

DIRECT SERVICE TRIBES ADVISORY COMMITTEE

BY LAWS

The Bylaws of the Direct Service Tribes Advisory Committee (DSTAC or Advisory Committee) are hereby established for the purpose of governing the protocols of the Advisory Committee, the Officers of the Advisory Committee, Advisory Committee Members and any established Subcommittees or Workgroups, pursuant to Indian Health Service Circular 2005-02 (DSTAC Charter). These Bylaws are subject to amendment, in whole or in part, at anytime. The DSTAC Charter complies with the statutory provisions set forth at 2 U.S.C. §1534(b)(1) and (2)¹ and therefore will not implicate the Federal Advisory Committee Act (FACA).

1. MISSION STATEMENT

The Federal delivery of health services and funding of programs to maintain and improve the health of American Indians and Alaska Natives (AI/AN) are required by the Federal Government's historical and unique legal relationship-as reflected in Treaties, the Constitution of the United States, Presidential Executive Orders, Acts of Congress and Judicial Decisions with Indian tribes and the United States resulting in Government-to-Government and trust responsibilities and obligations to the AI/AN people.

Direct Service Tribes (DST) elect, in whole or in part, to receive primary health care directly from the Indian Health Service (IHS). The decision to receive primary health care directly is an expression of self-determination and is an acknowledgement that the Federal Government has a legal and moral obligation to provide health care to Indian Tribes as defined in Treaties, statutes and Executive Orders. DST status reinforces the Government-to-Government relationship between Indian Tribes and the United States and guarantees that health care needs of the DST shall be met.

The DSTAC is established to provide leadership, advocacy and policy guidance on health related matters and programs affecting DST in a manner that promotes tribal cultures, customs and traditions in all aspects of its activities and deliberations.

2. MEMBERS

Pursuant to Indian Health Service Circular No. 2005-02 "Direct Service Tribes Advisory Committee Charter", Section 6 Membership, the DSTAC shall have two representatives from the following Areas: Albuquerque, Bemidji, Billings, Great Plains, Nashville, Navajo, Oklahoma

¹ 2 U.S.C. 1534(b) provides: The Federal Advisory Committee Act (5 U.S.C. Appendix 2) shall not apply to actions in support of intergovernmental communications where (1) meetings are held exclusively between Federal officials and elected officers of State, local and tribal governments (or their designated employees with authority to act on their behalf) acting in their official capacities; and (2) such meetings are solely for the purposes of exchanging views, information, or advice relating to the management or implementation of Federal programs established pursuant to public law that explicitly or inherently share intergovernmental responsibilities or administration.

City, Phoenix, Portland and Tucson. Members shall be tribally-elected or appointed leaders², and/or tribally appointed officials.

Meeting attendance is a duty and responsibility of each Advisory Committee Member, and each member shall participate in all business related to the DSTAC.

3. OFFICERS

Officers shall be elected from its Members. All Members are eligible to hold office. Selection of Officers and their respective terms shall be determined by the DSTAC.

- A) **Chairperson** – shall be elected by members of the DST Advisory Committee. The Chairperson shall (1) preside over all Advisory Committee meetings, (2) be knowledgeable of standard rules of procedures for purposes of presiding over meetings, (3) serve as primary representative of the DSTAC to the IHS, tribal governments and the public, and (4) assign Advisory Committee Members to any established Subcommittees, Workgroups or Inter- or Intra-Departmental Advisory Committees.
- B) **Vice-Chairperson** – shall be elected by members of the Advisory Committee. The Vice-Chairperson shall be authorized to perform all duties and assume all responsibilities of the Chairperson in the Chairperson's absence, for any reason. In all actions or matters requiring a vote of the Advisory Committee, the Vice-Chairperson shall tally and announce all votes cast.
- C) **Secretary/Treasurer** – shall be elected by members of the Advisory Committee. The Secretary/Treasurer shall (1) take roll call, or initiate a sign-in sheet to record attendance, (2) record all significant actions, discussions, votes and transactions of the Advisory Committee during all meetings of the Advisory Committee, (3) prepare and present written minutes of the preceding meeting to the Advisory Committee, (4) maintain all financial documents of the Advisory Committee and (5) upon request and if necessary, prepare and provide a budget report semi-annually to the Advisory Committee.

4. OFFICER ELECTIONS

Officer elections shall be held when a vacancy exists or is imminent. All Officers shall serve one-year terms.

- A) **Eligibility:** All Members are eligible to hold Office.
- B) **Nomination:** Members may nominate any Member.
- C) **Acceptance/Declination:** Nominee must accept or decline nomination

² The Term “Tribally-appointed Leader” refers to an individual whose designation and position of Tribal Leaders is established through an appointment process determined by the respective Pueblo, Tribe or Nation.

- D) Tie-Vote:** In the event there is a tie after votes are tallied, there shall be a recasting of votes. In the event the results from the recasting of votes are the same, a final vote shall be determined by a coin-toss.
- E) Occupancy of Office:** Assumption of office shall begin immediately, unless the Committee has approved otherwise.
- F) Election Voting:** The Director of the Office of Direct Service Tribes or a designated individual, shall preside over the election of DSTAC Officers. Voting shall conform and abide by provisions set forth in Section 11. VOTING and Section 4. OFFICER ELECTIONS

5. OFFICER VACANCY

An officer position shall be considered vacant when (1) the officer resigns, (2) the officer is no longer a member of the DSTAC, or (3) the officer's term expires. Written resignations shall be submitted to Vice-Chairperson. Vacant officer positions shall be filled by election at a duly called meeting of the DSTAC.

6. LIMITATION OF AUTHORITY AND RESPONSIBILITY OF OFFICERS

The Chairperson, Vice-Chairperson and Secretary/Treasurer do not have sole authority to make unilateral decisions on behalf of the DSTAC or its Members, nor shall the Officers have the authority to take actions or make statements to the effect without the prior approval of the DSTAC.

7. CONDUCT OF DSTAC OFFICERS AND MEMBERS

Officers and Members of the Advisory Committee shall conduct themselves in a professional and courteous manner while serving as DSTAC representatives. All shall put forth honest and good faith effort in the performance of their duties. All shall act impartially and not give preferential treatment to any private organization or individuals in all matters before the DSTAC.

8. CONFLICT OF INTEREST RECUSAL

When warranted, all shall declare any conflict of interest on any matter before the DSTAC, and recuse him/herself from voting on said matter.

9. MEETINGS

The DSTAC shall meet quarterly. The Annual DST National Meeting will serve as one of the quarterly meetings. Location of meetings shall be determined and scheduled in close coordination with the Director, DST. The Chairperson may call a special meeting as appropriate. Meetings shall be conducted with standard rules of procedure.

- A) **Attendance:** Meeting attendance is a duty and responsibility of each Advisory Committee Member.
- B) **Quorum:** A quorum is required to conduct business during meetings. Six Members shall constitute a quorum. An Officer must be present to constitute a quorum.
- C) **Duration of Meetings/Participation:** Meetings shall begin and end on time, or as agreed upon by Members. Members shall participate in meetings for the entire duration that business is conducted, unless notification for early dismissal has been provided to the Chairperson, or presiding officer.
- D) **Technical /Administrative Support:** Representatives from the IHS, tribal governments and tribal organizations shall provide technical and administrative support to the DSTAC. The ODSCT shall maintain and keep records of all DSTAC business matters.
- E) **Tele-Conference:** Conference calls may be held as necessary to conduct the business of the DSTAC.

10. MEETING AGENDA

Unless agreed upon otherwise, an Agenda shall be created for each meeting and denote all business proposed for the DSTAC, including but not limited to: Roll Call, Amendment and Adoption of Agenda, Reading of Minutes, Approval of Minutes, Announcements, New Business, Old Business, Executive Session (if warranted) and Adjournment. An Agenda shall be developed by the Officers in collaboration with the Director, ODSCT and disseminated to all Members not less than fourteen calendar days prior to the meeting.

11. VOTING

- A) Each Area shall be eligible to cast one vote on matters before the Advisory Committee (e.g. one vote per Area). When both Members from each Area are present, only one Member may cast a vote. Members shall coordinate and designate who shall cast vote for the respective Area.
- B) Members must be present to vote; however, proxy voting is permitted when Area Members are not in attendance. Individuals designated proxy voting privileges in the absence of Area Representatives must provide a written document outlining designated proxy.
- C) Voting via tele-conference is permitted.
- D) At the request of the Chairperson or presiding officer, polling of votes by electronic-mail or telephone may be permitted when a quorum does not exist or when matters before the Advisory Committee are deemed urgent or time-sensitive. Date and time of polled votes shall be recorded and made part of the record.
- E) The Chairperson shall vote on matters before the DSTAC only to break a tie-vote, or when he or she is not the presiding officer of the meeting.

- F) At the request of a Member, vote may be cast through paper ballot in lieu of voice vote.
- G) In the absence of a quorum the Chairperson is empowered to assemble the Executive Committee to take action on matters before the Committee with the consent of those members present. The Executive Committee shall consist of the Chairperson, Vice-Chairperson and Secretary/Treasurer.

12. SUBCOMMITTEES AND WORKGROUPS

Subcommittees and Workgroups may be established by the DSTAC for purposes of addressing specific tasks, assignments or directives assigned to the DSTAC. All protocols outlined in the Bylaws of the DSTAC shall apply to any established Subcommittee and Workgroup. Upon the completion of the task, charge, directive or assignment by a Subcommittee or Workgroup, a written report shall be provided to the DSTAC. Verbal reports from the Subcommittee or Workgroup may be allowed.

13. AMENDMENT

The DSTAC may amend these Bylaws. Amendments require two-thirds affirmative votes of the Members. Approved amendments take effect immediately.

14. CERTIFICATION OF ADOPTION

The foregoing Bylaws of the DSTAC were adopted on Wednesday, January 11, 2006, at a meeting where a quorum was present in Mystic Lake, MN by a vote of 6 in favor, 0 opposed and 0 abstained.

The foregoing Bylaws were amended at a meeting where a quorum was present on July 24, 2010 in Chandler, AZ by a vote of 7 in favor, 0 opposed and 0 abstained.

The foregoing Bylaws were amended on Friday, February 25, 2011 at a meeting where a quorum was present in Tucson, AZ by a vote of 8 in favor, 0 opposed and 0 abstained.

The foregoing Bylaws were amended on Monday, April 4, 2011 at a meeting where a quorum was present in Rapid City, SD by a vote of 6 in favor, 0 opposed and 0 abstained.

The foregoing Bylaws were amended on Friday, July 15, 2011 at a meeting where a quorum was present in Albuquerque, NM by a vote of 7 in favor, 0 opposed and 0 abstained.

The foregoing Bylaws were amended on May 14, 2014 at a meeting where a quorum was present in Rockville, MD by a vote of 6 in favor, 0 opposed and 0 abstained.