

**LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS**

PO Box 246  
Petoskey, MI 49770

**RESOLUTION # 072102-01  
Tribal Council Code of Ethics**

**WHEREAS** the Tribal Council of the Little Traverse Bay Bands of Odawa Indians is the governing body of the Tribe under the Tribe's Constitution with a duty to act on behalf of the Tribe and Tribal membership as a whole;

**WHEREAS** the Tribal Council has developed the attached Code of Ethics to help guide the actions of Tribal Council members in a way that does not allow their personal financial or other interests to conflict with their decision making;

**THEREFORE BE IT RESOLVED** that the Tribal Council adopts the attached Code of Ethics as a policy of the Tribal Council.

**Certification**

As Tribal Chairman and Tribal Secretary, we certify that this Resolution was duly adopted by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a regular meeting of the Tribal Council held on July 21, 2002 at which a quorum was present, by a vote of 5 in favor, 2 opposed, 0 abstentions, and 0 absent as recorded by this roll call.

	In Favor	Opposed	Abstained	Absent
George Anthony	<u>X</u>	_____	_____	_____
Gerald Chingwa	<u>X</u>	_____	_____	_____
Frederick Harrington, Jr.	<u>X</u>	_____	_____	_____
Beatrice Law	<u>X</u>	_____	_____	_____
Rita Shananaquet	_____	<u>X</u>	_____	_____
Janet Shomin	_____	<u>X</u>	_____	_____
Alice Yellowbank	<u>X</u>	_____	_____	_____

Date: July 21, 2002

Gerald V. Chingwa, Tribal Chairman *U*

Frederick R. Harrington, Jr., Tribal Secretary

## **TRIBAL COUNCIL CODE OF ETHICS**

### **I. PREAMBLE**

As the most respected leaders, the Tribal Council will represent membership by acknowledging the cultural values of Wisdom, Love, Respect, Bravery, Honesty, Humility and Truth. We will exhibit the highest level of integrity and fairness while representing the needs of the entire Tribe. We will provide objective leadership while being held accountable to make fair and informed decisions. We will strengthen government-to-government relations by enacting legislation further protecting Tribal Sovereignty.

### **II. PURPOSE**

The LTBB government is founded on the consent of the governed. The members of the LTBB community are entitled to have complete confidence in the loyalty and integrity of their Tribal Council. To that end, the purpose of this code is to establish clear standards for the ethical conduct and behavior of the Tribal Council. This code seeks to require accountability to the LTBB members by the Tribal Council in exercising the authority vested with them. It is the intention of the LTBB Council that the provisions of this LTBB code of ethics be construed and applied in each instance, so as to accomplish its purpose of protecting the LTBB members from government decisions and actions resulting from, or affected by, undue influences or conflicts of interests.

### **III. DEFINITIONS**

1. **BUSINESS:** Any enterprise, organization, trade, occupation or profession whether or not operated as a legal entity for profit, including any business, trust, holding company, corporation, partnership, joint venture, or sole proprietorship, consultant or other self-employed enterprise.
2. **BUSINESS WITH WHICH THE PERSON IS ASSOCIATED:** includes any business in which the person is a director, officer, partner, trustee or employee, holds any position of management or receives income in any form such as wages, commission, direct or indirect investment worth more than \$1000 or holds any ownership, security or other beneficial interest, individually or combined, amounting to more than ten percent [10%] of said business.
3. **COMPENSATION OR INCOME:** means any money or thing of value received, or to be received as a claim on future services, whether in the form of a fee, salary, expense, allowance, forbearance, forgiveness, interest, dividend, royalty, rent, capital gain, or any other form of recompense or any combination thereof.

4. **CONFIDENTIAL INFORMATION:** means information which by law or practice is not available to the public at large.
5. **CONFLICT OF INTEREST:** means the reasonable likelihood that any personal or economic interest of a Tribal Council member will be affected in any materially different manner from the interest of the general public, or by any decision, enactment, agreement, award or other official action or function of any governmental body or political subdivision of the LTBB Odawa.
6. **DEPENDENT BUSINESS:** means any business, as defined herein, in which the person, individually or combined, have any direct or indirect ownership, investment, security or other beneficial interest amounting to more than 10% of such business.
7. **EMPLOYEE:** means any person or entity working for, or rendering or exchanging any services or performing any act for, or on behalf of, another person, organization or entity in return for any form of pay or other compensation, or thing of value received, or to be received, at any time temporarily, permanently, or indefinitely in any capacity whether as agent, servant, representative, consultant, advisor, independent contractor or otherwise.
8. **EMPLOYMENT:** means the status or relationship existing or created by and between a person designated or acting as an employee as defined herein, and the person, organization, group or other entity for whom or on whose behalf any such work, acts, services or other benefit has been, is being, or will be rendered or performed for pay or any other form of compensation.
9. **ECONOMIC INTEREST:** means an interest held by a person, members of the person's immediate family or a dependent business which is:
- a) any ownership, income, investment, security or other beneficial interest in a business; or
  - b) any employment or prospective employment for which negotiations have already begun.
10. **GIFT:** includes any gratuity, favor, hospitality, payment, loan, economic opportunity, deposit of money, services, or other benefit received without equivalent consideration and not extended or provided to members of the public at large.
11. **IMMEDIATE FAMILY:** means husband, wife, son, daughter, step-son, step-daughter, father, step-father, father-in-law, mother, step-mother, mother-in-law, brother, step-brother, brother-in-law, sister, step-sister, sister-in-law, child, step-child. or a person whose relationship with the tribal member is similar to that of persons who are related by blood or marriage.



#### **IV. CONDUCT**

Members of the LTBB Tribal Council shall, at all times, conduct themselves such that they will not be unduly influenced by any person or persons with regard to the performance of their official duties, or accept privileges other than those granted by the Tribe through official action that may affect a Council member's ability to remain objective in the performance of his or her duties.

#### **V. CONFLICT OF INTEREST**

1. Members of the LTBB Tribal Council shall not receive monetary or material benefit from outside influence as a result of their position. This does not apply to those instances specifically excluded from law, such as contracts with voluntary nonprofit corporations or associations.

2. Members of the Tribal Council shall publicly disclose any of the following interests relating to an individual or company with which they are in business, or with which they propose to do business. For the purposes of this code, an interest shall be considered any of the following:

- a) Employment with said company;
- b) A business relationship with said company;
- c) A financial interest other than the holding of common stock in said company;

3. Public disclosure shall be made to the LTBB Tribal Council at a regularly scheduled public meeting within thirty [30] days of the time the Tribal Council member is sworn in, or acquires or learns of an interest as defined above. This public disclosure shall include the name of the company an individual is doing business with, or proposes to do business with, as outlined in Article II, Section 2; a-c.

4. Members of the Tribal Council, by official motion, may then ask that the disclosure be sent to the LTBB attorney for his or her advice as to whether the disclosed interest constitutes a conflict of interest that is prohibited by tribal law or by this code. The reply of the attorney, or any other authority the attorney chooses to consult on this matter, shall become part of the Tribal Councilor's file.

5. Members of the LTBB Tribal Council shall further refrain from engaging in any of the following activities:

- a) Making personal investments in any enterprises that will create a conflict with their duties as Tribal Council members.

- b) Using their position to obtain employment or business in or for the LTBB government or its enterprises for themselves or members of their immediate families.
- c) Entering into arrangements with clients for compensation in matters that are before the Tribal Council.
- d) Engaging in negotiations with companies or other governments doing business with the Tribe without the knowledge and authorization of the Tribal Council.

## **VI. IMPARTIALITY/USE OF INFLUENCE**

1. No Council member shall in any manner benefit from the profits of any contract, job, work, or service for the Tribe, or accept any service or thing of value, directly or indirectly, upon more favorable terms than those granted to the public generally from any person, firm, or corporation having dealings with the Tribe.
2. No Council member shall use his or her official influence to assist any person for a fee or other compensation other than the compensation that is provided by law. The performance of usual and customary constituent services without additional compensation does not constitute the use of prestige of office for private gain.

## **VII. CONFIDENTIAL INFORMATION**

No Tribal Council member shall disclose confidential information which he or she has acquired by reason of his or her position.

## **VIII. GIFTS**

1. No LTBB Council member shall accept a "gift" as defined in the definitions of this code:
  - a) From a person seeking to obtain a contract, grant, loan, employment, or any financial relationship from or within the Tribe;
  - b) From a person or business having a financial relationship with the Tribe;
  - c) From a person or business whose operations or activities are regulated or inspected by the Tribe;
  - d) From a principal and or attorney in proceedings in which the Tribe is an adverse party;

- e) From any person or business where the performance or nonperformance of any official duty may be affected or influenced.

2. Exceptions to Article V., Section 1:

- a) Acceptance of an award for meritorious achievement from a charitable, religious, professional, recreational, social, fraternal, public service, or civic organization;
- b) Acceptance of a plaque or memento of nominal value offered as a token of esteem or appreciation on the occasion of a speech or public appearance;
- c) Small tokens or favors given to everyone attending a function or celebrating an occasion;
- d) Traditional gifts, such as feathers, pouches and blankets.

**IX. USE OF PUBLIC PROPERTY**

No Tribal Council member shall use, request, or permit the use of the Tribe's motor vehicles, equipment, materials, or property, except for the conduct of official business.

**X. PENALTIES AND CONSEQUENCES**

1. In addition to any penalty contained in any other provision of law, any Tribal Council member who knowingly and intentionally violates any of the provisions of this code, by majority vote of the Tribal Council following a fair hearing before Council, will be subject to appropriate censure including but not limited to removal from commissions or committees, revocation of executive office of Vice-Chair, Secretary or Treasurer, or reduction in compensation no greater than ½ month's pay for two consecutive months.

2. A Tribal Council member convicted of a felony in any court of competent jurisdiction may also be subject to censure as listed in subsection 1.