

**STATE OF MICHIGAN
THE MICHIGAN GAMING CONTROL BOARD**

RESOLUTION NO. 2006-03

**A Board Resolution Delegating to Deputy Director Thomas A. Barker
Certain Responsibilities of the Executive Director Until the Governor
Appoints a New Executive Director.**

WHEREAS, the Michigan Gaming Control Board ("Board") is empowered by the Michigan Gaming Control and Revenue Act, MCL 432.201 *et seq.*, ("Act") to execute and administer the Act and to promulgate rules as may be necessary to implement, administer, and enforce the Act; and,

WHEREAS, MCL 432.204(9) requires the Board to "employ personnel as may be necessary to carry out the functions of the Board" under the Act; and,

WHEREAS, MCL 432.204a(1)(r) permits the Board to delegate the execution of any of its powers under the act, with the exception of granting casino licenses, for the purpose of administering and enforcing the Act and its Rules; and,

WHEREAS, MCL 432.204(8) requires the Governor to appoint an Executive Director to serve a 6-year term; and,

WHEREAS, MCL 432.204(8) also provides for the Executive Director to perform any and all duties that the Board shall assign to him or her; and,

WHEREAS, the Board has promulgated Rule 432.1214, in which it delegated to its Executive Director all power and authority to act in the name of the Board with respect to all reasonable, necessary, and appropriate actions to administer and carry out the administrative and executive functions of the Board; and,

WHEREAS, the Board has delegated various other specific responsibilities to the Executive Director through its Rules, Resolutions, and Orders; and,

WHEREAS, the resignation of the Board's Executive Director in November 2006 created a vacancy in that office, and that vacancy has not yet been filled; and,

WHEREAS, the execution of the responsibilities of the Executive Director on a daily basis helps ensure the fulfillment of the Board's responsibility to fully and effectively execute and administer the Act; and,

WHEREAS, the Board believes that it is necessary and appropriate for purposes of administrative efficiency to expressly delegate certain powers and responsibilities of the Executive Director to another Board employee in order to ensure smooth day-to-day operation of the Michigan Gaming Control Board until the Governor appoints a new Executive Director;

IT IS RESOLVED that the powers and responsibilities of the Executive Director are delegated to Thomas A. Barker, Deputy Director of Administration, with the exception of those powers and responsibilities enumerated below.

This Resolution does not give Thomas A. Barker the power to:

1. Hire or fire management level employees at the civil service classified level of 15 or above without prior Board approval;
2. Decide issues concerning financing terms or conditions for any casino licensee;
3. Make significant budgetary decisions that are outside the normal course of the Board's day-to-day operations without prior Board approval;
4. Authorize significant expenditures that are outside the normal course of the Board's day-to-day operations without prior Board approval.

IT IS FURTHER RESOLVED that the foregoing limitations will not apply to limit the authority that Thomas A. Barker possessed in his position as Deputy Director of Administration before the date of this Resolution.

IT IS FURTHER RESOLVED that Thomas A. Barker will possess these powers and responsibilities until further resolved by the Board or when the Governor appoints a new Executive Director as authorized under MCL 432.204(8).

ADOPTED AND ISSUED THIS 4TH DAY OF DECEMBER 2006.

STATE OF MICHIGAN
MICHIGAN GAMING CONTROL BOARD

Damian Kassab, Chairperson

Attest:

Received and Filed:

Patricia S. James
Board Secretary