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USET Resolution No. 2020:002

AUTHORIZATION OF AMENDMENTS TO USET CERTIFICATION BOARD BYLAWS FOR WATER AND WASTEWATER TREATMENT PLANT OPERATORS AND LABORATORY ANALYSTS

- WHEREAS,** United South and Eastern Tribes Incorporated (USET) is an intertribal organization comprised of thirty (30) federally recognized Tribal Nations; and
- WHEREAS,** the actions taken by the USET Board of Directors officially represent the intentions of each member Tribal Nation, as the Board of Directors comprises delegates from the member Tribal Nations' leadership; and
- WHEREAS,** the USET Board of Directors has established and approved the USET Certification Board Bylaws for Water and Wastewater Treatment Plant Operators and Laboratory Analysts (USET Certification Board and Bylaws; USET Resolution Nos. 2000:57, 2002:50, 2002:80, and 2002:81, 2009:08, 2011:056, 2015:015, and 2018:002) and subsequent revisions to same in order to place trained and certified operators and laboratory analysts on Tribal lands; and
- WHEREAS,** the USET Certification Board has reviewed the Bylaws and incorporated a Preamble to assist operator and laboratory analyst understanding of sovereignty and the importance of obtaining certification outside of state governments and the public trust obligation of Tribal Nations to provide drinking water and wastewater treatment to their citizens; and
- WHEREAS,** the USET Certification Board reviewed Section I, Article IV Definitions, and removed the "Grandparenting" definition since currently employed operators and lab analysts have a high school diploma or equivalency; added definition for "Operator-In-Training Apprentice" to acknowledge new employees that have passed a basic math course and an English Composition Course; added definition for "Operator-In-Training Journey person" to distinguish an Operator that has passed a certification exam, but does not yet have enough experience to be issued the certification; and
- WHEREAS,** the USET Certification Board reviewed Section I, Article V and determined the need to include all certified operating classes as eligible to serve on the USET Certification Board; and expanded the consultant role to Tribal Nations with Tribal engineering staff as also eligible to serve on the Certification Board; and created a nomination system to the Certification Board for all certification holders to participate in Certification Board nominations to encourage anyone interested to participate; and created a system for Certification Board member removal for lack of participation; and added authorization to meet via electronic communication media; and created an annual rotation for the officer positions; and
- WHEREAS,** the USET Certification Board reviewed Section I, Article VIII and added a requirement for proof of actual system operation for employees seeking certification and a letter of endorsement from the Tribal Nation; and

- WHEREAS,** the USET Certification Board reviewed Section I, Article IX in the previous version of the Bylaws and removed the section entitled Grandparenting of Operators, as the certification program has been approved by the U.S. Environmental Protection Agency (USEPA) since 2011 and the need for grandparenting is no longer necessary; and
- WHEREAS,** the USET Certification Board revised Section I, Article XI to clarify lab analyst certification; and
- WHEREAS,** the USET Certification Board reviewed Section II, Article III and revised Operator-In-Training to accommodate an Apprentice and Journeyman level to encourage new employees as they gain necessary training and experience; the section also includes a Qualifying Experience Form endorsed by a licensed operator and supervisor; and
- WHEREAS,** the USET Certification Board reviewed Section II, Article V and revised it to include the Apprentice Operator-In-Training as well as the Journeyman Operator-In-Training; and
- WHEREAS,** the USET Certification Board reviewed Section II, Article X and simplified renewal dates as well as clarified continuing education requirements as a required submittal; and
- WHEREAS,** the USET Certification Board reviewed Section II, Article XI and removed the auditing requirements since Article X was revised to require submittal of continuing education with the application; and
- WHEREAS,** the USET Certification Board reviewed Section II, Article XIII and enhanced reinstatement ease if an individual maintained a USEPA approved certification in full force and effect during the time period they allowed their USET license to lapse; and
- WHEREAS,** the USET Certification Board reviewed the entire document and made small adjustments to grammar, verbiage to enhance clarity, and format; and
- WHEREAS,** Section I, Article VII *Adoption of Rules and Regulations by Certification Board* states that all rules and regulations and Bylaw modifications are approved by the USET Certification Board and submitted to the USET Board of Directors for final approval through Resolution; and
- WHEREAS,** the USET Certification Board met September 10, 2019 and made these modifications and approved them for submittal to the USET Board of Directors for final approval through Resolution; and
- WHEREAS,** in December 2010, the United States recognized the rights of its First Peoples through its support of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), whose provisions and principles support and promote the purposes of this resolution; therefore, be it
- RESOLVED** the USET Board of Directors adopts the USET Certification Board Bylaws for Water and Wastewater Treatment Plant Operators and Laboratory Analysts, as amended in the attached document.

Because there is Strength in Unity

CERTIFICATION

This resolution was duly passed at the USET Annual Meeting held on the Sovereign Territory of the Mississippi Band of Choctaw Indians, at which a quorum was present on November 7, 2019.



Chief Kirk E. Francis, Sr., President
United South and Eastern Tribes, Inc.



Chief Lynn Malerba, Secretary
United South and Eastern Tribes, Inc.

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