligible Local Unit of Government” means a local unit of government which has a popularly elected governing body and which is in the geographic vicinity of the Band’s casino.
- 1.7 Local Public Safety Organization. “Local public safety organization” includes but is not limited to law enforcement agencies maintained by political subdivisions of this State, fire and emergency medical service departments maintained by political subdivisions of this State, and 911 or central dispatch agencies maintained by political subdivisions of this State.
- 1.8 Local Unit of Government. “Local unit of government” means a political subdivision of this State, including a school district, a community college district, an intermediate school district, a city, a village, a township, a county, a road commission, and an authority, if the political subdivision has as its primary purpose the providing of local governmental services for residents in a geographically limited area of this State and has the power to act primarily on behalf of that area.
- 1.9 Member. Wherever capitalized, the term “Member” refers to a duly appointed member of the Local Revenue Sharing Board for the Little River Band of Ottawa Indians/State of Michigan Gaming Compact.

ARTICLE II: GENERAL PROVISIONS

- 2.1 **Name.** The name shall be the Local Revenue Sharing Board for the Little River Band of Ottawa Indians/State of Michigan Gaming Compact, known in the short form as the Manistee Local Revenue Sharing Board (hereinafter “the Board”).
- 2.2 **Formation.** The Board is created by the Manistee County Board of Commissioners and the Manistee Township Board of Trustees pursuant to §18 of the Compact.
- 2.3 **Legal Status of the Board.** The Board is a political subdivision of Manistee County and Manistee Township created under color of State law. The Board and its Members are subject to State law regarding governmental immunity.
- 2.4 **Function.** The Board’s function shall be to determine and make allocations of Compact Revenues for the purposes described in § 18 of the Compact and subject to the limitations therein.
- 2.5 **Authority to Adopt Bylaws and Other Procedures.** These Bylaws are adopted to facilitate the Board’s performance of its legal duties as defined in §18 of the Compact. The Board has the authority to adopt these Bylaws pursuant to §18(A)(2) of the Compact. Also pursuant to §18(A)(2) of the Compact, the Board has the authority to determine:
- A. any other procedures for the facilitation of its lawful purposes;
 - B. guidelines for the establishment of criteria or a formula for the allocation or distribution of Compact Revenues; and
 - C. any matter not specified in the Compact or in conflict with the terms of the Compact.
- 2.6 **State’s Intent.** The Board hereby acknowledges the State’s intent that Compact Revenues shall “...provide financial resources to those political subdivisions of the State which actually experience increased operating costs associated with the operation of the [the Band’s] Class III gaming facility. To this end, a Local Revenue Sharing Board shall be created by those local governments in the vicinity of the [Band’s] Class III gaming facility to receive and disburse the semi-annual payments from the [Band as provided in this Compact]...” Compact, §18(A)(2).
- 2.7 **Compact Incorporated by Reference.** The Compact is hereby incorporated by reference and made a part of these Bylaws.
- 2.8 **Compact Controls in the Event of a Conflict.** In the event of a conflict between these Bylaws and the Compact, the Compact shall control.

ARTICLE III: MEMBERSHIP

- 3.1 Members. The Board shall consist of three (3) Members representing the following local units of government:
- A. One (1) Member representing Manistee County being the county in which the Band's casino is located. The Member representing Manistee County shall be appointed by and serve at the pleasure of the Manistee County Commission. Manistee County shall be entitled to representation on the Board for so long as the Band's casino is located in Manistee County.
 - B. One (1) Member representing Manistee Township being the township in which the Band's casino is located. The Member representing Manistee Township shall be appointed by and serve at the pleasure of the Manistee Township Board of Trustees. Manistee Township shall be entitled to representation on the Board for so long as the Band's casino is located in Manistee Township.
 - C. One (1) Member representing a third eligible local unit of government being that eligible local unit of government determined by the Members representing Manistee County and Manistee Township to be the most impacted by the Band's casino operations. Pursuant to the express terms of the Compact, only those local units of government which have a popularly elected governing body and are located in the geographic vicinity of the Band's casino shall be eligible for representation on the Board.
 - 1. The Members representing Manistee County and Manistee Township shall select a third eligible local unit of government for representation on the Board at the Biennial Selection Meeting held pursuant to Sections 6.5 and 6.6 of these Bylaws.
 - 2. The Members representing Manistee County and Manistee Township shall select a third eligible local unit which, consistent with the express intent of the Compact, is the "most impacted" by the Band's casino. *See Compact §18(A)(2)*. The Members representing Manistee County and Manistee Township shall be the sole judge of which eligible local unit of government seeking representation on the Board is the "most impacted" by the Band's casino. Provided further that the determination of which eligible local unit of government seeking representation on the Board is the "most impacted" is wholly within the discretion of Members representing Manistee County and Manistee Township, but such determination shall not be arbitrary or capricious.
 - 3. The Member representing a third eligible local unit of government shall be appointed by and serve at the pleasure of the eligible local unit of government's popularly elected governing body.

4. The third eligible unit of government selected at the Biennial Selection Meeting is entitled to representation on the Board only for the remainder of the calendar year in which it was selected and for the succeeding calendar year. At the succeeding Biennial Selection Meeting, the Members representing Manistee County and Manistee Township shall reconsider the identity of the third eligible local unit of government which is the most impacted by the Band's casino pursuant to Section 6.6 of these Bylaws.
5. The identity of the third eligible unit of government selected for representation on the Board is subject to change at each Biennial Selection Meeting.

3.2 Indemnification Agreements. The Board may enter into an indemnification agreement with each local unit of government represented on the Board. Any agreement pursuant to this section shall at a minimum cover the acts and omissions of the individual Member appointed by the local unit of government in question. By way of example, Manistee County may agree to indemnify the Board against all civil, regulatory or other claims or liabilities which arise out of or are in any way connected to the acts or omissions of the Member which is appointed and so on. Any agreement pursuant to this section shall be subject to Board approval.

3.3 Extension of Liability Coverage. The Board may enter into an agreement with each local unit of government represented on the Board providing for the extension of liability insurance coverage to the individual Member which the local unit of government in question appointed. By way of example, Manistee County may agree to extend liability insurance coverage against all civil, regulatory or other claims or liabilities which arise out of or are in any way connected to the acts or omissions of the Board Member which is appointed and so on. Any agreement pursuant to this section shall be subject to Board approval.

3.4 Attendance. If any Member of the Board is absent from two consecutive regularly scheduled meetings without excuse, then that Member shall be considered delinquent. The Secretary shall keep attendance records and shall notify the popularly elected governing body of the appropriate local unit of government whenever its appointed Member is absent from two consecutive regularly scheduled meetings.

3.5 Conflicts of Interest and Incompatibility of Office.

- A. Member shall avoid conflicts of interest and/or an incompatibility of office. A conflict of interest/incompatibility of office includes but is not limited to:

1. Issuing, deliberating, reviewing or voting on a matter concerning himself or herself. This does not include Board consideration of the reimbursement of expenses incurred by Member in connection with his or her official duties. *See* Section 9.5 of these Bylaws.
 2. Issuing, deliberating, reviewing or voting on a matter concerning real or personal property owned by himself or herself.
 3. Issuing, deliberating, reviewing or voting on a matter involving a corporation, company, partnership, sole proprietorship or any other entity in which he or she has a financial or pecuniary interest, or any other relationship where he or she may realize a financial gain or loss.
 4. Issuing, deliberating, reviewing or voting on a matter which may result in a pecuniary or other benefit to himself or herself. This does not include Board consideration of the reimbursement of expenses incurred by a Member in connection with his or her official duties. *See* Section 9.5 of these Bylaws.
 5. Issuing, deliberating, reviewing or voting on a matter concerning his or her household or relatives, including but not limited to a spouse, child, step-child, grandchild, parent, brother, sister, grandparent, in-law, etc.
 6. Issuing, deliberating, reviewing or voting on a matter where his or her employee or employer is: an applicant or agent for an applicant; or has a direct interest in the outcome. This does not include voting or deliberating on a matter involving the local unit of government which appointed the Member.
- B. It is not an incompatibility of office for a Member to simultaneously serve as an employee or an appointed or elected officer of Manistee County, Manistee Township or the third eligible local unit of government selected for representation at the Biennial Selection Meeting.
- C. In the case of a potential conflict of interest or incompatibility of office at the Board level, if it is recognized by a unanimous vote of the remaining Members present for the conduct of business that a conflict of interest or incompatibility of office exists, the Member of the Board found to be in conflict or incompatibility shall cease to participate in the deliberation, voting or review of the relevant matter before the Board and will physically remove himself or herself from the meeting until the Board concludes its consideration of the matter in question.
- D. In the case of a potential conflict of interest or incompatibility at the committee level, a simple majority vote of the remaining committee Members shall be sufficient to authorize the removal of a committee Member until the conclusion of the matter or agenda item in question.

- E. If a Member has a conflict of interest or incompatibility of office regarding a proposed distribution of Compact Revenues, the Board shall immediately suspend further consideration of the proposed distribution until the popularly elected governing body of the appropriate local unit of government appoints a new Member.

ARTICLE IV: OFFICERS

- 4.1 Identity of Officers. At the Annual Organizational Meeting held pursuant to Section 6.7 of these Bylaws, the Board shall select from its membership a Chair, a Vice-Chair and a Secretary.
- 4.2 Election of Officers. Officers shall be elected by a majority vote (2) of the total membership of the Board. All officers are eligible for re-election.
- 4.3 Term. The Chair, Vice-Chair and Secretary shall take office at the Annual Organizational Meeting held pursuant to Section 6.7 of these Bylaws, and shall hold office for the remainder of the calendar year. Provided further that the Board may at any time during the term of a duly elected secretary appoint a non-member recording secretary pursuant to Section 4.4 of these Bylaws. A non-member recording secretary appointed in this manner shall perform the duties of the Secretary for the remainder of the unexpired term.
- 4.4 Appointment of a Non-Member Recording Secretary. As an alternative to electing a Secretary from its membership, the Board may appoint a non-member recording secretary who shall, under the control and supervision of the Board, perform the functions of the Secretary as provided in these Bylaws. A non-member recording secretary, if any, shall be an appointed official, an elected official or a full-time employee of either Manistee County or Manistee Township. A non-member recording secretary, if any, shall serve at the pleasure of the Board. The Board may enter into an agreement with the appropriate local unit of government for reimbursement of services provided by a non-member recording secretary.
- 4.5 Succession of Officers. In the event the office of the Chair becomes vacant due to death, resignation or otherwise, the Vice-Chair shall succeed to this office until the Board duly elects a successor for the remainder of the unexpired term. In the event that the office of Vice-Chair becomes vacant due to death, resignation or otherwise, the Secretary (Member Secretary only) or a remaining Member shall succeed to this office until the Board duly elects a successor for the remainder of the unexpired term. In the event the office of the Secretary becomes vacant, the Board shall elect (if the successor is to be a Member Secretary) or appoint (if the successor is to be a non-member recording secretary) a successor to the office of Secretary for the unexpired term. No votes or appointments shall take place under this section unless Manistee County, Manistee Township and the popularly elected governing body of the third

eligible local unit of government selected for representation at the preceding Biennial Selection Meeting have a Member appointed and serving.

ARTICLE V: DUTIES OF THE OFFICERS

- 5.1 Chair's Duties. The Chair shall be the chief executive officer of the Board. He or she also:
- A. Shall preside at all regular or special Board meetings.
 - B. Shall rule out of order any: irrelevant remarks; remarks which are personal; remarks about another's race, religion, sex, physical condition, ethnic background, beliefs, or similar topics; and other remarks which are profane, abusive, disruptive or otherwise inappropriate.
 - C. Shall vote on all matters pending before the Board as a Member.
 - D. Shall sign all documents authorized by the Board.
 - E. Shall restate all motions.
 - F. Shall appoint the members of any committee.
 - G. Shall appoint officers of any committee or choose to let a committee select its own officers.
 - H. May act as ex-officio member of all committees of the Board.
 - I. May call special meetings pursuant to Section 6.8 of these Bylaws.
 - J. Shall appoint an Acting-Secretary in the event the Secretary is absent from the Board meeting.
 - K. Shall perform such other duties as may be ordered by the Board.
- 5.2 Vice-Chair Duties.
- A. In the event that the office of the Chair becomes vacant due to death, resignation or otherwise, the Vice-Chair shall serve as Chair until a successor is duly elected pursuant to Section 4.5 of these Bylaws.
 - B. In the event of the Chair's absence or other inability to discharge his or her duties, such duties shall be exercised by the Vice-Chair during the period of the chair's absence or disability.

5.3 Secretary Duties. The Secretary shall:

- A. Execute documents in the name of the Board. In the event that the Board appoints a Non-Member Recording Secretary under Section 4.4 of these Bylaws, the joint signatures of the Chair and the Non-Member Recording Secretary shall be required.
- B. Be responsible for the minutes of each meeting pursuant to Section 6.15 of these Bylaws and shall have them bound or otherwise collected in suitable volumes. Copies of minutes shall be distributed to each member of the Board prior to the next meeting of the Board.
- C. Receive all correspondence and other communications which shall in the first instance be addressed to the Board and delivered or mailed to the Secretary in care of the Office of the Manistee County Controller/Administrator. *See* Section 7.2 of these Bylaws.
- D. Provide notice to Members and the public for all meetings.
- E. Prepare an agenda for Board meetings pursuant to Section 6.10 of these Bylaws.
- F. Perform such other duties as may be ordered by the Board.

ARTICLE VI: MEETINGS

- 6.1 Open Meetings. The Board shall comply with the Open Meetings Act, being 1976 PA 267, MCL 15.261 et seq., as amended (hereinafter “the Open Meetings Act”).
- 6.2 Quorum. The full membership of the Board (3) present at a regular or special meeting shall constitute a quorum unless otherwise provided in these Bylaws. A majority of a quorum (2) shall be necessary to take action at any regular or special meeting unless otherwise provided in these Bylaws.
- 6.3 Public Participation. The Board shall allow public participation in its meetings, subject to the following:
 - A. Public comment on an agenda item shall be presented at the time designated for public comment in the agenda. Public comment shall not be received after the time designated in the agenda. However, the Board may at any time direct questions to a person or persons present at any Board meeting.

- B. The Chair may limit the amount of time allowed for each person wishing to make public comment at a Board meeting. The Chair may direct a person or persons present at a Board meeting to caucus with others sharing similar positions so they may select a single spokesperson
- C. The Board may hold a closed meeting provided that it complies with the requirements for such meetings under the Open Meetings Act.

6.4 Bylaw Meeting. On December 2, Nineteen Hundred Ninety-Nine (1999) the Board shall hold a Bylaw Meeting. Two (2) shall be a quorum for this meeting and only the Members representing Manistee County and Manistee Township shall be eligible to participate in the meeting as Members. The only items of business shall be:

- A. Presentation of Credentials. The Members representing Manistee County and Manistee Township shall demonstrate their eligibility to serve on the Board by entering into the record a true copy of a resolution and/or duly approved meeting minutes from the Manistee County Commission and the Manistee Township Board of Trustees, respectively, which confirms their appointment as Members.
- B. Adoption of Bylaws. Adoption requires a unanimous vote of the Members representing Manistee County and Manistee Township.
- C. Scheduling of the first Biennial Selection Meeting required under Section 6.5 of these Bylaws. This requires a unanimous vote of the Members representing Manistee County and Manistee Township.
- D. Approval of an application form for those eligible local units of government which seek representation on the Board. Approval requires a unanimous vote of the Members representing Manistee County and Manistee Township.

6.5 First Biennial Selection Meeting. At a date in Nineteen Hundred Ninety-Nine (1999) to be determined under Section 6.4 of these Bylaws, the Board shall hold its first Biennial Selection Meeting. Two (2) shall be a quorum for this meeting and only the Members representing Manistee County and Manistee Township shall be eligible to participate in the meeting as Members.

- A. The only items of business shall be to:
 - 1. Select a third eligible local unit of government to be represented on the Board due to its status as the most impacted by the Band's casino. A designated spokesperson for each eligible local unit of government interested in being represented on the Board shall be given an opportunity to make an oral presentation and submit written materials

on that eligible local unit of government's behalf prior to the selection. Selection of a third eligible local unit of government shall be made by a unanimous vote of the Members representing Manistee County and Manistee Township.

2. Schedule the next meeting of the Board which shall serve as the first Annual Organizational Meeting pursuant to Section 6.7 of these Bylaws. The first Annual Organizational Meeting shall not take place until after the third eligible local unit of government selected for representation on the Board has been given a reasonable opportunity to appoint its designated Member pursuant to Section 3.1(C) of these Bylaws.

B. Each eligible local unit of government seeking representation on the Board shall bear the burden of demonstrating that it is the eligible local unit of government most impacted by the Band's casino in terms of projected or actual operating costs incurred as a result of the Band's casino operations. To the greatest extent possible, an eligible local unit of government seeking representation on the Board shall bear its burden by presenting documentary evidence in accordance with generally accepted accounting principles.

C. To remain eligible for selection, each presumptively eligible local unit of government shall comply with the application forms, materials and procedures promulgated by the Board.

6.6 Subsequent Biennial Selection Meetings. After the first Biennial Selection Meeting required in Section 6.5 of these Bylaws and upon receiving written notice by no later than December 31 of any even-numbered year that an eligible local unit of government other than the eligible local unit of government selected at the immediately preceding Biennial Selection Meeting seeks representation on the Board, the Board shall hold a Biennial Selection Meeting on the second Monday in January of each succeeding odd-numbered year. If the Board does not receive such written notice by December 31 of any even-numbered year, it shall not hold a Biennial Selection Meeting and the eligible local unit of government selected at the immediately preceding Biennial Selection Meeting shall remain represented on the Board for the next succeeding two year term.

A. If a meeting is held, two shall be a quorum and only the Members representing Manistee County and Manistee Township shall be eligible to participate in the meeting as Members.

B. If a meeting is held, the only item of business shall be to select a third eligible local unit of government to be represented on the Board due to its status as the most impacted by the Band's casino operations under the procedure specified in Section 6.5 of these Bylaws.

- 6.7 Annual Organizational Meeting. The Board shall hold an Annual Organizational Meeting. The first Annual Organizational Meeting shall be the first regularly scheduled meeting of the Board after the first Biennial Selection Meeting held pursuant to Section 6.5 of these Bylaws. The Annual Organizational Meeting shall thereafter be held on the second Monday of February in each succeeding year. Prior to consideration of any other items on the agenda at each Annual Organizational Meeting the Board shall:
- A. Elect officers pursuant to Section 4.2 of these Bylaws.
 - B. Establish meeting dates for the remainder of the year in accordance with Section 6.8 of these Bylaws.
- 6.8 Regular and Special Meetings. The Board shall hold a regular meeting, not including a Biennial Selection Meeting held pursuant to Sections 6.5 and 6.6 of the Bylaws or the Annual Organizational Meeting held pursuant to Section 6.7 of these Bylaws, twice every calendar year or as needed at a time and place to be designated by the Board at its Annual Organizational Meeting. Special meetings may be called by the Chair or by two (2) Members upon written request to the Chair.
- 6.9 Meeting Notices. The Board shall provide public notice for all regular or special meetings in compliance with the Open Meetings Act.
- 6.10 Agenda. The Secretary shall prepare an agenda for each meeting in a format to be determined by the Board. An agenda may provide for the inclusion of consensus items as the Board deems appropriate.
- 6.11 Delivery of Agenda. The Secretary shall mail an agenda and accompanying documentation to each Member at least one week prior to the next scheduled meeting date.
- 6.12 Parliamentary Procedure. Parliamentary procedure for Board meetings shall be informal. However, if it is deemed necessary by the Chair, a meeting may be governed by Roberts Rules of Order for issues not specifically covered by these Bylaws.
- 6.13 Motions. Motions shall be restated by the Chair before a vote is taken.
- 6.14 Voting. Voting shall be by voice and shall be recorded as passing or failing. Roll call votes will be recorded only upon request by a Member of the Board and shall be recorded as “yes”, “no”, or “abstain”. A Member must be present to cast a vote. Voting by proxy is prohibited.

- 6.15 Meeting Minutes. The Secretary shall keep, or cause to be kept a record of Board meetings, which shall at a minimum include an indication of the following:
- A. Copy of the meeting posting.
 - B. Copy of the minutes and all its attachments which shall include a summary of the meeting, in chronological sequence of occurrence:
 - 1. Time and place the meeting was called to order.
 - 2. Attendance, all calls for attendance count and the ruling on whether a quorum exists.
 - 3. Summary of public comments.
 - 4. Full text of all motions; who made the motion; and who seconded, if anyone, seconded the motion.
 - 5. Any withdrawals of motions from consideration by the Member originally making the motion.
 - 6. Who called the question if any are called.
 - 7. The type of vote, and its outcome. If a role call vote is taken, indicate who voted yes, no, abstained, or a statement that the vote was unanimous.
 - 8. All rulings by the Chair.
 - 9. All challenges, discussion and vote/outcome on a Chair's ruling.
 - 10. When a Member enters or leaves a meeting.
 - 11. When a Member has a conflict of interest and when he or she ceases and resumes to participate in a meeting.
 - 12. The start and end of each recess.
 - 13. Full text of any resolution.
 - 14. Time of adjournment.
 - C. Records of any action, supporting documents, maps, site plans, photographs, correspondence received, attached as an appendix to the minutes.

ARTICLE VII: RECORDS AND COMMUNICATIONS

- 7.1 Records Retention. Board records shall be preserved and kept on file according to the following schedule:
- A. Minutes: indefinitely or permanent.
 - B. Bills, invoices, receipts, purchase orders or vouchers: seven (7) years.
 - C. Correspondence: seven (7) years.

- 7.2 Communications to the Board. All communications or correspondence to the Board shall be directed or addressed to the Secretary at a location to be determined by the Board. The Board may, by agreement, authorize a local unit of government or an office, department, division or agency thereof to receive all such communications and correspondence on behalf of the Board. Any agreement pursuant to this section may provide for reimbursement to the appropriate local unit of government. Any agreement pursuant to this section shall be subject to Board approval.
- 7.3 Storage of Records. The Board may enter into an agreement with Manistee County or Manistee Township which provides for an appointed official, an elected official or an employee of Manistee County or Manistee Township or an office, department, division, or agency thereof to serve as the permanent repository for the Board's records. Any agreement pursuant to this section may also provide for reimbursement of costs to the appropriate local unit of government. Any agreement pursuant to this section shall be subject to Board approval.

ARTICLE VIII: COMMITTEES

- 8.1 Ad Hoc Committees. The Board may establish and appoint ad hoc committees. No more than one (1) Member shall serve on an ad hoc committee at any given time.
- 8.2 Subservient to the Board. All committee are subservient to the Board and advisory only. A committee shall report its findings and/or recommendations to the Board for its review.
- 8.3 Rules of Procedure for Committees. The Board shall determine all rules of procedure for a committee.

ARTICLE IX: COMPACT REVENUES

- 9.1 Receipt of Compact Revenues. The Manistee County Treasurer (hereinafter "the Treasurer") shall receive all Compact Revenues due and owing to the Board. The Treasurer shall hold all Compact Revenues on behalf of the Board. *See Compact § 18(A).*
- 9.2 Investment of Compact Revenues. The Treasurer shall invest Compact Revenues and other Board funds in an account in compliance with Michigan statutes and procedures for investing county funds.
- 9.3 Fiscal Year. The Board's functions shall be based upon a fiscal year beginning October 1 and ending September 30 of the following calendar years unless a different fiscal year is selected by the State and the Band pursuant to the Compact.

See Compact, §18(A)(7). If a different fiscal year is chosen, the applicable sections of these Bylaws shall be changed accordingly.

9.4 Accounting. Each year, on or before thirty (30) days after October 1 and March 31 all Compact Revenues or other payments received on behalf of the Board shall be accounted for by the Treasurer in a written report to the Board.

9.5 Compact Mandated Distribution Formula. The Board shall distribute Compact Revenues actually received by the Treasurer pursuant to the following formula mandated in §18 of the Compact:

A. Public Safety. “Of the payments made to local units of government [referring to Compact Revenues], not less than one-eighth of the aggregate payment described in subsection (i)[referring to §18(A)(1) of the Compact] shall be paid to local public safety organizations for public safety purposes.” Compact §18(A)(3).

1. To be eligible for such payments, a local public safety organization shall comply with the applications, forms, materials and procedures promulgated by the Board.
2. A local public safety organization seeking such payment shall bear the burden of demonstrating:
 - a) the need for such payment due to increased operating costs incurred as a result of the Band’s casino operations, if any; and
 - b) the specific public safety purposes to which it shall apply any payments received.
3. To the greatest extent possible, a local public safety organization applying for such payments shall bear its burden of demonstrating need by presenting documentary evidence in accordance with generally accepted accounting principles.
4. To remain eligible for payments, a local public safety organization shall bear the burden of demonstrating that it used Compact Revenues for the public safety purposes stated in its prior applications and/or presentations to the Board.

B. Payments in Lieu of Taxes or PILT. “Out of the aggregate payments to local units of government, each local unit of government shall receive no less than an amount equivalent to its ad valorem property taxes that would otherwise be attributed to the [Band’s] Class III gaming facility if that site were subject to such taxation.” Compact §18(A)(4). For purposes of this section, the term “Class III gaming facility” shall mean the entirety of the single structure in which the Band offers Class III gaming. For purposes of this definition, different components of the structure need not share a single foundation or contiguous walls and may be connected by doorways or walkways.

- C. Cost Reimbursement. “Out of the aggregate payments to local units of government, after deducting the payment provided in subparagraphs (iii) and (iv)[referring to §§18(A)(3)-(4) of the Compact], the Board shall allocate an additional portion of such payments to local units of government to offset the actual costs incurred by such local units of government as a result of the development of a Class III gaming facility in the vicinity”. Compact, §18(A)(5).
1. To be eligible for such payments, a local unit of government shall comply with the application forms, materials and procedures promulgated by the Board.
 2. A local unit of government seeking such payment shall bear the burden of demonstrating:
 - a) the need for such payment due to increased operating cost incurred as a result of the Band’s casino; and
 - b) the specific purposes to which it shall apply any payments received.
 3. To the greatest extent possible, a local unit of government applying for such payments shall bear its burden of demonstrating need by presenting documentary evidence in accordance with generally accepted accounting principles.
 4. To remain eligible for payments, a local unit of government shall bear the burden of demonstrating that it used Compact Revenues for the specific purposes stated in its prior applications and/or presentations to the Board.
- D. Remaining Balances. “The balance of such payments remaining after reimbursement of such actual costs may be utilized for any other lawful local governmental purposes.” Compact §18(A)(5). To be eligible for such payments, a local unit of government shall comply with the application forms, materials and procedures promulgated by the Board. The first priority for such remaining balances shall be to offset the Board’s operating costs, including but not limited to:
1. Reimbursement of travel and other expenses incurred by a Member in connection with his or her official duties.
 2. Reimbursement for the services performed by a Non-Member Recording Secretary appointed pursuant to Section 4.4 of these Bylaws. This provision shall not limit the ability of an appropriate local unit of government to seek reimbursement for services provided to the Board pursuant to Section 9.5(C) of these Bylaws.
 3. Reimbursement for records storage and/or receipt of communications pursuant to an agreement under sections 7.2 or 7.3 of these Bylaws. This provision shall not limit the ability of an appropriate local unit of

government to seek reimbursement for services provided to the Board pursuant to section 9.5(c) of these bylaws.

4. Printing, mailing, copying, and storage costs related to Board notices and documents.

9.6 Applications and Supplemental Application Procedures. As needed, the Board may promulgate Compact Revenue Application forms and supplemental application procedures.

9.7 Unanimous Vote Necessary for Distribution of Compact Revenues. A lawful vote of the Board authorizing the disbursement of any portion of Compact Revenues requires the unanimous vote of the three (3) Members of the Board. *See* Compact 18(A)(2).

9.8 Evidence Necessary for Distribution of Compact Revenues. The Treasurer shall disburse Compact Revenues only upon receipt of evidence of a lawful vote of the Board authorizing such a disbursement in compliance with Section 9.7 of these Bylaws. The Board shall determine what constitutes sufficient evidence of a lawful vote authorizing a disbursement within the meaning of this section. The Board shall communicate its determination to the Treasurer prior to any disbursement.

9.9 Pledges or Agreements Not Binding. Pledges and/or agreements between the Band and any local unit of government, any local public safety organization, or an officer or employee of any political subdivision of this State regarding the allocation of Compact Revenues shall not be binding on the Board. Pledges and/or agreements between the Band and any local unit of government, any local public safety organization, or an officer or employee of any political subdivision of this State regarding the allocation of Compact Revenue shall not count against the Band's obligation to make the semi-annual payments required under §18 of the Compact.

ARTICLE X: AMENDMENT

10.1 Amendment. These Bylaws may be amended at a regular or special meeting by a motion which is adopted by a majority (2) of a quorum. At least ten (10) days prior to the adoption of an amendment, the Board shall provide public notice of the proposed amendment at the locations required by public notice in the Open Meetings Act. The Board shall not amend these Bylaws in a manner which would create a conflict with or cause a violation of the Compact.