

CODE OF ETHICS FOR THE SFTH COMMUNITY COUNCIL MEMBERS

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1.10.010 Purpose and policy.

(1) It is the purpose of this chapter to set forth ethical standards of conduct to guide all San Francisco Tlingit and Haida Community Council Members and to provide effective means for enforcement thereof.

(2) High moral and ethical standards among the Council Members are essential to promote and protect the integrity of the Community. Therefore, a code of ethics is necessary in order to ensure Council Members act in the best interest of the Community and not in their personal interest. This code of ethics is also necessary for Council Members to avoid conflicts of interest, to improve standards of Community service, and to promote and strengthen the faith and confidence of the SFTH Community citizens in the integrity, security and accountability of their Council Members. It is further declared and acknowledged that Council Members enjoy all the rights, privileges, and immunities of Council Members and the Council, and in particular those provided in the Tlingit & Haida Constitution and Community Constitution.

1.10.020 Definitions.

(1) "Council Member" as used in this chapter shall mean a Community citizen who is a duly elected official of the SFTH Community Council, the governing body of the Tulalip Tribes.

(2) "Confidential information" shall mean any information relating to businesses, personnel matters, litigation, legislative and administrative matters, contracts, finances and any other information, whether oral or written, proprietary or not, which has not been designated by the Community Council as being otherwise available to all Community members or the public at large or as being otherwise a matter of general or public knowledge.

(3) "Conflict of interest" shall mean a conflict between the private interests and official responsibilities of a Council Member.

(4) "Family member" as used in this chapter shall mean the spouse, children, parents, siblings, step and foster children and any household member of the Council Member.

1.10.030 Conflicts of interest.

(1) No Council Member shall use, or attempt to use, any official or apparent authority of their office which places or could reasonably be perceived as placing their private gain before those

of the Community or Tlingit & Haida, whose paramount interests their office is intended to serve.

(2) Whether or not specifically prohibited herein, a Council Member should avoid any action which could result in, or create the appearance of:

- (a) Using public office for private gain;
- (b) Giving preferential treatment to any special interest, organization, person or family;
- (c) Impeding or interfering with governmental or managerial efficiency or economy;
- (d) Losing or compromising independence or impartiality of action;
- (e) Making a governmental decision outside of official channels and/or procedures;
or
- (f) Adversely affecting the confidence of the Community citizens in the integrity of the Community Council or Tlingit & Haida.

(3) No Council Member shall participate in the selection or in the award or administration of a contract between the Community, its instrumentalities or entities, and an entity with which the Council Member has a real or apparent conflict of interest.

(4) No Council Member shall participate in a decision-making process, including discussion, debate and/or voting, regarding any person related by blood or marriage may be further detailed in Community Council regulation.

(5) No Council Member shall sell goods or services to the Community or any business entity which is licensed by or regulated in any manner by the Community Council during the term of office of such Council Member on any terms or conditions significantly more favorable to the Council Member other than that which may be obtained by any other person.

1.10.040 Standards of conduct.

(1) Except as otherwise provided herein, no Council Member shall solicit or accept on his or her own behalf any significant or substantial compensation, gift, reward, or gratuity from any source except for the following:

- (a) Ceremonial and customary gifts generally granted to dignitaries;
- (b) Food or refreshments customarily made available in the ordinary course of business meetings where a Council Member is properly in attendance;
- (c) A nonfinancial award or honor customarily and publicly presented in recognition of public service.

(2) Council Members shall not act as official representatives of the Community Council or the Community or make statements to the media, without express authorization of the Community Council or the President. The President is the official representative of the Community Council unless that authority is otherwise properly delegated.

(3) Council Members shall uphold the Community Constitution and its regulations and resolutions, and shall uphold the Tlingit & Haida Constitution and its regulations and resolutions.

(4) Council Members shall not violate the Constitution, laws, resolutions, or policies of the Community, Tlingit & Haida, or, if applicable, federal or state law.

(5) Council shall not conduct official business while under the influence or affected by intoxicating liquor or any drug.

(6) Council Members shall not commit perjury or fraud.

(7) Council Members shall safeguard data and preserve the integrity of Tribal government and operations by not disclosing any confidential information nor shall he or she use such information for his or her personal gain or benefit.

(8) Council Members participating virtually or by phone for a meeting or to otherwise conduct any official business of the Community Council shall ensure confidentiality by:

- (a) Not recording any part of the meeting (including audio) or taking screenshots;
- (b) Meeting in an area away where they cannot be overheard or seen by any other person other than family members;
- (c) Sharing video for any meeting on a virtual platform (e.g., Zoom, Teams, etc.); and
- (d) Not using any virtual backgrounds during enabled video sessions on virtual platforms that are potentially offensive, objectionable, or distracting to another participant.

1.10.050 Abstention from official action and disclosure.

No Council Member shall participate in a decision-making process, including discussion, debate and/or voting, regarding any person related by blood or marriage within the civil-law method of first or second degree (parents, children, grandparents, grandchildren, brothers and/or sisters) nor regarding any member of the Council Member's immediate household. The record shall reflect the reason for the Council Member's inability to participate. This section shall not prohibit the mere presence of a Council Member if their presence is necessary to constitute a quorum. The allowable participation of a Council Member in a decision-making process regarding a person related by blood or marriage within the civil-law method of the third or fourth degree (uncles, aunts, nephews, great-grandparents, cousins, great-uncles and aunts and great-great-grandparents) and/or household member must be disclosed on the record by the Council Member prior to voting.

1.10.060 Sworn statement of interest in certain business entities and court involvement required – Confidentiality.

(1) Within 30 days of taking office, a Council Member must submit a confidential sworn statement to the Secretary of the Community Council disclosing the following:

- (a) The nature and extent of the Council Member's relationship or percentage interest in any organization, council, board, committee, commission, council, association and/or business entity/enterprise, including naming partners on any joint business, in a contractual agreement with the Community where a self-dealing interest may exist or be reasonably perceived; and
- (b) Any court proceeding in which the Council Member is a named party that may potentially impugn the integrity of the Community Council; and
- (c) Any sources of income received by a Council Member from a third party due to their membership. Sources of income include any money or thing of value received such as a payment, fee, salary, allowance, dividend, royalty, rent, or stipend.

(2) Council Members shall update their confidential sworn statements to reflect any material change to information previously disclosed within 30 days from when a material change arises while the Council Member is in office.

(3) All confidential sworn statements and any updates thereto disclosed pursuant to this section may be reviewed only by Council Members.

1.10.070 Enforcement.

To fulfill the policy announced in this chapter and to preserve the integrity of the Community Council, Tlingit & Haida Executive Council shall enforce principles of ethical behavior on Community Council Members. The authority Tlingit & Haida to discipline Council Members is derived from the Tlingit & Haida Rules of Election, which provides for the removal of a Community Council Member or officer from office for cause after notice and an opportunity to be heard. Nothing in this section, regarding procedures for complaints and review of conduct of a Council Member, shall be construed to limit the authority of the Community Council to move directly to a vote to censure a member under Robert's Rules of Order, or to move directly to a vote to remove a member, for neglect of duty or gross misconduct, as authorized by the Tlingit & Haida Rules of Election.

(1) Any Council Member who in good faith and based upon reasonable information and belief contends that a Council Member has violated this chapter may file a sworn written statement with the President of the Community Council, who must thereupon notify the Tlingit & Haida President. If the allegation is made against the Community Council President, said allegation shall be filed with the Vice-President. If the allegation is filed with the Vice-President, the Vice-President shall be responsible for fulfilling the responsibilities of this section that are attributed to the President. Once the sworn statement and any substantiating proof or evidence has been filed with the President, the Council Member against whom the complaint is made shall not participate in the decision-making process.

(2) The sworn written statement must contain:

- (a) Facts giving rise to the violation of this code; and
- (b) Any substantiating proof and/or evidence; and
- (c) Identification of any portions of the statement that are based on first-hand knowledge and portions that are based only on hearsay and the steps taken to verify the hearsay statements; and
- (d) The identity of the Council Member or Members believed to have committed the violation(s); and
- (e) The name, contact information and signature of the person submitting the statement.

(3) The Council Member against whom the allegation is made shall make themselves available for an interview at the request of President. Along with the President, another Council Member or Members may participate in the interview process.

(4) The President shall perform an initial review of the statement and the interview, if one was done. The purpose of the initial review shall be to determine whether the allegation made falls within the scope of this code and whether the facts alleged, assuming the facts alleged are true, would support a determination of unethical or improper conduct. The Council Member against whom the allegation is made shall not participate in the initial review, other than to be available

to be interviewed. The initial review shall be completed no later than 30 days after the completed statement was submitted.

(5) The Council Member against whom the allegation is made shall be provided with a copy of the statement after the President's initial review.

(6) If the President, upon completion of the initial review, determines that the allegation falls within the scope of this code and alleges facts which, if true, might support a determination of unethical or improper conduct, the President may proceed with further investigation. The President's decision that an allegation requires further investigation does not need to be made in open session.

(a) Any investigation requested by the President may be conducted by the Tlingit & Haida President as designee or an ad hoc committee of the Tlingit & Haida Executive Council, or an independent investigator appointed by the Tlingit & Haida President.

(b) The investigator(s) shall have the authority to take testimony under oath and to compel the production of documents and other evidence from Community Member(s).

(c) Any investigation performed under this chapter shall be completed by the issuance of a written report which summarizes the evidence, gives an opinion on the issue of whether the allegation is true or false and, if said opinion is that the allegation is true, recommends a sanction, if any, to be imposed on the Council Member.

(d) The investigation should take no longer than 30 days, after the initial review, to complete. The investigator(s) shall notify the President of a date when the investigation will be completed. If additional time is needed, the investigator shall obtain the approval of the President to extend the investigation for a specified period of time.

(7) Upon receipt of the investigation report, the President shall:

(a) Set a meeting date and send written notice of said meeting, by certified and regular mail, electronic mail, or text, to the Council Member accused of a violation under this chapter; and

(b) Include a copy of the investigation report along with the notice and a statement declaring that the report shall be kept confidential and not disclosed to any other person except the Council Member.

(8) The meeting shall take place in executive session, with all Council Members present, and shall be recorded. The results of the investigation, if any, shall be presented to the Tlingit & Haida President. Only the Community Council, any designated investigator(s), and the accused Council Member shall be present during the meeting.

(9) At the conclusion of the meeting, the Council Member accused of the violation of this code shall be excused from the executive session so the Community Council may review the decision and sanction, if any.

(10) The Community Council shall decide in open session, by recorded vote, whether a violation of this code has occurred. Said decision shall be made by an affirmative majority vote of the quorum present and voting. If the Community Council decides a violation of this code has occurred, the Community Council shall then decide, by motion, an appropriate sanction, if any, to impose on the Council Member who engaged in unethical conduct.

(11) The Council Member against whom an allegation of unethical or improper conduct under this code is made shall not participate in the review of the allegation by the Community Council, in any deliberation by the Community Council on said review, or voting in open session on whether the violation occurred and on an appropriate sanction.

1.10.080 Sanctions.

(1) The Community Council may impose by affirmative majority vote of the quorum present and voting of the Community Council a sanction or sanctions against any Council Member who is found to have engaged in conduct in violation of this code. Such sanctions may include, but shall not be limited to, the following:

- (a) Formal, written public statement of disapproval of the Council Member's conduct in violation of this code. Such formal public statement shall be conveyed to Community citizens by Tlingit & Haida, and published on the Community webpage and social media accounts, if any;
- (b) Written reprimand issued by the President to the Council Member;
- (c) Verbal reprimand issued by the President to the Council Member;
- (d) Costs, including reasonable investigative costs;
- (e) Referral to law enforcement;
- (f) Removal; provided, that the conduct was for neglect of duty or gross misconduct, a two-thirds majority of the Community Council has voted for this sanction, pursuant to the Tlingit & Haida Rules of Election;
- (g) Censure in accordance with the Robert's Rules of Order; or
- (h) Any other lawful sanction deemed appropriate by the Community Council.

(2) The decision of the Community Council following the meeting shall be final. No judicial review of this decision shall be allowed. For the removal process, the meeting will be publicly available. Meetings regarding other sanctions other than removal will not be publicly available.