

TRIBAL COUNCIL ACT 2.5

AN ACT RELATING TO ETHICS AND CODE OF CONDUCT FOR THE SNOQUALMIE TRIBAL COUNCIL

BE IT ENACTED BY THE SNOQUALMIE TRIBAL COUNCIL

SECTION 1.0 – TITLE AND CODIFICATION

This Chapter shall be known as the Snoqualmie Tribal Council Ethics Act and shall be codified as Title 2, Chapter 5 of the Snoqualmie Tribal Code.

SECTION 2.0 – STATUTORY AUTHORIZATION

The aboriginal and inherent sovereign power of the Snoqualmie Indian Tribe to govern is vested in the Snoqualmie Tribal Council. The Snoqualmie Tribal Council has the authority to safeguard and promote the peace, safety, moral and general welfare of the members of the Tribe by regulating the behavior of all persons within the jurisdiction of the Tribe, and to provide for the enactment and enforcement of the laws of the Tribe. This authority includes the authority to adopt laws regulating the procedure of the Council itself. Snoqualmie Tribal Constitution, Art. VIII, Sec. 1 (o).

SECTION 3.0 – PURPOSE AND SCOPE

The purpose of this Code of Ethics is to establish ethical standards of conduct for the elected Tribal Council of the Snoqualmie Indian Tribe. The Tribal Council is imbued with a trust to act in the highest ethical manner, carrying out their duties in such a manner as to keep inviolate the best interests of the Tribe and its members. Tribal Council members shall treat service to the Tribe as a sacred public trust with fiduciary responsibility to the Tribe requiring that they place loyalty to the Tribe and its Constitution, laws, and ordinances above personal and private gain. Accordingly, Tribal Council members shall not place their personal interests above those of the Tribe and shall make every effort to adhere to the laws, customs, and traditions of the Tribe. This Code of Ethics shall be interpreted liberally in the interest of ensuring compliance with its requirements.

SECTION 4.0 – DEFINITIONS

CONFIDENTIAL INFORMATION means any information or material known to or used by or for the Tribe that is not generally known to any person not employed by the Tribe. This term includes, but is not limited to, any technical or non-technical data, budgets, policies, procedures, proprietary information, personnel and tribal member data and files, and any materials pertaining to items discussed in executive session of the Tribal Council.

DATING RELATIONSHIP means a relationship that is or may be reasonably expected to lead to the formation of, a consensual “romantic” or sexual relationship, without regard to the gender or sexual orientation of the individuals involved.

FINANCIAL INTEREST means any monetary interest gained like salary, income, benefits, funding, or other payments for services or equity interest held through ownership or investment like stocks, stock options, intellectual property rights, and the like.

GIFT means anything of monetary value, including any gratuity, special discount, favor, honorarium, hospitality, payment, loan, subscription, economic opportunity, advance, deposit of money, services, or other benefit received, directly or indirectly, which the recipient did not obtain for fair market value or lawful equivalent consideration. This definition includes transportation, local travel, lodgings, and meals, whether provided in-kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred. This definition does not include tips or other compensation that may be authorized for officials in his or her position.

IMMEDIATE FAMILY MEMBER means any person who is closely related to an official by blood or marriage, including spouse, parent, child, sibling, grandparent, grandchild, legal dependent, or any other person who has a similar relationship to the official or resides in the home of an official (such as common-law spouse or partner).

OFFICIAL means full-time Tribal Council Members, Alternate Tribal Council Members, Tribal Elders, and Tribal Council Chiefs.

TRIBAL COUNCIL means the elected Tribal Council of the Snoqualmie Indian Tribe and includes the Tribal Chairperson and nine (9) Elected Council members and two (2) elected Alternate Council Members.

SECTION 5.0 – STANDARDS OF CONDUCT

5.1 All officials shall endeavor to avoid any actions or situations in which there may exist the appearance of impropriety. The standards of conduct below shall serve as the basic requirements to maintain and encourage ethical behavior for officials of the Tribe.

5.1.1 Conflicts of Interest. No official may participate in or make a decision regarding any business, transaction, or professional activity in which he or she or an immediate family member has a direct financial interest.

(a) Exceptions:

(1) An official may participate in or make a decision regarding a benefit or program offered by the Tribe to all tribal members, all tribal employees, or a substantial subset of either group (more than 50% of whom are not the employee and his or her immediate family members) if the participation is based upon objective criteria established by the Tribal Council.

(2) An official may participate in the development and/or approval of annual budgets, which may include his or her own compensation or his or her immediate family member's compensation, if this participation falls within the scope of his or her professional duties.

(b) Ongoing Duty to Disclose. If an official is or becomes aware of an actual or potential conflict of interest, he or she should immediately disclose the existence

and nature of the conflict to the Tribal Council and recuse himself or herself from participation in the matter.

5.2 Solicitations and Gifts. Officials of the Tribe shall not solicit or accept, directly or indirectly, any gift from a person or organization who (a) is seeking official action by, doing business, or seeking to do business with, or is regulated by the Tribal government; or (b) has interests that may be substantially affected by the performance or nonperformance of an official's professional duties.

5.2.1 Exceptions.

- (a) A gift of nominal value (\$150 or less) for entertainment, social events, or holidays;
- (b) A gift given as a part of the traditions or ceremonies of the Tribe or in the course of diplomatic relations by a tribal, federal, or state government.
- (c) Gifts available to the general public under the same conditions that they are available to the official;
- (d) Civic, charitable, educational, or religious organization awards for recognition of service or accomplishment, or invitations to events; or
- (e) Trips, meals, guest accommodations, or other travel expenses that involve formal representation of the Tribe or conducting Tribal business.

5.3. Misuse of Confidential Information. No official shall use any Confidential Information to which he or she has access in his or her official capacity and which has not been made public, to: (a) acquire a financial interest in any property, transaction, or enterprise that may be affected by such information, (b) speculate or wager on the basis of such information, (c) damage a person's reputation, (d) further political advancement; or (e) aid another to do any of the foregoing.

5.4 Misappropriation or Misuse of Tribal Funds or Tribal Property. No official of the Tribe shall misappropriate or misuse Tribal funds, and/or Tribal property or engage in any impropriety with respect to the handling or reporting of Tribal funds in financial transactions.

5.5 Misuse of Tribal Records. No official shall disclose, conceal, remove, mutilate, or destroy any Tribal record or copy any Tribal record for improper purposes. All Tribal records must be handled in accordance with the Tribe's public records act.

5.6 Abuse of Authority.

5.6.1 No official shall use his or her position or title to coerce, threaten, intimidate, or improperly influence a Tribal member or Tribal employee who is acting within the scope of his or her professional duties to provide personal, financial, or political benefit to himself, herself, his or her immediate family member, or someone to whom he or she has business or financial ties, or for any other purpose;

- 5.6.2 No official shall use his or her official title in Tribal government to conduct personal business; or
- 5.6.3 No official shall enter into any obligation on behalf of the Tribe or make any public policy statements on behalf of the Tribe without proper approval or authorization of the Tribal Council.
- 5.7 Outside Employment or Services. While employed by the Tribe, no official shall accept employment from, or perform services for, a customer, a potential customer, vendor, or a competitor of the Tribe. An officer may perform community, industry, and charitable activities as long as the activities do not: (1) interfere, compete, or conflict with Tribal interests; or (2) hinder official's ability to meet the responsibilities and demands of his or her required duties.
- 5.7.1 Disclosure. An official who wishes to engage in outside employment must disclose to Tribal Council in writing any outside employment or services to receive appropriate approval from Tribal Council.
- 5.8 Nepotism. No official shall supervise, hire, promote, appoint, or participate in the supervision, hiring, promotion, or appointment of any immediate family member or anyone with whom he or she has or enters into a dating relationship during his or her employment or service.
- 5.8.1 Disclosure. In the event such a relationship arises, an official must immediately report the situation to the Tribal Council. The Tribal Council will find the appropriate resolution for any situation involving an official.
- 5.9 Preferential Treatment. No official shall show greater regard in making any decision or taking any action for the personal advantage or interest of the official, his or her immediate family member, or any person, group, or organization with whom he or she has a personal or business relationship, than for the interest of other Tribal members or employees (other than preferences authorized by applicable law, policy, or procedure).
- 5.10 False Claims and Retaliation.
- 5.10.1 No official shall file an ethics report when he or she has no good faith belief that a violation has occurred and/or when the primary motivation is harassment.
- 5.10.2 No official shall threaten, intimidate, discipline, or retaliate in any way against any person who in good faith files a report of an ethics violation, or otherwise participates in an investigation, official proceedings, or enforcement of confirmed violations.

SECTION 6.0 – ETHICS COMMITTEE

6.1 Reports Against Tribal Council. The Ethics Committee will address any ethics reports against Tribal Council members in accordance with this Chapter, Tribal Council Procedures Act, and the Snoqualmie Tribal Constitution. The Committee shall be comprised of five Tribal Members who represent the five major families (one from each of the Davis-Monohan, Fergue-Louie, Kanim, Moses, and Zackuse families) and who are not members of the Tribal Council and are not employees of the Tribe or any of the Tribe's LLCs. The Ethics Committee Members will

be selected by their respective families, by submitting signatures of support of their selected representative for the Committee appointment. The Tribal Council will affirm the family's selection in the appointment of the Ethics Committee Members.

SECTION 7.0 – MANDATORY REPORTING

Every employee, official, volunteer, manager, director, and other individual responsible for carrying out the Tribe's activities who becomes aware of questionable or suspicious behavior that he or she believes might constitute ethical violations, including fraud, waste, or abuse, is responsible for reporting suspected ethical violations or acts of misconduct. All reports will be taken seriously and investigated thoroughly.

- 7.1 Filing of Report. Suspected misconduct may be reported in writing (on a form to be developed by the Ethics Committee) to an immediate supervisor and/or the Human Resources Director who shall forward it to the Ethics Committee as soon as practicable. The Ethics Committee shall establish a drop box and email address to be used for reporting. If reporting in writing, individuals are required to provide their name and contact information, but the identifying information shall be kept confidential to the extent possible.
- 7.2 Timing of Report. All violations should be reported within 30 days of the alleged violation or the discovery of the alleged violation in order to trigger an investigation. If not reported within 30 days, the investigation may be hampered by lack of evidence.
- 7.3 Contents of Report. Any report of an alleged violation should include, but not be limited to, the following information:
 - (a) The nature of the alleged violation, including the date, time, place, and persons involved or who may have knowledge pertinent to the alleged violation; and
 - (b) A statement attesting that the information the person has forwarded is true, accurate, and complete to the best of his or her knowledge.

SECTION 8.0 – INVESTIGATION

The Ethics Committee shall be responsible for investigating all alleged violations of the Code of Ethics, including evaluating the credibility of any evidence and witness testimony.

- 8.1 Initial Review. Within 3 days of receiving a report, the Ethics Committee shall provide notice of the allegation(s) to the person who is alleged to have violated the Code of Ethics and the Tribal Council. If the Ethics Committee deems it necessary to maintain the integrity and efficiency of the investigation, the Ethics Committee may request that Tribal Council place the individual on paid administrative leave pending completion of the investigation.
- 8.2 Opportunity to Answer. Within 7 days of the notice of the allegation(s), the individual shall answer the allegation(s), provide any documentary evidence on his or her behalf, and provide a list of witnesses to whom the Ethics Committee should speak.

- 8.3 Evaluation. Within 3 days of receipt of the individual's response, the Ethics Committee shall determine whether continuing the investigation under these Policies is warranted. If the Ethics Committee determines that there has been no violation, it shall dismiss the report and notify the individual of the dismissal. If it determines that there likely has been a violation, it shall provide the individual notice of an informal hearing before the Committee, which shall be held no earlier than 7 days, but no later than 14 days after, the notice of the hearing.
- 8.4 Hearing. If the Ethics Committee holds an informal hearing, the Committee shall have the opportunity to question the individual and any witnesses.
- 8.5 Range of Sanctions and/or Penalties. If ethical violations are found to have occurred, the Ethics Committee shall determine the appropriate penalties. The penalties for violations, may include, but are not limited to the following, which should reflect the severity of the violation(s):
- (a) Written reprimand;
 - (b) Restitution of any improperly received benefit;
 - (c) Monetary fines;
 - (d) Suspension;
 - (e) Termination;
 - (f) Training; and/or
 - (e) Any other appropriate disciplinary, civil, and/or criminal action available under the Snoqualmie Constitution, the Snoqualmie Tribal Code, and/or the Policies of the Tribe.
- 8.6 Final Determination. Within 3 business days of the informal hearing, the Ethics Committee shall issue a final determination as to whether a violation has occurred and the appropriate disciplinary action and provide a copy of the final determination to both the individual and the Tribal Council. The Ethics Committee should coordinate with Human Resources and/or the Office of the Tribal Prosecutor as appropriate. Any disciplinary action taken shall be documented in the individual's personnel file.

SECTION 9.0 – STATUTE OF LIMITATIONS

In no event shall any alleged ethics violation be investigated or enforced if more than 1 year has passed since the alleged violation occurred.

SECTION 10.0 – CONFIDENTIALITY

The Ethics Committee or any other person involved with the investigation, evaluation, or enforcement of any alleged violation of this Code of Ethics shall keep all information obtained during this process confidential. The Tribal Secretary is responsible for maintaining the confidentiality of all records pertaining to the investigation of any Tribal officials.

**ENACTED BY THE SNOQUALMIE TRIBAL COUNCIL ON THE 8TH DAY OF
FEBRUARY, 2024 IN SESSION DULY MET, WITH __ FOR, __ AGAINST, AND __
ABSTAINING. TRIBAL COUNCIL ACT ____-2024.**

**CODIFIED AS AMENDED BY THE TRIBAL SECRETARY ON THE 8TH DAY OF
FEBRUARY, 2024.**

SHAUNA SHIPP-MARTINEZ, TRIBAL SECRETARY