

INDIANA NATIVE AMERICAN INDIAN AFFAIRS COMMISSION BY-LAWS

Adopted by unanimous vote on Friday, March 31, 2006

Article I: Authority, Purpose, Powers, Duties and Responsibilities

Section I: Authority

The Indiana Native American Indian Affairs Commission is created under the authority of P.L. 283-2003, passed by the Indiana General Assembly in 2003 and codified at IC 4-4-31.4.

Section II: Purpose

The purpose of the Indiana Native American Indian Affairs Commission is to study problems common to Native American Indian residents of Indiana in the areas of employment, education, civil rights, health, and housing. The commission may make recommendations to appropriate federal, state, and local governmental agencies concerning the following:

- (1) Health issues affecting Native American Indian communities, including data collection, equal access to public assistance programs, and informing health officials of cultural Traditions relevant to health care.
- (2) Encourage cultural retention amongst Native American communities.
- (3) Cooperation and understanding between the Native American Indian communities and other communities throughout Indiana.
- (4) Cultural barriers concerning Native American Indians to the educational system, including barriers to higher education and opportunities for financial aid and minority scholarships.
- (5) Inaccurate information and stereotypes concerning Native American Indians, including the accuracy of educational curriculum.
- (6) Measures to stimulate job skill training and related workforce development, including initiatives to assist employers to overcome communication and cultural differences concerning Native Americans.
- (7) Programs to encourage the growth and support of Native American Indian owned businesses.
- (8) Public awareness of issues affecting the Native American Indian communities.
- (9) Issues concerning Preservation and Excavation of Native American Indian historical and archeology sites, including but not limited to the reburial and the final disposition of remains and artifacts of Native American Indians.
- (10) Measures that could facilitate easier access to state and local government services by Native American Indians
- (11) Appropriation of Funding Needs.

Section III: Powers and Duties

The Indiana Native American Indian Affairs Commission shall have the following powers and duties:

- (1) Develop programs to assist and inform persons who are Native American Indian of the state and local services available and make available other information of value to families, professionals, and citizens working or involved with persons who are Native American Indian;
- (2) Cooperate with public and private agencies and local, state, and federal governments to coordinate programs for persons who are Native American Indian;
- (3) Provide technical assistance and training support to start and enhance existing programs and services for persons who are Native American Indian;
- (4) Evaluate state programs delivering services to Native American Indian persons to determine their effectiveness and make recommendations to public officials about future support to continue existing programs and establish new programs;
- (5) Monitor state funded programs delivering services to persons who are Native American Indian to determine the extent that promised and mandated services are delivered, making recommendations for improvement;
- (6) Recommend legislative changes to the Governor and General Assembly and follow and evaluate laws affecting persons who are Native American Indian;
- (7) Promote cooperation among state and local agencies providing educational programs Native American Indian;
- (8) Review policy related to evaluation, certification, licensure, and training standards of Native American Indian and make recommendations to appropriate parties; monitor the courts' uses of Native American Indian Laws; and serve as a resource by providing a listing of qualified Native American Indian legal assistants in Native American Indian Laws upon request to legislative bodies, public and private agencies, and persons that are Native American Indian; and
- (10) Submit an annual report of its activities to the Governor and the General Assembly on January 1 of each year.

Section IV: Responsibility

The Indiana Native American Indian Affairs Commission shall carry out the responsibilities designated by IC 4-4-31.4

The members of the Indiana Native American Indian Affairs Commission shall accept the responsibility of the office and declare their intention to execute the duties defined under the State and Municipal law to the best of their ability and to respect and observe the requirements established by IC4-4-31.4.

The Indiana Native American Indian Affairs Commissioners is the Governing Body and is responsible for the overall direction of the Commission. Their duties and responsibilities are to:

- (1) be committed to the mission and the goals of the Indiana Native American Indian Affairs Commission;
- (2) be or become knowledgeable about the operation, services, and programs available or concerning Native American Indians;
- (3) be objective in evaluating the programs, problems, and policies of the Indiana Native American Indian Affairs Commission;
- (3) resist all pressures from groups and individuals, either from within or outside the Indiana Native American Indian Affairs Commission, who attempt to compromise the values, ideals, goals, policies, or prerogatives of the Indiana Native American Indian Affairs Commission;
- (4) budget time and plan ahead in order to attend the meetings of the Indiana Native American Indian Affairs Commission and of those committees to which a member is appointed, to accept and discharge specific responsibilities, either on committees or in the general work of the Indiana Native American Indian Affairs Commission;
- (5) refrain from using one's position as a member of the Indiana Native American Indian Affairs Commission to obtain special privileges or favor;
- (6) assist the Indiana Native American Indian Affairs Commission in identifying the needs of Native American Indian issues;
- (7) establish and maintain goals and priorities utilizing long and short range goals;
- (8) promote for the new development and/or improvement of services, programs and activities for Native American Indian people; and
- (9) to assess the performance of the commission through continuous self-evaluation.

Article II: Commission Composition and Term

Section I: Composition of the Commission

The Indiana Native American Indian Affairs Commission consists of fifteen (15) voting members and two (2) non voting members appointed by the Governor from residents of the state whose position, knowledge, or experience enables them to reasonably represent the concerns, needs, and recommendations of Native American Indian persons. At a minimum, eight (8) voting members of the Commission shall be persons who are Native American Indians.

Section II: Term of Appointment

The governor shall appoint each Native American Indian member of the commission to a term of four (4) years, and any vacancy occurring shall be filled by the governor for the unexpired term. In the event a vacancy on the commission shall arise, the commission may choose to offer recommendations to the Governor of qualified candidates for such vacancies.

Article III: Organization of the Commission

Section I: Vice Chairperson

(1) A Vice-Chairperson shall be elected by a majority of the Commissioners at the first quarterly (1) meeting of each year, or as soon thereafter as feasible. A quorum must be present to elect the Vice-Chairperson.

In the absence of the Chairperson and the Vice-Chairperson, a Chairperson pro tem shall be elected informally by the members present to conduct the meeting.

(2) In the event of the resignation of the Chairperson or Vice-Chairperson, the Indiana Native American Indian Affairs Commission shall expeditiously select an officer to fill the vacancy until the positions(s) can be filled officially.

(3) The Chairperson shall preside at all Indiana Native American Indian Affairs Commission meetings and have the powers generally assigned such office in conducting the meetings.

(4) It shall be the Chairperson's duty to see that the transaction of Indiana Native American Indian Affairs Commission business is in accord with these By-laws.

(5) The Indiana Department of Workforce Development shall provide staff and administrative support for the commission.

Section II: Secretary

(1) A Secretary shall be elected by a majority of the Commissioners and shall serve a term of two years from the date of election.

(2) The Secretary shall perform the following duties:

a. Keep, or cause to be kept, the minutes of the meetings of the Commission and such of its Committees as shall be required;

b. See that notices are given in full accordance with provisions of these bylaws and as may be required by law;

c. Ensure the safekeeping of the Commission's records; the books, records and papers in the hands of the Secretary shall at all times be subject to the inspection, supervision and control of the Commission;

d. Ensure that all correspondence to and from the Commission is written, received, referred or otherwise appropriately handled;

e. Keep By-Laws and standing rules for current reference;

f. Issue notices of all regular and special meetings of the Commission and its Committees as directed by the Commission's chairperson or by the Committee's chairpersons;

g. Distribute copies of minutes and the agenda to each Commissioner at or prior to each Commission meeting;

h. Keep track of the absences of Commissioners at meetings, and report the same to the Commission for further action, per the Commission's authorizing statute [IC 31.4 et seq];

i. Ensure the Commission's compliance with Open Records, Public Meetings statutes and ethics standards;

j. Ensure compliance by Commissioners with conflict of interest rules, and maintain records of such statements or waivers;

k. Perform other duties as the need arises or as directed by the chairperson;

1. By action of the Commission or as directed by the chairperson, certain duties of the Secretary may be delegated to the Executive Director, Board members or committees as appropriate; however, the accountability for such duties remains with the Secretary;

2. Any Commissioner appointed by the Governor may resign at any time upon written notice to the Secretary, any such resignation to take effect as specified therein or, if not specified, upon receipt by the Secretary. Upon receipt of such resignation, the Secretary shall so inform the Governor in writing.

Section III: Committee Chairpersons

(1) The Indiana Native American Indian Affairs Commission, by majority vote of those present may create special committees and assign one or more Indiana Native American Indian Affairs Commission members to head such committees.

(2) If a Indiana Native American Indian Affairs Commission member has more than 1 total absences from regularly scheduled meetings in a calendar year, the Chairperson shall inform the Governor who may appoint a new Indiana Native American Indian Affairs Commission member to fill the member's term.

(3) No person shall hold the office of member of the Indiana Native American Indian Affairs Commission unless that person is a resident of the State. If a member of the Commission ceases to be a resident of the State, the office must be vacated.

(4) A quorum is a majority of the members of the Indiana Native American Indian Affairs Commission.

Article IV: Meeting Time and Place, Official Actions and Rules and Procedures

Section I: Selection of Time, Place

(1) The Indiana Native American Indian Affairs Commission shall determine a regular meeting time (time, place, and frequency) as necessary.

(2) All meetings of the Indiana Native American Indian Affairs Commission shall be open to the public. Executive sessions may be held in accord with the requirements imposed by IC 5-14-1.5.

Section II: Official Actions

(1) To conduct official Indiana Native American Indian Affairs Commission business, a quorum (9) must be present. If no quorum exists due to members leaving the meeting, no official action can be taken.

Section III: Rules and Procedures

(1) All meetings of the Indiana Native American Indian Affairs Commission shall be governed by these by-laws.

(2) To the extent it does not violate public notice requirements, the printed agenda of a regular meeting may be modified, supplemented, or revised at the beginning of the meeting by the affirmative vote of the majority of Indiana Native American Indian Affairs Commission members present.

(3) The Indiana Native American Indian Affairs Commission may devote part of its meetings to an informational study session during which no comments from the public will be permitted, unless the Chairperson or a majority, on a case-by-case basis, decides otherwise.

(4) Action is taken by a majority vote of the Indiana Native American Indian Affairs Commission members present and voting.

(5) At a Commission meeting the Indiana Native American Indian Affairs Commission shall not hear or address any new agenda items, unless a majority of the Indiana Native American Indian Affairs Commissioners present should decide otherwise.

(6) A staff person will be responsible for the written recording of all Indiana Native American Indian Affairs Commission meetings. All minutes will be forwarded to the Commissioners and be made part of a permanent record.

Article V: Conflict of Interest and Appearance of Fairness

(1) Any member of the Indiana Native American Indian Affairs Commission who in his or her opinion has an interest in any matter before the Indiana Native American Indian Affairs Commission that would prejudice his or her actions shall so publicly indicate and shall step down and refrain from voting and any manner of participation with respect to the matter in question so as to avoid any possible conflict of interest or violation of the appearance of fairness.

(2) The Indiana Native American Indian Affairs Commission is subject to IC 4-4-6 Chapter 6 Ethics and Conflicts of Interest.

Article VI: Agenda, Study Sessions and Public Comment

Section I: Agenda

(1) The preparation of the agenda will be the duty of the Chairperson or his/her designee, and he or she will coordinate that preparation with the Indiana Native American Indian Affairs Commission Members.

(2) The agenda may be divided into sections and continue until subsequent meetings when it is apparent that one meeting will not be sufficient to complete the scheduled business.

(3) Copies of the agenda will be available to all Indiana Native American Indian Affairs Commission members at least two days prior to a regular meeting date.

(4) The agenda will indicate whether the Indiana Native American Indian Affairs Commission intends to take formal action on a particular matter.

(5) The Indiana Native American Indian Affairs Commission may continue a public hearing to a future date only for the purpose of accepting new written or oral testimony solely from anyone who had signed up to speak on the original hearing date but did not have the opportunity to testify. A continued public hearing does not require new public notice. Once a public hearing is closed, it cannot be re-opened without issuance of a new public notice. . [Per IC 5-14-1.5-5, this is true only if an announcement is made of the date, time, and place of the reconvened meeting at the original meeting and recorded in the minutes and there is no change in the agenda]

(6) The agenda shall be confirmed at the beginning of each meeting.

Section II: Study Sessions

(1) A substantial amount of the Indiana Native American Indian Affairs Commission's work is conducted at informal study sessions.

(2) The Indiana Native American Indian Affairs Commission shall consider information and recommendations and comments from the Commissioners and the public during the study session.

(3) Based on this the Indiana Native American Indian Affairs determines its recommendations to be forwarded to the proper agencies.

Section III: Public Comment

(1) Each speaker is limited to 5 minutes speaking time. If a speaker is representing an organization, that speaker shall be granted 5 minutes speaking time.

(2) Members of the public attending study sessions may only speak if acknowledged by the Chairperson.

(3) If speaker or audience dialogue becomes disruptive, the Chairperson may recess the meeting or request that the meeting be adjourned permanently or for recess.

(4) To communicate with the Indiana Native American Indian Affairs Commission on a matter not scheduled for Public Hearing, the person and or organization may submit a request by letter or personally before the meeting is started to speak during Public Comment. This will need to be through a majority vote of the Commissioners during the meeting.

If any urgent issues arise that require the attention of the commission it may be addressed by a person and/or organization to the chairperson before the meeting commences. The decision of the topic for discussion shall be left to the discretion of the chairperson.

Section IV: Amending By Laws

The Indiana Native American Indian Affairs Commission at a regularly scheduled meeting may amend these by-laws. by a majority vote at a meeting of the Commission where a quorum is present.