

Ordinance 45-06

An ordinance amending Title 15 of the Mille Lacs Band Statutes Annotated to add Section II entitled Department of Athletic Regulation in order to regulate professional athletic activities held on the Mille Lacs Band of Ojibwe reservation.

The District III Representative introduced the following Bill on the 29th day of August, 2006. On September 5, 2006, the bill was vetoed and compromise hearing was held on September 14, 2006. On September 22, 2006, the Band Assembly re-introduced the bill with changes.

PREAMBLE

It is enacted by the Band Assembly of the Mille Lacs Band of Ojibwe the following act for the purpose of establishing a statutory system for the effective regulation of professional athletic activities on the Mille Lacs Band of Ojibwe Reservation to be called the Department of Athletic Regulation (the "DAR" or "Department"); establishing an independent regulatory authority called the Boxing Commission (the "Commission"); and for other athletic activities.

Title 15 of the Mille Lacs Band Statutes Annotated shall be amended to add Section II entitled Department of Athletic Regulation as follows:

Section 1 – Professional Boxing and Mixed Martial Arts

This act and attached Rules and Regulations (Exhibit A) shall constitute the entire professional athletic activity laws and regulations of the Band. No professional boxing, sparring, mixed martial arts or other professional athletic exhibitions shall be conducted, held or given on the Mille Lacs Band of Ojibwe Reservation except in accordance with the provisions of this Ordinance and the attached Department's Rules and Regulations.

By adoption of this act, the Band Assembly does hereby adopt the attached Rules and Regulations as the initial regulations of the Department of Athletic Regulation. The Commission, with the approval of the Band Assembly, shall have the right to amend these regulations as the need arises.

Section 2 – Purpose of the Commission

By this Ordinance, the Commission is created to regulate, administer and oversee the conduct of all professional athletic events held on the Mille Lacs Band of Ojibwe Reservation, including professional boxing and mixed martial arts, for the purpose of promoting the health, safety and welfare of all persons engaged in such activities, and that of Band Members and the public. The Commission shall direct a Commission member and/or Department Manager to be present at each place where professional boxing, mixed martial arts or other professional athletic activities are to be held pursuant to the provisions of this Ordinance. The Department Manager and/or Commissioner shall

make a written report of the exact conditions surrounding such match or exhibition in the form and manner prescribed by the Commission.

Section 3 – Jurisdiction of the Commission

The Commission shall have and is hereby vested with the sole discretion, management, control and jurisdiction over all professional boxing, sparring, mixed martial arts and other professional athletic exhibitions to be conducted, held or given on the Mille Lacs Band of Ojibwe Reservation and over all licensing of any and all 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 are also included.

Section 4 – Boxing Commission

(a) The Department shall be managed by a Board of Directors to be known as the Boxing Commission. At all times, at least one Commissioner should be selected from each District. The Board members shall be known as “Commissioner.”

(b) The Commission shall consist of five (5) individuals who shall be appointed to sit on the Commission for a staggered term of years as follows:

- (1) Initially, the term shall be two (2) or three (3) years; and
- (2) Thereafter, the term shall be for four (4) years.

(b) Each Commissioner shall be appointed using the following process:

- (1) The Chief Executive shall nominate two (2) individuals and submit their names to the Secretary-Treasurer. Within ten (10) calendar days after receipt of the nominations, the Secretary-Treasurer shall place the nomination on the Band Assembly calendar for ratification of one of the two nominees to be a Commissioner. Such Commissioner shall serve until September 30, 2008. Any subsequent appointment, other than to fill a vacancy that occurs prior to the end of a term, shall be for four (4) years.
- (2) The Secretary-Treasurer shall nominate two (2) individuals and submit their names to the Chief Executive. Within ten (10) calendar days after receipt of the nominations, the Chief Executive shall ratify one of the two nominees to be a Commissioner. Such Commissioner shall serve until September 30, 2008. Any subsequent appointment, other than to fill a vacancy that occurs prior to the end of a term, shall be for four (4) years.
- (3) The District I Representative shall nominate two (2) individuals and submit their names to the Secretary-Treasurer. Within ten (10) calendar days after receipt of the nominations, the Secretary-Treasurer shall place the nomination on the Band Assembly calendar for ratification of one of the two nominees to be a Commissioner. Such Commissioner shall serve until September 30, 2009. Any subsequent

appointment, other than to fill a vacancy that occurs prior to the end of a term, shall be for four (4) years.

- (4) The District II Representative shall nominate two (2) individuals and submit their names to the Secretary-Treasurer. Within ten (10) calendar days after receipt of the nominations, the Secretary-Treasurer shall place the nomination on the Band Assembly calendar for ratification of one of the two nominees to be a Commissioner. Such Commissioner shall serve until September 30, 2009. Any subsequent appointment, other than to fill a vacancy that occurs prior to the end of a term, shall be for four (4) years.
- (5) The District III Representative shall nominate two (2) individuals and submit their names to the Secretary-Treasurer. Within ten (10) calendar days after receipt of the nominations, the Secretary-Treasurer shall ratify one of the two nominees to be a Commissioner. Such Commissioner shall serve until September 30, 2009. Any subsequent appointment, other than to fill a vacancy that occurs prior to the end of a term, shall be for four (4) years.
- (6) If the Chief Executive or Band Assembly does not ratify one individual from any of the nominations sent to them within the time prescribed, a meeting of the elected officials should be held at the earliest opportunity to discuss such nomination and selection of the Commissioner shall be by super-majority vote.
- (7) If the Chief Executive does not submit a nomination within sixty (60) days after adoption of this Ordinance or within sixty (60) days after a vacancy has occurred, then the Band Assembly shall nominate and ratify two (2) individuals by majority vote. The terms of such ratification is as stated in paragraph (c)(1) of this section.
- (8) If the Secretary-Treasurer does not submit a nomination within sixty (60) days after adoption of this Ordinance or within sixty (60) days after a vacancy has occurred, then the Band Assembly shall nominate and ratify two (2) individuals by majority vote. The terms of such ratification is as stated in paragraph (c)(2) of this section.
- (9) If one of the District Representatives fails to submit a nomination within sixty (60) days after adoption of this Ordinance or within sixty (60) days after a vacancy has occurred, the Chief Executive and Secretary-Treasurer shall each nominate one (1) individual from that district. The Speaker of the Assembly shall then place the names on the Band Assembly calendar for ratification to the Commission. The terms of such ratifications are as stated in paragraphs (c)(3) through (c)(5) of this section.
- (10) No person appointed as a Commissioner shall take office until swearing to the oath of office pursuant to 2 MLBSA § 8.

(c) Qualifications of Commissioners are as follows:

- (1) Commissioners shall be individuals who are of high moral character and integrity, who have a reputation for being honest, fair, objective, and who are recognized as possessing sound judgment.
- (2) It is preferred that Commissioners be individuals with an interest in boxing or mixed martial arts or be individuals that have a background in amateur boxing.
- (3) Commissioners may not have been convicted of a felony within ten (10) years of adoption of this Ordinance.
- (4) No fewer than three (3) Commissioners shall be Band members. There shall be at least one Commissioner from each of the Band's three districts.
- (5) Commissioners may not be employed by the Corporate Commission or a MLBO gaming enterprise.
- (6) Commissioners shall be subject to background investigations.

(d) Commission officers.

- (1) The Commission shall have a Chairperson, Vice-Chairperson and a Secretary.
- (2) The Chairperson of the Commission shall be determined by a majority vote of the elected officials and selected from one of the current Commissioners or, if there is a vacancy, the individual who is appointed to fill such vacancy.
- (3) The Vice-Chairperson shall be selected by the Commission by majority vote.
- (4) The Secretary shall be selected by the Commission by majority vote.

(e) Board Duties.

- (1) The Chairperson shall preside over meetings of the Commission and the Vice-Chairperson shall preside over meetings of the Commission in the absence of the Chairperson. The Secretary shall record in writing the minutes of all Board meetings and all official actions taken by the Commission. A copy of the minutes shall be provided to the Band Assembly and Chief Executive.
- (2) Commissioners shall serve part-time, however, the Commission shall meet a minimum of once per month.

(f) Vacancies.

- (1) The Chairperson shall notify the Band Assembly and Chief Executive of any vacancy on the Commission at least thirty (30) days prior to the end of term or, in circumstances other than the end of a term, immediately upon the knowledge that a vacancy will occur.
- (2) If there is a vacancy on the Commission, then the vacancy shall be filled in the same manner as the vacating Commissioner who was originally appointed.

(3) Any Commissioner, including the Chairperson, appointed to fill a vacancy shall serve for the remainder of the vacant term, however, any Commissioner may be re-appointed during this time period pursuant to paragraph (c) of this section.

(g) No elected official shall serve as a Commissioner during his/her term of office.

(h) Removal. A Commissioner may be removed by a super-majority vote of four (4) out of five (5) members of the elected officials. The determination of the elected officials is final and unappealable to the Court of Central Jurisdiction.

(i) Compensation. Commissioners shall be paid Two Hundred and Fifty and No Dollars (\$250.00) per meeting, not to exceed Five Hundred and No Dollars (\$500.00) in one month. Mileage and other travel expenses will be compensated on the same terms and conditions as applicable to Senior Executive Staff appointees as provided by Band law. Commissioner stipend is restricted to his/her attendance at official meetings of the Commission.

(j) Training.

(1) Commissioners shall attend one or more training seminars per year during their terms of membership. These seminars shall be sanctioned by the Association of Boxing Commissioners ("ABC) or other professional boxing or martial arts organization.

(2) Commissioners attending mandatory training seminars, who are also employees of the Band government, shall be compensated at their documented rate of pay for each hour they are in attendance at such training plus mileage and other travel expenses as stated in paragraph (j) in this section. Commissioners, who are also employees of the Band government, shall not be required to use his/her accrued annual leave, but will be paid as if they were at work.

Section 5 – No Right of Action

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 Mille Lacs Band of Ojibwe, its representatives, elected officials, Athletic Department or the Commission.

Section 6 – Medical Standards

There shall be two (2) ringside physicians present at each professional boxing or mixed martial arts event. At the earliest opportunity, all such physicians shall be registered with and attend training sessions with the American Association of Professional Ringside Physicians ("AAPRP"). All ringside physicians must be licensed in the State of Minnesota and have professional qualifications suitable to professional boxing or mixed martial arts. Accepted medical background includes, but is not limited to, internal medicine, neurology or general practice. All regulations adopted with the passage of this Ordinance shall be followed.

Ordinance 45-06

Introduced to the Band Assembly on this
Twenty-Ninth day of August in the year
Two-thousand six.

Re-Passed by the Band Assembly on this
Twenty-Second day of September in the year
Two-thousand six.

Herb Weyaus
Herb Weyaus, Speaker of the Assembly

APPROVED:

Date: October 2, 2006 Melanie Benjamin
Melanie Benjamin, Chief Executive

*Signed with the two
issues changed.*

OFFICIAL SEAL OF THE BAND