

Ordinance Number 2.200. Amended by Resolution No. 2001-271, dated September 7, 2001; Resolution No. 2002-455, dated December 21, 2002; Resolution No. 2004-508, dated December 17, 2004; Resolution No. 2005-361, dated September 16, 2005; Resolution No. 2009-397, dated October 9, 2009.

Original Date: March 20, 1999, Reso. No. 99-065
Subject: Tribal Council Ethics

TRIBAL COUNCIL ETHICS ORDINANCE

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§ 2.200 PURPOSE

Under the Siletz Constitution, Tribal Council members are vested with authority to represent and act on behalf of the tribal membership and the Siletz Tribe. The Tribal Council exercises broad legislative authority and exclusive legislative authority under the Constitution. As such, Tribal Council members have been invested with the sacred trust of the tribal membership. The purpose of this ordinance is to maintain and protect this solemn obligation by stating the ethical obligations of Tribal Council members, and setting forth the consequences for violating said obligations.

§ 2.201 POLICY

Members of the Tribal Council shall maintain high standards of honesty, integrity, fairness and impartiality in their conduct as Tribal Council members, and shall avoid any actions in their role as Tribal Council members, which would adversely reflect on the Tribal Council or

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the Siletz Tribe. Tribal Council members shall take action in the best interest of the Siletz Tribe and the tribal membership, not in their personal interest. Tribal Council members shall carry out their duties and responsibilities in the highest ethical manner. Violation of this ordinance may constitute "neglect of duty" or "gross misconduct" as those terms are defined at Article VII, Section 4 of the Siletz Constitution.

§ 2.202 AUTHORITY

This ordinance is adopted pursuant to the legislative authority granted the Tribal Council at Article IV, Section 1 of the Siletz Constitution.

§ 2.203 DEFINITIONS

Definitions are the same as the Tribal Council Rules of Procedures.

§ 2.204 ETHICAL OBLIGATIONS

- (a) A Tribal Council member shall comply with all laws, directives, rules, policies and procedures heretofore issued and now in effect, and those which may be hereafter issued, which apply to said Tribal Council member in his or her status as a tribal member or as a member of the Tribal Council.
- (b) When a conflict of interest exists for a Tribal Council member with regard to a particular issue, the member shall not participate in any discussion or action with regard to such matter.

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- (c) No Tribal Council member shall engage in any decision, which would be likely to result in a financial benefit or advantage to them, or their immediate family.
- (d) A Tribal Council member shall not disclose materials presented, discussed, or considered in executive or closed session, except by consensus of the full Tribal Council.
- (e) A Tribal Council member shall not accept on his or her own behalf individual gifts valued at over \$300.00. Gifts valued at over \$300.00 shall be the property of the Siletz Tribe, and shall be turned over to the tribal property officer.
- (f) A Tribal Council member shall continue any and all appointments obtained in his or her capacity as a Tribal Council member only so long as he or she continues in office. A member shall be immediately relieved of all such appointments upon completion of his or her Tribal Council term, upon leaving office.
- (g) No tribal official shall use any property of the Siletz Indian Tribe for any use other than as authorized and approved for official purposes and activities. Such persons shall properly protect and use such property, equipment and supplies, which are entrusted, assigned or issued to them. All good faith efforts shall be used to return said property in the same condition, as it was when it was assigned or issued to the user.

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- (h) No Tribal Council member shall interfere with the operations of Chinook Winds Casino Resort or any other gaming operation owned and operated by the Siletz Tribe, as set out in the Siletz Tribal Gaming Enterprise Charter, § 6.100 et seq. or other tribal business entities or enterprises. Tribal Council members shall limit their participation in gaming operations of the Tribe to oversight and other matters as specifically set out in the Gaming Enterprise Charter. Tribal Council members shall limit their participation as Council members in tribal business enterprises or entities other than gaming operations as set out in the charter or tribal law establishing such enterprises or entities.

§ 2.205 EXPULSION AND SANCTIONS OF TRIBAL COUNCIL MEMBERS

(a) ¹ Tribal Council Members may be expelled for violations according to the tribal constitution. Tribal Council Members may be sanctioned for neglect of duty, or gross misconduct, in accordance with the procedures provided in the Tribal Council Rules of Procedures.

(b) A Tribal Council member shall attend all regular and special Tribal Council meetings, all General Council meetings, and Tribal Council workshops. A member shall notify

¹The above list is not all inclusive of reasons for expulsion or sanction.

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the Tribal Chairman or Vice Chairman prior to any meeting they will not attend, with a valid excuse.² Three (3) unexcused absences during a 12-month period shall constitute a violation of this ordinance.

(c) While in travel status for conferences and trainings, Tribal Council Members will attend meetings as required.

(d) A Tribal Council member who is convicted of a felony while serving as a Council member shall be guilty of violating this ordinance.

(e) Appeals Process - See Tribal Council Rules of Procedure

§ 2.206 CONFIDENTIALITY

Tribal Council members, or complainant, or any person allegedly wronged by the Tribal Council member's actions, or any other person involved with investigation or review of an ethical violation, shall keep all information obtained in the review investigation process confidential, until a final ruling by Tribal Council, or otherwise ordered by a court of competent jurisdiction. Violation of this section shall be a violation of this ordinance for Tribal Council

² A non-inclusive list of what is a valid excuse includes the following examples: 1) personal illness; 2) illness in the immediate family; 3) work obligations that cannot be altered or changed; 4) other Tribal Council business; 5) funerals; 6) hazardous weather conditions; 7) occurrences beyond the control of the member.

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members, grounds for discipline of tribal employees, and grounds for any appropriate sanctions for other persons.

§ 2.207 ROLE OF ACCUSED TRIBAL COUNCIL MEMBER

A Tribal Council member against whom an allegation of unethical conduct under this ordinance is made shall not participate in review of the allegation by the Tribal Council, consideration by the Tribal Council of whether unethical conduct occurred and an appropriate sanction for such conduct, or voting in open session on whether an ethical violation occurred and on an appropriate sanction.

§ 2.208 SEVERABILITY

If any provision of this ordinance shall be held unconstitutional or invalid by the Siletz Tribal Court, only the invalid provision or language shall be severed and the remaining provisions and language of this ordinance shall remain in full force and effect.