

# ADVISORY COMMITTEE CODE

## CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION

**ADVISORY COMMITTEE CODE**

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**ADVISORY COMMITTEE CODE**

**CHAPTER 1. GENERAL PROVISIONS**

**SECTION 1.01. CITATION**

This Code shall be cited in full form as the "Advisory Committee Code of the Confederated Tribes of the Umatilla Indian Reservation", and in short form as the "Advisory Committee Code."

**SECTION 1.02. DEFINITIONS**

- A. "Ad Hoc Committee" means a limited-duration entity created by the Board of Trustees to provide policy or technical advice to the Board and/or Tribal staff concerning a narrowly-defined subject matter. An Ad Hoc Committee does not have formal procedures, officers or bylaws, except as specifically directed by the Board. Membership consists of community members only or of a combination of community members and staff. Unless specified otherwise by the Board, any Ad Hoc Committee shall terminate upon the expiration of one year from its establishment.
- B. "Advisory Committee" or "Committee" means an entity created by the Board of Trustees under Section 2.01(A), below, to provide policy advice to the Board and Tribal staff concerning a particular subject matter or a particular department or program of the Tribal government.
- C. "Adjudication" means the act of deciding the outcome of a particular dispute or question, based upon the particular facts of the case and the application of law (including regulations) to those facts. The term is synonymous with "quasi-judicial power."
- D. "Board of Directors" means an entity created by the Board of Trustees and granted authority to direct the operations of a Tribal economic enterprise or service institution.
- E. "Board of Trustees" or "Board" means the governing body of the Confederated Tribes of the Umatilla Indian Reservation, established by Article VI of the Constitution and Bylaws of the Confederated Tribes of the Umatilla Indian Reservation.
- F. "Bylaws" means a document promulgated by the Board of Trustees that establishes and/or describes the powers and procedures of a subsidiary body.
- G. "Charter" means a document promulgated by the Board of Trustees that describes the powers and procedures of a board of directors.
- H. "Confederated Tribes", "Tribes" and "Tribal" mean or refer to the Confederated Tribes of the Umatilla Indian Reservation, a federally recognized American Indian tribal government.
- I. "Hearing" means an official inquiry intended to gather information as a part of either a rule making process or an adjudication.
- J. "Management" and "Managerial" means or refer to the control, direction and supervision of Tribal staff, the implementation of Tribal laws and budgets, and short term planning.
- K. "Order" means a directive regarding a specific person, entity or dispute, issued by a Regulatory Commission as part of an adjudication. Examples of orders include a decision to grant or deny a permit or a decision on whether to impose a fine or penalty on a specific person or entity.
- L. "Organic Statute" means a statute that creates a regulatory commission and describes its powers.

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- M. "Outside Entity" means any government, agency, business, non-profit corporation, citizens' group or other body that is not a branch of the government of the Confederated Tribes of the Umatilla Indian Reservation.
- N. "Policy" means general principles established by the Board of Trustees to guide the management of Tribal affairs. It includes Tribal laws and other guidance promulgated by the Board. A policy is a rule of broad application, not a decision that is specific to a particular incident or person. A policy enunciates general principles rather than deciding the outcome of a specific controversy. Such policy-making is a legislative power. Nevertheless, a "policy statement" by the Board on a matter of external affairs may contain conclusions about how specific controversies should be resolved. Such "policy statements" can be viewed as an exercise of retained executive authority by the Board.
- O. "Quasi-Judicial Power" means adjudication.
- P. "Quasi-Legislative Power" means rule making.
- Q. "Regulatory Authority" or "Regulatory Power" means the power to conduct rule making and/or adjudication. Exercise of this power may include conducting hearings, issuing permits and licenses, and imposing sanctions and fines.
- R. "Regulatory Commission" or "Commission" means an entity created by the Board of Trustees to exercise some degree of regulatory authority as defined in an organic statute.
- S. "Regulation" or "Rule" means a directive of general application, issued by a Regulatory Commission, for the purpose of implementing a Tribal statute by providing additional detail not contained within the statute, as authorized by the statute and consistent with it.
- T. "Rule Making" means the act of developing and issuing regulations. The term is synonymous with "quasi-legislative power."
- U. "Senior Staff" means department directors, the Executive Director, senior administrative personnel, and Tribal attorneys.
- V. "Staff Committee" means an entity consisting mostly or entirely of Tribal staff, that has been created for the purpose of coordinating work by Tribal staff on a joint project across internal managerial boundaries. A staff committee may also provide policy advice or technical advice to the Board within the scope of the committee's expertise. Staff committees are typically established by administrative action, but can be established by action of the Board. Staff committees do not have formal procedures, officers or bylaws, except as specifically directed by the Board or an appropriate senior staff member.
- W. "Subsidiary Body" means an advisory committee, regulatory commission board of directors, ad hoc committee, task force or other entity created by the Board of Trustees by its authority under Article VI, Section 1(c) of the Tribes' Constitution and Bylaws.
- X. "Supervise" and "Supervision" mean or refer to the power to hire, direct, assess, reward, discipline, reorganize and terminate employees. "Supervision" is a managerial power.
- Y. "Task Force" means a limited-duration staff committee created by the Board of Trustees to provide policy advice or technical advice to the Board and/or Tribal staff concerning a narrowly-defined subject matter. A Task Force does not have formal procedures, officers or bylaws, except as specifically directed by the Board. Membership on a Task Force consists exclusively of Tribal staff. Unless specified otherwise by the Board, any Task Force shall terminate upon the expiration of 90 days from its establishment.

**SECTION 1.03. PURPOSE AND SCOPE**

This Code shall govern the operating procedures of all advisory committees created by the Board of Trustees. This Code has no effect on committees established by (or as) outside entities. The operating procedures contained in this Code shall, to the fullest extent practicable, be incorporated into the bylaws of the Tribes' regulatory commissions and boards of directors by subsequent action of the Board of Trustees. Where indicated, certain provisions of this Code apply to all Tribal subsidiary bodies.

**SECTION 1.04. IMPLEMENTATION**

This Code shall take full effect immediately upon enactment, except for the requirement, under Section 2.01(A) and (B), below, that advisory committees be created by Board resolutions that describe the subject matter of those committees. Within six months of the enactment of this Code, the Board of Trustees shall approve resolutions, consistent with Section 2.01(A) and (B), below, describing the subject matter of each advisory committee that the Board wishes to retain or create. In the interim, the subject matter of each advisory committee shall continue to be governed by the purpose statement in its existing bylaws. All other provisions of each advisory committee's bylaws shall be repealed upon the enactment of this Code. The purpose statement of each advisory committee shall be repealed upon the enactment of a resolution under Section 2.01(A) and (B) describing the subject matter of that committee, or upon the expiration of six months from the date of the enactment of this Code, whichever comes first. Any advisory committee for which the Board does not approve a resolution within six months of the enactment of this Code, shall be abolished.

**SECTION 1.05. CONFLICTS WITH OTHER BOARD DIRECTIVES**

This Code replaces in their entirety any bylaws of advisory committees. To the extent that, through statute, policy statement, or other legislative action (aside from bylaws), the Board of Trustees has delegated to any advisory committee powers that are greater than the powers authorized by this Code, that delegation is unaffected by this Code.

**CHAPTER 2. POWERS AND LIMITATIONS OF ADVISORY COMMITTEES**

**SECTION 2.01. ESTABLISHMENT, GOVERNANCE AND TERMINATION OF ADVISORY COMMITTEES**

- A. Establishment. From time to time, in its sole discretion, the Board of Trustees may establish advisory committees of the Confederated Tribes. An advisory committee shall only be established by resolution of the Board of Trustees.
- B. Subject Matter. The resolution creating an advisory committee shall specify the subject matter of the committee. When appropriate, that subject matter may be described in terms of the work of particular Tribal programs or departments. Whether or not the subject matter is described in this manner, the resolution shall specify the particular programs and departments that are expected to work with the Committee.
- C. Purpose. The purpose of any advisory committee shall be: (1) to develop a specialized understanding of the policy aspects of a particular subject or subjects, (2) to advise and assist Tribal staff and the Board of Trustees in developing policy concerning that subject, (3) to advise tribal staff on the implementation of established policy, (4) to coordinate with other subsidiary bodies regarding topics and policies that are within the subject matter of both, and (5) to represent the Confederated Tribes in a policy capacity in meetings with Tribal members or outside entities concerning topics within the Committee's area of subject matter expertise.
- D. Procedures. The procedures of all advisory committees shall be governed by this Code. Advisory committees are prohibited from adopting bylaws on their own motion. Committees may adopt internal procedures aimed at facilitating the performance of their duties, so long as those procedures do not conflict with this Code or other law. The Secretary of the committee shall forward a copy of any such procedures to the Secretary of the Board of Trustees

immediately upon adoption by the committee. Such committee-adopted procedures do not limit the discretion of the Board of Trustees.

- E. Modification. The Board of Trustees, by resolution, may alter the subject matter of any advisory committee (or the list of department(s) and program(s) that work with the committee) at any time. The Board may also alter the operating procedures of advisory committees at any time by amending this Code.
- F. Termination. The Board of Trustees, by resolution, may terminate any advisory committee at any time.

## SECTION 2.02. LIMITATIONS ON THE AUTHORITY OF ADVISORY COMMITTEES

- A. The creation, modification and termination of an advisory committee and the appointment of individuals to serve on an advisory committee are discretionary actions of the Board of Trustees, authorized by Article VI, Section 1 of the Constitution and Bylaws of the Confederated Tribes of the Umatilla Indian Reservation. No property rights are conveyed by appointment to an advisory committee. Advisory committees and their members may advise the Board concerning such matters as appointments, modifications, and termination, but advisory committees and their former or current members have no legal standing to challenge such Board decisions in any administrative proceeding or court of law.
- B. Tribal policy on any topic may only be established by the Board of Trustees or (to the extent it is so authorized by its bylaws or a Tribal statute) a regulatory commission or Board of Directors. Although advisory committees advise and assist in the development of policy proposals, they do not have the power to establish policy.
- C. When meeting with Tribal members or outside entities, the role of an advisory committee is limited to: 1) gathering information pertinent to the development of policy and, 2) transmitting and explaining established Tribal policy. Advisory committees are not authorized to make commitments to outside entities on behalf of the Confederated Tribes.
- D. Advisory committees are prohibited from inquiring into, participating in, or attempting to influence managerial decisions concerning the department(s), programs or staff the committees advise. Advisory committees are not authorized to make commitments to outside entities concerning staff work. Advisory committees do not represent the department(s), programs or staff they advise.

## SECTION 2.03. RELATIONS BETWEEN ADVISORY COMMITTEES AND TRIBAL STAFF

- A. Committee members and the staff who work with them are expected to behave in a professional manner and to treat each other with courtesy.
- B. Where an advisory committee advises an entire Tribal department, the department director (or his designee) shall attend all regular committee meetings. Where an advisory committee advises a single program, the program manager (or his designee) shall attend all regular committee meetings. Where an advisory committee advises multiple programs within a department (but not an entire department) the department director shall assure that a program manager (or a program manager's designee) from at least one of the programs advised by the committee is in attendance at all regular committee meetings. Program managers may alternate this duty. The committee and the department director or program manager (or his designee) shall keep each other informed of significant new developments falling within the committee's subject matter.
- C. It shall be the responsibility of the department or programs that are advised by a committee to assign staff to prepare and maintain paperwork for the committee's Secretary-Treasurer. Total staff time spent on such activities shall not exceed 15 hours per month. In executing these duties, such staff shall be directed by the committee's Secretary-Treasurer, who may opt to not

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use the services of such staff. Examples of duties which may be performed by such staff include:

1. Drafting the agenda for regular meetings,
  2. Drafting the minutes of regular meetings,
  3. Drafting, modifying as directed, and sending all required notices,
  4. Informing the committee of correspondence received, and drafting, modifying (as directed) and sending committee correspondence,
  5. Monitoring the committee budget, and drafting the committee's financial paperwork,
  6. Maintaining the committee's records,
  7. Making travel arrangements for committee members where travel has been approved by the committee,
  8. Compiling orientation materials and other relevant information for committee members.
- D. Except in the case of staff assigned to assist the Secretary-Treasurer, an advisory committee shall not assign tasks to Tribal staff. A committee may request the assistance of a Tribal staff person (including requesting their presence at a meeting), if that staff person is employed in the department or program that is advised by the Committee, but only by directing such a request to the requested staff person's supervisor. The committee's request shall state why the staff person is needed. When faced with such a request by an advisory committee, the supervisor shall have full discretion to grant or deny such a request or to place such limitations and conditions on the service provided by the staff person as the supervisor sees fit. If the supervisor denies the request, the supervisor shall state a reason for the denial. If a Committee wishes to request the assistance (or presence) of a staff person who is not employed in the department or program that is advised by the committee, the committee Chairperson shall submit the request directly to the staff person. A staff person receiving such a request is not required to assist (or appear before) the committee, but if the staff person chooses not to assist (or appear before) the committee, the staff person shall inform the committee Chair (either orally or in writing) of the staff person's reason(s) for not granting the request.

#### SECTION 2.04. RELATIONS BETWEEN ADVISORY COMMITTEES

Where two advisory committees have subject matter that overlaps or is closely related, their Chairpersons shall meet on a quarterly basis to discuss their shared areas of interest, allocate responsibilities between the committees, and otherwise coordinate their activities. At the discretion of the committee Chairpersons, the committees may also meet in joint session to discuss shared areas of interest. The purpose of these meetings is to maximize cooperation and minimize conflict between the Board of Trustees' advisory committees. Nevertheless, when committees engage in disputes that cannot be resolved at the committee Chairperson level, the Chairpersons shall refer the dispute to the Board of Trustees for resolution. The decision of the Board of Trustees shall be final.

#### SECTION 2.05. ANNUAL TRAINING

The Executive Director of the Confederated Tribes shall provide an annual training session for members of advisory committees concerning the powers, duties, limitations and procedures of advisory committees. Other subsidiary bodies may be included in the scope of this training as well, in the discretion of the Executive Director.

**SECTION 2.06. BRIEFINGS TO THE BOARD OF TRUSTEES**

- A. Annual Briefings. Each advisory committee shall provide an annual briefing to the Board of Trustees. The Secretary of the Board of Trustees shall develop a standard agenda and report format which shall be used for these briefings. Each committee shall complete a written report using the required format and submit the report as part of its briefing. The Executive Director and the Secretary of the Board of Trustees shall establish a schedule for these briefings, which shall allow for committees to present their reports to the Board at the same time that the programs they advise also present reports to the Board. The Board of Trustees may adjust the length and order of briefings as it sees fit.
- B. Upon request by the Board of Trustees, an advisory committee shall provide a briefing to the Board of Trustees regarding any matters that have come before the committee, including confidential matters. Such a briefing shall occur at any time designated by the Board of Trustees. An advisory committee has no authority to withhold any information from the Board.

**CHAPTER 3. OPERATING PROCEDURES FOR ADVISORY COMMITTEES**

**SECTION 3.01. RULES GOVERNING MEMBERSHIP ON ADVISORY COMMITTEES**

- A. Membership. Each advisory committee shall consist of five persons appointed by the Board of Trustees.
- B. Term of Office. Except as described below, the term of appointment of committee members shall be for two years from the date the committee member is sworn in by an officer of the Umatilla Tribal Court. In order to assure some continuity in committee membership, the initial appointments shall be staggered, with at least two committee members receiving two year terms and two committee members receiving one year terms. The term of appointment of any committee member who is also a member of the Board of Trustees shall be for the remainder of the Board member's current term of office on the Board.
- C. Minimum Qualifications. The minimum qualifications for membership on an advisory committee shall be:
  - 1. Enrolled member in the Confederated Tribes,
  - 2. Eighteen years of age or older,
  - 3. Having no Gross Conflicts of Interest, as defined in subsection (D) below,
  - 4. Willingness and ability to comply with the Ethical Duties of Committee Members, as defined in subsection (H) below,
  - 5. Willingness and ability to perform committee duties in compliance with the Confederated Tribes' Treaty, Constitution, and statutes, the policies and directives of the Board of Trustees, and other applicable law.
  - 6. Having knowledge of, training in, or experience with the subject matter of the committee,
  - 7. Having the time available to actively fulfill the duties of membership -- at least eight hours per month,
  - 8. Willingness to receive orientation and training regarding the duties of the committee,
  - 9. Willingness and ability to travel for up to three days at a time on committee business, with travel expenses provided by the Confederated Tribes,



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10. If a Tribal employee, compliance with the rules listed in subsection (I), below,
  11. Having not been removed from an appointment in the past twelve (12) months for neglect of duty or gross misconduct pursuant to subsection (K), below.
- D. Gross Conflicts of Interest.
1. No person may be appointed to or serve on an advisory committee who:
    - a. Is employed by the Confederated Tribes or an outside entity to work on matters that are within the subject matter of the committee,
    - b. Is delinquent in payment of debts owed to the Confederated Tribes,
    - c. Is engaged in litigation against the Confederated Tribes in a matter:
      - i. Related to the subject matter of the committee,
      - ii. Involving any Tribal departments or programs that work with the committee, or
      - iii. Involving the actions of staff associated with the committee, to the extent those actions fall within the scope of work of those staff.
    - d. Has a similar interest that would necessarily grossly conflict with the impartial performance of a committee member's duties.
  2. The Board's determination regarding whether an applicant is barred from appointment by a gross conflict of interest (or must be removed from a committee due to a gross conflict of interest) is final. See "Appointment" and "Revocation of Appointment", below.
- E. Application for Appointment. Whenever a vacancy occurs on an advisory committee, regulatory commission or board of directors, the Secretary of the Board of Trustees shall post announcements of the vacancy for a period of at least two weeks. Announcements shall be posted in places and by methods designed to give reasonable notice of the vacancy to Tribal members, including advertisement of vacancies in the Confederated Umatilla Journal. The Secretary shall make official application forms available to the public at the front desk of the Nixyáawii Governance Center. Applicants shall submit completed application forms to the receptionist at the front desk of the Nixyáawii Governance Center by the deadline stated in the vacancy announcement. The Secretary shall not accept applications submitted after the deadline. All applications received shall be submitted to the Board of Trustees by the Board Secretary at a regular Board meeting occurring on the last Monday of each month, or in the event that the last Monday of a given month falls on a tribal holiday, the preceding Monday. If the Board is not satisfied with the range of applicants, the Board may post the vacancy announcement again. The Secretary of the Board of Trustees shall retain all applications submitted for ninety (90) days after that vacancy has been filled, and if another vacancy for the position occurs during that time, the Board will consider retained applications. Applicants whose application information has changed during the 90-day period shall notify the Secretary of the change.
- F. Appointment. The Board's decision concerning whether to appoint a person to membership on an advisory committee is purely discretionary and is not subject to challenge or review in any administrative or judicial proceeding. All nominees shall be notified by letter of the final appointment within ten working days of the final appointment.
- G. Oath of Office. Each appointee to an advisory committee shall take an oath of office prior to assuming the duties of committee membership. The oath of office shall be administered by an officer of the Umatilla Tribal Court and shall be as follows:

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I, [state name], do solemnly swear [or affirm] that I will carry out faithfully and impartially the duties of a member of the [name of committee] to the best of my abilities, and that I will promote and protect the best interests of the Confederated Tribes of the Umatilla Indian Reservation in accordance with the directives of the Board of Trustees and the statutes and Constitution of the Confederated Tribes.

Each appointee shall sign a certificate which contains the oath of office and lists the beginning and ending date of the appointee's term of appointment to the committee.

H. Ethical Duties of Committee Members. Advisory committee members are expected to comply with the following ethical requirements. Depending upon the severity, frequency or combination of the violations, any of the following situations may be considered to constitute neglect of duty or gross misconduct, requiring the removal of the committee member. The following ethical duties are ranked in a rough order of importance, beginning with the most important.

1. Committee members shall comply with their oath of office and generally avoid the appearance of impropriety.
2. A committee member shall not attempt to exceed the "limitations on authority of advisory committees" listed above.
3. Committee members shall recognize that the authority to advise the Board of Trustees and staff, and to represent the Confederated Tribes, is delegated by the Board to the committee as a whole, not to individual members of the committee. As a result, these powers can only be exercised by the committee, acting through established procedures or as directed by the Board of Trustees. Individual committee members have no authority to exercise these powers, except when explicitly authorized to do so by the committee or the Board.
4. Except when authorized by the committee, no individual committee member may take action on behalf of the committee except to report on decisions that have already been made by the committee.
5. Committee members shall not involve the committee in any controversy outside of the committee's subject matter.
6. Confidential information. Committee members shall hold any confidential information revealed during the course of committee business in strict confidence. A committee member may only discuss or disclose such information to persons already privy to the information or who are otherwise entitled to the information, and may only do this for purposes of conducting official committee business. Committee member's questions regarding the handling of confidential information should be referred to the Tribe's Office of Legal Counsel.
7. Conflict of Interest.
  - a. When a matter before the committee directly and specifically affects a committee member's own interests, or the interests of his or her immediate family, that member has a "conflict of interest". Except as described below, a committee member shall not act in an official capacity when he or she has a conflict of interest.
  - b. A committee member must inform the committee of any conflict of interest immediately upon becoming aware of the conflict.
  - c. After disclosing a conflict of interest, a committee member may only continue to act in an official capacity if all the following are true:

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- i. the matter in which the member has a conflict of interest is a matter that affects a large number of people,
    - ii. the member and/or his or her affected family members make up only a small portion of the people affected by the matter, and
    - iii. the other committee members present assent to the member's continued participation.
  - d. In all other cases, immediately after disclosing the conflict, a committee member shall recuse himself or herself from discussion of, and voting on, any matter concerning the conflict. "Recusal" means to leave the room. Committee members shall not discuss or vote on the matter in the presence of a member who has such an actual or apparent conflict of interest.
  - e. It is not a violation of this provision for a committee member to disclose a conflict about an issue, suggest that the committee take action on the issue, and then recuse him or herself from the committee discussion and voting on the issue.
  - f. If an apparent conflict of interest exists, but the committee member with the conflict refuses to comply with these procedures, then the presiding officer shall table the matter until such time as the member leaves or the dispute is otherwise resolved.
  - g. The Board of Trustees may exempt a committee member from this provision. In order for a committee member to qualify for an exemption, the Board must identify the conflict and determine it to be minor. The Board's determination shall be by motion at a regular Board meeting, and shall be conveyed to the committee member in a letter from the Board Secretary. A committee member who obtains such an exemption may only use it in situations in which immediate committee action is needed on the matter, and the committee member's presence is necessary to maintain a quorum. The committee member must obtain the exemption before taking action.
8. Committee members are expected to attend committee meetings regularly.
9. Committee members are expected to come prepared to committee meetings by reading the minutes and reports ahead of time.
10. Committee members are expected to devote a minimum of eight hours per month to committee business.
11. Committee members who are also Tribal employees shall not allow committee work to interfere with their responsibilities as employees.
- I. Resignation by Letter. Any committee member who wishes to resign from an advisory committee shall submit his or her resignation, in writing, to the Chairperson of the committee. The Chairperson shall promptly inform the committee and shall notify the Secretary of the Board of Trustees that a resignation has occurred.
- J. Resignation by Default. If any advisory committee member is absent from three consecutive meetings of the committee without excuse, is ineligible for a stipend pursuant to section 3.04(B)(3) for three meetings in a 90-day period without excuse, or misses more than 50% of the regular meetings during a year, that committee member shall be considered to have resigned without providing notice to the Chairperson. This shall be known as a default resignation. In this circumstance, the Chairperson shall promptly inform the resigning committee member, the committee, and the Secretary of the Board of Trustees that a default resignation has taken place and that a vacancy has occurred on the committee. Resignation by

default is not subject to review by the Board of Trustees (Nevertheless, the Board is free to reappoint a committee member who has resigned by default, if the committee member reapplies for the position when it is advertised).

- K. **Removal.** Whenever it comes to the attention of an advisory committee that one of its members may: (1) fail to meet the minimum qualifications for membership, (2) have a gross conflict of interest, or (3) have committed neglect of duty or gross misconduct, the committee, by motion, may decide to hold a hearing inquiring into the matter. At least five days before the hearing is scheduled, the committee Chairperson shall provide notice of the hearing to the committee member whose conduct is the subject of the hearing. The notice of the hearing shall include a written statement of the charges against the committee member. At the hearing, the committee member shall have an opportunity to appear before the committee and answer all charges against him or her before the committee votes. The committee member shall represent his or her self, and shall not be represented by an attorney. If the committee concludes that the committee member fails to meet minimum qualifications for membership, has a gross conflict of interest, or has committed neglect of duty or gross misconduct, the Chairperson shall promptly notify the committee member and the Secretary of the Board of Trustees that the committee member has been removed from office. The decision of the committee shall be final, except the Board of Trustees may review the decision on the Board's own motion, and may impose a different decision than the one ordered by the committee. If the Board does this, it will immediately convey its decision in writing to the Chairperson of the committee. Where a committee member has been removed for neglect of duty or gross misconduct, that person shall be ineligible for appointment to any tribal advisory committee, regulatory commission, or board of directors for a period of twelve (12) months.
- L. **Revocation of Appointment.** Advisory committee members serve at the pleasure of the Board of Trustees. Appointment to a committee confers no liberty or property rights upon the appointee. The Board of Trustees may revoke a person's appointment to a committee at any time, regardless of the length of time remaining in the person's appointment. It is not required that the Board state a reason for revoking the appointment, or provide the person an opportunity to appear before the Board. A majority vote by the Board is sufficient to revoke an appointment. Revocation decisions by the Board are not subject to review by or appeal to any administrative or judicial forum.

### SECTION 3.02. OFFICERS OF ADVISORY COMMITTEES

- A. **Selection.** The officers of each advisory committee shall be a Chairperson, Vice-Chairperson and Secretary-Treasurer. The officers shall be elected by the committee from among its membership. Terms of office for officers shall be one year. Committee members shall elect their officers at the first meeting in January of each year.
- B. **Duties of the Chairperson.** The Chairperson shall preside over meetings of the committee. The Chairperson shall vote only in the event of a tie. The Chairperson shall be responsible for authorizing travel of committee members proposing to travel: (1) on the committee budget, (2) as a representative of the committee or of the Confederated Tribes, and (3) for purposes that are within the jurisdiction of the committee. The Chairperson shall report on committee affairs to the Board of Trustees as requested by the Board.
- C. **Duties of the Vice-Chairperson.** The Vice-Chairperson shall assist the Chairperson when called upon to do so. In the absence of the Chairperson, the Vice-Chairperson shall preside over committee meetings and when so presiding shall have all the rights and duties of the Chairperson.
- D. **Duties of the Secretary-Treasurer.** The Secretary-Treasurer shall be responsible for assuring the timely and proper production, distribution and storage of all written records of the committee, including administrative and financial documents. The Secretary-Treasurer shall keep informed about the committee's expenditures and remaining budget. The Secretary-Treasurer shall assure that all committee minutes, executive summaries and purchase requisitions shall be distributed to appropriate Tribal offices. At each regularly scheduled

advisory committee meeting, the Secretary-Treasurer shall submit the official committee minutes from the prior committee meeting for the committee's review and approval, and shall also provide a brief report on the state of the committee's budget. With the assistance of tribal staff assigned to their particular committee, the Secretary-Treasurer shall ensure that new committee members are provided with orientation materials specific to the committee.

### SECTION 3.03. ADVISORY COMMITTEE MEETING PROCEDURE

#### A. Meetings.

1. Regular meetings of an advisory committee shall be held at regularly scheduled times twice a month.
2. Special meetings shall be called only upon the written authorization of the committee Chairperson and, except when of an emergency nature, shall be posted at least five days in advance.
3. Whenever necessary, in the judgment of the committee Chairperson, to protect the confidentiality of sensitive information, the committee shall hold private deliberations. A committee Chairperson may temporarily recess a regular or special meeting in order to conduct private deliberations. Members of the public, including members of the General Council, are prohibited from attending private deliberations. Staff may only attend private deliberations if as a consequence of their job duties they have specialized information or responsibilities concerning the matter being discussed, and the committee Chairperson allows them to attend. Board of Trustees members and senior staff (or the senior staffs' designees) are entitled to attend any private deliberations of a committee so long as the person attending does not have a conflict of interest concerning the matter being discussed. Because private deliberations take place while the committee is in recess, no taking of minutes or recording of the deliberations shall take place. No notice of private deliberations is required. If a closed session occurs in the absence of a committee member who does not have a conflict of interest concerning the subject matter being discussed, the absent committee member may request an oral report on the subject matter discussed by the committee members who were present for the closed session.

B. Quorum. Committee business may only take place when two or more voting members are present in addition to the presiding officer. Voting by proxy shall not be allowed. A committee meeting shall not be cancelled if a quorum is present, except by consensus of the committee's members.

C. Order of Business. The following order of business is established for all regular and special meetings, but may be changed if deemed necessary by the presiding officer.

1. Call to Order by Presiding Officer
2. Roll call and ascertainment of quorum
3. Agenda review and approval
4. Action items
  - a. Reading of minutes of the last meeting
  - b. Adoption of minutes by a vote or common consent
  - c. Travel or other reports
5. Reports and Updates

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- a. Budgets
  - b. Trip/meeting reports
  6. Items for Next Meeting
  7. Adjournment
- D. Minutes. The Secretary-Treasurer shall produce draft minutes for each meeting, using a standard format established by the Secretary of the Board of Trustees and the Records Manager. Confidential material shall not appear in minutes. The draft minutes shall be reviewed and finalized by the committee at its next regular meeting. The Secretary-Treasurer shall then finalize the minutes as directed by the committee and immediately forward the final minutes to the Finance Office, the Secretary of the Board of Trustees, and the Records Manager. The Secretary-Treasurer must distribute the final minutes to these offices within five business days of the regular meeting that approved them. The Board Secretary shall assure that the most recent minutes for each advisory committee are available for public inspection upon request.
- E. Recommendations to the Board of Trustees. When making recommendations to the Board of Trustees, an advisory committee shall describe the relationship between the recommended action and Tribal Treaty rights, constitutional provisions, statutes, Board directives and policies, and external sources of law.

**SECTION 3.04. ADVISORY COMMITTEE FINANCES**

- A. Budget. The Board of Trustees shall determine the budget allocation for each advisory committee as part of the regular annual budget review and approval process. Upon receipt of its annual appropriation, each committee shall develop a budget and submit it to the Tribal Finance Office. Each committee is responsible for keeping its expenses within its annual appropriation. While each committee has wide discretion in determining how to expend its funds, committees shall only expend funds for activities that are consistent with their subject matter. Committees shall not use their Board-approved appropriation to make donations or sponsorships to individuals or groups. Any such request received by a committee (or any committee's recommendation for a donation or sponsorship) shall be forwarded to the Board of Trustees for consideration by the Board. Advisory committees shall comply with the Fiscal Management Policies of the Confederated Tribes.
- B. Stipend.
1. Stipends are intended to compensate committee members for time spent at committee meetings. Stipends may only be paid for meetings of a committee where a quorum is present.
  2. Committee members shall receive stipends for no more than three meetings per month.
  3. Committee members must attend at least three quarters of a meeting in order to receive a stipend for that meeting. The sign-in sheet for each meeting shall include the starting and ending time of the meeting and the arrival and departure times of individual committee members.
  4. Full time Tribal employees who are committee members are not entitled to receive stipends for their committee services when the committee meets during regular work hours.
  5. All other advisory committee members shall receive a stipend for each meeting they attend, limited by:
    - a. The standards stated above,

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- b. The budget approved by the Board of Trustees, and
  - c. The availability of funds.
6. The Finance Office shall pay stipends to committee members on the tribal payday as set forth in the Tribal Personnel Manual and the Yellowhawk Personnel Manual, as applicable. The following process shall govern the payment of stipends:
- a. The committee shall submit its sign-in sheet, signed by the committee's Chair or their designee, and accompanied by the approved minutes for the previous meeting, to the BOT secretary or their designee;
  - b. The BOT Secretary or their designee shall record the sign-in sheet and shall sign and submit it to the Payroll Office.
7. The Finance Office shall not pay stipends to committee members until such committee members have completed a Notice to Accounting and all necessary federal tax withholding paperwork, including a W-4 form.
- C. **Travel Authorization and Reporting.** Travel costs of a committee member may be paid out of the committee budget as approved by the Board of Trustees if funds are available. Travel costs shall only be paid out of the committee budget when: (1) the committee authorizes the travel, (2) the committee member is traveling on business that is authorized by this Code and consistent with the subject matter of the committee, and (3) the committee member has not received compensation for the same travel from any other source. Committee members seeking to have their travel costs paid out of the committee 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 committee member shall submit an oral or written report to the committee recounting the notable information gathered and accomplishments achieved during the trip. Committee members who are Tribal employees may only travel on committee business if they receive prior written authorization from their supervisor for each trip. Expenses for travel on committee business by a Tribal employee must be paid from the committee's budget, not the budget of the program that employs the employee. The Tribal Finance Director shall report to the Board of Trustees any irregularities in a committee member's travel reporting and until the matter is settled to the Board's satisfaction, the Committee shall have no authority to approve travel for that committee member.

## APPENDIX A

### LEGISLATIVE HISTORY



## **ADVISORY COMMITTEE CODE**

### **LEGISLATIVE HISTORY**

The Board of Trustees of the Confederated Tribes of the Umatilla Indian Reservation originally enacted this statute under the name "Uniform Advisory Committee Code." See Board Resolution No. 01-19 (January 29, 2001). According to Sections 1.03 and 1.04 of the Uniform Advisory Committee Code, the purpose of the Code was to replace the various existing bylaws of the Tribes' advisory committees with uniform operating procedures contained within the Code. Resolution No. 01-19 specified that the new Code would apply to five Tribal advisory committees: the Community Services Commission, the Cultural Resources Commission, the Economic and Community Development Commission, the Education and Training Commission and the Law and Order Commission.

Section 1.04 of the Uniform Advisory Committee Code stated, in relevant part:

Within six months of the enactment of this Code, the Board of Trustees shall approve resolutions . . . describing the subject matter of each advisory committee that the Board wishes to retain or create. In the interim, the subject matter of each advisory committee shall continue to be governed by the purpose statement in its existing bylaws. All other provisions of each advisory committee's bylaws shall be repealed upon the enactment of this Code. The purpose statement of each advisory committee shall be repealed upon the enactment of a resolution . . . describing the subject matter of that committee, or upon the expiration of six months from the date of the enactment of this Code, whichever comes first. Any advisory committee for which the Board does not approve a resolution within six months of the enactment of this Code, shall be abolished.

Consistent with Section 1.04, on July 30, 2001 the Board, enacted resolutions establishing the subject matter statements for: the Cultural Resources Commission (Resolution No. 01-078), the Economic and Community Development Commission (Resolution No. 01-079), the Education and Training Commission (Resolution No. 01-080), and the Law and Order Commission (Resolution No. 01-081). Those resolutions also replaced the word "commission" in the name of each of these bodies with the word "committee", thus making the names consistent with the way "committee" and "commission" were defined in Section 1.02 of the Uniform Advisory Committee Code. No subject matter statement was enacted for the Community Services Commission. Therefore, consistent with Section 1.04 of the Code, that committee ceased to exist.

In Board Resolution No. 01-096 (September 10, 2001), the Board of Trustees approved amendments revising the Uniform Advisory Committee Code. One of the amendments deleted the word "uniform" from the name of the Code. Thus, the name of the revised Code was changed to the "Advisory Committee Code."

In Board resolutions 02-007 (February 7, 2002), 07-087 (August 27, 2007) and 09-110 (August 31, 2009), the Board adopted minor revisions to the Advisory Committee Code. In Resolution 12-061 (September 10, 2012), the Board of Trustees enacted several amendments to the Advisory Committee Code, including significant changes to the manner in which advisory committees report to the Board and the availability of stipend payments to committee members.

## APPENDIX B

### SUBJECT MATTER STATEMENTS FOR:

Cultural Resources Committee  
Economic and Community Development Committee  
Education and Training Committee  
Law and Order Committee