

# Rincon Indian Reservation



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## RINCON SAN LUISENO BAND OF MISSION INDIANS

### TRIBAL ARBITRATION ENFORCEMENT ORDINANCE

ORDINANCE # 2000-04

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# RINCON SAN LUISENO BAND OF MISSION INDIANS ARBITRATION ENFORCEMENT ORDINANCE

## CHAPTER I

### PURPOSE, PUBLIC POLICY, APPLICABILITY AND AUTHORIZATIONS

**Section 1.01 Short Title.** This Ordinance shall be known and may be cited as the Rincon Arbitration Enforcement Ordinance.

**Section 1.02 Purpose.** The Business Committee of the Rincon San Luiseno Band of Mission Indians, empowered to enact ordinances by the Tribes Articles of Association passed and approved by the Commissioner of Indian Affairs on March 15, 1960, hereby enacts this Ordinance in order to provide a Tribal forum for confirming and enforcing Arbitration Decisions on the Tribes Reservation in circumstances where there is no federal or state court with jurisdiction to confirm and enforce such an award.

**Section 1.03 Public Policy.** The Business Committee hereby finds, and declares it to be the public policy of the Tribe, that (a) a speedy and fair method for resolution of disputes be encouraged, (b) arbitration agreed to by the Tribe and third parties be enforceable and (c) the Tribe and parties doing business with the Tribe have available a Tribal forum empowered to issue orders confirming and enforcing Arbitration Decisions.

## CHAPTER II

### DEFINITIONS

<sup>0P</sup> Arbitration means an arbitration proceeding to which the Tribe was a party.

<sup>1/2P</sup> Arbitration Decision means the decision rendered by the Arbitrator(s) in an Arbitration.

<sup>1/4P</sup> Business Committee means the Business Committee of the Rincon San Luiseno Band of Mission Indians.

<sup>0P</sup> Petition means a request for the confirmation and enforcement of an Arbitration Decision under this Ordinance.

<sup>2P</sup> Petitioner means any party requesting the confirmation and enforcement of an Arbitration Decision under this Ordinance.

Ⓜ Respondent means the party against whom the Petitioner seeks to confirm and enforce an Arbitration Decision.

Ⓜ Tribe means, and Tribal shall refer to, the Rincon San Luiseno Band of Mission Indians.

## CHAPTER III

### APPOINTMENT OF A SPECIAL MASTER

#### Section 3.01 Appointment and Qualifications of Special Masters.

- (a) The Business Committee shall appoint a Special Master within twenty (20) days of a request by a party seeking to confirm and enforce an Arbitration Decision under this ordinance.
- (b) The Special Master shall possess and demonstrate as minimum qualifications:
  - (1) Graduate of an accredited law school;
  - (2) Admitted to and member in good standing of the California Bar or the Bar of any other State or the District of Columbia;
  - (3) Knowledge, experience or familiarity with Arbitration procedures and law;
  - (4) Knowledge, experience or familiarity with Federal Indian and Commercial law;
  - (5) No direct or indirect interest or stake in any issue that was raised in the Arbitration;
  - (6) Not a member of the Tribe; and
  - (7) Disclosure and approval by Petitioner and Respondent of any dealings that might create an impression of possible bias.

Section 3.02 Independence of Special Master. In discharging his or her duties, the Special Master shall be and shall act independently and autonomously from the Business Committee.

Section 3.03 Compensation of Special Master. The Special Master shall be compensated at a rate to be established by the

Business Committee, which shall include compensation for expenses.

**Section 3.04 Powers.** The Special Master shall exercise all powers necessary to effectuate the purposes of this Ordinance and all other powers provided for in this Ordinance. In all decisions, the Special Master shall act to promote and ensure the integrity, security, honesty and fairness of the matter under review. The Special Master shall have the power to order the confirmation and enforcement of any Arbitration Decision as defined by this Ordinance.

## CHAPTER IV

### RULES OF PROCEDURE

**Section 4.01 Scope of Rules of Procedure.** All procedures conducted pursuant to this Ordinance shall be governed by this Chapter.

**Section 4.02 Request for Enforcement of Arbitration Decision.** A party requesting confirmation and enforcement of an Arbitration Decision under this Ordinance shall submit a written request to the Business Committee with a copy to all other parties to the Arbitration Decision. The request shall contain a concise statement describing the nature of the dispute, the procedural history of the case, a summary of the arbitration decision, and a statement of the relief requested. The request shall also include copies of the following attachments:

- (a) A copy of the underlying Arbitration agreement between the parties.
- (b) A copy of the Arbitration Decision which the requesting party seeks to confirm and enforce.
- (c) Any additional documents which are relevant to the request for confirmation and enforcement.

**Section 4.03 Authority of Special Master to Enforce Arbitration Award.** Arbitration Decisions rendered by an Arbitrator shall not be subject to review or modification by the Special Master or the Business Committee and shall be confirmed and enforced strictly as provided by the Arbitrator. The Special Master shall have the discretion to determine whether a hearing or briefing schedule would materially assist the Special Master considering the request for enforcement. Although the Special Master shall not be required to hold a hearing or allow extended briefing, the Special Master shall afford the Respondent at least thirty (30) days from service of the request for confirmation and enforcement

to submit a written response. Absent a stipulation between the parties to the Arbitration Decision jointly requesting a longer period, the Special Master shall issue his ruling on the request for confirmation and enforcement within sixty (60) days from the date such request is submitted to the Business Committee. The Special Masters decision shall be final, nonappealable and not subject to any further review, and the Business Committee is legally bound thereby. The Business Committee shall take any and all action within the Business Committees powers to enforce the Special Masters decision within thirty (30) days.

**Section 4.04 Notice of Hearing.** The Special Master shall provide prior written notice to the parties of any hearing held under this Ordinance. The notice shall state the date, time and place of the hearing. The notice shall also contain a short, plain statement of the reasons the Special Master determines the hearing is necessary.

**Section 4.05 Ex Parte Communications.**

(a) No ex parte communication (including, but not limited to, threats or offers of reward) relative to any matter being considered by the Special Master shall be made to the Special Master by or on behalf of any party to a request for confirmation and enforcement of an Arbitration Decision.

(b) The Special Master shall have the power to impose sanctions upon a determination that a Petitioner or Respondent has made an ex parte communication in violation of this Section.

**Section 4.06 Appearance through Counsel.**

(a) Parties to all proceedings governed by this Chapter may appear personally or through an attorney.

(b) When a party has appeared through an attorney, service of all notices, motions, orders, decisions and other papers shall thereafter be made upon the attorney, unless the party requests otherwise in writing.

(c) When a party is represented by an attorney, the attorney shall sign all papers on behalf of the party.

*[Can we clarify that all hearings/proceedings will be conducted in the English language?]*

**Section 4.07 Determinations by the Special Master.**

- (a) The Special Master shall make all determinations of issues before it within ninety (90) days of the date that the case is deemed to be submitted. A case is deemed submitted after the last required brief is filed, and after the hearing if a hearing is held.  
***[Does this provision conflict with Section 4.03?]***
- (b) All determinations made by the Special Master shall be made in writing and on the record. The determination of the Special Master shall include a timeline for compliance. All determinations shall be immediately served upon the Parties to the dispute. The Special Master is empowered to issue subpoenas, require the attendance of witnesses and the production of documents, and make such orders as are appropriate to render and enforce the Special Masters decision.

**Section 4.08 Sanctions.** If any party or its attorney fails to comply with any provision of this Ordinance or a determination rendered under this Ordinance, the Special Master may in its discretion impose upon such party or attorney, or both, appropriate sanctions.

## CHAPTER V

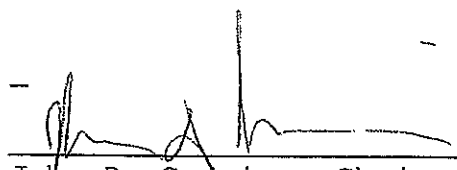
### JURISDICTION AND COMITY

**Section 5.01 Consent to Jurisdiction.** Any person who enters an agreement to arbitrate disputes with the Tribe for matters which arise within the Tribes territory shall be deemed to consent to the non-exclusive civil jurisdiction of the Tribe, the Special Master and any Tribal Court of the Rincon San Luiseno Band of Mission Indians. Except as expressly provided herein, nothing in this Ordinance shall limit the jurisdiction of the Tribe, the Special Master or the Tribal Court.

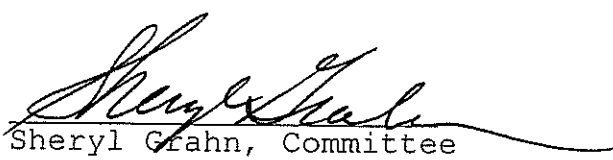
**NOW THEREFORE, BE IT ORDAINED,** by the Tribal Business Committee of the Rincon San Luiseño Band of Mission Indians in council assembled with quorum present that this Ordinance is hereby approved and adopted on behalf of the Rincon San Luiseno Band of Mission Indians and shall be effective upon September 6, 2000.

Done this 6th day of September, 2000, by the following members of the Rincon Tribal Business Committee.

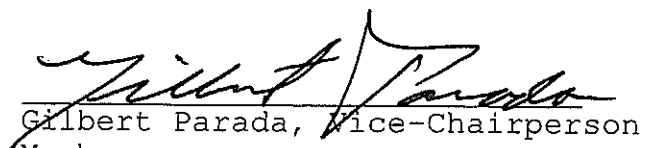




John D. Currier, Chairperson  
Member  
Rincon Tribal Business Committee  
Committee



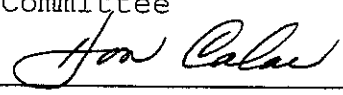
Sheryl Grahn, Committee  
Rincon Tribal Business



Gilbert Parada, Vice-Chairperson  
Member  
Rincon Tribal Business Committee  
Committee



Bo Mazzetta, Committee  
Rincon Tribal Business



Don Calac, Committee Member  
Rincon Tribal Business Committee