

# **Ethics Policy and Financial Disclosure Policy**

## **Comments and Responses**

**April 2025**

**1. Are EC members employees or a different classification?**

Executive Committee members are currently classified as employees due to challenges with the payroll software. The plan is to reclassify them in accordance with IRS rules for Tribal Governments that would make them elected officials and would impact their tax withholdings.

**2. If EC members are employees, do all employee policies, like the employee handbook, apply to them or only this policy?**

Both policies apply at least in part. Once passed this Ethics and financial disclosure policy will apply to them. Since they are still classified as employees, much of the employee manual applies to them but there could be an EC policy manual that clearly removed the part of the policy manual that doesn't apply. There are provisions on punishment and termination that are not applicable to elected officials because of our Constitution and provisions for removal of elected officials from office.

**3. Why are we doing this?**

The General Council passed a motion in October requiring the Executive Committee to draft an Ethics and Financial Disclosure Policy for public comment and General Council adoption.

**4. How does this affect the ethics of the EC?**

This will be the guiding policies that citizens can hold elected officials accountable to abiding by, which could include grounds for removal from office for unethical behavior.

**5. What's missing from the ethics policy that resulted in the revocation of the former policy? What can we do to make it better? When a response is formed, I am requesting a response from each individual council person as to why they voted to revoke instead of simply updating the policy.**

Chairman Tim Rhodd: I don't think there is anything missing. If there is Missty, would know if there were amendments. I have not made any changes. I don't know how to make it better. However the GC decides what I will support. I didn't get a vote on this one, however I remember the EC Position and the Employment Positions need to be separated along with the correct classification with the IRS. EC would have to provide anything additional. I might not have remembered correctly.

Vice Chairman Brandon Roberts: Until we separate this with the IRS as elected positions we are classified as employees of the tribe.

Secretary Tony Fee:

Treasurer Robert Hullman: The EC position and salary needed to be separated out as we are still classified as employees. I believe the policy was fine and no changes were needed to that. It was just getting the EC position and the Employee positions separated

Member Brad Campbell:

**6. Executive Committee, General Council, and Quorum should all be defined as what is in the Constitution.**

This was changed in the new draft to reflect the comment.

**7. This whole document should not be specific to the Executive Committee. It's supposed to be applying to all elected officials.**

This was changed in the new draft to reflect the comment.

**8. I would recommend changing immediate family to also include first cousins.**

With other citizens commenting that first cousins should not be included in the definition of immediate family, the EC decided to keep the current definition used in other policies of the Tribe which does not include first cousins in the official definition of immediate family. This allows for a more streamlined approach across all policies and procedures and reduces confusion.

**9. When defining gifts, we should make sure anytime that we're defining them to include benefits not only to the Executive Committee that also extended to their immediate family.**

This was changed in the new draft to reflect the comment.

**10. For section three, include something about not infringing on the rights of tribal citizens or enrolled tribal members.**

This was changed in the new draft to reflect the comment.

**11. In section three, there's nothing here that is pointing to our any kind of ceremonial or cultural practices. They would have to encourage respect, not infringe upon people's ability for anything cultural or ceremonial.**

This was changed in the new draft to reflect the comment.

**12. The standards of conduct it's very light. Are we missing something here without being so specific?**

It will be impossible to include every action that could be unethical, so this list is designed to meet our needs by reaching a level of specificity that is needed for proper investigations without Subsequent community responses to this comment reinforced that decision to not include additional specific standards.

**13. In Section 4A. unless the member of the Executive Committee shall first make full public disclosure of the nature and extent of such interest, does that mean any member of the Executive Committee or are we talking about specifically the member role and member of the Executive**

**Committee means an individual serving on the five member elected governing body of the Tribe. So that is what's defined in the definition. So it is any member of the executive of the five-member governing body.**

This was changed in the new draft to reflect the comment.

**14. We need to define full public disclosure.**

This was changed in the new draft to reflect the comment.

**15. For section 4C, I would suggest with the Tribe adding “or its entities” since this shouldn't just be with interactions with Tribe.**

This was changed in the new draft to reflect the comment.

**16. Further in that Section 4, the bidding process should be followed here.**

This was changed in the new draft to reflect the comment.

**17. In Section 4D, employment decisions should be delegated to the direct supervisor, and tribal administrator regardless of their relationship, to the potential employee.**

This was changed in the new draft to reflect the comment.

**18. In Section 4F. I'm curious about the reason for this. So, it says no member of the Executive Committee shall bring an action as a tribal member before any court, so I'm just wondering what the reasoning for that would be as I don't think that being a member of the Executive Committee should supersede being a citizen of the Tribe.**

This has been removed in the new draft reflect the comment.

**19. Section 4G, I would recommend that there should be no exceptions. be that anyone who's voting on that sort of thing should actually recuse themselves.**

This was changed in the new draft to reflect the comment.

**20. I'm wondering this was in regard to prohibiting the mere presence of a member of the Executive Committee if her presence is necessary to constitute a quorum. Since a quorum is three individuals and that would count and that person who is not able to vote would be a part of that quorum. Does that mean that we're saying that only two members of the Executive Committee would be able to approve that this is not unethical? If so, that's kind of problematic to me in my opinion just because there's only two folks out of the five-member board.**

This was changed in the new draft to reflect the comment.

**21. The policy talks about have having an amount of time and after swearing in to sign this policy. I would actually recommend that it's immediate that upon their election once they're elected into office, whatever office it is, that they should be receiving a copy of this and able to read through it after the swearing in is when they should be actually signed as first official duty. And I'm saying**

**that because you've got two weeks where you could have meetings and be performing unethical actions.**

This was changed in the new draft to reflect the comment.

**22. In Section 4B, it should include both EC and GC meetings for the wording. This just talks about the Executive Committee meetings, but shouldn't this also apply to any General Council meeting as well?**

This was changed in the new draft to reflect the comment.

**23. Is this policy going to be available to everyone at all times on the website once it's approved?**

Yes, it will be available in the members-only portion of the website.

**24. The disclosure form and acknowledgement need to be completed within 15 days of passage, immediately upon being sworn into office, and at least annually thereafter.**

This was changed in the new draft to reflect the comment.

**25. Section five is very trim for such an important thing that many tribal citizens have claimed is occurring.**

All requests for specific additions were included in the new draft.

**26. The current policy does not specifically prohibit retaliation for reporting misconduct or speaking opinions differing from those of the EC, which could lead to unfair treatment or the stifling of dissent within the Tribe.**

This was changed in the new draft to reflect the comment.

**27. There are no clear independent review processes for this abuse of power and, that could lead to abuses that go unchecked or tribal members feeling like they have no recourse if they believe they've been wrong. implementing a neutral party committee, whatever, that could handle disputes or for appeals could provide additional accountability and fairness. And I think that for sure a clear whistleblower protection procedure needs to be in place so that we can safeguard against any retaliation or appearance thereof.**

This was changed in the new draft to reflect the comment. There are two different investigating procedures, an ad-hoc committee of the General Council and an independent outside investigator.

**28. The EC position cannot supersede the roles and responsibilities of other positions for authority, right?**

This was included in the new draft to reflect the comment.

**29. We want a separation of government and daily operations. So, what do we do?**

This is underway. The General Manager position will be managing the daily operations of the Tribe. ITKN will also have another holding company to house the on-Reservation businesses. This company will have a board of directors and a CEO overseeing management and daily operations. The Casino will also have a board of directors that will create a separation from the government and oversee daily operations. Once all these structures are completed, the Executive Committee will only serve governmental functions.

**30. In Section 6B, I would actually recommend striking that entirely. because the thing is the Executive Committee meetings are supposed to be public to us. But maybe to tighten it up, it's like for personal they could personally record if they disclose, but then that they can't use it for personal use.**

This was changed in the new draft to reflect the comment.

**31. There is a loophole and that's in section 7A1 because this noncash gift of nominal value \$75. Someone could receive a gift card under this required value and that's okay. But then they could receive that same thing every day for 10 days.**

This was changed in the new draft to reflect the comment by requiring public disclosure of all gifts.

**32. We need to make sure that if an elected official is selling an item that item is actually valued at its actual value and not anything higher or lower than real value and included on the financial disclosure part. And then also we need to be including income. We don't have anything here that's really clear on that process and that was part of this motion was to clarify that process.**

This was included in the new draft to reflect the comment. The financial disclosure portion of the policy was expanded to include what the policy is, what is required to disclose, and when and how it will be disclosed.

**33. In Section 8, on the use of ITKN property and funds- this is vague, and it doesn't address the exception of the rules when it's necessary, but sometimes it's going to be necessary for our EC. So, I think that when it says they shall not use tribally owned vehicles, if it's granted by the EC that they can use it. I'm just thinking about Lance and Lisa, if this policy was in place, he wouldn't have been able to necessarily use the vehicle to drive home or back or whatever.**

Alternative language and recommendations were sought from legal counsel. We proposed including “without a majority affirmative vote of the Executive Committee in a regular meeting of the Executive Committee” to allow for exceptions and legal counsel said this proposed language is not necessary because those situations are not for personal gain and are permissible.

**34. In Section 9A1B. I would recommend striking this. ethical issues by elected officials affect all tribal members. What it actually says is if an allegation of unethical or improper conduct involves action which allegedly wronged a person, the complaint can only be made by the person against whom the unethical or improper conduct allegedly occurred. I think that anyone should be able to report things that are unethical because it affects our entire Tribe, not just that one person.**

This was changed in the new draft to reflect the comment.

**35. Under section 9A2 if this is being done in executive session we must be provided with minutes for the executive session or some sort of summary so that we know what occurred.**

Legal counsel recommended keeping the initial review in executive session to protect any sensitive victim information.

**36. I would actually say that Section 9C one, two, and four should be mandatory and that five should be mandatory if it is at that level. If it is something that is illegal, criminal, civil, anything that is actually against our codes or the law, that should have to be reported. Then number six of the sanctions. It doesn't really make sense right there. because that means it's one or more of the following sanctions for violations of this policy.**

This was changed in the new draft to reflect the comment.

**37. In section 9A1A, I feel that we should put some ownership on the person writing the complaint to provide documentation, some sort of documentation, proof of the complaint. then a section big letter A number three. about the investigation requested by the EC may be conducted by the ad hoc committee of the Executive Committee or an independent outside investigator appointed by the Executive Committee.**

This was changed in the new draft to reflect the comment.

**38. I think that it should be mandated to some external committee be the one investigating these potential EC violations.**

This was changed in the new draft to reflect the comment.

**39. Section 9A3- once the official investigation starts that the EC member should be out of office, kind of going back to during the investigation period once it's been proven to be a true complaint that they can't be in the office or at work or something like that during the investigation period**

This was changed in the new draft to reflect the comment.

**40. Section 9C- two and three should be reversed.**

This was changed in the new draft to reflect the comment.

**41. I think that the section deserves its own removal [from office] policy.**

The constitution provides the procedure for removing someone from office and it would require an amendment of the constitution to change that procedure.

**42. The time frames are very long, and I think that when you're talking about someone on leave from their position while they're under review these time frames are long.**

These timeframes were shortened in the new draft to reflect the comment.

**43. I really feel like in general this entire procedure is the EC as oversight of the EC. We are asking the EC to police themselves. And I don't think that that's appropriate. I think that it needs to**

**be in conjunction with some type of independent advisory board or a review committee or something that at least protects us from internal bias because it could go one way or the other.**

This was changed in the new draft to reflect the comment. There are two different investigating procedures, an ad-hoc committee of the General Council and an independent outside investigator.

**44. This states the decision of the Executive Committee shall be final. But What about some time goes by and more evidence comes up is there any opportunity and I'm trying to think of the word, but let's say all this stuff happened and then something came to light.**

The legal counsel recommended leaving this language as is stating that we could appeal a final decision of the Executive Committee to Tribal Court - but that would involve passing a law the court could use to adjudicate appeals. Changing this language may cause a constant investigation that's not good for productive governance.

**45. Some of the constitutional revisions that we have proposed would specifically be impacted or this section of the policy would specifically be impacted by the constitutional revisions. So I think that there should be a careful eye paid to those things.**

A review occurred in drafting changes with minor edits reflected in the new draft.

**46. I want to make sure that this. an effective date that doesn't necessarily mean going forward. If there is something unethical happening today, we should be able to report and that should be able to be looked at once this is passed. It should not be only moving forward from the date that this has been signed because you should already be acting ethically.**

Legal counsel said that a look back period would not help the process, and legally it isn't right to set rules and expect people to follow rules before they exist.

**47. I feel like the ethics policy also is transparency for the EC's compensation. I think there should be a section here that is clear about their compensation. There should be an explanation or rationale for salary decisions and levels. I think there needs to be an annual salary disclosure that includes job duties of the EC specific to their roles and how those are determined, and it needs to be reported for the upcoming year and the last quarter when they're creating the budget. In other words, if our budget tanks then do that impact their salary in the next year? They need to have a salary that's stable. So if we're saying that it's based upon. financial situation and then it tanks, they've got to be made aware that there's no money in the budget so they can decide accordingly.**

Salary reporting is now included in required financial disclosures; however, a compensation review structure should be included in a separate policy or budgetary process.

**48. I think there needs to be a review of the compensation by the committee and then it's approved by the GC as a matter of ethics that we approve the salaries or that the committee possibly the GC would approve it but at least the GC should be made aware of the salary structure and that is based upon their experience knowledge skill set that they're bringing and that the public accountability is done on an annual basis.**

Salary reporting is now included in required financial disclosures; however, a compensation review structure should be included in a separate policy or budgetary process.

**49. A salary for being an elected official, that should absolutely be something that's public for General Council members. We should know that number exactly. I also think though that if they do hold another position with the Tribe their actual salary should also be included the reason being that you could essentially as a member of the Executive Committee hire yourself how it's set up right now.**

Salary reporting is now included in required financial disclosures.

**50. Any transactions whether selling or buying goods or services should be something that the general counsel can see. Any transaction if it has anything to do with the Tribe.**

**51. This was changed in the new draft to reflect the comment.**

**52. I know for some employees, you had to do PTO to attend a meeting because you don't want to be double paid. It's not your job description. I think Brad, you're probably in this position all the time where you're full-time as housing, but you also work for the EC. How do you separate that out? When you're working all day on the EC, are you still being paid all day? They have to be cognizant of that. Just not that Brad would be taking PTO, but maybe his regular full-time pay is reduced because he's not now working, but maybe Brad's still doing the same amount of work just at other times.**

This was changed in the new draft to reflect this comment so that elected Officials shall not receive compensation from any other entity during duly called meetings.

**53. We need to be clearer on what the roles and responsibilities and duties are of these elected positions and whether they're full-time and if they leave a job for the Tribe, are they guaranteed to get that job back?**

Salary reporting is now included in the required financial disclosures; however additional restrictions after leaving office should be included in a separate policy.

**54. Where are we on the promise that that would be part of this or where is the EC working on job descriptions and job duties?**

All five of the Executive Committees duties are drafted and are under attorney review.

**55. Once someone is no longer on the EC, what are their expectations of not going out and blabbing everything that they know that they shouldn't be saying?**

There are confidentiality agreements in place for Executive Committee members.

**56. I do think there is value in disclosing the salaries or the compensation generally even if it doesn't come in the form of a salary of elected officials but I don't know that we are paying our elected officials enough for that to be a full-time job that someone would be willing to leave their employed position for. Some states set a threshold and say if you're not making above X amount then**

**it is public information. We could some sort of monetary threshold a say anyone who move makes this much and say everything above that should be public and that could be cumulative as well.**

Salary reporting is now included in required financial disclosures.

**57. I think the general counsel should be setting that compensation and then people will make their decisions accordingly. Ff they're really working full-time jobs as an elected official, then that should be their full-time job. But if they're not, then we should know about that and understand what the differences are.**

Salary reporting is now included in required financial disclosures; however, a compensation review structure should be included in a separate policy or budgetary process.

**58. I have grave concerns about the salaries being pulled from the grants and that type of thing. It is concerning to me as a tribal member that it could potentially come back to bite us as a Tribe in having to repay some of the grant money. It is not very clear about the separation of the duties between the paid grant funded positions.**

Salary reporting is now included in required financial disclosures; however, a compensation review structure should be included in a separate policy or budgetary process.

**59. When will we see a financial disclosure policy draft?**

This will be available for the General Council meeting on May 3<sup>rd</sup>.

**60. Is Missty the only one working on policies and procedures or these things that we had mandated at the last meeting?**

Yes, and she is working alongside multiple lawyers. We are pursuing additional requests for proposals to accomplish this.

**61. The EC Roles and Responsibility should come first and not be slighted because of another job.**

This was included in the new draft to reflect the comment.

**62. Would it be fitting to include a section of disclosures of all expenses by each elected official including line by line credit expenses?**

Legal counsel recommended leaving this out of this policy, due to existing credit card use policies that require business use and provide restrictions. They did state that the General Council could make credit card statements viewable upon request, if that was desired, through Freedom of Information requests.