

RESOLUTION 2007-58

A RESOLUTION ADOPTING ANNUAL GOALS FOR MINORITY AND WOMEN OWNED BUSINESS ENTERPRISE EXPENDITURES

The Indiana Gaming Commission ("Commission") adopts the following resolution pursuant to authority granted to it under IC 4-33-14-5(b). The following factors have been considered by the Commission:

1. Indiana Code 4-33-14-5(b) requires the Commission to establish annual goals for an operating agent or a person issued an owner's license for minority and women owned business enterprise expenditures. Those goals must be derived from a statistical analysis of utilization study of licensee and operating agent contracts and purchases for goods and services. The statistical analysis of utilization study must be updated every five (5) years.
2. The Commission contracted with the Center for Urban Policy and the Environment to conduct the utilization study. In conducting the study, the Center for Urban Policy and the Environment analyzed expenditures made by Indiana riverboats and operating agents from January 1, 2003 to December 31, 2005 in four categories: construction, procurement/supplies, professional services, and other services.
3. The study results indicate that the only statistically significant disparity exists in the expenditures made to women owned business enterprises in the construction category.
4. The Supreme Court has held that a preferential treatment program such as the minority and women owned business enterprise expenditure goals must be narrowly tailored to address the injury it seeks to remedy and that it be based on a statistical evaluation that can withstand strict scrutiny. Accordingly, Commission staff recommends that expenditure goals be set solely in the area in which statistically significant disparity exists.

NOW, THEREFORE, BE IT RESOLVED BY THE INDIANA GAMING COMMISSION, THAT THE FOLLOWING RESOLUTION IS ADOPTED:

SECTION 1. SCOPE.

This resolution applies to Indiana riverboat operating agents or persons issued an owner's license in a county described in IC 4-33-1-1(1), (2), or (3).

SECTION 2: DEFINITIONS

The definitions set forth in IC 4-33-2, IC 4-33-14, and 68 IAC apply to this resolution.

SECTION 3: ADOPTION OF MINORITY AND WOMEN OWNED BUSINESS ENTERPRISE EXPENDITURE GOALS

The Commission hereby adopts minority and women owned business enterprise expenditure goals pursuant to Indiana Code 4-33-14-5(b). Annual goals for expenditures to women owned business enterprises for the purchase of construction goods and services shall be set at 10.9%, which reflects the capacity of women owned business enterprises ready, willing, and able to provide construction goods or services.

SECTION 4: APPLICATION OF THE STANDARDS

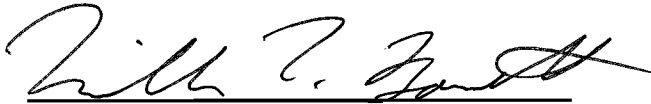
In accordance with Indiana Code 4-33-14, the minority and women owned business enterprise expenditure goals herein adopted shall be the measure by which Indiana's license owners and operating agents will be judged to determine compliance with IC 4-33-14 and 68 IAC 3.

SECTION 5. EFFECTIVE DATE.

This resolution is effective January 1, 2008.

ADOPTED THIS THE 13th DAY OF SEPTEMBER, 2007:

THE INDIANA GAMING COMMISSION:



William W. Barrett, Chair

ATTEST:



Tim Murphy, Vice Chair