

BY LAWS

Omaha Tribal Utility Commission

(As adopted March 20, 1980 approved by Council \_\_\_\_\_)

ARTICLE I

NAME

The Name of the Organization shall be the Omaha Tribal Utility Commission.

ARTICLE II

PURPOSE

The purposes of the Omaha Tribal Utility Commission are defined in Article II of the Tribal Ordinance creating the Commission. (Adopted 3/19/80 by the Omaha Tribal Council)

ARTICLE III

JURISDICTION

The Commission will have jurisdiction over all utilities owned and/or created by the Omaha Tribe of Nebraska within the boundaries of the Omaha Tribal Reservation.

ARTICLE IV

BOARD OF COMMISSIONERS

The Affairs of the Commission shall be managed by a Board of Commissioners appointed in such a manner as defined in Article IV of the Tribal Ordinance creating the Commission.

Section 1. Term of Office

Each Commissioner shall serve a term of five (5) consecutive years. Terms shall expire on January 15th of the year but the Commissioners will continue to serve until reappointed or replaced by action of the Tribal Council.

Section 2. Vacancies

Vacancies due to death, resignation or removal shall be filled through appointment by the Omaha Tribal Council. Vacant positions shall be filled for the unexpired term of the vacating Commissioner.

<u>Name</u>	<u>Term Expires</u>
Edward Azure	1/15/84
Wayne Mitchell	1/15/83
David Morris	1/15/81
Lewis Storm	1/15/82
Levi Webster	1/15/85

Section 4. Rules

The Board of Commissioners may adopt such rules and regulations for the conduct of their meetings and management of the affairs of the Commission, as they deem proper, not inconsistent with the ordinances of the Tribe, or these Bylaws.

### Section 5. Regular Meetings

The Board of Commissioners shall hold regular monthly meetings at such times and places as set by the Board. Notices shall be mailed with an agenda to all board members five days in advance. Meetings of the Commission will be open to the public and a notice of each meeting will be posted three days in advance at the Macy Post Office and the Omaha Tribal Administration Building.

### Section 6. Special Meetings

The Chairman may call special meetings of the Board. Upon the request of two (2) members, the Chairman shall call a special meeting so long as it is held in the same manner as the regular meetings. If said meeting is called so that five (5) day notice cannot be given, a waiver of notice must be signed by all attending members who make up a quorum.

### Section 7. Quorum and Voting

Three members shall constitute a quorum for the transaction of business, but no action shall be taken without the support of at least three members of the Board.

### Section 8. Adjournment

Any regular or special meeting of the Board of Commissioners may be adjourned from time to time by the members present, whether or not a quorum shall be present and no notice shall be required other than an announcement at the meeting.

## ARTICLE V OFFICERS

### Section 1. Selection and Term

The Tribal Council shall choose the Chairman of the Board of Commissioners in January of each year. The members, as the first order of business at the regular board meeting after January 15th, shall choose of their number, a Vice-Chairman, a Secretary, and a Treasurer. Each officer shall hold their respective offices for a term of one (1) year. Vacancies occurring among the officers may be filled by special election of the Board of Commissioners to name a Commissioner to fill this position for the unexpired term. Any elected officer may hold two offices at the same time.

### Section 2. Chairman

The Chairman shall perform such duties as from time to time may be assigned to him or which he may be authorized or required to do by reason of any provision of law of the Bylaws of the Commission. He shall have the authority to appoint needed committees.

### Section 3. Vice-Chairman

The Vice-Chairman shall perform the duties of Chairman in his absence and such other duties as may be assigned.

### Section 4. Secretary

The Secretary (or his delegate) shall keep the minutes of the proceedings of the Board of Commissioners. He shall be responsible for giving and servicing of all notices of the Commissioner. He shall have charge of all correspondence as may be assigned to him, and perform all duties incidental to his office. He shall also keep a membership list of Commissioners showing the date they took office, address, telephone and attendance record.

Section 5. Treasurer

The Treasurer, (or his delegate) shall have the custody of all funds and securities of the Commission and deposit the same in the name of the Commission in such bank or banks as the Board of Commissioners may elect. He shall oversee a full and accurate account of all receipts and disbursements in the books belonging to the Commission. He shall oversee the disbursement of funds of the Commission as may be ordered by the Board of Commissioners and shall supply all Commissioners information concerning the financial condition of the Commission.

ARTICLE VI  
RECORDS, CONTRACTS, LOANS, CHECKS, DEPOSITS, BOND AND RELATED MATTERS

Section 1. Contracts

All contracts and documents for programs approved by the Board of Commissioners and entered into on behalf of the Commission shall be signed by the Chairman, or in his absence, the Vice-Chairman and the Utility Director.

Section 2. Loans

The Commission shall not enter into any loans or financial agreements except upon a majority vote of the Board of Commissioners.

Section 3. Deposits and Withdrawals

The Commission shall maintain bank accounts in such bank or banks as the Board of Commissioners may from time to time elect. All checks drawn on the Commission accounts shall have two (2) authorized signatures as designated by the Board of Commissioners.

Section 4. Bonds

A blanket position bond shall be provided for all members and staff who have the power to handle or expend funds of the Commission.

Section 5. Business Year

The business year of the Commission shall be the calendar year.

Section 6. Records and Accounts

The accounts of the Utility Commission shall be maintained separate from other accounts and under the control of the Board of Commissioners. The Director shall be responsible for all records and bookkeeping. Adequate records shall be maintained to reflect properly at all times the financial status of the Commission and to enable full and prompt compliance with applicable federal, state, local and Tribal Laws.

Section 7. Audit

An audit of the accounts and supporting records of the Commission shall be made annually by a certified or licensed public accountant. The scope of the audit shall be determined by the Board of Commissioners and shall be sufficient to meet the requirements of all funding agencies. Copies of each audit report shall be furnished to the Omaha Tribal Council, member of the Commission, and others upon request.

Section 8. Reports

An annual report of the Commission will be prepared and given to the Omaha Tribal Council and posted at the Macy Post Office, Omaha Tribal Housing Authority, Omaha Tribal Administration Building and the Offices of the Commission. Special reports will be furnished to the Tribal Council upon request.

### Section 9. Availability of Records

All reports, minutes and general records of the Commission shall be public record and available for inspection at the office of the Commission during normal business hours. No record of the Commission (other than a general list of users) that reveals the individual dealings between the user and Commission may be released for public inspection without written authorization from the user or by recorded action of the Board of Commissioners.

## ARTICLE VII TITLE TO PROPERTY

### Section 1. Real Estate

All buildings, treatment facilities, storage facilities, land fills, distribution lines and other property shall be placed on Tribal Trust Land or land for which there is obtained a necessary right-of-way, easement or lease in the name of the Omaha Tribe of Nebraska. Any land obtained by the Utility Commission shall have title transferred to the Omaha Tribe of Nebraska in Trust.

### Section 2. Lease

The Omaha Tribe will lease all necessary land, property, facilities and its interest there-in to the Utility Commission for \$1.00 per year to manage and operate.

### Section 3. Other Property

All property other than Real Estate shall be taken in the name of the Omaha Tribal Utility Commission. The Annual Report of the Commission shall include an inventory of all property owned or controlled through lease by the Commission.

## ARTICLE VIII PERSONNEL

### Section 1. Utility Director

The Board of Commissioners may employ a competent Utility Director and the Board shall provide direction and supervision for the Utility Director.

### Section 2. Policies

The Board of Commissioners may adopt personnel policies to control employment of staff for the Commission. The Board shall approve all position descriptions for Commission employees and shall authorize all positions of employment.

## ARTICLE IX RULES AND REGULATIONS

Rules and regulations governing the delivery of services (i.e. rates, fees, connection procedures, discontinuance of service, et.) will be established by the Board of Commissioners. The Board shall also revise the rules and regulations from time to time as appropriate. Copies of proposed new or revised rules and regulations shall be posted with meeting announcements prior to action at a Board meeting. A current copy of all rules and regulations of the Commission shall be available for public use at the Office of the Commission.

ARTICLE X  
PERSONAL GAIN, GIFTS AND ELECTION

Section 1. No Board Member shall use this Commission for personal gain or receive extraordinary benefits from any activity conducted by the Commission.

Section 2. Board members and employees are prohibited from receiving gifts of any type from people who are participating in any Commission services.

Section 3. No Board Member or employee can use his influence or the Commission, s for the benefit of an election.

Section 4. Board Members may receive reimbursement for all proper expenses incurred in doing Commission business.

ARTICLE XI  
AMENDMENT OF BY LAWS

The Board of Commissioners may amend these By Laws at any regular meeting of the Commission provided that the proposed amendments are submitted with the notice to the meeting (at least five days in advance). By Law amendments will be submitted to the Omaha Tribal Council for review and considered approved unless returned to the Commission with comments within 30 days after submission.