



## **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 2012-70**

#### **SUBJECT: APPROVAL OF AMENDMENTS TO THE TRIBAL COUNCIL BOARD AND COMMITTEE'S CODE OF ETHICS ORDINANCE.**

**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**, the Tribe, on June 19, 1976 did adopt the Articles of Association for the management of all Tribal affairs; and

**WHEREAS**, Article VI of the Tribe's Articles of Association provides for the adoption and amendment of Tribal Ordinances by the Tribal Council; and

**WHEREAS**, the Tribal Council has developed a Tribal Council, Board and Committees Code of Ethics to establish the ethical obligations of the Tribal Council, Board and Committees of the Shingle Springs Band of Miwok Indians, as most recently amended August, 2012; and

**WHEREAS**, the Tribal Council, Board and Committees Code of Ethics is being amended to clarify the formal procedures for filing an Ethics Violation Complaint; and

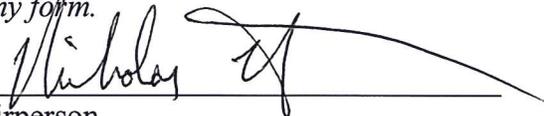
**WHEREAS**, the Tribal Council has reviewed the attached Amended Tribal Council, Board and Committees Code of Ethics and has determined that it is consistent with the amended provisions.

**NOW THEREFORE, BE IT RESOLVED** that the Tribal Council hereby enacts and adopts the amended attached "Tribal Council, Board and Committees Code of Ethics" as an ordinance of the Tribe, and authorizes the Chairman or his designee 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.

**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 27th day of September, 2012 at which time a quorum of 7 was present, this resolution was duly adopted by a vote of 6 FOR, 0 AGAINST, 1 ABSTAINED, and said resolution has not been rescinded or amended in any form.*

  
\_\_\_\_\_  
Chairperson

9-27-12  
\_\_\_\_\_  
Date

**ATTEST:**

  
\_\_\_\_\_  
Secretary

9-27-12  
\_\_\_\_\_  
Date



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### TRIBAL COUNCIL, BOARD AND COMMITTEES CODE OF ETHICS

#### SECTION 1. PREAMBLE

(A) As leaders of the Shingle Springs Band of Miwok Indians (“Tribe”), the Tribal Council, Boards and Committees will exhibit the highest level of integrity and fairness while representing the needs of the entire Tribe. We will provide objective leadership while being held accountable to make fair and informed decisions. We will strengthen government-government relations by enacting legislation further protecting Tribal Sovereignty.

#### SECTION 2. PURPOSE

(A) The Tribal government is founded on the consent of the governed. Tribal members are entitled to have complete confidence in the loyalty and integrity of their Tribal Council, Boards and Committees. To that end, the purpose of this Code of Ethics (“Code”) is to establish clear standards for the ethical conduct and behavior of the Tribal Council, Boards and Committees. This Code seeks to require accountability to the Tribal members by the Tribal Council, Boards and Committees in exercising the authority vested in them. It is the intention of the Tribal Council that the provisions of this Code be construed and applied in each instance, so as to accomplish its purpose of protecting our Tribal members from government decisions and actions resulting from, or affected by, undue influence or conflict of interest.

#### SECTION 3. DEFINITIONS

(A) **Business:** Any enterprise, organization, trade, occupation or profession whether or not operated as a legal entity for profit, including any business, trust, holding company, corporation, partnership, LLC, joint venture, or sole proprietorship, consultant or other self-employed enterprise.

(B) **Business with which the person is associated:** includes 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 or holds any ownership, security or other beneficial interest, individually or combined, amounting to more than ten percent (10%) of said business.

(C) **Censure:** A statement issued by the Tribal Council, Board or Committee which acknowledges that a member has violated the Code and that Tribal Council strongly disapproves of the Tribal Council, Board or Committee member’s action(s) which violated the Code.

(D) **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.

(E) **Confidential Information:** means information which by law or practice is not available to the public at large and as further defined by the Confidentiality Agreements signed upon taking office.

(F) **Conflict of Interest:** means the reasonable likelihood that any personal or economic interest of a Tribal Council, Board or Committee member 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, as defined in Section 3(A) of this Code, 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) **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.

(I) **Employment:** means the status or relationship existing or created by and between a person designated or acting as an employee as defined in Section 3(H) of this Code, 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.

(J) **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, as defined in Section 3(G) of this Code, which is:

(1) Any ownership, income, investment, security or other beneficial interest in a business; or

(2) Any employment or prospective employment for which negotiations have already begun.

(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, son, daughter, stepson, step-daughter, father, step-father, father-in-law, mother, step-mother, mother-in-law, brother, step-brother, brother-in-law, sister, step-sister, sister-in-law, child, stepchild, son-in-law, daughter-in-law or a person whose relationship with the Tribal member is similar to that of person who are related by blood or marriage.

#### **SECTION 4. CONDUCT**

(A) Tribal Council, Board and Committee members shall at all times conduct themselves in an honest and upright manner, with regard for the great responsibility they bear as Tribal Council, Board and Committee members. Tribal Council, Board and Committee members shall remain objective in the performance of his or her duties and shall act with the best interest of all Tribal members in mind. Tribal Council, Board and Committee members shall not accept privileges or benefits, other than those granted by the Tribe through official action, which may affect a Tribal Council, Board or Committee member's ability to remain objective in the performance of his or her duties.

(B) Nepotism. Tribal Council, Board or Committee members shall not vote on any motion or resolution in which directly involves an immediate family member as defined in Section 3(L) of the Code.

#### **SECTION 5. CONFLICT OF INTEREST**

The provisions in this Section of the Code are intended to clearly define conflict of interest.

(A) Tribal Council, Board and Committee members shall not receive monetary or material benefit as a result of their position, other than those monetary or material benefits provided for in Tribal Council Resolution 2010-17. This does not apply to those instances specifically excluded from law, such as contracts with voluntary non-profit corporations or associations.

(B) Tribal Council, Board and Committee 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:

- (1) Employment with said business as defined in Section 3(I) of this Code;
- (2) A business relationship, as defined in Sections 3(B) and (G) of this Code with said business;
- (3) An economic interest, as defined in Section 3(J) of this Code, other than the holding of common stock in said business.

(C) Public disclosure shall be made to the Tribal Council at a regularly scheduled Tribal Council meeting within ten (10) days of the time the Tribal Council, Board or Committee member is sworn in, 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 as defined in Sections 5(B)(1)-(3) of this Code.

(D) Tribal Council, Board and Committee members shall further refrain from engaging in any of the following activities:

(1) Making personal investments in any business that will create a conflict with their duties as Tribal Council, Board or Committee members.

(2) Using their position to obtain employment or business in or for the Shingle Springs Band of Miwok Indians government or its businesses for themselves or members of their immediate family.

(3) Entering into arrangements with clients for compensation in matters that are before the Tribal Council, Board and Committee.

(4) Engaging in negotiations with businesses or other governments doing business with the Tribe without the knowledge and authorization of the Tribal Council.

## **SECTION 6. ABUSE OF POWER**

(A) No Tribal Council, Board or Committee 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 thing of value, directly or indirectly, upon more favorable terms than those granted to the public generally from any person, firm, or corporation having dealings with the Tribe.

(B) No Tribal Council, Board or Committee member shall knowingly or intentionally seek to use his or her official influence to assist any person for a fee or other compensation other than the compensation that is provided by law. The performance of usual and customary constituent services without additional compensation does not constitute the use of prestige of office for private gain.

(C) No Tribal Council, Board or Committee member shall knowingly and independently use his or her position on the Tribal Council, Board or Committee to access information, documents, or other materials which are not available to all Tribal citizens generally, unless such access is available to all Tribal members generally, unless such access is available in common to all Tribal Council, Board or Committee members, or unless such access is necessitated by said Tribal Council, Board or Committee member's position on Tribal Council, Board or Commission.

(D) No Tribal Council, Board or Committee member shall knowingly and independently use his or her position in politicking for any position while a member of their prospective Council, Board or Committee.

(E) Tribal Council members who are also employees of the Tribe, in a position outside of a Tribal Council position, act only as Tribal Council members when they are participating in a Tribal Council meeting.

## **SECTION 7. CONFIDENTIAL INFORMATION**

No Tribal Council, Board or Committee member shall disclose confidential information which he or she has acquired by reason of their position on Tribal Council, Board or Committee.

## **SECTION 8. GIFTS**

(A) No Tribal Council, Board or Committee member shall accept a “gift” as defined in Section 3(K) of this Code:

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

(B) Exceptions to Section 8(A):

- (1) Acceptance of an award for meritorious achievement from a charitable, religious, professional, recreational, social, fraternal, public service, or civic organization;
- (2) 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;
- (3) Small tokens or favors given to everyone attending a function or celebrating an occasion;
- (4) Traditional gifts; such as feathers, pouches, necklaces, etc.

## **SECTION 9. USE OF PUBLIC PROPERTY**

No Tribal Council, Board or Committee member shall use, request, or permit the use of the Tribe’s motor vehicles, equipment, materials, or property, except for the conduct of official business.

## **SECTION 10. ETHICS VIOLATION COMPLAINT**

(A) Complaint. Any Tribal member over the age of eighteen (18) or any Board or Committee member who claims that a Tribal Council, Board or Committee member has violated this Code may initiate a complaint. The complaint shall:

- (1) be in writing,
- (2) be signed by the member making the complaint,
- (3) explain the alleged violation, and
- (4) state specifically which part of this Code has been violated.

(B) Procedure. The initial complaint and all proceedings after it are to remain confidential until a final determination is made. Before the complaint is given to the Ethics Committee:

- (1) The member entering the ethics violation complaint should give the written complaint to the Chairperson of the Council, Board or Committee to which the alleged violating leader belongs. The complaint must be given to the Chairperson within one (1) year of the alleged violation. In the event the complaint is against a Chairperson of a particular Council, Board or Committee, the Tribal member should give their written complaint to the Chairperson of a different Council, Board or Committee.
- (2) The Chairperson should send a copy of the ethics complaint to the alleged violating leader within five (5) business days after the complaint was received by the Chairperson. The alleged violating leader must write a response to the ethics charges and give it to the Chairperson of their Council, Board or Committee within twenty (20) business days.
- (3) After receiving both the complaint and the response, the Chairperson should bring the written complaint and response to a meeting of their Council, Board or Committee within ten (10) business days. The member facing the allegation(s) at issue shall not be present at this initial meeting. The Council, Board or Committee should discuss the written complaint and the written response and come to an agreement on a recommendation to send to the Ethics Committee.
- (4) The Chairperson or a designee should write a brief written report about the recommendation and send it, along with the original complaint and response, to the Chairperson of the Tribe who acts as the Chairperson of the Ethics Committee within five (5) business days after the meeting. If the complaint was against the Chairperson of the Ethics Committee, the written response should be given to another member of the Ethics Committee. The written report should recommend that the Ethics Committee:
  - (a) Dismiss the complaint because it is frivolous, insufficient, or filed with malicious intent; or

(b) Take disciplinary action, the reasons and details of which should be included in the report; or

(c) Gather additional information about the complaint and the advisability of disciplinary action. The methods of gathering additional information and any further consideration of the complaint shall be the Ethics Committee's responsibility and at its discretion. The Ethics Committee may issue a subpoena for witnesses and/or documents as required.

## **SECTION 11. ETHICS COMMITTEE; ETHICS HEARINGS; PENALTIES AND CONSEQUENCES**

(A) Ethics Committee Formation. An Ethics Committee ("Ethics Committee") shall be empanelled whenever a Tribal Council, Board or Committee has met to discuss an ethics violation complaint and has given a written report to the Chairperson of the Ethics Committee. The Chairperson of the Tribe acts as the Chairperson of the Ethics Committee.

(B) Duration. The Ethics Committee shall be an ad-hoc committee and an unpaid position.

(C) Composition. The Ethics Committee shall be composed of eight (8) members, the Chairpersons from the Tribal Council, Gaming Authority Board, Gaming Commission Board, Health Board, Business Development Committee, Election Committee, Enrollment Committee, and Elders Committee.

(D) Eligibility. The Tribal Council, Board or Committee member facing the allegation(s) at issue shall not be eligible to serve on the Ethics Committee. If the allegations are against the Chairperson of the Ethics Committee, the remaining Ethics Committee members may discuss and decide who will act as the Chairperson for that particular proceeding.

(E) Ethics Committee Meetings and Hearings. Upon receiving a written recommendation from the Council, Board or Committee, the Chairperson of the Ethics Committee shall set a date for an Ethics Committee Meeting or Hearing no later than thirty (30) days after receiving the recommendation. If the recommendation was for dismissal, the Chairperson of the Ethics Committee shall set a date for an Ethics Committee Meeting. At the meeting, if the Ethics Committee concurs with the recommendation that the complaint should be dismissed by a two-thirds (2/3) majority vote of sitting Ethics Committee members, then the complaint is officially dismissed. If the Ethics Committee does not reach an agreement for dismissal, an Ethics Committee Hearing may be scheduled.

The Chairperson of the Ethics Committee shall set a date for an Ethics Committee Hearing when the Chairperson receives a recommendation that a complaint requires additional disciplinary action or additional gathering of information, or when the Ethics Committee disagreed with a recommendation for dismissal. The Ethics Committee should ensure that both the complainant and the respondent know the date of the hearing and may be present. The Ethics Committee will not be bound by formal rules when conducting hearings, but hearings shall include:

- (1) an opportunity for the member who initiated the complaint to speak;
- (2) an opportunity for the Tribal Council, Board or Committee member who is the subject of the complaint to speak in response to the complaint;
- (3) an opportunity for witnesses for both the complainant and the respondent to speak.

(F) The Ethics Committee Chairperson may administer oaths to persons who testify at an Ethics Committee Hearing.

(G) After the Ethics Committee has heard the complainant, respondent, and witnesses speak, the Committee shall discuss and decide whether to dismiss the complaint or issue a disciplinary action. All decisions must be made by a two-thirds (2/3) majority vote of sitting Ethics Committee members eligible to vote. If after the initial hearing, the Ethics Committee cannot reach a decision without more information, the Ethics Committee may schedule a continuation of the hearing at a later date to allow time for more witnesses and/or documents to be subpoenaed.

(H) Any Tribal Council, Board or Committee member who is found by the Ethics Committee to have knowingly and intentionally violated any provisions of this Code may be subject to censure, fine, and/or recommended removal.

(I) Records. The Chairperson of the Ethics Committee or a designee shall ensure an audio recording of the Ethics Committee Hearing is kept.

(J) Determinations. The Ethics Committee's Decisions are final and not appealable.

**SECTION 12. APPLICABILITY**

(A) This Code shall apply prospectively from the date of its adoption.

(B) This Code shall not apply retroactively.

**SECTION 13. EFFECTIVE DATE**

(A) This Code shall be effective upon the passage of a Tribal Council Resolution enacting this Code.

**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 27 day of September, 2012 at which time a quorum of 5 FOR, 0 AGAINST, 1 ABSTAINED, and said ordinance has not been rescinded or amended in any form.*

  
Tribal Chairperson

9/27/12  
Date

ATTEST:  
  
Tribal Secretary

9.27.12  
Date