

HISTORIC AND CULTURAL PRESERVATION REVIEW BOARD BY-LAWS

ARTICLE I
Authorities

The Forest County Potawatomi Community Historic and Cultural Preservation Review Board, derives from Executive Council authority granted under Article V, Section 1(e) of the Forest County Potawatomi Community Constitution; and is consistent with Forest County Potawatomi Community General Council Resolution GC003-94; Forest County Potawatomi Community Executive Council Resolution 020-2011; and Section 101(d)2 of the National Historic Preservation Act, and the Native American Graves Protection and Repatriation Act.

These By-Laws establish the rules and procedures under which the Forest County Potawatomi Community Historic and Cultural Preservation Review Board executes its duties and functions.

ARTICLE II
Name and Purpose

Section 1. Name

The name of this board shall be the FOREST COUNTY POTAWATOMI COMMUNITY HISTORIC AND CULTURAL PRESERVATION REVIEW BOARD.

Section 2. Mission

In recognition that our tribal history is a nourishing and significant foundation of our identity as a sovereign people of this grandmother earth, the mission of the Forest County Potawatomi Historic and Cultural Preservation Review Board ("Board") is to preserve and protect our tribal, community, and family histories, based on a respect for the cultural and religious lifeways of our people. We will carry out this mission by advising, supporting and assisting the development and implementation of programs of the Forest County Potawatomi Community Historic Preservation Office.

Section 3. Purpose

The Board serves as the Forest County Potawatomi Community official historic and cultural preservation advisory board to identify, preserve, protect, and educate about Forest County Potawatomi Community historic and cultural resources. The Board serves as the advisory counsel for the FCPC Tribal Historic Preservation Officer (THPO) and provides advice and recommendation to the THPO regarding the preservation of cultural resources and historic

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properties, in accordance with the Forest County Potawatomi Community Historic Preservation Plan submitted to the National Park Service, U.S. Department of the Interior, pursuant to the applicable Forest County Potawatomi Community Resolution, and in accordance with the Agreement between National Park Service, U.S. Department of the Interior and the Forest County Potawatomi Community for the assumption by the Tribe of certain responsibilities in accordance with the National Historic Preservation Act (16 U.S.C 470), in accordance with Forest County Potawatomi Community Executive Council Resolution No. 020-2011.

**ARTICLE III
Membership**

Section 1. Membership

The Board shall consist of five members appointed by the Forest County Potawatomi Community Executive Council. Each Board member must be enrolled with the Forest County Potawatomi and age 18 years or older. Board members should be able to attend regularly scheduled meetings, as well as being available for consultation and other Board related functions throughout their terms. Board members should not be employees of the FCPC Cultural Center, Library and Museum. In addition to the 5 member board, the Museum Director will serve as a non-voting, ex-officio member of the Board.

Section 2. Terms of Members

Members are appointed by the Executive Council for staggered terms of three years, commencing October 1 of a calendar year, so that no more than two appointments shall expire in a given year. Board members are eligible for reappointment.

The original appointment of members to the Board shall be as follows: one (1) for one (1) year, two (2) for two (2) years; and two (2) for three (3) years commencing October 1, 2012. Thereafter, appointments shall be made for a three (3) year term.

Vacancies shall be filled by the Executive Council for the unexpired term of a Board Member.

Section 3. Appointment of Members

Members of the board are appointed by the Executive Council. When Board member terms expire or vacancy occurs, the Secretary of the Board shall notify the Board Chair, who will notify the Executive Council that there is a board member position opening or vacancy. Persons interested in serving on the Board will be asked to submit a letter of interest. Executive Council

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shall review the letters of interest and has the authority to make an appointment of the vacant position.

Section 4. Voting Rights

Voting members shall be all duly appointed members of the Board.

Section 5. Attendance

Board members shall attend regularly scheduled meetings. If a Board member fails to attend three consecutive regularly scheduled meetings, the Executive Council may remove the Board member(s).

Section 6. Resignation

A Board member may resign his/her position in writing to the Executive Council.

Section 7. Officers

The Board shall elect, from its membership its Officers: a Chairperson, Vice Chairperson, and Secretary for terms of one year, with eligibility for reelection.

**ARTICLE IV
Duties of Officers and THPO Staff**

Section 1. Chair

The Chairperson presides at meetings, executes agenda, coordinates and directs operation of the Board, administers oaths, confirms Board decisions, assigns drafting of majority opinions explaining decisions, maintains effective liaison with Tribal Historic Preservation Office, other Departments and Programs, and Executive Council.

Section 2. Vice-Chair

The Vice Chairperson assumes the duties of the Chairperson in the absence of the Chairperson. In the absence of the Chairperson, the Vice Chairperson will have the same powers and duties as those of the Chairperson.

Section 3. Secretary

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The Board Secretary shall assure that the minutes of all Board meetings are taken. The Secretary shall distribute information to Board members including minutes, information pertinent to tasks at hand, and all current and updated materials that members are in need of in order to carry out their tasks. The Secretary will prepare and post the agenda for meetings, record board meetings, and prepare and submit meeting minutes to Board members, THPO, and Executive Council. Also, the Secretary shall act as an advisor to the Board and shall notify members of meeting dates and times.

Section 4. Election of Officers

The Board shall elect a Board of Officers by a majority vote annually on the regular meeting following the month of October Executive Council appointments, and shall be the first regular item on the agenda. A candidate receiving a majority vote of the voting Board membership shall be declared elected to the Board Officer position. Any vacancies in Officer positions shall be filled at the next regularly scheduled meeting.

Section 5. Tribal Historic Preservation Office Staff

The Board shall utilize the employees of the Tribal Historic Preservation Office and other Tribal departments or programs as a resource to the Board. The responsibilities of the THPO staff are to present matters at meetings, act as custodian to records, handle official correspondence, perform or supervise clerical and technical work of the Board, provide technical assistance to the Board, organize and coordinate the historical and cultural preservation activities of the Board, handle correspondence and inquiries of the Board, and maintain files and records of the Board.

ARTICLE V
Responsibilities, Powers, and Duties

Section 1. Powers and Duties

The responsibilities of the Board shall include:

- A. Provide general oversight of FCPC cultural and historical preservation activities
- B. Review and determine merits of sites for historic and cultural preservation designation
 - 1. Review nominations to the National Register of Historic Places, including review comments by FCPC THPO and technical advisors.
 - 2. Review proposed changes to registered cultural and historic properties
 - 3. Adopt criteria for the identification of significant historic and cultural resources

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- C. Provide general oversight to the implementation of applicable provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), National Historic Preservation Act (NHPA), and other federal, state, and tribal laws that apply to the preservation and protection of historical and cultural resources significant to the FCPC
 - 1. Review projects requiring consultation under Section 106 of the National Historic Preservation Act, and make recommendations to the FCPC THPO and Executive Council on the mitigating a finding of effect
 - 2. Provide direction regarding repatriation of human remains and objects that are culturally affiliated to the tribe
- D. Serve as a resource in matters of historic and cultural preservation and planning
 - 1. Evaluate and comment on decisions by other FCPC departments or programs, government/public agencies affecting the physical development and land use patterns in or affecting designated historic or cultural sites
- E. Increase community awareness of the value of historic and cultural preservation
- F. Develop rules, regulations, policies, and procedures, as necessary for the conduct of its business not inconsistent with these By-Laws.
- G. Periodically review the FCPC Historic Preservation Plan and recommend appropriate scope of work activities for the THPO
- H. Any other function which may be requested of the FCPC Executive Council.

ARTICLE VI
Meetings

Section 1. Regular Meetings

The regularly scheduled meeting of Board shall be held once a month with the date, time, and location determined by its members.

Section 2. Special Meetings

Special meetings may be held at from time to time, if the chair determines it's in the best interest of the committee or matters cannot wait until the next regularly scheduled meeting; provided at least 24 hour notice is given to each board member of meeting time, place, and agenda of such meeting; and the Forest County Potawatomi Community applicable notice requirements are met.

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Section 3. Quorum

Four members of the appointed Board shall constitute a quorum. No official business may be transacted in the absence of quorum.

Section 4. Notice of Meeting

Notice of meetings shall be properly notified to the Board members.

Section 5. Cancellation of Meeting

A meeting may be cancelled if a quorum cannot be assembled. Whenever there is no business for the Board, the Chairperson may dispense with a regular meeting by given notice to all members not less than 24 hours prior to the time to set for the meeting. In event of severely inclement weather or other emergency, or for a good cause, the Chairperson may dispense with a regular meeting by informing THPO staff to give reasonable notice to all members and appropriate staff and persons prior to the time set for the meeting.

Section 6. Minutes and Official Records

Meeting minutes and records of votes shall be kept in accordance with applicable Forest County Potawatomi Community Governing Bodies and Records laws, policies, and procedures. Minutes, agendas, correspondences, official memorandums, site plans, documents, photographs, applications and materials related to the business of the Historic and Cultural Preservation Review Board shall be maintained by the Tribal Historic Preservation Office. The meeting minutes shall be taken from recordings of meetings. The minutes shall be an accurate and detailed summary of the meeting proceedings.

Section 7. Rules of Order

The Board shall conduct its business according to the Simplified Roberts Rules of Order.

**ARTICLE VII
Educational Meetings**

Section 1. New Member Orientation

The Board and the THPO staff shall assist each new Board member to understand the Board's responsibilities and authority, its functions, its policies and its procedures. This process shall begin as soon as the Officer election has taken place and shall continue during the member's first

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year in office. Each new board member shall attend an orientation training pertaining to historic and cultural preservation and the role, responsibilities, and duties of the Board. Each new member shall be given an updated copy of applicable FCPC historic and cultural preservation related codes and ordinances, applicable tribal, federal and state laws and acts, a copy of Board policies and administrative procedures which may be in force, and invited to meet with the THPO, administrative and other personnel to discuss the services which they perform for the Board and for the FCPC.

Section 2. Educational Meeting or Training

The Board recognizes the need for continuing training and education and encourages the participation of all Board members within these specific categories of activities as a part of their official duties: national conferences, in-state conferences, workshops, seminars, meetings, continuing education classes, in-service programs, and conventions. Board members are encouraged to attend at least one informational or educational meeting or training each year, pertaining to historic or cultural preservation.

Board members will indicate at a regularly scheduled board meeting what training, meeting, or education conference they would like to attend. Upon Board recommendation and Executive Council approval, any expenses for associated education training or meeting shall follow applicable FCPC procurement and travel allowance policies.

**ARTICLE VIII
Committees/Task Forces**

Section 1. Special Committees and Task Forces

From time to time the Board may establish such special committees, subcommittees, and/or task forces as may be considered necessary to promote the functions and goals of the Board.

**ARTICLE IX
Conflict of Interest**

Section 1. Conflict of Interest

Board members shall neither engage in any personal business, financial or other transactions with the FCPC THPO nor shall any such Board member act or vote with regard to any matter in which he/she has any financial or other personal interest, direct or indirect. If, during the Board

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deliberations, a Board member has a personal or financial interest or engaged in a transaction regarding the matter under discussion, such Board member shall neither take part in the discussion, except to answer questions, nor vote on the matter. If a Board member is found to have had a personal or financial interest or engaged in a transaction regarding such a matter and either engaged in board discussions or voted on the matter, any Board action taken on the matter shall be null and void. Such action shall constitute grounds for dismissal from the Board by the Executive Council.

Section 2. Gifts

The Board may accept any contribution, gift, bequest or devise for specific a purpose of the on behalf of the Board. Individual board members are prohibited from accepting any contribution, gift, bequest, or devise with respect to their involvement on the Board. Cultural significant gifts given to Individual tribal board members shall be excluded.

**ARTICLE X
Compensation**

Section 1. Compensation for Board Duties

The Executive Council may compensate Board members for attending official meetings of the Board and shall include the amount of compensation, if any, in the Tribal annual budget. Compensation amount per Board member per meeting shall be determined and approved by the Executive Council. If the meeting is during working hours and board members are employees of the tribe, they will have the option of taking their regular pay or the meeting stipend, but not both. The Executive Council also may authorize or reimburse a Board member for any compensation for time and effort or necessary expenses that the Board member incurs in the performance of official duties.

Section 2. Travel Allowance

The Executive Council may authorize reasonable and necessary expense reimbursement to Board members who must travel to attend board meetings, to participate in fieldtrips to historic, cultural, or archeological sites and to attend conferences and training. All travel authorizations and expenses for Board members shall follow Forest County Potawatomi Community travel policies and procedures.

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**ARTICLE XI
Amendments**

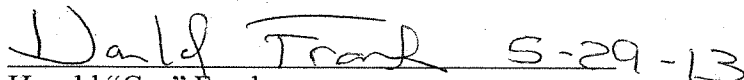
Section 1. Ratification of By-Laws

Ratification of these By-Laws shall be by the FCPC Executive Council.

Section 2. Amendment of By-Laws

These by-laws may be amended at any regularly scheduled meeting of the Board by a majority vote of the Board members in attendance provided the amendment has been submitted in writing. Amendments to the By-Laws will not be effective unless approved by the FCPC Executive Council.

These bylaws are approved and adopted by the Forest County Potawatomi Community Executive Council this 5th day of September, 2012.


Harold "Gus" Frank
Chairman

History:

Adopted, Executive Council, (September 5, 2012)