

YUROK TRIBAL COUNCIL CONFLICT OF INTEREST POLICY

WHEREAS, the Yurok Tribal Council is the governing body of the Yurok Tribe pursuant to the Constitution of the Yurok Tribe as approved on November 19, 1993, and

WHEREAS, the Yurok Tribal Council is authorized by Article IV, Section 5, (I) of the Constitution of the Yurok Tribe to prescribe a Conflict of Interest Policy and to enact such ordinance setting forth the Conflict of Interest Policy of the Yurok Tribe,

NOW, THEREFORE, BE IT RESOLVED that the following Ordinance governing Conflict of Interest is hereby enacted and shall be effective upon the date of approval by the Tribal Council.

PURPOSE:

The purpose of this conflict of interest policy is to require accountability of elected, appointed and assigned tribal officials in exercising the authority vested with them as a matter of public trust. Tribal officials must:

- (a) Treat their positions as a matter of public trust, only using the power and resources of the tribal office to advance tribal interest and not to attain personal benefit or promote private gain.
- (b) Assure that the tribal government is conducted openly and honestly and in a manner that allows the tribal constituency to hold tribal officials accountable for their actions.
- (c) Abstain from using their office in a manner which could place, or appear to place, their personal interest before that of the tribal government and its members.

INTENT

It is the intention of the Yurok Tribal Council that the provisions of this policy be construed and applied in each instance, so as to accomplish its purposes of protecting the Yurok People from government decisions and actions resulting from, or affected by undue influences or conflicts of interest.

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PRINCIPLES

Tribal officials must:

- (a) Use their special powers in a manner consistent with the Constitution of the Yurok Tribe, applicable tribal laws, rules, policies and procedures.
- (b) Refrain from using tribal facilities, resources or personnel to perform personal business.
- (c) Not solicit money, favors or gifts for their own personal gain.
- (d) Not provide, offer or exercise official influences in exchange for money, valuables, or the promise of employment.
- (e) Not use tribal resources and power of office to advance personal/political interest.

GENERAL PROHIBITIONS

A. CONFLICTS OF INTEREST.

- (1) No Tribal official shall use, or attempt to use, any official or apparent authority of their office or duties which places, or could reasonably be perceived as placing, their private economic gain or that of any special business interests with which they are associated, before those of the Yurok People, whose paramount interests their office is intended to serve.
- (2) Officials of the Yurok Tribe must avoid any action, whether or not specifically prohibited, which could result in, or create the appearance of:
 - (a) using public office for private gain;
 - (b) giving preferential treatment to any special interest, organization or person;
 - (c) impeding governmental efficiency or economy;
 - (d) losing or compromising complete independence or impartiality of action;
 - (e) making a government decision outside official channels; or
 - (f) adversely affecting the confidence of the People in the integrity of the government of the Yurok Tribe.

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B. USE OF CONFIDENTIAL INFORMATION FOR PRIVATE GAIN.

No Tribal official shall 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.

C. RESTRICTIONS AGAINST INCOMPATIBLE INTERESTS OR EMPLOYMENT.

- (1) Tribal officials shall not:
 - (a) have direct or indirect financial or other economic interests, nor engage in such other employment or economic activity which involves inherent substantial conflict, or the appearance of having such substantial conflict, with their responsibilities and duties as Tribal officials of the Yurok Tribe; nor
 - (b) engage in, directly or indirectly, financial or other economic transactions as a result of, or primarily depending upon, information obtained through their public office; nor
 - (c) acquire any economic or other financial property, contractual or other economic interest at a time when they believe, or have reason to believe, that it will directly and substantially affect or be so affected by their official actions or duties.
- (2) Subject to the restrictions and conditions set forth in this policy, Tribal officials are free to engage in lawful financial transactions to the same extent as the general public. The Yurok Tribal Council may, however, adopt further restrictions upon such transactions or employment as authorized herein and by other applicable laws of the Yurok Tribe, in light of special circumstances or particular duties.
- (3) The term "employment", within the meaning of this policy includes professional services and other services rendered by a Tribal official, whether rendered as an employee, consultant or other independent contractor.

D. ABSTENTION FROM OFFICIAL ACTION

- (1) When a Tribal official is required to take official action on a matter in which such official has a personal economic interest, s/he should first consider eliminating that interest. If that is not feasible nor required under subsection (C) above, such Tribal official shall:

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- (a) prepare and sign a written statement describing the matter requiring action and the nature of the potential conflict, as soon as such Tribal official is aware of such conflict and shall deliver copies of such statement to the responsible party for inclusion in the official record of any vote or other decision or determination and
 - (b) abstain from voting, sponsoring, influencing or in any manner attempting to influence any vote, official decision or determination which would favor or advance such person's personal economic interest in such matter.
- (2) 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 to take such action or vote upon such matter.
- (3) In the event that a Tribal official's participation is otherwise legally required for the action or decision to be made, such person and the presiding official requiring such participation shall fully report the occurrence to the Council.

E. TRIBAL GOVERNMENT CONTRACTS; RESTRICTIONS AND BID REQUIREMENTS.

- (1) No Tribal official or any member of such person's immediate family shall be a party to, nor have an interest in the profits or benefits of, any governmental contract of the Yurok Tribe or of any investment of funds of the Yurok Tribe, unless the contract or the investment meets the following requirements:
- (a) The contract is let by notice and competitive bid or procurement procedures as required under all applicable laws, rules, regulations and policies of the Yurok Tribe, for necessary materials or services for the governmental agency or entity involved; and
 - (b) If the continuous course of business commenced before the Tribal official declared candidacy for his/her current term of office; and
 - (c) The entire transaction is conducted at arm's length, with the Tribal Council's full knowledge of the interest of the Tribal official or member of his/her immediate family; and
 - (d) The Tribal official has taken no part in the determination of the specifications, deliberations or decisions with respect to the public contract; and

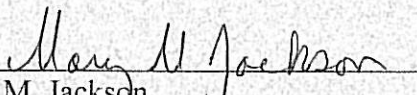
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- (e) The Tribal official is not a member, office holder, employee or otherwise directly associated with the same entity primarily responsible for letting, performing, receiving, regulating or otherwise supervising the performance of the contract.
- (2) For the purposes of this policy, immediate family means that group of individuals including the parents, spouse or significant other, children and children's significant others, sisters, brothers, mother-in-law, father-in law, brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, grandparents, grandchildren, foster children or others raised in the home or residing in the home, and considered by the community to be part of the immediate family.

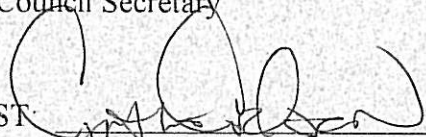
CERTIFICATION

This is to certify that this Ordinance was approved at a duly called meeting of the Yurok Tribal Council on April 20, 1995, at which a quorum was present and that this Ordinance was adopted by a vote of 8 FOR, 0 AGAINST, and 0 ABSTENTIONS. This Ordinance has not been rescinded or amended in any way.

Dated this 20th day of April 1995.



Mary M. Jackson
Tribal Council Secretary

ATTEST 

Cynthia Carlson, Recording Secretary
Yurok Tribe

Adopted 4/20/95