

FOND DU LAC ORDINANCE #01/99,
AS AMENDED

BYLAWS OF THE
FOND DU LAC LAND USE COMMITTEE

Adopted by Resolution #1108/99 of the Fond du Lac Reservation Business Committee on April 27, 1999.
Amended by Resolution #1147/00 of the Fond du Lac Reservation Business Committee on May 30, 2000.
Amended by Resolution #1514/07 of the Fond du Lac Reservation Business Committee on November 13, 2007.
Amended by Resolution #1514/07, Amended, of the Fond du Lac Reservation Business Committee on January 24, 2008.

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Pursuant to the authority reserved under Section 16 of the Indian Reorganization Act, 25 U.S.C. § 476, and as granted under Article VI of the Revised Constitution of the Minnesota Chippewa Tribe, the Fond du Lac Reservation Business Committee, as the Governing Body of the Fond du Lac Band of Lake Superior Chippewa, hereby enacts the following Bylaws of the Fond du Lac Land Use Committee.

101. **Name.** The name of the organization shall be the Fond du Lac Land Use Committee (hereinafter referred to as the "Land Use Committee").
102. **Purpose.** The purpose of the Land Use Committee shall be to advise and assist the Fond du Lac Reservation Business Committee with respect to the management, use, protection and development of land within the boundaries of the Fond du Lac Reservation in accordance with the Fond du Lac Land Use Plan, as adopted pursuant to FDL Resolution #1021/98, and as may be amended from time to time; and in accordance with the Fond du Lac Band of Lake Superior Chippewa Land Use Ordinance, FDL Ordinance #02/07, as may be amended from time to time..
103. **Attributes.** The Land Use Committee is a subdivision of the Fond du Lac Band of Lake Superior Chippewa, and the actions taken by the Land Use Committee shall be imbued with those privileges and immunities inherent to the Fond du Lac Band, except as limited herein. Nothing in these Bylaws or the pursuit of the purposes described herein 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 Land Use Committee to any action or claim founded upon or arising out of the jurisdiction of any government other than that of the Fond du Lac Band.
104. **Membership.** The Land Use Committee shall consist of seven (7) members, three (3) of whom shall be enrolled members of the Fond du Lac Band, one from each district, who shall also reside in that District, two (2) of whom shall be appointed for an initial term of three years, and one (1) 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 four (4) employees of the Fond du Lac Band, regardless of their membership status with the Band, who shall serve as part of their employment position with the Band: (1) the Cultural Resource Specialist; (2) the Water Regulatory Specialist; (3) the Environmental Specialist; and (4) the Senior FDL Forester. These seven (7) regular Land Use Committee Members shall be its only voting members. The Reservation Business Committee shall make all appointments to the Land Use Committee and shall notify both the appointees and the Fond du Lac Planning Division of such appointments.
105. **Removal or Suspension of Members.** A member of the Land Use Committee may be removed by the Reservation Business Committee for misconduct, malfeasance, missing three (3) consecutive meetings of the Land Use Committee, disqualification under Section 105 of these Bylaws, or crimes of moral turpitude. Where a member of the Land Use 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 Land Use Committee may recommend removal or suspension of a Land Use 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 Land Use Committee shall elect from its members a Chairperson, and a Vice-Chairperson. Each shall serve a term of two (2) years. The secretary functions shall be filled by Land Use and Zoning Administrator. This staff person does not have voting rights on the Land Use Committee. The Chairperson shall preside at all meetings of the Land Use Committee or, in the absence of the Chairperson, the Vice-Chairperson shall preside. The Chairperson shall have the responsibility to see that all functions of the Land Use Committee are satisfactorily conducted and shall perform all general responsibilities which are inherent in that office. The Land Use and Zoning Administrator shall prepare and maintain the minutes of the Land Use 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 Land Use Committee.
107. **Functions of the Land Use Committee.** The Land Use Committee shall perform the following functions:
- a. Acquaint themselves thoroughly with the provisions of the Fond du Lac Land Use Plan, as adopted pursuant to FDL Resolution #1021/98, and as may be amended from time to time.
 - b. Acquaint themselves thoroughly with the provisions of the Fond du Lac Band of Lake Superior Chippewa Land Use Ordinance, FDL Ordinance #02/07, as may be amended from time to time.
 - c. Implement the recommendations set forth in the Land Use Plan and help to update and revise the Plan every five (5) years or as needed.
 - d. Implement the Land Use Ordinance by: (1) maintaining custody of the Official Land Use Map; (2) issuing or denying, by majority vote, Conditional Use, Special Use, Shoreland, and Subdivision Permits; (3) making recommendations to the RBC to issue or deny variances; (4) hearing appeals from decisions made by the FDL Land Use and Zoning Administrator, and (5) making recommendations to the RBC on appeals.
 - e. Review all applications for leases of Band land and make recommendations to the Reservation Business Committee as to the appropriate action on such applications.
 - f. Advise the Reservation Business Committee regarding the adoption of standards for leases and leasehold development, which may include provisions governing location, sizing and related matters for water wells and on-site septic systems and which may be coordinated with the entities issuing grants for these systems.
 - g. Review applications for business licenses to be located on the Reservation and advise the Reservation Business Committee as to the potential effect of such businesses on the Land Use Plan.
 - h. Advise the Reservation Business Committee on matters related to land acquisitions, trades and transfers.
 - i. As specifically requested by the Reservation Business Committee, to serve as a liaison with other local governments in matters related to land use planning activities, issuance of zoning permits by those entities, review of subdivision plans, and similar activities.
 - j. As specifically requested by the Reservation Business Committee, to consult with private groups or government agencies in matters related to land use management and development issues affecting the Fond du Lac Reservation.
 - k. Monitor land use changes and trends on or affecting the Fond du Lac Reservation and advising the Reservation Business Committee accordingly.
 - l. Periodically review the Fond du Lac Land Use and Management Plan and recommend appropriate revisions, modifications, enhancements or other changes to the Reservation Business Committee.

108. **Meetings.** All meetings of the Land Use Committee shall be conducted in accordance with the Rules of Order and Code of Conduct prescribed under Articles 110 and 111 of these Bylaws.
- a. **Regular Meetings.** Regular meetings of the Land Use 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 Land Use Committee may be called by the Chairperson or by any three (3) members of the Land Use 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 Land Use Committee may be open to the interested public. Participation by interested parties shall be in accordance with the Rules of Order prescribed under Article 110 of these Bylaws.
 - e. **Compensation.** Employees of the Fond du Lac Band who serve on the Land Use Committee will be compensated for meetings held after working hours with equal comp time regardless if they are appointed members. Appointed members who are not employees of the Fond du Lac Reservation will be compensated by a sum of \$50.00 per meeting.
109. **Subcommittees.** The Land Use Committee may establish from its membership standing or *ad hoc* subcommittees to work on any special problems or projects related to its business. Upon a majority vote of the Land Use Committee, non-committee members may be appointed to *ad hoc* subcommittees.
110. **Rules of Order.** All meetings of the Land Use Committee shall be conducted in accordance with Robert's Rules of Order.
111. **Land Use Committee Code of Conduct.** The following standards of conduct shall apply to members of the Land Use Committee in carrying out Land Use Committee functions:
- a. The purposes of the Land Use Committee are coordinative and advisory and not administrative, and the performance of administrative and professional functions within the program shall be left to the appropriate staff, who shall be accorded the respect and consideration due professional personnel.
 - b. The Land Use Committee is not a political body, and the use of one's membership on the Land Use Committee to advance personal positions which are not directly related to the Land Use Committee's purposes is inappropriate.
 - c. The authority of the Land Use Committee resides in the Land Use Committee as a body, and an individual member has no authority to represent the Land Use Committee outside official meetings unless specifically delegated by the Committee undertaken in accordance with these Bylaws.
 - d. All Land Use Committee business shall be conducted in an ethical and above-board manner, and the procedures for holding meetings prescribed under Article 108 of these Bylaws must be strictly observed.


112. **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 #1108/99, 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 27, 1999 on the Fond du Lac Reservation, and subsequently amended as follows: by Resolution #1147/00 on May 30, 2000; by Resolution #1514/07 on November 13, 2007; and by Resolution #1514/07 Amended on January 24, 2008.



Karen R. Diver, Chairwoman



Ferdinand Martineau, Jr. Sec./Treas.

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