

Draft
**FISH AND WILDLIFE COMMISSION
BY-LAWS**

Introduction: By authority of the Shoalwater Bay Tribal Council, there is hereby established the Shoalwater Bay Fish and Wildlife Commission (“Commission”). The Commission is primarily responsible for the protection of fish and wildlife and the regulatory oversight of all applicable Hunting activities within the jurisdiction of the Shoalwater Bay Indian Reservation and/or on applicable trust properties; and for issuance of hunting and fishing permits, adoption, approval and enforcement of all regulations hereunder and shall be reportable to Tribal Council. The Tribal Council shall have authority to amend these by-laws, and delegates to the Commission the responsibility to suggest and draft substantive edits and revisions, subject to Tribal Council approval. All amendments to these by-laws shall be subject to General Council review and comment. Any action taken by the Commission shall be appealable to the Tribal Council, but only if consistent with the provisions of this Code.

Section 1: STANDARD OF CONDUCT

The Commission members shall:

1. Act in good faith and honesty in all matters involving all laws of the Shoalwater Bay Indian Tribe;
2. Maintain knowledge of rules and regulations regarding the protection of Fish and Wildlife;
3. Provide truthful answers and information during meetings;
4. Treat everyone with respect;
5. Not jeopardize the integrity of the Commission and/or the Tribe.

Section 2: MEMBERSHIP, APPOINTMENT and QUALIFICATIONS

- a) The Commission shall be composed of seven (7) Shoalwater Bay Tribal Members. The Commission members shall be appointed by majority vote of the Tribal Council.
- b) Appointment of Commissioners shall be for a term of three (3) years and shall be subject to renewal for subsequent three (3) year terms, unless the Tribal Council, prior to the expiration of a three (3) year term, appoints a new Commissioner.
- c) The Commission must notify the Tribal Council a minimum of thirty (30) days prior to the expiration of any Commissioner’s term of office.
- d) In order to serve as a Commissioner, a person must:
 1. Be an enrolled member of the Shoalwater Bay Tribe;
 2. Be twenty-one (21) years of age or older;
 3. Reside on or within two (2) hours driving time from the Shoalwater Bay Indian Reservation’s main office;
 4. Not have been convicted of a felony or misdemeanor involving fish or wildlife within the last ten (10) years;
 5. Otherwise qualify to serve as a Commissioner as determined by the Tribal Council.

Section 3: SELECTION OF OFFICERS

- a) The Commission shall select a Chairperson from its membership, who shall serve a three (3) year term;
- b) The Chair shall preside over Commission meetings and shall have the power to convene special meetings upon forty-eight (48) hours written notice to all members of the Commission.
- c) The Commission shall select a Vice Chairperson from among their membership who shall have the same powers as the Chairperson in his/her absence.
- d) The Commission shall select a Secretary/Treasurer from among their membership, who shall serve a three (3) year term; the Secretary/Treasurer shall be responsible for taking attendance, manage the agenda, record the minutes and certify the accuracy of all actions taken at the meetings. The Secretary/Treasurer is responsible for the safe keeping of all record.

Section 4: VACANCIES

- a) The Commission shall appoint a person who meets the requirements stated in Section 1, letter (c) to fill any vacancy on the commission after a two (2) week announcement period. The Commission shall then notify Council of their decision.

Section 5: QUORUM-MAJORITY VOTE

- a) Each Commissioner shall have one (1) vote and a majority vote shall constitute the official decision of the Commission. The Chair may vote only in case of a tie.
- b) Four (4) members of the Commission shall constitute a quorum.
- c) All decisions shall be made by a majority of those Commission members who vote, providing a quorum is present.
- d) Vote by proxy is prohibited.
- e) In all decisions, the Commission shall act to promote and ensure the integrity, security, honesty, and fairness of the regulation, administration and enforcement of this ordinance during their term.

Section 6: MEETINGS

- a) The Commission shall meet at minimum, quarterly;
- b) Email notification of all quarterly meetings shall be sent to each commissioner at least five (5) days prior to such meetings and shall include the proposed agenda.
- c) The Commission Chair may call special meetings. All Commission members must be notified by email two (2) working days prior to all Special meetings. The notice must contain the purpose of the Special Meeting.
- d) The Commission Chair shall call any such meeting at the request of a minimum three (3) other commission members requesting a meeting with notification to all members as contained above.

Section 7: COMPENSATION OF COMMISSIONERS

- a) Commissioners shall be reimbursed for actual expenses incurred, including traveling expenses on Fish and Wildlife related business as approved in writing by the Tribal Administrator and/or Tribal Council.
- b) Commissioners who are employed by the Shoalwater Bay Tribe are not entitled to compensation if the meeting(s) take place during normal work hours and there is no additional driving required.
- c) Mileage expenses shall be reimbursed to all Commissioners for meetings that take place on Holidays or during vacation times.

Section 7: REMOVAL FROM THE COMMISSION

- a) A Commissioner may only be removed from the Commission by a majority vote of the Tribal Council for good cause, which may include:
 - 1. Gross negligence of duty;
 - 2. Failure to attend three meetings within one (1) calendar year without just cause;
 - 3. A felony conviction or a crime involving dishonesty;
 - 4. Being physically or mentally incapable of performing the duties of office;
 - 5. Failure to comply with all laws and ordinances;
 - 6. Violating the oath of office.
- b) The Commission, by a majority vote, may request the removal of a Commissioner to the Tribal Council.
- c) Removal should not be permitted for simple disagreement over matters that involve a commissioner’s exercise of discretion in the performance of his or her duties.
- d) Prior to removal a Commissioner shall be entitled, upon request, to a hearing before the Tribal Council, which shall ensure that the commissioner receives adequate due process protections.
- e) Any person removed from the Commission shall be disqualified for reappointment to the commission for two (2) years.

Section 8: CONFLICT OF INTEREST

- a) When the Commission determines by a majority vote that a commissioner has a conflict of interest that Commissioner will not be entitled to vote on the pending issue or motion.

Section 9: TRIBAL SOVEREIGN IMMUNITY

- b) As an instrumentality of the Shoalwater Bay Indian Tribe, the Sovereign Immunity of the Tribe extends fully to the Commission, its actions, omissions, and its members.

Section 10: ADOPTION OF BY-LAWS

These by-laws may be adopted and/or amended by a majority vote of the Tribal Council, providing a quorum is present.