

FOND DU LAC BAND OF LAKE SUPERIOR CHIPPEWA

ORDINANCE #02/13

ESTABLISHMENT OF THE FOND DU LAC ATHLETIC COMMISSION

Adopted by Resolution #1134/13 of the Fond du Lac Reservation
Business Committee on April 17, 2013.

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CHAPTER 1

AUTHORITY, PURPOSE AND SCOPE

Section 101 Authority

This Ordinance is enacted by the Fond du Lac Reservation Business Committee pursuant to the inherent sovereign authority of the Fond du Lac Fond du Lac Band of Lake Superior Chippewa, as recognized under the Treaty of LaPointe, 10 Stat. 1109; Section 16 of the Indian Reorganization Act, 25 U.S.C. § 476; Article VI of the Revised Constitution of the Minnesota Chippewa Tribe; and under the common law of the United States.

Section 102 Findings and Purpose

The Fond du Lac Reservation Business Committee finds that there is a need to regulate entertainment events involving boxing and martial arts performances on the Fond du Lac Reservation. Through the enactment of Fond du Lac Ordinance #01/13, entitled "Regulations Applicable to Boxing and Martial Arts", the Reservation Business Committee adopted the substantive regulations to govern such events. The purpose of this Ordinance is to establish a regulatory agency to oversee the administration of Ordinance #01/13 and such other laws and regulations as are applicable to such events.

Section 103 Reservation of Rights

The Reservation Business Committee reserves the right to amend or repeal all or any part of this Ordinance at any time. There shall be no vested private right of any kind created by this Ordinance. All the rights, privileges, or immunities conferred by this Ordinance or by acts done pursuant thereto shall exist subject to the powers of the Fond du Lac Band. Nothing in this Ordinance shall be construed to constitute a waiver of the sovereign immunity of the Fond du Lac Band or a consent to jurisdiction by any government or forum not expressly authorized to exercise jurisdiction under this Ordinance. This Ordinance does not create any right, cause of action or benefit enforceable at law or in equity by any individual, entity or party against the Fond du Lac Band, the FLDAC or its representatives.

CHAPTER 2
DEFINITIONS AND INTERPRETATION

Section 201 Definitions

As used in this Ordinance, the words and terms defined in the Chapter shall have the following meanings, unless the context otherwise requires:

- a. **"Athletic Commission", "Commission" or "FDLAC"** means the Fond du Lac Band of Lake Superior Chippewa Athletic Commission, which is the regulatory body authorized to administer the provisions of this Ordinance, as appointed by the Reservation Business Committee.

- b. **"Fond du Lac Band of Lake Superior Chippewa"** means the federally recognized Indian tribe which occupies the Fond du Lac Reservation pursuant to the Treaty of LaPointe of September 30, 1854 (10 Stat. 1109).

- c. **"Commission Director"** means the Director of the Fond du Lac Band of Lake Superior Chippewa Athletic Commission, as appointed by the Reservation Business Committee.

- d. **"Fond du Lac Reservation"** shall mean any land which is within the exterior boundaries of the Fond du Lac Reservation or is otherwise held in trust by the United States for the beneficial use of the Fond du Lac Band or its members.

- e. **"Reservation Business Committee" or "RBC"** shall mean the elected governing body of the Fond du Lac Band of Lake Superior Chippewa.

CHAPTER 3
THE FOND DU LAC BAND OF LAKE SUPERIOR CHIPPEWA ATHLETIC COMMISSION

Section 301 Establishment and Jurisdiction

The Fond du Lac Band of Lake Superior Chippewa Athletic Commission (FDLAC) is hereby established, and shall exercise such authority as set forth under this Ordinance and FDL Ordinance #01/13. The FDLAC shall have and is hereby vested with the sole discretion, management, control and jurisdiction over all amateur and professional boxing, sparring, mixed martial arts (MMA) events, and over all licensing of any persons who participate in such activities, all gyms, clubs, training camps and other organizations that provide training facilities for persons preparing for participation in professional boxing, sparring or mixed martial arts (MMA) conducted on the Fond du Lac Reservation.

Section 302 Professional Boxing and Mixed Martial Arts

- a. This Ordinance and FDL Ordinance #01/13 shall constitute the entire amateur mixed martial arts (MMA) and professional athletic activity laws and regulations of the Fond du Lac Band. No amateur MMA or professional boxing, sparring, MMA or other professional athletic exhibitions shall be conducted on the Fond du Lac Reservation except in accordance with the provisions of this Ordinance and FDL Ordinance #01/13.
- b. The FDLAC may recommend such regulations and amendments to the Reservation Business Committee as it deems necessary and appropriate.

Section 303 Purpose of the FDLAC

- a. With the exception of subsection (b) below, the purpose of the FDLAC is to regulate, administer and oversee the conduct of amateur MMA and all professional athletic events held on the Fond du Lac Reservation, including professional boxing and MMA, for the purpose of promoting the health, safety and welfare of all persons engaged in such activities, and that of the general public. The FDLAC shall regulate such events through its Director.
- b. The FDLAC Director and at least two (2) Commission members shall be present at each place where amateur MMA or professional boxing, MMA or other professional athletic activities are to be held pursuant to the provisions of this Ordinance. If the Director is unable to attend such event for any other reason, the Commission members shall oversee the regulation of such event.

- c. The FDLAC shall establish such fees as are required under FDL Ordinance #01/13, and through its Director shall collect such fees, to be deposited and maintained in a segregated account. The FDLAC shall also be authorized to pay its expenses as authorized under Ordinance #01/13 and this Ordinance out of such account, and may request such additional funding as it requires from the Reservation Business Committee.

Section 304 Composition and Administrative Structure of the FDLAC

- a. The FDLAC shall be comprised of five (5) members appointed by the Reservation Business Committee who meet the qualifications set forth under subsection (c). At least three of the members shall be members of the Fond du Lac Band, and there shall be at least one Commissioner from the Cloquet, Sawyer and Brookston districts. Commissioners shall serve for four year terms, except that two of the initial appointments shall be for two year terms in order to assure continuity of oversight. Until such time as Commissioners are appointed to the FDLAC, the members of the Reservation Business Committee shall serve as the FDLAC Commissioners.
- b. The Reservation Business Committee shall appoint a Director of the FDLAC who meet the qualifications set forth under subsection (c). The Director shall be subject to oversight by the FDLAC.
- c. The FDLAC Commissioners and Director must meet the following qualifications prior to their appointment:
 - 1. An appointee shall be of high moral character and integrity, who have a reputation for being honest, fair, objective, and recognized as possessing sound judgment.
 - 2. Each appointee shall be subject to a criminal history investigation prior to appointment. An appointee shall not have been convicted of a felony within ten (10) years of the date of his or her appointment. In addition, any appointee convicted of a felony during his or her term shall be automatically removed for such cause.
- d. The FDLAC shall have the following officers:
 - 1. A Chairperson, to be designated by the Reservation Business Committee, who shall preside over FDLAC meetings;
 - 2. A Vice-Chairperson, to be selected by majority vote of the FDLAC, who shall preside over FDLAC meetings in the absence of the Chairperson; and

3. A Secretary, to be selected by majority vote of the FDLAC, who shall record in writing the minutes of all FDLAC meetings and all official actions taken by the FDLAC. A copy of the FDLAC minutes shall be provided to the Reservation Business Committee.
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- e. The FDLAC shall meet at least once a year and no more frequently than monthly. Commissioners shall be paid two hundred and fifty dollars (\$250.00) per meeting. Mileage and other travel expenses will be compensated on the same terms and conditions as applicable to Band employees.

CHAPTER 4
AMENDMENT OR RESCISSION

Section 401 Amendment


The Reservation Business Committee may, from time to time, amend this Ordinance, or any part thereof, by resolution.

Section 402 Rescission

The Reservation Business Committee may rescind this Ordinance in its entirety by resolution.

CERTIFICATION

We do hereby certify that the foregoing Ordinance #02/13 was duly presented and adopted by Resolution #1134/13 by a vote of 4 for, 0 against, 0 silent, with a quorum of 5 being present at a Special Meeting of the Fond du Lac Reservation Business Committee held on April 17, 2013 on the Fond du Lac Reservation.



Karen R. Diver,
Chairwoman



Ferdinand Martineau, Jr.,
Secretary/Treasurer