



# MESCALERO APACHE TRIBAL GAMING COMMISSION

## BOARD OF COMMISSIONERS

**Opening date: July 14, 2022**

**Closing date: until filled**

**Mescalero Tribal Members only**

### COMMISSIONER VACANCY ANNOUNCEMENT

Members of the Board of the Mescalero Apache Tribal Gaming Commission are appointed by the Tribal President and confirmed by the Tribal Council and must be enrolled members of the Mescalero Apache Tribe. Commissioner is a position requiring attendance at meetings which primarily occur once or twice a month and last 2 – 4 hours. **Compensation consists of a stipend, which is paid for meetings attended.** The primary duties of the Commissioners include the promulgation of rules and regulations and the determination of the suitability of applicants to be granted a Class III Gaming License. These duties include the review of an applicant's background, the granting or denying of a gaming license, and presiding over hearings. Due to the confidentiality of the background information, Commissioners are required to sign a confidentiality agreement, pass an in-depth background investigation, and pass a Security Awareness Training course required by the National Indian Gaming Commission in order to view FBI criminal records.

Below is the part of the Mescalero Gaming Ordinance which pertains to the Mescalero Board of Commissioners and includes the term served and qualifications.

#### Section 7

**E. Composition; Terms.** The Mescalero Apache Tribal Gaming Board of Commissioners shall consist of no fewer than three, and no more than five, Part-Time Commissioners appointed by the Tribal President, subject to confirmation by the Tribal Council. A Commissioner shall serve for a term of three (3) years. A Commissioner may serve after the expiration of his or her term of office until a successor has been appointed, unless such Commissioner has been removed from office pursuant to Section 8(G). Commissioners may serve for more than one term. In order to establish annually staggered terms, the first two (2) Commissioners, as designated by the Tribal President, shall serve a three (3) year term; the second two (2) Commissioners, as designated by the Tribal President, shall serve a two (2) year term and one (1) shall serve a one (1) year term for the initial appointment terms only. Thereafter, all successive terms of appointment shall run for three (3) years.

**F. Qualifications of Commissioners.** **Commissioners shall be Tribal Members.** No person shall be eligible or qualified to serve, or continue to serve, as a Commissioner who:

1. Has been convicted of a felony or gaming offense;
2. Is an employee of any gaming enterprise;
3. Has any financial interest in, or responsibility for, any gaming activity, including any indirect interest arising from the interest of an immediate family member (husband, wife, son, daughter, brother, sister, father or mother);or,
4. Has any financial interest in, or responsibility for, any gaming-related contract, including any indirect interest arising from the interest of an immediate family member (husband, wife, son, daughter, brother, sister, father or mother).

**G. Removal of Commissioners.** A Commissioner may be involuntarily removed or suspended from office by the Tribal President, subject to the approval of the Tribal Council without cause.

**H. Resignations and Vacancies.** Any Commissioner may resign at any time by giving written notice of such resignation to the Executive Director of the Mescalero Apache Gaming Commission or giving such notice to President of the Mescalero Apache Tribe. The resignation shall become effective at the time specified in such notice, and the acceptance of such resignation shall not be necessary to make it effective. Any vacancy on the Mescalero Apache Tribal Gaming Commission, howsoever caused, shall be filled for the unexpired portion of the vacated Commissioner's term by a qualified person appointed by the President with the consent of the Tribal Council.

**I. Selection of Chairman.** The Tribal President shall select one Commissioner to serve as Chairman, one Commissioner to serve as Vice Chairman, and one Commissioner to serve as Secretary. The Vice Chairman shall serve as Chairman during meetings of the Mescalero Apache Tribal Gaming Commission at which the Chairman is absent.

**J. Motions and Resolutions; Meetings; Quorum.** The powers of the Mescalero Apache Tribal Gaming Commission are vested in the Commissioners. All official actions of the Mescalero Apache Tribal Gaming Commission shall be taken by motion or resolution approved by the affirmative vote of a majority of the Mescalero Apache Tribal Gaming Commission members present at a meeting with a quorum. The Mescalero Apache Tribal Gaming Commission shall meet at the call of the Executive Director, the Chairman, or a majority of its members. However, the Commission shall meet at least once every month. A simple majority of the members of the Mescalero Apache Tribal Gaming Commission shall comprise a quorum.

**K. Notice.**

1. Notice of meetings stating the time, date, and tentative agenda shall be given in writing to each Commissioner by letter mailed no fewer than five days before the meeting or personally delivered no fewer than 24 hours before the meeting, provided, however, that no written notice shall be required of regularly scheduled meetings or meetings scheduled at a previous meeting, so long as such schedule or setting is made known to all members.
2. Notice may be waived in a writing signed by all Commissioners entitled to such notices, whether before or after the meeting begins, and such waiver shall be deemed equivalent to the giving of such notice. Attendance of any Commissioner at a Mescalero Apache Tribal Gaming Commission meeting shall constitute his or her waiver of notice, except where a Commissioner attends the meeting for the express purpose of objecting to the transaction of any business on the ground that the meeting is not lawfully called or convened.

**L. Cooperation with Law Enforcement Agencies.** The Mescalero Apache Tribal Gaming Commission may cooperate with law enforcement officials the Bureau of Indian Affairs, the Federal Bureau of Investigation, and other law enforcement agencies, when such cooperation is in the best interests of the Tribe and will help to insure that fair, honest, and efficient games of chance are operated and conducted within the Reservation.

**M. Compensation for Service; Reimbursement of Expenses.** Commissioners shall be compensated for serving on the Mescalero Apache Tribal Gaming Commission in accordance with the budget approved by the Mescalero Apache Tribal Council. In accordance with the budget approved by the Tribal Council, Commissioners shall additionally be reimbursed for reasonable expenses incurred in connection with the performance of their Mescalero Apache Tribal Gaming Commission duties at the rate at which such expenses are customarily reimbursed.

**If you are interested in the Vacancy or for more information, please contact the Mescalero Apache Tribe Interim HR Director, Dawn Hosetosavit at 575-464-9272 or Myra Lapaz at 575-464-9273.**