

FOND DU LAC ORDINANCE #01/96

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

Adopted by Resolution #1009/96 of the Fond du Lac Reservation Business Committee on January 11, 1996.

Amended by Resolution #1081/96 of the Fond du Lac Reservation Business Committee on March 12, 1996.

FOND DU LAC ORDINANCE #01/96

BYLAWS OF THE FOND DU LAC CONSERVATION COMMITTEE

Pursuant to the authority granted by Article VI of the Revised Constitution of the Minnesota Chippewa Tribe, and as recognized under Section 16 of the Indian Reorganization Act, 25 U.S.C. § 476, the Fond du Lac Reservation Business Committee, as the Governing Body of the Fond du Lac Band of Lake Superior Chippewa, created the Fond du Lac Conservation Committee, under Ordinance #03/90, entitled the "Fond du Lac Conservation Code," which is charged with the management, preservation, protection and regulation of the taking of fish, game, wild rice, natural and woodland resources of the Fond du Lac Reservation. Pursuant to the aforementioned authority, the Fond du Lac Reservation Business Committee hereby establishes the Bylaws of the Fond du Lac Conservation Committee.

101. **Name.** The name of the organization shall be the Fond du Lac Conservation Committee (hereinafter referred to as the "Conservation Committee").
102. **Purposes.** The purposes of the Conservation Committee shall be to promote the management, preservation, protection and regulation of the fish, game, wild rice, natural and woodland resources within the boundaries of the Fond du Lac Reservation; advise the Fond du Lac Reservation Business Committee with respect to the management, preservation, protection and regulation of the fish, game, wild rice, natural and woodland resources in a manner which is consistent with the objectives and regulations prescribed by the Reservation Business Committee in the Fond du Lac Conservation Code, FDL Ord. #03/90, as amended.
103. **Attributes.** The Conservation Committee is a subdivision of the Fond du Lac Band of Lake Superior Chippewa, and the actions taken by the 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 Conservation Committee to suit, except as provided herein.
104. **Membership.** The Conservation Committee shall consist of seven (7) members, who shall be enrolled members of the Fond du Lac Band, three (3) of whom shall be appointed for an initial term of three years, and four (4) of whom shall be appointed for an initial term of two years, and thereafter the term for all membership positions shall be two years. The Reservation Business Committee

shall make all appointments to the Conservation Committee and shall notify both the appointees and the Fond du Lac Conservation Department of such appointments. These seven (7) regular Conservation Committee Members shall be its only voting members.

105. **Removal or Suspension of Members.** A member of the Conservation Committee may be removed by the Reservation Business Committee for misconduct, malfeasance, missing three (3) consecutive meetings of the Conservation Committee, disqualification under Section 104 of these Bylaws, or crimes of moral turpitude. Where a member of the 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 Conservation Committee may recommend removal or suspension of a 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 Conservation Committee shall elect from among its members a Chairperson, a Vice-Chairperson, a Secretary, and a Treasurer. The Chairperson shall preside at all meetings of the 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 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 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 Conservation Committee.

107. **Non-Voting Advisory Members.** The Conservation Committee may also have, as non-voting advisory members, individuals from: The Bureau of Indian Affairs, the representatives to be recommended by the Superintendent of the Minnesota Agency; The United States Fish and Wildlife Service, the representative to be recommended by the Regional Director of Region 3, and; from the Minnesota Department of Natural Resources, the representative to be recommended by the Commissioner. Non-voting advisory membership is not limited to the above mentioned agencies.

108. **Functions of the Conservation Committee.** The Conservation Committee shall perform the following functions:

- a. Acquaint themselves thoroughly with, and uphold the provisions of the Fond du Lac Conservation Code, FDL Ord.#03/90, as amended.
- b. Develop and maintain a system for the issuance of all licenses, permits, tags, markers, and develop a record keeping system. The staff of the Conservation Division will issue all licenses, permits, tags and markers and will be responsible for record keeping and for keeping the Conservation Committee informed with regular reports.
- c. The Conservation Committee shall recommend to the Fond du Lac Reservation Business Committee: seasons, where none are specifically provided; closing or shortening existing seasons, when necessary for the well-being of the resource, and; extending or opening seasons, after a determination that such an act will not cause substantial harm to the resource.
- d. Review annually factors such as shortages or abundance of a resource to determine the numbers and types of permits which may be issued.
- e. Maintain a liaison with the Minnesota Department of Natural Resources and the United States Fish and Wildlife Service to facilitate cooperation in the enforcement of respective game laws and other mutual concerns.
- f. Consult with private groups, state, local and federal governments concerning the establishment of natural resource conservation programs which have sound biological, ecological, environmental and economic basis.
- g. Propose to the Fond du Lac Reservation Business Committee and, upon their approval, take necessary steps to initiate and implement aspects of the natural resource conservation program.
- h. Recommend to the Reservation Business Committee, disbursements and expenditures from the Conservation Fund so that the funds may be expended and disbursed for purposes which are reasonable and necessary to the implementation of activities and operations governed by the Conservation Code and these Bylaws.
- i. Recommend to the Tribal Court a schedule of penalties and a procedure for expeditious collection of such penalties.
- j. With receipt of proper application, the Conservation Committee will recommend to the Reservation Business Committee that a Conservation Officer take whatever fish or game necessary for feasts, ceremonies, senior citizens or handicapped Band members.

109. **Meetings.** All meetings of the 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 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 Conservation Committee may be called by the Chairperson or by any three (3) members of the 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 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 this Charter and Bylaws.
110. **Subcommittees.** The 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 Conservation Committee shall be conducted in accordance with Robert's Rules of Order.
112. **Conservation Committee Code of Conduct.** The following standards of conduct shall apply to members of the Conservation Committee in carrying out Conservation Committee functions:
- a. The purposes of the 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.

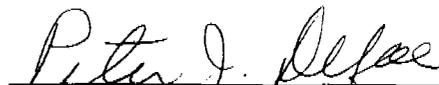
- b. The Conservation Committee is not a political body, and the use of one's membership in the Conservation Committee to advance personal positions which are not directly related to the Conservation Committee's purposes is inappropriate.
- c. The authority of the Conservation Committee resides in the Conservation Committee as a body and only extends to the functions set forth in Section 101 of FDL Ord. #03/90, as amended, and these Bylaws, and an individual member has no authority to represent the Conservation Committee outside official meetings unless specifically delegated such a function by the Conservation Committee consistent with the purposes of the Conservation Committee as set forth in Section 101 of FDL Ord. #03/90 as amended, and these Bylaws.
- d. All 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 amended by Resolution #1081/96, 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 March 12, 1996 on the Fond du Lac Reservation.


Robert B. Peacock, Chairman


Peter J. DeFoe, Sec./Treas.

Fond du Lac Reservation Business Committee

105 University Road,
Cloquet, MN. 55720
Phone (218) 879-4593
Fax (218) 879-4146

RESOLUTION # 1081/96



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 perpetual 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

Chairman
Robert B. Peacock

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

Secretary/Treasurer
Peter J. Defoe

Dist. I Councilman
Clifton Rabideaux

WHEREAS, the Fond du Lac Reservation Business Committee, pursuant to Resolution #1009/96, adopted FDL Ordinance #01/96, entitled the "Bylaws of the Fond du Lac Conservation Committee;" and

Dist. II Councilman
Daryold Blacketter

Dist. III Councilman
George Dupuis

WHEREAS, said Ordinance #01/96, Section 113 "Amendments" provides that the Bylaws shall only be amended by Resolution of the Reservation Business Committee; and

Executive Director
I. Jean Mulder

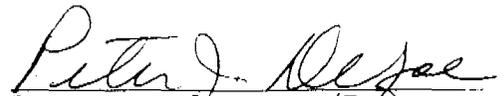
WHEREAS, the Fond du Lac Reservation Business Committee has determined it to be necessary and in the best interests of the Fond du Lac Band to amend Section 104 "Membership" as follows:

The Conservation Committee shall consist of seven (7) members, who shall be enrolled members of the Fond du Lac Band, three (3) of whom shall be appointed for an initial term of three years, and four (4) of whom shall be appointed for an initial term of two years, and thereafter the term for all membership positions shall be two years. and who shall be appointed to two years terms. The Reservation Business Committee shall make all appointments to the Conservation Committee and shall notify both the appointees and the Fond du Lac Conservation Department of such appointments. These seven (7) regular Conservation Committee Members shall be its only voting members.

NOW THEREFORE BE IT RESOLVED, that the Fond du Lac Reservation Business Committee does hereby amend FDL Ordinance #01/96, Section 104 "Membership," and hereby directs said amendment to be incorporated into Ordinance #01/96, to become effective this day.

We do hereby certify that the foregoing Resolution was duly presented and acted upon by a vote of 7 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 March 12, 1996, on the Fond du Lac Reservation.


Robert B. Peacock, Chairman


Peter J. Defoe, Sec./Treas.