

CHEROKEE COUNCIL HOUSE
CHEROKEE, NORTH CAROLINA

Date: MAR 03 2018

ORDINANCE NO. 153 (2016)

WHEREAS, Ordinance 558 (2015) was submitted in the May 2015 session of council to create and adopt a Code of Ethics for all elected officials; and

WHEREAS, Resolution 613 (2015) was submitted in the June 2015 session of council to establish a committee to draft a Code of Ethics with all necessary amendments to the Cherokee Code included; and

WHEREAS, The Ethics Committee performed comprehensive studies and research that explored the Cherokee Code to make recommendation(s) to Tribal Council to amend sections to Cherokee Code Chapter 117 to include an Office of Government Ethics as the body of enforcement of the code of ethics; and

NOW THEREFORE BE IT ORDAINED by the Eastern Band of Cherokee Indians in Tribal Council assembled, at which a quorum is present that in order to meet the highest standards of ethical conduct for all tribal elected officials and to provide a means whereby members of the EBCI may hold such officials accountable for their actions while performing their duties and responsibilities, Chapter 117 of the Cherokee Code be amended to include necessary changes as determined by the Ethics Committee as follows:

ARTICLE V. - SPECIFIC INDEPENDENT TRIBAL OFFICES PROGRAMS
DIVISION 1. - OFFICE OF INTERNAL AUDIT

DIVISION 2. - OFFICE OF GOVERNMENT ETHICS

Sec. 117-113. Purpose.

(a) This Division shall be interpreted and construed so as to implement the following purposes and policies:

(1) To establish, promote, regulate and enforce minimal standards of ethical conduct binding upon all Tribal Officials.

(2) To highlight the importance of having a Tribal Government which is free from unethical and corruptive elements.

(3) To instill public confidence and trust by maintaining and ensuring the highest ethical standards of conduct are practiced by Tribal Officials; and promote greater awareness of the purpose and function of ethical guidelines in Tribal governance among both Tribal Officials and the Tribe as a whole

(4) To ensure adherence to the tribal standards of ethical conduct set out in (Sec. 117-47), by the enforcement and disciplinary mechanisms described in this Division to protect the tribal government from undue influences, conflicts of interest and other ethical improprieties and to place the social and economic welfare of the Tribe above the personal and economic interests of those Tribal Official whose duties and responsibilities are to act in the best interest of the Tribe.

(5) To evaluate the actions and conduct of Tribal Officials in relation to the duties and responsibilities of the respective Offices and ensure compliance with the Tribal Standards of Ethical Conduct among the various commissions, committees, boards and other agencies established by Tribal Government.

Sec. 117-114. – Independence.

In all matters within its purview and authority, the Office of Government Ethics acts as an independent and autonomous commission, which is separate in all respects from the executive and legislative branches of government. No prior or subsequent review by the executive or legislative branch of any action of the Office of Ethics shall be required or permitted, except as otherwise explicitly provided in this Division.

Sec. 117-115. – Applicability and authority.

(a) Unless specifically indicated otherwise, all provisions of this Division as well as those described in Article IV of this Chapter, shall apply to the conduct of all Tribal Officials. All definitions and sections described in Article IV of this Chapter shall apply to this Division and are hereby incorporated as if fully set out herein.

(b) Where applicable as described in this Division, the Office of Ethics shall have the duty and authority to do the following:

- (1) Conduct or cause background investigations to be conducted on Tribal Officials.
- (2) Review and approve investigative work performed.
- (3) Hold hearings to monitor the implementation and continuing compliance of tribal commissions, tribal committees, tribal boards and other tribal agencies with the Tribal Code of Ethics and the Tribal Standards of Ethical Conduct.
- (4) Hold hearings to inspect, examine, monitor and audit the conduct of Tribal Officials.
- (5) Make recommendations to Tribal Council concerning action to be taken against a Tribal Official due to the existence of an investigation, a disciplinary proceeding or a conclusive finding made in relation to the conduct of the Tribal Official in question.

- (6) Organize, plan and execute seminars, workshops and other educational functions to promote awareness and knowledge among Tribal Officials concerning the obligations arising from this Division.
- (7) Report suspected criminal actions to enforce provisions of this Division. Where criminal actions have been reported it is mandated that the CIPD be notified within 24 hours.
- (8) When information received through complaints, hearings, or investigations indicate a violation of Tribal, federal or applicable ordinances, laws or regulations, such information will be treated as confidential and provided to the appropriate law enforcement officials or regulatory bodies.
- (9) Enforce substantiated violations by issuing the following reprimands which may include but are not limited to private censure, public censure, fines or recommendations for suspension or impeachment.
- (9) Adopt policies and other internal procedures to ensure the appropriate, expedient and efficient performance of duties and exercise of powers enumerated within this Division.

Sec. 117-116. – Composition of the Office of Governmental Ethics.

(a) The Office of Governmental Ethics shall consist of a tribal ethics officer, a tribal ethics department clerk, and administrative personnel.

(b) A separate Ethics Review Board will consist of a pool of appointed tribal members, with the composition and eligibility requirements to be determined through future legislation.

Sec. 117-117. - The Creation of Formal Rules and Procedures to Govern the Activities of the Tribal Ethics Department

The Tribal Council shall appoint an Ethics Committee to draft formal rules and procedures by which the various processes and procedures associated with the activities of the Tribal Ethics Department shall be governed. The formal rules and procedures shall be drafted by the Ethics Committee and approved by the Tribal Council of the EBCI.

Sec. 117-118. Oath of Office

Before assuming Office, each of the officers of the Tribal Ethics Department and members of the Ethics Review Board shall be required to take the oath of office administered to Tribal Officials.

BE IT FINALLY ORDAINED that all ordinances that are inconsistent with this ordinance are rescinded, and that this ordinance shall become effective when ratified by the Principal Chief.

Submitted by The Ethics Committee, established by Tribal Council