

**STANDARDS OF CONDUCT AND ETHICS POLICY
FOR THE
BISHOP PAIUTE TRIBAL COUNCIL**

PURPOSE: The purpose of this “Standards of Conduct and Ethics Policy” (“Policy”) is to ensure the accountability of members of the Bishop Paiute Tribal Council (Council) in the exercise of their authority and to ensure that the members respect their duty of loyalty to Council and do not place their private gain or personal advantage above the interest of the Council and the Tribe they represent. Members of the Council are not only expected to strictly abide by this Policy, but also to avoid the appearance of a violation of the Policy. Council business should be conducted, whenever possible, in an open meeting, allowing the Indian communities and individuals to inquire about Council members’ decision-making process.

INTENT: It is the intent of this Policy that its provisions be applied in each instance, so as to protect the Indian communities and individuals served by the Council from decisions and actions resulting from or affected by undue influence or conflict of interest.

DEFINITION OF “IMMEDIATE FAMILY MEMBERS”

For purposes of this policy, immediate family members includes: mother, father, husband, wife, brother, sister, son, daughter, domestic partners, and any family member that could reasonably be perceived as creating a conflict of interest.

GENERAL PROHIBITIONS:

A. Standards of Conduct

- 1) Council Members must, in all instances, act in the best interests of the Council and refrain from acting in a manner that would reflect negatively on the Council or its members.
- 2) Council members shall at no time act in any manner that would be harmful to the interests of the Council.
- 3) Council members shall at no time use or disclose confidential information gained in the course of, or by reason of, their official position on the Council to a third party without Council’s prior written approval. Requests for information related to Council business, including subpoenas and other official requests, shall be promptly presented to the Council for its review and consideration. No Council member shall disclose confidential Council information in response to a request without presentation to, and prior approval from a majority of the Council.
- 4) Council members must, in all instances, maintain their duty of loyalty to the Council and ensure that no private or personal interest, nor

interests of immediate family, are placed above the interests of the Council and the Bishop Paiute Tribe.

- 5) Council members shall refrain from impeding the efficiency and business operations of the Council.
- 6) Council members shall not act in a manner that would compromise the independence or impartiality of the Council at any time.
- 7) Council members shall act only as authorized by the Council.
Individual Council members do not have the authority to speak or act on behalf of Council or to direct the actions of the Council or any of its employees, entities, or enterprises without the formal authorization, agreement, approval or direction of the Council provided at a duly called Council meeting with a quorum.

B. Conflict of Interest.

- 1) Council members shall not use or attempt to use any official or apparent authority of their office or duties in a manner that places, or could reasonably be perceived as placing, their individual economic gain, or that of any special, personal or business interests with which they are associated, before the interests of the Council and the Bishop Paiute reservation/individuals they serve.
- 2) Council members shall not use or disclose confidential information gained in the course of, or by reason of, their official position on the Council, to further their own economic or personal interests or the economic or personal interests of any other individual. Should any Council member receive a request for confidential information related to Council business, including subpoenas and other official requests, that Council member shall promptly present the request to the Council for its consideration **prior to acting on the request; thereafter, the Council member may act only as authorized by the Council.**
- 3) Council members shall not use Council facilities or resources to conduct personal business.
- 4) Council members shall not use their position as members of the Council to solicit money, favors, or gifts for their own personal gain.
- 5) Council members shall not provide or offer to provide official influence in exchange for money, valuables, or the promise of employment.
- 6) Council members shall not use the Council resources or the power of their office to advance personal or political interests.
- 7) Council members have a duty to promptly disclose any actual, potential, or apparent conflict of interest to the Council.
- 8) Council members must avoid any action, whether or not specifically prohibited, which could result in, or create, the appearance of:
 - a) using their office for private gain;

- b) giving preferential treatment to any special interest, organization, or person;
- c) using or disclosing confidential information related to Council or its entities without Council's prior written approval;
- d) failing to promptly disclose an actual, potential, or apparent conflict of interest to the Council.

C. Abstention from Official Action.

- 1) Council members shall abstain from voting, discussing, sponsoring, or in any manner attempting to influence any vote, official decision, or determination that would favor or advance the member's personal or economic interest; or, his or her immediate family member's personal or economic interest; or, the member's association with any non-profit or for-profit entity, including membership in a board of directors.
- 2) Unless otherwise provided by an applicable Council By-laws, policy or rule, a Council member who abstains, under section 1) above, from voting or otherwise participating in official decisions or determinations is still considered present for the purpose of establishing a quorum.

D. Prohibition of Incompatible Employment; Waiver.

- 1) Council members shall not be employed by any enterprise or sub-entity of the Council or have any financial or economic interest, direct or indirect, that creates a conflict, or the appearance of a conflict, with their responsibilities as Council members, *except that* a Council member may present a potential, actual or apparent conflict of interest to the Council for its review and consideration of a waiver at a duly called meeting with quorum. The Council may, in its sole discretion, waive a conflict of interest. Should a Council member present a request for waiver to the Council, that member shall not have a vote during the deliberations on the waiver request.
- 2) Council members shall not contract for themselves or on behalf of others not associated with Council with any enterprise or sub-entity of the Council.

E. Volunteerism Encouraged.

Council members are encouraged to volunteer at Council and Bishop Paiute Tribe events and activities. Council members shall comply with all applicable background requirements in accordance with applicable federal and Tribal law, including the *Indian Child Protection and Family Violence Prevention Act*.

F. Government Contracts: Restrictions and Bid Requirements

Any non-profit, for-profit, or corporation that a Council member or Council immediate family members are a member of shall not be a party to any Council government contract, nor have an interest in the profits or benefits of such a contract, nor have any investment in Council funds, unless the contract, interest, or investment meets the following requirements:

- a) Notice and competitive bid or procurement procedures shall be followed as required under all applicable laws, rules, regulations and policies for the governmental agency or entity involved;
- b) The entire transaction is conducted at arm's length and the Council members have full knowledge of the individual Council member or immediate family member's association with any non-profit or for-profit entity,, including membership in a board of directors, and that actual, potential or apparent conflict of interest has been duly presented to, and waived by, the Council at a meeting with a quorum at which the affected Council member did not vote;
- c) The affected Council member shall not participate in the determination of the deliberations or decisions with respect to the government contract that involves the Council or immediate family member.

CONDUCT CONSEQUENCES

- A. Any intentional breach of the prohibitions outlined above shall constitute good cause for discipline, which may include without limitation probation, suspension, and/or removal from the Council.

CERTIFICATION

We the undersigned members of the Bishop Paiute Tribal Council, hereby certify that the forgoing Standards of Conduct and Ethics Policy for the Bishop Paiute Tribal Council were approved at a properly noticed meeting, with quorum of _____, held on _____, 2020. The Standards of Conduct and Ethics Policy was approved by a vote of _____ For and _____ Against and _____ Abstentions on _____, 2020.

Tilford P. Denver, Tribal Chairman

Date

Steven Orihuela, Secretary/Treasurer

Date