

BYLAWS  
NATIVE AMERICAN HERITAGE COMMISSION

These Bylaws may be reviewed and amended as provided herein.

ARTICLE 1. GENERAL PROVISIONS

Definitions.

For purposes of these bylaws:

- (a) "Commission" means the Native American Heritage Commission as constituted under Public Resources Code Chapter 1.75 Section 5097.91 of Division 5.
- (b) "Executive Secretary" means the Executive Secretary to the Commission pursuant to Public Resources Code Chapter Section 5097.92.
- (c) "Chairperson" means the Chairperson of the Commission.
- (d) "Vice-Chairperson" means the Vice-Chairperson to the Commission.
- (e) "Secretary" means the Secretary of the Commission.
- (f) Parliamentarian - person responsible for insuring parliamentary procedures are followed during meetings.

Powers and Duties of the Commission

- 1) The Commission shall have the power and duties as specified in Section 5097.94 of the Public Resources Code, Division 5, Chapter 1.75.
- 2) Commissioners shall attend all regularly scheduled Commission meetings.
- 3) Commissioners shall participate in budget and project development and implementation.

Reserved Powers.

Powers specifically reserved for action by the Commission include but are not limited to the following:

- (a) The Commission shall approve the initiation of and actively participate in, any and all litigation in the name of the Commission.
- (b) The Commission reserves to itself the power to decide what data shall or shall not be included in the Sacred Lands Inventory.

- (c) By majority vote, the Commission may determine to conduct any hearing provided for in Public Resources Code Section 5097.97. The panel shall make recommendations for approval by the Commission.
- (d) The Commission reserves to itself the power to make recommendations to public agencies pursuant to Public Resources Code Section 5098.97.

Officers.

The officers of the Commission shall be the Chairperson, the Vice-Chairperson and the Secretary.

Election and Term of Office.

- (a) Officers of the Commission shall be elected from among the Commissioners by majority vote at the first annual meeting after the beginning of the fiscal year commencing on July 1.
- (b) Officers shall serve a two (2) year term unless one of the following occurs: (1) resignation; (2) failure to attend, without good cause, two meetings in any calendar year. "Good cause" is defined as illness or absence from the state.
- (c) They shall take office as the last order of business at the meeting at which they are elected.

Duties of Officers.

The CHAIRPERSON shall:

1. Conduct meetings of the Commission in accordance with Roberts Rules of Order and the state Open Meeting Laws.
2. Sign and Date approved minutes of the Commission.
3. Act on behalf of the Commission as directed by the majority of the Commissioners.
4. The Chairperson may appoint a parliamentarian.
5. Sign authorized correspondence on behalf of Commission.

The VICE-CHAIRPERSON shall:

1. Conduct Commission meetings in the absence of the Chairperson.

The SECRETARY shall:

1. Act as Custodian of the Commission records.
2. Sign and date approved minutes of the Commission

Vacancy

In the event that there is an interim vacancy in the office of the Chairperson, Vice-Chairperson or Secretary, a successor may be elected by the Commission to hold office for the unexpired term.

Absence of Chair

In case of the absence or inability to act of both the Chair and Vice-Chairperson at a meeting, the secretary shall serve as Chair for the meeting. In accordance with Roberts Rules of Order.

The Parliamentarian

Parliamentarian - A member of the Commission appointed by the Chairperson to be responsible for parliamentary procedures during commission meetings.

Executive Secretary

- (a) The Executive Secretary shall perform all duties under the direction of the Commission and will carry out the day-to-day activities necessary to keep the office operations functioning smoothly.
- (b) The Executive Secretary shall arrange all meetings of the Commission and shall provide for recording and transcription of minutes of all meetings under Article 2 of these bylaws.
- (c) The Executive Secretary shall be responsible for the actions of the Commission staff.
- (d) The Executive Secretary shall take whatever action is necessary to avoid jeopardizing or placing the Commission in a libelous position.
- (e) The Executive Secretary shall keep the Commission informed of all activities and projects planned or undertaken by the Executive Secretary and/or the staff.

ARTICLE 2. RULES OF PROCEDURE

Regular Meetings

- (a) The schedule of regular meetings for the Commission shall be <sup>4</sup> per year.
- (b) Meeting dates and places shall be approved during the first regular meeting of the new fiscal year.
- (c) The regular meetings shall be held in Sacramento.

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Statewide Hearings

The Commission shall hold at least (3) 2-day hearings for public comment each year. Hearings shall be scheduled in Northern, Southern and Central California. The dates and places for the Statewide hearings shall be approved at the first regularly scheduled meeting of the new fiscal year.

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The Executive Secretary shall advertise and post each meeting three months prior to each scheduled hearing.

The purpose of the hearings are to provide a forum for tribal people and to present public comment and issues of importance to the Commission.

~~The Commission will meet to vote to adopt the following each meeting.~~

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Special and Emergency Meetings

- (a) The Chairperson may call a special or emergency meeting of the Commission at any time; the Chairperson shall call a special or emergency meeting upon the request of 3 or more voting members of the Commission.
- (b) Notice of the time, place, and purpose of a special or emergency meeting shall be in compliance with the State Open Meeting Laws.
- (c) A record of the service of notice shall be entered upon the minutes of the Commission and these minutes, when read and approved at the next regular meeting of the Commission, shall be conclusive of the fact that notice was given as required.

Cancellation of Meetings

No regularly scheduled meeting shall be cancelled unless a quorum for intended meeting cannot be established as determined by the Chairperson.

Quorum for Transaction of Business.

- (a) The presence of a majority of the members of the Commission shall constitute a quorum for the transaction of business.
- (b) In the absence of a quorum, the members present shall constitute themselves as a subcommittee of the Commission, and shall proceed with the business of the meeting; provided however, that any action taken by such subcommittee shall be advisory only and shall be placed on the agenda for consideration by the full Commission at its next meeting.

Adjournment When No Quorum.

A meeting may be adjourned when a quorum cannot be established and the Agenda items will be carried over to the next scheduled meeting.

Public Meeting and Closed Session.

All meetings of the Commission shall be open to the public and in compliance with the State mandated Open Meeting Laws.

Minutes of Commission Meetings.

- a) Quick minutes - a list of action items and assignments will be mailed to the Commissioners not later than 10 days following the meeting.
- b) ~~Unofficial~~ / (~~draft~~) minutes of each Commission meeting shall be prepared by the Executive Secretary from the stenographic notes, a taped recorder and handwritten notes taken at each Commission meeting.
- c) Such minutes of each regular meeting shall be sent by mail to each member of the Commission not later than ten calendar days before the next regular meeting.
- d) Approval by the Commission of the minutes of a previous meeting shall establish conclusively that the minutes accurately reflect the actions taken by the Commission at that meeting.
- e) The Secretary and the Chairperson of the Commission will sign the final copy of each meeting's minutes and duly recorded and approved.
- f) The Executive Secretary shall be responsible for the recording, accuracy and the completion of the minutes of each meeting.
- g) The contents of the minutes shall be documented in accordance with Roberts Rules of Order and shall contain all Actions taken by the Commissioners. All motions shall be recorded verbatim and a roll call vote recorded.

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Agenda for Commission Meetings.

- (a) The agenda for each meeting shall be prepared by the Executive Secretary at the direction of the members of the Commission.
- (b) Items may be placed on the agenda by Commission members and the Executive Secretary.
- (c) The final agenda shall be approved by the Chairperson before it is printed and mailed.
- (d) An agenda for each regular meeting shall be mailed in compliance with the State Open Meeting Laws.
- (e) Issues not on the agenda which are raised at a Commission meeting may be discussed but may not be acted upon at that meeting, and will be included on the agenda for official action at the next meeting.

Presentation to the Commission.

The Commission may include as part of its agenda an opportunity for members of the public to address the Commission. Where such opportunity has been provided, the Chair shall ensure that the following procedures are followed:

- (a) At the opening of the meeting, the Chair shall explain to the audience that any requests to make a presentation before the Commission shall be in writing and that forms have been provided for that purpose. A similar announcement shall be made at an appropriate time, before the commencement of the public presentation session. The forms provided shall include the name of the person wishing to speak, and the name of any organization or group which the person represents, the subject of the presentation, and the approximate amount of time anticipated for the presentation. Completed forms shall be presented to the Executive Secretary. Resolutions presented to the Commission for action shall be in written form.
- (b) The Chair shall limit the time allotted for each presentation to 10 minutes for each speaker, except upon majority vote of the Commission.
- (c) As a rule, members of the audience will not be recognized for the purpose of making a presentation before the Commission, except in a public comment session provided in the agenda for that purpose, or where invited by a Commissioner or the Executive Secretary to the meeting for the purpose of addressing the Commission on an item which is on the agenda for consideration by the Commission. However, the Chair may recognize a member of the audience for the limited purpose of commenting on an item which is on the agenda and which is presently under discussion by the Commission. The Chair shall ensure that the comments are brief and are directed to the issue at hand, and shall not permit discussion among members of the audience concerning an item under consideration. The Chair may close public comment at any time, and shall do so upon a call for the question of any Commissioner.

Procedure for Amendment of Bylaws.

These bylaws may be amended in accordance with the following procedures:

- (a) Amendment of the bylaws may be included on the agenda for the next regularly scheduled meeting only by majority vote of the Commissioners present.
- (b) The bylaws may be amended at a special meeting called for that purpose by five members of the Commission; provided that the special meeting may not be convened less than 30 days following the date of the meeting at which the vote to convene a special meeting was taken.
- (c) These bylaws may not be amended unless the Commissioners have received written, proposed amendments, no less than 10 days prior to the meeting at which the vote on amendment is to be taken.
- (d) A vote of five Commissioners shall be required to amend these bylaws.