

Adopted July 13, 2006

**TITLE 4  
CODE OF ETHICS AND CONDUCT  
FOR ELECTED OFFICIALS**

**CHAPTER ONE: PURPOSE: YAN 4-1-101 *et seq.***

***Section 101. PREAMBLE***

(a) The Tribal Members of the Yavapai-Apache Nation are entitled to have a fair, ethical, and accountable Tribal Government. Such a Government requires that its elected officials:

- Comply with both the letter and the spirit of the laws and policies affecting operations of the government;
- Be independent, impartial, objective, and fair in their judgment and actions;
- Use their public office for the public good, not for personal gain; and
- Conduct public deliberations and processes openly, unless legally confidential under the laws of the Nation, in an atmosphere of respect and civility.

(b) To this end, the Yavapai-Apache Nation Tribal Council adopts this Code of Ethics pursuant to the authority granted the Tribal Council at Article IV, Section 9, and Article V, Section (d), (v), and (w) of the Nation's Constitution.

(c) The purposes of this Code are to encourage public confidence in the integrity of its elected officials in their duties on the Tribal Council as the Legislative Branch of the Nation's government and their duties as the Executive Officers of the Nation, and to promote the Nation's Government as fair, impartial, caring, yet objective in all of its official duties.

(d) The standards of ethical behavior and conduct for Yavapai-Apache Nation elected officials are prescribed as minimum standards in this Code, and all elected officials shall sign the acknowledgement and oath (Appendix A) to abide by this Code when sworn into office.

(e) This Code shall be construed and interpreted to avoid conflict with other rights and responsibilities of public officials as set forth in Yavapai-Apache Nation Tribal law applicable Federal law.

[History: PUBLIC LAW # YAN – 4-1-101]

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**Section 102. PUBLIC INTEREST**

(a) Recognizing that stewardship of the public interest must be their primary concern, elected officials shall work for the common good of the people of the Yavapai-Apache Nation and not for any private or personal interest.

(b) Elected officials must endeavor to treat all members of the public and issues before them in a fair, objective, and equitable manner.

(c) All elected officials of the Nation shall be and remain drug free, and all elected officials are subject to drug screening before taking the oath of office, and randomly throughout their term of office.

[History: PUBLIC LAW # YAN – 4-1-102]

**Section 103. CONDUCT**

(a) Elected officials shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other elected officials of the Nation, the boards, commissions, committees, staff of the Nation, or the public. This includes conduct during Council Meetings, Work Sessions, Tribal Meetings, and in any public forum regardless of whether the official is acting in his official capacity or in a personal capacity with the Nation.

(b) Elected officials duties shall be performed in accordance with the processes and rules of order established by the Tribal Council. Until other Rules of Order are adopted the Tribal Council shall consult *Roberts Rules of Order* for guidance when conducting the official business of the Nation; however, the Nation is not bound by a rule of strict adherence to *Roberts Rules of Order* but only one of guidance.

(c) This Code of Ethics shall govern the conduct of the elected officials concerning the respect and public demeanor required by its public officials.

(d) Council decisions shall be objective and based upon the merits and substance of the matter at hand. Elected officials shall refrain from injecting their personal prejudices into the decision making process.

(e) It is the responsibility of elected officials to publicly or in executive session to share substantive information that is relevant to a matter under consideration that they have received from sources outside of the public decision-making process with all other elected officials and the public prior to taking action on the matter. Elected Officials shall make formal reports, either oral or written, on meetings attended within a reasonable time after their return.

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(f) Individual Council officials shall not attend internal staff meetings or meetings between Tribal Staff and third parties unless invited by Tribal Staff or directed by Council to attend. These elected officials shall not interfere with the staff in the performance of their duties, nor shall the officials make unauthorized inquiries about any staff member. These elected officials shall refrain from personal attacks on or accusations about any staff members. These elected officials shall not address or investigate staff unless authorized by the Tribal Council or the Executive Branch. All personnel matters shall be conducted in full compliance with the Tribal Employee Handbook, and all personnel issues shall be discussed in executive session by the Tribal Council. Personnel files are not open to the individual Council Members.

[History: PUBLIC LAW # YAN – 4-1-103]

#### ***Section 104. POLICY ROLE***

(a) Elected officials shall respect and adhere to the separate independent functions of the Legislative/Tribal Council/Executive/Judicial Branch structure of Yavapai-Apache Government as provided in Article III of the Yavapai-Apache Nation Constitution.

(b) Elected officials shall support the maintenance of a positive and constructive atmosphere for tribal members, residents, businesses and tribal employees.

(c) Elected officials shall include the Tribal Council Member, Chairman and the Vice-Chairman.

(d) The Tribal Council Members primary function is to implement legislation, including the revision, amendment, repealing, restructuring, review, and all necessary and reasonable activities attendant thereto in accordance with Article V of the Yavapai-Apache Nation Constitution.

(e) The Executive Officers, who sit on the Tribal Council as Council Members, primary function is to operate the Nation's Government as per the Nation's Constitution, Legislative Laws, Resolutions and other mandates.

(f) Neither the Legislative or Executive Branch shall interfere with any pending judicial case prior to final resolution of the same, but this does not prohibit the elected officials from suggesting and enacting new laws. Or otherwise acting within the limits of their authority to represent the Nation's position in the Legislative and Executive Branches of the government, including the intervening into a case to present the Nation's position.

[History: PUBLIC LAW # YAN – 4-1-104]

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***Section 105. IMPLEMENTATION***

(a) Ethics Standards and Standards of Conduct shall be included in the regular orientations and work sessions for Tribal Council Officials. Council officials entering office shall sign an acknowledgement and oath (Appendix A) affirming they have read and understand the Tribal Council Code of ethics prior to taking office and at the time that they take the oath of office. The officials sitting at the time of the passage of this Code shall sign the aforementioned statement on or before the next seating of the Tribal

[History: PUBLIC LAW # YAN – 4-1-105]

***Section 106. CONFLICT OF INTEREST***

(a) In order to assure their independence and impartiality on behalf of the public good, elected officials are prohibited from using their official positions to influence government decisions for their own direct personal gain or benefit in which they have a direct personal financial interest, where they have an organizational responsibility, an immediate family relationship (as defined in the Employee Personnel Handbook), a personal relationship, business relationship, or any other type of conflict affecting the exercise of the council member's independent judgment as an elected official and that would present a conflict of interest under this Code or other applicable Yavapai-Apache Nation Tribal Law.

(b) In accordance with Yavapai-Apache Nation laws, Council officials must file annual written disclosures of their economic interests showing their financial interests in doing business with the Nation. These shall be filed with the Treasurer and disclosed only in executive session. Annually, the Tribal Council shall review the same. The date for filing shall be the first meeting in December of each year unless extended by the Council.

(c) Elected officials shall respect and preserve the confidentiality of information provided to them concerning the confidential matters of the Yavapai-Apache Nation. They must neither disclose confidential information without proper legal authorization nor use such information to advance their own personal, financial or their own private interests.

(d) Elected officials should avoid any action that could be construed as, or create the appearance of, using public office for personal gain, including use of Yavapai-Apache Nation stationery or other Yavapai-Apache Nation resources to obtain or promote personal business.

(e) Public resources not available to the general public (e.g., tribal staff time, equipment, supplies or facilities) shall not be used by elected officials for private gain or personal purposes.

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(f) In keeping with their role as stewards of the tribal interests on passed resolutions and other official legislative actions, elected officials shall not appear on behalf of the private interests of a third party in conflict with the Nation before the Tribal Council, any board, commission, committee, business entity of the Nation, or any proceeding of the Yavapai-Apache Nation Courts, except as permitted by law. If the nation is named a party in a court proceeding, Tribal Council Members may only appear on behalf of the Nation-not any other party.

(g) To the best of their ability, elected officials shall represent the official policies and positions of the Tribal Council. When presenting their personal opinions or positions publicly, officials shall explicitly state they do not represent the Council or the Yavapai-Apache Nation.

(h) Article IV Section 8 of the YAN Constitution provides that when a conflict of interest is apparent, the elected official shall not participate in the decision process on the issue involving the conflict, unless he receives consent of the remaining council members. This non-participation in the particular decision shall not destroy the official's presence for purposes of maintaining a quorum. The official simply can not engage in the decision making process, including voicing of opinions on the issue, responding to comments by others, or voting on the matter, but the official is counted as present for purposes of the quorum and this member shall remain in the Council Chambers during the process. The official shall be recorded as not voting if a vote is called. Official notes shall be made in the Minutes of the Meeting documenting the non-participation of the conflicted member. The conflicted member may also supplement the minutes with a written non-participation letter addressed to the Tribal Secretary.

(i) An elected official shall not serve for pay on any boards, commissions, business, entities, or other official committees of the Nation's Government, or commercial ventures. Nothing contained herein prohibits the Chairman or Vice-Chairman, in their executive position, of being the *ex officio*, member of all such boards, commissions, businesses, entities, of the Nation's government, commercial ventures, as required by the traditional law of the Nation, and the executive officers shall be fulfilling those duties as executives of the Nation, and the executive officers are not deprived of their participation in the Tribal Council Meetings as a result of their executive positions as *ex officio*, members of said entities stated above.

(j) The Tribal Council may suspend or remove a Council Member for the following reasons so long as the actions in question take place during the Council Member's term of office:

- (1) Failure to attend three (3) regular or special meetings consecutively without good cause, which good cause shall include provisions for leave for at least the following reasons: sickness, court orders, religious activities, cultural activities, vacation, death in the immediate family, family

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emergency, failure to receive adequate notice of the meeting or other official responsibilities as a Council Member.

(2) Final conviction by any Tribal, Federal, State or Municipal Court of any the following offenses: (A) a felony, (B) any sex related crime, (C) drunk and disorderly conduct, or its equivalent, (D) three(3) misdemeanors at any time while serving on the Tribal Council, or (E) contempt of court while serving on the Tribal Council;

(3) Gross neglect of duty or gross misconduct.

(i) A Tribal Council member appealing a conviction of an offense listed in Article IV, Section 6(a)(2)(A-E) shall be suspended without pay pending the outcome of the final appeal.

(4) Being arrested for a felony or serious misdemeanor crimes in Tribal, Federal or State Courts, as defined in Appendix B. No conviction is required.

(k) Elected officials are required to attend and stay for the full meetings of the Tribal Council. Tribal Council meetings include, but are not limited to, the regular and special meetings of the Council called pursuant to the provisions of the Nation's Constitution at Article IV, Section 4. A Council Member who needs to arrive late or leave early from a meeting, due to good cause as defined above in section (j) may be excused by consent of Council.

[History: PUBLIC LAW # YAN – 4-1-106]

### ***Section 107. INVESTIGATION AND APPROPRIATE ACTION***

(a) If violation of the Code of Ethics and Conduct is outside of the observed behaviors of the elected officials, the alleged violation should be referred to the appropriate official or agency of the Nation to investigate and report. The report on the investigation may include, but is not limited to discussing and counseling the individual on the violations; recommending sanction to the full Council to consider in a public meeting; or forming a Council *ad hoc* subcommittee to review the allegation(s), the investigation, and findings, as well as to recommend sanction options for Council consideration.

[History: PUBLIC LAW # YAN – 4-1-107]

### ***Section 108. EFFECTIVE DATE***

(a) This Code shall be effective upon its passage by the Tribal Council. This Code shall supercede and repeal any other laws of the Nation in conflict with this Code and concerning the identical subject matter addressed herein.

[History: PUBLIC LAW # YAN – 4-1-108]

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**APPENDIX A**

As an elected official of the Yavapai-Apache Nation, I hereby acknowledge that I have received and read the Code of Ethics and Conduct for Elected Officials and I swear or affirm that I will be bound by the terms of this Code during the time I am in office.

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Date

\_\_\_\_\_

Name