

**Ordinance of the Te-Moak Tribe
of Western Shoshone Indians of Nevada**

**ETHICS ORDINANCE FOR TRIBAL
AND BAND COUNCIL MEMBERS**

07-ORD-TM-DRAFT 3

Be it enacted by the Tribal Council of the Te-Moak Tribe of Western Shoshone Indians of Nevada, that in accordance with Article 4, Section 3(n) of the Constitution of the Te-Moak Tribe of Western Shoshone Indians of Nevada, as amended and approved August 22, 1982, an Ethics Ordinance for Tribal and Band Councils, effective upon adoption by majority vote of the members of the Te-Moak Tribal council present at a meeting called and duly held.

SECTION 1. INTRODUCTION.

- (A) Title. This Ordinance may be referred to as the Ethics Ordinance for Tribal and Band Council Members of the Te-Moak Tribe.
- (B) Purpose. In enacting this Ordinance, the Tribal Council for the Te-Moak Tribe finds and declares that ~~all public bodies~~ *the Tribal and Band Councils* exist to aid in the conduct of the people's business. Tribal and Band Council members are vested with the authority to represent and act on behalf of the Tribal and Band membership. The Tribal Council and constituent Band Councils exercise legislative and exclusive legislative authority under the Constitution. As such, Council members have been invested with the sacred trust of the tribal membership. The purpose of this Ordinance is to maintain and protect this solemn obligation by stating the ethical obligations of Council members, and setting forth the consequences for violating said obligations.

SECTION 2. DEFINITIONS.

For the purposes of this Chapter, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

Immediate Family defined. "Immediate family" means a *Council member's* spouse, child, parent, brother, sister, grandparent, grandchildren, including ~~prefix~~ *of those immediate family members designated as "half" (i.e. half-brother, half-sister) and "in-law" (i.e. father-in-law, brother-in-law).* "Immediate family" also includes other persons residing in a Council members residence or persons who are financially dependant upon the Council member.

Felony defined. "Felony" means any criminal offense designated as such within the territory and jurisdiction of the United States.

SECTION 3. POLICY.

Members of the Tribal Council and constituent Band Councils shall maintain high standards of honesty, integrity, fairness and impartiality in their conduct as Council members, and shall avoid any actions in their role as Council members, which would adversely reflect on the Council or the Tribe. Tribal and Band Council members shall take action in the best interest of the Tribe and/or Band, the tribal membership, not in their personal interest. Council members shall carry out their duties and responsibilities in the highest ethical manner.

SECTION 4. ETHICAL OBLIGATIONS AND DUTIES.

Members of the Tribal Council and the constituent Band Councils shall follow the ethical obligations and duties listed in this Section.

- (A) Compliance to Tribal Laws. A Tribal and/or Band Council member shall comply with the Constitution of the Te-Moak Tribe, all laws, directives, rules, policies and procedures heretofore issued and now in effect, and those which may be hereafter issued, which apply to said Tribal and/or Band Council member in his or her status as a tribal member or as a member of the Tribal and Band Council.
- (B) Attendance of Council Meetings. A Tribal and/or Band Council member shall attend all regular and special Tribal and/or Band Council meetings. A member shall notify the *respective* Tribal Chairperson or Vice-Chairperson prior to any meeting they will not attend, with a valid excuse. Three (3) unexcused absences during a 12-month period shall constitute a violation of this Ordinance.

- (C) Appointments; Obligations of Office. A Tribal and Band Council member shall continue any and all appointments obtained in his or her capacity as a Tribal Council or Band Council member only so long as he or she continues in office. A member shall be immediately relieved of all such appointments upon completion of his or her Tribal and/or Band Council term, upon leaving office.
- (D) Travel. While in travel status for conferences and trainings, Tribal and/or Band Council members will attend meetings as required.
- (E) Use of Tribal or Band Property. No Tribal and/or Band Council member ~~official~~ shall use any property of the Tribe and/or Band or other public property for any use other than as authorized and approved for official purposes and activities. Such persons shall properly protect and use such property, equipment and supplies, which are entrusted, assigned or issued to them. All good faith efforts shall be used to return said property in the same condition, as it was when it was assigned or issued to the user.
- (F) Conflict of Interest; Non-Participation In. Where there is a conflict of interest, the *Council* member shall not participate in any discussion or action with regard to such matter.
- (G) Conflict of Interest; Financial Benefit, Immediate Family. No Tribal and/or Band Council member shall not engage in any decision when a conflict of interest exists for a Tribal and/or Band Council member with regard to a particular issues that would be likely to result in a financial benefit or advantage to them or concerns an immediate family member.
- (H) Disclosure of Information; Closed Session. A Tribal and/or Band Council member shall not disclose materials presented, discussed, or considered in closed session, except by consensus of the full Tribal Council.
- (I) Gifts. A Tribal and/or Band Council member shall not accept on his or her own behalf individual gifts valued at over \$20.00. Gifts valued at over \$20.00 shall be the property of the Tribe and shall be turned over to the Tribe.
- (J) Conviction of Felony. A Tribal or Band Council member who is convicted of a felony and at the same time, serves as a Council member shall be in violation of this Ordinance.

SECTION 5. VIOLATION OF ETHICS ORDINANCE; NEGLECT OF DUTY; IMPROPER CONDUCT.

Violation of this Ordinance satisfies the requirement of “neglect of duty” or “improper conduct” found at Article **IV** 4, Section 7(a) and Article 4, Section 9, and Article 4, Section 19 of the Constitution of the Te-Moak Tribe of Western Shoshone Indians of Nevada.

SECTION 6. SANCTIONS FOR VIOLATION OF ETHICAL OBLIGATIONS AND DUTIES.

- (A) Sanctions. Members of the Tribal Council or constituent Band Councils may be sanctioned by their respective Councils, provided that *the* sanction does not exceed.
- (1) The amount of a regular meeting stipend amount for a monetary sanction; *and/or*
 - (2) A restriction of duties that do not conflict with that Council member’s Constitutional duties.
- (B) Removal ~~or Recall~~. Members of the Tribal or Band Council may be removed ~~or recalled~~ by their respective Council for violations of this Ordinance, subject to procedures of removal ~~or recall~~ in accordance to the Constitution of the Te-Moak Tribe of Western Shoshone Indians of Nevada or any applicable Tribal Ordinance.

SECTION 7. RECALL OF COUNCIL MEMBER BY PETITION OF TRIBAL MEMBERS; VIOLATION OF ETHICS ORDINANCE.

Members of the Tribal or Band Council may be recalled by the members of the Te-Moak Tribe for violation of this Ordinance, subject to procedures of recall in accordance to the Constitution of the Te-Moak Tribe of Western Shoshone Indians of Nevada or any applicable Tribal Ordinance.

SECTION 8. HEARING; *REMOVAL BY COUNCIL.*

(A) Commencement of Sanction. The commencement *by a Council* of any sanction for violating this Ordinance shall begin by resolution. The resolution shall include:

- (1) The alleged violation by the member of the Council; and
- (2) Supporting documents or testimony supporting the specific allegations; and
- (3) The sanction being sought; *and*
- (4) The time and place for the Hearing for Sanction. ~~and~~

(B) Hearing for Sanction. No member of a Council may be sanctioned by their respective Council without a Hearing for Sanction to consider arguments concerning the sanction. The Hearing for Sanction shall be open to the public and no hearing shall commence until the member subject of the sanction is given no less than 15 days written notice of the time and place of the hearing.

SECTION 9. APPEAL.

Any Tribal Council member or Band Council member shall have the right to appeal.

SECTION 10. SEVERABILITY.

Severability is intended throughout and within the provisions of this Ordinance. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is held to be invalid or unconstitutional by a Tribal Court of the Te-Moak Tribe, then that decision shall not affect the validity of the remaining portions of this Ordinance.

CERTIFICATION

I, the undersigned, as Chairperson of the Tribal Council of the Te-Moak Tribe of Western Shoshone Indians of Nevada, do hereby certify that the Tribal Council is composed of 9 members, of whom _ constituting a quorum were present at a duly held meeting on the ____ day of _____, 2007 and that the foregoing Ordinance was duly enacted at such meeting by the affirmative vote of _ FOR; _

AGAINST; _ ABSTAIN, pursuant to the authority contained under Article 4, Section 3(n) of the Constitution of the Te-Moak Tribe of Western Shoshone Indians of Nevada.

Davis Gonzales, Chairperson
Te-Moak Tribe of Western Shoshone

ATTEST:

Recording Secretary
Te-Moak Tribe of Western Shoshone