

**THE CONFEDERATED TRIBE OF THE UMATILLA INDIAN RESERVATION**

**CULTURAL RESOURCES COMMISSION**

**BY-LAWS**

**October 7, 1993**

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**THE CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION**  
**BY-LAWS FOR THE COMMISSION FOR CULTURAL RESOURCES**

**ARTICLE I – PURPOSE**

The Cultural Resources Commission shall provide general oversight of the Cultural Resources Protection Program. The Cultural Resources Commission shall serve in an advisory capacity to the Board of Trustees in all matters concerning the enactment, enforcement, and administration of all laws, codes, and ordinances relating to the cultural resources of the Umatilla Indian Reservation. The Cultural Resources Commission shall also provide oversight of the administration and enforcement of the Cultural Resources Protection Code, including the holding of public hearings and shall perform other duties as required by Tribal law. The Constitution and By-Laws of the Confederated Tribes of the Umatilla Indian Reservation and the Cultural Resources Protection Code shall supersede any inconsistent terms in these By-Laws.

**ARTICLE II – NAME**

The name of this organization shall be The Cultural Resources Commission of the Confederated Tribes of the Umatilla Indian Reservation. The Cultural Resources Commission shall hereinafter be referred to in these By-Laws as the “Commission.”

**ARTICLE III – JURISDICTION**

The territorial jurisdiction of the Commission shall coincide with the territorial jurisdiction of the Confederated Tribes of the Umatilla Indian Reservation and shall be exercised by the Commission as authorized by the Board of Trustees.

**ARTICLE IV – COMMISSION MEMBERSHIP**

**Section 1. Membership**

The Commission shall be composed of five (5) regular members, two (2) ex-officio members and one (1) alternate. At least one of the regular members of the Commission shall also be a member of the Board of Trustees of the Confederated Tribes of the Umatilla Indian Reservation. The Chairman of the Board of Trustees and the Chairman of the General Council shall serve as the ex-officio members of the Commission, but shall not have any voting authority on

matters before the Commission. The Board of Trustees may rely upon the Program Manager for the Cultural Resources Protection Program to document that the Commission has studied and reviewed all matters given to the Board for its consideration.

## **Section 2. Appointment, Commission Positions**

All regular members of the Commission and the alternate shall be appointed by the Board of Trustees. Each of the regular members shall be appointed to one of the five (5) Commission positions, numbered 1 through 5. The appointee to Commission position 1 (one) shall be a member of the Board of Trustees. Within 30 days after the adoption of these By-Laws by the Board of Trustees, the current members of the Cultural Resources Commission shall recommend to the Board of Trustees a position number for each current Commission member.

## **Section 3. Term**

Terms of office for the five (5) regular positions are established such that the term for position 1 shall expire on November 23, 1995 and shall expire concurrently with the expiration of the Board of Trustees term every two years thereafter. The terms for positions 2 and 3 shall expire on October 3, 1994, and positions 4 and 5 shall expire on October 3, 1995. The term of office for the alternate shall expire on October 3, 1995. After the positions expire in 1994 and 1995 (not including position 1) the term of office, thereafter, for each position will be three (3) years. Upon receiving the recommendation from the current Cultural Resources Commission, as indicated in section 2 above, the Board of Trustees shall specify and record which current members are appointed to each position, 1 through 5.

Terms of office for all positions including the alternate shall expire on October 3 of the year of expiration. The Commission members shall serve terms as specified in this section or until replaced, provided that no Commission member may continue to serve more than 60 (sixty) calendar days after the expiration of the member's term of office. All term expiration notices shall be distributed by the Commission's Secretary/Treasurer and a permanent file of these notices shall be maintained in the Tribal Office.

## **Section 4. Commission Record-keeping**

The Secretary of the Board of Trustees will maintain a record of the Commission membership, the position filled by each member, terms of office, and expiration dates. The Commission shall maintain a similar and independent record of Commission members' terms of office and expiration dates.

## **ARTICLE V – COMMISSION ORGANIZATION**

### **Section 1. Commission Officers**

The officers of the Commission shall be the Chairman, Vice-Chairman, and Secretary/Treasurer, which officers shall be elected annually from among the Commission's membership.

#### **Chairman:**

The Chairman shall preside over all meetings of the Commission. He shall perform all duties of the Chairman and exercise any authority delegated to him by the Board of Trustees and these By-Laws. More specific duties will be outlined in the job description of the Commission Chairman. The Chairman will report at least annually to the General Council and at special meetings of the General Council if requested to do so by the Board of Trustees. The Chairman shall be entitled to vote in all matters before the Commission except where he has recused himself or otherwise is prohibited from voting by tribal law.

#### **Vice-Chairman:**

The Vice-Chairman shall assist the Chairman when called upon to do so. In the absence of the Chairman, the Vice-Chairman shall preside, and when so presiding shall have all the rights, privileges and duties, as well as the responsibilities of the Chairman.

#### **Secretary/Treasurer:**

The Secretary/Treasurer shall be responsible for all of the written and financial records of the Commission. While staff designated by the Board of Trustees may provide the actual financial and secretarial duties, when available, it shall be the responsibility of the Secretary/Treasurer to assure all written records are kept, and notices, correspondence and minutes are distributed in a timely fashion. All minutes will be distributed to appropriate Tribal Offices and a permanent file maintained in the Tribal Office by the Tribal Executive Secretary.

### **Section 2. Committees.**

Committees to serve the Commission are generally discouraged; however, in the event that the Commission feels a specific circumstance warrants additional committee work, the circumstances should be documented and submitted to the Board of Trustees with their recommendations and stating the term of existence anticipated for the committee. No Committee may serve in the name of , or the official interest of, the Tribes without formal approval of the Board of Trustees. With the approval of the Board of Trustees, the Commission shall be responsible for the conduct and reporting of all committees appointed and approved to be under the direction of the Commission.

**ARTICLE VI. – NOMINATIONS, QUALIFICATIONS, SELECTION,  
VACANCIES, REMOVALS, AND OATH OF OFFICE**

**Section 1. Nominations.**

Nominations for Commission membership may be made by any officer or member of the Confederated Tribes of the Umatilla Indian Reservation. Nominations may be made for another person so long as the nominee meets the qualifications set forth herein. To be considered for appointment as a Commission member, the nominee must complete an interest and qualification application and submit the application to the Chairman of the Board of Trustees. Applications will be kept on file at the Tribal Office.

**Section 2. Qualifications.**

Minimum qualifications for Commission membership shall be:

- (a) Enrolled member of the Confederated Tribes;
- (b) 18 years of age or older;
- (c) Interest in the work of the Commission;
- (d) Available time to be an active member of the Commission;
- (e) Willingness to receive orientation and training in relation to the duties of the Commission;
- (f) Willingness to take required oath of office;
- (g) Willingness to serve in full capacity as a Commission member at established rates of reimbursement;
- (h) Willingness to be interviewed by the Board of Trustees, or by their designated agent, at which time the applicants willingness, interest and capabilities will be evaluated and potential determined in relationship to other applicants for the position; and
- (i) Willingness to accept the determination of Board of Trustees or their agent, as final.

**Section 3. Disqualifying Tribal Employment.**

No person shall be eligible to serve as a member of the Commission if that

person is an employee of the Cultural Resources Program or any other Tribal Department or Program over which the Commission shall have the oversight jurisdiction.

#### **Section 4. Appointment.**

Appointment of Commission members, including the alternate, shall be made by the Board of Trustees. Final decisions will be based on the qualification criteria as presented in the personal interview and application. The Board of Trustees shall have the sole authority to determine the qualifications of Commission members. All applicants shall be notified by letter of the appointments within thirty (30) days after the Board of Trustees' appointments are made.

#### **Section 5. Filling Vacancies.**

- (a) Vacancies in positions 2, 3, 4, and 5 may be created by resignation, death, or removal of a Commission member or by the expiration of the term of office of the Commission position. The alternate may fill vacant Commission positions 2, 3, 4, and 5 which are vacated for any reason other than the expiration of the term of office for the vacated position. If the alternate fills the position vacated by resignation, death or removal of a Commission member, the Commission Chairman shall notify the Board of Trustees (1) of the change in membership of the position and (2) of the vacant alternate position. No formal action is required by the Board of Trustees for the alternate to assume a position of regular Commission membership as a result of the resignation, death, or removal of a Commission member. Any person, including the alternate, who fills a vacated position shall assume the termination date of the position filled.
- (b) In filling vacancies in the position of Commission alternate or vacancies caused by the expiration of the term of positions 2, 3, 4, and 5, the Board of Trustees shall use the following selection procedure: (1) The Board of Trustees shall announce vacancies for at least a one week period so interested applicants may apply; (2) nominations and applications should be made within three (3) weeks of the announced vacancy; and (3) selection and appointment of members shall conform to the provisions of sections 1 through 5(a) of Article VI of these By-Laws. The Board of Trustees may reappoint the regular Commission member or alternate upon said member or alternate filing an application for membership to the Commission.
- (c) Vacancies in Commission position 1 may be created by resignation, death, or removal of the Commission member, or by the expiration of the term of office of position 1, or by the Commission member losing his or her membership on the Board of Trustees. In filling a vacancy in position

1, the Board of Trustees shall appoint a member from its own membership. The alternate member shall not assume the vacated position 1 unless the alternate is appointed to position 1 by the Board of Trustees and the alternate is a member of the Board of Trustees. The Board of Trustees shall fill the vacant position 1 as soon as possible after the date the position is vacated. The Commission may continue its business, provided it meets quorum requirements, at times when position 1 is vacated.

### **Section 6. Resignation.**

Any Commission member who finds he must resign his position should make such resignation in writing, stating his reasons. This resignation should be presented to the Commission Chairman, who in turn shall present the resignation to the Board of Trustees at the next regular meeting. The vacancy exists once the resignation has been delivered to the Board of Trustees at said meeting.

### **Section 7. Removal.**

Members of the Commission may be removed for cause. A petition to initiate the removal of a Commission member may be initiated by either the Commission or the Board of Trustees. The Board of Trustees shall have the sole authority to remove any Commission member.

- (a) **For Cause, defined.** A member of the Commission may only be removed for cause. The basis for a for cause removal of a Commission member shall consist of, but not be limited to, the following:
- (1) Neglect of duty;
  - (2) Gross misconduct; or
  - (3) Failure to attend Commission meetings. Commission members who miss three (3) unexcused meetings or more than 50% of regular Commission meetings shall be subject to immediate removal from office.
- (b) **Removal Procedure.** Removal of a Commission member may be initiated by a motion for removal which shall require the approval of at least three (3) Commission members or by a resolution, adopted by the Board of Trustees, initiating removal proceedings. The Board of Trustees shall have the sole authority to remove a Commission member and must do so by a vote of at least five (5) members in favor of removal. Before any vote for removal is taken by the Board of Trustees, the Commission member who is subject to removal from the Commission shall be provided

a written statement of the charges against him at least five (5) days before the meeting of the Board of Trustees before which said member is to appear, and the member shall be provided an opportunity to answer any and all charges at such designated Board meeting. The decision of the Board of Trustees on the removal of the Commission member shall be final.

**Section 8. Oath of Office.**

Each Commission member appointed, or who is reappointed, to the Commission shall take an oath of office prior to assuming the duties of such position, by which oath he shall pledge himself/herself to support and defend the Commission By-Laws and the Constitution and By-Laws of the Confederated Tribes of the Umatilla Indian Reservation of Oregon. The oath of office shall be administered by the Umatilla Tribal Court, and shall be: "I (state name), do solemnly swear (or affirm) that I will carry out faithfully and impartially the duties as a Commissioner of the Cultural Resources Commission to the best of my abilities, that I will promote and protect the best interests of the Confederated Tribes, in accordance with the Commission By-Laws and the Constitution and By-Laws of the Confederated Tribes of the Umatilla Indian Reservation.

**ARTICLE VII – TIME AND PLACE OF MEETINGS AND PROCEDURE**

**Section 1. Meetings:**

Regular meetings of the Commission shall be held twice a month during regular working hours of 7:30 a.m. – 4:00 p.m. in an office or conference room designated by the Board of Trustees. Special meetings, unless of an emergency nature, should be posted at least five (5) days, in advance.

**Section 2. Quorum:**

A quorum will consist of three (3) members of the Commission. Official business shall only be conducted when a total quorum of three are present. The alternate may be counted for quorum purposes, but ex-officio members may not.

**Section 3. Order of Business.**

The following order of business is established for all meetings, but may be changed by the Commission, if deemed necessary:

- (a) Call to order by Chairman
- (b) Roll call

- (c) Ascertainment of quorum
- (d) Reading of minutes of the last meeting
- (e) Adoption of minutes by a vote or common consent
- (f) Unfinished business
- (g) New business
- (h) Non-agenda items
- (i) Adjournment

#### **Section 4. Tribal Legislation.**

Any recommendation the Commission may make to the Board of Trustees for approval which is of a temporary nature or for a specific one-time use shall take the form of a RESOLUTION. Requested actions for enactments of a permanent nature which are to be effective over an extended period of time that may result in an Ordinance or Code or amendment to an Ordinance or Code, should be submitted to the Tribal Attorney's Office for review and comment prior to presentation to the Board of Trustees.

#### **Section 5. Report of Meetings.**

All minutes of the Commission will be distributed to the members of the Commission, Officers of the Tribe, and appropriate Program Directors and agencies needing such information. A permanent record of all minutes will be maintained in the Tribal Office by the Executive Secretary.

The Chairman will report at least annually, to the General Council, or more frequently, if requested by the Chairman of the Board of Trustees.

#### **Section 6. Honorarium.**

The members of the Commission will be paid an honorarium to cover the costs of travel to and from meetings, etc. This honorarium may vary from year to year depending on the budgetary process and availability of funds. The payable rate of \$25.00 per meeting has been calculated as the remuneration for Commission members. The honorarium may only be paid when official business is conducted with a quorum present. Members must be present for a majority of a Commission meeting agenda to be eligible for remuneration. The determination of whether a Commission member has attended a majority of a meeting agenda

shall be made by the Secretary/Treasurer of the Commission.

### **Section 7. Travel.**

#### **(a) Authorization.**

Travel authorization for Commission members shall follow Tribal policy. All requests for travel involving representation by a Commission member should be approved by the Commission and presented by the Commission Chairman for final approval to the Office of the Secretary of the Board of Trustees.

#### **(b) Per Diem.**

Reimbursement of per diem expenses will be made at established rates as set forth or referenced in the Tribal Personnel Manual.

#### **(c) Trip Report.**

All authorized trips made on behalf of the Commission will be followed within two (2) weeks by a written trip report in a format provided by the Tribe. The written report or an oral report shall be given to the Commission. The written report will be submitted to the Board of Trustees by the Commission Chairman.

#### **(d) Conduct.**

All delegates traveling on behalf of the Commission shall represent the Tribes in public and present themselves in the most effective manner possible. All delegates shall be neat and well-groomed and dressed appropriately for the occasion.

## **ARTICLE VIII – DUTIES AND RESPONSIBILITIES OF THE COMMISSION**

It is the primary duty of the Commission to provide support for the programs and contracts assigned to its jurisdiction by the Board of Trustees. In providing program support, the following are functions to be included as duties and responsibilities of the Commission.

### **Section 1. Oversight.**

The Commission will review and make recommendations relating to the enactment, enforcement, or administration of all laws, codes, and ordinances affecting the cultural resources of the Umatilla Indian Reservation and to review and make recommendations concerning annual tribal and federal budgets relating to the Cultural Resources of the Confederated Tribes of the Umatilla

Indian Reservation.

**Section 2. Legislative Process.**

The Commission will implement legislation or assist in the legislative process as established by the Board of Trustees. This process may include the holding of public meetings or hearings.

**Section 3. Supervision.**

The Commission will have no supervisory authority over the Program Manager of the Cultural Resources Program or staff or any other Department Director or staff having responsibilities relating to cultural resources. The supervision of Departments and Programs is delegated to the Executive Director. It is essential that the divisions of policy direction and administration be recognized and appreciated by the Commission.

**Section 4. Provision of Information.**

The Commission shall inform the reservation community of Cultural Resources programs existing on and off the reservation, the purpose for which they are designed, and how the reservation community is to be served by the program(s).

**Section 5. Policy, Code Recommendations.**

The Commission will make recommendations to the Board of Trustees concerning needed policies, ordinances, and programs to achieve the purpose for which the Commission was established.

**Section 6. Budget Review.**

The Commission will review the annual budget for Tribal and BIA cultural resources programs in conformance with Tribal budgeting procedures.

**Section 7. Meetings.**

The Commission will meet regularly as required in Article Seven of these By-Laws in order to accomplish its duties and responsibilities.

**Section 8. Duty to Report.**

The Commission shall submit reports of its activities as required by the Board of Trustees.

**Section 9. Conflict of Interest.**

Members of the Commission shall refrain from acting in an official capacity when the member stands to gain money, property, favors, preferential treatment for him/her self or their immediate family. Conflicts shall be reported expediently to the Chairman of the Board of Trustees by the Commission or ex-officio.

**Section 10. Commission Affiliations.**

The Commission shall document the cost, time and functions of its major affiliations either Indian, non-Indian, national, state, or local.

**Section 11. Public Information.**

The Commission is expected to seek advice from the General Council through annual reports to the Council and to inform the public of plans and programs which benefit the residents of the Umatilla Indian Reservation.

**ARTICLE IX – DEPARTMENT RESPONSIBILITIES TO THE COMMISSION**

The Cultural Resources Program shall provide the following assistance to the Commission:

- (a) Keep the minutes of all meetings of the Commission in an appropriate manner;
- (b) Receive and process all development reviews, projects and undertakings;
- (c) Prepare and send all notices required by law or by the By-Laws;
- (d) Prepare the agenda for all meetings of the Commission;
- (e) Be custodian of Commission records (except as otherwise required of the Secretary for the Board of Trustees);
- (f) Inform the Commission of correspondence relating to business of the Commission and attend to such correspondence;
- (g) Prepare Commission correspondence when directed;
- (h) Handle funds allocated to the Commission in accordance with Board of Trustees regulations; and
- (i) Conduct other such Commission business as required or directed.

## **ARTICLE X – MODIFICATION OF BY-LAWS**

These By-Laws may be modified or amended in writing by a majority vote of the Commission and the Board of Trustees. These By-Laws and any such modifications or amendments shall be kept by the Program Manager of the Cultural Resources Program, the Secretary of the Board of Trustees, the Executive Secretary of the Tribal Administration and the Secretary/Treasurer of the Commission.

## **ARTICLE XI – RATIFICATION OF BY-LAWS**

This set of By-Laws shall become effective upon the approval by the Board of Trustees of the Confederated Tribes of the Umatilla Indian Reservation.