

BLUE LAKE RANCHERIA
USE OF TRIBAL CUSTOM AND TRADITIONAL LAW ORDINANCE

08-2000

The Business Council of the Blue Lake Rancheria, empowered by the Tribal Constitution to enact ordinances, hereby ordains the following:

§1. Definitions

For the purposes of this ordinance, the following words shall have the following meanings:

- (a) The term "Business Council" means the Business Council of the Blue Lake Rancheria.
- (b) The term "person" means any individual, corporation, firm, partnership, joint venture, association, social club, estate, trust, federal, tribal, state, county, city, or district government, or other political subdivision thereof, or any other group or combination acting as a unit whether incorporated or not, including a person acting in fiduciary or representative capacity.
- (c) The term "Rancheria" means all land, air, and water located within the exterior boundaries of the Blue Lake Rancheria.
- (d) The term "Tribal EPA" means the Tribal Environmental Protection Agency of the Blue Lake Rancheria.
- (e) The term "Tribe" means the Blue Lake Rancheria, a federally recognized tribe.

§2. Choice of Law

In carrying out judicial functions, the Tribal EPA and the Business Council shall apply the laws, ordinances, customs and traditions of the Tribe. In the absence of tribal laws in civil matters, the Tribal EPA and the Business Council may apply the laws and regulations of the United States.

§3. Tribal Custom and Tradition

- (a) Tribal custom and tradition shall supersede any conflicting evidentiary or procedural rule, when specifically presented by the Tribal EPA, Business Council, or any person in a civil action before the Tribal EPA or Business Council.
- (b) Tribal custom and tradition shall be established by testimony or affidavit of an expert or by the Tribal EPA or Business Council. An expert is an elder or other person recognized by the community as knowledgeable in tribal custom and tradition.

§4. Effect of Ordinance on Other Tribal Ordinances

This Ordinance supercedes any conflicting or contrary superceding ordinances passed by the Tribe.

§5. Severability

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, its invalidity does not affect other provisions or applications of this Ordinance, and to this end the provisions of this Ordinance are severable.

§6. Sovereign Immunity

The sovereign immunity of the Tribe is in no manner waived by this Ordinance or by any action by the Business Council, the Tribal EPA, or other staff of the Tribe acting pursuant to this Ordinance.

§7. Amendments

This Ordinance may be amended at any time by the Business Council.

§8. Effective Date

This ordinance shall take effect immediately upon passage.

CERTIFICATION

As the Chairperson of the Business Council for the Blue Lake Rancheria, I hereby certify that the Business Council adopted this Ordinance at a duly called meeting at which a quorum was present by a vote of 5 for, with 0 against, with 0 abstaining, with 0 absent, on this 2nd day of January, 2000.

Claudia Brundin
Claudia Brundin, Chairperson

1-2-2000
Date

Melanie Shelanskey
Melanie Shelanskey, Tribal Secretary

1-2-2000
Date