

TRIBAL COUNCIL CODE OF CONDUCT AND ETHICS

I. PREAMBLE

As leaders of the Waganakising Odawak Nation, the Tribal Council will represent the citizens by acknowledging the cultural values of Wisdom, Love, Respect, Bravery, Honesty, Humility and Truth. We 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-to-government relations by enacting legislation further protecting Tribal Sovereignty.

II. PURPOSE

The Little Traverse Bay Bands of Odawa Indians government is founded on the consent of the governed. The citizens of the Little Traverse Bay Bands of Odawa Indians are entitled to have complete confidence in the loyalty and integrity of their Tribal Council. To that end, the purpose of this Code of Conduct and Ethics (“Code”) is to establish clear standards for the ethical conduct and behavior of the Tribal Council. This Code seeks to require accountability to the citizens of Little Traverse Bay Bands of Odawa Indians by the Tribal Council in exercising the authority vested with 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 the Little Traverse Bay Bands of Odawa Indians citizens from government decisions and actions resulting from, or affected by, undue influence or conflict of interest.

III. DEFINITIONS

1. **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.
2. **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 \$1000 or holds any ownership, security or other beneficial interest, individually or combined, amounting to more than ten percent (10%) of said business.
3. **CENSURE:** A statement issued by the Tribal Council which acknowledges that a Tribal Council member has violated the Code and that Tribal Council strongly disapproves of the Tribal Council member’s action(s) which violated the Code.
4. **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.

5. **CONFIDENTIAL INFORMATION:** means information which by law or practice is not available to the public at large.
6. **CONFLICT OF INTEREST:** means the reasonable likelihood that any personal or economic interest of a Tribal Council 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 Little Traverse Bay Bands of Odawa Indians.
7. **DEPENDENT BUSINESS:** means any business, as defined in art. III, § 1 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.
8. **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.
9. **EMPLOYMENT:** means the status or relationship existing or created by and between a person designated or acting as an employee as defined in art. III, § 8 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.
10. **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 art. III, § 7 of this Code, which is:
 - a) any ownership, income, investment, security or other beneficial interest in a business; or
 - b) any employment or prospective employment for which negotiations have already begun.
11. **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.
12. **IMMEDIATE FAMILY:** means husband, wife, son, daughter, step-son, 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, step-child, son-in-law, daughter-in-law or a person whose relationship with the tribal citizen is similar to that of persons who are related by blood or marriage.

IV. CONDUCT

1. Tribal Council members shall at all times conduct themselves in an honest and upright manner, with regard for the great responsibility they bear as Tribal Council members. Tribal Council members shall remain objective in the performance of their duties and shall act with the best interest of all Tribal citizens in mind. Tribal Council members shall not accept privileges or benefits, other than those granted by the Tribe through official action, which may affect a Tribal Council member's ability to remain objective in the performance of his or her duties.
2. Nepotism. Tribal Council members shall not vote on any Motion, Tribal Resolution, or Tribal Council Resolution in which directly involves an immediate family member as defined in article III, § 12 of this Code.

V. CONFLICT OF INTEREST

The provisions in this article of the Code are intended to expand upon the existing provisions regarding conflict of interest found in art. XV of the Constitution.

1. Tribal Council members shall not receive monetary or material benefit as a result of their position, other than those monetary or material benefits provided for in the Constitutionally Mandated Compensation Statute, WOS 2005-04 and those mandated under the Constitution, art. VII, § F. This does not apply to those instances specifically excluded from law, such as contracts with voluntary nonprofit corporations or associations.
2. Tribal Council 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:
 - a) Employment with said business as defined in art. III, § 9 of this Code;
 - b) A business relationship, as defined in art. III, §§ 2,7 of this Code with said business;
 - c) An economic interest, as defined in art. III, § 10 of this Code, other than the holding of common stock in said business.
3. Public disclosure shall be made to the Tribal Council at a regularly scheduled Tribal Council meeting within thirty (30) days of the time the Tribal Council 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 art. V, § 2(a)-(c) of this Code.
4. Tribal Council members shall further refrain from engaging in any of the following activities:
 - a) Making personal investments in any business that will create a conflict with their duties as Tribal Council members.
 - b) Using their position to obtain employment or business in or for the Little Traverse Bay Bands of Odawa Indians government or its businesses for themselves or members of their immediate family.

- c) Entering into arrangements with clients for compensation in matters that are before the Tribal Council.
- d) Engaging in negotiations with businesses or other governments doing business with the Tribe without the knowledge and authorization of the Tribal Council.

VI. ABUSE OF POWER

- 1. No Tribal Council 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 or 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.
- 2. No Tribal Council 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.
- 3. No Tribal Council member shall knowingly and independently use his or her position on Tribal Council to access information, documents, or other materials which are not available to all Tribal citizens generally, unless such access is available in common to all Tribal Council members, or unless such access is necessitated by said Tribal Council member's position on Tribal Council, or position in a Tribal Council committee or commission.

VII. CONFIDENTIAL INFORMATION

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

VIII. GIFTS

- 1. No Tribal Council member shall accept a "gift" as defined in art. III, § 11 of this Code:
 - a) From a person seeking to obtain a contract, grant, loan, employment, or any financial relationship from or within the Tribe;
 - b) From a person or business having a financial relationship with the Tribe;
 - c) From a person or business whose operations or activities are regulated or inspected by the Tribe;
 - d) From a principal and or attorney in proceedings in which the Tribe is an adverse party;
 - e) From any person or business where the performance or nonperformance of any official duty may be affected or influenced.
- 2. Exceptions to art. VIII, § 1:

- a) Acceptance of an award for meritorious achievement from a charitable, religious, professional, recreational, social, fraternal, public service, or civic organization;
- b) 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;
- c) Small tokens or favors given to everyone attending a function or celebrating an occasion;
- d) Traditional gifts; such as feathers, pouches and blankets.

IX. USE OF PUBLIC PROPERTY

No Tribal Council 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.

X. ETHICS VIOLATIONS; ETHICS HEARINGS; PENALTIES AND CONSEQUENCES

- 1. Ethics Hearings shall be conducted in conformance with hearing procedures adopted by Tribal Council Resolution for Ethics Hearings. Any Tribal Council member who is found by the Ethics Committee to have knowingly and intentionally violated any of the provisions of the Code may be subject to censure and/or a fine as determined by a two-thirds (2/3) majority vote of sitting Tribal Council members eligible to vote.

XI. ETHICS COMMITTEE

- 1. **Formation.** A Tribal Council Ethics Committee ("Ethics Committee") shall be empanelled whenever the requirements for bringing an allegation that a Tribal Council member has violated this Code meets the requirements set out in article X, § 5 of this Code.
- 2. **Duration.** The Ethics Committee shall be an ad-hoc committee.
- 3. **Composition.** The Ethics Committee shall be composed of five (5) Tribal Council members.
- 4. **Selection.** The members of the Ethics Committee shall be selected at random by the Legislative Office Manager.
 - a) The Tribal Councilor facing the allegation(s) at issue shall not be eligible to serve on the Ethics Committee.
 - b) The names of eligible Tribal Council members shall be written on slips of paper and placed into a box, bowl or other suitable container.
 - c) The Legislative Office Manager shall then do a blind draw of five (5) slips from the container, one slip at a time.
 - d) The first individual drawn shall be the panel chair. The panel chair shall be responsible for conducting the Ethics Hearing and reporting the findings and recommendation of the Ethics Committee to the full Tribal Council.

XII. APPLICABILITY

1. This Code shall apply prospectively from the date of its adoption.
2. This Code shall not apply retroactively.

XIII. EFFECTIVE DATE

1. This Code shall be effective upon the passage of a Tribal Council Resolution enacting this Code; except:
 - a) Article X of this Code shall not be effective unless and until a Tribal Council Resolution creating an Ethics Committee is enacted.