

REGION 5, United States Environmental Protection Agency
Region 5 Regional Tribal Operations committee
Tribal Caucus Bylaws
11/10/2010

1. MEMBERSHIP

The number and geographic origin of Tribal Caucus members is determined by the Regional Tribal Operations Committee (RTOC) Charter.

1.1. Selection

Caucus members from each state in Region 5 designated to have members on the RTOC shall be selected by a process defined by the Tribal Governments in that state. Records supporting the selection shall be kept.

1.2. Appointment

Persons selected to be representatives on the Caucus shall cause the respective tribal government that they serve to provide a letter of appointment. This letter shall state that the tribal government agrees to the service of its elected official, designated employee or authorized agent as a representative to the Caucus.

1.3. Alternates

Any Caucus member may designate an alternate to serve in their stead by notifying the Co-Chair in writing of the name of the alternate and any limitation on the alternates allowed actions.

1.4. Term

The term of service for Tribal caucus members shall be two years with no limit on terms. The term shall begin on the first day of October and shall end on the last day of September two years later.

1.5. Attendance

Tribal Caucus members shall attempt to attend all scheduled meetings of the Caucus, participate in all scheduled conference calls and attend any relevant committee or sub-committee meetings unless excused for reasonable cause.

1.6. Vacancies

Vacancies on the Tribal Caucus shall be filled by action of the Tribal Governments in the state where the vacancy occurs. Vacancies shall be filled as soon as practicable.

1.7. Removal

Caucus members may be removed for cause or without cause by action of the Tribal Governments the Caucus member represents using a process determined by those Tribal Governments. If the Caucus, by majority vote, determines that a Caucus member should be removed for misfeasance, malfeasance or nonfeasance the Caucus may request the Tribal Governments that member represents to take action to remove the Caucus member.

2. RTOC CO-CHAIR

2.1. Selection

The RTOC Co-Chair shall be selected from the serving Caucus members by a majority vote of the Caucus.

2.2. Term

The Co-Chair shall serve for a two year term and may be re-appointed by majority vote.

2.3. Removal

The Co-Chair may be replaced by a majority vote of the Caucus.

3. MEETINGS

3.1. Regular Meetings

The Caucus shall meet three times per year.

3.2. Additional Meetings

The Caucus may meet additionally at any time and place throughout the year it determines is necessary to carry out its duties.

3.3. Electronic Meetings Allowed

The Caucus may conduct electronic meetings by telephone, teleconference or any other means that allows two-way communications among Caucus members.

3.4. Quorum

A quorum consisting of a simple majority of the appointed Caucus members or their designated alternates is required for any meeting to be official.

4. VOTING

4.1. Quorum Required

No vote may be taken and any meeting unless a simple majority of the appointed Caucus members or their designated alternate are present.

4.2. Consensus Desired

The Caucus prefers all decisions be made by consensus where practicable.

4.3. Majority Required

Any issue requiring a vote must receive a simple majority of the appointed Caucus members to pass.

4.4. Electronic Voting Allowed

Voting may take place electronically by e-mail or any other means that creates a record including a voice vote over telecommunications that is recorded in minutes.

5. AGENCY COMMITTEES AND CAUCUS SUBCOMMITTEES

5.1. General

The Caucus may appoint its members or another party on a voluntary basis to committees, sub-committees or other groups as requested by the EPA or other governments or their agencies. Appointments to other than standing committees shall be conducted according to 5.2, below. Standing committees listed below shall be governed by the rules for those committees.

5.2. General Committee Appointment

Appointment will be made after receiving a notice of desire to serve from the proposed appointee. The appointment shall be made by a majority vote of the then serving Caucus members.

5.3. Tribal Science Council

5.3.1. Nominee Requirements

Nominees for this committee shall be elected officials of a tribal government, enrolled members of a tribal government or employees of a tribal government. Nominees must have a basic familiarity with scientific methods and a background in application of scientific knowledge to tribal issues through education, experience or traditional knowledge.

5.3.2. Appointment

The representative to the Tribal Science Council shall be selected by a majority vote of the Caucus selecting from those parties nominates.

5.3.3. Term of Service

The term of service shall be two years commencing on 1 October of the first year appointed. There shall be no term limits.

5.3.4. Removal of Representative

The Tribal Science Council representative may be removed for misfeasance, malfeasance or nonfeasance by a majority vote of the Caucus.

5.4. National Tribal Operations Committee

5.4.1. Representatives

Two tribal representatives will be selected to represent Region 5 on the National Tribal Operations Committee (NTOC). Although it is preferred to have elected tribal government officials represent tribes in Region 5 on the NTOC, elected tribal government officials may designate an employee or authorize an agent to represent them on the NTOC. An alternate is to be selected for each representative. The two representatives will not be from tribes located in the same state.

5.4.2. Term of Service

The NTOC representative terms will be three years in length. Terms shall begin on 1 October and run until 30 September.

5.4.3. Nomination and Election

Nomination for representative positions shall be sought by the Tribal Caucus beginning in June of the year any term is due to expire. The nomination shall be in writing including e-mail. Voting shall take place in August of the final year of the expiring term. Potential representatives may be nominated by the tribal government of any federally recognized tribe in the Region 5 area.

5.4.4. Rotation

The two representatives must be from tribal government located in different states. The representatives will rotate among the three states with federally recognized Tribes in Region 5, Michigan, Minnesota and Wisconsin. Upon the expiration of

a three year term the next representative shall be from the state not then currently represented. Any group of tribal governments in a state may waive the rotation of the representative to that state for any reason including continuity of representation. Such waivers may be for a period of one year up to the full term. The waiver decision shall be made by the tribal governments in the waiving state in any manner they shall choose. The waiver shall be presented to the Caucus in writing. An electronic facsimile or electronic mail shall be considered a writing.

5.4.5. Waiver of Rotation

Tribes in the state next in line to host the NTOC representative may waive the position for periods of one year at a time up to three years. At the end of any waiver period the position will rotate as if there had been no waiver and will vest in the waiving state for a full three year term.

5.4.6. Appointment

Representatives shall be appointed by majority written vote of the Caucus. This vote may be conducted electronically using e-mail. If a position becomes vacant during an unexpired term, the position shall be filled by representative from the same state for the remainder of the unexpired term.

5.4.7. Duties

The NTOC representatives are expected to: (1) gather input from the Region 5 Tribal Caucus and other tribes in Region 5 and advance that input to the NTOC in a timely, fair, and objective manner; (2) attend NTOC meetings and participate in NTOC conference calls; (3) provide reports and/or updates at the R5TOC meetings on NTOC topics/issues; and (4) serve on ad hoc and/or standing committees and subgroups formed by the NTOC.

5.4.8. Removal

An NTOC representative may be removed for misfeasance, malfeasance or nonfeasance by a majority vote of the Caucus.