

Ione Band of Miwok Indians Code of Conduct Policy

Section 1. Purpose, and Scope

1.1 Purpose. This Code of Conduct Policy (this “Policy”) provides for the fair and equitable treatment of all persons or firms involved with the Tribe and to assure that supplies, services, and construction are procured efficiently, effectively, and at the most favorable prices available to the Tribe. This Policy is intended to promote competition in contracting, provide safeguards for maintaining a procurement system of quality and integrity, and assure that purchasing actions are in full compliance with applicable Federal standards and regulations, Tribal and local laws.

1.2 Scope. This Policy governs the code of conduct applicable to all employees, officers, and agents, of the Tribe engaged in contracting for the procurement of supplies, services and construction entered into by the Tribe or any department, instrumentality, agency or entity of the Tribe. As to member of the Tribal Council, in the event of a conflict between this Policy and the Tribal Council Code of Conduct Ordinance (“Ordinance”), the Ordinance shall govern.

Section 2. Application

2.1 Contracts. This Policy is applicable to all contracts for the procurement of supplies, services and construction entered into by the Tribe. It shall apply to every expenditure of funds by the Tribe for public purchasing, regardless of the source of funds, including contracts that do not involve an obligation of funds (such as concession contracts). However, nothing in this statement shall prevent the Tribe from complying with the terms and conditions of any grant, contract, gift or bequest that is otherwise consistent with law.

2.2 Procurement. The term “procurement” as used in this statement, includes both contracts and modifications (including change orders) for construction or services, as well as purchase, lease or rental of supplies and equipment.

Section 3. Conflicts of Interest

3.1 Conflict of Interest. No employee, officer, or agent of the Tribe shall participate directly or indirectly in the selection of, or in the award or administration of a contract supported by federal funds of the United States of America if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when a financial or other interest in the first selected for award is held by:

- a. an employee, officer, or agent;
- b. an employee’s, officer’s, or agent’s immediate family (including grandfather, grandmother, father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, and half-sister); or
- c. an employee’s, officer’s, or agent’s partner; or
- d. an organization which employs, is negotiating to employ, or has any arrangement concerning prospective employment of any of the above.

3.2 Precautions. An employee, officer or agent of the Tribe shall be careful to ensure that they are not involved in apparent or potential violations of this provision.

Section 4. Gratuities, Gifts, and Use of Confidential Information

4.1 Gratuities and Gifts. Tribal officers, employees or agents shall not solicit or accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to subcontracts.

4.2 Exceptions. Depending upon the circumstances, exceptions to this provision may be granted only in situations where the financial interest is not substantial, or the gift is an unsolicited item of nominal intrinsic value.

4.3 Confidential Information. Tribal officers, employees or agents shall not knowingly use confidential information for actual personal gain.

4.4 Precautions. An employee, officer or agent of the Tribe shall be careful to ensure that they are involved in no apparent or potential violations of this provision.

Section 5. Prohibition Against Contingent Fees

5.1 Prohibition. Contractors shall not retain a person to solicit or secure a Tribal contract for a commission, percentage, brokerage, or contingent fee, except for bona fide employees.

Section 6. Administration

6.1 Reporting Violations. Any employee, officer or agent of the Tribe should report violations of this Policy to their supervisor, or to the Tribal Chairperson if necessary.

6.2 No Retaliation Against Good Faith Complaints. There will be no retaliation against any party who makes a good faith complaint concerning violations of this Policy, regardless of whether it is ultimately determined that such violation has in fact occurred. Nor will there be any retaliation against any party who provides information in the course of an investigation into alleged violations of this Policy.

6.3 Responsibilities of Supervisors. All supervisors have a responsibility to be sensitive to and deal with violations of this Policy. This responsibility includes monitoring all relevant work activities and contacting a higher level supervisor or the Tribal Chairperson if it is reasonably believed that a violation of the Code of Conduct has occurred. Any such report shall be investigated regardless of whether a formal complaint has been made.

Section 7. Sanctions and Penalties

7.1 Discipline. Upon a finding that there has been a violation of any provisions of this Policy, the Tribal Council will impose any or all the following penalties or sanctions:

- a. Issuance of a private reprimand to such employee, officer, or agent of the Tribe.

- b. Suspension from office and forfeiture of all compensation and benefits accruing therefrom, for not less than thirty (30) calendar days or more than one (1) year.
- c. Suspension or removal, discharge, or termination as provided by applicable laws, regulations, personnel policies, or procedures.

Section 8. Method of Awareness

8.1 Dissemination. All officers, employees, or agents will be provided with a copy of this Policy and will be required to sign a statement that they have read the Policy and understand its provisions. The Tribe will reiterate the provisions of the Policy to all officers, employees, and agents on an annual basis.