

**TRIBAL COUNCIL ETHICS ORDINANCE**

Siletz Tribal Code §2.200

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**Ordinance Number 2.200.** Amended by Resolution No. 2001-271, dated September 7, 2001; Resolution No. 2002-455, dated December 21, 2002; Resolution No. 2004-508, dated December 17, 2004; Resolution No. 2005-361, dated September 16, 2005; Resolution No. 2009-397, dated October 9, 2009; Resolution No. 2024-012, dated January 19, 2024.

Original Date: March 20, 1999, Reso. No. 99-065  
Subject: Tribal Council Ethics

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### **§2.200**      **PURPOSE**

Under the Siletz Constitution, Tribal Council members are vested with authority to represent and act on behalf of the tribal membership and the Siletz Tribe. The Tribal Council exercises broad legislative authority and exclusive legislative authority under the Constitution. As such, Tribal Council members have been invested with the sacred trust of the tribal membership. The purpose of this ordinance is to maintain and protect this solemn obligation by stating the ethical obligations of Tribal Council members, and setting forth the consequences for violating said obligations.

### **§2.201**      **POLICY**

Members of the Tribal Council shall maintain high standards of honesty, integrity, fairness and impartiality in their conduct as Tribal Council members, and shall avoid any actions in their role as Tribal Council members, which would adversely reflect on the Tribal Council or the Siletz Tribe. Tribal Council members shall take action in the best interest of the Siletz Tribe and the tribal membership, not in their personal interest. Tribal Council members shall carry out their duties and responsibilities in the highest ethical manner. Violation of this ordinance may constitute "neglect of duty" or "gross misconduct" as those terms are defined at Article VII, Section 4 of the Siletz Constitution.

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## §2.202 AUTHORITY

This ordinance is adopted pursuant to the legislative authority granted the Tribal Council at Article IV, Section 1 of the Siletz Constitution.

## §2.203 DEFINITIONS

Definitions are the same as those provided in STC §2.100 Tribal Council Rules of Procedures.

## §2.204 ETHICAL OBLIGATIONS

(a) A Tribal Council member shall comply with all laws, directives, rules, policies and procedures heretofore issued and now in effect, and those which may be hereafter issued, which apply to said Tribal Council member in his or her status as a tribal member or as a member of the Tribal Council.

(b) When a conflict of interest exists for a Tribal Council member with regard to a particular issue, the member shall not participate in any discussion or action with regard to such matter.

(c) No Tribal Council member shall engage in any decision, which would be likely to result in a financial benefit or advantage to them, or their immediate family.

(d) A Tribal Council member shall not disclose materials presented, discussed, or considered in executive or closed session, except by consensus of the full Tribal Council.

(e) A Tribal Council member shall not accept on his or her own behalf individual gifts valued at over \$300.00. Gifts valued at over \$300.00 shall be the property of the Siletz Tribe, and shall be turned over to the tribal property officer.

(f) A Tribal Council member shall continue any and all appointments obtained in his or her capacity as a Tribal Council member only so long as he or she continues in office. A member shall be immediately relieved of all such appointments upon completion of his or her Tribal Council term, upon leaving office.

(g) No tribal official shall use any property of the Siletz Indian Tribe for any use other than as authorized and approved for official purposes and activities. Such persons shall properly protect and use such property, equipment and supplies, which are entrusted, assigned or

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issued to them. All good faith efforts shall be used to return said property in the same condition, as it was when it was assigned or issued to the user.

(h) No Tribal Council member shall interfere with the operations of Chinook Winds Casino Resort or any other gaming operation owned and operated by the Siletz Tribe, as set out in the Siletz Tribal Gaming Enterprise Charter, STC §6.100 et seq. or other tribal business entities or enterprises. Tribal Council members shall limit their participation in gaming operations of the Tribe to oversight and other matters as specifically set out in the Gaming Enterprise Charter. Tribal Council members shall limit their participation as Council members in tribal business enterprises or entities other than gaming operations as set out in the charter or tribal law establishing such enterprises or entities.

### **§2.205      AVAILABLE SANCTIONS**

The Tribal Council may impose a sanction or sanctions against any Tribal Council member who is found to have engaged in gross misconduct or neglect of duty under this Ordinance. 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;
- (c) suspension;
- (d) expulsion.

Expulsion must follow the requirements set forth in Article VII, Section 4 of the Siletz Constitution. Suspension shall not exceed three (3) months for any specific violation.

### **§2.206      EXPULSION AND SANCTIONS OF TRIBAL COUNCIL MEMBERS**

(a) Tribal Council members may be expelled for reasons including but not limited to violations according to the tribal constitution. Tribal Council members may be sanctioned for reasons including but not limited to neglect of duty, or gross misconduct, in accordance with the procedures provided in STC §2.100 Tribal Council Rules of Procedures.

(b) A Tribal Council member shall attend all regular and special Tribal Council meetings, all General Council meetings, and Tribal Council workshops. A member shall notify the Tribal Chairman or Vice Chairman prior to any meeting they will not attend, with a valid excuse. A non-exclusive list of what is a valid excuse includes the following examples: 1) personal illness; 2) illness in the immediate family; 3) work obligations that cannot be altered or changed; 4) other Tribal Council business; 5) funerals; 6) hazardous weather conditions; 7)

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occurrences beyond the control of the member. Three (3) unexcused absences during a 12-month period shall constitute a violation of this ordinance.

(c) While in travel status for conferences and trainings, Tribal Council members will attend meetings as required. Tribal Council members on official travel, including travel for conference and trainings, will at all times conduct themselves in accordance with this Ordinance.

(d) A Tribal Council member who is convicted of a felony while serving as a Council member shall be guilty of violating this ordinance.

(e) Tribal Council members shall at all times interact with Tribal staff in a respectful and professional manner. Failure to do so, including where a Tribal Council member is verbally abusive toward Tribal staff, shall constitute a violation of this ordinance.

### **§2.207 VIOLATION PROCEDURE**

Alleged violations of the Tribal Council Ethics ordinance shall be processed in the following manner:

(a) Role of the Tribal Council. The Tribal Council shall be responsible for processing alleged ethical violations under the Tribal Council Ethics Ordinance. The Tribal Council member against whom the allegation is made shall not participate in any investigation activities. If the Tribal Chairman is the individual against whom the allegation made, the Vice-Chairman shall assume the duties of the Chairman under this Section.

(b) Ethical Allegations. Allegations of unethical conduct as defined in the Tribal Council Ethics Ordinance by a Tribal Council member shall be presented to the Tribal Council and processed in the following manner:

(1) Allegations of unethical conduct against a Tribal Council member shall be made in writing and submitted to the Tribal Council Chairman, *provided* that if an allegation is made against the Tribal Council Chairman, said allegation shall be filed with the Vice-Chairman. Submission to the Executive Assistant to Tribal Council shall be construed as delivery to the appropriate Tribal Council officer.

(2) A written complaint may be submitted by any person who believes that a Tribal Council member has engaged in unethical conduct as defined by the Tribal Council Ethics Ordinance. The complaint shall specify the Tribal Council member against whom a complaint of unethical conduct is being made, and the conduct that is alleged to be unethical. Unless defined elsewhere by general tribal law, “written” for

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purposes of this ordinance shall mean a document, fax, e-mail, text, or other electronic transmission in the form of writing. A rebuttable presumption shall exist that any document that is transmitted without an original signature comes from the person who owns or controls the account, phone number or other point from which the document transmission originates.

(3) A Tribal Council member may make an oral allegation of unethical conduct against another Tribal Council member during a regular or special Tribal Council meeting, and a tribal member may make an oral allegation of unethical conduct against a Tribal Council member during a scheduled General Council meeting. Such an oral allegation shall be treated the same as the submission of a written allegation. The Tribal Chairman may ask the person making such an oral allegation questions sufficient to clarify 1) the Tribal Council member against whom the allegation is being made; 2) and the nature of the allegation; or 3) to reduce the allegation to writing.

(4) If an allegation of unethical conduct on the part of a Tribal Council member involves action which allegedly wronged a person and the allegation is made by someone other than the person against whom the unethical conduct allegedly occurred, the person against whom the unethical conduct allegedly occurred shall be notified in writing of the allegation and asked to submit their views on said allegation.

(c) Initial Review of Allegation. The Tribal Council shall perform an initial review in executive session of an allegation of unethical conduct on the part of a Tribal Council member. This initial review may be conducted at the time the allegation is made, or at any subsequent time during a regular or special Tribal Council meeting, *provided* that such review shall take place no later than thirty-one (31) days after it has been submitted. The purpose of the initial review shall be to determine whether the allegation made falls within the scope of the Tribal Council Ethics Ordinance and whether, assuming the facts alleged are true, said facts would support a determination of unethical conduct. The Tribal Council member against whom the allegation is made shall not participate in the initial review.

(d) Investigation and Hearing. If the Tribal Council, upon completion of the initial review, determines that the allegation falls within the scope of the Tribal Council Ethics Ordinance and alleges facts which, if true, might support a determination of unethical conduct, the Tribal Council shall refer the allegation for investigation as specified below. The Tribal Council member against whom the allegation is made shall be provided with a copy of the allegation, or if made orally, a written summary of the allegation. 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.

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(1) Such investigation may be performed by an ad hoc committee of the Tribal Council or by a Special Advisor approved by the Tribal Council.

(2) The investigator, whether an ad hoc Tribal Council committee or Special Advisor, shall have the authority to take testimony under oath, to issue subpoenas, and to compel the production of documents and other evidence. The Tribal Council member against whom an allegation is made, the person allegedly wronged by the Tribal Council member's action, if any, members of the Tribal Council and the tribal attorney shall have the right to be present when sworn testimony is given.

(3) The investigator shall notify the Tribal Chairman of the completion of the investigation or of a date when the investigation will be completed. If the investigation will take longer than thirty (30) days to complete, the investigator shall obtain the approval of the Tribal Chairman to extend the investigation for a specified period of time.

(4) 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 true or false and, if said opinion is that the allegation is true, recommends a sanction, if any, to be imposed on the Tribal Council member.

(5) Upon receipt of the investigation report, the Tribal Chairman shall send notice, by certified mail, to the following persons: the Tribal Council member accused of the ethical violation; the complainant; and the person allegedly wronged by the Tribal Council member's actions, if any. The notice shall set a hearing date and time at a Tribal Council meeting not less than ten (10) and not more than forty-five (45) days from the date of the notice, at which the investigation report will be presented and the hearing will take place. A copy of the investigation report shall be included with such notice, along with a statement declaring that the report shall be kept confidential and not disclosed to any other person; provided, that the accused Council member and/or the accused Council member's spokesperson may disclose any portion of the report in order to prepare and present a defense to the allegation.

(6) The hearing shall take place in executive session, and shall be recorded, provided, that the accused Council member has the choice to have the hearing be held in open session. Only the following persons may be present during the hearing if held in executive session: the Tribal Council; the Executive Assistant to Tribal Council; the tribal attorney; the complainant; the person allegedly wronged by the Tribal Council member's actions, if any; the Tribal Council member accused of an ethical violation; and the accused Tribal Council member's spokesperson; provided, that witnesses may be called into the Tribal Council executive session to testify.

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(7) Deliberation. At the conclusion of the hearing, the Tribal Council member accused of an ethical violation, complainant, and the person allegedly wronged by the Tribal Council member's actions, if any, shall be excused from the executive session so the Tribal Council may review the evidence and consider a decision and sanction, if any.

(8) Decision. The Tribal Council shall decide in open Tribal Council session, by recorded vote, whether an ethical violation under the Tribal Council Ethics Ordinance has occurred. Said decision shall be made by a vote of 2/3 of the entire Tribal Council. 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 Tribal Council member who engaged in the unethical conduct.

### **§2.208 APPEAL**

Any Tribal Council member who is found to have violated the Tribal Council Ethics Ordinance and against whom sanctions have been imposed by the Tribal Council shall have a right to appeal such determinations to the Siletz Tribal Court pursuant to the Siletz Tribal Court Rules and Procedures Ordinance. If the Tribal Council determines that an allegation of unethical conduct, gross misconduct or neglect of duty on the part of a Tribal Council member has been submitted for purposes of harassment or for other improper purposes, or is completely without merit, the Tribal Council member against whom such allegation is made at his/her own time and expense may seek damages or other appropriate relief in Tribal Court.

### **§2.209 CONFIDENTIALITY**

Tribal Council members, or complainant, or any person allegedly wronged by the Tribal Council member's actions, or any other person involved with investigation or review of an ethical violation, shall keep all information obtained in the review investigation process confidential, until a final ruling by Tribal Council, or otherwise ordered by a court of competent jurisdiction. Violation of this section shall be a violation of this ordinance for Tribal Council members, grounds for discipline of tribal employees, and grounds for any appropriate sanctions for other persons.

### **§2.210 ROLE OF ACCUSED TRIBAL COUNCIL MEMBER**

A Tribal Council member against whom an allegation of unethical conduct under this ordinance is made shall not participate in review of the allegation by the Tribal Council, consideration by the Tribal Council of whether unethical conduct occurred and an appropriate



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sanction for such conduct, or voting in open session on whether an ethical violation occurred and on an appropriate sanction.

### **§2.211      SEVERABILITY**

If any provision of this ordinance shall be held unconstitutional or invalid by the Siletz Tribal Court, only the invalid provision or language shall be severed and the remaining provisions and language of this ordinance shall remain in full force and effect.