

## **ORDINANCE NO. 08-02**

### **ORDINANCE OF THE BUSINESS COUNCIL OF THE BLUE LAKE RANCHERIA ADDING ARTICLE 1 TO TITLE 6 OF THE BLUE LAKE RANCHERIA TRIBAL CODE, ENTITLED: "ATHLETIC EVENTS"**

The Business Council of the Blue Lake Rancheria hereby ordains as follows:

A new Article 1, entitled: "Athletic Events" is hereby added to Title 6 of the Blue Lake Rancheria Tribal Code to read as follows:

#### **TITLE 6. SAFETY**

#### **ARTICLE 1. ATHLETIC EVENTS**

##### **Section 06-01-1. Statement of Policy and Findings**

This Article is adopted by the Blue Lake Rancheria's Tribal Business Council, pursuant to its authority under Article I, Section IV of the Constitution of the Blue Lake Rancheria, as amended, to regulate organized, competitive athletic events conducted on the Tribe's Reservation for tribal governmental and charitable purposes.

The Business Council finds that:

1. Athletic events on the Reservation are a valuable adjunct as a means of generating additional revenues that are needed for economic development, to promote tribal self-sufficiency, employment, and a strong tribal government.
2. The Tribe desires to conduct different forms of athletic competition to help provide needed revenues to the Tribe, and to regulate and control such events in a manner that will protect the Reservation, the health and safety of participants, security and safety of the public, and the public perception of the Tribe.
3. The Tribe recognizes a history of athletic competition by Northern California Tribes and desires to continue the tradition in a safe and structured manner.

##### **Section 06-01-2. Ownership of Events**

The tribe shall own and either conduct a sanctioned athletic event authorized by this Article, or contract with a licensed person or entity to, operate or manage the event.

##### **Section 06-01-3. Definitions**

Unless specified otherwise, the following terms shall have the meaning when used in this Article;

**06-01-3.01 Athletic commission.** The term "athletic commission" means the commission established by Section 06-01-4 to regulate Athletic Events.

**06-01-3.02 Athletic Event.** The term "Athletic Event" means a match or contest, whether professional or amateur, or any other professional sports contest or event.

**06-01-3.03 Boxer.** The term "boxer" means an individual who fights in a professional boxing match.

**06-01-3.04 Fighter.** The term "fighter" means an individual who fights in a professional fighting match.

**06-01-3.05 Boxer registry.** The term "boxer registry" means any entity certified by the Association of Boxing Commissions for the purposes of maintaining records and identification of boxers.

**06-01-3.06 Contest or Match.** The terms "contest" and "match" are synonymous, may be used interchangeably, including, but not limited to, boxing, kickboxing, martial arts exhibitions, or wrestling, and mean a fight, prizefight, wrestling match, boxing contest, pugilistic contest, kickboxing contest, martial arts contest, sparring match, between two or more persons, where full or partial contact is used or intended which may result or is intended to result in physical harm to the opponent. In any exhibition or sparring match, the opponents are not required to use their best efforts.

**06-01-3.07 Licensee.** The term "licensee" means an individual who has been issued a license under this Article or by a State or Tribal athletic commission which has been accepted by the Commission.

**06-01-3.08 Manager.** The term "manager" means a person who receives compensation for service as an agent or representative of a boxer.

**06-01-3.09 Matchmaker.** The term "matchmaker" means a person that proposes, selects, and arranges the boxers to participate in a professional boxing match.

**06-01-3.10 Notice.** Whenever notice is permitted or required by this Article or the rules or regulations of the Commission, it shall be given in writing and delivered to the official address on file with the Commission. If given to the Commission, it shall be delivered or mailed to P.O. Box 428, Blue Lake, California 95525. It shall be deemed given, when delivered by hand, overnight courier, registered or certified mail, return receipt requested, fax, or 72 hours after it is deposited in the United States Mail, as indicated by the postmark on the envelop, with proper first class postage affixed to the envelop.

**06-01-3.11 Participant.** The term "Participant" means a Boxer, martial arts contestant, wrestler or other combatant who participates in a contest or match and who possesses fundamental skills in his or her respective sport.

**06-01-3.12 Physician.** The term "physician" means a doctor of medicine legally authorized to practice medicine by the Tribe or State in which the physician resides or performs such function or action.

**06-01-3.13 Professional boxing match.** The term "professional boxing match" means a boxing contest held in the United States between individuals for financial compensation. Such term does not include a boxing contest that is regulated by an amateur sports organization.

**06-01-3.14 Professional sporting event.** The term "professional sporting event" means any sporting event in which the participants are paid for their participation and spectators are charged to observe the event or media pay to broadcast or display the event to the public.

**06-01-3.15 Promoter.** The term "promoter" means the person primarily responsible for organizing, promoting, and producing a professional boxing match.

**06-01-3.16 Tribe.** The term "Tribe" means the Blue Lake Rancheria of California, a federally recognized Indian Tribe.

#### **Section 06-01-4. Athletic Commission**

**06-01-4.01 Establishment of an Athletic Commission.** There is hereby established a Commission, acting under the authority of the Tribe, to be known as the Blue Lake Rancheria Athletic Commission or Athletic Commission. The Athletic Commission shall be composed of three (3) persons appointed by the Business Council.

**06-01-4.02 Jurisdiction of Commission.** The Commission has the sole direction, management, control of, and jurisdiction over all Athletic Events conducted on the Blue Lake Rancheria or on lands subject to the jurisdiction of the Tribe. No Athletic Event shall take place without the prior approval of the Commission. No person shall engage in the promotion of, or participate in, a contest, match, or exhibition without a license, and except in accordance with this Article and the rules adopted hereunder.

**06-01-4.03 Qualifications for Office.** The qualifications for serving as a Commissioner:

1. At least one Commissioner must be a tribal member
2. At least one Commissioner shall have a legal or law enforcement background, or serve the community as an elected official.

3. At least one Commissioner shall be a health care practitioner and shall hold a Tribal or State license to practice a health profession, such as, but not limited to, a medical doctor, nurse, nurse practitioner, physical therapist, or chiropractor.
4. All Commissioners must be determined to meet the suitability requirements in Section 06-01-5.01. The Business Council shall conduct the suitability determination for the appointment of the first Commissioners. Thereafter, no Commissioner shall be qualified to be seated until the Commission has determined that he or she meets the suitability standards mentioned above.
5. The Business Council or the Commission may utilize the services of a contractor or a tribal official or body, such as, but not limited to, the tribal gaming commission to conduct background investigations and making suitability determinations concerning Commissioners. A candidate for a position on the Commission may be required to furnish background information and fingerprints to aid the conduct of a background investigation.
6. Nothing in this Article shall preclude a person(s) who currently serves in another office for the Tribe from serving on the Athletic Commission.

**06-01-4.04 Terms of office.**

1. The Business Council shall appoint members for 4 year terms, who serve at the will of the Business Council. The initial appointments may include terms of less than 4 years for some Commissioners to achieve staggered terms of office. The appointments shall be made by majority vote of the Business Council at a duly called meeting. The Business Council may adopt rules for soliciting and processing applications from candidates who want to serve on the Commission.
2. Person(s) may be reappointed and serve multiple terms if they remain qualified for office.
3. Elected officials who end their public service may continue to serve their remaining term at the Business Council's discretion.

**06-01-4.05 Removal from office.**

1. Commissioner(s) can be removed from office without cause by an affirmative vote of at least 4 members of the Business Council.
2. Commissioner(s) may be removed from office, at any time that they no longer satisfy all of the eligibility criteria in Section 06-01-4.03.
3. The Business Council may consider a proposal to remove a Commissioner from office only if it is submitted to the Secretary of the Business Council in writing. The Business Council shall consider the proposal at a meeting not sooner than thirty (30) days after it has been received. The proposal must contain a written explanation of the reasons for removing the Commissioner from office, unless it states that it is submitted pursuant to subsection 1, above. Not less than ten (10) days before the meeting, the Business Council shall provide the Commissioner with a copy of the proposal and written notice of the time, place and date of the meeting at which it will be considered. The Business Council shall provide the Commissioner with an opportunity to address the Business Council before it votes

on the proposal, and may consider any other evidence or argument it deems pertinent before the vote.

4. If the Business Council votes to remove a Commissioner from office, it will declare the position vacant and shall fill the vacancy for the unexpired term of the removed Commissioner.

**06-01-4.06 Quorum.** Two members of the Athletic Commission shall constitute a quorum.

**06-01-4.07 Officer and Duties.** The Business Council shall appoint a Chairman to preside over meetings of the Athletic Commission and arrange for Commission meetings, the preparation of minutes, and the maintenance of records of the Commission's proceedings.

**06-01-4.08 Voting.** All actions of the Athletic Commission shall be taken by majority vote. The Commission Chairman may vote on any issue.

**06-01-4.09 Meetings.** Meetings shall be held at least twice per year, or at least two weeks prior to a scheduled Athletic Event. Meetings will be held in any location approved by the Business Council. Additional meetings shall be held as called by the Commission Chairman. Meetings may be called at any time by telephone, voicemail, text message, verbal announcement, or mailed announcement,. The Commission may adopt rules governing the conduct of meetings and its proceedings, which rules do not conflict with the provisions of this Article.

**06-01-4.10 Compensation for Serving.** The Business Council shall determine and authorize the compensation to be paid to Commissioners based on a determination of the time required to be expended on Commission duties and the qualifications of the appointed Commissioners.

**06-01-4.11 Powers and Duties.** Consistent with the provisions of this Ordinance, the Athletic Commission shall have the power and duty to:

1. Inspect, examine, monitor, and oversee Athletic Events.
2. Investigate any suspicion of wrongdoing in connection with any Athletic Event.
3. Conduct, or cause to be conducted, background investigations regarding any person in any way connected with any Athletic Event, and process applications for and issue licenses to Managers, Promoters, Matchmakers, Trainers, Boxers, Cut men, and ancillary staff.
4. Hold such hearings, sit and act at such times and places, summon persons on the Reservation or over whom the Commission exercises jurisdiction to attend and testify at such hearings, take such testimony, and receive such evidence as the Commission deems relevant in fulfilling its duties.
5. Administer oaths or affirmations to witnesses appearing before the Athletic Commission.

6. Implement and administer a system for investigating, and licensing Participants.
7. Hear Participant complaints involving an Athletic Event using procedures established in this ordinance.
8. Subject to the appropriation of funds and approval by the Business Council, adopt a budget to finance the operation of the Athletic Commission including, but not limited to, the employment of staff and support reasonably required to fulfill its responsibilities under this Article.
9. Promulgate and issue such regulations as it deems appropriate, in order to implement and enforce the provisions of this Article including, but not limited to, adopting rules of procedure governing how its meetings will be conducted.
10. Adopt and collect fees for the purposes of covering the costs for background investigations, licenses and associated boxers' retirement tax.
11. Levy fines or suspend or revoke gaming licenses for violations of this Article or the Athletic Commission regulations.
12. The Commission shall adopt, amend, or repeal rules and regulations as may be necessary to enable it to carry out the laws relating to Athletic Events.

### **Section 06-01-5. Conflict of Interest**

**06-01-5.00 Conflicts of Interest.** No member or employee of the Athletic Commission or any other person who administers or enforces Tribal laws may belong to, contract with, or receive any compensation from, any person who sanctions, arranges, or promotes Professional Boxing Matches or who otherwise has a financial interest in an active Participant currently registered with a Boxer Registry. For purposes of this section, the term "compensation" does not include funds held in escrow for payment to another person in connection with a Professional Boxing Match. The prohibition set forth in this section shall not apply to any contract entered into, or any reasonable compensation received by, a boxing commission to supervise a Professional Boxing Match in another Tribal or State venue as described in 15 U.S.C. Section 6303.

### **Section 06-01-6. Licensing**

**06-01-5.00 Licensing, Applications and Licensing Procedures.** The Athletic Commission shall have the authority to license all individuals associated with an Athletic Event, including, but not limited to, Participants, Promoters, Matchmakers, cutmen, managers, physicians, referees, and support staff. The Commission shall adopt rules consistent with this Article governing the processing of applications and shall adopt application and other forms for use in the application process.

**06-01-5.01 License Requirements.** The Commission shall adopt rules establishing requirements for each type of license issued hereunder. Those rules shall establish and provide for the implementation of health and safety standards, licensing requirements, and other requirements relating to the conduct of Participants and other licensees.

1. In general, the Commission shall not issue a license to an applicant, if it determines that the issuance of the license is inimical to the public health, safety, or welfare, or will undermine public trust that the Athletic Event is free from criminal and dishonest elements or that the Athletic Event would not be conducted safely, fairly and honestly. A license may not be issued unless, based on all information and documents submitted, the Commission is satisfied that the applicant is all of the following:

- A. Qualified by education, training and experience to perform the function for which the license is issued.
- B. A person of good character, honesty, and integrity
- C. A person whose prior activities, criminal record (if any), reputation, habits, and associations do not pose a threat to the public interest or to the effective regulation and control of the Athletic Event , or create or enhance the dangers of unsuitable, unfair, or illegal practices.

2. License Reciprocity. Nothing in this Article shall preclude the Athletic Commission from accepting a license from another proper Tribal or State Commission charged in licensing individuals for an Athletic Event, if the Commission is satisfied that the Tribe or State has licensing standards and procedures which are comparable to those contained in this Article or adopted by the Commission in compliance with this Article.

3. Term of License; License Fees. Licenses shall be good for a period of two years. A License may be renewed upon application therefor not less than ten days prior to the expiration of the currently effective license.

4. Background Investigations. Background investigations shall be conducted in such a manner as to satisfy prevailing industry standards and the goals outlined in this Article. Nothing in this Article shall prohibit the use of current investigative processes utilized by the Tribal Government in performing a background investigation.

5. Registration of Participants. It is the responsibility of the Participant, Promoter, and Matchmaker to register with the Commission for licensing.

6. Temporary Permits. Pending investigation of the qualifications or fitness of an applicant for a license, the Commission may grant such applicant a temporary

license to act in the capacity for which a license is required. The granting of a temporary license shall, however, carry no presumption of the qualification or fitness of such applicant having a license, and the same may at any time be summarily terminated in the event the application for a license is denied by the Commission. No such temporary permit shall be issued to any Participant whose application is not accompanied by satisfactory physical and eye examination reports from duly licensed physicians.

All temporary licenses issued by the Commission shall be valid for a period not to exceed 30 days. Under no circumstances shall any temporary license extend from one license year to another.

7. Issuance of a License. A Participant passing the background investigative process shall be issued an identification card to serve as his or her proof of being licensed.
  - a. The Identification card for Participant shall have:
    - i. A recent photograph of the Participant
    - ii. The social security number or equivalent identification number for a non-citizen Participant
    - iii. A personal identification number assigned to the Participant by a Participant registry
    - iv. A tribal identification number
    - v. An expiration date.
  - b. Each Participant shall renew his or her identification card every two years.
  - c. Each Participant must present his or her identification card to the appropriate Commission official or licensee not later than 30 minutes prior to the match or contest.
  - d. The identification card for all others associated with an Athletic Event shall have:
    - i. A recent photograph
    - ii. A Tribally issued ID number
    - iii. The date in which the license expires
  
8. Denial of a License. If the Commission denies an application for a license, it shall provide the applicant with written notice of its decision. The notice shall include the basis for the decision and a statement that the applicant shall have a right to a review of the denial decision by the Commission. To obtain such a review, the applicant must file a written request for review with the Commission not later than ten (10) days after he or she receives the notice. A failure to file the written request within this time waives any right of review. The Commission shall consider a timely request for review at a meeting not sooner than ten (10) days after it has been received. Not less than five (5) days before the meeting, the Commission shall provide the applicant written notice of the time, place and date of the meeting at which it will review the decision. The Commission shall provide the applicant with an opportunity to address the Commission before it votes



whether to uphold, reverse or modify the decision denying the application, and may consider any other evidence or argument it deems pertinent before the vote.

9. Revocation or suspension of a license. The Commission may revoke or suspend a license for any reason that would justify a denial of the license. The Commission may also revoke or suspend a license based on a misrepresentation or omission of a material fact in the application or based on any violation by the licensee of this Article, the Commission's rules and any other misconduct on the part of a licensee. The Commission may revoke or suspend a license, if a licensee has had a license or other material authorization related to a contest or match revoked by another Tribe, State, or a participant registry.
  - a. The Commission shall give written notice of intent to suspend or revoke a license. The notice shall describe the basis for the proposed suspension or revocation and the facts and evidence supporting it.
  - b. A licensee is entitled to a hearing on the proposed suspension or revocation, if he or she gives written notice, requesting a hearing within ten (10) days after the Commission gives the notice of intent to suspend or revoke the license.
  - c. The hearing shall be conducted in accordance with rules adopted by the Commission that provide the licensee with a reasonable opportunity to confront and cross-examine the evidence supporting the revocation and to present evidence in his or her behalf. The hearing shall be conducted before the revocation becomes effective. A hearing may be conducted after a suspension becomes effective.

### **Section 06-01-7. Health and Safety Standards**

**06-01-8.00 Health and Safety Standards.** The Commission shall adopt and implement rules which provide health and safety standards and other requirements relating to the conduct of professional boxing matches that are at least as restrictive as the otherwise applicable standards and requirements of the State of California; or the most recently published version of the recommended regulatory guidelines. Similar regulatory guidelines shall be adopted for other Contests or Matches At a minimum, those regulations shall require:

1. A physical examination of each Boxer or other Participant by a physician certifying whether or not the Boxer or other Participant is physically fit to safely compete, copies of which must be provided to the Athletic Commission.
2. An ambulance or medical personnel with appropriate resuscitation equipment continuously present on site.
3. A physician continuously present at ringside.
4. Health insurance for each Boxer or other Participant to provide medical coverage for any injuries sustained in the match.

**Section 06-01-8. Reporting**

**06-01-8.00 Reporting.** The Commission shall promulgate regulations to require the reporting of results to each boxer registry not later than 48 business hours after the conclusion of a professional boxing match, if applicable.

**Section 06-01-9. Pension, Retirement and Special Funding**

**06-01-9.00 Pensions, Retirement Funds.** The Commission will promulgate regulations to require that appropriate amount(s) of funds raised by an event are distributed to Participants' pension, retirement, and or special funds.


**C E R T I F I C A T I O N**

We, the undersigned Chairpersons and Secretary of the Business Council of the Blue Lake Rancheria hereby certify that the foregoing resolution was adopted at a duly called meeting of the Blue Lake Rancheria Business Council with a quorum present on May 7, 2008, by a vote of 5 for, 0 against, 0 abstaining and 0 absent.

Dated: May 7, 2008

  
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Claudia Brundin, Chairperson

Dated: May 7, 2008

  
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Bonnie Mobbs, Secretary