



**TRIBAL COUNCIL CODE OF CONDUCT
BIG PINE PAIUTE TRIBE OF THE OWENS VALLEY**

January 13, 2011

I. Purpose:

The purpose of this Code of Conduct ("Code") is to set forth standards by which the Tribal Council will conduct themselves to protect and promote tribal integrity and to enhance the ability of the Big Pine Paiute Tribe of the Owens Valley ("the Tribe") to achieve its objectives in a manner consistent with all applicable laws and regulations.

This Code is intended as a guide to assist Tribal Council in dealing with ethical situations they may encounter in their work. However, due to the variety and complexity of some of these situations, when confronted with especially ambiguous ethical situations Tribal Council should seek advice from appropriate sources and strive to maintain the highest of ethical standards.

This Code applies to all individuals elected or appointed to the Tribal Council.

This Code may be amended or supplemented per the "Amendment" guidelines in the Tribe's Constitution. This Code is also not intended to conflict with the Tribe's Constitution.

II. Principles:

Certain principles, supported by this Code, are provided to further assist the Tribal Council in maintaining the highest ethical conduct in their service to the Tribe and its members.

- a. Be dedicated to the concepts of effective and democratic Tribal government by responsible elected officials and believe that professional general management is essential to the achievement of this objective.
- b. Affirm the dignity and worth of the services rendered by Tribal government and maintain a constructive, creative, and practical attitude toward Tribal government affairs and a deep sense of social responsibility as a trusted Tribal servant.
- c. Be dedicated to the highest ideals of honor and integrity in all public and personal relationships in order that they may merit the respect and confidence of elected officials, other officials and employees, and the public.
- d. Perform their duties conscientiously, honestly, and recognize that the chief function of Tribal government at all times is to serve the best interests of the Tribe and its members.
- e. Refrain from all activities which undermine public confidence in Tribal government and operations.
- f. Make it a duty to continually improve their professional ability.

- g. Keep the community informed of Tribal government affairs; encourage communication between Tribal members and all Tribal government officials; emphasize friendly and courteous service to the public; and seek to improve the quality and image of public service.
- h. Resist any encroachment on professional responsibilities, believing they should be free to carry out official policies without interference, and handle each problem without discrimination on the basis of principle and justice.
- i. Seek no favor; believe that personal advancement or profit secured by confidential information or by misuse of Tribal time is dishonest.

III. General Conduct:

The Tribe expects all Tribal Council Members to treat others with dignity and respect, courtesy and kindness, and to recognize and promote the worth of every person. Tribal Council shall always conduct themselves with the utmost professionalism while on Tribal business.

The Tribe will not tolerate any unlawful discrimination or harassment of any kind, be it verbal, visual, physical, or sexual. Nor will the Tribe tolerate any false statements related to claims of discrimination or harassment. Tribal Council should take care to recognize and avoid any actions that others may find offensive. They should avoid any abusive or obscene language and be mindful of the manner in which they relate to others and of the materials they share, both printed and electronic.

Tribal Council shall attend tribal meetings and events in a condition to perform their duties and free from impairment or intoxication due to drugs or alcohol. The possession, use, or sale of illegal drugs or alcohol at Tribal offices, meetings or events is strictly prohibited.

Tribal Council shall follow all established health and safety policies and practices and not engage in any conduct that creates a health or safety hazard or that is dangerous to themselves or others. Tribal Council shall never bring firearms, weapons, or dangerous substances to Tribal offices, meetings or events, except in cases where they are appointed to serve as Tribal Public Safety Officer. The Tribe will not tolerate any violent or threatening behavior, nor will it tolerate any retaliation or reprisal towards any individual acting within the scope of their official duties.

IV. Legal Compliance

Tribal Council must comply with all applicable laws and regulations of the Tribe and all levels of the U.S. government. Tribal Representatives also must ensure that their actions cannot be interpreted as being in violation of such laws and regulations.

Therefore, it is important that Tribal Council be knowledgeable of the laws and regulations relevant to their work. If uncertain about the application or interpretation of any legal issue, they should seek advice from their supervisor or other appropriate personnel.

The Tribe will not permit any activity that fails to withstand the closest possible public scrutiny. Nor will the Tribe condone the activities of any Tribal Representative who achieves results through violation of the law or other unethical business dealings. This includes the solicitation or acceptance, offer or payment for illegal acts, indirect contributions, rebates, or bribery. Such action will result in immediate termination and prosecution to the fullest extent of the law.

Tribal Council may not be convicted of a felony while in office.

Tribal Council shall report instances where they believe there to be fraud, waste, abuse or corruption to the appropriate authorities.

V. Conflicts of Interest:

A conflict of interest exists when a Tribal Council Member's personal actions or interests compromise their ability to perform their work effectively and objectively. A conflict of interest also exists when their personal actions or interest come before the best interest of the Tribe and its members.

Tribal Council must, at all times, avoid misconduct due to a conflict of interest.

Tribal Council should seek to avoid any action or situation which could result in or create the impression of:

- a. Using their position for private gain for themselves, for any member of their household, for any organization in which they hold a significant financial interest, or for any other person.
- b. Giving preferential treatment to any special interest, organization, or person inside or outside the Tribe.
- c. Impeding governmental efficiency or economy.
- d. Losing or compromising complete independence or impartiality of their actions.
- e. Making decisions outside of official channels.
- f. Adversely affecting the confidence of Tribal members in the integrity of Tribal government.

Conflicts of interest may not always be apparent. Tribal Council Members who are unsure if an action or interest may create a conflict should consult the Tribal Administrator, the Tribe's legal advisor, or their personal legal advisor.

A Tribal Council Member must disclose to appropriate personnel or to the Tribe's legal advisor any potential or actual conflicts of interest as they arrive.

If a Tribal Council Member is required to take action on a matter in which they have a conflict of interest:

- a. First they should attempt to eliminate the conflict of interest.

- b. If the conflict of interest cannot be eliminated, they should abstain from discussing or influencing and voting or deciding the matter if it would favor or advance their personal interests.
- c. If they cannot abstain from participating in the discussion and decision of the matter, due to legal or contractual requirements, they should prepare a signed written statement for inclusion in the official record describing the matter requiring action and the nature of their conflict of interest. Unless otherwise stated or required, abstention from participation in the decision of a matter due to a conflict of interest will not affect the presence of that Tribal Representative for purposes of establishing a quorum.

VI. Conflicts of Interest—Gifts, Entertainment, & Honorariums:

Tribal Council must never offer or accept monetary gifts or their equivalents (e.g., gift cards, discounts, loans) nor personal or private favors that could influence or appear to influence business decisions regarding any person or organization with whom or with which the Tribe has or is likely to have, business dealings.

Tribal Council must not accept any other preferential treatment under these circumstances because their positions with the Tribe might be inclined to, or be perceived to, place them under obligation to return the preferential treatment.

Tribal Council may accept gifts, meals, and entertainment only if they are infrequent, customary and appropriate, do not violate any laws or policies, cannot be construed as a bribe or payoff, and do not exceed a value of \$50.00.

For our Tribal purposes, an honorarium is a gratuitous payment for voluntary services or for services for which a fee is not traditionally required. A stipend is similar to an honorarium though generally dependent upon attendance of a meeting or event. Currently Tribal Council members receive an honorarium for their monthly service and Housing Committee members receive a stipend for meeting attendance. There are also some outside organizations (such as Toiyabe or the Owens Valley Career Development Center) that may also provide a stipend for meeting attendance.

Tribal Council may not sign checks relating to their own honorariums, stipends, or bonuses.

Conflicts of Interest—Outside Activities & Employment:

All Tribal Council Members share the responsibility for the Tribe's reputation, especially at the community level. Their readiness to help with religious, charitable, educational, and civic activities brings credit to the Tribe and is encouraged.

However, Tribal Council Members must avoid acquiring any business or personal interest or participating in any activity outside the Tribe that would create, or appear to create, either an excessive demand upon

their time and attention, thus depriving the Tribe of their best efforts, or a conflict of interest that may interfere with the independent exercise of their judgment in the Tribe's best interests.

VII. Conflicts of Interest—Personal Gain:

Tribal Council must not use their positions or any knowledge gained as a result of their positions for private gain or personal advantage

Tribal Council should avoid investing in or acquiring a financial interest for their own accounts in any organization that has a business relationship with the Tribe, or that provides goods or services to the Tribe if such an investment or interest could influence or create the impression of influencing, their decisions in the performance of their duties on behalf of the Tribe.

If a Tribal Council Member already has an investment that creates a conflict of interest, or if they are unsure whether an existing or contemplated investment creates a conflict, they should consult with the Tribal Administrator, the Tribe's legal advisor, or their personal legal advisor.

VII. Conflicts of Interest—Relations:

No Tribal Council Member shall employ or otherwise cause to be employed any member of their immediate family or household. Nor shall they appoint, nominate, or otherwise influence the appointment of any member of their immediate family or household.

Tribal Council Members shall not participate in the selection, award or administration of any contract or grant supported federal or tribal funds involving any member of their immediate family or household.

For purpose of this Code, immediate family shall be defined as: mother, father, daughter, son, sister, brother, spouse or significant other (including step relations and in-laws).

Tribal Council Members should disclose any personal, business, or financial relationships with immediate family, relatives, or close friends and associates where there could be a real or perceived conflict of interest.

IX. Protection and Use of Tribal Assets and Funds:

Tribal Council Members shall protect and conserve the Tribe's material assets such as supplies, computers, equipment, and facilities, and be responsible and accountable for the proper use of all tribal assets entrusted to their care.

Tribal Council shall use such assets only for their authorized purposes and never for any personal benefit.

Tribal Council members responsible for accounting or record-keeping, must fully disclose and report all assets and liabilities, income and expenses, and guard against creating any false, incomplete, or misleading entries to any account or record.

Undisclosed or unrecorded Tribal funds should never be established for any purpose.

Tribal Council Members who have access to Tribal funds in any form must follow all procedures for recording, handling, and safeguarding money.

Tribal Funds are for Tribal use only and are not to be used for personal financial or business purposes.

Tribal Council Members whose position with the Tribe involves spending Tribal funds or incurring any reimbursable or personal expense must use their good judgment and ensure the cost is reasonable, is directly related to Tribal Business, and is supported by appropriate documentation. Reimbursable personal expense must use their good judgment and ensure the cost is reasonable, is directly related to Tribal business, and is supported by appropriate documentation. Reimbursable expenses must be submitted to only one source and Tribal Council Members shall avoid receiving anything other than legitimate reimbursement of business travel or per diem payments.

If a Tribal Council Member becomes aware of any evidence of fraud or theft, they should immediately advise the Tribal Chairperson or other appropriate personnel.

X. Communications:

Tribal Council Members shall be truthful and straightforward when dealing with each other, Tribal Members, and the general public and respond to all communication requests in a prompt, professional, and courteous manner.

Tribal Council Members shall treat others with dignity and respect, and take care never to compromise the integrity or damage the reputation of the either the Tribe or any other individuals or organizations.

Tribal Council Members should also take care in their communications to separate their personal views from those of the Tribe. When communicating their personal views on Tribal matters, Tribal Council Members must make clear that those are their personal views and not the views of the Tribe. When communicating Tribal views on Tribal matters, Tribal Council Members must make certain the views expressed are indeed those of the Tribe and it is the Tribe's desire to share those views.

Tribal Council Member must not make or engage in any false communication of any kind, either internal or external.

Tribal Council Members must receive consent from the Tribe prior to making any action or statement which may significantly affect or obligate the Tribe.

The Tribe asks that Tribal Council Members do not discuss the Tribe or Tribal matters with the press. Tribal Council Members should refer all press and media related requests for information to the Tribal Administrator.

Tribal Council Members must not use the Tribe's identification, stationery, supplies, or equipment for personal matters.

XI. Privacy and Confidentiality:

When handling personal and financial information about Tribal members or others with whom the Tribe has dealings, Tribal Council Members must observe the following principles:

- a. Only collect the information needed to complete the task at hand.
- b. Obtain information directly from the person(s) involved and if additional information is needed, obtain it from reputable and reliable sources.
- c. Properly protect this information and only use it for the purpose for which it was originally obtained.
- d. Limit the access to this information to those with a legitimate need for it.
- e. Retain this information only for as long as needed to complete the task at hand or as required by law and properly dispose of this information when it is no longer needed.

Tribal Council Members must never release or share this private information without express written consent or as required by contract or law.

Confidential information may include, but is limited to, tribal strategies, business, marketing or service plans, contracts, intellectual property, records, and unpublished financial data and reports, as well as confidential information belonging to our business partners. Tribal Council Members must respect the confidentiality of this information and not release or share it without prior written consent from the Tribe or as required by contract or law.

Tribal Council Members may come into knowledge or possession of confidential information belonging to another organization. Tribal Council Members shall not share any confidential information belonging to another organization that has not been given to the Tribe directly by that organization, unless it is publicly available. Tribal Council Members must not make use of such information unless it is publicly available or they have received express written consent to use it from its owners.

Finally, Tribal Council Members must never use any confidential information to further their personal or financial interest or the interests of any other person or organization.

XII. Reporting Alleged Misconduct:

Any person, who in good faith, believes or has reason to believe that a Tribal Council Member subject to this Code has committed a violation, may report such an act. Reports of misconduct must be made no more than 6 months from the date the alleged misconduct occurred or the date the complainant first became aware of the alleged misconduct. Reports of misconduct must contain supporting facts, documentation,

and evidence. The Tribe will not tolerate any retaliation or reprisal towards any person making such a report.

The Tribal Council shall handle allegations of misconduct by appointed or elected Tribal Council Member. In this category complaints shall be reported to the Tribal Chairperson or Tribal Administrator for action by the Tribal Council.

The Tribal Administrator shall initially receive complaints relating to the Tribal Council Members and report initial findings to the General Council for their review and further action. Further action could be to investigate further, set up a sub-committee, or determine that no further action is warranted.

Every effort shall be taken by the appropriate parties to begin investigation into allegations of misconduct within 10 days of receiving a complaint. Investigations of alleged misconduct shall be fair, thorough and discrete. Opportunity will be given to all involved parties to present information relevant to the matter. Tribal Council Members are expected to cooperate with internal investigations of misconduct.

Investigations will be completed within 60 days of receiving a complaint and the complainant will be notified of the outcome.

If misconduct is found to have occurred, appropriate disciplinary action will be taken. Penalties for misconduct by members of the Tribal Council may include written notice entered into the official record to removal as outlined in the Tribal Constitution. Misconduct may also constitute a violation of the law in personal legal or financial liability or possibly criminal actions for the individual who has committed it.

Addendum—August 24, 2010

Sources.

This Code of Conduct contains material from:

- Previous drafts of the Tribe's "Code of Conduct" and "Standards of Ethical Conduct"
- "Statutes of the Pit River Tribe of California," The Pit River Tribe of California.
- "Code of Business Conduct and Ethics," Berkshire Hathaway Inc.
- "Code of Ethics of TI," Texas Instruments.
- "Code of Conduct," Google.
- "Developing a Volunteer Code of Conduct," University of Minnesota Center for Public Health Preparedness.
- "Personnel Manual," City of Fernley, Nevada.
- "Sample Volunteer Agreement and Code of Conduct," University of Texas at Austin.
- "Uniform Complaint Procedure," Sacramento City Unified School District.

CERTIFICATION

We, the undersigned, as the duly elected officers of the Big Pine Paiute Tribe of the Owens Valley, do hereby certify that the foregoing Tribal Council Code of Conduct was approved by the General Council at a duly held meeting on the 23rd day of March with a vote of 16- Ayes, 1- Nays, and 5-Abstentions.

/s/ Jacqueline Gutierrez
Tribal Council Secretary 2011

CERTIFICATION

We, the undersigned, as the duly elected officers of the Big Pine Paiute Tribe of the Owens Valley, do hereby certify that the foregoing Tribal Council Code of Conduct was amended by the Big Pine Tribal Council and was approved at a duly held meeting on the 17th day of December, 2015 with a vote of 4- Ayes, 0- Nays and 0-Abstentions.

Roberta J. Hunter
Roberta J. Hunter
Tribal Council Secretary

Shannon D. Romero
Shannon D. Romero
Tribal Council Chairperson