

FOND DU LAC ORDINANCE #06/10, AS AMENDED

BYLAWS OF THE

FOND DU LAC

CULTURAL RESOURCES ADVISORY REVIEW BOARD

Adopted by Resolution #1353/10 of the Fond du Lac Reservation Business Committee on October 5, 2010;
amended by Resolution #1155/14 on May 6, 2014.

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Pursuant to the authority reserved under Section 16 of the Indian Reorganization Act, 25 U.S.C. § 476, and as granted under Article VI of the Revised Constitution of the Minnesota Chippewa Tribe, the Fond du Lac Reservation Business Committee, as the Governing Body of the Fond du Lac Band of Lake Superior Chippewa, hereby enacts the following Bylaws of the Fond du Lac Cultural Resources Advisory Review Board.

101. **Name.** The name of the organization shall be the Fond du Lac Cultural Resources Advisory Review Board (hereinafter referred to as the "Cultural Resources Advisory Review Board").
102. **Purpose.** The purpose of the Cultural Resources Advisory Review Board shall be to provide the Fond du Lac Reservation Business Committee and the Fond du Lac Tribal Historic Preservation Officer with meaningful advice and guidance regarding the preservation of cultural resources and historic properties within the exterior boundaries of the Fond du Lac Reservation in accordance with the Fond du Lac Tribal Historic Program Plan, as submitted to the National Park Service, U.S. Department of the Interior, pursuant to Fond du Lac Resolution #1175/10; and in accordance with the *Memorandum of Agreement between the National Park Service, U.S. Department of the Interior and the Fond du Lac Band of Lake Superior Chippewa for the Assumption by the Tribe of Certain Responsibilities Pursuant to the National Historic Preservation Act (16 U.S.C. 470)*, pursuant to Fond du Lac Resolution #1339/10.
103. **Attributes.** Cultural Resources Advisory Review Board is a subdivision of the Fond du Lac Band of Lake Superior Chippewa, and the actions taken by the Cultural Resources Advisory Review Board shall be imbued with those privileges and immunities inherent to the Fond du Lac Band, except as limited herein. Nothing in these Bylaws or the pursuit of the purposes described herein shall be deemed or construed as a waiver of the sovereign immunity of the Fond du Lac Band, or to constitute consent by the Fond du Lac Reservation Business Committee or the Cultural Resources Advisory Review Board to any action or claim founded upon or arising out of the jurisdiction of any government other than that of the Fond du Lac Band.
104. **Membership.** The Cultural Resources Advisory Review Board shall consist of seven (7) members, all of whom shall be enrolled members of the Fond du Lac Band, two from each district and one at-large member. The following employees shall serve as non-voting technical advisors to the Board: (1) the Resource Management Division Director; (2) the Natural Resources Program Manager; (3) the Planning Director; and (4) the Fond du Lac Cultural Center and Museum Director. The Reservation Business Committee shall make all appointments to the Cultural Resources Advisory Review Board and shall notify both the appointees and the Fond du Lac Tribal Historic Preservation Office of such appointments.
105. **Removal or Suspension of Members.** A member of the Cultural Resources Advisory Review Board may be removed by the Reservation Business Committee for misconduct, malfeasance, missing three (3) consecutive meetings of the Cultural Resources Advisory Review Board, disqualification under Section 105 of these Bylaws, or crimes of

moral turpitude. Where a member of the Cultural Resources Advisory Review Board has been charged with a crime of moral turpitude, or where the Reservation Business Committee has considered reliable allegations of such conduct, the Reservation Business Committee may suspend that member until such time as that member has been exonerated of those charges or allegations. The Cultural Resources Advisory Review Board may recommend removal or suspension of a Cultural Resources Advisory Review Board member to the Reservation Business Committee for any of the above-stated reasons, provided that the conduct at issue is reasonably substantiated.

106. **Officers.** The Cultural Resources Advisory Review Board shall elect from its members a Chairperson, a Vice Chairperson and a Secretary. Each shall serve a term of two (2) years. The Chairperson shall preside at all meetings of the Cultural Resources Advisory Review Board or, in the absence of the Chairperson, the Vice-Chairperson shall preside. The Chairperson shall have the responsibility to see that all functions of the Cultural Resources Advisory Review Board are satisfactorily conducted and shall perform all general responsibilities which are inherent in that office. The Secretary shall prepare and maintain the minutes of the Cultural Resources Advisory Review Board and shall provide copies of the minutes to the Reservation Business Committee within ten (10) days of approval. An officer may be removed from that office by majority vote of a quorum of the Cultural Resources Advisory Review Board.
107. **Functions of the Cultural Resources Advisory Review Board.** The Cultural Resources Advisory Review Board shall perform the following functions:
- (a) Acquaint themselves thoroughly with the provisions of the Fond du Lac Tribal Historic Program Plan, as submitted to the National Park Service, U.S. Department of the Interior pursuant to Fond du Lac Resolution #1175/10.
 - (b) Provide general oversight of Fond du Lac cultural and historic preservation activities.
 - (c) Review nominations to the National Register of Historic Places, including the review of comments from the Fond du Lac Tribal Historic Preservation Officer and technical advisors.
 - (d) Develop policies and procedures of the Tribal Historic Preservation Office, including a Confidentiality Policy.
 - (e) Periodically review the Fond du Lac Tribal Historic Program Plan and recommend appropriate scope of work activities to the Tribal Historic Preservation Officer and the Reservation Business Committee.
108. **Meetings.** All meetings of the Cultural Resources Advisory Review Board shall be conducted in accordance with the Rules of Order and Code of Conduct prescribed under Articles 110 and 111 of these Bylaws.
- (a) **Regular Meetings.** Regular meetings of the Cultural Resources Advisory Review Board shall be held once per quarter. Members shall be notified of the meeting by the Secretary no less than seven (7) calendar days prior to the meeting.
 - (b) **Special Meetings.** Special meetings of the Cultural Resources Advisory Review Board may be called by the Chairperson, or by any three (3) members of the Cultural Resources Advisory Review Board. Members shall be notified of the special meeting by the Secretary no less than three (3) calendar days prior to the meeting, and shall be informed of the purpose, place, date and time of the meeting, and shall be informed of

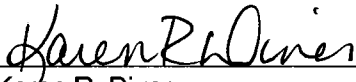
those members responsible for calling the meeting. No business shall be conducted at the Special Meeting except as specified in the notice.

- (c) **Quorum.** A quorum shall consist of at least four (4) members, at least one of whom shall be the Chairperson or Vice-Chairperson. If a quorum is present, the affirmative vote of the majority of members present shall be necessary for the adoption of any matter voted upon. A majority of members present, though less than a quorum, may adjourn the meeting.
 - (d) **Open Meeting Requirement.** All meetings of the Cultural Resources Advisory Review Board may be open to the interested public, except for Executive Committee meetings as described in Section 109 of these bylaws. Participation by interested parties shall be in accordance with the Rules of Order prescribed under Article 110 of these Bylaws.
 - (e) **Compensation.** Employees of the Fond du Lac Band who serve on the Cultural Resources Advisory Review Board will be compensated for meetings held after working hours with equal comp time regardless if they are appointed members. Appointed members who are not employees of the Fond du Lac Reservation will be compensated by a sum of \$50.00 per meeting.
109. **Subcommittees.** The Executive Committee of the Cultural Resources Advisory Review board shall consist of appointed members of the Cultural Resources Advisory Review Board who are also members of the Fond du Lac Band of Lake Superior Chippewa. The Executive Committee shall consider issues concerning sites and/or resources of a sensitive nature when disclosure of a site's location to a larger group may endanger the site or resource. Meetings of the Executive Committee shall not be open to the public.
- The Cultural Resources Advisory Review Board may establish from its membership standing or *ad hoc* subcommittees to work on any special problems or projects related to its business. Upon a majority vote of the Cultural Resources Advisory Review Board, non-committee members may be appointed to *ad hoc* subcommittees.
110. **Rules of Order.** All meetings of the Cultural Resources Advisory Review Board shall be conducted in accordance with Robert's Rules of Order.
111. **Cultural Resources Advisory Review Board Code of Conduct.** The following standards of conduct shall apply to members of the Cultural Resources Advisory Review Board in carrying out Cultural Resources Advisory Review Board functions:
- (a) The purposes of the Cultural Resources Advisory Review Board are coordinative and advisory and not administrative, and the performance of administrative and professional functions within the program shall be left to the appropriate staff, who shall be accorded the respect and consideration due professional personnel.
 - (b) The Cultural Resources Advisory Review Board is not a political body, and the use of one's membership on the Cultural Resources Advisory Review Board to advance personal positions which are not directly related to the Cultural Resources Advisory Review Board's purposes is inappropriate.
 - (c) The authority of the Cultural Resources Advisory Review Board resides in the Cultural Resources Advisory Review Board as a body, and an individual member has no authority to represent the Cultural Resources Advisory Review Board outside official meetings unless specifically delegated by the Committee undertaken in accordance with these Bylaws.

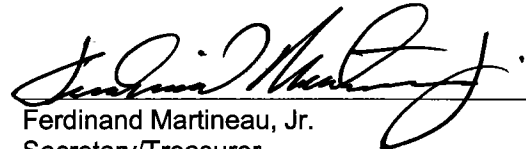
- (d) All Cultural Resources Advisory Review Board business shall be conducted in an ethical and above-board manner, and the procedures for holding meetings prescribed under Article 108 of these Bylaws must be strictly observed.
112. Amendments. These Bylaws shall only be amended by resolution of the Reservation Business Committee.

CERTIFICATION

We do hereby certify that the foregoing Ordinance was duly presented and adopted by Resolution #1353/10 by a vote of 4 for, 0 against, 0 silent, with a quorum of 4 being present at a Special meeting of the Fond du Lac Reservation Business Committee held on October 5, 2010 on the Fond du Lac Reservation; and subsequently amended by Resolution #1155/14 on May 6, 2014.



Karen R. Diver
Chairwoman



Ferdinand Martineau, Jr.
Secretary/Treasurer