

**WATER RESOURCES BOARD
BY-LAWS
ESTABLISHED PURSUANT TO SHOSHONE-PAIUTE TRIBES
WATER CODE ORDINANCE NO. 2012-SPO-02**

**ARTICLE I
ORGANIZATIONAL MATTERS**

Section 1. Name

The name of the Board shall be the Water Resources Board (hereinafter referred to as the “WRB”) of the Shoshone-Paiute Tribes (hereinafter referred to as the “SPT”).

Section 2. Location

The location of the WRB shall be the Water Resources Building upon its completion, located at 2200 Transfer Station Road.

Section 3. Status

The WRB was created pursuant to SPT Water Code Ordinance No. 2012-SPO-02, Chapter 2.

Section 4. Purpose

The WRB is organized to preserve and protect the water resources of the Reservation for the present and future use of the SPT and their members, to provide an orderly system for the sustainable use and development of water resources, to protect the water resources from over-use and from activities that may harm the resource, to insure that all residents have an adequate quantity of clean water for domestic purposes, to ensure that all water users within the Duck Valley Irrigation Project receive an equitable allocation of water, to protect and conserve the quantity and quality of the water resources through appropriate management and best practices, to insure that the SPT manage the water resources of the Reservation to fulfill the homeland purpose of the Reservation and to protect the Tribes’ sovereign authority and jurisdiction over its water resources.

Section 5. Duties and Authority of the WRB

The duties and authority of the WRB are to:

- a. Oversee and generally supervise the development of the enforcement of the Water Code and implementing regulations, including the development and implementation of a budget for implementing and enforcing the Water Code
- b. Conduct meetings and Special meetings
- c. Consider a Comprehensive Reservation Water Plan developed by the Director, and after holding one or more public meetings at which all interested parties shall be given the opportunity to advise the Board on the proposed plan, recommend to the SPT Business Council the adoption of a final plan
- d. Review appeals from approval or disapproval of water use permits by the Water Resources Director
- e. Hear appeals of disputes regarding other water use decisions of the Director
- f. Compel production of documents or other evidence and compel attendance of witnesses at hearings conducted by the WRB
- g. Adopt rules, regulations, permit forms and other forms to implement and exercise its authority and that of the Water Resources Director
- h. Recommend amendments to the Water Code to the SPT Business Council
- i. Advise the SPT Business Council on all aspects of the Water Code and use and development of water under the jurisdiction and sovereignty of the Tribes, including entering into appropriate agreements, and otherwise cooperate with other governmental entities.
- j. The Chairman of the WRB may assign specific duties to other WRB members as needed.
- k. The Water Resources Board sets policy for the Water Resources Director.

ARTICLE II MEETINGS

Section 1. Annual or General Meeting

The WRB shall hold an Annual Meeting with the membership set at the beginning of each year at a time and date to be set by the WRB to discuss priorities involving the management and use of surface water, springs, groundwater and storage water on the Duck Valley Reservation and Wild Horse Reservoir off the Reservation and for the management and operation of the Duck Valley Irrigation Project. Notice of the meeting shall be published in any Tribal newspaper and at the Tribal Headquarters and such other public places as may be designated by the WRB.

Section 2. Public Meetings

Public meetings may be called upon by the WRB to inform the community on any water related matters and will be posted at least one week prior to the meeting.

**ARTICLE III
FINANCIAL MATTERS**

Section 1. Fiscal Year

The Water Resources Board shall operate on a fiscal year basis which begins October 1 and ends on September 30 each year.

Section 2. Budget

The budget for the Water Resources Board shall be set annually by the SPT Business Council as part of the budget for the Water Resources Department based on recommendations of the WRB.

Section 3. Expenditures Outside of Budget

Expenditures outside the annual budget may be authorized by the Shoshone-Paiute Business Council upon the recommendation of the WRB, including expenditures for projects for the rehabilitation or improvement of the Duck Valley Irrigation Project and other water related projects using Water Settlement funds under the Shoshone-Paiute Tribes of Duck Valley Reservation Water Rights Settlement Act, Public Law 111.11, Title X, Subtitle C (2009).

**ARTICLE IV
WATER RESOURCES BOARD MEMBERS**

Section 1. Composition of Board

The WRB shall consist of five (5) members appointed by the SPT Business Council. Board members shall be representative of the water users on the Duck Valley Reservation, or have special expertise relevant to the management of water resources. At least one Board member shall be appointed from the following districts: 1) Chinatown Diversion to Thacker Lateral. 2) Thacker Lateral to State Line, 3) Stateline to Blue Creek and 4) Pleasant Valley Area, and one member shall be a non-water user.

Section 2. Terms

WRB members shall be appointed for three-year terms in accordance with the Tribal Water Code Ordinance No. 2012-SPO-02.

Section 3. Vacancies

If a WRB member shall resign, permanently leave the reservation, or die, the Chairperson or delegated member of the WRB shall inform the SPT Business Council of the vacant position.

Section 4. Removal

The WRB may by unanimous vote, recommend to the SPT Business Council removal of any member of the WRB for neglect of duty or gross misconduct while in office. Before any vote for expulsion is taken in the matter, such member shall be given the opportunity to answer any or all charges at a designated WRB meeting.

Section 5. Attendance

WRB members are expected to attend and be punctual to all meetings and any WRB member who misses two (2) consecutive WRB meetings without a viable excuse will be recommended to the SPT Business Council for removal.

**ARTICLE V
MEETINGS of the WATER RESOURCES BOARD**

Section 1. Meetings Notices

Notice of meeting dates and times shall be published in the Tribal newspaper and posted at the Tribal Headquarters building, and two other public places within the community.

Section 2. Regular Monthly Meetings of the Board

Regular meeting of the Board shall be held on the third (3rd) Thursday of each month. The Chairperson of the WRB shall post notice of regular monthly meetings and announce the deadline to submit agenda items to be received five (5) business days prior to the meeting date, exceptions may be granted per WRB approval. The recording secretary shall submit agenda packets to the WRB by the following Monday prior to the meeting.

Section 3. Joint Meetings with the SPT Business Council

Joint meetings with the SPT Business Council shall be held the last Thursday of every month at which the WRB shall provide a report of all activities and a monthly financial report and shall present any items needing action by the SPT Business Council.

Section 4. Special Meetings

Special meetings may be held at the call of the Chairperson, providing that each member is provided notice of said meeting at least 72 hours prior to the time set for the meeting and provided that the specific agenda items to be considered are identified in the notice. No business other than that identified in the notice of special meeting can be conducted. The same quorum rule that governs regular meetings shall apply to special meetings.

Section 5. Emergency Meetings

Emergency meetings may be held upon twenty-four (24) hour notice to all WRB members and are called only upon the determination of an emergency.

Section 6. Meetings of the WRB as Appeals Board

The WRB shall convene as necessary to hear any appeals from decisions of the Water Resources Director under Ordinance Number 2012-02 Chapter 5, section 5.14 and 5.15 (water permits) and Chapter 6, Sections 6.1.4 and 6.2.2 (water code violations) under such rules and regulations as may be promulgated.

ARTICLE VI WRB Meeting Procedures

Section 1. Quorum

The Chairperson or Vice-Chairperson along with two (2) additional board members (total of 3 out of 5) constitute a quorum, and no business of the WRB can be discussed or acted upon in the absence of such quorum.

Section 2. Conflict of Interest

Any member of the WRB who discloses a conflict of interest pursuant to 2.6 of the Water Code shall not count in determining whether a quorum is present for discussion and action on the issue.

Section 3. Order of Business

The WRB shall adopt an agenda for each meeting. Each meeting will begin with a Call of Order, followed by a Roll Call to determine who is present, followed by approval of minutes, old business matters, and new business matters. When the business of the WRB is completed, the meetings shall be adjourned.

Section 4. Roberts Rules of Order.

Should these Bylaws be silent regarding any matter, then Roberts Rules of Order shall apply.

Section 5. Manner of Voting

The voting on all questions or issues coming before the WRB shall be by voice vote and shall require a majority vote to approve or disapprove proposed actions, except in the case of elections, the vote may be by secret ballot.

Section 6. Executive Session

The WRB may go into a closed session at any time within an official meeting for sensitive matters upon the request of three (3) Board members.

Section 7. Meeting Compensation

WRB members shall be compensated for participating in all official meetings as identified in these Bylaws. The amount of compensation is \$150.00 per meeting as identified in Tribal Resolution No. 2023-SPR-220 and may be amended by the WRB with the approval of the SPT Business Council.

**ARTICLE VII
OFFICERS**

Section 1. Officers of the WRB

The WRB shall hold an annual election at the beginning of each calendar year to select the following officers: Chairperson, Vice-Chairperson, Secretary, and Treasurer. The elected officers shall serve a one (1) year term, but may be re-elected upon the expiration of their term.

Section 2. Chairperson

The Chairperson shall preside over all meetings and shall perform all duties of a Chairperson. In the absence of the Chairperson, the Vice Chairperson shall preside, in the absence of both, the Secretary shall preside.

Section 3. Vice-Chair

The Vice Chairperson will assist the Chairperson when called upon, and in the absence of the Chairperson shall preside over all WRB matters.

Section 4. Secretary

The secretary shall collaborate with appropriate staff to ensure that all WRB meeting correspondence are accurately presented, recorded and filed.

Section 5. Treasurer

The treasurer shall collaborate with appropriate staff to ensure that all WRB related financial information is reported during each regular monthly meeting.

Section 6. Executive Staff

Subject to availability of funds, the WRB may recommend to the Water Resources Director to select such employee(s), as it deems necessary, and set appropriate compensation, to provide executive and/or administrative support to the Board.

**ARTICLE VIII
COMMITTEES**

Section 1. Committees

The WRB may appoint committees and/or sub-committees as it deems necessary with the approval of the SPT Business Council.

**ARTICLE IX
CONFERENCES and TRAININGS**

Section 1. All WRB members are encouraged to attend conferences and trainings when available on or off reservation for the purposes of education and information gathering to preserve and protect our greatest natural resource, water provided that funds are available in the budget.

Section 2. Travel for off reservation conferences and/or trainings will be covered for WRB members by the appropriate Tribal Water related program provided that funds are available in the budget.

**ARTICLE X
AMENDMENT OF BY-LAWS**

Section 1. Amendment Process

These Bylaws may be amended by majority affirmative vote of the members present at any meeting of the WRB. All amendments shall require approval from the SPT Business Council through appropriate resolution.

CERTIFICATION

It is hereby certified that the Water Resources Board is composed of 5 members including a Chairperson of whom 4 members constituting a quorum were present at a meeting held on the 12th day of October, 2023 and the foregoing Water Resources Board Bylaws were adopted by an affirmative vote of 3 FOR, 0 AGAINST, and 0 ABSTENTIONS.

Sherry Crutcher
Water Resources Board Chairperson

Pawan Upadhyay, PhD
Water Resources Director

APPROVED: _____

Resolution No. _____

Brian Mason
Shoshone-Paiute Tribal Chairman