

Kashia Band of Pomo Indians of the Stewart Point Rancheria

Tribal Council & Committees Policy Manual

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Section 1. Purpose

The purpose of this document is to establish policies and procedures for the Kashia Band of Pomo Indians of the Stewart Point Rancheria Tribal Council and its Committees.

Section 2. Tribal Council

1. Membership, Responsibilities & Authority

1.1. The membership of the Tribal Council will consist of seven (7) Tribal Council members, including the Tribal Chair, Vice-Chair, Secretary and Treasurer of the Tribal Council and additional members at-large will be elected by the General Council at the annual meeting.

1.2. Powers & Authority

- A. The Tribal Council has the powers and authority in the management of the business and affairs of the Tribe.
- B. The Tribal Council may not have the power to adopt, amend, and repeal any Bylaws.

1.3. Meetings

- A. The Tribal Council will meet at such times as called by the Chairperson or by four (4) members of the Tribal Council.
- B. The Tribal Chair of the Council will serve as chair of the Tribal Council.
- C. Tribal Council members may attend special meetings for emergencies via telephone.
- D. The Tribal Council must keep regular minutes of its proceedings.
- E. Any action of the Tribal Council requires approval by a majority vote or written consent of a majority of the Tribal Council members in order to be valid.

1.4. Notice

- A. Except in case of emergency, notice of all meetings will be given to Tribal Council members three (3) working days in advance of each meeting.

2. Tribal Council and Compensations

2.1. Compensation for Meeting Attendance

- A. The Tribal Council members will receive a stipend for attending duly-noticed Tribal Council, General Council and other meetings acting as the official for the Tribe as approved by the Tribal Council or the Tribal Chair.

- B. Stipends will be in the amount not to exceed \$100 per meeting.

2.2. Tribal Council Compensation for Out of Town Travel

- A. Tribal Council members will comply with the Kashia Band of Pomo Indians Fiscal Policies regarding advances, and including reporting requirements.
- B. It is the Kashia Band of Pomo Indians policy to pay Tribal Council members travel costs in accordance with Federal travel regulations.
- C. Alternate Tribal Council members will be eligible for honorariums or travel payments when acting as a Tribal Council member or when specifically authorized by the Tribal Council or Tribal Chair.
- D. Committee Representatives will be eligible for honorariums or travel payments when specifically authorized by the Tribal Council or Tribal Chair.

Section 3. Committees

1. Committees in General

1.1. Types of Committees. There will be two types of Committees: Standing Committees, and Adhoc Committees.

- A. Standing Committees
 - 1. Personnel Committee
 - 2. Finance Committee
 - 3. Education Committee
 - 4. Enrollment Committee
 - 5. Housing Committee
 - 6. Governance Committee
- B. Sub Committees: The Tribal Council creates Sub Committees as an option as needed.

1.2. Appointing & Removing Committee Members

- A. The Tribal Chair, with the approval of a majority of the Tribal Council will appoint and or approve Committee Members with the exception of those members of the Tribal Council designated in any ordinance or the Constitution.
- B. All standing Committees will have one Tribal Council member.
- C. The Tribal Chair will have the power to fill any vacancies that occur on a Committee for the remainder of a term. All Committee appointments must be approved at the next regularly scheduled Council meeting.
- D. If a vacancy on a Committee occurs before the next regular Tribal Council meeting, the Tribal Chair can appoint an alternate who will serve until a permanent Committee member is appointed.
- E. Should a Committee member miss three (3) consecutive meetings without an excused absence, that member shall be removed from that Committee

unless the member did not receive reasonable prior notice of the meeting. An excused absence shall mean illness, injury, or family or work related emergency.

1.3. Quorum. A quorum for the transaction of business by any Committee will have one-half (50%) of the Committee members.

1.4. Voting. A majority of the voting Committee members present is required to pass any matter before the Committee.

1.5. Assignments of Matters to Committees

- A. Matters may be assigned to committees by the Tribal Chair or Tribal Council.
- B. Routine matters are within a specific scope of authority given to a Committee under any ordinance, the constitution or in these policies. Committees shall handle routine matters without the necessity of prior assignment by the Tribal Council.
- C. If a committee is asked to make a decision on a non-routine matter on behalf of the Tribal Council. The matter will be assigned to the Committee only by resolution that will detail its assignment by the Tribal Council or the Tribal Chair when it is acting in the capacity of the Tribal Council.

1.6. Meetings & Rules

- A. Committees will meet at a time and place designated by the Committee Chairperson and as often as necessary to accomplish their duties.
- B. Committees may set regular meeting schedules when Committee business warrants it.
- C. Meetings may also be set upon the request of the Chairperson, Tribal Council or upon the request of a quorum of the Committee.
- D. Committee meetings will be noticed including an agenda at least seven (7) days in advance of the meeting
- E. Committee members must be on time to meetings, especially when there larger meetings.

1.7. Committee Chairpersons

- A. Each Committee will have a chairperson selected by the Committee except for the following: 1.) The Finance Committee will be chaired by the Tribal Treasurer. 2.) The Personnel Committee will chaired by the Tribal Vice Chairperson.
- B. In the absence of the Chairperson, the Committee will elect one of its members to preside at meetings.
- C. The Chairperson will have the following duties:
 - 1. Set meeting times and places
 - 2. Approve meeting agendas
 - 3. Preside over meetings
 - 4. Vote in case of a tie.
 - 5. Be responsible for delegating Committee meeting minutes and reports.

1.8. Term. The Chairperson and all members of the Committee will hold office for two (2) years or until successors are appointed, except in the case of Ad hoc Committees that are completed in less than one (1) year.

1.9. Minutes and Reports

- A. All Committees will maintain written minutes of their meetings which will be available to the Tribal Council.
- B. Committee minutes shall be action minutes unless the Tribal Council or the majority of the Committee otherwise require.
- C. Committee members may request specific statements to be put on the record in the minutes.
- D. The Committee Chairperson is responsible for ensuring minutes and reports are prepared and available to the Committee and the Tribal Council.
- E. Committees shall report to the Tribal Council in writing in the form of minutes or written recommendations.

2. Committee Duties

2.1. Personnel Committee

- A. Conduct an investigation and review of personnel, administration, organization, policies, programs, procedures and other matters as requested by the Tribal Council.
- B. Review any action relating to employment or dismissal of Kashia Band of Pomo Indians employees and any administrative grievances, in accordance with the Tribes personnel policies.
- C. The Personnel Committee will be chaired by the Vice-Chairman of the Tribal Council, unless he/she declines to serve as the Committee Chair.

2.2. Finance Committee

- A. Review Tribes financial statements and balances sheets.
- B. Consult with the Tribes fiscal officer and auditor.
- C. Assist the Tribal Administrator in preparing the annual budget and review and make recommendations on the budget to the Tribal Council.
- D. Review, evaluate and make recommendations on fiscal procedures and on requests for expenditures and other fiscal transactions of the Tribe.
- E. Perform other duties as requested by the Tribal Council.
- F. The Treasurer of the Tribe will serve as Chair of the Finance Committee.

2.3. Education Committee

- A. Consult with the Tribal Administrator on education issues and policy.
- B. Make recommendations to Tribal Council.
- C. Review education issues outside of regular processing to the Tribal Council.

2.4. Enrollment Committee

- A. Consult with Enrollment Officer.
- B. Review enrollment application for proper documentation.
- C. Review and evaluate, make recommendations to Tribal Council.

2.5. Housing Committee

- A. Consult with the Housing Director.
- B. Develop annual goals for committee and department.
- C. Review documentation as needed.
- D. Vote on housing issues and policies for recommendations to the Tribal Council.

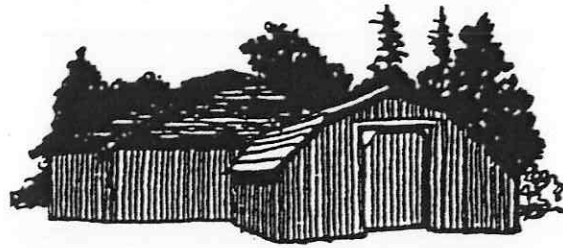
2.6. Tribal Council Sub-Committees

- A. Grievance/Compliance
 - 1. Review all complaints, grievances and disputes submitted in writing to the Tribal council by Tribal Members.
- B. Governance
 - 1. Review the Ordinances and Constitution of the Tribe and make recommendations for amendments or modifications to the Tribal Council.
 - 2. Review all matters of Tribal policy, not already within the jurisdiction of other Committees and make recommendations to the General Council regarding changes or amendments.
- C. Legislative
 - 1. The Legislative Committee will advise the Tribal Council regarding legislation related to issues of concern of the Tribe, and any other duties as directed by the Tribal Council.
- D. Planning
 - 1. Review and update the Tribes strategic plan.
 - 2. Perform other duties as requested by the Tribal Council.

Appendices

I. Kashia Band of Pomo Indians of the Stewart Point Rancheria Constitution

II. Tribal Ethics and Conduct Ordinance



**CONSTITUTION
OF THE
KASHIA BAND OF POMO INDIANS
OF THE
STEWARTS POINT RANCHERIA, CALIFORNIA**

Approved January 30, 2011 by Secretarial Election

**Certificate of Approval by the Secretary of the Interior
on February 15, 2011**

We, the adult members of the Kashia Band of Pomo Indians of the Stewarts Point Rancheria, do hereby establish and approve this Constitution in order to:

- **Strengthen our Tribal bonds;**
- **Govern ourselves by our own laws and customs for the common good and well-being of the Tribe and its members;**
- **Protect the validity of our governmental processes;**
- **Perpetuate our culture and Tribal identity;**
- **Protect and promote our Tribal resources;**
- **Maintain peace and order in our communities; and**
- **Protect and develop the individual and collective rights and benefits of our members.**

We affirm that our traditional cultural heritage and inherent sovereignty are the basis of the well being and continuity of the Kashia people.

ARTICLE 1 – TERRITORY & JURISDICTION

Section 1. Territory

The Territory of the Tribe includes all lands within the exterior boundaries of the Stewarts Point Rancheria; any and all other lands held by the Tribe; and any additional lands acquired by the Tribe or by the United States for the benefit of the Tribe. Such lands include, without limitation, surface and underground rights, including minerals, natural and cultural resources, water rights and air space.

Section 2. Jurisdiction

The Tribe has and may exercise jurisdiction over all its members, wherever located; and all persons, property, lands, resources and activities occurring within the Tribe's Territory, to the fullest extent permitted by law.

ARTICLE 2 - MEMBERSHIP

Section 1. The membership of the Kashia Band of Pomo Indians shall consist of:

(a) All persons of Indian blood whose names appear on the "approved list of voters for the Stewarts Point Rancheria," 1935-1936 and "list of children on the Stewarts Point Rancheria (under 21)," 1935-1936 both lists approved by the General Council on November 15, 1936.

(b) Any person who is a lineal descendant of any person listed under section (a) above.

(c) Any person with Indian blood not otherwise qualified for membership who is adopted into the Tribe consistent with requirements approved by the General Council.

Section 2. In accordance with Article 5 and Article 6, Section 1 of this Constitution, the General Council shall, within 180 days after the Constitution becomes effective, adopt one or more ordinances consistent with the provisions of this Constitution covering membership and enrollment procedures.

ARTICLE 3 - GOVERNING BODY: GENERAL COUNCIL

Section 1. Composition. We hereby affirm the governing body of the Kashia Band of Pomo Indians is the General Council, which is composed of all qualified voters of the Tribe.

Section 2. Duties. It shall be the duty of all members of the General Council to cooperate to protect and advance the best interests of the Tribe and the general welfare of all Tribal members, support and defend this Constitution and all Tribal laws, and carry out these duties faithfully and impartially.

Section 3. Qualified Voters. All enrolled members of the Kashia Band of Pomo Indians who are 18 years of age or over are qualified voters of the Tribe. The General Council may impose reasonable qualifications other than membership and age for eligibility to vote.

Section 4. Quorum. Forty qualified voters shall make up a quorum, which is the minimum number of voters that must be present at a meeting for a vote of the General Council to be valid, or that must participate in a General Council action (such as the calling of a special meeting, or to initiate proceedings to recall an officer).

Section 5. Regular Meetings. Regular meetings of the General Council shall take place quarterly, on the second Saturday of February, May, August and November each year. The Tribal Council may, upon at least thirty (30) days written notice to the General Council, change the date of a regularly scheduled General Council meeting that falls on a Tribally-recognized holiday, or in the event of a natural disaster affecting Sonoma County, or death of a Tribal member upon written request from the member's family.

Section 6. Special Meetings. The chairperson, or a quorum of the qualified voters by written petition to the Tribal Council for action, may call special meetings of the General Council. A notice of the date, time and location of each special meeting, along with a summary of the purpose for calling the special meeting, shall be sent to all members of the General Council at least thirty (30) days before the meeting takes place.

Section 7. Meeting Notices. The following procedures shall apply to notices for all regular and special meetings of the General Council:

- (a) Each meeting notice shall be mailed at least thirty (30) days, but no more than forty-five (45) days, prior to the date the meeting takes place.
- (b) The agenda for each meeting shall be mailed with the meeting notice or separately at least two (2) weeks prior to the date the meeting takes place.
- (c) The meeting shall be announced on a separate sheet of paper, easily identifiable to the members as a meeting notice.
- (d) The General Council may approve additional rules governing how notice of General Council meetings is given, including circumstances under which it may be appropriate to give less than thirty (30) days written notice of a meeting.

Section 8. Meeting Procedures.

(a) At each General Council meeting, the following items shall be addressed, as appropriate:

- 1. Opening Prayer
- 2. Approval of Agenda
- 3. Approval of Prior Meeting Minutes
- 4. Treasurer's Report
- 5. Committee Reports
- 6. Administrator's Report, as requested by the General Council
- 7. Unfinished Business
- 8. New business

(b) Voting on matters before the General Council may take place while there is a quorum present at a duly called regular or special meeting. In the absence of a quorum, each meeting shall commence or continue as an informational meeting.

(c) Voting may take place by a show of hands or by secret written ballot, as defined by tribal law or otherwise determined appropriate by the General Council given the subject matter of the vote.

ARTICLE 4 – ELECTED OFFICIALS: TRIBAL COUNCIL

Section 1. Composition The General Council shall elect from its own members, by secret ballot, a Tribal Council composed of the following officials:

- (a) Chairperson**
- (b) Vice Chairperson**
- (c) Secretary**
- (d) Treasurer**
- (e) Three Members-at Large.**

The General Council may designate the positions of any or all Members-at-Large to represent a particular geographic or demographic group of the Tribal membership as it deems necessary to ensure full representation.

Section 2. Officer Duties.

(a) It shall be the duty of the Chairperson to preside over all meetings of the General Council and implement and enforce all laws of the Tribe and directives of the General Council. All members of the Council and all subordinate officers shall assist the Chairperson in all proper ways to carry out the directives of the General Council.

(b) It shall be the duty of the Vice Chairperson to perform the functions of the Chairperson in the Chairperson's absence and to implement and enforce all laws of the Tribe and directives of the General Council.

(c) The Secretary shall keep a full report of all proceedings of each regular and special meeting of the General Council and of the Tribal Council, and shall perform such other duties of like nature as the General Council shall designate. The Secretary shall make minutes of all General Council and Tribal Council meetings available at the Tribal Office for inspection by Tribal members during normal business hours.

(d) The Treasurer shall oversee the expenditure, accounting and audit of all Tribal assets and grant funds, and shall provide regular reports to the General Council. The Treasurer shall also preside over meetings and perform such other functions as necessary in the event both the Chair and the Vice Chair are absent. The Treasurer shall be bonded in such an amount as the General Council may by resolution provide.

(e) The Members-at-Large shall perform the functions necessary to ensure the effective operation of the Tribal Council and shall implement and enforce all laws of the Tribe and directives of the General Council.

(f) It shall be the duty of all members of the Tribal Council to cooperate to protect and advance the best interests of the Tribe and the general welfare of all Tribal members, support and defend this Constitution and all Tribal laws, and carry out these duties faithfully and impartially.

Section 3. Officer Elections; Terms of Office. In accordance with Article 5 and Article 6, Section 1 of this Constitution, the General Council shall, within 180 days after the effective date of the Constitution, approve an ordinance consistent with the provisions of this Constitution covering procedures for the election of officers. The election ordinance shall, at a minimum, define voter eligibility and officer qualifications, establish procedures for the recall of officers and for filling vacancies on the Tribal Council, and allow for voting by absentee ballot. The standard term for each office shall be two years,

Section 4. Initial Officer Election. Within one (1) year after the ratification and approval of this Constitution, an election shall be conducted in accordance with the procedures approved by the General Council to fill all positions on the Tribal Council. The persons in office at the time the Constitution is ratified and approved shall remain in office until the election is conducted and the newly elected officials are sworn in. The newly elected Chair, Secretary and two (2) Members-at-Large shall then hold office for a period of two (2) years, and the newly elected Vice Chair, Treasurer and remaining Member-at-Large shall hold office for a period of one (1) year; thereafter, elections shall be conducted annually, in accordance with the Tribe's election ordinance, with the terms of office staggered.

Section 5. Operating Procedures. The Tribal Council shall operate in accordance with procedures developed by the Tribal Council and approved by the General Council within 180 days after the Constitution becomes effective. The operating procedures shall, at a minimum, provide for a regular schedule of meetings and procedures for adequate notice to all General Council members of (1) the regular meeting schedules of the Tribal Council and General Council for the year, including meetings at the Stewarts Point Rancheria; (2) agendas for, and actions to be taken at, each upcoming meeting; and (3) a report, at least quarterly, of all meetings that have taken place, highlighting topics that have been addressed and actions that have been taken.

Section 6. Vacancies. Any officer who may resign, die or be removed or recalled from office shall be replaced at the next scheduled regular election or, if the vacancy is created more than six (6) months before the next regular election, in accordance with procedures specified in the Tribe's election ordinance.

Section 7. Removal/Suspension. The Tribal Council may remove or suspend an officer for:

(a) failing to attend three (3) consecutive duly called Tribal Council or General Council meetings, whether regular or special, without good cause as defined by the General Council;

(b) being convicted of a felony by any federal, state or tribal court while in office; or

(c) any other grounds defined by the General Council.

Section 8. Recall. A quorum of the General Council may initiate recall proceedings against a member of the Tribal Council for good cause, including the following:

- (a) Committing an act that is grounds for removal or suspension from office, where the Tribal Council has failed to take action;
- (b) Being found by the General council to have committed a crime against the Tribe or other violation(s) of the Tribe's Ethics and Conduct Ordinance;
- (c) Conduct that, in the view of the General Council, constitutes gross neglect of duties.

Section 9. Procedures for Removal/Suspension/Recall. Removal, suspension and recall proceedings shall be conducted in accordance with procedures approved by the General Council that afford full due process rights to any Tribal Council member who is the subject of such proceedings, including a written statement of the charges, the right to respond to those charges, and the right to present witnesses and other evidence in his or her defense.

ARTICLE 5 – GOVERNMENTAL POWERS

Section 1. General Council Authority. The General Council of the Kashia Band of Pomo Indians shall have authority to exercise or delegate to the Tribal Council all powers vested in the Tribe through its inherent sovereignty and federal law including, without limitation, the following:

- (a) To negotiate with federal, state, local and other tribal governments;
- (b) To employ legal counsel and such other professional advisors as it deems necessary;
- (c) To prevent any sale, lease or encumbrance of Tribal lands, interests in lands, or other Tribal assets;
- (d) To manage, lease, contract, assign, or otherwise deal with tribal lands, homes, community buildings, infrastructure, funds and other assets and resources of the Tribe, subject to such federal approvals as may be required by law;
- (e) To acquire, purchase or accept any land or property for and on behalf of the Tribe, and to request the Secretary of the Interior to take such lands into trust for the benefit of the Tribe;

- (f) To protect and preserve the natural and cultural resources of the Tribe;**
- (g) To appropriate and regulate the use of Tribal funds;**
- (h) To advise the Secretary of the Interior and other federal funding agencies regarding Tribal needs for federal assistance;**
- (i) To manage all economic affairs and enterprises of the Kashia Band of Pomo Indians;**
- (j) To govern the conduct of Tribal members;**
- (k) To regulate or prohibit the activities of non-members within the Tribe's Territory, and to provide for the removal or exclusion of any non-member from the Rancheria;**
- (l) To create committees, districts, enterprises and other organizations accountable to the General Council for economic, community service or other purposes;**
- (m) To establish a court system, grievance board and/or committee for the resolution of disputes and the interpretation and enforcement of Tribal law;**
- (n) To provide for the participation of the Tribe in intertribal organizations for purposes that benefit the Tribe and Tribal members;**
- (o) To regulate the procedures of the General Council and other tribal agencies and organizations, consistent with this Constitution;**
- (p) To take all actions necessary to carry out the foregoing powers, as well as all other inherent sovereign powers of the Tribe that are not specifically listed above.**

Section 2. Delegation to Tribal Council. For purposes of ensuring the effective functioning of the Tribal government, the General Council may, by ordinance, resolution or motion documented in the official minutes of a meeting, delegate to the Tribal Council any of the Tribe's governmental powers.

ARTICLE 6 – ORDINANCES AND RESOLUTIONS

Section 1. Ordinances. Tribal laws shall be documented in ordinances approved by the General Council. All ordinances shall be maintained at the Tribal Office and made available during normal business hours for inspection by Tribal members and other persons who may be subject to the provisions of such ordinances.

Section 2. Resolutions. Final decisions on matters of temporary or limited purpose, such as authorization to enter a contract or approval of a budget item, shall be documented in resolutions of the General Council or Tribal Council, noted in meeting minutes or in a separate document. All resolutions shall be maintained in the Tribal Office and made available during normal business hours for inspection by tribal members.

Section 3. Review of Ordinances and Resolutions. Ordinances and resolutions shall be submitted to the Interior Department or its authorized representative for review, comment and/or approval only if required by federal law or otherwise requested by the General Council or Tribal Council.

ARTICLE 7 – BILL OF RIGHTS

Subject to reasonable limitations that may be imposed by the General Council consistent with this Constitution, all members of the Tribe shall enjoy equal political rights and opportunities to participate in the Tribal government, Tribal economic resources, Tribal assets, and all the rights and benefits that are conferred upon a Tribal member. The Tribe, in exercising its powers of self-government, shall guarantee to all persons the protections set forth in the Indian Civil Rights Act (see attached).

ARTICLE 8 - SOVEREIGN IMMUNITY

Section 1. Nothing in this Constitution is intended to be a waiver of any aspect of the sovereign immunity of the Kashia Band of Pomo Indians of the Stewarts Point Rancheria. The Tribe hereby declares that, in exercising its sovereignty to the fullest extent provided by law, the Tribe is immune from legal action against it. This is the case except to the extent that the Tribe expressly waives its sovereign immunity or such waiver is imposed by federal law.

Section 2. To be effective, a waiver of Tribal sovereign immunity for any purpose must be clearly expressed in writing in an ordinance, resolution, lease or other contract approved by the General Council.

ARTICLE 9 – RATIFICATION OF THIS CONSTITUTION

This Constitution, when approved by a majority vote of the voters of the Kashia Band of Pomo Indians voting at a special election called by the Secretary of the Interior, or his authorized representative, in which at least 30 percent of those entitled to vote shall vote, shall be submitted to the Secretary of the Interior for approval, and shall become effective on the date of such approval.

ARTICLE 10 – FUTURE AMENDMENTS / REVISIONS

Once ratified, this Constitution may be amended or revised by a majority vote of the qualified voters of the Tribe voting at an election following procedures approved by the General Council, in accordance with 25 U.S.C. § 476(h), provided that at least 20 percent of those entitled to vote shall vote on the proposed amendment or revision.

Tribal Ethics and Conduct Ordinance

Section 1. General Provisions

- 1.1 Authority. This Ordinance is adopted under the inherent sovereign authority of the Kashia Band of Pomo Indians of the Stewarts Point Rancheria ("Tribe"), and Article 4, Section 1, paragraph H of the Tribe's Constitution.
- 1.2 Purpose. The purpose of this Ordinance is to govern the conduct of Tribal officials and staff, including employees, contractors, committee members and volunteers, to ensure their work-related behavior protects and advances the best interests of the Tribe consistent with Tribal standards as described in this Ordinance.
- 1.3 Policy. It is the policy of the Kashia Band of Pomo Indians that all Tribal officials and staff, including employees, contractors, committee members and volunteers, conduct themselves in a manner that protects the best interests of the Tribe and is free from corruption and conflicting interests in the conduct of their duties. Each person subject to the provisions of this Ordinance is personally responsible for ensuring that his or her conduct conforms to these standards.
- 1.4 Applicability. Except as expressly stated otherwise, the provisions of this Ordinance shall apply to all of the following, who collectively shall be identified as "Tribal Representatives" in this Ordinance:
 - (a) all persons elected by the Community Council to serve on the Business Committee;
 - (b) all persons employed by the Tribe;
 - (c) all persons contracted to perform services for the Tribe;
 - (d) all persons serving on Tribal Committees;
 - (e) all other Persons performing volunteer functions in the Tribal Office or elsewhere for or on behalf of the Tribal Government.

Section 2. Standards of Conduct

- 2.1 Tribal Representatives shall be held to the highest standards of professional and personal conduct. They are expected to set an example of honesty, integrity, professionalism and ethical behavior. Any violations of this Ordinance have the potential to impact the effective functioning of Tribal Government, threaten the financial and other interests of the Tribe and its members, bring discredit to the Tribe and harm its good reputation.

2.2 Tribal Representatives shall conduct themselves in a highly professional and ethical manner. In particular, Tribal Representatives shall refrain from engaging in any of the following behavior:

(a) Use of language and/or behavior that is improper, offensive, hazardous or damaging to any person or property and, in particular,

- (1) Any language or activity of a sexual or gender-specific nature,
- (2) Any language or activity that constitutes sexual harassment, and/or
- (3) Any language or activity that creates a threatening, hostile or offensive working environment.

(b) Abusive, disrespectful race-based, age-based, or otherwise discriminatory language and/or actions.

(c) Any act of insubordination, such as disregarding the lawful instruction of a supervisor.

(d) Abuse of alcohol or illegal substances, or use of prescription medication other than in accordance with a doctor's instructions.

(e) Failure to timely perform duties, satisfy work-related commitments, or attend required meetings without good cause, such as illness or legitimate family obligations.

(f) Any misuse or abuse of authority including, without limitation, the following:

(1) Intimidating or threatening behavior.

(2) Harassment of another Tribal Representative, Tribal Member, or person doing business or seeking to do business with the Tribe.

(3) Obtaining special personal privileges, including use of Tribal records, cash, bank accounts, credit cards or other Tribal assets for personal use, and/or receiving financial benefit from any contractor, investor or other person or entity doing business or seeking to do business with the Tribe.

(4) Unauthorized access to or use of Tribal records, cash, bank accounts, credit cards, or other Tribal assets.

(g) Any other conduct not specifically identified in this Ordinance that is likely to bring financial or other harm to the Tribe, or otherwise bring the honesty, integrity and respect of the Tribe into question.

2.3 Confidentiality.

- (a) Every Tribal Representative shall be held to the highest standard of confidentiality with respect to sensitive, or non-public information regarding the Tribe and/or its members to which s/he may have access.
- (b) Every Tribal Representative shall sign and comply with a confidentiality agreement binding the Representative to the Confidentiality provisions set forth in this Ordinance.
- (c) No Tribal Representative shall divulge any confidential information, data, records or other documents regarding the activities of the Tribe or any Tribal member in the absence of a lawful order of the Community Council, Business Committee or court with jurisdiction over the Tribe.
- (d) Any disclosures that would compromise any business of the Tribe or violate the privacy of a Tribal member are expressly prohibited. The types of disclosures prohibited by this section include, but are not limited to:
 - (1) information related to contemplated or pending legal proceedings to which the Tribe is or may be a party,
 - (2) contemplated or pending disciplinary actions against a Tribal Representative other than in compliance with section 5.5(d), or
 - (3) any other non-public information, until such time as the Community Council or Business Committee determines it appropriate to disclose such information to any third parties. Exceptions to this provision may be granted to share information with bona fide regulatory or law enforcement agencies if required by law
- (e) These Confidentiality provisions shall not be used to prevent disclosure of information regarding Tribal business and affairs (but not the personal business and affairs of a Tribal member) at Community Council meetings, or if the Community Council directs that such information be made available to Tribal Members for review at the Tribal Office.

2.4 Gifts. To avoid the appearance of impropriety or improper decision-making based on bribery, no Tribal Representative shall receive, either directly or indirectly:

- (a) any gift, reward or incentive, such as merchandise, trips, outings, tickets, or the like valued in excess of \$500.00, or
- (b) any cash payment, fee, gift card, or anything that can be redeemed for cash in any amount, from any person or entity, owner and/or employee of a business, including a contractor, investor or other person or entity doing or wishing to do business with the Tribe.

This provision is not intended to prohibit traditional tribal gift-giving practices.

2.5 Business Interests. To avoid the appearance of impropriety or improper decision-making, any Tribal Representative having an interest in any business doing or seeking to do business with the Tribe must disclose such interest and the proposed business activity to, and obtain approval from, the Business Committee. The types of interests requiring disclosure and approval shall include but not be limited to:

(a) Any ownership interest in the business, except that this prohibition shall not apply to ownership of less than ten (10) percent of the stock of a publicly traded company.

(b) Any other financial interest in a business, including that of a lender or borrower.

(c) Employment of an Immediate Family Member, as defined in section 2.6 below, as a principal or owner of the business as described above.

(d) Ownership by an Immediate Family Member of a financial interest in the business as described above.

2.6 Other Conflicts. No Tribal Representative shall participate in decision-making regarding a matter in which s/he or an Immediate Family Member has a direct interest. For purposes of this Ordinance, Immediate Family Member means grandparents, a parent or guardian, sibling, child, spouse or domestic partner, aunt, or uncle. Other relationships that may affect a Tribal Representative's ability to make a fair and impartial decision on any matter must be disclosed to the Business Committee prior to decision-making on the matter, and the Business Committee shall determine whether the Representative's participation in such decision-making would constitute a violation of this provision.

Section 3. Other Prohibited Acts.

3.1 Any theft, misuse or abuse of anything of value from the Tribe, another Tribal Representative or a Tribal Member.

3.2 Conviction of any financial crime, such as theft or embezzlement, or any crime of dishonesty, such as fraud, as defined by federal, state or tribal law, while serving as a Tribal Representative.

3.3 Withholding or failing to disclose information regarding a prior conviction as requested when being considered for a position with Tribal Government.

- 3.4 Any willful or grossly negligent damage to property of the Tribe, another Tribal Representative or a Tribal Member.
- 3.5 Assault or battery, or any other violent or hostile act against another person except in self-defense.
- 3.6 Any other violation of Tribal law.

Section 4. Penalties

- 4.1 Penalties for violation(s) of this Ordinance should be progressively imposed and proportionate to the nature and extent of the violation(s) committed.
- 4.2 Penalties may include any of the following, imposed singly or in combination:
 - (a) Verbal or written reprimand, documented in Tribal Representative's file
 - (b) Reimbursement for any monetary damage resulting from the violation(s)
 - (c) Civil fines
 - (d) Community service for the benefit of the Tribe.
 - (e) Suspension from duties
 - (f) Termination from position
 - (g) Civil suit to pursue any remedy authorized by law to recover damages suffered and/or prevent further harm resulting from the violation(s)
 - (h) Referral to local, state or federal authorities, as appropriate, for criminal proceedings
 - (i) Recall or removal from office (subject to the provisions of the Constitution and Election Ordinance)
 - (j) Suspension or termination of participation in revenue sharing distributions and/or other Tribal member benefits
 - (k) Determination of ineligibility to run for office
 - (l) Disenrollment
- 4.3 The penalties described in 4.2(a), (e) and (f) above may be imposed by Tribal Administration or the Business Committee in accordance with the Tribe's personnel policies and procedures, and may not be appealed to the Community Council.
- 4.4 The penalties described in 4.2(b), (c) and (d) may be imposed by the Business Committee, and may be appealed to the Community Council.
- 4.5 The penalties described in 4.2(g), (h), (i) (j), (k) and (l) may be recommended by the Business Committee, but may only be ordered by the Community Council after a hearing as described in sections 5.6 and 5.9 below.

Section 5. Enforcement

5.1 Authority. The Community Council shall have the ultimate authority to make final decisions on all matters in which a Tribal Representative is accused of violating this Ordinance, to determine whether such violation has taken place and an appropriate penalty. Except as otherwise provided in this Ordinance, if the accused is a Business Committee member, the matter shall be heard directly by the Community Council or its designee. If the accused is another Tribal Representative, the Business Committee or other Community Council designee shall hear the matter, and its decision may be appealed to the Community Council.

5.2 Initiation of a Report.

- (a) Every report of violation(s) of this Ordinance must be made in writing, dated and signed under penalty of perjury, and include the following:
 - (1) a detailed description of the alleged violation(s),
 - (2) the identity of each witness to the alleged violation(s), and of each other person with relevant information regarding the matter
 - (3) supporting documentation, if any,
 - (4) the legibly printed name, address and telephone number of the person making the report.
- (b) The Business Committee may develop a report form to be used for this purpose.
- (c) If a person desiring to report a violation is unable to write, the person may provide a verbal report that shall be tape-recorded and transcribed.
- (d) The report should be made to the Tribal Administrator, with a copy to the Business Committee. If the Tribal Administrator is alleged to have violated this Ordinance, the report should be made to the Tribal Chairperson, with a copy to the Business Committee.
- (e) [Any report must be made within three (3) months after the discovery of the alleged violation. This deadline may be extended for up to three (3) additional months for good cause as determined by the Community Council.]

5.3 False Accusations. Any person that is found to have knowingly made a false accusation that a Tribal Representative has committed a violation of this Ordinance shall be subject to the enforcement provisions and penalties set forth in this Ordinance.

5.4 Investigation. Upon receipt of a report of violation(s) of this Ordinance, or if the Business Committee independently learns of a potential violation, the Business Committee and Tribal Administrator (or Chairperson, per Section 5.2(d)), shall immediately undertake an investigation of the matter.

- (a) If the accused is a Business Committee member, neither s/he nor Immediate Family Members on the Business Committee shall participate in the investigation.
- (b) The investigation may include the examination of relevant documents, if any, and the interview of all witnesses and other persons possessing information relative to the alleged violation(s).
- (c) The Business Committee and Tribal Administrator (or Chairperson, per section 5.2(d)) shall conclude the investigation within fifteen (15) to thirty (30) days of receipt of a report of violation(s) of this Ordinance.
- (d) Depending on the nature and severity of the matter, the person alleged to have committed the violation(s) may be suspended pending the outcome of the investigation and any hearing(s). This decision will be made by the Community Council if the accused is a Business Committee member, or by the Business Committee as to any other accused persons.

5.5 Other Actions By Business Committee.

- (a) Once the investigation has been completed, the Business Committee shall convene in executive session to review the matter and determine whether
 - (1) it should conduct a hearing regarding the alleged violation;
 - (2) it should refer the matter to the Community Council for hearing;
 - (3) the matter should be handled by Tribal Administration under the Tribe's personnel policies and procedures; or
 - (4) the matter should be dismissed for lack of evidence or for other good cause.
- (b) The Business Committee shall document the basis for its determination in compliance with this Ordinance.
- (c) The Business Committee shall, within five (5) business days after its review of the matter, provide written notice to any person(s) that filed a report under section 4.3 of its determination regarding how to proceed.. If the Business Committee's decision is to dismiss the matter, the person(s) shall be notified of his/her/their right to appeal that determination to the Community Council.
- (d) The Business Committee shall report at each Community Council meeting the existence of every reported or suspected violation of which it has become aware prior to the meeting, the status of the investigation, and any determinations made by the Business Committee regarding the disposition of the matter.

5.6 Hearings. Once the investigation is complete, and the Business Committee has determined that there are grounds to proceed regarding the alleged violation, the matter shall be set for hearing by the Business Committee or the Community

Council depending on who is alleged to have committed the violation (see Section 5.1).

- (a) Written notice of the hearing date, time and location shall be provided to the person(s) filing the report, the accused, and any witnesses, at least ten (10) days in advance of the hearing.
- (b) At the hearing, all the person(s) that filed the report regarding the violation shall first have the opportunity to present the charges or, if none, the Business Committee shall present the charges.
- (c) The accused Tribal Representative shall then have an opportunity to respond to the charges.
- (d) Any witnesses with relevant knowledge or information of the matter may be called to give testimony. To this end, the Community Council and Business Committee shall have the power to issue orders to appear, which shall constitute lawful orders of the Tribal Government.

5.7 Failure to Cooperate. Any person that fails to cooperate in the Business Committee's investigation, or fails to appear if ordered by the Business Committee or Community Council, or fails to give full and honest testimony at a hearing shall be subject to the enforcement provisions and penalties set forth in this Ordinance.

5.8 Decision by Business Committee. If the matter is heard by the Business Committee, the Business Committee shall issue to all parties a written decision within ten (10) days of the conclusion of the hearing. The decision shall include the Business Committee's determination as to what, if any, violations have occurred and appropriate penalties to be imposed. This decision shall be appealable to the Community Council in accordance with section 5.11 below.

5.9 Decision by Community Council. If the matter is heard by, or appealed to, the Community Council, the hearing shall be conducted and a decision shall be made by secret written ballot and announced at a meeting at which a quorum is present. Any decision of the Community Council shall be final and not subject to further appeal.

5.10 Elected Officials. With respect to elected officials found by the Community Council to have violated this Ordinance, any determination that the appropriate penalty is removal from office shall be in the nature of a recommendation that shall be acted upon in accordance with the removal provisions of the Constitution and Election Ordinance.

5.11 Appeal.

- (a) Any person that the Business Committee has found to have violated this Ordinance may appeal decisions and penalties to the Community Council if they were charged with the following:

- (1) Suspension or termination from a paid position
- (2) Financial reimbursement and/or fines, or
- (3) Community service.

(b) To appeal the decision to the Community Council, the accused person shall submit to the Tribal Chairperson, within seven (7) days of receipt of the Committee's decision, a written request for appeal that explains the reasons for the appeal. Any such appeal shall be heard and decided at the next scheduled Community Council meeting at which there is a quorum. If there is no quorum, the Tribal Chairperson shall call a Special Meeting to occur no later than 45 days following the meeting without a quorum.

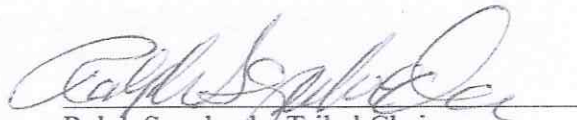
5.12 Failure of Business Committee to Act. If the Business Committee, or any of its members, fails to timely perform any duty defined in this section 5 (and, in particular, sections 5.4, 5.5, 5.6, 5.8 and 5.11), the Community Council may designate one or more person(s) to implement those duties.

Section 6. Employment Status. Nothing in this Ordinance is intended to, or shall be construed to, affect the status of any Tribal staff that may be designated an "at-will" employee.

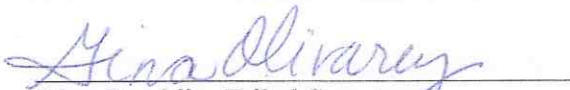
Section 7. Effective Date. This Ordinance shall take effect immediately upon its approval by the Community Council, and shall remain in effect unless and until amended or repealed.

CERTIFICATION

We, the undersigned members of the Tribal Council of the Kashia Band of Pomo Indians of the Stewarts Point Rancheria, hereby certify that the foregoing Ethics and Conduct Ordinance was approved by the Community Council at a duly called regular meeting at which a quorum was present on November 9, 2008, by a vote of 131 for, 4 against, and 2 abstaining.


Ralph Sepulveda, Tribal Chair

ATTEST:


Dino Franklin, Tribal Secretary

Prior secretary's signature not obtained.
Current secretary signed. *Yes*