



## **SHINGLE SPRINGS BAND OF MIWOK INDIANS**

Shingle Springs Rancheria, (Verona) Tract, California  
5281 Honpie Road, Placerville CA 95667  
P.O. Box 1340, Shingle Springs CA 95682  
(530) 676-8010 office; (530) 676-8033 fax

### **RESOLUTION 2011-24**

#### **SUBJECT: APPROVAL OF THE SHINGLE SPRINGS TRIBAL TANF PROGRAM BOARD CODE OF CONDUCT.**

**WHEREAS**, the Shingle Springs Band of Miwok Indians (the “Tribe”) is a federally recognized Indian tribe eligible for the special programs and services provided by the United States to Indians because of their status as Indians and is recognized as possessing powers of self-government; and

**WHEREAS**, the Shingle Springs Tribal Council is the duly-elected governing body of the Tribe and is authorized to act on behalf of the Tribe; and

**WHEREAS**, under the 1996 Personal Responsibility and Work Opportunity Reconciliation Act (“PRWORA”), Section 412, Indian Tribes are authorized to operate Tribal Family Assistance Programs; and

**WHEREAS**, the Tribe submitted a Tribal TANF Program Plan, pursuant to and in accordance with 45 CFR 286.75, to the Federal Administration of Children and Families which was approved on May 21, 2010 giving the Tribe the responsibility for the overall administration and operation of the Shingle Springs Tribal TANF Program (“SSTT Program”); and

**WHEREAS**, on June 1, 2010 the Tribe commenced operation of the SSTT Program to provide TANF assistance and related support services to eligible Indian families residing within the approved service areas of El Dorado, Placer and Sacramento Counties in California; and

**WHEREAS**, the Tribal Council has deemed it necessary to create the Shingle Springs Tribal TANF Program Board (“Board”) to provide for the overall guidance and oversight of the operation of the SSTT Program; and

**WHEREAS**, the Shingle Springs Tribal TANF Program Board Code of Conduct seeks to set forth the ethical and personal standards expected of the Board in relation to their positions as Shingle Springs Tribal TANF Board members; and

**WHEREAS**, the Tribal Council has reviewed the attached Shingle Springs Tribal TANF Program Board Code of Conduct and has determined that it is consistent with the Tribe’s goals in the operation of the SSTT Program.

**NOW THEREFORE, BE IT RESOLVED** that the Tribal Council hereby approves the attached "Shingle Springs Tribal TANF Program Code of Conduct" as a Code of the Shingle Springs Tribal TANF Program Board, and delegates the Chairperson the authority to execute any and all documents and agreements necessary as may be required to give effect to the transactions, herein contemplated, and to take such other actions as may hereby be necessary and appropriate to carry out the obligations there under relating to the SSTT Program.

**BE IT FURTHER RESOLVED**, that this resolution shall take effect immediately.

**CERTIFICATION**

*As a duly-elected official of the Shingle Springs Band of Miwok Indians, I do hereby certify that, at a meeting duly called, noticed, and convened on the 9<sup>th</sup> day of June, 2011 at which time a quorum of 5 was present, this resolution was duly adopted by a vote of 5 FOR, 0 AGAINST, 0 ABSTAINED, and said resolution has not been rescinded or amended in any form.*

  
\_\_\_\_\_  
Chairperson

10-9-11  
\_\_\_\_\_  
Date

ATTEST:  
  
\_\_\_\_\_  
Secretary

6/9/2011  
\_\_\_\_\_  
Date



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### **SHINGLE SPRINGS TRIBAL TANF BOARD CODE OF CONDUCT**

#### **ARTICLE I. SHINGLE SPRINGS TRIBAL TANF PROGRAM, PROGRAM MISSION AND GOALS, REGULATORY AUTHORITY AND COMPLIANCE, SHINGLE SPRINGS TRIBAL TANF BOARD AND CODE OF CONDUCT.**

**SECTION 1. Shingle Springs Tribal TANF Program.** The Shingle Springs Band of Miwok Indians (“Tribe”) provides TANF assistance and related support services to eligible Indian families residing within the approved service areas of El Dorado, Placer and Sacramento Counties in California, through the Shingle Springs Tribal TANF Program (“SSTT Program”).

**SECTION 2. Program Mission and Goals.** The mission of the SSTT Program is to shift our community from a pattern of chronic unemployment and welfare dependency to one of self-reliance and sustainable prosperity. This mission is accomplished by developing comprehensive assistance, support services and activities that form a pathway which income eligible and at-risk individuals and families can take as they make their journey toward self sufficiency. The primary goals of the SSTT Program are to provide assistance and/or related support services that are intended to meet the purposes of TANF and:

- i. Increase the employability of needy families.
- ii. Increase employment opportunities for Native American families through job training and skill development.
- iii. To prevent and reduce unwanted and unplanned pregnancies.
- iv. Encourage healthy and stable two parent Indian families.

**SECTION 3. Regulatory Authority and Compliance.** The 1996 Personal Responsibility and Work Opportunity Reconciliation Act (“PRWORA”), Section 412, authorizes Indian Tribes to operate Tribal Family Assistance Programs. The SSTT Program shall comply with *45 CFR Part 286, Tribal TANF Provisions*, and all other applicable Federal, State, Local or Tribal Laws.

**SECTION 4. Shingle Springs Tribal TANF Board.** The Tribal Council has appointed the Shingle Springs Tribal TANF Board (“TANF Board”) to provide for the overall administration of the SSTT Program.

**SECTION 5. Code of Conduct.** Both Tribal Members and the Tribal Council are entitled to have complete confidence in the loyalty and integrity of their TANF Board. To that end, the purpose of this Code of Conduct (“Code”) is created to establish clear standards for the ethical conduct and behavior of those Board Members who oversee the SSTT Program. It is the intention that the provisions of this Code be construed and applied in each instance, so as to accomplish its purpose of protecting our SSTT Program Employees and Participants from decisions and actions resulting from, or affected by, undue influence, conflict of interest and/or inappropriate behavior. Each TANF Board Member will exhibit the highest integrity and fairness while representing the needs of the SSTT Program and will be held accountable to make fair and informed decisions, act appropriately and to work to strengthen the quality of SSTT Program Participant assistance and related supportive services.

**ARTICLE II. DEFINITIONS.**

- (A) **“Board Member”** shall, for the purposes of this Code, mean all Board Members and Alternate Board Members of the Shingle Springs Tribal TANF Board.
- (B) **“Business with which the person is associated”** shall include any business in which the person is a director, officer, partner, trustee or employee, holds any position of management or receives income in any form such as wages, commission, direct or indirect investment worth more than \$1,000.00 or holds any ownership, security or other beneficial interest, individually or combined, amounting to more than ten percent (10%) of said business.
- (C) **“Censure”** shall mean a statement issued by the TANF Board or the Tribal Council which acknowledges that a TANF Board Member has violated the Code and that Tribal Council strongly disapproves of the action(s) which violated the Code.
- (D) **“Code”** shall mean the Shingle Springs Tribal TANF Code of Conduct.
- (E) **“Compensation or Income”** means any money or thing of value received, or to be received as a claim on future services, whether in the form of a fee, salary, expense, allowance, forbearance, forgiveness, interest, dividend, royalty, rent, capital gain, or any other form of recompense or any combination thereof.
- (F) **“Conflict of Interest”** means the reasonable likelihood that any personal or economic interest of an individual will be affected in any materially different manner from the interest of the general public, or by any decision, enactment, agreement, award or other official action or function of any governmental body or political subdivision of the Tribe.

- (G) **“Dependent Business”** means any business in which the person, individually or combined, has any direct or indirect ownership, investment, security or other beneficial interest amounting to more than 10% of such business.
- (H) **“Economic Interest”** means an interest held by a person, members of the person’s immediate family living in the same household or a dependent business which is:
- i. Any ownership, income, investment, security or other beneficial interest in a business; or
  - ii. Any employment or prospective employment for which negotiations have already begun.
- (I) **“Employee”** means any person or entity working for, or rendering or exchanging any services or performing any act for, or on behalf of, another person, organization or entity in return for any form of pay or other compensation, or thing of value, received, or to be received, at any time temporarily, permanently, or indefinitely in any capacity whether as agent, servant, representative, consultant, advisor, independent contractor or otherwise.
- (J) **“Employment”** means the status or relationship existing or created by and between a person designated or acting as an employee and the person, organization, group or other entity for whom or on whose behalf any such work, acts, services or other benefit has been, is being, or will be rendered or performed for pay or any other form of compensation.
- (K) **“Gift”** includes any gratuity, favor, hospitality, payment, loan, economic opportunity, deposit of money, services, or other benefit received without equivalent consideration and not extended or provided to members of the public-at-large.
- (L) **“Immediate Family”** means husband, wife, child, step-child, son, step-son, son-in-law, daughter, step-daughter, daughter-in-law, father, step-father, father-in-law, mother, step-mother, mother-in-law, brother, step-brother, brother-in-law, sister, step-sister, sister-in-law, aunt, uncle and first cousin whether full or half blood.
- (M) **“SSTT Program”** shall mean the Shingle Springs Tribal TANF Program.
- (N) **“SSTT Program Employee”** shall mean any person who is employed by the SSTT Program and who meets the definitions of “Employee” and “Employment” as defined in Article II (I), (J) of the Code.

- (O) **“SSTT Program Participant”** shall mean any person who receives assistance or related supportive services as defined in 45 CFR, Part 286, Tribal TANF Provisions, from the SSTT Program.
- (P) **“TANF Board”** shall mean the Shingle Springs Tribal TANF Board.
- (Q) **“Tribal Council”** shall mean the governing body of the Shingle Springs Band of Miwok Indians.
- (R) **“Tribe”** shall mean the Shingle Springs Band of Miwok Indians.

**ARTICLE III. BASIC PRINCIPALS CONDUCT, CONFLICT OF INTEREST AND PERSONAL INVOLVEMENT WITH SSTT PROGRAM EMPLOYEES AND PARTICIPANTS.**

**SECTION 1. Basic Principals of Conduct.** TANF Board Members shall, at all times, conduct themselves in an honest and upright manner, with regard for the great responsibility they bear in their position. TANF Board Members shall remain objective in the performance of their duties and shall act with the best interest of the Tribe, SSTT Program Employees and Participants in mind. TANF Board Members shall not accept privileges or benefits, other than those granted by the Tribal Council through official action, which may affect a TANF Board Members ability to remain objective in the performance of his or her duties.

**SECTION 2. Conflict of Interest.** It is the TANF Board Member’s obligation and duty to act for the benefit of the Tribe and for the benefit of SSTT Program Employees and Participants. When a TANF Board Member has potential or perceived personal interests which may conflict with their professional obligations they are required to remove themselves from any decision making process which may be effected by interest. Board Members shall not vote on any motion which creates a conflict of interest including, but not limited to, voting on issues directly related to an immediate family member as defined in Article II (L) of this Code. Failure to voluntarily abstain or remove oneself from a decision making process which creates a conflict of interest may be cause for disciplinary action, up to and including, termination of appointment.

**SECTION 3. Personal Involvement with SSTT Program Employees and Participants.** TANF Board Members shall not become personally or romantically involved with, lend or borrow money from or excessively fraternize with Current SSTT Program Employees or Participants. “Current SSTT Program Participant” is defined as a person who has received assistance or related supportive services from the SSTT Program within the last two (2) years.

**ARTICLE IV. MONETARY OR MATERIAL BENEFITS, VESTED INTERESTS, PUBLIC DISCLOSURE OF VESTED INTERESTS AND OTHER ACTIVITIES NOT ALLOWED.**

**SECTION 1. Monetary or Material Benefits.** TANF Board Members shall not receive monetary or material benefit as a result of their position. This does not apply to those instances specifically excluded from law, such as contracts with voluntary non-profit corporations or associations.

**SECTION 2. Vested Interests.** TANF Board Members shall publicly disclose any of the following interests relating to an individual or business with which they are in business, or with which they propose to do business. For the purposes of this Code, an interest shall be considered any of the following:

- i. Employment with said business as defined in Article II (J) of this Code;
- ii. A business relationship, as defined in Article II, (G) of this Code with said business;
- iii. An economic interest, as defined in Article II, (H) of this Code, other than the holding of common stock in said business.

**SECTION 3. Public Disclosure of Vested Interests.** Public disclosure of vested interests shall be made verbally or in writing and delivered to the TANF Board Chairperson, unless it is the Chairperson who possesses said interest in which case such disclosure would be made to the Vice-Chairperson at a regularly scheduled TANF Board meeting within ten (10) days of the time the TANF Board Member is appointed or hired, or acquires or learns of an interest as defined above. This public disclosure shall include the name of the business an individual is doing business with, or proposes to do business with, and the nature of the interest.

**SECTION 4. Other Activities Not Allowed.** TANF Board Members shall further refrain from engaging in any of the following activities:

- i. Making personal investments in any business that will create a conflict with their duties as TANF Board Members.
- ii. Using their position to obtain employment or business in or for the Tribal government or its businesses for themselves or members of their immediate family.
- iii. Entering into arrangements with clients for compensation in matters that are before the TANF Board.
- iv. Engaging in negotiations with businesses or other governments doing business with the Tribe without the knowledge and authorization of the TANF Board.

**ARTICLE V. ABUSE OF POWER OR POSITION FOR PERSONAL BENEFIT, ABUSE OF POWER OR POSITION BY INFLUENCE, AND ABUSE OF POWER OR POSITION BY ACCESSING INFORMATION.**

**SECTION 1. Abuse of Power or Position for Personal Benefit.** No TANF Board Member shall knowingly or intentionally seek to in any manner benefit from the profits of any contract, job, work, or service for the Tribe, or accept any service of any item of value, directly or indirectly, upon more favorable terms than those granted to the tribal membership generally from any person, firm, or corporation having dealings with the Tribe.

**SECTION 2. Abuse of Power or Position by Influence.** No TANF Board Member shall knowingly or intentionally seek to use his or her influence to assist any person for a fee or other compensation other than the compensation that is provided by law or policy. The performance of usual and customary constituent services without additional compensation does not constitute the use of prestige of office or position for private gain.

**SECTION 3. Abuse of Power or Position by Accessing Information.** No TANF Board Member shall knowingly and independently use his or her position to access confidential information, documents, or other materials which are not available to all Tribal citizens generally unless such access is necessitated by said TANF Board.

**ARTICLE VI. GIFTS AND EXCEPTIONS TO ARTICLE VI, §1, GIFTS.**

**SECTION 1. Gifts.** No TANF Board Member shall accept a “gift” as defined in Article II, (K) of this Code:

- i. From a person seeking to obtain a contract, grant, loan, employment, or any financial relationship from or within the Tribe;
- ii. From a person or business having a financial relationship with the Tribe;
- iii. From a person or business whose operations or activities are regulated or inspected by the Tribe;
- iv. From a principal and or attorney in proceedings in which the Tribe is an adverse party;
- v. From any person or business where the performance or nonperformance of any official duty may be affected or influenced.

**SECTION 2. Exceptions to Article VI, §1, Gifts.**

- i. Acceptance of an award for meritorious achievement from a charitable, religious, professional, recreational, social, fraternal, public service, or civic organization;

- ii. Acceptance of a plaque or memento of nominal value offered as a token of esteem or appreciation on the occasion of a speech or public appearance;
- iii. Small tokens or favors given to everyone attending a function or celebrating an occasion;
- iv. Traditional gifts; such as feathers, pouches, necklaces, etc.

#### **ARTICLE VII. USE OF PUBLIC PROPERTY.**

**SECTION 1. Use of Public Property.** No TANF Board Member shall use, request, or permit the use of the Tribe's motor vehicles, equipment, materials, or property, except for in the conduct of official business.

#### **ARTICLE VIII. PENALTIES FOR ACCESSING CONFIDENTIAL INFORMATION.**

**SECTION 1. Penalties for Accessing Confidential Information.** No TANF Board Member shall disclose confidential information which he or she has acquired by reason of their position in accordance with the Shingle Springs Band of Miwok Indians Confidentiality and Non-Use Agreement. The Tribal Council reserves the right to assess penalties as necessary at the recommendation of the TANF Board.

#### **ARTICLE IX. ALLEGATIONS OF UNETHICAL OR IMPROPER CONDUCT, WRITTEN COMPLAINTS PERTAINING TO BOARD MEMBERS, PENALTIES AND SANCTIONS, RESERVED POWER OF THE TRIBAL COUNCIL, CRIMINAL OFFENSES AND RESTORATION OF POSITION DUE TO ALLEGATIONS NOT SUBSTANTIATED.**

**SECTION 1. Allegations of Unethical or Improper Conduct.** Allegations of unethical or improper conduct against a Board Member shall only be made in writing and submitted to the TANF Board Chairperson, provided that if an allegation is made against the Chairperson, said allegation shall be filed with the Vice-Chairperson. Submission to the TANF Board Secretary shall be construed as delivery to the appropriate TANF Board Officer.

**SECTION 2. Written Complaints Pertaining to Board Members.** A written complaint may be submitted by any Tribal Member, Tribal Council Member, TANF Board Member, SSTT Program Employee or SSTT Program Participant who believes that a TANF Board Member has engaged in unethical or improper conduct as defined by this Code. The complaint shall specify the name of the TANF Board Member against whom a complaint is being made, and the conduct that is alleged to be unethical or improper and must be signed and dated by individual alleging complaint. Unsigned complaints will not be addressed. Individuals making complaints may be requested to present their evidence in front of the TANF Board and may be questioned during the

course of a subsequent investigation. Failure of an individual to provide said statements on the record may be cause to terminate the investigation.

**SECTION 3. Penalties and Sanctions.** Upon a finding that there has been a violation of any provision of this Code, the TANF Board, or Tribal Council when appropriate, may impose any or all of the following penalties or sanctions including, but not limited to:

- i. Issuance of a private reprimand to such person, with or without suspension of any or all other sanctions provided herein.
- ii. Issuance of a written public reprimand, which shall be entered into such person's permanent record of office and upon the permanent record of the Tribe according to provisions of applicable Tribal Laws and Ordinances.
- iii. Accordingly, any Board Member shall be subject to discipline and/or dismissal as provided by other laws, regulations and personnel policies, or procedures applicable.
- iv. Suspension from position.
- v. Removal, discharge or termination from position in accordance with applicable Tribal law and procedure.

**SECTION 4. Reserved Power of the Tribal Council.** No sanctions or penalties provided herein shall limit any power of the Tribal Council or of any other entity or administrative officials or employees under other applicable law, rules, regulations or procedures.

**SECTION 5. Criminal Offenses.** A person charged with a crime which would preclude him or her from serving as a TANF Board Member as described in the Shingle Springs Tribal TANF Program Background Check Policy, if found guilty in a court of competent jurisdiction, may be suspended from his or her position until such time guilt or innocence has been established. Due to confidential nature of the TANF Board meetings; no TANF Board Member may call into or otherwise participate in TANF related meetings while incarcerated.

**SECTION 6. Restoration of Position Due to Allegations Not Substantiated.** If criminal allegations are not substantiated, the TANF Board Member may be restored to his or her full duties and responsibilities.

#### **ARTICLE X. EFFECTIVE DATE.**

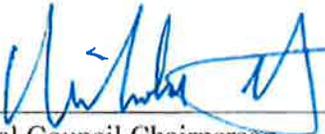
**SECTION 1. Effective Date.** This Shingle Springs Tribal TANF Code of Conduct shall be effective upon the passage of a Tribal Council Resolution enacting this Code.

**ARTICLE XI. AMENDMENTS.**

**SECTION 1. Amendments.** This Code may be amended by the Tribal Council at a duly called regular or special meeting.

**CERTIFICATION**

*As a duly-elected official of the Shingle Springs Band of Miwok Indians, I do hereby certify that, at a meeting duly called, noticed, and convened on the 9<sup>th</sup> day of June, 2011 at which time a quorum of 5 was present, this Code of Conduct was duly adopted by a vote of 5 FOR, 0 AGAINST, 0 ABSTAINED, and said Code of Conduct has not been rescinded or amended in any form.*

  
\_\_\_\_\_  
Tribal Council Chairperson

6-9-11  
\_\_\_\_\_  
Date

ATTEST:  
  
\_\_\_\_\_  
Tribal Council Secretary

6/9/2011  
\_\_\_\_\_  
Date



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**ACKNOWLEDGEMENT OF RECEIPT OF SHINGLE SPRINGS TRIBAL TANF  
CODE OF CONDUCT**

I, \_\_\_\_\_, a Board Member of the Shingle Springs Tribal TANF Board, certify that I have received a copy of the Shingle Springs Tribal TANF Code of Conduct. Further, I have read the entire document and understand that any violations of this Code subject TANF Board Members to disciplinary action, including termination of appointment.

\_\_\_\_\_  
TANF Board Member Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness Signature

\_\_\_\_\_  
Date