

TORRES MARTINEZ DESERT CAHUILLA INDIANS  
TRIBAL EMPLOYMENT RIGHTS ORDINANCE COMMISSION

BY-LAWS

As Amended December 28, 2015

## **ARTICLE I**

### **Name**

The official name of this organization is the Tribal Employment Rights Ordinance Commission (TERO Commission).

## **ARTICLE II**

### **Place of Business**

The place of business of the TERO Commission is within or near the Torres Martinez Indian Reservation.

## **ARTICLE III**

### **Purposes**

The purposes of the TERO Commission are:

To execute the inherent powers of the Torres Martinez Desert Cahuilla Indians ("Tribe"), in accordance with the provisions of the Tribal Employment Rights Ordinance as it exists or may be amended, to achieve the following purposes:

1. To provide employment opportunities for the Tribal workforce;
2. To provide employment training and counseling for Tribal people;
3. To promote the economic development of the Tribe;
4. To lessen the dependence of Torres Martinez people on off-Reservation sources of employment, income, goods and services;
5. To foster the economic self-sufficiency of Tribal families;
6. To protect the health, safety, jobs, and welfare of Tribal workers;
7. To foster cooperative efforts with employers to assure expanded employment opportunities for the Tribal work force; and
8. To eliminate unlawful discrimination in employment against Tribal members and non-member Indians within and around the Torres Martinez Indian Reservation.

## **ARTICLE IV**

### **Dedication of Assets**

All properties and assets of the TERO Commission shall be dedicated to the employment rights of Tribal members and non-member Indians.

**ARTICLE V**  
**Appointment and Oversight**

**1. The TERO Commission**

The appointment of the TERO Commission will consist of seven (7) commissioners and two (2) proxy appointed every two years (biannually) by the General Council.

At the first TERO Commission meeting following appointment of its members, the Commission shall elect a Chairperson, Vice Chairperson and Secretary to serve for a two-year term.

**2. The TERO Officer**

The TERO Commission shall employ a TERO Compliance Officer to carry out the day to day functions of the Commission under the TERO Chairperson and the Commission's direction and may aid the TERO Secretary with official documents of the Commission.

The TERO Commission shall exercise the authority granted to it by the General Council in the TERO Ordinance (title and number), shall report to the General Council pursuant to that ordinance, and shall otherwise exercise its authority pursuant to Tribal law.

**ARTICLE VI**  
**TERO Commissioner's Duties and Authority**

**1. Commission Chairperson**

The TERO Chairperson shall preside at all TERO Commission meetings, speak on behalf of the TERO Commission at all of the General Council, and shall exercise such authority and responsibilities as necessary to insure that the duties of the Commission under the Tribal Ordinance are carried out. The Chairperson shall vote on matters before the Commission only if necessary to break a tie.

**2. Commission Vice-Chairperson**

The TERO Vice Chairperson shall preside in the absence of, and perform all duties of the TERO Chairperson or by the express order of the TERO Commission.

**3. Commission Secretary**

The TERO Secretary shall record and maintain the minutes of all TERO Commission meetings. The TERO Secretary shall ensure the timely execution of all notices and Commission documents as prescribed by law, regulation or Commission By-Laws.

The TERO Secretary shall be the custodian of the official seal and the official documents of the Commission. The TERO Office may also aid the TERO Secretary with Commission documents and minutes.

**4. TERO Commissioners**

The TERO Commissioners shall oversee the implementation of the TERO Ordinance, the functioning of the TERO Commission and all its financial, administrative and business affairs.

## **5. Commission Proxies**

Each Proxy member shall perform the duties in the absence of a Commission member, not including the duties of the TERO Chairperson, Vice Chair, or Secretary. Proxy members may attend regular TERO meetings to be aware of all matters of the TERO Commission.

## **ARTICLE VII TERO COMMISSION MEETINGS**

### **1. Regular Meetings**

The Commission shall meet as needed, and no less frequently than (2) times per month. When needed a TERO Commission member may attend a regular meeting by telephone conference call.

**Resignation Clause;** if any TERO Commission member misses three (3) consecutive duly called TERO meetings or misses six (6) accumulative duly called TERO meetings within a one year period, that TERO member shall automatically forfeit the position on the TERO Commission.

- a.) A TERO Commission member may be excused from any regular TERO meeting by requesting a “Leave of Absence” for illnesses or family emergencies by written or phone request with the TERO Chairperson or notifying the TERO Office, if one or more months of “leave” is needed.
- b.) Notification of absence at any TERO meeting will need to be done 24 hours prior to each missed meeting, with the exception of an emergency; the member shall notify the TERO Office that same day.

### **2. Emergency Meetings**

The TERO Chairperson or TERO Vice-Chairperson shall call special and emergency meetings of the TERO Commission at the request of one or more TERO Commission members.

### **3. Quorum**

A quorum shall consist of 4 TERO Commission members plus the Chairperson or Vice Chair. The TERO Commission may only conduct business at a meeting at which a quorum has been established, other meetings shall be “informational only.”

### **4. Voting**

All actions of the TERO Commission shall be taken by majority vote of Commission members present at duly called meetings. Voting by show of hand shall occur at the discretion of the presiding officer.

## **ARTICLE VIII Compliance Hearings**

In the event the TERO Commission in its discretion deems it necessary to hold a hearing pursuant to the TERO Ordinance, the Commission will utilize the following general procedures intended to insure that those with an interest in the matter before the Commission have a reasonable opportunity to be heard:

A. The TERO Commission will issue a Notice of the subject matter of the hearing to all persons or entities with an interest in the matter, setting forth a general description of the reason for the hearing, the identity of the parties, the range of options available to the Commission to address the matter, and the date and time of the scheduled hearing. This Notice must be served on the affected parties no less than ten (10) days, nor more than twenty (20) days prior to the date of the hearing.

B. The TERO Commission retains the discretion to amend the Notice as reasonable and necessary.

C. At the hearing the affected parties will be given the opportunity to present all relevant written and oral evidence bearing on the matter at issue. The Commission retains the discretion to determine what material is relevant. The Commission may seek additional information, render a decision on the evidence presented at the hearing, or otherwise act in accordance with its authority under the TERO Ordinance and in the best interests of the Tribe. The Commission Secretary shall make a record of the proceedings.

D. The Commission shall issue a ruling, and serve it upon all parties within ten (10) days after the conclusion of the Hearing.

E. Rulings of the Commission may be appealed in accordance with the procedures set forth in Section XI of the Tribal Employment Rights Ordinance.

## **ARTICLE IX**

### **TERO Commission Personnel**

The TERO Commission shall hire a TERO Officer and others as necessary to carry out the Tribal Employment Rights Ordinance. Hiring practices and procedures shall conform to the provisions of the Tribe's Personnel Policies and Procedures Manual as it now exists or may be amended, and all other applicable law. TERO Commission personnel may be assigned duties as set forth in the TERO Ordinance to carry out the day to day operations of the Commission.

## **ARTICLE X**

### **Amendments to the By-Laws**

These By-Laws may be amended by an affirmative majority vote of the TERO Commission present at all meetings at which such amendments are duly noticed.