



THE BYLAWS OF THE NATIONAL TRIBAL WATER COUNCIL

Amended August 14, 2024

PREAMBLE

The National Tribal Water Council (“NTWC” or “Council”) is a body comprised of members with technical, scientific and traditional cultural knowledge created to assist the United States (“U.S.”) Environmental Protection Agency (“EPA”), federally recognized American Indian Tribes and Alaska Natives Tribes (“Tribes”), associated tribal communities and tribal organizations with research and information for decision-making on water quality issues, and water quality related concerns that impact Indigenous Peoples throughout Indian Country in the United States.

The NTWC does hereby adopt the following rules under which the NTWC will operate. Hereafter, the bylaws of the NTWC shall be referred to as the Bylaws.

ARTICLE I – PURPOSE

The NTWC was established to advocate for the best interests of Tribes in matters pertaining to water quality. It is the intent of the NTWC to advocate for the health and sustainability of clean water and for the productive use of water for the health and well-being of tribal communities throughout Indian Country.

ARTICLE II – COUNCIL

A. Authority and Responsibility

The governing body of the NTWC shall be the Council. Unless otherwise stated in the Bylaws, the Council shall have supervision, control, and direction of the affairs of the NTWC, its committees, task forces, publications, and it shall determine its policies or changes therein. The Council may adopt such rules and regulations for the conduct of its business, as it deems advisable.

B. Composition and Appointment of Members

The Council shall consist of up to 21 representatives, contingent upon and consistent with the resource support provided under the EPA cooperative agreement. The composition of

the Council includes 10 regional representatives (one from each of the ten EPA regions), two (2) Alaska representatives, one (1) Navajo Nation representative, and up to eight (8) additional members serving in an At-large capacity. All members must meet the membership qualifications specified in the Bylaws.

In the event of a NTWC member vacancy, the NTWC Project Manager shall solicit membership nominations from the NTWC members, EPA staff, Tribes, and other entities as specified by the NTWC.

Eligible applicants meeting NTWC qualifications shall be interviewed by the NTWC Interviewing Committee, recommended by the NTWC Interviewing Committee, and voted upon by the full Council before a membership appointment is extended.

Council members shall serve three-year terms. There shall be no prohibition on NTWC re-appointing members whose terms are due to expire.

C. Membership Qualifications

The NTWC is a body comprised of members with technical, scientific, and traditional cultural knowledge performing research and information gathering regarding water quality-related issues for policy making at the national level. The categories of water quality-related issues include, but are not limited to, surface water, wetlands, nonpoint source pollution, point source pollution, drinking water, groundwater, oceans/estuaries, and underground injection. The following criteria shall be used to determine the qualifications of the applicants for membership on the NTWC:

1. Members of the NTWC must have a vocational/professional or traditional ecological knowledge background and previous or current hands-on water quality-related expertise in Indian Country.
2. Members of the NTWC must be employed by a federally recognized Tribe or tribally authorized organization and have the support and consent of their employer to participate in the activities of the NTWC. A tribally authorized organization must provide adequate documentation of the existence of its authority.
3. Members must be willing and able to provide oral and written scientific and as appropriate, culturally based opinions on water quality-related issues confronting Tribes.
4. Members must be willing to review and discuss water-related issues in Indian Country with a perspective that will enhance the efforts of the NTWC, EPA, and Tribes to improve the health and safety of tribal communities.
5. Members must be willing to faithfully participate in the NTWC's monthly virtual meetings or conference calls and the two (2) regularly scheduled annual in-person meetings.
6. Members must be willing and able to share information and explain to third parties the priorities, goals and purposes of the NTWC.

D. General Duties and Responsibilities of the Council

Members of the NTWC shall perform the following general duties and responsibilities:

1. Approve positions and white papers on issues affecting the Council and Tribal Nations.
2. Develop, implement, evaluate the priorities document, and report the progress of the priorities to the EPA on a regular basis.
3. Cultivate individuals to serve as appointed and elected volunteers of the Council.
4. Perform other such duties in coordination with the EPA.
5. Advocate for the health and sustainability of clean water, and for the productive use of water for the health and well-being of all of Indian Country.
6. Raise awareness of a wide range of water quality related issues pertaining to the health of tribal communities and the quality of tribal aquatic resources and watersheds.
7. Promote information exchange.
8. Facilitate the exposure of tribal water protection program development and implementation.
9. Provide a platform to inform tribes on a wide variety of issues related to ground, surface, and drinking water.
10. Promote community water protection education and awareness.
11. Assist in the development, establishment, and sustainability of comprehensive tribal water protection programs.

E. General Duties and Responsibilities of Individual Council Members

In addition to the general duties and responsibilities of the Council outlined above, a Council member is expected to:

1. Communicate the expectation for standards, the policies, principles, vision, and the priorities document both internally and externally.
2. Represent the Council at designated meetings, conferences, and conference calls.
3. Promote the Council at every opportunity; however, refrain from acting on behalf of the NTWC without expressed Council authorization.
4. Review reports from Council members, Committees, Task Forces, EPA, Staff, and other relevant entities promptly, in order to make informed decisions upon matters presented to the Council.
5. Stay abreast of current issues and trends relevant to Tribal Nations or other significant issues that may affect the overall welfare of Tribes and the Council.
6. Write and deliver speeches and presentations, as needed.
7. Encourage debate focused on matters relevant to NTWC policies and furthering the interests of Tribal Nations and their people.
8. Perform other such duties as may be assigned by Council.

F. Quorum

At any meeting of the Council, a majority of the voting members of the Council shall constitute a quorum for the transaction of the business of the Council, and any such business thus transacted shall be valid providing it is approved by a majority of those present and voting.

G. Meetings of the Council

Two (2) regular annual in-person meetings of the NTWC shall be held at such place and on such dates as may be determined by the Council. One of the two (2) annual in-person meetings shall be held in Washington, D.C. Notice of all such meetings shall be given to the members of the Council not less than thirty (30) days before the meeting is held.

Special meetings of the Council may be called by the Chair, or at the request of twenty (20) percent of the Council. Notice of such special meetings shall be given to the members of the Council not less than forty-eight (48) hours before the meeting is held. Members of the Council may waive notice, and attendance at a regular or special meeting shall constitute a waiver unless a Member attends for the purpose of objecting to the meeting because it was not lawfully convened. The Council is authorized to meet monthly virtually, by conference calls, or through other electronic communications, or media, so long as all the members may simultaneously hear each other, participate during the meeting, and voice their opinion.

Members of the Council are expected to attend all Council meetings, virtual calls and conference calls. Council Members-elect shall be invited to attend all Council meetings held before their terms of office start as observers.

H. Tribal Caucus Meetings

At any time during a NTWC meeting, including virtual meetings and conference calls, a NTWC member or the NTWC Project Manager may request that the meeting recess for a tribal caucus. A request for a tribal caucus has the same standing as a privileged motion that does not require a second, is not debatable, is not amendable and is not voted upon.

Upon receiving a request for a tribal caucus, the NTWC shall recess for the tribal caucus. Other persons may be invited to participate in the tribal caucus by consensus or by a majority vote of the NTWC. Consensus, for the purpose of the Bylaws, is defined as a circumstance in which no one opposes an action or decision.

No meeting minutes of a tribal caucus shall be documented in the official record of the NTWC.

I. Voting

Decisions of the NTWC shall generally be determined by consensus of the NTWC voting membership. There shall be no proxy participation or voting during any NTWC meeting or conference call.

If a consensus is not reached for any action item, any member may make a motion to vote on the matter. A motion for a vote of the NTWC members is a privileged motion that does not require a second, is not debatable, and is not amendable.

The NTWC should strive to achieve consensus on all actions proposed. If a vote is needed on any given item, a majority vote of a quorum of the Council present at a meeting shall be required to conduct business, except for those matters which require a specific number

or percentage vote. If a quorum of the Council was present at a meeting and a majority of that quorum decided a matter before the NTWC, that decision shall be considered an act of the NTWC. A two-thirds majority vote shall apply only in those instances that are consistent with the Bylaws. When any procedures are not prescribed in the Bylaws, such meeting and voting procedures shall be determined by the current edition of Robert's Rules of Order.

J. Resignation of Council Members

Any member of the NTWC may resign at any time by submitting a letter of resignation to the NTWC Chair with a copy to the NTWC Project Manager, or by resigning in person at any meeting of the NTWC at which a quorum is present.

K. Removal

The Council may remove any member of the Council for cause by an affirmative two-thirds vote of the Council. The Council may remove an officer or member for just cause under the requirements of the Bylaws and the following procedures. Written notice of the Council's intention to remove a member must be provided to the member at least 15 days before the meeting at which the removal will be considered. The notice must include:

- Opportunity for the member to be heard on the matter and a specification of the reason for the proposed removal; and a statement advising the member that he or she can resign.
- As used in the rule, the term "just cause for removal" will be established if:
 - The member has unexcused absences from two or more consecutive meetings of the Council;
 - The member is no longer employed by a tribe or tribally-authorized organization;
 - The member is engaged in activities that are contrary to the purposes of the Council; or
 - The member has been involved in gross misconduct of a type that would make the member incapable of performing his or her duties and responsibilities as a member of the Council.

L. Conflicts of Interest/Nepotism

Any member of the NTWC who has a personal conflict of interest in the outcome of a subject under consideration by the Council has a duty to disclose the potential conflict of interest or nepotism and disqualify himself/ herself from any vote on that subject.

M. Compensation

Members of the Council shall not receive any compensation for their service as members of the Council.

N. Indemnification

The Council shall indemnify its members to the fullest extent permitted by law.

ARTICLE III – ELECTION OF OFFICERS

The NTWC Chair and Vice Chair shall be elected by a majority vote of the Council. Voting can occur through voice, paper, or a form of polling software. The elected officers of the NTWC shall be members of the NTWC, and their terms of office shall be for three (3) years. There shall be no prohibition on re-nominating and re-electing officers of the NTWC whose terms are due to expire.

A. Plurality

Candidates receiving the highest number of votes for each office shall be declared elected. Any tie votes shall be broken by vote of the Council. The Council Chair and, or the NTWC Project Manager shall notify all candidates of the outcome.

B. Take Office

Council Officers elected shall assume their offices on January 1 of the year following their election, unless the election is to fill a vacancy, in which case the officer shall assume office immediately.

C. Duties of the Chair

General Duties - The Chair shall have general supervision over the activities and operations of the Council, subject, however, to the control of the Council.

Specific Assignments - The Chair shall:

- Preside over Council and other meetings.
- Preside over Council orientation.
- Present the Chair's Report at the Council and other meetings.
- Have a vote in all matters voted on by the Council.

D. Duties of the Vice Chair

General Duties - The Vice Chair shall assist the Chair in the performance of the Chair's duties and shall act in place of the Chair when required.

Specific Assignments - The Vice Chair shall:

- Be available at the call of the Council Chair to discuss Council business.
- Present the Vice Chair's Report for Council Meetings.
- Conduct Council Roll Call.

ARTICLE IV – FISCAL MANAGEMENT AND BUSINESS OPERATIONS

The NTWC Project Manager, NTWC Project Administrator, shall manage the fiscal management and business activities of the NTWC in coordination with the EPA Project Officer, as specified in the U.S. EPA cooperative agreement that funds the operation of the NTWC. The conduct of fiscal business, record keeping, and operations shall be governed by the requirements specified by the EPA cooperative agreement.

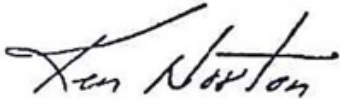
ARTICLE V – AMENDMENTS

The NTWC may amend these Bylaws and rules by a two-thirds approval vote of Council members during a conference call scheduled for that specific purpose, or at the next regular monthly meeting, whether a virtual call or in-person meeting.

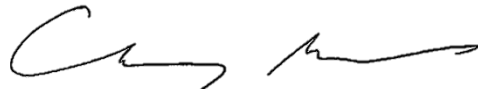
ARTICLE VI – ADOPTION OF THE BYLAWS

These Bylaws were amended by the NTWC on August 14, 2024.

For and on behalf of the National Tribal Water Council, we hereby affix our signatures thereby officially amending these Bylaws.



Ken Norton, Chair
National Tribal Water Council



Chauncey Means, Vice Chair
National Tribal Water Council