

BYLAWS OF THE LAND PROTECTION PLANNING COMMISSION

As amended through Board Resolution No. 17-054 (July 24, 2017)

ARTICLE I – PURPOSE

The Land Protection Planning Commission shall serve the purposes and carry out the duties set forth in the Land Development Code, these Bylaws, and as otherwise expressly delegated by the Board of Trustees to ensure that land use and development on the Umatilla Indian Reservation is conducted consistently with the goal of preserving, enhancing, and protecting the natural resources of the Confederated Tribes of the Umatilla Indian Reservation. The Treaty, Constitution and Bylaws of the Confederated Tribes of the Umatilla Indian Reservation and the Tribal Land Development Code shall supersede any inconsistent terms in these bylaws.

ARTICLE II – NAME

The name of this organization shall be the Land Protection Planning Commission of the Confederated Tribes of the Umatilla Indian Reservation. The Land Protection Planning Commission shall hereinafter be referred to in the bylaws as the “Commission.”

ARTICLE III – JURISDICTION

The territorial jurisdiction of the Commission shall coincide with the area within the exterior boundaries of the Umatilla Indian Reservation and shall be exercised by the Commission as authorized by the Board of Trustees. The Commission’s territorial jurisdiction is the geographical area in which it exercises quasi-judicial decision-making authority regarding land use matters pursuant to the Land Development Code. The Commission’s authority to provide policy recommendations to the BOT and other tribal policy and regulatory bodies is not limited to the exterior boundaries of the Umatilla Indian Reservation.

In addition the Land Protection Planning Commission shall also serve as the Statewide Transportation Improvement Fund (STIF) Advisory Committee for Kayak Public Transportation in carrying out the purpose of the STIF and prioritizing projects to be funded by STIF monies as set forth under OAR Chapter 732, Division 40, Sections 0030 and 0035, Division 42, Section 0020, and Division 44, Section 0025.

ARTICLE IV – COMMISSION MEMBERSHIP

Section 1. Membership. The Commission shall be composed of five (5) regular members, one (1) ex-officio member and one (1) alternate. For clarification purposes throughout the document, the term “members of the Commission” applies to all five (5) regular members and the 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 Chair of the Board of Trustees serves as the ex-

officio member of the Commission, but shall not have any voting authority on matters before the Commission.

Section 2. Appointment, Commission Positions. All regular members of the Commission and the alternate shall be appointed by the Board of Trustees.

Section 3. Term. The term of office for each position will be three (3) years. Terms of office for all positions including the alternate shall expire three years from the date of appointment. 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 and a permanent file of these notices shall be maintained by the Board of Trustees Secretary.

Section 4. Commission Record-keeping. The Board of Trustees Secretary 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 Chair, Vice-Chair, and Secretary. The officers shall be elected annually by the Commission from among the Commission's membership at the Commission's first meeting of each calendar year. In the event no Commission officers are present at a regular meeting, the remaining quorum shall select from among themselves a representative to Chair the meeting.

- a) Chair. The Chair shall preside over all meetings of the Commission. The Chair shall perform all duties of the Chair and exercise any authority delegated to the Chair by the Board of Trustees and these bylaws. The Chair 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. Tribal Planning staff shall assist the Chair in scheduling such reports. The Chair shall only be entitled to vote in the event of a tie.
- b) Vice-Chair. The Vice-Chair shall assist the Chair when called upon to do so. In the absence of the Chair, the Vice-Chair shall preside, and when so presiding shall have all the rights, privileges, duties, and responsibilities of the Chair.
- c) Secretary. The Secretary shall be responsible for all of the written records of the Commission. While staff designated by the Board of Trustees may provide the secretarial duties, when available, it shall be the responsibility of the Secretary 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 Nixyáawii Governance

Center by the Board of Trustees Secretary. Minutes shall be recorded using the standard form provided by the Board of Trustees Secretary. In the absence of the Chair and Vice-Chair, the Secretary shall preside, and when so presiding shall have all the rights, privileges, duties, and responsibilities of the Chair.

Section 2 – Alternate. In the event that any of the five regular members of the Commission is absent from a meeting, the alternate shall serve in full capacity as a regular member. Otherwise, the alternate may participate in the deliberation of any matter before the Commission, but shall not vote on, make or second motions.

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

Section 1. Applications. To be considered for appointment as a Commission member, a member of the Confederated Tribes must complete an interest and qualification application and submit the application to the Board of Trustees at the front desk of the Nixyáawii Governance Center. Applications will be kept on file at the Nixyáawii Governance Center.

Section 2. Qualifications. Minimum qualifications for Commission membership shall be:

- a) Enrolled member of the Confederated Tribes;
- b) Eighteen (18) years of age or older;
- c) Interest in the work of the Commission, including express interest in protecting the natural resources of the Confederated Tribes;
- 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 the rates of reimbursement established by the Board of Trustees;
- h) Willingness to comply with these Bylaws;
- i) Willingness to be interviewed by the Board of Trustees, or by their designated agent, at which time the applicant's willingness, interest and capabilities will be evaluated and potential determined in relationship to other applicants for the position; and

- j) 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 Tribal Planning Office.

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 ten (10) days after the Board of Trustees' appointments are made.

Section 5. Filling Vacancies.

- a) Vacancies that are created by the resignation, death, or removal of a Commission member who is not a member of the Board of Trustees shall be filled by the alternate. The Commission Chair shall notify the Board of Trustees Secretary in writing (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 under such circumstances. The alternate, 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 Commission members who are not members of the Board of Trustees, the Board of Trustees shall follow the procedures set forth in the Board of Trustees Procedures Code and Advisory Committee Code, as well as sections 1 through 5(a) of Article VI of these bylaws. The Board of Trustees may re-appoint the regular Commission member or alternate upon said member or alternate filing an application for membership to the Commission.
- c) In filling a vacancy in the Board of Trustees member position on the Commission, the Board of Trustees shall appoint a member from its own membership. The alternate member may not assume this position unless the alternate is appointed to the position by the Board of Trustees is a member of the Board of Trustees. The Board of Trustees shall fill the vacant position 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 the Board of Trustees member position is vacant.

Section 6. Resignation.

- a) Resignation in Writing. Any Commission member who finds they must resign their position should make such resignation in writing, stating their reasons. This resignation should be presented to the Commission Chair or designee, who in turn

shall present the resignation to the Commission at the next regular meeting. Once formally accepted by the Commission, the Commission Chair shall notify the Board of Trustees Secretary of the resignation. The vacancy exists once the resignation has been accepted by the Board of Trustees at a regular Board of Trustees meeting.

- b) Resignation by Default. If any Commission member is absent from three consecutive meetings of the Commission without excuse, or misses more than 50% of the regular meetings during a year, that Commission member shall be considered to have resigned without providing notice to the Chair. This shall be known as “resignation by default.” In this circumstance, the Commission Chair shall promptly notify the resigning Commission member, the Commission, and the Board of Trustees that a default resignation has taken place and that a vacancy exists on the Commission. Resignation by default is not subject to review by the Board of Trustees (nevertheless, the Board is free to reappoint the Commission member who has resigned by default, providing the Commission member reapplies for the position when it is advertised).

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. Sufficient cause for removal of a Commission member may consist of, but is not limited to, neglect of duty, gross misconduct, or failure to maintain the minimum qualifications for membership.
- b) Removal Procedure. Removal of a Commission member may either be initiated by a motion for removal approved by at least three (3) Commission members or by a motion by the Board of Trustees. The Board of Trustees shall have the sole authority to remove a Commission member following notice and an opportunity to be heard. At least five (5) working days prior to the hearing, the Commission member who is subject to removal shall be provided a written statement of the charges and notice of the time and place of the hearing. The Commission member shall be provided an opportunity to answer the charges in person. 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 reappointed to the Commission shall take an oath of office prior to assuming the duties of such position, by which he/she shall pledge him/her self to support and defend the Commission bylaws and the Constitution and By-laws of the Confederated Tribes of the Umatilla Indian Reservation. The oath of office shall be administered by the Umatilla Tribal Court, signed by the appointee, and shall be as follows: “I (state name), do solemnly swear (or affirm) that I will carry out faithfully and impartially the duties as a Commissioner of the

Land Protection Planning 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 bylaws and the statutes and Constitution of the Confederated Tribes of the Umatilla Indian Reservation.”

ARTICLE VII – TIME AND PLACE OF MEETINGS AND PROCEDURE

Section 1. Regular meetings. The regular Commission meetings shall be held twice a month between the hours of 7:30 a.m. – 8:00 p.m. in an office or conference room on the Umatilla Indian Reservation.

Section 2. Special Meetings. Any officer of the Commission may call a special meeting. The officer shall coordinate with the Comprehensive Planning Manager or designee to develop the agenda. Special meetings, unless of an emergency nature, shall be publicly announced. Unless the special meeting is announced at a regular Commission meeting, a special meeting notice shall be posted in three different public places on the Reservation at least five (5) days in advance. The Commission shall only act on the specific subject matter for which the special meeting was called.

Section 3. Cancellation for Funerals. Any member of the Commission, upon notice to the Planning Office, may cancel a meeting of the Commission for the purpose of attending a funeral of a community member.

Section 4. Quorum. A quorum will consist of no less than three (3) members of the Commission. Official business shall only be conducted when a total quorum of three (3) is present. The alternate may be counted for quorum purposes, but ex-officio members may not. The alternate is expected to attend all Commission meetings. Official business is any matter that may result in a motion at that meeting. The Commission may review non-official business when a quorum is not present. The Chair or designee shall be responsible for determining official and non-official business if a quorum is not present.

Section 5. Order of Business. The order of business for Commission meetings shall follow the standard format developed by the Board of Trustees Secretary and shall be provided to the Commission at its first meeting of each calendar year.

Section 6. 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 proposed Board of Trustees Resolution. Recommendations for amendments to the Land Development Code or Environmental Health and Safety Code should be submitted to the Office of Legal Counsel for review and comment prior to presentation to the Board of Trustees.

Section 7. Report of Meetings. All minutes of the Commission will be distributed to the members of the Commission, and upon request to the Officers of the Tribe, and appropriate Program Directors and agencies needing such information. A permanent

record of all minutes will be maintained in the Nixyáawii Governance Center by the Executive Assistant to the Board of Trustees.

Section 8. Stipend. The members of the Commission, including the alternate, will be paid a stipend to reimburse commissioners for meeting attendance. The stipend shall be the standard amount determined by the Board of Trustees in its annual budgetary process and may vary from year to year. The stipend shall only be paid for (1) meetings of the Commission where official business is conducted and a quorum is present or (2) for attendance at an official function in the official capacity of the Commission on a per-day basis. Stipends shall be issued on the Confederated Tribes' standard paydays.

- a) For a Commissioner to be eligible to receive a stipend for attendance at an official function, attendance at the function must be approved in advance by the Commission. Within three weeks of returning from official travel, a Commission member shall submit an oral or written report to the Commission recounting the notable information gathered and accomplishments achieved during the trip. The stipend shall not be paid until the approved minutes and sign-in sheet indicating the Commission has approved the stipend payment are submitted to the Board Secretary.

Section 9. Travel.

- a) **Authorization.** Travel costs of a Commission member may be paid out of the Commission budget as approved by the Board of Trustees if funds are available. Travel costs shall only be paid out of the Commission budget when: (1) the Commission authorizes the travel, and (2) the Commission member is traveling on business that is consistent with the subject matter of the Commission. Commission members seeking to have their travel costs paid out of the Commission budget must comply with Tribal procedures for the issuance of travel advance/travel reimbursement and for reporting on travel expenses. In addition to these requirements, within three weeks of returning from official travel, a Commission member shall submit an oral or written report to the Commission recounting the notable information gathered and accomplishments achieved during the trip. Expenses for travel on Commission business by a Commissioner who is also a Tribal employee must be paid from the Commission's budget, not the budget of the program where that employee works.
- 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) **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, and administration of the Land Development Code and, as applicable, the Environmental Health and Safety Code of the Confederated Tribes of the Umatilla Indian Reservation.

Section 2. Legislative Process and Implementation. The Commission will implement legislation or assist in the legislative process as established by the Board of Trustees. This process includes the holding of public meetings or hearings regarding proposed legislation and proposed land uses on the Umatilla Indian Reservation.

Section 3. Supervision. The Commission will have no supervisory authority over the Comprehensive Planning Manager or Tribal staff. The supervision of personnel 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 the Tribal Planning Office's programs, the purpose for which they are designed, and how the Reservation community is to be served by the programs.

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. To the extent that the subject matter of such recommendations overlap with the subject matter of any other Tribal advisory committee or regulatory commission, the Commission shall coordinate its recommendations with the relevant committee(s) and/or commission(s).

Section 6. Duty to Report. The Commission shall submit reports of its activities as required by the Board of Trustees.

Section 7. Conflict of Interest. Members of the Commission shall refrain from acting in an official capacity when the member stands to gain money, property, favors, or preferential treatment for him/her self or immediate family. Conflicts shall be reported expediently to the Chair of the Board of Trustees by the Commission or ex-officio.

Section 8. Commission Affiliations. The Commission shall document the cost, time and functions of any major affiliations with outside entities.

Section 9. 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. Prior to the release of any public information, the Commission shall coordinate the release through the Tribal Communications Office.

ARTICLE IX – TRIBAL PLANNING OFFICE’S RESPONSIBILITIES TO THE COMMISSION

The Tribal Planning Office shall provide the following assistance to the Commission:

- a) Keep the minutes of all meetings of the Commission in an appropriate manner and process stipend purchase orders;
- b) Receive and process permits and/or zoning applications;
- c) Prepare and send all notices required by law or by the bylaws;
- d) Prepare the agenda for all meetings of the Commission;
- e) Be custodian of Commission records;
- 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, subject to budgetary and personnel limitations in Article VIII.

ARTICLE X – MODIFICATION OF BYLAWS

These bylaws may be modified or amended in writing by a majority vote of the Board of Trustees. These bylaws and any such modifications or amendments shall be kept by the Tribal Planning Office and the Secretary of the Board of Trustees.

ARTICLE XI – RATIFICATION OF BYLAWS

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