

REDDING RANCHERIA TRIBAL GOVERNMENT POLICIES

Chapter TP 1–100

Tribal Code of Ethics



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SECTION 1: PURPOSE

To set forth the specific ethical standards governing the conduct of all members of the Tribal Council, committee members, employees, and officials who work for the Redding Rancheria or one of its subordinate organizations.

SECTION 2: BACKGROUND AND INTENT

The Tribal Council of the Redding Rancheria has determined that it is in the best interest of the Tribe that clear direction be given to all persons who serve in any official capacity of the Tribe. This Policy is intended to outline the standard of conduct that is expected of persons who serve the Tribe. The conduct that is expected of persons serving the Tribe will reflect the Tribal Council's intent of protecting the interests of the members of the Tribe, promoting the members' trust of the Tribal government, and protecting the **reputation** and **integrity** of the Tribal government.

SECTION 3: DEFINITIONS

- (a) Conflict of Interest is defined as a personal or financial interest that is separate from or adverse to the Tribe.
- (b) Tribal Employee is defined as a person who is working for the Tribe or one of its subordinate organizations.
- (c) Tribal Official is defined as the Chief Executive Officer of the Tribe, the General Manager of Win-River Resort & Casino, all Gaming Commissioners, and the President of Redding Rancheria Economic Development Corporation.
- (d) Tribal Committee Member is defined as a person who is not a Tribal Employee or Tribal Official; and represents the Tribe or one of its subordinate organizations on a board or committee, excluding the Tribal Council.
- (e) Tribal Council is defined as the governing body of the Redding Rancheria and is comprised of 10 duly elected Council Members, including Alternates.

SECTION 4: DELEGATED AUTHORITY (Reserved)

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SECTION 5: GENERAL STATEMENT OF POLICY

- (a) Prohibition against Conflicts of Interests and acts that involve actual or apparent impropriety: All persons acting in an official capacity on behalf of the Tribe.
- (b) All Tribal Council Members, Tribal Committee Members, Tribal Officials, or Tribal Employees are prohibited from engaging in behavior involving Conflicts of Interest or acts that involve actual or apparent impropriety, as those terms are defined in this Policy.
- (c) Any Tribal Council Member, Tribal Committee Member, Tribal Official, or Tribal Employee who becomes aware of any Conflicts of Interest or acts involving actual or apparent impropriety must make a full disclosure to the appropriate Tribal Official. In instances involving a Council Member or Tribal Official, full disclosure must be made to Tribal Council before the end of the next regular Tribal Council meeting.

SECTION 6: CONFLICT OF INTEREST

- (a) A Conflict of Interest, for the purposes of this Policy means action or conduct by a Tribal Council Member, Tribal Committee Member, Tribal Official, or Tribal Employees on behalf of the Redding Rancheria. The person taking the action in question has or may foreseeably develop a personal or financial interest that is separate or adverse to the Tribe. Specific acts that are deemed definite Conflicts of Interest under this Policy include but are not limited to the following:
 - (1) Council Members shall not vote or otherwise make substantive decisions on matters in which the member, the member's immediate family (mother, father, brother, sister, son or daughter), outside business associate, or person with whom the member is negotiating for the purchase of goods or services, or employment; has or may foreseeably develop a financial interest. The Council Member may participate in the discussion of such matters, so long as that member first makes a full disclosure on the record to the Council stating his or her interest in the matter.

If, after all members state their interest and abstain from voting and there are not enough remaining voting members to establish a majority of voting members, then all the Council Members will state their interest for the record and all of the members present will vote on the particular matter.

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- (2) Tribal Council, Tribal Committee Member, Tribal Official, and Tribal Employees shall not, unless authorized by the Tribal Council, represent Redding Rancheria or bring an action as a Redding Rancheria 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.
- (3) Tribal Council, Tribal Committee Member, Tribal Official, and Tribal Employees shall not employ any blood relative or relative by marriage on any basis other than merit or the basis of the Redding Rancheria's hiring preference policy.
- (4) Tribal Council, Tribal Committee Member, Tribal Official, and Tribal Employees shall not take employment that is not compatible with their duties and responsibilities to the Tribe as a Councilperson, Tribal Official, or Tribal Employee.
- (5) Tribal Council, Tribal Committee Member, Tribal Official, and Tribal Employees 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 not to take advantage of the opportunity.
- (6) Tribal Council, Tribal Committee Member, Tribal Official, and Tribal Employees shall not engage in contracting or procurement of goods in which they have a personal or financial interest unless the interest is fully disclosed to the Tribal Council and the Council votes to approve the transaction.
- (7) It is the policy of Redding Rancheria that a person may serve as a Redding Rancheria employee or Tribal Official and also be elected to serve as a Tribal Council Member. Persons serving as both a Redding Rancheria employee or Tribal Official and a Tribal Council Member shall not vote on issues that involve a financial interest to the individual. This includes but is not limited to pay raises, additional days off with pay, or any other fringe benefits that a person may acquire as an employee.

If after all Council members state their interest and abstain from voting and there is not a majority of disinterested voting members remaining then all the Council members will state their interest and all present Council Members will vote on the issue.

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SECTION 7: ACTUAL OR APPARENT IMPROPRIETIES

- (a) The Tribe's **reputation** and **integrity** are of utmost importance and therefore the Tribe will not tolerate acts of actual or apparent improprieties.
- (b) Acts involving an actual impropriety are those actions by a Tribal Council Member, Tribal Committee Member, Tribal Official, or Tribal Employee that involve illegal conduct, acts involving an abuse of power, acts involving dishonest conduct, or acts that would do a disservice to the Tribe's reputation.
- (c) It is also of the utmost importance that any transactions in which the Tribe is involved have no actual or appearance of impropriety. Therefore, any acts that have even the possibility of an appearance of conflict should be disclosed and dealt with before the transaction goes forward. The acts prohibited under this Ordinance that constitute acts involving actual or apparent improprieties include but are not limited to the following:
 - (1) Serving as an official or employee of the Tribe while intoxicated or under the influence of illegal drugs; or
 - (2) Misappropriation or misuse of Tribal funds; or
 - (3) Concealing, removing, mutilating, or destroying Tribal records, or copying Tribal records for improper purposes; or
 - (4) Committing perjury or fraud; or
 - (5) Involvement in actions or activities that bring discredit or disrespect to the Tribe; or
 - (6) Knowingly engaging in illegal activity while a Council member, Tribal official, or employee; or
 - (7) Representing oneself as acting on behalf of the Tribe without the authorization to do so. The Tribal Council's policy is to officially designate certain persons to represent the Tribe on particular issues depending on the expertise of the individual and/or to issue press releases that state the overall position of the Tribe on particular issues; or
 - (8) Soliciting or accepting, directly or indirectly, gifts, gratuities, favors, entertainment, loans, kickbacks, or any other thing of value from any

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person, group, or private organization who are either seeking to obtain contractual or other business with the Tribe or has interests that may be substantially affected by the performance or non-performance of the Council member's duty, with the following exceptions:

- (A) Ceremonial and customary gifts generally granted to dignitaries;
 - (B) Food and refreshments of a nominal value in the ordinary course of a luncheon or dinner meeting;
 - (C) Personal achievement awards for meritorious service;
 - (D) Unsolicited advertising or promotional material of nominal value;
 - (E) Loans on customary terms to finance proper and usual activities on the same basis as any other enrolled member of the Tribe;
 - (F) Items of value above \$50 which have been disclosed and approved by Tribal Council for Tribal Council and the Chief Executive Officer or by the Chief Executive Officer for Tribal employees.
- (9) Using one's position in tribal government to coerce, threaten or intimidate a person or group to provide a financial benefit or other personal gains for self, family, business associate or for any other purpose; or
- (10) Using one's official title in Tribal Government to conduct personal business; or
- (11) Knowingly making public any subject matter of a confidential nature received in connection with one's duties as an official or employee of the Tribe, including but not limited to:
- (A) Matters discussed during Tribal Council Executive Session; or
 - (B) Matters protected as confidential under federal, state, or Tribal law; or

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(C) Information given to a Tribal Official or Tribal Employee with the reasonable expectation that such information would be kept confidential; or

(12) Engaging in improper conduct or gross neglect of duty.

SECTION 8: SANCTIONS REGARDING TRIBAL PERSONNEL

Any Tribal Employee who violates the prohibitions set out under this Policy shall be subject to disciplinary action by the appropriate Tribal Official, which may include immediate termination of employment if circumstances warrant. If any Tribal Official violates the prohibitions set out under this Policy, he or she shall be subject to disciplinary action by the Tribal Council, which may include immediate termination of employment if circumstances warrant. In such instances, Tribal Council shall follow the procedures contained in Section 12 of TP 1-200, Tribal Governmental Policies. Any Tribal Employee disciplined according to this section shall have recourse to the grievance procedures set out in the applicable Personnel Manual.

SECTION 9: SANCTIONS REGARDING TRIBAL COUNCIL MEMBERS

Any Tribal Council Member who violates the prohibitions set out under this Policy shall be subject to being removed as a Tribal Council Member pursuant to Article VII of the Constitution of the Redding Rancheria. In such instances, Tribal Council shall conduct an ethics investigation following the procedures contained in Section 12 of TP 1-200, Tribal Governmental Policies. Notwithstanding the outcome of any ethics investigation, any Tribal Council Member who timely discloses a potential ethics violation under this Policy that involves an arrest or violation of tribal law shall be automatically suspended for 14 days, effective at the time of disclosure. Notwithstanding the outcome of any ethics investigation, any Tribal Council Member who fails to timely disclose a potential violation under this Policy that involves an arrest or violation of tribal law shall be automatically suspended for 30 days, effective at the time of disclosure by others.

SECTION 10: USE OF FUNDS AND EQUIPMENT

Tribal Officials and Tribal Employees entrusted with Tribal funds or equipment for carrying out Tribal business shall be subject to the following requirements and procedures to ensure that there is a uniform system and to avoid actual or apparent impropriety.

(a) Funds:

Tribal Officials and Tribal Employees shall be held personally accountable and liable for Tribal funds entrusted to their control in connection with their official Tribal duties.

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- (1) Tribal funds withdrawn for specifically authorized purposes by Tribal Officials or Tribal Employees shall be used for those specific purposes only.
- (2) In all cases, Tribal funds not expended for authorized purposes (i.e. travel money) must be repaid by the responsible Tribal Official or Tribal Employee within three working days after the date in which such funds were to have been expended or within three days after travel has been closed on the books.

(b) Equipment:

Tribal Officials and Tribal Employees shall be held personally accountable and liable for all equipment entrusted to their personal use in connection with conducting Tribal business.

- (1) Tribal Officials and Tribal Employees shall not use or authorize the use of tribally-owned or leased motor vehicles and other transportation equipment for other than officially authorized tribal purposes.
- (2) Tribal Officials and Tribal Employees shall not use or authorize the use of all other tribal-owned or leased equipment for other than officially authorized tribal purposes.
- (3) The Sovereign Immunity of individual Tribal Council Members, Tribal Committee Members, Tribal Officials, and Tribal Employees alleged to have violated this Policy, is waived to the extent that the Redding Rancheria can pursue action to recoup any losses it may have incurred as a result of the actions of the individual. Nothing in this Policy shall be construed or interpreted as a waiver of the sovereign immunity of the Redding Rancheria.

This Policy is not intended to be exhaustive as to the conduct that should govern Tribal Council Members, Tribal Committee Members, Tribal Officials, and Tribal Employees of the Redding Rancheria. It is a statement of intent and expectation that all Tribal Officials and Tribal Employees of the Tribe act in ways that uphold the **integrity** and **reputation** of our Tribe.

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SECTION 11: PROCEDURE FOR REPORTING SUSPECTED VIOLATIONS

Working together and doing what is right are two guiding values of the Redding Rancheria. Working together means being accountable to each other and to the Redding Rancheria for our conduct. Doing what is right requires adherence to principle of honesty and integrity. Reporting suspected fraudulent acts, unethical conduct, or abuse is a way of protecting a safe and secure workplace and ensuring that resources are used efficiently. It is the duty of all employees to report suspect violations of this Policy.

(a) Violations to be Reported:

- (1) Any act which constitutes a prohibited act under Section 7 of this Policy regardless of where such violation occurs.
- (2) Accounting irregularities.
- (3) Any form of harassment by, or against, any tribal employee, visitor, or guest, as defined in Personnel Policy 615.
- (4) Violations of any tribal, federal or state law.
- (5) Violations of professional standards even if not specifically addressed by tribal policy or law.
- (6) Any acts which may endanger public health, safety, or the environment.
- (7) Any other matter of concern that an employee or other third party brings forward that is believed to be inappropriate and may adversely affect the Redding Rancheria, its members, or employees.

(b) Report Process

- (1) All reports of suspected violations of this Policy are to be reported up through the Chain of Command with each employee reporting to their direct supervisor.
- (2) Where an employee's direct supervisor is the subject of the report, or the employee is otherwise uncomfortable making the report to their supervisor, the reporting employee may report the suspicions to the Senior Director of Human Resources. The Senior Director of Human Resources will make the report to the appropriate supervisor or executive.

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- (3) Where an employee observes conduct that they reasonably believes poses an imminent threat to persons or property, they shall, after following other emergency protocols, report such conduct to the Senior Director of Human Resources.

(c) Retaliation Prohibited

- (1) It is a federal crime for anyone to retaliate intentionally against any person who provides truthful information to a law enforcement official concerning a possible violation of any federal law. Moreover, the Tribe will not permit any form of intimidation, discrimination, retaliation or harassment by any officer, employee, contractor, subcontractor or agent of the Tribe against any employee because of any lawful act done by that employee to:
- (A) Provide information or assist in an investigation regarding any conduct which the employee reasonably believes constitutes a violation of laws, rules, regulations, this Code of Ethics, or any other tribal policies; or
 - (B) File, testify, participate in, or otherwise assist in a proceeding relating to a violation of any law, rule or regulation.

Any such action is a violation of Redding Rancheria policy and should be reported immediately under this policy. Persons who discriminate, retaliate or harass may be subject to civil, criminal and administrative penalties, as well as disciplinary action, up to and including termination of employment.

Legislative History:

Originally Adopted by Tribal Council Resolution dated October 21, 1997.

Amended by Tribal Council Resolution #018-04-11-07 dated April 11, 2007.

Amended by Tribal Council Resolution #076-10-13-20 dated October 13, 2020

Amended by Tribal Council Resolution #008-02-06-24 dated February 6, 2024.