

ORDINANCE NO. 07-02

**AN ORDINANCE OF THE BUSINESS COUNCIL OF THE BLUE
LAKE RANCHERIA ESTABLISHING A CONTRACTS CODE
AND GRANTING TO THE BLUE LAKE TRIBAL COURT THE
JURISDICTION AND AUTHORITY TO HEAR CONTRACT
DISPUTES IN LIMITED CASES**

The Business Council (ACouncil@) of the Blue Lake Rancheria (ATribe@) does hereby ordain as follows:

Section 1. Findings and Declarations. The Council finds and declares that:

1. Disputes arise on the Blue Lake Rancheria ("Reservation") to which the Tribe is a party regarding the validity and enforceability of contracts.

2. Disputes arise concerning the Tribe and its wholly owned business enterprises and its agencies or departments which were organized under Section 17 of the Indian Reorganization Act or in accordance with tribal law and which are domiciled on the Reservation.

3. Disputes arise concerning contracts entered into by the Tribe and its wholly owned business enterprises and its agencies or departments which designate tribal law as the law governing the interpretation and enforcement of the contract and tribal court as the forum for resolving disputes which arise under the contract.

4. Tribal law has particular application to and Tribal Courts have unique subject matter expertise to resolve disputes arising under or concerning contracts entered into on the Reservation involving the Tribe, its agencies, departments and business enterprises, and involving tribally owned business enterprises and tribal departments and agencies which were created under and in accordance with tribal law and that are domiciled on the Reservation.

5. Section 11.1.1.030.A.1 of the Tribal Code empowers the Business Council to enact ordinances establishing the jurisdiction of the Tribal Court. The purpose of this Ordinance is to provide the Blue Lake Rancheria Tribal Court with subject-matter jurisdiction over causes of action arising under contracts with the Tribe and its wholly owned business enterprises and its departments and agencies and to provide the substantive tribal law governing the formation, interpretation, and enforcement of such contracts.

Section 2. Adoption of Contracts Code. A new Ordinance, entitled Contracts Code is hereby adopted and added to the Title 11, Article 1, Chapter 2 of the Blue Lake Tribal Code and shall provide as follows:

Article 2. Contract actions.

Section

- 11.1.2.010 Definitions.
- 11.1.2.020 Adoption of Contracts Code.
- 11.1.2.030 Grant of Tribal Court Jurisdiction to Hear Contract Disputes.
- 11.1.2.040 Statute of Limitations.

11.1.2.010 Definitions. Where the word State or State of California is used to describe the territory of the State and appears in '1427 through 1724 of the California Civil Code, it shall be replaced by the word Reservation or Blue Lake Rancheria and so read in this Ordinance. Where the word State or State of California is used to describe the State of California as a governmental entity in '1427 through 1724 of the California Civil Code, it shall be replaced by the word Tribe or the phrase Blue Lake Rancheria and so read in this Ordinance. Tribal Entity shall mean the departments and agencies or other political subdivisions of the Blue Lake Rancheria, and its wholly owned business enterprises, including, but not limited to, the Blue Lake Rancheria Economic Development Corporation, and its divisions, such as Mainstay Business Solutions. "Domicile," in the case of a Tribal Entity, means the place where it has been formed and where its registered agent for service of process is located.

11.1.2.020 Adoption of Contracts Code. The contract law of the State of California, set forth in California Civil Code '1427 through 1724 is hereby adopted as the contract law of the Blue Lake Rancheria and shall be applied by the Tribal Court in resolving all contract disputes arising between the Blue Lake Rancheria or Tribal Entities and any other person, corporation, limited liability company or entity of any kind whatsoever.

11.1.2.030 Grant of Tribal Court Jurisdiction to Hear Contract Disputes. The Tribal Court shall have jurisdiction over civil causes of action regarding the validity, interpretation, and enforcement of contracts to which the Tribe or Tribal Entities are parties, if the contract is entered on the Reservation, is to be performed on the Reservation or if the Tribal Entity is domiciled on the Reservation. A contract may contain a choice of law and forum

selection clause which also shall be deemed to grant the tribal court subject matter jurisdiction over the dispute by selecting tribal law to govern the interpretation or enforcement of the contract or tribal court as the forum for resolving such disputes. The Court shall apply the provisions of this Ordinance and the Tribal Court Ordinance (Title 11, Art. 1, Ch. 1, commencing with §1.1.1.010) of the Blue Lake Rancheria Tribal Code) in resolving said disputes. The tribal court shall have ancillary jurisdiction over any non-contract claims which arise out of the same transaction or occurrence, relate to or arise out of the contract, or are asserted as counter- or cross-claims in the same action.

11.1.2.040 Statute of Limitations. The applicable statutes of limitations period for a breach of contract action brought in the Blue Lake Rancheria Tribal Court, arising under this Ordinance shall be as follows: (1) one year from the date that the cause of action accrued on a verbal contract; (2) four years from the date that the cause of action accrued on a written contract; and (3) one year from the date of the last billing statement on an open-book account.

Section 3. Severability. If any section, subsection, paragraph, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Ordinance. The Council declares that it would have passed the remaining portions of this Ordinance, if any.

Section 4. Repeal. All prior ordinances or provisions of any previously enacted ordinances of the Tribe that are inconsistent with this Ordinance are hereby repealed.

Section 5. Effective Date. This Ordinance shall take effect immediately upon its passage.

CERTIFICATION

The foregoing Ordinance was adopted at a regular meeting of the Blue Lake Rancheria Business Council held on 8/2, 2007, by the following vote:

AYES: 4
NOES: 0
ABSTAIN: 0
ABSENT: 1

Claudia Brundin
Claudia Brundin, Chairperson

8/2/07
Date

ATTEST:

Melanie Shelanskey
Melanie Shelanskey, Secretary

8/2/07
Date