

HUALAPAI TRIBAL COUNCIL
RESOLUTION NO. 39-2018
OF THE GOVERNING BODY OF THE
HUALAPAI TRIBE OF THE HUALAPAI RESERVATION

Resolution to Supersede, Adopt and Amend Code of Ethics

WHEREAS, the Hualapai Tribe is a federally recognized Indian Tribe located on the Hualapai Indian Reservation in the northwestern Arizona; and

WHEREAS, in accordance with Article IV, Section 9 of the Hualapai Constitution, the Hualapai Tribal Council is the governing body of the Hualapai Tribe

WHEREAS, under Article IV, Section 9, the Tribal Council of the Hualapai Constitution, the Tribal Council shall have the power to adopt a Code of Ethics governing the conduct of Tribal Officials. The Code of Ethics may include disciplinary procedures so long as the Tribal Official in question is afforded full due process rights; and

WHEREAS, the approval of this resolution supersedes Resolution 43-98 Adopting the Hualapai Code of Ethics and Resolution 61-98 Amendment to the Code of Ethics.


NOW, THEREFORE, FURTHER BE IT RESOLVED, that this Hualapai Tribal Council of the Hualapai Tribe hereby adopts this resolution which supersedes Resolution 61-98 Hualapai Code of Ethics for all Tribal Council members.

CERTIFICATION

I, the undersigned as Chairwoman of the Hualapai Tribal Council hereby certify that the Hualapai Tribal Council of the Hualapai Tribe is composed of nine (9) members of whom (6) constituting a quorum were present at a **Special Council Meeting** thereof held on this **16th day of May, 2018**; and that the foregoing resolution was duly adopted by a vote of **(6) in favor, (0) opposed, (0) not voting, (3) excused**; pursuant to authority of Article V, Section (a) of the Constitution of the Hualapai Tribe approved March 13, 1991.



Dr. Damon Clarke, Chairman
Hualapai Tribal Council

ATTEST:


Shanna Salazar, Admin. Assistant
Hualapai Tribal Council



HUALAPAI TRIBAL COUNCIL

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HUALAPAI TRIBAL COUNCIL

CODE OF ETHICS AND STANDARDS OF CONDUCT

REVISED 2018

APPROVED May 9, 2018

***HUALAPAI INDIAN TRIBAL COUNCIL CODE OF ETHICS AND
STANDARDS OF CONDUCT***

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Legislative History: Code of Ethics Ordinance of 1998 adopted on July 6, 1998 by Resolutions 43-98 and 61-98 Amendment.

Article I Title

Section 1 Short Title: Codification

(A) This document shall be known as the “Hualapai Tribal Council Code of Ethics and Standards of Conduct Ordinance.”

Section 10 Purpose and Intent

The purpose of this code of ethics is to maintain and protect this solemn obligation by stating the ethical obligations of Council Members, to define Standards of Conduct for Council Members, and to set forth the consequences for violating these obligations.

The Hualapai Tribal Council is committed to preserve of the value and integrity of representative Tribal government and is dedicated to the promotion of efficient and effective management of public services. To fulfill the spirit of this commitment, the Hualapai Tribal Council works to enhance public trust and confidence in Tribal government by improving the economic well-being and quality of life of the tribal community.

Members of Tribal Council are vested with authority to represent and act on behalf of the tribal membership of the Hualapai Tribe. The Tribal Council exercises exclusive legislative authority through the Constitution of the Hualapai Tribe; as such, Tribal Council Members are invested with the sacred trust of the tribal membership.

To further these objectives, this Code of Ethics shall govern the conduct of elected Tribal officials. This Code of Ethics is adopted in furtherance of Article IV, Section 9 of the Constitution of the Hualapai Indian Tribe of the Hualapai Indian Reservation, Arizona.

Section 20 Policy

Tribal Council Members shall maintain the highest standards of honesty, integrity, fairness, and impartiality in their conduct as Tribal Council Members, and shall avoid any actions which would adversely reflect on the Tribal Council or the Hualapai Tribe. Council Members shall take action in the best interest of the Tribe.

Council Members shall not engage in behavior involving a conflict of interest, or acts that involve impropriety, as those terms are defined in this code. Council Members shall carry out their duties and responsibilities in the highest ethical manner.

Violation of this code of ethics may constitute “neglect of duty” or “gross misconduct”.

Section 30 Definitions

(A) "Conflict of Interest" means: action or conduct by a Council Member which is in conflict with the best interest of the Tribe; or ii) when the Council Member, or his immediate family, has or may foreseeable develop or create a personal or financial interest without properly submitting that interest to review of the Tribal Council that is separate or adverse to the Tribe.

(B) "Violations" means illegal acts while serving on behalf of the Tribe; acts involving an abuse of power; acts involving dishonest conduct; or acts that would do a disservice to the Tribe's reputation.

(C) "Immediate Family" means spouse, parents, brothers, sisters, children, and siblings of parents and/or other legal dependents.

Article II – WHO IS COVERED

1. This Code of Ethics applies to Elected Officials, including the Chairperson, Vice-Chairperson and Tribal Council Members when acting in their official elected capacity. The Chairperson and Vice-Chairperson are specifically covered by this Code of Ethics notwithstanding Section 2 below. For the purposes of this Code of Ethics, "Council Member" shall refer to Council Members, the Chairperson and Vice-Chairperson.

Article III - TRIBAL COUNCIL PROCEDURAL REQUIREMENTS

1. Abstentions

Pursuant to Article IV, Section 7 of the Constitution, the "Tribal Council shall make decisions by a majority vote of those present, unless otherwise stated in the constitution." All Council Members present at a Tribal Council meeting shall vote on questions properly placed before the Tribal Council. A Council Member may abstain from voting on a matter if a conflict of interest exists which has been disclosed to the Tribal Council and the Tribal Council has not authorized the Council Member to vote on the matter.

2. Conflict of Interest

A Council Member with the following conflicts of interest shall not vote on a matter before the Hualapai Tribal Council without the consent of the remaining members of the Tribal Council:

- A. "Conflict of Interest" means: i) action or conduct by a Council Member which is in conflict with the Council Member's obligation to take actions in the best interest of the Tribe and the tribal membership; or ii) when the Council Member, or his immediate family, has or may foresee ably develop a personal or financial interest

that hasn't been properly submitted to the Tribal Council for their approval and the personal or financial interest is separate or adverse to the Tribe.

- B. "Immoral behavior" means those acts involving an illegal act while serving on behalf of the Tribe; acts involving an abuse of power; acts involving dishonest conduct; or acts that would do a disservice to the Tribe's reputation.
- C. "Immediate Family" means spouse, parents, brothers, sisters, children, and siblings of parents and/or other legal dependents.
 - i.) If a Council Member has an interest in a matter before the Tribal Council or the decision involves an immediate family member, the Council Member shall disclose the interest and relationship prior to the Tribal Council's discussion and vote on the matter. The Council Member shall not participate in the discussion or vote on the matter unless, prior to the discussion and vote, the remaining Council Members vote to allow the Council Member with a conflict of interest to participate in the discussion and vote. Failure to disclose a conflict of interest shall be subject to disciplinary action.
 - ii. If a Council Member is accused of violating this Code of Ethics, the accused Council Member shall not be allowed to vote on the matter.

3. Conduct at Tribal Council Meetings

Council Members shall conduct themselves at Tribal Council meetings in a respectful manner and strive to maintain and inspire high standards of honesty, integrity, impartiality, ethical, and moral conduct. Council Members shall avoid the appearance of impropriety in their decisions and actions.

Council Members shall avoid any actions at Council meetings or while on official business which could reflect adversely on the Tribe.

Article IV Ethical Actions

Section 40 Ethical Obligations

(A) Council Members shall not take any official action, whether in a Tribal Council meeting, committee meeting, or otherwise, in which the Council Member, or a member of his or her immediate family, has a personal or financial interest which could be affected by such action.

(B) Council Members shall not act as official representatives of the Tribal Council or the Tribe, or make statements to the media, without express authorization of the Tribal Council or the Chairperson. The Chairperson is the official representative of the Tribe and the Tribal Council, unless that authority is otherwise properly delegated by the Tribal Council.

(C) Council Members shall not bring an action as a tribal member before any court, federal or state government in any proceeding in a matter in which the Tribe is a party or has an interest. **Except for the provisions set forth in the section of Appeals of this Code of Ethics (Article X)**

(D) Council Members shall attend and complete all required meetings according to the set date and time unless properly excused per Article IV, Section 10 of the Hualapai Tribal Constitution.

If a Council Member knows s/he is going to be late to a meeting or function, call the Chairman or Vice Chairman. Your actions are hurting others and hurting your own character as well. Being late is a sign of disrespect.

(E) Council Members may be excused only by the Chairperson or Vice Chairperson for personal illness, unforeseen emergencies, tribal related matters (as a scope of a full-time employee), and prior arrangements made. **Three (3) successive unexcused absences shall constitute a violation of this code in accordance to Article IV, Section 10 of the Constitution, (Removal and Suspension from Office).**

(E) Council Members shall not interfere with or participate in any tribal employment decisions related to his or her immediate family.

(F) Council Members shall not engage in any personal investments that they become aware of as a result of their position in the Tribe unless they first disclose the opportunity to the Tribal Council and the Council votes on the matter.

(G) Council Members shall not vote on the contracting or procurement of goods in which they or their immediate family have a personal or financial interest, unless the interest is fully disclosed to the Tribal Council and the Council votes and approves the transaction.

Article IV Gifts, Entertainment, and Favors

(A) Council Members shall not accept on his or her own behalf, or on behalf of their immediate family, individual gifts valued at over \$250.00, except for the following:

(1) Ceremonial and customary gifts generally granted to dignitaries;

(2) Food and refreshments of a nominal value in the ordinary course of a luncheon or dinner meeting;

(3) Unsolicited advertising or promotional material of nominal value;

(B) Council Members shall not knowingly make public any confidential information received in connection with one's duties as a council member, including but

not limited to:

- (1) Matters discussed during Tribal Council study or executive sessions;
- (2) Matters protected as confidential under Tribal, federal, or state law;
- (3) Information given to a tribal official or employee with the reasonable expectation that such information would be kept confidential.

Article V Improper Conduct

Section 50 Improper Conduct

(A) Improper conduct prohibited under this ordinance includes, but is not limited to, the following:

(1) Abuse of power, such as using one's position to coerce, threaten, intimidate, or improperly influence a tribal member or tribal employee to provide personal, financial or political benefit to oneself or immediate family, or someone they have business or financial ties to, or using one's official title in Tribal government to conduct personal business;

(2) Unauthorized participation or involvement in administration and operations, including, but not limited to, business, program, law enforcement, employment, and personnel decisions.

(3) Unauthorized participation or involvement in any tribally owned or operated enterprise, including, but not limited to, business, employment, and personnel decisions.

(4) Intoxication or under the influence of illegal drugs or any substance that alters peripheral or mental capacity endangering the public while conducting official tribal business;

(5) Misappropriation or misuse of Tribal funds or property;

(6) Unauthorized disclosure, concealing, removing, mutilating, or destroying Tribal records, or copying Tribal records for improper purposes;

- (7) Committing perjury or fraud;
- (8) Violating the Tribe's laws, ordinances, resolutions, rules, regulations or policies;
- (9) Any other acts prohibited by tribal, federal or state law.

ARTICLE VI Investigations

Section 60 Procedure to Investigate Tribal Council Members

(A) The Tribal Council shall be responsible for investigating any alleged violations under this code.

(B) Allegations of unethical or improper conduct as defined in this ordinance by a Tribal Council Member shall be presented to the Tribal Council and processed in the following manner:

(1) Allegations of unethical or improper conduct against a Council Member shall be made in writing and submitted to the Chairperson, provided that if an allegation is made against the Chairperson, said allegation shall be filed with the Vice-Chairperson then submitted to the Council Secretary to be dated and stamped received. Then copies shall be provided to the Council members and the complainant. The charge shall be construed as delivered when stamped as received.

(a) A written complaint may be submitted by any Council Member, Tribal Member, or Tribal Employee who believes that a Council Member has engaged in unethical or improper conduct as defined by this code. The complaint shall specify the Council Member against whom a complaint is being made, and the conduct that is alleged to be unethical or improper.

(b) If an allegation of unethical or improper conduct is made, it shall be properly submitted by the person against whom the unethical or improper conduct allegedly

occurred.

(c) The Council Member against whom the allegation is made shall be provided with a copy of the allegation.

(2) The Tribal Council shall perform an initial review in executive session of the allegation and complaint. Such review shall take place no later than 31 days after the complaint has been submitted. The purpose of the initial review shall be to determine whether the allegation made falls within the scope of this code and whether, said facts would support a determination of unethical or improper conduct. The Tribal Council member against whom the allegation is made shall not participate in the initial review, except that he/she may submit a written statement in their defense to the review.

(3) If the Tribal Council, upon completion of the initial review, determines that the allegation falls within the scope of this code and makes allegations, if true might support a determination of unethical or improper conduct, the Tribal Council, by majority vote, may refer the allegation for investigation. Tribal Council determination that an allegation requires further investigation shall not be a final decision of the Tribal Council which must be made in open session.

(a) Any investigation requested by the Tribal Council may be conducted by ad hoc committee of the Council, or an independent, outside investigator appointed by the Tribal Council.

(b) Any investigation performed under this ordinance 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 credible or not credible.

(d) The investigator shall notify the Chairperson of the completion of the investigation or of a date when the investigation will be completed. If the investigation will take longer than 30 days to complete, the investigator shall

obtain the approval of the Chairperson to extend the investigation for a specified period of time.

(4) Upon receipt of the investigation report, the Chairperson shall:

(a) Notify Tribal Council that the investigator has concluded and the investigation recommends a hearing then the Chairperson shall:

(b) Set a hearing date and time not less than ten and not more than 45 days from the date of the investigative conclusion the investigation report will be presented.

(c) A copy of the investigative report shall provided to the accused Council Member.

(5) If Council does not request an independent investigation, then the Chairperson shall set a hearing date not less than ten (10) and not more than 45 days from the date of the initial review.

(6) The hearing shall take place in executive session, with all Tribal Council members present, and shall be recorded. The results of the investigation, if any, shall be presented to the Tribal Council. Only the Tribal Council, complainant, accused Council Member and his or her attorney shall be present during the hearing, provided that witnesses may be called into the Tribal Council executive session to testify.

ARTICLE VI Determinations

Section 70 Final Determination

- (A) At the conclusion of the hearing, the Council Member accused of an ethical violation, and the complainant shall be excused from the executive session so the Tribal Council may review the evidence and consider a decision and sanction, if any.
- (B) The Tribal Council shall decide in open Tribal Council session, by recorded vote, whether an ethical violation under this ordinance has occurred. Said decision shall be made by a majority vote. If the Tribal Council decides that an ethical violation has

occurred, the Tribal Council shall then decide, by motion, an appropriate sanction, if any, to impose on the Council Member who engaged in unethical conduct.

- (C) The Council Member against whom an allegation of unethical or improper conduct is made shall not participate in the review of the allegation by the Council, consideration by the Tribal Council of whether unethical conduct occurred and appropriate sanction for such conduct, or voting in open session on whether an ethical violation occurred and on an appropriate sanction.

ARTICLE VII Immunity

Section 80 Limited Waiver of Individual Immunity

The absolute immunity of individual Tribal Council members alleged to have violated this section is waived to the extent that the Hualapai Tribe can pursue action to recoup any losses it may have incurred in connection with, or as a result of, unethical or improper conduct. This provision in no way waives the sovereign immunity of the Hualapai Tribe.

ARTICLE IX Impositions

Section 90 Sanctions

The Hualapai Tribal Council may impose a sanction or sanctions against any Council member who is found to have engaged in unethical conduct under this code of ethics. Such sanctions may include, but shall not be limited to, the following:

- (A) Reprimand, which is defined as a public censure or condemnation administered by the Tribal Council;
- (B) Restitution or fine;
- (C) Suspension without pay provided that the suspension shall not exceed three months for

any specific violation;

(D) Expulsion or removal, provided that eight Council Members and that six (6) or 2/3 majority of Tribal Council, have voted for this sanction.

ARTICLE X Appeals of Sanctions

Section 100 Appeals

(A) Any Council Member who is found to have violated this Code of Ethics and against whom sanctions have been imposed by the Council shall have the right to appeal such determination to the Hualapai Tribal Court.

(B) The Hualapai Court is hereby granted jurisdiction to hear appeals of the issuance of such sanctions by the Tribal Council, provided, however, that the Tribal Court's jurisdiction in such matters is limited to a determination of whether or not the action taken by the Council was arbitrary and capricious, or in violation of the Hualapai Tribe's Constitution or the Indian Civil Rights Act.

(1) The appeal must be filed within 30 days of the Council's determination.

(2) The evidentiary findings of the Council shall be accepted by the Court as final, unless such findings are arbitrary and capricious.

ARTICLE XI Severances

Section 110 Severability

If any provision of this Code of Ethics is found to be invalid under applicable law, that provision shall be severed from this ordinance and the remainder of the Chapter shall remain in full force and effect.

This code is ratified by Resolution No. 39-2018