

FOND DU LAC ORDINANCE #01/18

**BYLAWS OF THE
FOND DU LAC CEDED TERRITORY CONSERVATION COMMITTEE**

**Adopted by Resolution #1093/18 of the Fond du Lac Reservation Business Committee on
April 17, 2018.**

FOND DU LAC ORDINANCE #01/18

BYLAWS OF THE FOND DU LAC CEDED TERRITORY CONSERVATION COMMITTEE

These Bylaws are adopted pursuant to the rights reserved to the Fond du Lac Band of Lake Superior Chippewa under the treaties of July 29, 1837, 7 Stat. 536 and September 30, 1854, 10 Stat. 1109, and the Band's inherent rights of self-government as recognized under 25 U.S.C. § 476, Article VI of the Revised Constitution of the Minnesota Chippewa Tribe, and the common law of the United States, the Fond du Lac Reservation Business Committee, as the Governing Body of the Fond du Lac Band of Lake Superior Chippewa.

101. **Name.** The name of the organization shall be the Fond du Lac Ceded Territory Conservation Committee (hereinafter referred to as the "Ceded Territory Conservation Committee").
102. **Purposes.** The purposes of the Ceded Territory Conservation Committee shall be to promote the harvest, management, preservation, and the protection of the fish, game, wild rice, woodland resources and all natural resources of the ceded territories of the Fond du Lac Band of Lake Superior Chippewa; advise the Fond du Lac Reservation Business Committee with respect to the management, preservation, and the protection of the fish, game, wild rice, woodland resources and all natural resources of the ceded territories of the Fond du Lac Band in a manner which is consistent with the objectives and regulations prescribed by the Reservation Business Committee in the Fond du Lac Ceded Territory Conservation Code, FDL Ord. #02/92, as amended; the Fond du Lac 1837 Ceded Territory Conservation Code, FDL Ord. #02/97, as amended; the Wisconsin 1837 and 1842 Ceded Territory Conservation Code, FDL Ord. #01/12, as amended; and the Michigan 1842 Ceded Territory Conservation, FDL Ord. #02/12.
103. **Attributes.** The Ceded Territory Conservation Committee is a subdivision of the Fond du Lac Band of Lake Superior Chippewa, and the actions taken by the Ceded Territory Conservation Committee shall be imbued with those privileges and immunities inherent to the Fond du Lac Band, except as limited herein. Nothing in these Bylaws shall be deemed or construed as a waiver of the sovereign immunity of the Fond du Lac Band, or to constitute consent by the Fond du Lac Reservation Business Committee or the Ceded Territory Conservation Committee to suit, except as provided herein.
104. **Membership.** The Ceded Territory Conservation Committee shall consist of seven (7) members, who shall be appointed to staggered four year terms. These seven (7) Ceded Territory Conservation Committee members shall have the sole and exclusive right to vote on Ceded Territory Conservation Committee matters. The Reservation Business Committee shall make all appointments to the Ceded Territory Conservation Committee and shall notify both the appointees and the Fond du Lac Resource Management Division of such appointments.

105. **Removal or Suspension of Members.** A member of the Ceded Territory Conservation Committee may be removed by the Reservation Business Committee for misconduct, malfeasance, missing three (3) consecutive meetings of the Ceded Territory Conservation Committee, disqualification under Section 104 of these Bylaws, or crimes of moral turpitude. Where a member of the Ceded Territory Conservation Committee has been charged with a crime of moral turpitude, or where the Reservation Business Committee has considered reliable allegations of such conduct, the Reservation Business Committee may suspend that member until such time as that member has been exonerated of those charges or allegations. The Ceded Territory Conservation Committee may recommend removal or suspension of a Ceded Territory Conservation Committee member to the Reservation Business Committee for any of the above-stated reasons, provided that the conduct at issue is reasonably substantiated.
106. **Officers.** The Ceded Territory Conservation Committee shall elect from among its members a Chairperson, a Vice-Chairperson, and a Secretary. The Chairperson shall preside at all meetings of the Ceded Territory Conservation Committee or, in the absence of the Chairperson, the Vice-Chairperson shall preside. The Chairperson shall have the responsibility to see that all the functions of the Ceded Territory Conservation Committee are satisfactorily conducted and shall perform all general responsibilities which are inherent to that office. The Secretary shall prepare and maintain the minutes of the Ceded Territory Conservation Committee and shall provide copies of the minutes to the Reservation Business Committee within ten (10) days of approval. An officer may be removed from that office by majority vote of a quorum of the Ceded Territory Conservation Committee.
107. **Non-Voting Advisory Members.** The Ceded Territory Conservation Committee may also have non-voting members. Non-voting advisory members shall be appointed by the Fond du Lac Reservation Business Committee; shall number as many as the Fond du Lac Reservation Business Committee deems to be appropriate and shall serve at their sole and exclusive pleasure.
108. **Functions of the Ceded Territory Conservation Committee.** The Ceded Territory Conservation Committee shall perform the following functions:
- a. Acquaint themselves thoroughly with, and uphold the provisions of the Fond du Lac Ceded Territory Conservation Code, FDL Ord.#02/92, as amended; the Fond du Lac 1837 Ceded Territory Conservation Code, FDL Ord. #02/97, as amended; the Wisconsin 1837 and 1842 Ceded Territory Conservation Code, FDL Ord. #01/12, as amended; and the Michigan 1842 Ceded Territory Conservation, FDL Ord. #02/12.
 - b. Recommend development of a system for the issuance of all Ceded Territory Identification Cards, Permits, tags, and markers. Recommend development of a records keeping system and procedural system to be used by the Conservation Division in the issuance of Ceded Territory Identification Cards, permits, tags and

- markers. The Conservation Division will be responsible for record keeping and will keep the Committee informed with regular reports.
- c. Recommend to the Fond du Lac Reservation Business Committee any amendments to the Ceded Territory Conservation Codes. Amendments to this Codes shall be through resolution and an affirmative majority vote of the Fond du Lac Reservation Business Committee.
 - d. Recommend to the Fond du Lac Reservation Business Committee seasons where none are specifically provided for, close or shorten existing seasons when necessary for the well-being of the resource, and extend or open seasons after a determination that such an act will not cause substantial harm to the resource. Upon approval by the Fond du Lac Reservation Business Committee, the Ceded Territory Conservation Committee shall publicly post, at least ten to fourteen (10 to 14) days prior to the opening, seasons, limits, and any special conditions.
 - e. Review annually each specially issued permit to determine whether limitations of issuance are necessary, or whether additional permits may be issued and make the necessary recommendations.
 - f. Maintain a liaison with the Minnesota Department of Natural Resources, the Bois Forte Band of Lake Superior Chippewa, the Grand Portage Band of Lake Superior Chippewa, the Great Lakes Indian Fish and Wildlife Commission, and the United States Fish and Wildlife Service in order to facilitate cooperation of the enforcement of the game laws where so delegated by the Reservation Business Committee.
 - g. Consult with private groups, state, local and federal governments concerning the establishment of a Natural Resource Conservation Program which has sound biological, ecological, environmental and economic bases except that the Committee shall have no authority to enter into agreements with such groups or governments without the express delegation of such authority by the Reservation Business Committee.
 - h. Propose to the Fond du Lac Reservation Business Committee and, upon approval, take necessary steps to initiate and implement aspects of the natural resource conservation programs in the Ceded Territory.
 - i. Make recommendations to the Reservation Business Committee for requests for game for the purposes of a ceremonial feast, drum ceremony or for senior citizens. Upon written order of the Reservation Business Committee, a Conservation Officer, appointed by the Chief Conservation Officer, shall take the necessary game. In no event shall such a taking violate the prohibitions of this Code nor those prohibitions established by federal statute and Sec. 103, Subd. 5 of Ordinance #02/92, as amended.

109. **Meetings.** All meetings of the Ceded Territory Conservation Committee shall be conducted in accordance with the Rules of Order and Code of Conduct prescribed under Articles 111 and 112 of these Bylaws.
- a. **Regular Meetings.** Regular Meetings of the Ceded Territory Conservation Committee shall be held once a month. Members shall be notified of the meeting by the Secretary no less than seven (7) calendar days prior to the meeting.
 - b. **Special Meetings.** Special Meetings of the Ceded Territory Conservation Committee may be called by the Chairperson or by any four (4) members of the Ceded Territory Conservation Committee. Members shall be notified of the special meeting by the Secretary no less than three (3) calendar days prior to the meeting, and shall be informed of the purpose, place, date and time of the meeting, and shall be informed of those members responsible for calling the meeting. No business shall be conducted at the Special Meeting except as specified in the notice.
 - c. **Quorum.** A quorum shall consist of at least four (4) members, at least one of whom shall be the Chairperson or Vice-Chairperson. If a quorum is present, the affirmative vote of the majority of members present shall be necessary for the adoption of any matter voted upon. A majority of members present, though less than a quorum, may adjourn the meeting.
 - d. **Open Meeting Requirement.** All meetings of the Ceded Territory Conservation Committee shall be open to the interested public. Participation by interested parties shall be in accordance with the Rules of Order prescribed under Article 111 of these Bylaws.
110. **Subcommittees.** The Ceded Territory Conservation Committee may establish from its membership standing or ad hoc subcommittees to work on any special problems or projects related to the following areas: budget, social activities, education, and personnel.
111. **Rules of Order.** All meetings of the Ceded Territory Conservation Committee shall be conducted in accordance with Robert's Rules of Order.
112. **Ceded Territory Conservation Committee Code of Conduct.** The following standards of conduct shall apply to members of the Ceded Territory Conservation Committee in carrying out Ceded Territory Conservation Committee functions:
- a. The purposes of the Ceded Territory Conservation Committee are coordinative and advisory and not administrative, and the performance of administrative and professional functions within the Program should be left to the appropriate staff, who should be accorded the respect and consideration due professional personnel.

- b. The Ceded Territory Conservation Committee is not a political body, and the use of one's membership in the Ceded Territory Conservation Committee to advance personal positions which are not directly related to the Ceded Territory Conservation Committee's purposes is inappropriate.
- c. The authority of the Ceded Territory Conservation Committee resides in the Ceded Territory Conservation Committee as a body and only extends to the functions set forth in Section 102 of FDL Ord. #02/92, as amended, and these Bylaws, and an individual member has no authority to represent the Ceded Territory Conservation Committee outside official meetings unless specifically delegated such a function by the Ceded Territory Conservation Committee consistent with the purposes of the Ceded Territory Conservation Committee as set forth in Section 102 of FDL Ord. #02/92 as amended, and these Bylaws.
- d. All Ceded Territory Conservation Committee business should be conducted in an ethical and above-board manner, and the procedures for holding meetings prescribed under Article 109 of these Bylaws must be strictly observed.

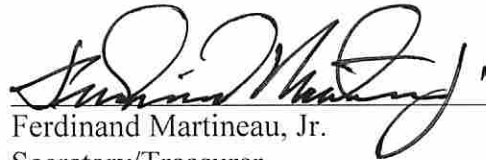
113. **Amendments.** These Bylaws shall only be amended by resolution of the Reservation Business Committee.

CERTIFICATION

We do hereby certify that the foregoing Ordinance was duly presented and adopted by Resolution #1093/18, by a vote of 3 for, 0 against, 0 silent, with a quorum of 4 being present at a Special Meeting of the Fond du Lac Reservation Business Committee held on April 17, 2018, on the Fond du Lac Reservation.



Kevin R. Dupuis, Sr.
Chairman



Ferdinand Martineau, Jr.
Secretary/Treasurer

Fond du Lac Band of Lake Superior Chippewa Reservation Business Committee

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RESOLUTION #1093/18

ADOPTING ORDINANCE #01/18

BYLAWS OF THE FOND DU LAC CEDED TERRITORY CONSERVATION COMMITTEE

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

WHEREAS, the Fond du Lac Band of Lake Superior Chippewa are a sovereign people, who occupy the Fond du Lac Reservation and retain their aboriginal rights of self-government and self-determination pursuant to the Treaty of LaPointe of September 30, 1854, 10 Stat. 1109; the Indian Reorganization Act of 1934, 25 U.S.C. § 461 et seq.; the common law of the United States; and as recognized by the United Nations Declaration on the Rights of Indigenous Peoples of September 17, 2007; and

WHEREAS, it is the sovereign obligation of the Fond du Lac Reservation Business Committee, as the duly-constituted governing body of the Fond du Lac Band, to exercise the responsibilities of self-government and management over the Band's affairs; and

WHEREAS, the Reservation Business Committee has determined it to be necessary and in the best interests of the Fond du Lac Band to adopt, by ordinance, the "Bylaws of the Fond du Lac Ceded Territory Conservation Committee," to promote the harvest, management, preservation, and the protection of the fish, game, wild rice, woodland resources, and all natural resources of the ceded territories of the Fond du Lac Band of Lake Superior Chippewa, and to advise the Fond du Lac Reservation Business Committee in a manner which is consistent with the objectives and regulations prescribed by the RBC in the Fond du Lac Ceded Territory Conservation Code, FDL Ord. #02/92, as amended; the Fond du Lac 1837 Ceded Territory Conservation Code, FDL Ord. #02/97, as amended; the Wisconsin 1837 and 1842 Ceded Territory Conservation Code, FDL Ord. #01/12, as amended; and the Michigan 1842 Ceded Territory Conservation, FDL Ord. #02/12;

NOW THEREFORE BE IT RESOLVED, that the Fond du Lac Reservation Business Committee does hereby adopt Fond du Lac Ordinance #01/18, entitled "Bylaws of the Fond du Lac Ceded Territory Conservation Committee", to become effective immediately.

CERTIFICATION

We do hereby certify that the foregoing Resolution was duly presented and acted upon by vote of 3 for, 0 against, 0 silent, with a quorum of 4 being present at a Special Meeting of the Fond du Lac Reservation Business Committee held on April 17, 2018 on the Fond du Lac Reservation.



Kevin R. Dupuis, Sr.
Chairman



Ferdinand Martineau, Jr.
Secretary-Treasurer