

**EPA/REGIONAL TRIBAL OPERATIONS COMMITTEE**  
**BY-LAWS**  
**EPA Region VII**

**ARTICLE I - NAME**

The name of the organization will be the *EPA/Regional Tribal Operations Committee* (herein "RTOC").

**ARTICLE II - AUTHORITY**

The RTOC is established within the U.S. Environmental Protection Agency (herein "EPA"), Region VII, Office of Policy and Management, under a charter approved by the Regional Administrator for EPA, Region VII and the Tribal Members of the RTOC.

The RTOC advises the Regional Administrator consistent with its approved charter. The RTOC is exempted from the requirements of the Federal Advisory Committee Act. It is an intergovernmental committee composed wholly of officers or employees of the Federal Government and officials or employees of Tribal governments (or delegates with authority to act on their behalf) acting in their official capacities.

**ARTICLE III - MISSION AND SCOPE**

The RTOC mission is to assist EPA, Region VII and Indian Tribes and Nations implement environmental programs in Indian country to protect human health and the environment. The RTOC exists to provide a forum for intergovernmental partnerships between EPA, Region VII and the Indian Tribes and Nations located in Region VII (herein "Tribal Nations of Region VII").

The RTOC engages the unique roles, responsibilities and strengths of each Tribal Nation of Region VII to protect human health and the environment. Founded in 1998, the RTOC is the committee to open dialogue, identify concerns, formulate recommendations and provide counsel for the Regional Administrator regarding environmental matters impacting the Tribal Nations of Region VII. In addition, the RTOC serves as liaison between the Tribal Nations of Region VII and the EPA National Tribal Operations Committee (herein “NTOC”).

#### **ARTICLE IV - MEMBERSHIP**

##### **Section 1. Representation - Region VII and the Tribal Nations of Region VII:**

The RTOC will be comprised of one person (hereinafter the “Tribal RTOC Member”) and an Alternate from each of the nine federally recognized Indian Tribes or Nations located within EPA, Region VII territory. Membership includes the following five employees from EPA, Region VII (hereinafter “Regional RTOC Members”): Regional Administrator, Deputy Regional Administrator, Assistant Regional Administrator, Senior Indian Program Manager and Indian Program Coordinator.

##### **Section 2. Tribal RTOC Members, Appointment Process, and Terms:**

- A. Tribal RTOC Members and Alternates should be employees of their Tribes or Nations; and, may be citizens or members of their Tribes or Nations.
- B. Each Tribal RTOC Member has full voting rights in all RTOC actions. Alternates do not have voting rights *unless* acting on behalf of an absent Tribal RTOC Member.

- C. Tribal RTOC Members and Alternates are appointed by their respective Tribal governments in whatever manner deemed appropriate by the Tribe or Nation. The terms may be unlimited or specified by the Tribe or Nation. At a minimum, each Tribal government will submit a letter of appointment to the RTOC Chairperson notifying the RTOC of the name, title and duration of the appointment of the Tribal RTOC Member and his or her Alternate.
- D. Tribal RTOC Members or their authorized designees may serve as a member of any RTOC subcommittee or national/regional workgroup, etc.

Section 3. Termination of RTOC Members:

- A. Tribal RTOC Members may be removed for any reason upon notice and request of the Tribal Council of that Tribal RTOC Member. Such notice should be sent to the RTOC Chairperson.
- B. The RTOC Chairperson will seriously consider removal of a Tribal RTOC Member from the group of Participating Members of the RTOC, identified in the ROC Charter, if a Tribal RTOC Member misses three consecutive meetings or three consecutive teleconferences of the RTOC.
- C. RTOC Members, Tribal or Regional, may be removed for cause if he or she is determined to have violated the Ethics in Government Act.
- D. Removal of any RTOC Member for reasons in Subparagraphs B. and C. above should be only after consultation between the RTOC Chair and the Region VII Senior Indian Program Manager. If removal is recommended, the Regional Administrator will notify Tribal Council of the decision to remove any Tribal RTOC Member from the group of Participating Tribal Members and the

reasons for the removal within 15 days of the decision. In which case, the RTOC expects that Tribal Council will initiate its appointment process for a new Tribal RTOC Member.

Section 4. Tribal RTOC Members and Subcommittees:

RTOC Members may be selected to serve on RTOC subcommittees, national and regional work groups, committees, associations, etc.

- A. The Tribal Council or Tribal Chairperson may appoint a Tribal RTOC Member to serve on committees, organizations, associations, workgroups, subcommittees, etc. Tribal RTOC Members will notify in writing the RTOC Chairperson and Secretary that he or she has been appointed to represent RTOC by his or her tribe within thirty (30) days of the appointment.
- B. Tribal RTOC Members may designate a Tribal employee, agent or contractor to represent them on committees, organizations, associations, workgroups, subcommittees, etc., *provided* that a written notice is sent to the RTOC Chair and Secretary. However, the delegated Tribal RTOC Member retains responsibility for reporting to the RTOC significant activities related to such committees, organizations, associations, workgroups, subcommittees, etc.

#### **ARTICLE V – RTOC MEETINGS**

Meetings will be held on a quarterly basis throughout the EPA, Region VII Fiscal Year.

- A. Annual Meeting: One meeting each year will be the RTOC's Annual Meeting and EPA, Region VII leadership will be invited to attend for discussion of major RTOC accomplishments in the last year and RTOC objectives for the coming year. In general, the annual meeting will be held in the Greater Kansas City Metropolitan Area.
- B. Election of Officers: In general, election of RTOC officers will be held at the first quarterly RTOC Meeting at the beginning of EPA, Region VII Fiscal Year, except elections may be held during other meetings, as necessary, to be determined by the RTOC Chairperson.
- C. Teleconferences: Each month the RTOC will meet by teleconference generally on the third Thursday of the month, except as necessary and determined by the RTOC Chairperson.
- D. Attendance: All Regional RTOC members need not attend every quarterly meeting or teleconference; except that, the Regional Indian Coordinator, or his/her designee, will be in attendance at all RTOC meetings and teleconferences and the Regional Administrator or his or her designee will attend the annual meeting.
- E. Tribal RTOC Members will participate in at least three of four quarterly meetings and three of every four monthly teleconferences.
- F. Tribal RTOC Members may be counted as present at meetings, teleconferences, video conferences, or other electronic forums, for purposes of forming a quorum and taking a vote by any of the following means: in person, by phone, video-conference, e-mail, webmail, or other electronic

forum; provided the RTOC Chairperson is informed ahead of time of participation by means other than traditional in person meetings or telephone conferences.

G. Participating Members of the RTOC: Tribal RTOC Members who are representatives, duly appointed by their Tribal Government and confirmed by the RTOC Chairperson in accordance with Article IV or the RTOC Charter and these By-Laws are the Participating Members.

H. Quorum: An official meeting or teleconference of the RTOC requires the presence of at least a quorum of the RTOC to conduct business and for voting purposes. A quorum of the RTOC is present whenever a majority of Participating Members of the RTOC are present at the meeting or teleconference.

## **VI. AMENDMENTS**

These By-Laws may be amended at a RTOC meeting. Amendments will be accepted, certified and attested by the RTOC in the same manner as the original By-Laws. Any Participating Member of the RTOC or Regional RTOC Member may propose amendment(s). Any proposed amendment must be submitted in writing to the RTOC Chairperson to be distributed to all RTOC Members and placed on the agenda for the next RTOC meeting. The Secretary will be responsible for informing the Tribal Nations of Region VII and the Region VII Tribal Program of all approved amendments to these By-Laws.

**CERTIFICATION: BY-LAWS of the EPA/REGIONAL TRIBAL OPERATIONS COMMITTEE**

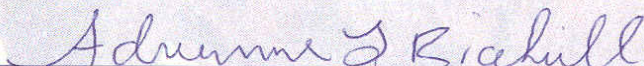
We, the undersigned Chairperson, Vice-Chairperson and Secretary of the Region VII Tribal Operations Committee, hereby certify that a quorum of the RTOC was present at a meeting thereof, which was duly and regularly called, noticed, convened and held the 17<sup>th</sup> day of January 2007 and that the foregoing "By-Laws of the EPA/Regional Tribal Operations Committee" were duly adopted by affirmative vote of the Tribal RTOC Members, which was made by 7 members, with 6 in favor, 0 opposing, and 1 abstaining or absent.

**ATTESTED:**

**For the TRIBAL RTOC MEMBERS:**

  
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Antonio A. Provost, Chairperson  
Regional Tribal Operations Committee, Region VII

  
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Felix F. Kitto, Vice-Chairperson  
Regional Tribal Operations Committee  
EPA, Region VII

  
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Adrienne L. Ricehill, Secretary  
Regional Tribal Operations Committee, Region VII