



SQUAXIN ISLAND TRIBE

RESOLUTION NO. 23-68

of the

SQUAXIN ISLAND TRIBAL COUNCIL

WHEREAS, the Squaxin Island Tribal Council is the Governing Body of the Squaxin Island Tribe, its members, its lands, its enterprises and its agencies by the authority of the Constitution and Bylaws of the Squaxin Island Tribe, as approved and adopted by the General Body and the Secretary of the Interior on July 8, 1965; and

WHEREAS, under the Constitution, Bylaws and inherent sovereignty of the Tribe, the Squaxin Island Tribal Council is charged with the duty of protecting the health, security, education and general welfare of tribal members, and of protecting and managing the lands and treaty resources and rights of the Tribe; and

WHEREAS, the Tribe is a federally-recognized Indian Tribe possessing reserved powers, including the powers of self-government; and

WHEREAS, the Tribal Council has been entrusted with the creation of ordinances and resolutions in order to fulfill their duty of protecting the health, security, education and general welfare of tribal members, and of protecting and managing the lands and treaty resources of the Tribe; and

WHEREAS, the Squaxin Island Tribal Council finds it necessary to adopt a Code of Ethics to set forth standards for Tribal Council Members to conduct themselves; and

WHEREAS, the purpose of the proposed Code of Ethics is to protect the integrity of the Tribe and enhance the ability of the Tribe, through its Tribal Council, to achieve its objectives consistent with all laws and regulations; and


NOW THEREFORE BE IT RESOLVED, that the Tribal Council hereby adopts the attached Code of Ethics.

CERTIFICATION

The Squaxin Island Tribal Council hereby certifies that the foregoing Resolution was adopted at the regular meeting of the Squaxin Island Tribal Council, held on this **9th** day of November, 2023, at which time a quorum was present and was passed by a vote of 5 for and 1 against, with Oabstentions.

Kristopher K Peters
Kristopher K Peters (Nov 9, 2023 15:14 PST)

Kris Peters, Chairman

Attested by: 
Patrick Braese (Nov 9, 2023 15:15 PST)
Patrick Braese, Secretary

Jaimie Cruz
Jaimie Cruz (Nov 10, 2023 08:38 PST)

Jaimie Cruz, Vice Chairman

**SQUAXIN ISLAND TRIBE
TRIBAL COUNCIL CODE OF ETHICS**

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**ARTICLE 1.
TITLE AND PURPOSE**

SECTION 101. TITLE

This Chapter shall be referred to as the Tribal Council Code of Ethics.

SECTION 102. PURPOSE

The purpose of this Code of Ethics is to set forth standards for Tribal Council Members to conduct themselves to protect and promote Tribal integrity and to enhance the ability of the Tribe to achieve its objectives in a manner consistent with all applicable laws and regulations. A "*Tribal Council Member*" is any person elected or appointed to replace an elected position on the Tribal Council.

**ARTICLE 2.
PRINCIPLES**

SECTION 201. CONDUCT IN CONFORMITY WITH APPLICABLE RULES AND LAWS

The actions of Tribal Council Members shall reflect their commitment to conduct all the Tribe's activities in an honest, ethical, and professional manner in compliance with all applicable laws and regulations and with Tribal policies.

SECTION 202. INTEGRITY

- A. Tribal Council Members shall not engage in any business activity that appears to be unethical or illegal; shall refuse any illegal offers, solicitations, payments, or other payment to induce business opportunities; and shall refuse any offer that has the appearance of being an illegal or inappropriate offer, solicitation, payment, or remuneration

- B. Tribal Council Members shall not use their position and/or Tribal resources to serve their own personal, financial, or business interests.

SECTION 203. CONFIDENTIALITY

To respect the privacy of Tribal members and employees and the assets and economic interests of the Tribe, Tribal Council Members shall not use or disclose confidential information gained in the course of or by reason of their official position or activities, to further their own economic and personal interest or that of anyone else. Tribal Council Members shall maintain strict confidentiality over confidential information received, regardless of economic or personal gain.

SECTION 204. COMPETENCE

Tribal Council Members shall perform their duties by making informed decisions in good faith and in a manner believed to be in the best interests of the Tribe.

SECTION 205. ACCOUNTABILITY

Tribal Council Members are bound by this Code of Ethics and shall address any behavior inconsistent with this Code in an effective and efficient manner as set forth in this Code. Tribal Council Members shall become familiar with this Code of Ethics and the policies and procedures applicable to Tribal Council Members. They shall provide open channels of communication to allow Tribal members and employees to pursue compliance or ethical questions without fear of retaliation. Tribal Council Members and employees shall immediately report any suspected violations of this Code of Ethics or of any applicable law or regulation, as set forth herein for investigation. No disciplinary action or retaliation may be taken against any Tribal member or employee, who, in good faith, reports a concern, issue, problem, or violation of the law, regulations, or the Code of Ethics. "Good faith" means that there is an objective basis for the allegation and does not require definitive proof.

SECTION 206. STANDARDS AND VALUES

- A. Respect. Tribal Council members must treat members of the public, one another, and staff respectfully, without abuse, bullying, or intimidation and ensure the work environment is free from discrimination and harassment.
- B. Transparency. Tribal Council members must conduct their duties in an open and transparent manner, except where this conflicts with their duty to protect confidential information.

SECTION 207. COMMUNICATIONS

- A. Tribal Council members must not communicate on behalf of the Tribe unless authorized to do so by Council resolution, or by virtue of a position or role the member has been assigned by Council.
- B. A statement or communication by a Tribal Council member is presumed to be made on the Council Member's own behalf, not the Tribe's behalf
- C. Where a Tribal Council member is authorized to communicate on behalf of the Tribe, the Council member must make reasonable efforts to ensure that the communication is fair and accurate.
- D. Without limiting the ability of a Tribal Council member to hold an independent issue on a position and respectfully express their opinions, a Council member must:
 - 1. Ensure that their communications accurately reflect the facts of Council decisions;
 - 2. Ensure that all communications relating to Council business are accurate and not issue any communication that the member knows, or ought to have known, to be false; and
 - 3. Ensure that all communications by, and on behalf of the member, including communications made via social media, are respectful and do not discriminate, harass, or defame any person, recognizing that free speech and open debate must be protected.
- E. Nothing in this Code of Ethics shall be construed to prohibit Tribal and community members from communicating with individual Tribal Council members about issues of concern. Tribal Council Members may, when appropriate, refer such Tribal and community members to the appropriate manager, official, department, committee, or entity.

SECTION 208. USE OF TRIBAL SERVICES AND RESOURCES

- A. Tribal Council members may not direct the work of the Tribe's employees except with the authorization of Council.
- B. Tribal Council members must not request or require the Tribe's employees to undertake personal or private work on behalf of a member, or accept an offer to perform such work.

- C. Tribal Council members must not instruct or direct the Tribe's contractors, consultants, or other service providers regarding Tribal business expect with the authorization of Council.

SECTION 209. USE OF INFLUENCE

- A. Tribal Council members must only use the influence of their office for the exercise of their duties.
- B. Tribal Council members must be independent and impartial, and must not provide preferential treatment to any person or organization except as warranted by the ordinary and lawful discharge of their duties.
- C. Tribal Council members must not allow the prospect of future employment by a person or entity, or other future economic opportunity, to detrimentally affect the performance of their duties.
- D. Tribal Council members must not use, or attempt to use, their office for the purpose of intimidating, improperly influencing, threatening, or coercing the Tribe's employees.

SECTION 210. TRIBAL COUNCIL MEMBER AS EMPLOYEE

- A. Tribal Council members are elected officials, not employees. The Employee Handbook does not apply to the actions of Tribal Council members in their capacity as Tribal Council members.

**ARTICLE 3.
CONFLICT OF INTEREST SECTION**

SECTION 301. CONFLICT OF INTEREST

- A. Tribal Council Members shall avoid any action, whether or not specifically prohibited by the Code of Ethics as set out herein, which could result in, or create the appearance of:
 - 1. Using public office for private gain;
 - 2. Giving preferential treatment to any special interest organization or person;
 - 3. Interfering with governmental or managerial efficiency or economy;
 - 4. Losing or compromising complete independence or impartiality of actions;
 - 5. Making a government or management decision outside official channels;

6. Adversely affecting the confidence of the Tribal members in the integrity of the government and administration of the Tribe. No Tribal Council Member shall participate in the selection, or in the award or administration of a contract supported by Federal funds and/or Tribal funds, if a conflict of interest, real or apparent, would be involved.

A conflict of interest shall be deemed to arise for purposes of this section when the Tribal Council Member or any member of their immediate family has a financial or other interest in the firm or person selected for the contract or grant award.

- B. Nothing herein shall be construed to prohibit the employment of a Tribal Council member concurrently within another department of the Tribe. Tribal Council must ensure that promotions, hiring decisions, or other opportunities with respect to such employment are made available without favoritism or bias.

SECTION 302. ANTI-NEPOTISM

- A. Tribal Council Members shall recuse themselves from voting or participating in decisions that may benefit or create loss for an immediate family member. For the purposes of this Code, an immediate family member includes:

- Spouse
- Child
- Parent
- Grandchild
- Grandparent
- Sibling
- Spouse's Child or Spouse's Parent
- Significant Other

- B. Assignment of such persons to duties, positions, governmental offices or other entities shall in all instances be made in strict compliance with this Code and the Tribe's Employee Handbook and hiring procedures.

SECTION 303. CONFLICT OF INTEREST STATEMENTS AND OFFICIAL ACTION

- A. Disclosure: It is the premise that Tribal Council Members who have interests that might conflict with their duties should disclose those interests. Disclosure shall also extend to those interests held by his/her immediate family when they are known by the Tribal Council Member.

- B. When a Tribal Council Member is required to take action on a matter in which such Tribal Council Member has a personal economic interest, they should first consider eliminating that interest. If the Council member is unable or unwilling to eliminate the interest, the Council member should disclose the interest and recuse themselves from voting and debate.
- C. Unless otherwise provided by applicable law, the abstention by such person from voting or otherwise participating in the official determination or decision shall not affect the presence of such person for purposes of establishing a quorum necessary for a governmental body.

**ARTICLE 4.
FIDUCIARY DUTY**

SECTION 401. ECONOMIC INTERESTS

Tribal Council Members shall not use their governmental positions to serve their own personal, financial, or business interests, and,

- A. Not solicit, or offer anything of value in the course of business dealings;
- B. Avoid using the Tribe's resources for their own personal, financial, or business interests. Tribal Council Members shall utilize authorized employees and staff only for the official purposes for which they are employed or otherwise retained.
- C. No Tribal Council Member shall accept any benefit, income, favor or other form of compensation for the performance of the duties of any other office or employment not actually performed or for which such official or employee is not otherwise properly authorized or entitled to receive.
- D. Strictly prohibit kickbacks, bribes, rebates or any kind of benefits intended to induce business benefits.
- E. Report reimbursable expenses accurately and to only one source; and avoid receiving any financial gain because of business travel or entertainment.
- F. Tribal Council Members shall not:
 - 1. Use supplies and services in a manner that creates waste or abuse. Elected Tribal Council Members must be responsible and accountable for the proper use of all Tribal property and equipment entrusted in their care.

2. Use any property of the Tribe or any other public property of any kind for other than as authorized and approved for official purposes and activities. Such persons shall properly protect and conserve all such property, equipment, and supplies, which are so entrusted, assigned or issued to them.
- G. Tribal Council Members shall not engage in transactions that will provide them an economic advantage due to information received through their public office or employment, and Tribal Council Members shall not acquire any property or other economic interest when doing so that will substantially affect or influence the performance of their official actions or duties.

SECTION 402. TRIBAL GOVERNMENT CONTRACTS: RESTRICTIONS AND BID REQUIREMENTS

- A. No Tribal Council Member shall participate in the selection or in the award or administration of a contract or grant award of funds from any government agency, if it generates a conflict of interest, real or apparent.
- B. No member of a Tribal Council member's immediate family shall be a party to, nor have an interest in the profits or benefits of, any government contract of the Tribe or of any investment of funds of the Tribe, unless the contract or the investment meets the following requirements:
1. The contract is let by notice and competitive bid or procurement procedures as required under the applicable laws, rules, regulations and policies of the Tribe, for necessary materials or services for the governmental agency or entity involved; and
 2. The entire transaction is conducted at arm's length, with the Tribe's full knowledge of the interest of the Tribal Council Member or a member of their immediate family; and
 3. The Tribal Council Member has taken no part in the determination of the specifications, deliberations, or decisions of the Tribe with respect to the public contract; and
 4. The Tribal Council member take no part in directing or evaluating the work performed under the public contract.
- C. This provision shall not apply to such persons qualifying for housing benefits from the Tribe or for medical benefits or other programs available to all Tribal members.

SECTION 403. GIFTS, AWARDS, LOANS, REIMBURSEMENTS AND CAMPAIGN CONTRIBUTIONS

- A. Except as otherwise provided herein or by applicable rule or regulation adopted hereunder by the Tribe, or by other applicable law, no Tribal Council Member shall solicit or accept for themselves or another, any gift, including economic opportunity, favor, service, or loan (other than from a regular lending institution or tribally sponsored lending program on generally available terms) or any other benefit from any person, organization or group which:
1. Has, or is seeking to obtain, contractual or other business or financial relationships or approval from any governmental office or entity with which the Tribal Council Member is associated or employed; or
 2. Conducts operations or activities which are regulated or in any manner supervised by any governmental office or entity with which the Tribal Council Member is associated or employed; or
 3. Has any interest which, within the past two (2) years or in the near future, has been or will be directly affected by an official action (or inaction) of such Tribal Council Member or the Election Official's office.
- B. The restrictions in Section 403(A) (above) and elsewhere in this Code of Ethics shall not be construed to prohibit:
1. An occasional non-financial gift, insignificant in value (less than \$200.00);
 2. Gifts from and obviously motivated by family or social relationships, as among immediate family members or family inheritances;
 3. Food and refreshments customarily made available in the ordinary course of meetings where a Tribal Council Member may properly be in attendance;
 4. An award or honor customarily and publicly presented in recognition of public service.

**ARTICLE 5.
COMPENSATION**

SECTION 501. COMPENSATION

- A. A Tribal Council Member may receive income, honoraria or reimbursement of expenses attributable to the performance of duties during a duly called Tribal Council meeting or government function in accordance with the approved Stipend Policy.

- B. Tribal Council Members may not receive income, honoraria, or reimbursement of expenses from a second source beyond the Tribe if such payment is being paid by the Tribe and would result in a double payment to the Tribal Council Member.

**ARTICLE 6.
MISCELLANEOUS**

SECTION 601. AMENDMENTS TO THE GOVERNMENTAL CODE OF ETHICS

- A. Any Tribal Council Member who is subject to the provisions of this Code, is authorized to submit for approval and adoption by the Tribal Council such supplemental rules, regulations and standards of conduct which are necessary and appropriate to the special conditions relating to their particular functions, purposes and duties and not in conflict with the purposes and other provisions of this Code.
- B. Upon adoption, such supplemental standards, rules, and regulations shall be implemented in the same manner and to the extent applicable, as are all other standards, rules and regulations provided and adopted in accordance with this Code.

**ARTICLE 7.
IMPLEMENTATION AND COMPLIANCE**

SECTION 701. FILING OF COMPLAINTS

A person asserting a violation of this Code of Ethics must file a complaint with the Chairman of the Tribal Council. If the Chairman is the subject of the Complaint, then the complaint may be filed with another Tribal Council member. The Tribal Council shall initiate and/or receive, review and/or investigate complaints filed. A Complaint must be considered solely in an executive session of a regular or special Tribal Council meeting. Each complaint shall contain a statement of the alleged misconduct, including any section of the Constitution or Tribal Government Code of Ethics allegedly violated, and the alleged facts which form the basis of the charge. The Tribal Council shall maintain confidentiality until a final determination is reached.

SECTION 702. NOTICE

The Tribal Council shall issue to the Tribal Council Member a written notice containing a statement of alleged misconduct, including any section of the Constitution or Tribal Government Code of Ethics allegedly violated. The notice shall state the facts upon which such charges are based.

SECTION 703. DETERMINATION TO PROCEED

- A. Whenever possible and lawful, Tribal Council must seek to resolve a complaint in the least disruptive way possible. Tribal Council may use informal discussion, nonbinding mediation or other agreed methods to resolve the complaint.
- B. If the methods under subsection (A) are unavailable or unsuccessful, and Tribal Council determines the complaint merits it, Tribal Council shall conduct or cause an investigation to determine any violations or noncompliance with the Constitution or this Code. In any Tribal Council determination regarding the matter under review, that Tribal Council member that is the subject of the investigation must abstain from voting on the matter.
- C. If the investigation indicates a good faith basis for the complaint the Tribal Council shall move forward with a fair hearing as outlined herein.
- D. The Tribal Council may dismiss by a majority vote any complaint which it determines has insufficient facts to constitute a violation of noncompliance to this Code, or if there is not clear and convincing evidence to support the allegations.

SECTION 704. RESPONSE TO NOTICE

- A. Within twenty (20) business days after receipt of the complaint, the accused Tribal Council Member shall file a written response setting forth any admission, denial, affirmative defense, or other matter upon which they intend to rely on at the hearing.
- B. The time for response under subsection (A) of this Section shall be tolled for the duration of any informal dispute resolution under Section 703(A).

SECTION 705. FAIR HEARINGS

- A. If the Tribal Council finds sufficient cause to proceed, they shall conduct or cause an investigation to determine any violation or noncompliance with this Code. The investigation must be initiated and completed within a reasonable period of time taking into account all the facts and circumstances.
- B. The Tribal Council Member in question shall have the opportunity and right to a hearing on his or her own behalf before the Tribal Council. There shall be a full and complete discussion of all aspects of the complaint against the Tribal Council Member prior to a final decision. The individual in question shall have the right to bring a spokesperson or advocate to speak on his or her behalf, witnesses, documents and/or any other relevant evidence to support his or her position.
- C. The hearing shall be informal, without formal rules of evidence, held in closed session, and recorded by the Secretary or a designee of the Council.

- D. The Tribal Council shall receive and consider all of the evidence presented at the hearing and shall issue a written decision regarding the matter in question. A decision shall be mailed to the Tribal Council Member within a reasonable amount of time.
- E. Nothing herein shall be construed to permit a remedy or process not permissible under the Squaxin Island Tribe's Constitution and Bylaws.
- F. The decision of the Tribal Council following the hearing shall be final.

SECTION 706. ADMINISTRATIVE DECISION

- A. A majority vote of a quorum duly seated of the Tribal Council shall be required to make a determination.
- B. The Tribal Council may impose or recommend any sanctions or other penalties provided in this Code; or refer their findings to other appropriate entities for action.
- C. Location of the repository of records of complaints and hearings shall be the responsibility of the Tribal Secretary/Treasurer.

SECTION 707. STATUTE OF LIMITATIONS

No action may be brought under this Code more than one (1) years after cause of action has occurred.

SECTION 708. RETALIATION PROHIBITED

- A. Retaliation against any party or witness to a complaint who acted in good faith is prohibited. Retaliation shall include any form of adverse or punitive action by or caused by any Tribal Council Member.
- B. This protection shall also be afforded to any person(s) offering testimony or evidence or complying with directives authorized under this Code.
- C. Any violations shall be subject to penalties under this Code, as well as applicable law.

**ARTICLE 8.
SANCTIONS AND PENALTIES**

SECTION 801. ADMINISTRATIVE SANCTIONS

- A. Upon a finding that there has been a violation of any provisions of this Code, the Tribal Council may impose any or all of the following penalties or sanctions:

1. Issuance of a private reprimand to such person;
 2. Issuance of a written public reprimand, which shall be entered into such person's permanent record of office and upon the permanent record of the Tribe;
 3. Removal from committees or other appointments;
 4. Loss or limitation of travel stipends or other reimbursements;
 5. Recommend recall from Office by the General Council under Article VII, Sec. 2 of the Constitution and Bylaws of the Squaxin Island Tribe.
- B. Sanctions or penalties provided herein shall be in addition to any other sanction or penalty applicable under other law, rules, regulations, or procedures.
- C. If the Council finds a crime has been committed, including a crime requiring removal from office under Article VII, Sec.1 of the Constitution and Bylaws of the Squaxin Island Tribe, Council will refer the matter for prosecution by the appropriate authority.












SIT - Code of Conduct Policy_-combined

Final Audit Report

2023-11-10

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