

# WESTERN SHOSHONE EDUCATIONAL TRUST FUND ADMINISTRATIVE COMMITTEE

## BYLAWS

### PREAMBLE

We, the Western Shoshone Educational Trust Fund - Administrative Committee, are organized in accordance with Public Law 108-270, adopted July 7, 2004, to oversee the distribution of educational assistance for the Western Shoshone people appearing on the judgment roll and their lineal descendants.

### ARTICLE I – NAME AND LOCATION

- 1.1 Name.** The name of this Committee shall be the Western Shoshone Educational Trust Fund - Administrative Committee", hereinafter "the Committee," in these Bylaws.
- 1.2 Headquarters.** Committee Headquarters is located at the U.S. Department of the Interior, Bureau of Indian Affairs (Eastern Nevada Agency and Western Nevada Agency).

### ARTICLE II – AUTHORITY

- 2.1 These Bylaws are created pursuant to the authority granted by the Western Shoshone Claims Distribution Act, Public Law 108-270, hereinafter "the Act," that established the Western Shoshone Educational Trust Fund - Administrative Committee (Section 4) and that shall control the resolution of all matters arising out of the operation of a trust fund established by the Secretary in the Treasury of the United States for the benefit of Western Shoshone members. Said trust fund, known as the "Western Shoshone Educational Trust Fund", hereinafter "the WSETF", consists of:
  - (a) the Western Shoshone joint judgment funds, section 2(2A)(B); and
  - (b) the funds added under section 3(c)(4) "Unpaid Funds".
- 2.2 Nothing in this section or Bylaws shall be construed as consent to the waiver of sovereign immunity of any participating Shoshone, Shoshone-Paiute or Paiute-Shoshone Tribes.

### ARTICLE III – DEFINITIONS

- 3.1** For the purpose of these Bylaws:
  - (a) **COMMITTEE.** The term "Committee" means the administrative committee established under section 4(c)(1) of the Act.
  - (b) **COMMITTEE MEMBER; ALTERNATE MEMBER.** These terms shall mean:
    - (1) "Committee Member" means the primary individual appointed to Committee under section 4.2 of these bylaws.

(2) "Alternate Member" means an individual who has been appointed by the entities in section 4.2 as an alternative to that Tribe.

(c) **IMMEDIATE FAMILY.** Immediate family shall mean a child, spouse, parent, sibling, grandchildren or blood relation living in the same household.

(d) **JUDGMENT ROLL.** The term "judgment roll" means the Western Shoshone judgment roll established by the Secretary under section 3(b)(1).

(e) **SECRETARY.** The term "Secretary" means the Secretary of the Interior.

(f) **TRUST FUND.** The term "Trust Fund" means the Western Shoshone Educational Trust Fund established under section 4(b)(1).

(g) **WESTERN SHOSHONE JOINT JUDGMENT FUNDS.** The term "Western Shoshone joint judgment funds" means:

- (1) the funds appropriated in satisfaction of the judgment awards granted to the Western Shoshone Indians in Docket Numbers 326-A-1 and 326-A-3 before the United States Court of Claims; and
- (2) all interest earned on those funds.

(h) **WESTERN SHOSHONE JUDGMENT FUNDS.** The term "Western Shoshone judgment funds" means:

- (1) the funds appropriated in satisfaction of the judgment award granted to the Western Shoshone Indians in Docket Number 326-K before the Indian Claims Commission; and
- (2) all interest earned on those funds.

(i) **WESTERN SHOSHONE MEMBER.** The term "Western Shoshone member" means an individual who:

- (1) (a) appears on the judgment roll; or  
(b) is the lineal descendant of an individual appearing on the roll; and
- (2) (a) satisfies all eligibility criteria established by the Committee under section 4(c)(4)(D)(iii);  
(b) meets any application requirements set by the Committee; and  
(c) agrees to use funds distributed in accordance with section 4(b)(2)(B) for educational purposes approved by the Committee,

## **ARTICLE IV – ESTABLISHMENT OF WESTERN SHOSHONE EDUCATIONAL TRUST FUND - ADMINISTRATIVE COMMITTEE**

**4.1 General.** The Western Shoshone Educational Trust Fund - Administrative Committee is hereby established as an "administrative" committee to oversee the distribution of educational grants and assistance under section 4(c) and as defined in Section 4(c) of the Act and shall have the authority to carry out the objectives of the Committee and the provisions of these Bylaws.

**4.2 Membership.** Pursuant to Section 4(c)(2) of the Act, the Committee shall be composed of 7 members, as follows:

- (a) One (1) member shall represent the Western Shoshone Te-Moak Tribe and be appointed by that Tribe;
- (b) One (1) member shall represent the Duckwater Shoshone Tribe and be appointed by that Tribe;
- (c) One (1) member shall represent the Yomba Shoshone Tribe and be appointed by that Tribe;
- (d) One (1) member shall represent the Ely Shoshone Tribe and be appointed by that Tribe;
- (e) One (1) member shall represent the Western Shoshone Committee of the Duck Valley Reservation and be appointed by that Committee;
- (f) One (1) member shall represent the Fallon Band of Western Shoshone and be appointed by that Band (via the Fallon Business Council); and
- (g) One (1) member shall represent the general public and be appointed by the Secretary.

**4.3 Terms.** In general, each member of the Committee shall serve a term of four (4) years. Current members may be eligible for a possible reappointment.

**4.4 Vacancy.** Pursuant to Section 4(c)(3)(B) of the Act, if a vacancy remains unfilled in the membership of the Committee for a period of more than 60 days:

- (a) the Committee shall appoint a temporary replacement from among qualified members of the organization for which the replacement is being made; and
- (b) that member shall serve until such time as the organization (or, in the case of a member described in 4.2(g)) the Secretary designates a permanent replacement.

**4.5 Resignation.** Any member may resign at any time, either in person by giving written notice of resignation to the Committee Chairperson or other officer of the Committee. Resignation shall be effective at the time specified.

**4.6 Conflicts.** No member of the Committee shall vote on an application of an immediate family member as defined in 3.1(c). Where an immediate family member's application is up for consideration, that Committee member shall recuse him or herself from the Committee's discussion of such action and shall not vote or participate in any decision on such action.

## **ARTICLE V – COMMITTEE DUTIES AND POWERS**

**5.1 Duties and Powers.** The Committee shall exercise the following duties and powers in the administration of the WSETF:

- (a) Distribute interest income earned on the principal amount:

- (b) all interest income earned on the principal amount after the date of establishment of the Trust fund shall be distributed by the Committee in accordance with 5.1(a) and shall not be distributed under this paragraph on a per capita basis.

**5.5 Unpaid Funds.** Ensure that under Section 3(c)(4) of the Act, any unpaid funds shall be added to the Western Shoshone joint judgment funds held in the Trust Fund:

- (a) all per capita shares (including interest earned on those shares) of living competent adults listed on the judgment roll that remain as of the date that is:
  - (1) 6 years after the date of distribution of the Western Shoshone judgment funds under paragraph (1); or
  - (2) in the case of an individual described in paragraph (2)(D) of the Act, 6 years after the date on which the individual reaches 18 years of age; and
- (b) any other residual principal and interest funds remaining after the distribution under paragraph (1) is complete.

## **ARTICLE VI – COMMITTEE OFFICERS**

- 6.1 Officers.** Officers of the Committee shall consist of a Chairperson, Vice-Chairperson, Secretary and Treasurer, elected from among the members of the Committee.
- 6.2 Terms.** Upon approval of the Bylaws, the terms of officers shall be the same as Committee members (Article IV, section 4.3).
- 6.3 Vacancy/Resignation.** From time-to-time appointments to fill a vacancy/resignation, caused by other than expiration of a member's regular term, may be necessary and shall be only for the unexpired part of the term, in accordance with Article IV.

## **ARTICLE VII – DUTIES OF OFFICERS**

- 7.1 Chairperson** - The Chairperson of the Committee shall preside over all meetings regarding the administration of the Educational Trust Fund. He/she shall perform all duties of a chairperson and exercise any authority delegated to him/her by Committee. The Chairperson can speak in discussion without leaving the chairperson role and can make motions and vote on all matters before the Committee.
- 7.2 Vice-Chairperson** - The Vice-Chairperson of the Committee shall assist the Chairperson when called upon so to do and in the absence of the chairperson he/she shall preside. When so presiding, he/she shall have all the rights, privileges, and duties as well as responsibilities of the Chairperson.
- 7.3 Secretary** - The Secretary of the Committee shall be responsible for all Committee correspondence and keep a complete and accurate record of all matters transacted at Committee meetings in an efficient manner.

7.4 **Treasurer** - The Treasurer of the Committee in cooperation with the U.S. Department of the Interior, Office of the Special Trustee for American Indians, shall accept, receive, receipt for, reconcile, preserve, report and safeguard all funds, receipts and expenditures in the custody of the Committee.

## ARTICLE VIII – MEETINGS

8.1 **Regular Meetings.** Regular meetings of the Committee, whether that be in person, teleconference, or email/online, shall be held at least bi-annually or as often as necessary. Notice of regular meetings of the Committee shall be based on timelines for the Fall and Spring semesters or tri-semester schedules. Committee members shall receive notice of meetings at least ten (10) calendar days of the meeting date which shall state the time, date, place and agenda of the meeting.

8.2 **Special Meetings.** Special meetings of the Committee may be called by, at the request of the Chairperson of the Committee or by a majority of Committee members and shall be held at a location as the Committee may decide, by consensus.

8.3 **Agenda.** The following agenda for all committee meeting shall be as follows:

- I. Call to order
- II. Roll call
- III. Approval of the Agenda
- IV. Approval of the Minutes
- V. Financial Reports
- VI. Unfinished Business
- VII. New Business
- VIII. Adjournment.

8.4 **Minutes.** The minutes shall be completed by Secretary and approved by vote of the committee.

8.5 **Quorum.** A quorum for the transaction of business at any meeting of the Committee shall be a majority of the Committee members established by these Bylaws. In the absence of any Committee officer, a quorum may select another Committee member to preside over a regular or special meeting of the Committee by majority vote of the members present.

8.6 **Accountability.** The Committee shall be responsible to the members of the participating Tribes with eligible Western Shoshone members and shall provide them with an annual report.

8.7 **Roles and Duties of an Alternate Member Attendance and Voting.** The roles, duties, responsibilities, and limitations of an Alternate Member of the Committee shall be:

(a) **Absence Representation of Tribe.** During the absence of a Committee Member for whom that individual is an alternate, shall act in the place and stead of such member and perform such other duties as assigned.

- (b) **Temporary Representation of Tribe.** In the event of the death, removal, resignation, or disqualification of a Committee Member, the alternate of such member shall act for him or her until a successor for such member is appointed by the Tribe.
- (c) **Conflict of Interest.** An alternate may temporarily replace a Committee Member during a meeting if the Committee Member declares that there is a conflict of interest on an agenda matter (not the entire meeting agenda) and the alternate can vote in the conflict-of-interest situation.
- (d) **Attendance of both Committee and Alternative Members.** In the event both a Committee Member and their alternate is at a regular or special meeting of the Committee then only the Committee Member's vote will be counted (unless the committee member is not present during the vote in which case the alternate may vote).
- (e) **Other Duties and Responsibilities.** The Committee may delegate to an alternative specific duties and responsibilities related to WSETF-AC operations.

## ARTICLE IX – CONSULTATION AND REGULATION

- 9.1 **Consultation and Regulation.** The U.S. Department of the Interior, Office of the Special Trustee for American Indians, shall consult with the Committee on the management and investment of the funds distributed under the Act and may promulgate such regulations as are necessary to carry out this Act.

## ARTICLE X – AMENDMENTS

- 10.1 **Amendments.** These Bylaws may be amended by majority vote of the Committee.

## ARTICLE XI – PARLIAMENTARY AUTHORITY

- 11.1 The rules contained in the current edition of ROBERT'S RULES OF ORDER NEWLY REVISED shall be used as guide to the Committee in all cases to which they are applicable and in which they are not inconsistent with the Bylaws and any special rules of order the organization may adopt.

## ARTICLE XII – FINANCIAL & RECORDS MANAGEMENT

- 12.1 **Authorized Use of Funds.** Reasonable and necessary expenses include Committee travel reimbursement for meetings, supplies, equipment and preparation costs of meeting documents, financial audits, and committee communication costs. Other expenses may be required to carry out the functions of the WSETF. All expenditures must be pre-approved by the Committee.

**12.2 Scholarship Grants.** The primary duty of the Committee is to provide financial assistance to Western Shoshone Members to attend post-secondary educational institutions. To be eligible for this assistance, Western Shoshone Member must:

- (a) satisfy all eligibility criteria established by the Committee under the Act and the WSETF Bylaws;
- (b) meet all requirements established by the Committee in their policies; and
- (c) agree to use funds distributed for educational purposes approved by the Committee.

**12.3 Grant Payment Vouchers.** An authorized payment voucher/purchase order form will be used to pay vendors (i.e. schools, institutions, businesses, etc.) from the WSETF using the process established through the entity processing WSETF procurements.

**12.4 Personal Reimbursements.** If a member and/or selected volunteer incurs a pre-approved out-of-pocket expense, the individual should seek reimbursement by attaching the receipt(s) to a payment voucher.

**12.5 Travel Reimbursements.** Current GSA rates will apply to travel expenses (mileage, per diem/meals, lodging, etc.) submitted by a member and/or selected volunteer by attaching appropriate documentation to a payment voucher.

**12.6 Financial Reports.** In order to comply with the Act:

- (a) The Committee will receive operating expenditure reports from the WSETF-AC Treasurer as needed or requested.
- (b) The Committee will receive periodic accounting reports from the Office of the Special Trustee of the investment management for the Trust Funds.

**12.7 Independent Audit.** The Committee shall employ an independent certified public accountant (CPA) to prepare an annual financial statement that includes the operating expenses of the Committee and the total amount of educational grants or assistance disbursed for the fiscal year for which the statement is being prepared under this section. The Committee may advertise or use a sole-source process for selected a firm for its annual audit.

**12.8 Document Retention and Destruction Provisions.** The Committee's records, as enumerated below, will be stored in a safe, secure and accessible manner. Documents and financial files that are essential to keeping the Committee operating will be duplicated or backed up periodically and maintained on an online service provider. The Committee is responsible for the ongoing process of identifying its records which have met the required retention period and overseeing their destruction. No paper or electronic documents will be destroyed or deleted if pertinent to any ongoing or anticipated investigation, proceedings, or litigation. The Committee follows the document retention schedule below:

Name of Record	Retention Period
Annual Audits and Year-End Financial Statements	Permanent
Bank Reconciliations, Bank Statements, Invoices	3 Years
Committee Bylaws, Minutes, Policies, Resolutions	Permanent
Contracts (after expiration)	7 Years
Correspondence (general)	4 Years
Correspondence (legal)	Permanent
Student Application Files	7 Years
Tax Documents	7 Years

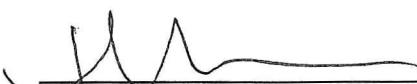
Electronic documents will be retained as if they were paper documents. Therefore, any electronic files, including student records of donations, that fall into one of the document types on the above schedule will be maintained for the appropriate amount of time. These provisions apply only to the official records of the Committee and not to records from Tribes involved with the Committee.

## ARTICLE XIII – DISTRIBUTION OF INFORMATION

**13.1** The Committee shall compile a list of names of all individuals approved to receive such grants or assistance during such fiscal year per the Act. The financial statement and the grantee list shall be distributed to each organization represented on the Committee and the Secretary. Copies shall be made available to the Western Shoshone members upon request.

## CERTIFICATION

At a duly held meeting of the seven members of the Western Shoshone Educational Trust Fund – Administrative Committee, four of which constitute a quorum, there were 5 members present on the 2<sup>nd</sup> day of **DECEMBER, 2021**, who voted **5 FOR, 0 AGAINST, and 0 ABSTENTION(S)**, in the adoption of the revision of foregoing Bylaws, pursuant to the authority contained in the Western Shoshone Claims Distribution Act, Public Law 108-270, adopted July 7, 2004.



Chairperson, WSETF-AC



Secretary, WSETF-AC