

**Dry Creek Rancheria
Band of Pomo Indians**

Cultural Preservation Code

TITLE 1. CULTURAL PRESERVATION COMMITTEE

TABLE OF CONTENTS

CHAPTER 1. TITLE AND PURPOSE
SECTION 1. Short Title
SECTION 2. Establishment of Tribal Committee
SECTION 3. Committee Purpose

CHAPTER 2. COMMITTEE
SECTION 1. Powers
SECTION 2. Duties
SECTION 3. Membership, Appointment, and Terms
SECTION 4. Officers
SECTION 5. Appointment and Term of Officers
SECTION 6. Removal and Resignation of Officers
SECTION 7. Vacancies in Offices
SECTION 8. Chairperson
SECTION 9. Vice Chairperson
SECTION 10. Secretary
SECTION 11. Vacancies

CHAPTER 3. COMMITTEE MEETINGS
SECTION 1. Meetings
SECTION 2. Attendance Requirements, Compensation, Removal of Members
SECTION 3. Quorum
SECTION 4. Waiver of Notice
SECTION 5. Adjournment
SECTION 6. Action Without Meeting
SECTION 7. Parliamentary Authority

CHAPTER 4. SUBCOMMITTEES
SECTION 1. Authority

CHAPTER 5. CONFLICT OF INTEREST
SECTION 1. Conflict of Interest
SECTION 2. Ethical Standards

CHAPTER 6. RECORDS AND REPORTS
SECTION 1. Maintenance and Inspection of Records and Report
SECTION 2. Maintenance and Inspection of Other Committee Records
SECTION 3. Inspection by Members and Board of Director Members

CHAPTER 7. AMENDMENTS
SECTION 1. Amendments to Code

CHAPTER 1. TITLE AND PURPOSE

SECTION 1. Short Title

This Code shall be entitled "**The Dry Creek Rancheria Cultural Preservation Code.**"

SECTION 2. Establishment of Tribal Committee

There is hereby established within the Dry Creek Rancheria a Cultural Preservation Committee. The Committee is a subordinate tribal body, established by the Dry Creek Rancheria Band of Pomo Indians of California, a federally-recognized Indian tribe (hereinafter "the Tribe"), through its Tribal Council, which, as the Tribe's governing body, maintains authority over the Committee.

SECTION 3. Committee Purpose

The purpose of the Cultural Preservation Committee (hereinafter the "Committee") is to develop and coordinate tribal programs to promote traditional tribal languages, cultural values and heritage, and establish policies for the preservation of tribal cultural sites and repatriation of items of cultural patrimony. The Committee's purpose, and powers, is subject to the authority and approval of the Tribal Council.

CHAPTER 2. COMMITTEE

SECTION 1. Powers

The Committee is a subordinate tribal body. Consistent with the Committee's mission and purpose, and subject to the authority of the Tribal Council, the Committee shall have the power to:

(A) Consider and approve an annual budget for the Committee to be submitted to the Board of Directors for review and ratification.

(B) The Committee shall have the authority to develop a job description for any employee or intern hired by the Tribe to assist the Committee in its duties, to purchase supplies and equipment, and to otherwise authorize the expenditure of funds within the amount budgeted or appropriated by the Board of Directors, subject to approval by the Tribal Council.

(C) The Committee shall have the authority to recommend that the Board of Directors execute legal agreements to return cultural items to the Tribe.

(D) The Committee shall have the authority to determine which cultural items are to be requested for repatriation and the existence of cultural affiliation with a cultural item and tribal right of possession.

(E) The Committee shall have the authority to recommend the proper placement, custodian, maintenance, and preservation of any returned or Tribally owned cultural item, and to implement any final decision for such placement, as made by the Board of Directors and/or Tribal Council.

(F) The Committee shall have the authority to enter into negotiations or mediation with any entity regarding cultural items; provided that such action must have prior approval by the Board of Directors and Tribal Council.

(G) The Committee shall have authority to promulgate regulations and policies regarding cultural items; provided that no rule or regulation made by the Committee shall be of any force or effect until and unless a certified copy has been approved by the Board of Directors and Tribal Council.

(H) The Committee shall have authority to receive and review all notices from federal, state, and local government agencies regarding proposed developments within the Tribe's ancestral areas and make recommendations to the Board of Directors regarding appropriate actions to protect traditional tribal cultural places, and to implement any directive made by the Board of Directors in order to seek protective measures for such places.

(I) The Committee shall have authority to work with the Tribal Council and other experts to develop a map of areas of cultural significance in order to seek protection of such places, which shall include, but not be limited to: village sites, burial sites, ceremonial areas, archaeological sites, and other places of historic and/or cultural significance.

(J) The Committee shall have authority to develop a database of information relative to the Tribe's cultural, legal, ancestral, linguistic, and artistic history and recommend items to acquire for tribal purposes.

SECTION 2. Duties

(A) The Committee shall provide annual status reports to the Tribal Council at each duly-called Tribal Council Meeting, and shall submit written status and operational reports to the Board of Directors no later than the second week of every month to be reviewed at the next Board of Directors meeting. The Committee also shall provide additional reports to the Board of Directors whenever requested.

(B) The Committee shall timely submit to the Board of Directors for review and ratification an annual budget, as well as any amendment thereto, which they have considered and approved pursuant to Section 1(A) of this Chapter.

(C) The Committee shall review notices sent from local, state, and federal agencies regarding items of cultural affiliation to the Tribe, and provide any recommendations to the Board of Directors in a timely fashion to ensure compliance with any limitation of time to request repatriation of such items.

(D) The Committee shall review notices sent from local, state, and federal agencies regarding the planning of any project that may impact traditional tribal cultural places, and provide any recommendations to the Board of Directors in a timely fashion to ensure compliance with any limitation of time to request consultation for the preservation of traditional tribal cultural places.

(E) The Committee shall supervise any employee or other professional and report on the status of such persons and their work as part of the monthly Committee report to the Board of Directors who assist the Committee.

(F) Other duties as assigned by the Board of Directors and Tribal Council for cultural preservation activities.

SECTION 3. Membership, Appointment, and Terms

(A) The Committee shall consist of at least five (5) members who shall serve at the pleasure of the Board of Directors. The Tribal Chairperson will be a non-voting, ex-officio member.

(B) At least 51 percent (51%) of the Committee (or three (3) members) shall be qualified voters of the Tribe.

(C) The Board of Directors shall appoint all members and officers of the Committee.

(D) Members of the committee shall hold those positions for three (3) years, beginning on October 1 of the operative year. The terms of each officer shall last for one (1) year, but may be renewed at the election of the Board of Directors.

(E) Each member, including a member appointed to fill a vacancy or otherwise, shall hold office until the expiration of the term for which he or she was appointed, and until a successor has been appointed and qualified.

SECTION 4. Officers

The officers of the Committee shall consist of a Chairperson, Vice Chairperson, and Secretary.

SECTION 5. Appointment and Term of Officers

The Chairperson, Vice Chairperson, Treasurer, and Secretary shall be appointed by the Board of Directors. All such officers must concurrently be members of the Committee. An officer’s term of office shall be one (1) year, or until expiration of his or her term as a member, whichever is shorter. An officer’s term shall begin on October 1 or at such other time as the Board of Directors deems necessary or appropriate.

SECTION 6. Removal and Resignation of Officers

Any officer may be removed, with good cause, by the Committee at a regular or special Committee meeting. Removal of an officer requires a two-thirds (2/3) vote of the members. The Board of Directors may remove an officer for any reason.

Any officer may resign at any time for any reason by giving written notice to the Committee. Any resignation shall take effect at the date of the receipt of that notice or at any later time specified in that notice; and, unless otherwise specified in that notice, the acceptance of the resignation shall not be necessary to make it effective.

SECTION 7. Vacancies in Offices

Any vacancy in any office for any cause shall be filled in the manner prescribed in Section 5, “Appointment and Term of Officers,” of this Chapter for appointments to that office.

SECTION 8. Chairperson

The Chairperson shall, subject to the control of the Committee and ultimate authority of the Board of Directors, generally supervise the business and the officers of the Committee. He or she shall preside at all meetings of the Committee. He or she shall prepare an agenda for each meeting, and he or she shall also prepare, or cause to be prepared, the monthly written report to the Board of Directors. In addition, the Chairperson shall have such other powers and duties as may be prescribed by the Committee and these Bylaws.

SECTION 9. Vice Chairperson

Upon notice of the absence or disability of the Chairperson, the Vice-Chairperson shall perform all the duties of the Chairperson, with all the powers and restrictions conferred on that office by the Committee and these Bylaws.

SECTION 10. Secretary

The Secretary shall give, or cause to be given, notice of all meetings to the other members of the Committee and the Board of Directors, pursuant to the requirements

of these Bylaws. The Secretary shall take roll at every meeting, and maintain a record of all members’ attendance at such meetings.

The Secretary shall cause to be kept at the Tribal Office a book or binder of minutes of all meetings and actions of the Committee and subcommittees, with the time and place of holding, whether regular or special, and if special, how authorized, the notice given, and the names of those present at Committee meetings or subcommittee meetings.

The Secretary shall ensure that the Committee binder is updated after every meeting, with the record of attendance, minutes, and any actions taken, and that such binder is maintained and accessible at the Tribal Office. The Secretary also shall have such other powers and perform such other duties as may be prescribed by the Committee and/or these Bylaws.

SECTION 11. Vacancies

(A) A vacancy or vacancies in the Committee shall be deemed to exist if the authorized number of Committee members is increased, if the Board of Directors is unable to appoint the minimum number of required Committee members, or in the event of death, resignation, or removal of any member for any reason.

(B) Any member may resign effective on giving written notice to the Committee’s Chairperson, the Secretary, or the Committee as a whole, unless the written notice specifies a later time for that resignation to become effective. If the resignation of a member is effective at a future time, the Committee, subject to approval by the Board of Directors, may elect a successor to take office when the resignation becomes effective.

(C) No reduction in the authorized number of members shall have the effect of removing any member before that member’s term of office expires.

CHAPTER 3. COMMITTEE MEETINGS

SECTION 1. Meetings

(A) Regular Meetings. The Committee shall hold regular meetings, the time, dates, and places to be established by the Committee. Notice of a regularly called meeting will be provided no less than seven (7) days prior to the date of the meeting. Notice of the time and place of the meeting shall be delivered in writing to each member personally, or via the U.S. Postal Service, electronic mail, or facsimile. The notice must be addressed to each member at their address as listed in the Committee’s member records. These notices must be sent in sufficient time to be received by the member in the time period stated above.

(B) Special Meetings. Special meetings of the Committee may be called for any purpose and at any time by the Committee Chairperson or Vice-Chairperson or a quorum of the entire Committee.

Notice of the time and place of special meetings shall be delivered by United States mail at least seven (7) days prior to the time of the special meeting. Personal delivery of the notice, by whatever means, shall be made at least forty-eight (48) hours ahead of the time of the special meeting.

(C) Board of Directors Notice/Attendance. The Board of Directors shall receive prior notice of all Committee meetings, whether regular or special, in the same manner notice is provided to each member under the above provisions. Any Board of Directors member may participate in any such meeting as he or she desires.

(D) Participation by Telephone. Regular or special meetings may be held by telephone conference or similar communication, so long as all participants can hear one another. Any members participating in the meeting by telephone shall be deemed to be present in person at the meeting.

SECTION 2. Attendance Requirements, Compensation, Removal of Members

Regular attendance of Committee meetings is required for compensation, if any, and any member who misses two (2) of three (3) Committee meetings per quarter will not be compensated for meetings held that quarter. The Committee may, subject to Board of Directors approval, remove a member at any time for good cause. The Board of Directors may remove a member from the Committee for any reason.

SECTION 3. Quorum

A majority of Committee members shall constitute a quorum for the transaction of business. Every act or decision done or made by a majority of the members present at a meeting duly noticed and in which a quorum is present shall be regarded as the act of the Committee. A meeting at which a quorum is initially present may continue to transact business, notwithstanding the withdrawal of members, if any action taken is approved by at least a majority of the required quorum for that meeting.

SECTION 4. Waiver of Notice

The transactions of any meeting of the Committee, however called and noticed or wherever held, shall be as valid as though at a meeting duly held after regular call and notice, if a quorum is present and if, either before or after the meeting, each of the members not present signs a written waiver of notice, a consent to holding the meeting or an approval of the minutes. The waiver of notice or consent need not specify the purpose of the meeting. All such waivers, consents, and approvals shall be filed with the member records or made a part of the minutes of the meeting. Notice of a meeting

shall also be deemed given to any member who attends the meeting without protesting at its commencement about the lack of notice to that member.

SECTION 5. Adjournment

A majority of the members present, whether or not constituting a quorum, may adjourn any meeting to another time and place. However, notice of such adjournment must be provided to all other Committee members and the Board of Directors by electronic mail or personal notification.

SECTION 6. Action Without Meeting

Any action required or permitted to be taken by the Committee may be taken without a meeting, if all members of the Committee shall individually or collectively consent in writing to that action. Such action by written consent shall have the same force and effect as a unanimous vote of the Committee. Such written consent or consents shall be filed with the minutes of the proceedings of the Committee.

SECTION 7. Parliamentary Authority

The rules contained in the most current edition of Robert's Rules of Order Newly Revised shall govern the Committee in all cases to which they apply, except to the extent they conflict with Tribal law, including this Code, and/or any special rules of order that the Committee or Board of Directors may adopt.

CHAPTER 4. SUBCOMMITTEES

SECTION 1. Authority

The Committee shall establish such subcommittees as deemed necessary. The Committee shall establish the function of the subcommittees and they shall operate under the Committee's general supervision. The Committee shall define and approve the purview and authority of each subcommittee, except that subcommittees may not assume authority to establish policy or make financial commitments independent of a quorum of the Committee.

CHAPTER 5. CONFLICT OF INTEREST

SECTION 1. Conflict of Interest

Any member of the Committee or its subcommittees having the right to vote shall be disqualified from voting on any matter in which that member has a personal financial interest.

SECTION 2. Ethical Standards

Any member of the Committee or its subcommittees having the right to vote shall disclose to the decision-making body any past, current, or prospective associations, personal, financial, or otherwise, if a reasonable person would have concern that such association may influence a decision.

CHAPTER 6. RECORDS AND REPORTS

SECTION 1. Maintenance and Inspection of Records and Report

The Committee shall cause to be kept at the Tribal Office the original or a copy of records and reports, as amended to date, which shall be open to inspection by the members at all reasonable times during office hours.

SECTION 2. Maintenance and Inspection of Other Committee Records

The accounting books and records and minutes of proceedings of the members and the Committee, and any subcommittee, shall be kept at the Tribal Office. The minutes shall be kept in written form and the accounting books and records shall be kept either in written form or in any other form capable of being converted into written form.

SECTION 3. Inspection by Members and Board of Director Members

Every Committee member and every Board of Directors member shall have the absolute right at any reasonable time to inspect all books, records, and documents of every kind of the Committee. The right of inspection includes the right to copy and make extracts of documents.

CHAPTER 7. AMENDMENTS

SECTION 1. Amendments to Code

The Committee may, by a vote of two-thirds (2/3) of the members, subject to Board of Directors approval and ratification, adopt, amend, or repeal this Code at any time. The Board of Directors may revise this Code at any time.