

CND



# Rincon Indian Reservation

P.O. BOX 68 • VALLEY CENTER • CALIFORNIA 92082 • (619) 749-1051

## ORDINANCE NO. 94-02

### AN ORDINANCE OF THE BUSINESS COMMITTEE OF THE RINCON SAN LUISEÑO BAND OF MISSION INDIANS ESTABLISHING A CODE OF CONDUCT AND ETHICS PERTAINING TO ITS TRIBAL COUNCIL

#### **Section 10.1 TITLE:**

This title is adopted to implement and shall be known as the "Rincon Code of Conduct and Ethics Ordinance".

#### **Section 10.2 PURPOSE AND INTENT:**

This ordinance is intended to set forth Tribal Council policy and regulations governing each Council member's conduct and behavior regarding, conflict(s) of interest, confidentiality, and acceptance of monies, gifts and/or other similar gratuities and various other matters, while serving as a duly elected tribal officer.

#### **Section 10.3 INTERPRETATIONS:**

In matters of concern, question or complaints brought to the attention of the Tribal Council which involve the application of this Ordinance, the provisions of this ordinance shall be interpreted based upon the purpose, intent and general policies set forth herein.

#### **Section 10.4 GENERAL POLICIES AND ETHICS:**

As duly elected officers, elected at-large by Rincon tribal members, the Tribal Council is empowered to represent, negotiate, and manage tribal lands and resources. These responsibilities require every elected Tribal Council member to adhere to the following policies:

1. To exercise, at all times, Tribal Council authority with restraint, the interests of peacemaking in mind and wisdom including when acting in a meeting with full Council or as tribal delegate to another board, commission or committee.

2. To represent equally all the people residing on the Rincon Indian Reservation and not favor special interests on or off the Reservation.
3. To approach all Council and Band issues and matters with an open mind in order to make informed decisions in the best interests of all.
4. To uphold the trust and confidence of those who elected Council to office and are served and represented by the Council.
5. To keep confidential all matters/information deemed to be confidential as set forth herein.
6. To focus individual and collective efforts on tribal mission and objectives, not on personal goals.
7. To use Council service for tribal interests and advantage, not for financial gains or influence, as a means to provide such advantage to: personal advantage, individual friends, supporters or family members.

**Section 10.5 CONFLICTS OF INTEREST:**

An actual or potential conflict of interest, or the appearance of a conflict of interest arises or may arise whenever a Tribal Council Member is:

1. related to or is a close personal friend of an individual with whom the Council conducts business, or is considering for a business venture or arrangement;
2. a partner, owner, investor or would financially gain from a business agreement or contract entered into between said entity and Rincon Tribal Council
3. employed as a chief executive officer, chief financial officer, or in a senior management position with responsibility for contract negotiations and/or administration in any company, partnership or investment group with whom The Tribe conducts or is considering conducting business. An actual or potential conflict or interest also arises when an immediate family member of a Council member is employed in any of the above positions. It shall be the obligation of each Tribal Council Member to immediately disclose any relationship, whether personal, business or financial, that he or she may have with any individual, company, partnership or investment group with whom the Tribe conducts, or is considering conducting business or entering into a contractual agreement.

In the event of a conflict of interest, Tribal member(s) shall recuse him or herself from Council deliberations or actions following disclosure of an actual or potential conflict of interest as specified above. The remaining Tribal members shall automatically constitute a quorum and decide whether or not the Tribal member may participate in any way in deliberations or actions affecting such individual, company, partnership or investment group.

**Section 10.6 BREACHES OF CONFIDENTIALITY:**

Tribal Council Members are regularly apprised of information that shall be kept and held in strict confidence. Such information includes, but is not limited to:

1. business or strategy plans
2. financial information and/or negotiations
3. tribal employees personnel data
4. litigation matters
5. closed session, including but not limited to the subject of matters discussed and/or determined, and actions taken by individual Council members or by entire Tribal Council.
6. Disclosure of information or other materials of strict confidentiality by Tribal Council Members shall be cause for censure by entire Council.

**Section 10.7 ACCEPTANCE OF BRIBES OR OTHER MONIES:**

No Tribal Council Member shall accept, request or demand payment of money or any other form of compensation from an individual, family member, company, corporation, investment or partnership group which may influence his or her position on any issue before the Tribal Council.

Any Council member who is offered, implicitly or explicitly, money or any other form of compensation for advocating, sponsoring or taking a particular position or action on any issue pending before the Tribal Council, shall immediately disclose, in strict confidence, said offer to the entire Tribal Council, Tribal Attorney and Tribal Administrator. Said disclosure may also be reported to appropriate local, state and/or federal officials.

**Section 10.8 TRIBAL EMPLOYMENT:**

No Tribal Council member shall accept employment with the Tribe while serving in office. A Council member may resign in order to be considered for Tribal employment. Said resignation shall be considered without prejudice. In a natural or man-made disaster and/or other emergency, the entire Tribal Council shall determine the suitability and extent of temporary employment of a Tribal Council Member to solely perform or oversee said emergency work provided that if no other person is available or capable of accomplishing said work. Any compensation to the Council Member or out-of-pocket expenses reimbursed to such member for such temporary employment shall be first approved by a Tribal Council majority.

**Section 10.9 SCOPE OF AUTHORITY:**

No Tribal Council member shall attempt to act or shall act beyond the scope and extent of his or her delegated authority as Council member.

**Section 10.10 VIOLATIONS OF LAW:**

Any Tribal Council member convicted by a tribal court or another court of jurisdiction, of a felony shall be immediately removed from office without further action by Council. Tribal Chair, Acting Chair or Vice-Chair shall declare a vacancy and call for a Special Election in accordance with Section 5 of Articles of Association.

**Section 10.11 GOOD STANDING:**

Each Council member shall be in good standing with the Tribe, including but not limited to:

1. compliance with Tribal Ordinances and Resolutions
2. any financial debts owed to Tribe are paid in a timely manner or satisfactory arrangements for payment are made

**Section 10.12 OATH OF OFFICE AND ACKNOWLEDGEMENT**

Each Council member elected to office shall acknowledge and pledge to uphold and abide by the standards and code of conduct as set forth herein at the time of swearing to office.

**Section 10.13 INTOXICATION AND DRUG USE:**

No Tribal Council member shall report to a Council meeting or conduct any business or travel on behalf of the Tribe while under the influence of any controlled substance or alcoholic beverage, unless medically prescribed and proof of prescription is provided upon Tribal Council request.

**Section 10.14 AMENDMENT AND RESCISSION**

This ordinance may be amended no more than once a year. Amendments, as allowed herein, shall be approved by majority vote of General Membership subject to prior public input. Public notice of intent to amend, modify or rescind this ordinance shall be given a minimum of fifteen (15) calendar days prior to General Membership Meeting and determination. Tribal Council may allow public input, written or verbal, at a General Membership Meeting in deliberation of an amendment, modification or rescission of this ordinance.

**Section 10.15 SEVERABILITY:**

If any provision or clause of this ordinance or the application thereof to any person or circumstance is held to be invalid by any court of competent jurisdiction, such invalidity shall not affect remaining ordinance provisions, and to this end the provision and clauses of this ordinance are severable.

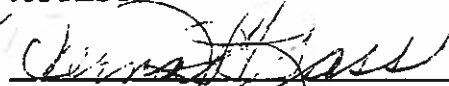
**Section 10.16 EFFECTIVE DATE:**

This ordinance shall take effect immediately when adopted by a majority vote of the Tribal Council, and shall rescind, supersede and replace in its entirety any previously adopted Tribal ordinance pertaining to conflict of interest, ethics or code of conduct.

**INTRODUCED, PASSED AND ADOPTED** by the Tribal Council of the Rincon San Luiseño Band of Mission Indians at its regular meeting held on April 14, 1994 by the following call vote:

Ayes: Council Members: Ruth Calac, Patty Duro, Richard Garcia and Gil Parada.  
Noes: Council Members: None  
Absent: Council Members: Robert G. Calac

ATTEST:

  
\_\_\_\_\_  
Merna Sass, Acting Recording Secretary

Date: April 15, 1994