

ORDINANCE NO. 03-03

**ORDINANCE OF THE BUSINESS COUNCIL
OF THE BLUE LAKE RANCHERIA
ESTABLISHING A RIGHT TO WORK LAW
FOR THE RANCHERIA**

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

Section 1. Findings.

The Business Council hereby finds that:

1. The Blue Lake Rancheria (ATribe@) is a federally recognized Indian tribe which exercises inherent powers of self-government.
2. The Tribe is governed under a constitution approved by the Assistant Secretary of Indian Affairs within the United States Department of Interior on March 22, 1989, with an amendment to the Constitution approved on February 11, 1994, authorizing full governmental powers to the duly elected Business Council.
3. With the recent completion of its casino and other governmental and economic development ventures, employment by the Tribe and on its reservation in Humboldt County has grown substantially.
4. The right to work for the Tribe and on its reservation and tribally owned lands is a fundamental right that should not be abridged.
5. No employee should be forced to join or be penalized for not joining a union or other collective bargaining organization and should be able to make that choice freely and voluntarily.

Section 2. Right to work

No person shall be required, as a condition of employment or continuation of employment on the Blue Lake Rancheria or on lands owned by the Tribe or as an employee of the Tribe or any of its political or economic subdivisions or entities, to: (i) resign or refrain from voluntary membership in, voluntary affiliation with, or voluntary financial support of a labor organization; (ii) become or remain a member of a labor organization; (iii) pay dues, fees, assessments or other charges of any kind or amount to a labor organization; (iv) pay to any charity or other third party, in lieu of such payments any amount equivalent to or a pro-rata portion of dues, fees, assessments or other charges regularly required of members of a labor organization; or (v) be recommended, approved, referred or cleared through a labor organization.

Section 3. Enforcement

Any agreement by any employer which violates Section 2 of this Ordinance shall be deemed null and void and of no force and effect. Any union or other labor organization which seeks to include such a provision in a labor agreement and any employer who agrees to such provision shall be subject to a civil penalty of not less than \$500 and not more than \$10,000 in addition to any other damages, compensatory or punitive, which may be awarded by a court of law. The Tribe and any employee shall have standing to bring an action in any court of competent jurisdiction to enforce the provisions of this Ordinance. In any such action the prevailing Tribe or employee shall be entitled to his, her or its reasonable attorneys= fees, as determined by the court, in addition to its cost of suit.

Section 3. Severability.

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance. The Business Council declares that it would have passed this Ordinance and each section, subsection, sentence, clause, and phrase thereof irrespective of the fact that any one or more such provision be declared unconstitutional or invalid.

Section 4. No waiver of sovereign immunity intended.

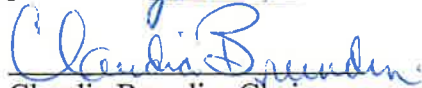
No provision of this Ordinance is intended to waive and does not waive the Tribe=s sovereign immunity or the official immunity of any of its officers or employees nor is this Ordinance intended to constitute a consent to suit or consent to the jurisdiction of any court, administrative agency, arbitrator or other tribunal.

Section 4. Effective Date.

This Ordinance shall become effective immediately upon its adoption by the Business Council and shall remain in effect unless or until repealed by affirmative action of the Business Council.

CERTIFICATION

As the Chairperson of the Business Council for the Blue Lake Rancheria, I hereby certify that the Business Council adopted this ordinance by a vote of 5 for, with 0 against, with 0 abstaining, with 0 absent at a duly called meeting of the Business Council with a quorum present on June 11, 2003.


Claudia Brundin, Chairperson

Dated: 6/11, 2003

ATTEST:

Melanie Shelansky
Tribal Secretary

Dated: *June 11*, 2003