

**TITLE VIII
PONCA TRIBE OF NEBRASKA
TRIBAL COUNCIL CONDUCT AND ETHICS ORDINANCE**

Section 8-1-1 Authority.

Authority for this Ordinance is found in the Constitution of the Ponca Tribe of Nebraska Articles IV, V, and X.

Section 8-1-2 Officers of the Tribal Council, Duties.

A. Chair: The Chair is the chief spokesperson for the Tribe, represents the Tribe, and corresponds with other governments and entities on behalf of the Tribe, performing the following duties:

Preside at all meetings of the Ponca Tribal Council and Executive Committee in accordance with the Constitution and resolutions of the Tribe and this Ordinance;

Vote in Council only to break a tie;

Provide notice of all General Membership meetings, regular and special meetings of the Tribal Council, and Executive Committee meetings to all Tribal Council members and members of the Tribe;

Act on behalf of the Ponca Tribal Council and the Tribe in accordance with the Constitution, resolutions, laws and ordinances of the Tribe; and

Present all actions taken without Council direction to the next regular meeting of the Tribal Council for ratification. The Chair shall immediately rescind any acts not so ratified. [Note: "Council direction" would include motions, resolutions, ordinances calling on the Chair to act.]

B. Vice-Chair: The Vice-Chair acts in the Chair's stead in all matters pertaining to the office of the Chair, performing the following duties:

Preside at all meetings of the Tribal Council in the absence of the Chair; and Act for the Chair when the Chair's seat is vacant, the Chair has authorized an action because of illness or absence, or the Chair is unavailable and failure to act is likely to harm an interest of the Tribe.

C. Secretary: The Secretary is the official historian of the Tribal Council, performing the following duties:

Keep an accurate record of all proceedings of the Ponca Tribal Council;

Attend to the keeping of the official records of the Tribal Council;

Ensure the prompt and efficient handling of all correspondence pertaining to the business of the Tribal Council and the Tribe;

Keep all official records open to inspection by members of the Tribe at all times during regular office hours of the Tribe;

Ensure that protocols are in place for preservation of official records;

Receive and determine the validity of all referendum and recall petitions;

Review all Tribal Council minutes and ensures accuracy prior to presentation for Tribal Council approval; and

Certify the content and accuracy of Resolutions and Ordinances.

D. Treasurer: The Treasurer is the custodian of all funds in possession of the Tribe from any sources, performing the following duties:

Keep an accurate record of all funds and disburse same in accordance with the vote of the Tribal Council and as designated by the Constitution;

Advise the Tribal Council on prudent reserves and when spending decisions could threaten these reserves;

Keep the books containing the financial status of the Tribe open to audit and examination by the Secretary of the Interior or her designee at all times during regular office hours of the Tribe; and

Ensure that all financial records are open to inspection by members of the Tribe.

8-1-3 Removal.

A. Grounds:

1. Grounds for removal of a Tribal Council Member are the following:

Failure to attend three (3) consecutive Tribal Council meetings without just cause; and

Final finding of guilt by the Tribal Court or a state court or a federal court of a felony or a misdemeanor involving dishonesty, moral turpitude, or of accepting a bribe.

2. Grounds for removal of a Tribal Council Officer, with exception of the Tribal Chair, are failure to carry out the duties of the office for a breach of her/his duty to the Tribe, including ethical violations. Removal of the Vice-Chair, Secretary and Treasurer is only removal from her/his particular office and is not removal from the Tribal Council. If the Chair is removed, he/she will be removed from the Tribal Council as well.

3. A Special Election will be held to elect a new Chair in the event of removal. The Vice-Chair shall assume the responsibilities of the Chair until a new Chair is elected.

B. Procedure: Upon adoption of a motion to consider removal of a Member or Officer from the Tribal Council for a ground stated above, the Tribal Council shall provide that Member with cause for removal and two (2) weeks to answer the charges. The Member shall be given personal notice of the motion to consider removal if they are in attendance of the meeting, or notice by certified mail if he/she is not in attendance when the motion for removal is passed. The Member shall have a full and fair opportunity to answer the charges at the next available regular Council meeting following the deadline for answering. The Member shall only be removed upon a two-thirds vote of the full Council other than the Member subject to removal. In the case of removal of an Officer, s/he shall only be removed upon a two-thirds vote of a full quorum being present. If the absences or crime are related to alcohol/drug abuse and the member is in treatment or counseling, the Council shall consider the Member's treatment or counseling in deciding upon removal.

Section 8-1-4 Duties and Comportment of Tribal Council Members.

All Council Members are to:

Always place the interests of the Tribe first in deliberations, decisions and actions. Show courtesy and respect to each other, to other members of the Tribe, and to those coming before the Tribal Council.

Uphold the Constitution of the Ponca Tribe.

Attend all Council and General Membership meetings except when excused from them.

Stay sober and free from illegal or incapacitating drugs while at Tribal meetings and conducting Tribal business.

Provide input on all matters before the Council, state beliefs, and carefully consider proposals and alternatives.

Keep current on any financial obligations to the Tribe and tribal entities.

Carry out assignments on behalf of the Council in a timely manner.

Serve on tribal committees as designated by the Council.

Follow tribal and federal law at all times.

Follow applicable state law when within state jurisdiction so long as it does not conflict with tribal law and duties as a Council Member.

Keep discussions and information revealed in executive session confidential.

Keep confidentiality under all applicable laws.

Avoid directing employees and others except as authorized by the Council.

Avoid personal involvement in employee matters.

Be an example for the next generations and the community.

Section 8-1-5 Conduct of Tribal Council Meetings.

A. Procedures: Robert's Rules of Order shall serve as guidelines for agenda items. Discussion of items not on the agenda must wait until "Other Business". The Chairperson will resolve all questions of procedure.

B. Addressing the Tribal Council:

The Council welcomes the words of tribal members, staff, and guests. All are allowed to speak if they request the floor.

Persons speaking are not to be interrupted except for clarification.

Persons are to speak in a civil manner, refraining from personal or malicious attacks. If such attacks are made against a Council Member or staff, the Chair may recess or adjourn the meeting.

Section 8-1-6 Ethics.

A. Conflict of Interest: A conflict of interest occurs when a Member acts against the interest of the Tribe or involves her or himself in an activity in which s/he has or may develop a personal or financial interest adverse to the Tribe. To prevent such conflicts from harming the Tribe, the Members shall:

Not vote or make any decisions on matters in which they, their immediate family, or business associates are negotiating with the Council or seeking the support or action of the Council to their financial benefit. "Immediate family" shall be defined as the following family members that are related by blood: mother, father, grandparent, child, grandchild, brother, sister, or spouse.

Declare the conflict or potential conflict, and may debate the matter after full disclosure;

Avoid apparent conflicts of interest by declaring conflict when in doubt.

B. Independent Action: To ensure that Members exercise their independent judgment in the best interest of the Tribe, the Members shall not:

Solicit or accept, directly or indirectly, any bribes and kickbacks as defined by criminal statutes;

Accept gifts of more than nominal value from any person or group interested in doing business with the Tribe or in influencing a decision or action of the Member. This does not include ceremonial and traditional gifts, such as those given at giveaways, Christmas and birthdays, by family and friends, or to dignitaries. Tribal Council members who receive gifts while acting in their official capacity, shall report the gift to the Executive Committee.

C. Misuse of Power: To ensure that Members always set the highest example for the people living and of the next generations, the Members shall not:

Knowingly destroy, damage, or hide records and documents of the Tribe;

Falsely represent the Tribe or commit the Tribe's resources;

Threaten, coerce, or intimidate a person or group;

Misappropriate or misuse funds or credit of the Tribe;

Make personal use of tribal property, that is not available to all tribal members, employees, or contractors with the Tribe;

Use title for personal gain or in personal business.

D. Consequences for Breach of Duty, Ethical Violations

The Council may reprimand or suspend a Council Member for breaching her/his duty to the Tribe, including ethical violations. Reprimand or suspension requires a majority vote of the Council with at least two-thirds of the full Council present.

E. Procedure for Imposing Consequences

Upon adoption of a motion to consider consequences to a Member for breach of duty, the Tribal Council shall provide that Member with cause for the proposed consequences in writing and one (1) week to answer the charges in writing. If the Council is satisfied with the answer, they shall rescind the motion. If not, the Member shall have a full and fair opportunity to answer the charges at the next regular Council meeting following the deadline for answering. Failure to appear at the meeting, after proper notice is given, shall result in a default decision against the Member for the alleged breach of duty. If any breach is related to

alcohol/drug abuse and the member is in treatment or counseling, the Council shall consider the Member's treatment or counseling.

Section 8-1-7 Indemnification.

A. The Tribe shall indemnify and defend a Member and/or an Officer who is made a party to a proceeding because of conduct when s/he was a Tribal Council Member against liability for reasonable expenses of litigation, including costs, any judgment, and other costs of defense, incurred if s/he:

1. Conducted her or himself in good faith; and
2. Acted within the scope of their office as a Member or Officer of the Tribal Council

B. The Tribe will not indemnify nor reimburse a Member or Officer in defending against a motion to consider removal from office.

Section 8-1-8 Severability

If any provision of this Ordinance is found to be invalid by a court of competent jurisdiction, that provision shall be severed from this Ordinance and the rest of the Ordinance shall continue in full force and effect.

Section 8-1-9 Sovereign Immunity

A. Nothing in this Ordinance shall be deemed to waive the sovereign immunity of the Ponca Tribe of Nebraska, its officials and staff.

B. Only the Tribal Council may waive sovereign immunity or grant the authority to do so. Any such grant must be adopted by resolution at a Tribal Council meeting in open session prior to the waiver or attempted waiver. This Ordinance does not limit the authority of the Tribal Council to discuss possible consequences of a waiver in executive session.

Approved 8/23/09
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