

*STATUTES of the CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION
As Amended through Resolution No. 09-110 (August 31, 2009)*

BOARD OF TRUSTEES PROCEDURE CODE

CONFEDERATED TRIBES
OF THE
UMATILLA INDIAN RESERVATION

BOARD OF TRUSTEES PROCEDURE CODE

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BOARD OF TRUSTEES PROCEDURE CODE

CHAPTER 1. GENERAL PROVISIONS

SECTION 1.01. NAME

This document shall be known as the Board of Trustees' Procedure Code.

SECTION 1.02. PURPOSE

The purpose of these Rules is to define certain procedures employed by the Board of Trustees in conducting its affairs.

SECTION 1.03. DEFINITIONS

A. Unless context requires otherwise, the following terms shall be defined as indicated.

1. "At-Large Member" means one of the four members of the Board of Trustees who are not elected to specific offices.
2. "Board of Trustees" or "Board" means the governing body of the Confederated Tribes of the Umatilla Indian Reservation, established by Article VI of the Confederated Tribes' Constitution and Bylaws.
3. "Board hearing" means a gathering of the Board of Trustees, authorized by separate legislation, at which the Board hears testimony, views evidence, determines facts, and/or acts as in an adjudicatory capacity as a part of tribal administrative procedure.
4. "Board meeting" means a regular or special meeting of the Board (as established under Article VI, section 4 of the Tribes' Constitution) where the Board may take official action.
5. "Board member", see "Member of the Board", below.
6. "Board resolution" or "Resolution" means a document that records certain official decisions of the Board of Trustees, using a standard format designated by the Board Secretary.
7. "Board work session" or "work session" means a gathering of the Board where the Board conducts discussions and/or receives briefings from staff and others, but does not take official action.
8. "Confederated Tribes" or "Tribes" means the Confederated Tribes of the Umatilla Indian Reservation.
9. "Constitution" means the Constitution and Bylaws of the Confederated Tribes of the Umatilla Indian Reservation, adopted by the Tribes' General Council on November 4, 1949 and approved by the Secretary of Interior on December 7, 1949, as amended.
10. "Executive session" means a gathering of the Board from which the public and non-essential staff are excluded.
11. "Ex-Officio Member" means the Chairman of the General Council, who, under Article VI, section 2 of the Tribes' Constitution, also serves as an ex-officio member of the Board of Trustees.
12. "General Council" means the political institution created by Article V of the Tribes' Constitution.

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13. "General Council Officer" means one of the four people elected to General Council offices: the General Council Chairman, the General Council Vice-Chairman, the General Council Secretary and the General Council Interpreter.
14. "Member of the Board", "Board member" or "member" means an officer, an at-large member, or an ex-officio member of the Board of Trustees.
15. "Member of the General Council" means a Tribal member of the age of eighteen years or older.
16. "Member of the Confederated Tribes" or "tribal member" means a person enrolled in the Confederated Tribes, regardless of age.
17. "Next week" shall mean the week following the week during which action is currently taking place.
18. "Officer" or "Board Officer" means one of the four members of the Board of Trustees who are elected to specific offices: the Board Chairman, the Board Vice-Chairman, the Board Secretary and the Board Treasurer.
19. "Non-member Indian" means a person who is not enrolled in the Confederated Tribes but who is enrolled in a federally recognized American Indian tribe.
20. "Polled resolution" means a resolution that is adopted by surveying Board members outside of any Board meeting, and which provides an indication of the Board's intent, but is non-binding and does not take effect until ratified by the Board at a Board meeting.
21. "Regular Board meeting" or "Regular meeting" means the weekly meeting of the Board of Trustees during which the Board takes official action.
22. "Resolution" means a Board Resolution: a document that records certain official decisions of the Board of Trustees, using a standard format designated by the Board Secretary.
23. "Special Board meeting" means a meeting of the Board of Trustees which: (1) conforms to the notice requirement of Article VI, section 4 of the Constitution, (2) is held on a date and time other than the date and time when the regular Board meeting is held, and (3) during which the Board takes official action.
24. "Tribal member" means a person enrolled in the Confederated Tribes, regardless of age.
25. "Tribe" or "Tribal" refers to the Confederated Tribes of the Umatilla Indian Reservation.

CHAPTER 2. GATHERINGS OF THE BOARD OF TRUSTEES

SECTION 2.01. REGULAR BOARD MEETINGS

- A. Time and Place. Regular Board meetings shall be held on each Monday in the Board Room in the Board of Trustees Building. Regular Board meetings shall begin at 9 a.m. and continue until all work is acted upon, although the Board may take breaks, as directed by the Chairman, for such purposes as lunch, dinner, and other needs.
- B. Deferral of Regular Meeting. Concerning any Monday where one of the following applies: (1) a quorum will not be obtainable due to the authorized absence of a large number of Board members, (2) the Monday falls on a Tribal holiday, (3) a minimum of requests for Board

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action have been submitted and the actions that are requested do not require prompt response, or (4) is otherwise identified in advance by the Board of Trustees, the Board may decline to hold a regular Board meeting, and instead defer it to later the same week or to the following Monday. The Board shall authorize such a deferral at a regular meeting in advance of the deferred meeting. Except in unusual circumstances, the Board shall not defer consecutive regular meetings. Article VI, section 4 of the Constitution requires that at least one regular meeting be held per month.

- C. Quorum. As provided by Article VI, section 4 of the Tribes' Constitution, five members of the Board constitute a quorum. A Board meeting shall not be held if a quorum is not present.
- D. Minutes. The Secretary of the Board of Trustees shall assure that a staff person who is qualified to take minutes is present and taking minutes for each meeting. The Board shall not conduct a regular or special Board meeting if no staff person is available to take minutes.
- E. Attendees.
 - 1. All Board members shall attend regular Board meetings. A Board member may only be absent from a regular Board meeting if the Board member is on approved: (a) sick leave, (b) administrative leave, (c) annual leave or (d) travel. Leave and travel is only "approved" if it has been authorized in advance by the Board at a regular meeting, or (in times of unavoidably short notice) by approval of the Chairman of the Board of Trustees or another Board member acting in the Chairman's capacity by written delegation.
 - 2. Under ordinary circumstances a staff member should only attend a meeting when the topic for discussion falls within the subject area of their work. Staff in attendance may ask and answer questions or otherwise address the Board when granted permission by the Chairman. Staff who wish to attend "as a member of the General Council" may only do so if they are on annual leave or leave without pay. The staff person who is taking minutes may not otherwise participate in the meeting, except to ask and answer questions about the meeting record, procedure and similar matters.
 - 3. As provided in Article VI, section 4 of the Tribes' Constitution, any member of the General Council may attend a regular or special Board meeting.
 - 4. As described below, the meeting agenda shall be divided into a public session and a tribal session. Any member of the public may attend the public session. Only tribal members and staff are permitted to attend the tribal session.
- F. Agenda. Under normal circumstances the meeting shall be conducted according to the following agenda. Nevertheless, the Chairman may deviate from this agenda as the need arises.
 - 1. Public Session
 - a. Call to Order
 - b. Invocation
 - c. Ascertainment of Quorum
 - d. Agenda Review
 - e. Review of and Decision on Proposed Resolutions
 - f. Review of and Decision on Other Requested Official Board Actions

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- g. Executive Director's Report
 - h. Review of and Decision on Board Members' Leave Requests
 - i. Review of and Decision on Work Session Requests
2. Tribal Session
- a. Legislative Report
 - b. Board Members' Reports on Completed Travel/Other Announcements
 - c. Further Executive Director Communication
 - d. Other Board Business, Notes and Comments
 - e. Schedule Next Meeting
 - f. Review, Modification and Approval of Minutes of Prior Meeting
 - g. Recess
 - h. Adjournment
- G. Requests for Official Board Action.
- 1. Submission of Requests. Any person requesting an official Board action, such as the adoption of a resolution, an appointment to a committee or commission, or other action shall file a request with the Secretary of the Board of Trustees. The Secretary shall retain all requests that have been submitted in proper form and shall present them to the Board of Trustees at the appropriate point in each regular Board meeting.
 - 2. Proper Form. The Secretary shall require any person submitting a request to file the request in proper form. If a person is requesting the adoption of a Board resolution, the person submitting the request must submit a proposed resolution. If the resolution refers to an "attached" document, the attachment must be submitted along with the proposed resolution. The Board shall defer consideration of any proposed resolution that comes before them lacking an indicated attachment. A person seeking appointment to a committee or commission must submit a properly completed committee/commission application form. Other requests shall be made in a form determined by the Secretary, in consultation with the Chairman of the Board of Trustees and staff.
 - 3. Action by the Board. At a Board meeting, Board members shall discuss each proposed resolution or other request for official Board action and take one of the following actions: (1) approve the proposal as presented, (2) approve the proposal with specified modifications, (3) table (defer) further discussion or decision on the proposal until: (a) certain modifications are made, (b) an additional work session can be held, or (c) a subsequent Board meeting, or (4) deny the proposal.
 - 4. Official Board Action Concerning Committee and Commission Appointments. The last Monday of each month shall be designated as the day on which the Board makes decisions concerning announcing and advertising advisory committee and regulatory commission vacancies. The Board shall also make decisions on the last Monday concerning appointments to fill vacancies announced the previous month. Vacancy announcements and completed applications must be submitted to the Board of Trustees Secretary on or before the Monday preceding the last Monday of a given

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month in order for the Board to make a decision regarding the advertising of or appointment to a position

- H. Executive Director's Report. At this point in the agenda, the Executive Director shall inform the Board of any new developments that require Board consideration. He may also request direction from the Board, including official Board Action, as well as discuss the Board schedule and other matters. At his direction, senior staff may also participate in this discussion.
- I. Board Member's Leave Requests. Board members shall use this portion of the meeting to request Board authorization for any leave or travel that they plan to take during the week or beyond. "Leave" includes annual leave, sick leave and administrative leave. Leave or travel that would result in a Board member missing a regular Board meeting is discouraged.
- J. Requests for Work Sessions. The Secretary of the Board of Trustees shall develop a "Board of Trustees Work Session Application Form". Non-staff persons who wish to apply for a work session shall fill out the form and submit it directly to the Secretary of the Board of Trustees. Staff persons who wish to apply for a work session shall fill out this form and submit it to the Executive Director, who shall make the final administrative decision whether the application should be submitted. If the Executive Director approves the application, he shall promptly submit it to the Secretary of the Board of Trustees. Persons requesting work sessions shall specify on the form the actions or decisions they are asking the Board to take. The Secretary shall retain all submitted forms and present them to the Board at the appropriate time during the regular meeting. During the appropriate point in the Board meeting agenda, Board members shall review these requests, approve, deny or defer decision on each request, and assign dates and times to the approved work session topics.
- K. Board Member's Reports on Completed Travel/Other Announcements. At this point in a regular Board meeting, any Board member who has traveled during the past week shall report on his or her activities while on travel status.

SECTION 2.02. SPECIAL BOARD MEETINGS

As authorized by Article VI, section 4 of the Tribes' Constitution, a special meeting of the Board of Trustees may be called by the Chairman of the Board or by written request of any three (3) members of the Board, upon at least two (2) days' personal notice of each Board member of the time, place and purpose of the special meeting. The Board may take any action at a special meeting that it could take at a regular meeting. A special meeting may be scheduled for any time or place, and should use an abbreviated agenda tailored to the purpose for the meeting. The rules listed above concerning quorum, minutes, and attendees of regular Board meetings apply with equal force to special Board meetings.

SECTION 2.03. BOARD WORK SESSIONS

A Board work session is a gathering of the Board where the Board conducts discussions and/or receives briefings from staff and others, but does not take official action. Consequently, a quorum is not required. When the Board is considering taking action on a complex topic, the Board will ordinarily conduct a work session with staff, committee/commission members and/or others, as appropriate, before taking official action on the matter at a subsequent regular Board meeting. Nevertheless there is no general requirement that the Board conduct a work session on a topic before taking action on it.

SECTION 2.04. BOARD HEARINGS

A Board hearing is a gathering of the Board of Trustees, authorized by separate legislation, at which the Board hears testimony, views evidence, determines facts, and/or acts as in an adjudicatory capacity as a part of Tribal administrative procedure. Examples of Board hearings include hearings conducted by the Board under the Land Development Code, and hearings for the removal of

committee or commission members, authorized by the bylaws of the affected committee or commission. Board hearings may be held during a regular or special Board meeting. Alternatively, a hearing may also be held at a different time. In such a case the Board shall finalize its hearing findings and conclusions at the next Board meeting.

SECTION 2.05. EXECUTIVE SESSIONS

Whenever necessary, in the judgment of the majority of the Board of Trustees, to protect the confidentiality of sensitive information, the Board shall hold private deliberations known as executive sessions. Members of the public, including members of the General Council, are prohibited from attending executive sessions. Staff may only attend if: (1) as a consequence of their job duties they have specialized information concerning the matter being discussed, and (2) they receive permission from the Chairman of the Board of Trustees. Because of the unique nature of the attorney-client relationship, at least one Tribal Attorney shall attend executive sessions, except when specifically excluded by the Chairman of the Board. Regular and special Board meetings may not be conducted as executive sessions, although the Board may temporarily recess a meeting in order to conduct an executive session.

SECTION 2.06. RESOLUTIONS OF THE BOARD OF TRUSTEES

The Secretary of the Board of Trustees shall designate a standard resolution format which shall be used for all Board of Trustees resolutions. The Secretary may alter this format from time to time as needed. The Secretary shall also designate a standard format for "polled" resolutions. Although their use is discouraged, polled resolutions may be used by the Board to take official action. They shall only be used when circumstances require that an official Board decision be taken sooner than a regular or special board meeting can take place. The polling of Board members shall be conducted by the Secretary of the Board of Trustees, or the Secretary's designee.

CHAPTER 3. AUTHORITY OF INDIVIDUAL BOARD MEMBERS

SECTION 3.01. FINDINGS OF THE BOARD OF TRUSTEES

The Board of Trustees makes the following findings.

- A. Although the Tribes' Constitution defines specific procedural duties for each Board officer, the Board only has the authority to take official action when acting as an entity. Individual Board members have no independent authority other than those specified in the Constitution or those delegated by resolution of the Board of Trustees.
- B. As the governing body of the Confederated Tribes, the Board of Trustees is charged with establishing Tribal policy. Implementation of Tribal policy, and the supervision of Tribal employees toward that end, is the responsibility of Program Managers, Department Directors, and ultimately, the Executive Director. The Board and its members have no authority to micro-manage Tribal departments, programs or employees.
- C. Requests by individual Board members for information, reports, or documents can be disruptive and costly to Tribal programs in carrying out their Board-approved and budgeted activities. Such requests may also conflict with program oversight authority delegated by the Board to a Tribal Commission or Committee.
- D. The Board's authority to establish Tribal policy includes Board responsibility to monitor the implementation of its policy direction and to revise Tribal policy as events or Tribal needs dictate. Performing these Board functions requires Board members to have access to information and reports so that Board policy is informed and benefits from the work of Tribal programs and employees.
- E. The Board of Trustees has determined that it is necessary to establish Board policy on the authority, or lack thereof, of individual Board members, on how the Board of Trustees shall

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conduct its constitutionally delegated powers, and how the Board of Trustees shall request information and reports from Tribal programs and staff.

SECTION 3.02. BOARD MEMBERS' INTERACTION WITH STAFF

Consistent with the Board's constitutionally delegated powers, and with the need to avoid disruption of Tribal programs and staff by individual Board member requests for information and reports, the Board of Trustees hereby establishes the following rules governing the conduct of individual Board members and the Board as a whole:

- A. The exercise of the constitutionally delegated powers of the Board of Trustees shall be exercised by the Board as an entity; no individual Board member shall attempt to exercise any power delegated to the Board unless authorized by the Constitution or by a Resolution approved by the Board of Trustees.
- B. The Board of Trustees is charged with establishing the policy direction for Tribal programs and staff, and for overseeing implementation of Board policy direction. Neither the Board of Trustees as an entity, nor individual Board members, shall engage in micro-management of Tribal programs and staff.
- C. The Board of Trustees shall only make such requests for information or reports from Tribal programs or staff as are necessary to carry out the Board's constitutional authority to establish Tribal policy and to oversee the Executive Director. Such requests shall be made only upon approval by the Board of Trustees. The Executive Director shall assure Tribal programs and staff provide the necessary information or report in a timely manner in response to any Board-approved request.

CHAPTER 4. ACCEPTANCE OF HONORARIUMS AND TRAVEL REIMBURSEMENT BY MEMBERS OF THE BOARD OF TRUSTEES

SECTION 4.01. PURPOSE OF CHAPTER

The purpose of this chapter is to establish Board of Trustee Policy regarding travel to and participation in meetings, conferences, hearings and similar gatherings (hereinafter collectively referred to as meetings) dealing with public policy issues of concern to the Confederated Tribes, its members and that may address or affect rights reserved in the Treaty of 1855, 12 Stat. 945. This chapter shall also establish when it is appropriate for Board members to accept reimbursement from third parties for travel costs and honorariums or stipends for their participation in, or presentation at, such a meeting.

SECTION 4.02. BOARD OF TRUSTEES POLICY

In recognition of their public service and Tribal representation duties, it shall be the policy of the Board of Trustees to encourage Board of Trustee members to participate in meetings that address or affect issues of concern to the Confederated Tribes. Such participation by Board members shall be scheduled and conducted so as to minimize the disruption of, or conflict with, the Board member's duties in Tribal Government. During their presentations or in their participation, Board members may identify, educate the public about, and seek protection for, issues and resources of Tribal concern.

SECTION 4.03. REIMBURSEMENT FOR TRAVEL BY THIRD PARTY

- A. Board of Trustee members are encouraged and authorized to seek third party reimbursement for their travel expenses in connection with their travel to a meeting. Such reimbursement shall be for travel expenses and at reimbursement rates as set forth in the Tribal Fiscal Policy.
- B. Where possible, such travel reimbursement payments shall be made to the Confederated Tribes, and the Board member shall receive travel reimbursement from the Confederated

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Tribes. In the event a third-party pays for travel expenses directly to a Board member, the Board member shall sign over the check to the Confederated Tribes and shall file a travel reimbursement request pursuant to the rates set forth in the Tribal Fiscal Policy.

- C. In cases where a Board member receives Board of Trustee approval for their travel, and the third party only provides partial payment for the associated travel costs, the Board member can request and receive travel reimbursement from the Confederated Tribes pursuant to the Tribal Fiscal Policy for such unreimbursed travel costs if the Board of Trustees has approved the travel. If the Board of Trustee has not approved the travel, the Board member can only seek reimbursement from the Confederated Tribes to the extent of the third party payment for such travel.

SECTION 4.04. HONORARIUMS AND STIPENDS

- A. Definition. For purposes of this chapter, an honorarium and stipend are considered the same thing, and are defined as payment for the time associated with the preparation for, participation in and/or presentation at a meeting. Both honorariums and stipends shall be referred to as honorariums.
- B. A Board member shall be entitled to accept an honorarium under the following circumstances:
1. For Work Outside of Regular Hours. A Board member shall be entitled to accept and honorarium in the event such payment is paid for work under the following circumstances:
 - a. Work is prepared and presented on the Board member's own time (.e., nights and weekends),
 - b. The work was developed without the use of tribal equipment and supplies, and
 - c. The work was prepared by the Board member and is not the work product of staff of the Confederated Tribes.
 2. For Work During Regular Hours. In the event an honorarium or stipend is paid for work prepared and presented during regular working hours, the Board member can only keep that portion of the honorarium that is over and above their actual salary. To avoid full income tax liability for such honorarium, the Board member shall have the honorarium made payable to the Confederated Tribes and shall seek reimbursement from the Tribe only for that portion for the honorarium over and above their salary.
 3. For Work Both During and Outside of Regular Working Hours.
 - a. When the honorarium is paid for preparation, participation and presentation in a meeting that occurs during both regular and non-working hours, the Board member shall be entitled to keep that percentage of the honorarium that represents the total number of hours that were spent preparing, presenting and participating in the meeting which occurred outside of regular working hours. The Board member requesting such partial payment shall prepare a report to the Board of Trustees identifying the following:
 - i. The total number of hours spent preparing for and participating in the meeting,
 - ii. The total number of hours spent preparing for and participating in the meeting that were outside of regular working hours,

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- iii. What tribal equipment, supplies and/or staff, if any, were used in preparing the presentation, and
 - iv. The partial payment requested by the Board member and the basis for such payment.
- b. The Board of Trustees shall make the final decision on the partial payment. To avoid tax liability for the full honorarium, the honorarium shall be paid to the Confederated Tribes, and the Board members shall be entitled to seek reimbursement for the percentage of the honorarium that represents the Board member's work during the Board member's own time.

SECTION 4.05. WHEN HONORARIUM AND TRAVEL REIMBURSEMENT MADE IN SAME PAYMENT

In the event that a Board member receives a single payment to cover both an honorarium and travel reimbursement, such payment shall be made to the Confederated Tribes. The Board member shall be able to receive travel reimbursement for all actual travel expenses as authorized in the Tribal Fiscal Policy. If funds remain after reimbursement of such travel expenses, the Board member shall be entitled to an honorarium payment as provided pursuant to section 4.04.

SECTION 4.06. REIMBURSEMENT

Whenever third party payments are made to the Confederated Tribes to reimburse Board member travel or for honoraria, the Tribal finance office shall promptly reimburse the Board member within twenty-one (21) days of the Board member's submission of a completed travel reimbursement form and request for honorarium payment that is in compliance with this chapter.

SECTION 4.07. LIMITATION ON NUMBER OF HONORARIUMS THAT MAY BE RECEIVED

To ensure that Board members do not neglect their duties to the Board of Trustees and to the Tribal Committees and Commissions on which they serve, Board members shall not receive any more than six (6) honorariums in any calendar year; provided that there shall be no such limit on the number of honorariums paid to Board members for attendance at regularly scheduled meetings of an entity to which the Confederated Tribes is a formal member (i.e., CRITFIC, CERT).

SECTION 4.08. POLICY ON TAKING LEAVE AND RECEIVING HONORARIUM

A Board member shall not be authorized to take leave (annual, sick, administrative, etc.) and receive an honorarium for the same work day.

SECTION 4.09. DISCLOSURE OF COMMITTEE, COMMISSION AND BOARD MEMBERSHIP

- A. Board members shall disclose in writing to the Board Secretary the following information:
- 1. Membership on committees, commissions and boards of the Confederated Tribes,
 - 2. Membership on all outside committees, commissions and/or boards,
 - 3. The frequency and location of meetings for each committee, commission or board,
 - 4. Whether any travel reimbursements are paid by committee, commission or board,
 - 5. Whether stipends or honorariums are paid and the amount of the payment, if any.
- B. The Board disclosure shall be submitted on or before April 30th of each even numbered year.

- C. The Board Secretary shall compile all disclosure statements submitted by Board members which shall be available for review by the Board of Trustees and tribal membership.

CHAPTER 5. BOARD OF TRUSTEES RECORDS POLICY

SECTION 5.01. BOARD OF TRUSTEES MINUTES

- A. Following the approval of the minutes of a Board of Trustees meeting, the Secretary of the Board of Trustees shall insure that copies of the approved minutes of Board of Trustees meetings are available in the Tribal office for review, and that copies are available at no cost for Tribal members at the Tribal office;
- B. The Secretary of the Board of Trustees shall, upon request by a Tribal member, provide copies of approved Board of Trustees minutes in the same calendar year at no cost;
- C. The Secretary of the Board of Trustees shall, upon request by a Tribal member, provide copies of minutes of Board of Trustees meetings in prior calendar years to the extent the Tribal Records Management Program possesses and can locate such minutes in its files. Such copies shall be made available to Tribal members who submit written requests for such minutes. The Secretary of the Board of Trustees shall impose and collect a fee in the amount of \$.15 per page for the copying of all such minutes that are requested. In the event that Tribal Records Management Program staff are required to research files to locate minutes of prior Board of Trustees meetings, such research time shall also be charged at the rate of \$25 per hour. Such reproduction and research fees shall be collected from the person requesting the Board of Trustees minutes prior to the release of the minutes.

SECTION 5.02. BOARD OF TRUSTEES RESOLUTIONS

- A. Following approval of a resolution by the Board of Trustees, the Secretary of the Board of Trustees shall insure that copies of the approved resolution are available in the Tribal office for review, and that copies are available at no cost for Tribal members at the Tribal office.
- B. The Secretary of the Board of Trustees shall, upon request by a Tribal member, provide copies of any Board of Trustees resolutions in the current year at no cost.
- C. The Secretary of the Board of Trustees shall, upon request by a Tribal member, provide copies of approved Board of Trustees resolutions from prior calendar years to the extent the Tribal Records Management Program possesses and can locate such resolutions in its files. Such copies shall be made available to Tribal members who submit written requests for such resolutions. The Secretary of the Board of Trustees shall impose and collect a fee in the amount of \$.15 per page for the copying of all such resolutions that are requested. In the event that Tribal Records Management Program staff are required to research files to locate resolutions approved by the Board of Trustees in prior calendar years, such research time shall also be charged at the rate of \$25 per hour. Such reproduction and research fees shall be collected from the person requesting the Board of Trustees resolutions prior to the release of the resolutions.
- D. Reproduction and distribution of any Board of Trustee resolution shall be governed by this policy unless the Board of Trustees expressly restricts or prohibits reproduction or distribution of a resolution within the body of a particular resolution. In such event, the specific instructions restricting or prohibiting release of such resolution shall supersede this policy.

SECTION 5.03. ATTACHMENTS TO BOARD OF TRUSTEES RESOLUTIONS

- A. Attachments to resolutions shall be governed by the same policy that applies to the availability and release of Board of Trustees resolutions set forth in section 5.02, above, except that the following attachments shall not be released:

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1. The attachment is a contract or commercial agreement;
 2. The attachment is a document involving Tribal finance, investments or enterprises;
 3. The attachment is a document involving confidential or sensitive personnel, social services, medical, law enforcement or related protected information;
 4. The Board of Trustees has expressly restricted the public release of an attachment within the body of a resolution approving the attachment; and
- B. The Board of Trustees is prohibited by Tribal or other applicable law from release of information contained in the attachment.

SECTION 5.04. INDICES OF BOARD OF TRUSTEES RESOLUTIONS

The Tribal Records Management Program shall establish and maintain an index of Board of Trustees resolutions as they are enacted on a year-by-year basis. The index shall identify the resolution number, date of enactment, and brief summary of the subject matter of the resolution. An index of Board of Trustees resolutions enacted in the previous calendar year shall be made available to members of the Confederated Tribes in the Tribal office in January of each year at no cost. To the extent indices for prior years have been developed and are maintained by the Tribal Records Management Program, such indices shall be made available, upon request by a Tribal member, under the same financial terms as are copies of prior year Board of Trustees minutes set forth in section 5.01(c), above.

SECTION 5.05. TRIBAL OVERSIGHT COMMITTEE OR COMMISSION ACCESS TO BOARD OF TRUSTEES DOCUMENTS

Any Tribal Committee or Commission possessing policy guidance or regulatory authority in connection with a Tribal program or project shall have access to any Board of Trustees meeting minutes, resolutions and associated attachments that pertain to the Tribal program or activity within the Commission or Committee's jurisdiction at no cost. Such requests shall be filed with the Tribal Records Management Program.

SECTION 5.06. TRIBAL EMPLOYEE ACCESS TO BOARD OF TRUSTEES DOCUMENTS

Tribal employees working on a Tribal program or project that is directly affected by an official action of the Board of Trustees, may have access to any relevant Board of Trustees minutes, resolution and associated attachments at no cost. Such requests shall be filed with the Tribal Records Management Program.

SECTION 5.07. ADMINISTRATION OF BOARD OF TRUSTEES RECORDS POLICY

The Secretary of the Board of Trustees shall be responsible for the administration of this Board of Trustees Records Policy. The Tribal Records Management Program shall assist in such administration as directed by the Secretary.

APPENDIX A

LEGISLATIVE HISTORY

BOARD OF TRUSTEES PROCEDURE CODE

LEGISLATIVE HISTORY

In Resolution No. 99-105 (December 27, 1999), the Board of Trustees of the Confederated Tribes of the Umatilla Indian Reservation enacted a document named the "Board of Trustees Procedures." The resolution specified that the Board would use the procedures contained in the document on an interim basis, subject to on-going modification by the Board, until June 30, 2000.

In Resolution No. 00-88 (September 11, 2000), the Board enacted a revised version of that document, entitled the "Board of Trustees' Procedure Rules", which governed certain Board procedures on an on-going basis.

In Resolution No. 03-089 (October 6, 2003) the Board enacted a revised version of the Board of Trustees' Procedure Rules, entitled the "Board of Trustees' Procedure Code". In Resolution No. 08-007 (February 25, 2008) the Board enacted Chapter 4 (concerning honorariums) to the Code.

In Resolution No. 09-087 (July 6, 2009), the Board of Trustees amended the Code to correct the agenda order for weekly meetings, and to insert the Board of Trustees Records Policy (Resolution 01-100) as a new Code chapter.

In Resolution No. 09-110 (August 31, 2009), the Board of Trustees added a new section 2.01(G)(4) to the Code, altering the process whereby the Board advertises and fills vacancies on tribal advisory committees and regulatory commissions.