

FOND DU LAC BAND OF LAKE SUPERIOR CHIPPEWA  
ORDINANCE #03/11

REVERSION OF UNCLAIMED PER CAPITA FUNDS  
TO THE FOND DU LAC BAND

Adopted by Resolution #1326/11 of the Fond du Lac Reservation  
Business Committee on September 27, 2011.

TABLES OF CONTENTS

|           |                                                                         |   |
|-----------|-------------------------------------------------------------------------|---|
| CHAPTER 1 | AUTHORITY; PURPOSE . . . . .                                            | 1 |
| CHAPTER 2 | DEFINITIONS & INTERPRETATION . . . . .                                  | 2 |
| CHAPTER 3 | CRIMINAL HISTORY INVESTIGATIONS<br>& ELIGIBILITY PROHIBITIONS . . . . . | 3 |
| CHAPTER 4 | EFFECTIVE DATE; AMENDMENT OR RECISSION . . . . .                        | 4 |
|           | CERTIFICATION . . . . .                                                 | 4 |

FOND DU LAC ORDINANCE #03/11

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CHAPTER 1  
AUTHORITY; PURPOSE; RESERVATION OF RIGHTS

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SECTION 101      AUTHORITY

This Ordinance is enacted pursuant to the authority of the Fond du Lac Reservation Business Committee, as the governing body of the Fond du Lac Band of Lake Superior Chippewa, as such authority is granted by Article VI of the Revised Minnesota Chippewa Tribe Constitution and as recognized under Section 16 of the Indian Reorganization Act of 1934, 25 U.S.C. § 476, and under the common law of the United States.

SECTION 102      PURPOSE

The purpose of this Ordinance is to promote the efficient use of the resources of the Fond du Lac Band by directing that per capita funds, which have been appropriated by the Reservation Business Committee for individual distribution through various annual income distribution plans since 1994, be reverted to the general fund of the Band when such funds have been unclaimed and the notice requirements set forth under this Ordinance have been exhausted.

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. 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.

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CHAPTER 2

DEFINITIONS AND INTERPRETATION

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SECTION 201 DEFINITIONS

For the purposes of this Ordinance, the following definitions shall apply:

- (a) **"Band"** means the Fond du Lac Band of Lake Superior Chippewa.
- (b) **"Per capita funds"** means monies which have been appropriated by the Reservation Business Committee for individual distribution to Band members under a gaming revenue allocation plan or income distribution plan since 1994, but shall not include funds held for persons who are under a guardianship ordered by a court of competent jurisdiction.
- (c) **"Reservation Business Committee or "RBC"** means the governing body of the Fond du Lac Band of Lake Superior Chippewa.

SECTION 202 INTERPRETATION

The provisions of this Ordinance shall be interpreted in a manner which gives plain effect to its terms and purposes, and to avoid unnecessary conflicts of law.

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**CHAPTER 3**  
**NOTICE & REVERSION PROCEDURES**

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**SECTION 301      NOTICE**

- a. Certified Mail. Notice shall be made by certified mail, return receipt requested, to the last known address of any Band member, or known descendant of such member, when per capita funds are being held by the Reservation Business Committee past the calendar year in which such funds are intended to be distributed under the applicable plan. Such notice shall include the following information:
- (1) The Band member name and amount being held;
  - (2) Address and phone number of Fond du Lac Legal Department and contact staff; and
  - (3) The statement that: "Unless a personal data form or heirship application has been filed with this office within one year of this notice, the identified funds will revert back to the Fond du Lac Band."
- b. FDL Newspaper. Notice of all unclaimed accounts shall also be published in the Fond du Lac newspaper, including the statement set forth under Section 301(a)(3).

**SECTION 302      REVERSION OF FUNDS**

If the one year period has passed since notice was provided under Section 301, the Tribal Attorney shall inform the Fond du Lac Comptroller, who shall transfer the affected per capita funds into the general fund of the Band, and maintain a record of such transfer.

**SECTION 303      APPEAL**

A Band member or affected heir may appeal a reversion under this Ordinance in writing to the Reservation Business Committee. If the appeal demonstrates that funds were unclaimed due to circumstances beyond the person's control, the Reservation Business Committee may order the payment of funds which would have otherwise been payable prior to the reversion.

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CHAPTER 4  
EFFECTIVE DATE; AMENDMENT OR RESCISSION

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**SECTION 401      EFFECTIVE DATE**

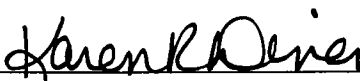
The provisions of this Ordinance shall be effective on the date of adoption by the Reservation Business Committee.

**SECTION 402      AMENDMENT OR RESCISSION**

The provisions of this Ordinance may be amended or rescinded by Resolution of the Fond du Lac Reservation Business Committee.

**CERTIFICATION**

We do hereby certify that the foregoing Ordinance #03/11 was duly presented and adopted by Resolution #1326/11 by a vote of 2 for, 0 against, 0 silent, with a quorum of 3 being present at a Special Meeting of the Fond du Lac Reservation Business Committee held on September 27, 2011.

  
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Karen R. Diver,  
Chairwoman

  
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Ferdinand Martineau, Jr.,  
Secretary/Treasurer

# Fond du Lac Band of Lake Superior Chippewa Reservation Business Committee

1720 Big Lake Rd.  
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Phone (218) 879-4593  
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RESOLUTION # 1326/11

## ENACTING AN ORDINANCE GOVERNING THE REVERSION OF UNCLAIMED PER CAPITA FUNDS TO THE FOND DU LAC BAND

The Fond du Lac Reservation Business Committee, on behalf of the Fond du Lac Band of Lake Superior Chippewa, hereby enacts the following Resolution:

WHEREAS, the Fond du Lac Reservation is a sovereignty, created by the Treaty of September 30, 1854, 10 Stat. 1109, as the permanent home of the Fond du Lac Band of Lake Superior Chippewa, which possesses the inherent jurisdiction and authority to exercise regulatory control within the boundaries of the Fond du Lac Reservation; and

WHEREAS, it is the sovereign obligation of the Fond du Lac Reservation Business Committee, as the Governing Body of the Fond du Lac Band, under the Indian Reorganization Act, 25 U.S.C. § 461 et seq., and in accordance with the Indian Self-Determination Act, 25 U.S.C. § 450 et seq., to assume the responsibilities of self government; and

WHEREAS, the Reservation Business Committee has a fiduciary obligation to manage the financial assets of the Fond du Lac Band, and to ensure the efficient use of Band resources; and

WHEREAS, the Reservation Business Committee has determined it to be necessary and in the best interests of the Fond du Lac Band to develop a process to govern the reversion of unclaimed per capita funds to the Band, and has developed an Ordinance for that purpose;

NOW THEREFORE BE IT RESOLVED, that the Fond du Lac Reservation Business Committee hereby enacts Fond du Lac Ordinance # 03/11, entitled "Reversion of Unclaimed Per Capita Funds to the Fond du Lac Band", to become effective immediately.

### CERTIFICATION

We do hereby certify that the foregoing Resolution was duly presented and acted upon by a vote of 2 for, 0 against, 0 silent, with a quorum of 3 being present at a Special Meeting of the Fond du Lac Reservation Business Committee held on September 27 2011, on the Fond du Lac Reservation.

Karen R. Diver  
Karen R. Diver,  
Chairwoman

Ferdinand Martineau, Jr.  
Ferdinand Martineau, Jr.,  
Secretary/Treasurer