

TITLE 5
TRIBAL GOVERNMENT OFFICERS & EMPLOYEES

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Chapter 1 - Financial Disclosure

Legislative Background: The preamble to the Financial Disclosure Ordinance reads as follows:

“The purpose of this ordinance is to define the terms of Article XII, Section 3 of the Tribal Constitution in order to provide guidance to the Tribal Chairperson and any other salaried Tribal Council members regarding the financial disclosure requirement of the Constitution. For purposes of this ordinance, “salaried Tribal Council members” includes any Tribal Council member who receives a salary from any subdivision or commission of the Tribe.”

§ 101 - Compliance with Financial Disclosure Requirements

Upon each occasion that an individual is elected/appointed to the Tribal Council, the Chairperson and any other salaried Tribal Council members shall comply with the financial disclosure requirements of the Constitution and this ordinance.

History: Financial Disclosure Ordinance, enacted by Tribal Council on April 19, 1996.

§ 102 - Disclosure before Tribal Council

The financial disclosure shall be made in closed session to the Tribal Council within ninety (90) days of being elected/appointed.

History: Financial Disclosure Ordinance, enacted by Tribal Council on April 19, 1996.

§ 103 - Written Statement; Filing

The financial disclosure shall be a written statement, and after disclosure to the Tribal Council such financial disclosure statement shall be filed with the Tribal Court in a closed file not available for public inspection.

History: Financial Disclosure Ordinance, enacted by Tribal Council on April 19, 1996.

§ 104 - Contents of Financial Disclosure Statements

- (a) The names of all corporations, companies, firms, or other business enterprises, partnerships, nonprofit organizations, and educational institutions in which the employee, spouse, dependent child or other relatives who are full-time residents of the employee's immediate household have:
 - (1) A continuing financial interest through a pension or retirement plan, shared income, or other arrangement as a result of any current or prior employment or business or professional associations; or
 - (2) Any financial interest through the ownership of stock, stock options, bonds, securities or other arrangements including trusts;
- (b) Interests in real property or rights in lands in which the employee, spouse, dependent child or other relatives who are full-time residents of the employee's immediate household have an interest, other than property which the employee occupies as a personal residence;
- (c) The names of all corporations, companies, firms, or other business enterprises, partnerships, non-profit organizations, and educational or other institutions with which the employee is connected as an employee, officer, owner, director, trustee, partner, advisor, or consultant;
- (d) The names of the employee's creditors, other than those to whom the employee is indebted by reason of a mortgage on property which is occupied as his or her personal residence or to whom he or she is indebted for current and ordinary household and living expenses; and
- (e) Retirement benefits, vested rights to retirement benefits, or investments in self-employment or individual retirement plans.

History: Financial Disclosure Ordinance, enacted by Tribal Council on April 19, 1996.

§ 105 - Interests Exempt from Disclosure Requirement

- (a) Individuals submitting a financial disclosure statement shall not be required to report any connection with, or interest in:
 - (1) A professional society;
 - (2) A charitable, religious, social, fraternal, recreational, public service, civil, or political organization or a similar organization not conducted as a business enterprise;
 - (3) Holdings in widely held mutual funds, investment clubs or regulated investment companies not specializing in a particular industry; or

- (4) Savings or deposits in banks, credit unions, building and loan associations, or insurance companies.
- (b) For the purpose of this section, educational and other institutions doing research work involving grants of money from or contracts with the Government are deemed “business enterprise” and are required to be included in an employee’s statement of employment and financial interests.

History: Financial Disclosure Ordinance, enacted by Tribal Council on April 19, 1996.

Chapter 2 - Recall of Elected Officials

§ 201 - Officers Subject to Recall; Petition, Circulation, Time

- (a) Every elected official of the Tribe is subject to recall by the voters of the Tribe.
- (b) A petition shall not be filed against an official until the official has actually performed the duties of the office to which elected for a period of one (1) year during the current term of that office.
- (c) An official sought to be recalled shall continue to perform duties of the office until the result of the recall election is certified.

History: Recall of Elected Officials Ordinance, adopted by motion by Tribal Council on April 21, 1992.

§ 202 - Recall Petitions; Form; Procedure for Determining Clarity

- (a) The size of the recall petition shall be 8 ½ inches by 13 inches (8½” x 13”). On a recall petition, the words “recall petition” shall be in 24-point boldface type; “we, the undersigned,” et cetera shall be printed in 8-point type; “warning” and language in the warning shall be in 12-point boldface type; and the balance of the petition shall be in 8-point type. The name of the official and his/her office whose recall is being sought shall be in type not larger than 24-point. The petition shall be in the following form:

RECALL PETITION

We, the undersigned registered and qualified voters of the Grand Traverse Band of Ottawa and Chippewa Indians, residing in the 6 county service area of the Tribe, hereby petition for the recall of _____ (name of official) from the office of _____ (name of office) for the following reasons: (200 words or less)

	Name	Street Address or Rural Route	Post Office	Date of Signing		
				Mo.	Day	Year
1.	_____	_____	_____	_____	_____	_____
2.	_____	_____	_____	_____	_____	_____
3.	_____	_____	_____	_____	_____	_____
4.	_____	_____	_____	_____	_____	_____
5.	_____	_____	_____	_____	_____	_____
6.	_____	_____	_____	_____	_____	_____
7.	_____	_____	_____	_____	_____	_____
8.	_____	_____	_____	_____	_____	_____
9.	_____	_____	_____	_____	_____	_____
10.	_____	_____	_____	_____	_____	_____
11.	_____	_____	_____	_____	_____	_____
12.	_____	_____	_____	_____	_____	_____
13.	_____	_____	_____	_____	_____	_____
14.	_____	_____	_____	_____	_____	_____
15.	_____	_____	_____	_____	_____	_____
16.	_____	_____	_____	_____	_____	_____
17.	_____	_____	_____	_____	_____	_____
18.	_____	_____	_____	_____	_____	_____
19.	_____	_____	_____	_____	_____	_____
20.	_____	_____	_____	_____	_____	_____

CERTIFICATE OF CIRCULATOR

The undersigned circulator of the above recall petition asserts that he or she is qualified to circulate this petition, that each signature on the petition was signed in his or her presence, that to his or her best knowledge and belief each signature is the genuine signature of the person purporting to sign the same and that the person was at the time of signing, a qualified registered voter of the Grand Traverse Band listed in the heading of the petition and that the voter was qualified to sign the petition.
 Circulator, Do not sign or date certificate until after circulating petition. (Circulator may sign the body of the petition prior to signing certificate).

_____ (Signature of Circulator) _____ (Date)

_____ Complete Address (Street and Number or Rural Route)

_____ (Post Office)

Warning - A circulator knowingly making a false statement in the above certificate, a person not a circulator who signs as a circulator, or a person who signs a name other than his or her own as circulator is guilty of a misdemeanor subject to ninety (90) days in jail and/or a one hundred dollar (\$100.00) fine.

[§ 202(a), *continued*]

- (1) The circulator of a petition shall be a qualified and registered voter of the Grand Traverse Band.
 - (2) The circulator of the petition shall sign and date the certificate of circulator only after all voters' signatures appearing on the petition on the date of filing have been obtained. Signatures which were obtained after the date the circulator signs the certificate or are contained in a petition which the circulator does not sign and date shall not count. A circulator may sign the main body of the petition prior to certifying the petition circulator may sign the main body of the petition prior to certifying the petition.
 - (3) The invalidity of one (1) or more signatures on a petition shall not affect the validity of the remainder of the signatures on the petition.
 - (4) A person shall not sign more than one recall petition per official whose recall is sought.
 - (5) A person who signs a petition with a name other than his or her own is guilty of a misdemeanor subject to a one hundred dollar (\$100.00) fine and/or ninety (90) days in jail.
 - (6) A person who knowingly makes a false statement in a certificate on a petition, a person not a circulator who signs as a circulator, or a person who signs a name as circulator other than his or her own is guilty of a misdemeanor, subject to a one hundred dollar (\$100.00) fine and/or ninety (90) days in jail.
 - (7) A person who aids or abets another in an act which is prohibited by this section is guilty of a misdemeanor subject to a fine of one hundred dollars (\$100.00) and/or ninety (90) days in jail.
- (b) Before being circulated, a petition for recall of an official shall be submitted to the election board.
 - (c) The election board, not less than ten (10) days after submission to it of a petition for recall, shall meet and shall determine whether the reasons for recall stated in the petition are or are not of sufficient clarity to enable the course of conduct which is the basis for the recall. Failure of the election board to comply with this subsection shall constitute a determination that the reasons for recall stated in the petitions are of sufficient clarity to enable the official whose recall is being sought and the voters to identify the course of conduct which is the basis for the recall.
 - (d) The election board shall notify, not later than twenty-four (24) hours after receipt of a petition for recall, the official whose recall is being sought of the reasons stated in the petition for recall, and of the date of the meeting of the election board to consider these reasons.

- (e) Upon notification of the reason or reasons for recall by the election board, the official whose recall is sought and the sponsors of the petition may appear at the meeting and present arguments on the clarity of the reason or reasons.
- (f) If reasons for recall are determined to be unclear and the sponsors and the official and the election board are not able to formulate a clear reason, the process shall be terminated.
- (g) If the reasons of the recall are determined to be clear following a meeting of the election board, the sponsors of the recall shall have sixty (60) days to file the recall petitions with the Tribal enrollment clerk.
- (h) The Tribal enrollment clerk shall be the filing official for the election board on recall matters. Notice to the clerk shall be deemed to be notice to the election board. The clerk shall stamp each filing with the date and time of filing and furnish the person filing with a receipt.

History: Recall of Elected Officials Ordinance, adopted by motion by Tribal Council on April 21, 1992.

§ 203 - Blank Forms; Substantial Compliance

- (a) The election board shall retain blank forms of recall petitions for use by the voters of the Band.
- (b) A person may print his own recall petitions if those petitions comply substantially with the form prescribed above.

History: Recall of Elected Officials Ordinance, adopted by motion by Tribal Council on April 21, 1992.

§ 204 - Number of Signatures; Certification

- (a) The petitions shall be signed by registered and qualified voters equal to not less than twenty-five percent (25%) of the number of votes cast for candidates for the Tribal Council at the last preceding general Tribal election.
- (b) Upon written demand, the election board, within five (5) days, shall certify the minimum number of signatures required for the recall of an official.

History: Recall of Elected Officials Ordinance, adopted by motion by Tribal Council on April 21, 1992.

§ 205 - Qualifications of Circulator; Certificate, Contents, False Statement, Misdemeanor

- (a) A person circulating a petition shall be a qualified and registered voter and shall attach thereto his or her certificate stating that he or she is a qualified Tribal voter and shall state the city or the county wherein he or she resides and his or her post office address; further, that signatures appearing upon the petition were not obtained through fraud, deceit, or misrepresentation and that he or she has neither caused nor permitted a person to sign the

petition more than once and has no knowledge of a person signing the petition more than once; that all signatures to the petition were affixed in his or her presence; and to his or her knowledge, information, and belief, the signers of the petition are qualified and registered voters and the signatures appearing thereon are the genuine signatures of the persons whom they purport to be.

- (b) A person who knowingly makes a false statement in the certificate here required is guilty of a misdemeanor punishable by a fine of one hundred dollars (\$ 100.00) and/or ninety (90) days in jail.

History: Recall of Elected Officials Ordinance, adopted by motion by Tribal Council on April 21, 1992.

§ 206 - Recall Petition Sheet; Validity of Signatures

- (a) A petition sheet shall contain only the signatures of qualified and registered Tribal voters.
- (b) A qualified and registered Tribal voter may sign the petition sheet in any location at which the petition sheet is available.
- (c) A petition is not invalid if it contains the signature of a person who is not a qualified and registered Tribal voter.

History: Recall of Elected Officials Ordinance, adopted by motion by Tribal Council on April 21, 1992.

§ 207 - Filing of Circulated Recall Petitions

- (a) A circulated recall petition shall be filed with the clerk of the election board.
- (b) The clerk shall give a receipt showing the date of filing, the number of petition sheets filed and the number of signatures claimed by the filer.
- (c) This shall constitute the total filing and additional petition sheets for this filing shall not be accepted.

History: Recall of Elected Officials Ordinance, adopted by motion by Tribal Council on April 21, 1992.

§ 208 - Sufficiency of Recall Petitions; Determination; Proposed Date for Special Elections

- (a) The election board shall receive and verify the petitions and its signatures within ten (10) business days of receipt of the petition by the board.
- (b) A recall election shall be held within thirty (30) days of the board's verification of the sufficiency of the recall petitions.

History: Recall of Elected Officials Ordinance, adopted by motion by Tribal Council on April 21, 1992.

§ 209 - Notification to Officeholder; Challenge to Validity of Signatures

- (a) Not later than the business day following the filing of a recall petition with the election board, the board shall notify in writing the official whose recall is sought, that the recall petition(s) has been filed. Copies of the petitions shall be made available to the official who is the subject of the petition and to Tribal members.
- (b) An official whose recall is sought may challenge the validity of a signature or the registration of a voter whose name appears upon a recall petition. A challenge shall be in writing, specifying the challenged signature, and shall be delivered to the election board within five (5) days after the filing of the petitions.
- (c) A challenged signature shall be compared with the signature on the original registration record.
- (d) Disputes over the validity of signatures and sufficiency of the petitions shall be decided by the election board whose decision shall be final and conclusive.

History: Recall of Elected Officials Ordinance, adopted by motion by Tribal Council on April 21, 1992.

§ 210 - Ballot Contents; Condensed Statement; Question Printed on Ballot

- (a) The reason for demanding the recall of the official as set forth in the petition shall be printed on the recall ballot used at the election in not more than 200 words.
 - (1) The statement of reasons set forth in the petition shall contain more than 200 words, then the statement shall be condensed by the sponsor of the petition for use on the ballot.
 - (2) If the sponsor fails to furnish the condensed statement within forty-eight (48) hours following written demand, then the statement shall be condensed by the election board.
- (b) The election board, in preparing the ballot, shall provide in writing to the official whose recall is sought the statement of reason which shall appear on the ballot.
 - (1) The official whose recall is sought, in not more than 200 words, may submit a justification of conduct in office.
 - (2) The justification shall be submitted to the election board within seventy-two (72) hours after receipt of the notification.
 - (3) If submitted in the prescribed time, the justification shall be printed on the ballot.
- (c) The statement “Vote no on the recall” or “Vote yes on the recall” or words of similar import shall not be permitted on the ballot. A part of the reason for demanding the recall of

the official or the official's justification of conduct in office shall not be emphasized by italics, underscoring, or in any other manner.

- (d) There shall be printed on the recall ballot the following question: *Shall (Name the person against whom the recall petition is filed) be recalled from the office of (title of the office)?*
 - (1) Printed below the question in separate lines in easily legible type shall be the words "Yes ___" and "No ___".
 - (2) The procedure governing the election on the question of the recall of an official shall be the same, so far as possible and unless otherwise provided in this act, as that by which the official is elected to office.
 - (3) The election board shall give public notice, cause the ballots to be printed, provide election supplies and do all things necessary to conduct the election in the manner provided in this act.

History: Recall of Elected Officials Ordinance, adopted by motion by Tribal Council on April 21, 1992.

§ 211 - Canvass of Recall Election; Certification of Results; Notice

- (a) The election board shall conduct the canvass of the recall election.
- (b) If the election board determines that a majority of the votes are in favor of recall, the board shall immediately certify the results.
- (c) Upon certification, the office is vacant.
- (d) The election board shall immediately inform the official who was recalled of the results and date and time of certification.

History: Recall of Elected Officials Ordinance, adopted by motion by Tribal Council on April 21, 1992.

§ 212 - Further Recall Petition, Filing

After filing such recall petition and after such special election, no further recall petition shall be filed against the same incumbent of such office during the term for which he or she is elected unless such further petitioners shall first pay into the Tribal treasury the whole amount of election expenses for the preceding special election held for the recall of said incumbent.

History: Recall of Elected Officials Ordinance, adopted by motion by Tribal Council on April 21, 1992.

§ 213 - Recall of Official, Vacancy

- (a) Upon the filing of the certificate of the election board showing the recall of the official as herein provided, the office of any recalled Tribal Council member shall automatically be deemed to be vacant.
- (b) A vacancy in the office of Tribal Chairperson shall be filled by a special election for the balance of the unexpired term.
- (c) Any other vacancies in the Tribal Council shall be filled until the next regularly-scheduled election of Tribal Council members in the following manner:
 - (1) The first three (3) vacancies occurring between regularly-scheduled elections of Tribal Council members shall be filled by Tribal Council appointment.
 - (2) Further vacancies occurring between regularly-scheduled elections of Tribal Council members shall be filled by a special election only; and
 - (3) The filling of vacancies and the terms of service of those who fill vacancies shall maintain the integrity of the staggered election process mandated by the GTB Tribal Constitution.
- (d) Any Tribal Council member who is serving office by appointment shall only serve until the next regularly-scheduled election for Tribal Council members.
- (e) Any Tribal Council member taking office under this provision shall be deemed to be subject to all provisions of the GTB Tribal Constitution and to Tribal ordinances and resolutions generally applicable to elected officials and to their particular office.
- (f) Any special election required to be held under the Recall Ordinance shall be conducted in accordance with applicable provisions of the GTB Constitution and with any applicable Tribal ordinance. If a regular election is scheduled to be held within the time permitted to hold a special election, all issues shall be submitted to a vote at the regular election.

History: Recall of Elected Officials Ordinance, adopted by motion by Tribal Council on April 21, 1992.

§ 214 - Special Election to Fill Vacancy; Time

If the recall was successful, the election board shall within five (5) days of certification schedule a special election.

History: Recall of Elected Officials Ordinance, adopted by motion by Tribal Council on April 21, 1992.

§ 215 - Officials who have been Recalled or have Resigned, Candidacy or Appointment

- (a) An official who was recalled shall not be a candidate to fill the vacancy created by the recall nor be appointed to fill a vacancy during the term of office from which the official was recalled.
- (b) An official who has resigned subsequent to the filing of a recall petition shall not be appointed to fill a vacancy in elected office during the term of the office from which the official resigned.
- (c) If an official resigns subsequent to the filing of petitions to recall that official from office, it shall not be necessary for the election board to proceed further.
- (d) If an official whose recall is sought resigns after the calling of a recall election, the election shall not be held.

History: Recall of Elected Officials Ordinance, adopted by motion by Tribal Council on April 21, 1992.

§ 216 - Candidate Deemed Elected

The candidate receiving the highest number of votes for the vacancy created on such recall should be considered duly elected for the remainder of the term.

History: Recall of Elected Officials Ordinance, adopted by motion by Tribal Council on April 21, 1992.

§ 217 - Effective Date of Act

This act shall become effective April 21, 1992.

History: Recall of Elected Officials Ordinance, adopted by motion by Tribal Council on April 21, 1992.

Chapter 3 - Compensation for Tribal Chairman and Tribal Council Members**§ 301 - Stipend Authorization**

- (a) In consideration of expenses incurred as an incident of Tribal Government service and representation of the Grand Traverse Band of Ottawa and Chippewa Indians constituency, the Tribe adopts a schedule of payments of fifty dollars (\$50.00) per meeting or meeting day, per Councilor.
- (b) In the event that sessions of more than one occur on the same meeting day, the fifty dollars (\$50.00) will be considered full payment for the day, except in the event where there is more than a four (4) hour interval between the two (2) or more meetings.

5 GTBC § 302 TRIBAL GOVERNMENT OFFICERS & EMPLOYEES

History: Tribal Act #86-423, enacted by Tribal Council on May 21, 1986.

§ 302 - Insurance for Tribal Chairpersons

- (a) Upon leaving office, Tribal Chairpersons shall be provided, at no cost, two (2) years of medical and hospitalization insurance coverage for every four (4) years served as chairperson.
- (b) When the Tribal contribution is completed, said chairperson may purchase medical and hospitalization insurance through the Tribe at the former chairperson's own expense.

History: Tribal Act #95-13.287, enacted by Tribal Council on October 24, 1995.

Chapter 4 - (Reserved)

History: Former Chapter 4, Minimum and Maximum Wages for Tribal Employees, adopted by Tribal Act #90-823, enacted by Tribal Council on March 31, 1990, was REPEALED by Tribal Act #97-15.511, enacted by Tribal Council on November 10, 1997.

Chapter 5 - Criminal Background Investigations

§ 501 - Criminal Background Investigations of Tribal Employees

- (a) For the health, safety and welfare of the Tribal community, all employees, volunteers, prospective employees and prospective volunteers of the Grand Traverse Band shall be subject to a criminal background investigation completed by the Grand Traverse Band Police Department. The background investigation shall include a history check of criminal convictions by use of the Law Enforcement Information Network (L.E.I.N.).
- (b) All information needed to complete the investigation will be provided to the Tribal Police and will be maintained and secured in their office for the requisite period of time required by L.E.I.N. for access.

Chapter 6 - GTB Code of Ethics**§ 601 - Statement of Purpose and Findings**

- (a) The purpose of this Code is to define the terms and implement procedures for Article XII, Conflict of Interest, of the GTB Tribal Constitution.
- (b) The purpose of this Code is to recognize that Article III, Section 4, “Records of the Band,” of the Tribal Constitution applies to procedures implemented under Article XII of the Tribal Constitution. All filings under these procedures are Tribal public documents and are subject to review by Tribal members consistent with the terms of Article III, Section 4, of the Tribal Constitution.
- (c) Article XII, Section 1, of the Tribal Constitution directs that Tribal officials shall not have a personal financial interest in the decision-making process and requires the establishment of standards of conduct to avoid conflicts of interest or the appearance of impropriety.
- (d) Article XII, Section 2, of the Tribal Constitution prohibits employment in programs directly or indirectly controlled by the Tribe unless such employment is in a for-profit entity.
- (e) Article XII, Section 3, of the Tribal Constitution directs that financial disclosure statements of salaried Tribal officials shall be “similar to those required of certain officials of the federal government.”
- (f) The “Ethics in Government Act of 1978,” P.L. 95-521 and the amendments thereunder, and the “Executive Personnel Financial Disclosure Requirements,” P.L. 95-521 are the statutory models from which this Code is enacted. This Code shall be interpreted in light of those public laws; however, those public laws are not controlling.
- (g) The Tribal Council finds that all Tribal employment is public employment subject to the terms of Article III, Section 4, of the Tribal Constitution and that financial disclosure by employees of the Grand Traverse Band, in whatever capacity, is consistent with the Tribal Constitution and federal law.

History: GTB Ethics Code, adopted by Tribal Council in Special Session on November 14, 1997, effective as of May 28, 1998 (after tribal election).

§ 602 - Definitions

- (a) For purposes of this Code, the term:
 - (1) “Business” includes any enterprise, organization, trade, occupation or profession whether or not operated as a legal entity for profit, including any business, trust, holding company, corporation, partnership, joint venture, or sole proprietorship, consultant or other self-employed enterprise.

- (2) “Business with which a person is associated” includes any business in which the person or a member of the person's immediate family is a director, officer, partner, trustee or employee, holds any position of management or receives income in any form such as wages, commission, direct or indirect investment worth more than one thousand dollars (\$1,000.00) holds any ownership, security or other beneficial interest, individually or combined, amounting to more than ten percent (10%) of said business.
- (3) “Conflict of interest” means the reasonable foreseeability that any personal or economic interest of a public official or employee will be affected in any materially different manner from the interest of the general public, by any decision, enactment, agreement, award or other official action or function of any governmental body or political subdivision of the Grand Traverse Band.
- (4) “Dependent business” means any business, as defined herein, in which the person or members of the persons immediate family, individually or combined, have any direct or indirect ownership, investment, security or other beneficial interest amounting to more than five percent (5%) of such business.
- (5) “Dependent child” means, when used with respect to any reporting individual, any individual who is a son, daughter, stepson, or stepdaughter and who:
 - (A) Is unmarried and under age twenty-one (21) and is living in the household of such reporting individual; or
 - (B) Is a dependent of such reporting individual within the meaning of section 152 of the Internal Revenue Code of 1954 [26 U.S.C. § 152].
- (6) “Economic interest” means an interest held by the person, members of the person's immediate family or a dependent business, which is:
 - (A) Any ownership, income, investment, security or other beneficial interest in a business, or
 - (B) Any employment or prospective employment for which negotiations have already begun.
- (7) “Employee” means any person or entity working for, or rendering or exchanging any services or performing any act for or on behalf of another person, organization or entity in return for any form of pay or other compensation or thing of value received or to be received any time temporarily, permanently or indefinitely, in any capacity; whether as agent, servant, representative, consultant, advisor, independent contractor or otherwise.
- (8) “Gift” means a payment, advance, forbearance, rendering, or deposit of money, or any thing of value, unless consideration of equal or greater value is received by the donor, but does not include:

- (A) Bequest and other forms of inheritance,
 - (B) Suitable mementos of a function honoring the reporting individual,
 - (C) Food, lodging, transportation, and entertainment provided by a tribal government,
 - (D) Food and beverages consumed at banquets, receptions, or similar events, or
 - (E) Communications to the offices of a reporting individual including subscriptions to newspapers and periodicals.
- (b) “Government body” means any branch, entity, enterprise, authority, division, department, office, commission, council, board, bureau, committee, legislative body, agency and any establishment of the executive, administrative and legislative function of the Grand Traverse Band.
- (c) “Honoraria” means a payment of money or anything of value made to a person for services rendered for which fees cannot legally or are not formally made.
- (d) “Income” means all income from whatever source derived, including but not limited to the following items: compensation for services, including fees, commissions, and similar items; gross income derived from business (and net income if the individual elects to include it); gains derived from dealings in property; interest; rents; royalties; dividends; annuities; income from life insurance and endowment contracts; pensions; income from discharge of indebtedness; distributive share of partnership income; and income from an interest in an estate or trust.
- (e) “Management employee” means all those positions listed in § 604(b)(1).
- (f) “Ministerial action” means an action that a person performs in a given state of facts in a prescribed manner in obedience to the mandate of legal authority, without regard to, or in the exercise of, the person's own judgment upon the propriety of the action being taken.
- (g) “Official discretionary action” means any official function of public office or employment, including any vote, decision, opinion, allocation, recommendation, approval, disapproval, finding, delegation, authorization, contract, commitment, settlement, disbursement, release or other action which involves the exercise of discretionary authority, on behalf of or in any manner affecting any interest or property of the Grand Traverse Band, including any governmental body, political subdivision or member thereof.
- (h) “Personal hospitality of any individual” means hospitality extended for a non-business purpose by an individual, not a corporation or organization, at the personal residence of that individual or his/her family or on property or facilities owned by that individual or his/her family.

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- (i) “Public Employee” means any employee, as defined herein, temporarily, periodically, permanent or indefinitely in the employment of the Grand Traverse Band, and/or any governmental body thereof as defined herein, including intergovernmental personnel.
- (j) “Public office” means any person holding an elective or appointed office in any governmental body of the Grand Traverse Band as defined herein.
- (k) “Reimbursement” means any payment or other thing of value received by the reporting individual, other than gifts, to cover travel-related expenses of such individual other than those which are provided by the Tribe.
- (l) “Relative” means an individual who is related to the reporting individual, as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, half brother, half sister, or who is the grandfather or grandmother of the spouse of the reporting individual, and shall be deemed to include the fiancé or fiancée of the reporting individual.
- (m) “Tribe” means the Grand Traverse Band of Ottawa and Chippewa Indians, the GTB, and the Grand Traverse Band, and all these terms are used interchangeably.
- (n) “Value” means a good faith estimate of the dollar value if the exact value is neither known nor easily obtainable by the reporting individual.

History: GTB Ethics Code, adopted by Tribal Council in Special Session on November 14, 1997, effective as of May 28, 1998 (after tribal election).

§ 603 - Standards of Conduct and Restricted Activities of Tribal Councilors and Management Employees

- (a) Conduct in Conformity with Applicable Rules and Laws. Tribal Councilors and management employees shall at all times conduct themselves so as to reflect credit upon the Tribal members and government, and comply with all applicable laws of the Grand Traverse Band with respect to their conduct in the performance of the duties of their respective office or employment.
- (b) General Prohibitions; Conflicts of Interest.
 - (1) No Tribal Councilor or management employee 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 general public, whose paramount interests their office or employment is intended to serve.
 - (2) It is the intent of this subsection (b) that Tribal Councilors and management employees of the Grand Traverse Band avoid any action, whether or not specifically

prohibited by the Standards of Conduct set out herein, 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 actions;
 - (E) Making a government decision outside official channels;
 - (F) Adversely affecting the confidence of the Tribal members in the integrity of the government of the Grand Traverse Band;
 - (G) The official makes, participates in, or uses his or her official position to influence a governmental decision;
 - (H) It is foreseeable that the decision will affect the official's economic interest;
 - (I) The effect of the decision on the official's economic interest will be material; and
 - (J) The effect of the decision on the official's economic interest will be distinguishable from its effect on the public generally.
- (c) Use of Confidential Information for Private Gain. No Tribal Councilor or management employee 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.
- (d) Restrictions Against Incompatible Interests or Employment.
- (1) Tribal Councilors and management employees shall not:
 - (A) Have direct or indirect financial or other economic interests nor engage in such other employment or economic activity which, as determined in accordance with the provisions of this Code and other applicable laws of the Grand Traverse Band necessarily involves inherent substantial conflict, or the appearance to have such substantial conflict, with their responsibilities and duties as Tribal Councilors or management employees of the Grand Traverse Band; 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 or employment; 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 Code, Tribal Councilors and management employees are free to engage in lawful financial transactions to the same extent as the general public. The Grand Traverse Band may, however, adopt further approved restrictions upon such transactions or employment as authorized herein and by other applicable laws of the Grand Traverse Band, in light of special circumstances or the particular duties of the Tribal Councilor or management employee.
- (3) No business or other entity shall employ a Tribal Councilor or a management employee if such employment is prohibited by or otherwise violates any provision of this Code.
- (4) The term “employment,” within the meaning of this subsection (d) includes professional services and other services rendered by a Tribal Councilor or a management employee, whether rendered as an employee, consultant, or other independent contractor.
- (e) Conflict of Interest Statements and Official Action of a Tribal Councilor or Management Employee.
 - (1) When a Tribal Councilor or a management employee is required to take official action on a matter in which such Tribal Councilor or management employee has a personal economic interest, they should first consider eliminating that interest. If that is not feasible nor required under subsection (d) above, such Tribal Councilor or management employee shall:
 - (A) Prepare and sign a written statement describing the matter requiring action and the nature of the potential conflict, as soon as such Tribal Councilor or management employee is aware of the responsible party for inclusion in the official record of any vote or other decision or determination.
 - (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; and
 - (C) Abstain from voting or otherwise participating in the official decision or determination of such matter, unless otherwise directed by the authorized residing official of the governmental body making such decision or determination, or otherwise legally required by law, (such as the vote of an elected representative delegate which is cast on behalf of his or her electorate constituents), or unless such person's vote, position, recommendation or participation is contrary to their personal economic interest.

- (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 for a governmental body, agency or commission to take such action or vote upon such matter.
 - (3) Management employees shall also deliver a copy of such statements to the Committee and to their immediate superior, if any, who shall assign the matter to another. If such employee has no immediate superior, he or she shall take such steps as the Committee shall prescribe or advise, to abstain from influencing actions and decisions in the matter.
 - (4) In the event that a Tribal Councilor's or a management employee's participation is otherwise legally required for the action or decision to be made, such person and the presiding official or immediate superior requiring such participation shall fully report the occurrence to the Committee.
- (f) Tribal Government Contracts; Restrictions and Bid Requirements.
- (1) No Tribal Councilor or management employee 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 Grand Traverse Band or of any investment of funds of the Grand Traverse Band, 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 the applicable laws, rules, regulations and policies of the Grand Traverse Band (GTB Bidding Code), for necessary materials or services for the governmental agency or entity involved; and
 - (B) If the continuous course of a business commenced before the Tribal Councilor or management employee assumed their current term of office or employment; and
 - (C) The entire transaction is conducted at arm's length, with the governmental agency's full knowledge of the interest of the Tribal Councilor or management employee or a member of their immediate family; and
 - (D) The Tribal Councilor or management employee has taken no part in the determination of the specifications, deliberations or decisions of a governmental agency with respect to the public contract; and
 - (E) The Tribal Councilor or management employee is not a member, office holder, employee or otherwise directly associated with the Tribal governmental agency or entity primarily responsible for letting, performing, receiving, regulating or otherwise supervising the performance of the contract.

(g) Restrictions on Assisting or Representing Other Interests Before Governmental Bodies for Compensation.

- (1) No Tribal Councilor or management employee, except an employee of a governmental body duly established and authorized for such purposes by the Grand Traverse Band, shall represent or otherwise assist any person or entity other than the Grand Traverse Band or governmental body or political subdivision thereof, for compensation, before any governmental body where the matter before the governmental body is of a non-ministerial nature. This Section shall not be construed to prohibit the duties of elected or appointed public officials to represent their constituents' interests before government agencies or entities not the performance of ministerial functions, including but not limited to the filing or amendment of tax returns, application for permits and licenses, and other documents or reports. It does, however, prohibit representation of such other interests for any fee or compensation in seeking to obtain any legislation, contract, payment or any claim or any other governmental benefit.

(h) Restrictions on Assisting or Representing Subsequent to Termination of Public Office or Employment.

- (1) No former Tribal Councilor or management employee or other associate thereof shall, with or without compensation, after the termination of such public office or employment, knowingly act as agent for or otherwise represent any other person or entity (except the Grand Traverse Band, or its governmental bodies or political subdivisions) by formal or informal appearance not by oral or written communication, for the purpose of influencing any governmental body of the Grand Traverse Band or any officer or employee thereof, in connection with any proceeding, contract, claim, controversy, investigation, charge or accusation, in which such former Tribal Councilor or management employee personally and substantially participated, through approval, disapproval, recommendation, rendering of advice, investigation or otherwise, while so acting or employed.
- (2) With respect to any such matter which was actually pending among such former Tribal Councilor's or management employee's responsibilities, but in which such person did not participate as set forth in paragraph (1), the prohibitions set forth hereunder shall apply for the period of two (2) years following the termination of such public office or employment.
- (3) Nothing in this Code shall prevent a former Tribal Councilor or management employee from appearing and giving testimony under oath, nor from making statements required to be made under oath, nor from making statements required to be made under penalty or perjury, nor from making appearances or communications concerning matters of a personal and individual nature which pertain to such former public official or employee or are based upon such person's own special knowledge of the particular subject involved, not otherwise privileged from disclosure by other applicable law; and provided further, that no compensation is thereby received other than that which is regularly provided for witnesses by law or regulation.

- (4) The Grand Traverse Band, its governmental bodies and political subdivisions shall not enter into any contract with, nor take any action favorably affecting or economically benefiting in any manner differently from members of the public at large, any person, business, governmental or other entity, which is assisted or represented personally in the matter by a Tribal Councilor or management employee, directly contributed to the making of such contract or taking of such action by the Grand Traverse Band governmental body or political subdivision thereof.
 - (5) Nothing contained in this subsection shall prohibit a former Tribal Councilor or management employee from being retained or employed by the governmental entity which he or she formerly served.
- (i) Unauthorized Compensation or Benefit for Official Acts.
 - (1) No Tribal Councilor or management employee shall accept or receive any benefit, income, favor or other form of compensation for performing the official duties of their office or employment, beyond the amount or value which is authorized and received in their official capacity for performing such duties.
 - (2) This subsection (i) shall not be construed to prohibit the receipt of authorized compensation for the performance of other distinct and lawful duties by Tribal Councilors or management employees.
 - (3) No Tribal Councilor or management employee, however, shall accept any benefit, income, favor or other form of compensation for the performance of the duties of any other office or employment not actually performed or for which such official or employee is not otherwise properly authorized or entitled to receive.
 - (j) Unauthorized Personal Use of Property or Funds of the Grand Traverse Band. No Tribal Councilor or management employee shall use any property of the Grand Traverse Band or any other public property of any kind for other than as authorized and approved for official purposes and activities. Such persons shall properly protect and conserve all such property, equipment and supplies which are so entrusted, assigned or issued to them.
 - (k) Staff Misuse Prohibited. No Tribal Councilor or management employee shall employ, with funds of the Grand Traverse Band, any unauthorized person(s) nor persons who do not perform duties commensurate with such compensation, and shall utilize authorized employees and staff only for the official purposes for which they are employed or otherwise retained.
 - (l) Anti-Nepotism. No Tribal Councilor or management employee shall employ, elect, appoint or otherwise cause to be employed, nor nominate or otherwise influence the appointment or employment to any Tribal office or position with the Grand Traverse Band or any governmental or political subdivision thereof, any person or persons related by consanguinity or affinity within the third degree, nor any member of the same household as said public official or public employee. Assignment of such persons to duties, positions, governmental offices or other entities shall in all instances be made in strict compliance

with the current provisions of the Personnel Policy Manual of the Grand Traverse Band, as amended from time to time.

- (m) Restrictions Against Gifts or Loans to Influence Official Acts.
 - (1) Except as otherwise provided herein or by applicable rule or regulation adopted hereunder by the Grand Traverse Band Tribal Council, or by other applicable law, no Tribal Councilor or management employee shall solicit or accept for themselves or another, any gift, including economic opportunity, favor, service, or loan (other than from a regular lending institution on generally available terms) or any other benefit of an aggregate monetary value of one hundred dollars (\$100.00) or more in any calendar year, from any person, organization or group which:
 - (A) Has, or is seeking to obtain, contractual or other business or financial relationships or approval from any governmental office or entity with which the Tribal Councilor or management employee is associated or employed; or
 - (B) Conducts operations or activities which are regulated or in any manner supervised by any governmental office or entity with which the Tribal Councilor or management employee is associated or employed; or
 - (C) Has any interest which, within two (2) years, has been directly involved with, or affected by, the performance or non-performance of any official act or duty of such Tribal Councilor or management employee or of the government office or entity with which the Tribal Councilor or management employee is associated or employed or which the Tribal Councilor or management employee knows or has reason to believe is likely to be so involved or affected.
- (n) Permitted Gifts, Awards, Loans, Reimbursements and Campaign Contributions. Subsection (m) shall not be construed to prohibit:
 - (1) An occasional non-pecuniary gift, insignificant in value;
 - (2) Gifts from and obviously motivated by family or social relationships, as among immediate family members or family inheritances;
 - (3) Food and refreshments customarily made available in the ordinary course of meetings where a Tribal Councilor or management employee may properly be in attendance;
 - (4) An award or honor customarily and publicly presented in recognition of public service.
- (o) Adoption of Supplemental Codes of Conduct for Officials and Employees of Governmental Entities of the Grand Traverse Band.

- (1) The chief executive or administrator of every governmental entity of the Grand Traverse Band which is subject to the provisions of this Code is authorized to submit for approval and adoption by the Tribal Council such supplemental rules, regulations and standards of conduct for the public officials and employees of such entity, which are necessary and appropriate to the special conditions relating to their particular functions, purposes and duties and not in conflict with the purposes and other provisions of this Code. Upon adoption, such supplemental standards, rules and regulations shall be implemented in the same manner and to the extent applicable, as are all other standards, rules and regulations and shall be implemented in the same manner and to the extent applicable, as are all other standards, rules and regulations provided and adopted in accordance with the provisions of this Code.
- (p) No Tribal Councilor shall apply or interview for Government or Economic Development Corporation positions without first resigning from their positions as a Tribal Councilor.

History: GTB Ethics Code, adopted by Tribal Council in Special Session on November 14, 1997, effective as of May 28, 1998 (after tribal election); as amended by Tribal Act #10-28.2198, enacted by Tribal Council on August 18, 2010.

§ 604 - Tribal Councilors and Management Employees Required to File Financial Disclosure Statements

- (a) Within ninety (90) days of assuming the position on the Tribal Council, all Tribal Councilors shall be required to file a Public Financial Disclosure Report on the forms established under the authority of this Code. The forms shall be established in a similar manner and scope as the forms established for federal officials under the “Ethics in Government Act of 1978,” 95-521, and the “Executive Personnel Financial Disclosure Requirements,” 95-521.
- (b) Within thirty (30) days of assuming the position of an officer or management employee as defined in subsection (b)(1) herein, an individual shall file a report containing the information described in § 605 unless the individual has left another position described in § 604 within thirty (30) days prior to assuming such new position. The officer or management employee shall be required to file a Public Financial Disclosure Report on forms established by this Code.
 - (1) The officers and management employees referred to in § 604(b) herein are:
 - (A) The Tribal Manager;
 - (B) The Director of Self-Governance;
 - (C) The Director of Grants and Contracts;
 - (D) All Division Directors;
 - (E) The Indian Housing Authority Director;

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- (F) The CEO of the Gaming Commission;
- (G) The Controller of the Gaming Commission;
- (H) The Regulator of the Gaming Commission;
- (I) All enterprise managers under the Gaming Commission;
- (J) All legal staff;
- (K) Chief of Police;
- (L) Principal of Tribal School;
- (M) Chief Administrator of Tribal School;
- (N) Ombudsman;
- (O) All employees involved in Tribal purchasing departments;
- (P) Tribal Planner; and
- (Q) Any other management employee as the Tribal Council deems necessary.

History: GTB Ethics Code, adopted by Tribal Council in Special Session on November 14, 1997, effective as of May 28, 1998 (after tribal election).

§ 605 - Contents of Reports

- (a) The financial disclosure statement shall consist of the following:
 - (1) The names of all corporations, companies, firms, or other business enterprises, partnerships, non-profit organizations, and educational institutions in which the employee, spouse, dependent child or other relatives who are full-time residents of the employee's immediate household have:
 - (A) A continuing financial interest through a pension or retirement plan, shared income, or other arrangement as a result of any current or prior employment or business or professional association; or
 - (B) Any financial interest through the ownership of stock, stock options, bonds, securities, or other arrangements including trusts;
 - (C) Interests in real property or rights in lands in which the employee, spouse, dependent child or other relatives who are full-time residents of the employee's immediate household have an interest, other than property which the employee occupies as a personal residence;

- (D) The names of all corporations, companies, firms, or other business enterprises, partnerships, non-profit organizations, and educational or other institutions with which the employee is connected as an employee, officer, owner, director, trustee, partner, advisor, or consultant;
- (E) The names of the employee's creditors, other than those to whom the employee is indebted by reason of a mortgage on property which is occupied as his or her personal residence or to whom he or she is indebted for current and ordinary household and living expenses; and
- (F) Retirement benefits, vested rights to retirement benefits, or investments in self-employment or individual retirement plans.
- (G) Each report filed pursuant to this Section shall include a full and complete statement with respect to the following:
 - (i) The source, type, and amount of value of income, and the source, date, and amount of honoraria, stipends, from any source, received during the preceding calendar year, aggregating one hundred dollars (\$100.00) or more in value.
 - (ii) The source and type of income which consists of dividends, rents, interest, and capital gains, received during the preceding calendar year which exceeds one hundred dollars (\$100.00) in amount or value, and an indication of which of the following categories the amount or value of such item of income is within:
 - a) Not more than one thousand dollars (\$1,000.00);
 - b) Greater than one thousand dollars (\$1,000.00) but not more than two thousand five hundred dollars (\$2,500.00);
 - c) Greater than two thousand five hundred dollars (\$2,500.00) but not more than five thousand dollars (\$5,000.00);
 - d) Greater than five thousand dollars (\$5,000.00) but not more than fifteen thousand dollars (\$15,000.00);
 - e) Greater than fifteen thousand dollars (\$15,000.00) but not more than twenty thousand dollars (\$20,000.00);
 - f) Greater than twenty thousand dollars (\$20,000.00) but not more than thirty thousand dollars (\$30,000.00); or
 - g) Greater than thirty thousand dollars (\$30,000.00).
 - (iii) The identity of the source and a brief description of any gifts of transportation, lodging, food, or entertainment aggregating two

hundred and fifty dollars (\$250.00) or more in value received from any source other than a relative of the reporting individual during the preceding calendar year, except that any food, lodging, or entertainment received as personal hospitality of any individual need not be reported, and any gift with a fair market value of thirty-five dollars (\$35.00) or less need not be aggregated for purposes of this subparagraph.

- (iv) The identity of the source, a brief description, and the value of all gifts other than transportation, lodging, food, or entertainment aggregating one hundred dollars (\$100.00) or more in value received from any source other than a relative of the reporting individual during the preceding calendar year, except that any gift with a fair market value of thirty-five dollars (\$35.00) or less need not be aggregated for purposes of this subparagraph.
- (v) The identity of the source and a brief description of reimbursements received from any source aggregating two hundred and fifty dollars (\$250.00) or more in value and received during the preceding calendar year.
- (vi) In an unusual case, a gift need not be aggregated under Section 603(n)(1) or (2) if a publicly available request for a waiver is granted.
- (vii) The identity and category of value of any interest in property held during the preceding calendar year in a trade or business, or for investment or the production of income, which has a fair market value which exceeds one thousand dollars (\$1,000.00) as of the close of the preceding calendar year, excluding any personal liability owed to the reporting individual by a relative or any deposits aggregating five thousand dollars (\$5,000.00) or less in a personal savings account. For purposes of this paragraph, a personal savings account shall include any certificate of deposit or any other form of deposit in a bank, savings and loan association, credit union, or similar financial institution.
- (viii) The identity and category of value of the total liabilities owed to any creditor other than a relative which exceed ten thousand dollars (\$10,000.00) at any time during the preceding calendar year, excluding:
 - a) Any mortgage secured by real property which is a personal residence of the reporting individual or his/her spouse; and
 - b) Any loan secured by a personal motor vehicle, household furniture or appliances, which loan does not exceed the purchase price of the item which secures it.

- c) With respect to revolving charge accounts, only those with an outstanding liability which exceeds ten thousand dollars (\$10,000.00) as of the close of the preceding calendar year need be reported under this paragraph.
- (ix) Except as provided in this paragraph, a brief description, the date, and category of value of any purchase, sale, or exchange during the preceding calendar year which exceeds one thousand dollars (\$1,000.00):
 - a) In real property, other than property used solely as a personal residence of the reporting individual or his/her spouse; or
 - b) In stocks, bonds, mutual funds, and other forms of securities.
 - c) Reporting is not required under this paragraph of any transaction solely by and between the reporting individual, his/her spouse, or dependent children.
 - (x) The identity of all positions held on or before the date of filing during the current calendar year (and, for the first report filed by an individual, during the two-year period preceding such calendar year) as an officer, director, trustee, partner, proprietor, representative, employee, or consultant of any corporation, company, firm, partnership, or other business enterprise, any non-profit organization, any labor organization, or any educational or other institution other than the Tribal Government. This subparagraph shall not require the reporting of positions held in any religious, social, fraternal, or political entity and positions solely of an honorary nature.
 - (xi) If any person paid a non-elected reporting individual compensation in excess of five thousand dollars (\$5,000.00) in any of the two calendar years prior to the calendar year during which the individual files his/her first report under this title, the individual shall include in the report:
 - a) The identity of each source of such compensation; and
 - b) A brief description of the nature of the duties performed or services rendered by the reporting individual for each such source.
 - i) The preceding sentence shall not require any individual to include in such report any information which is considered confidential as a result of a privileged relationship, established by law, between such individual and any person nor shall it require an individual to report any information with respect to any

person for whom services were provided by any firm or association of which such individual was a member, partner, or employee unless such individual was directly involved in the provision of such services.

- (xii) A description of the date, parties to, and terms of any agreement or arrangement with respect to;
 - a) Future employment;
 - b) A leave of absence during the period of the reporting individual's Tribal Government service;
 - c) Continuation of payments by a former employer; and
 - d) Continuing participation in an employee welfare or benefit plan maintained by a former employer.
- (H) Each report filed pursuant to subsections (a)(1), (2), and (3) of § 605 shall include a full and complete statement with respect to the information required by paragraph (A) of subsection (a)(1) for the year of filing and the preceding calendar year.
- (I) Except as provided in the last sentence of this paragraph, each report required by subsections (a)(1), (2), and (3) of § 605 shall also contain information listed in paragraphs (i) through (v) of subsection (G) respecting the spouse or dependent child of the reporting individual as follows:
 - (i) The source of items of earned income earned by a spouse from any person which exceed one thousand dollars (\$1,000.00) and, with respect to a spouse or dependent child, all information required to be reported in subsection (a)(1) with respect to income derived from any asset held by the spouse or dependent child and reported pursuant to paragraph (G)(vii). With respect to earned income, if the spouse is self-employed in business or a profession, only the nature of such business or profession need be reported.
 - (ii) In the case of any gift which is not received totally independent of the spouse's relationship to the reporting individual, the identity of the source and a brief description of gifts of transportation, lodging, food, or entertainment or a brief description and the value of other gifts.
 - (iii) In the case of any reimbursements received by a spouse which are not received totally independent of the spouse's relationship to the reporting individual, the identity of the source and a brief description of each such reimbursement.

- (iv) In the case of items described in paragraph (G)(vii)-(ix), all information required to be reported under these paragraphs other than items:
 - a) which the reporting individual certifies represent the spouse's or dependent child's sole financial interest or responsibility and which the reporting individual has no knowledge of,
 - b) which are not in any way, past or present, derived from the income, assets, or activities of the reporting individual, and
 - c) From which the reporting individual neither derives, nor expects to derive, any financial or economic benefit.
- (J) Each report referred to in subsection (a)(1)(C) of this Section shall, with respect to the spouse and dependent child of the reporting individual, only contain information listed in paragraphs (A) and (B) of subsection (a)(1) as specified in this paragraph.
- (K) No report shall be required with respect to a spouse living separate and apart from the reporting individual with the intention of terminating the marriage or providing for permanent separation; or with respect to any income or obligations of an individual arising from the dissolution of his or her marriage or the permanent separation from his or her spouse.
- (2) Except as provided in paragraph (1)(K), each reporting individual shall report the information required to be reported pursuant to subsections (a)(1)(C) and (D) of this section with respect to the holdings of and the income from a trust or other financial arrangement from which income is received by, or with respect to which a beneficial interest in principal or income is held by, such individual, his/her spouse, or any dependent child.
- (3) A reporting individual need not report the holdings of or the source of income from any of the holdings of:
 - (A) Any qualified blind trust (as defined in paragraph (a)(1)(4) of this section); or
 - (B) A trust:
 - (i) Which was not created directly by such individual, his/her spouse, or any dependent child, and
 - (ii) The holdings or sources of income of which such individual, his/her spouse, and any dependent child have no knowledge of, but such individual shall report the category of the amount of income received by him/her, his/her spouse, or any dependent child from the trust under subsection (a)(1)(G)(ii) of this Section.

- (4) For purposes of this subsection, the term “qualified blind trust” includes any trust in which a reporting individual, his/her spouse, or any dependent child has a beneficial interest in the principal or income, and which meets the following requirements:
 - (A) The trustee of the trust is a financial institution, an attorney, a certified public accountant, a broker, or an investment adviser who (in the case of a financial institution or investment company, any officer or employee involved in the management or control of the trust who):
 - (i) Is independent of and unassociated with any interested party so that the trustee cannot be controlled or influenced in the administration of the trust by any interested party,
 - (ii) Is not or has not been an employee of any interested party, or any organization affiliated with any interested party and is not a partner of, or involved in any joint venture or other investment with, any interested party, and
 - (iii) Is not a relative of any interested party.

History: GTB Ethics Code, adopted by Tribal Council in Special Session on November 14, 1997, effective as of May 28, 1998 (after tribal election).

§ 606 - Implementation and Compliance

- (a) Ethics Officer. There is hereby created a position entitled “GTB Ethics Officer” who shall have the following duties:
 - (1) Adopt, amend, and publish rules and regulations to implement all provisions of this Code. Before such rules and regulations are enacted, a thirty- (30-) day public notice and comment period shall be allowed.
 - (2) Prescribe and make available appropriate forms for disclosure of economic interests, for distribution to all persons required to complete and file such disclosure forms.
 - (3) Prepare and publish a Disclosure Guide [proposed Disclosure Guide and Forms attached] clearly explaining the procedures for completing and filing Statements of Economic Interests by all persons required to complete, certify and file such disclosure statements with the Ethics and Rules Office.
 - (4) Compile and maintain current lists of all persons required to file such disclosure statement, together with required filing dates; and
 - (5) Maintain current lists of persons failing to file required statements as prescribed. These lists are matters of public records.

- (6) Randomly audit, review, and evaluate twenty percent (20%) of all disclosure statements filed within the reporting year.
- (7) Provide that required disclosure statements of elected public officials are available during regular office hours for public inspection at the Ethics and Rules Office.
 - (A) Copies may be made by the Ethics Officer. A nominal fee may be charged but only in an amount to cover the actual cost.
 - (B) Any alteration or fraudulent representation of original disclosure statements or copies of disclosure statements shall be a violation of this Code and a person found in violation may be subject to the penalties provided in § 607, or other applicable laws. This shall not include administrative notation or comments made by authorized administrative personnel.
- (8) The Ethics Officer may initiate and/or receive review and/or investigate complaints filed with the Ethics Officer.
- (9) The Ethics Officer shall conduct non-adjudicatory administrative hearings to determine violations or noncompliance with this Code. All hearings shall follow rules of procedures established and adopted by the Tribal Council. The Ethics Officer shall be charged with the responsibility of representing the Grand Traverse Band in bringing forth all complaints filed under this Code.
- (10) Retaliation against any party or witness to a complaint shall be prohibited. Retaliation shall include any form of adverse or punitive action.
 - (A) This protection shall also be afforded to any person(s), including the Ethics Office staff, offering testimony or evidence or complying with directives of the Committee.
 - (B) Any violations shall be subject to penalties under this Code, as well as obstruction and contempt violations of both the civil and criminal codes of the Grand Traverse Band.
 - (C) Upon recommendation of the Ethics Officer the Tribal Council may dismiss any complaint which the Tribal Council determines has insufficient facts to constitute a violation of noncompliance to this Code, or if there is insufficient evidence to support the allegations.
 - (D) Statute of Limitations. No action shall be brought under this Code by the Ethics Officer before the Tribal Council more than four (4) years after cause of action has accrued.
 - (E) The Tribal Council, in the capacity of a quasi-judicial body, shall conduct administrative adjudicatory hearings on any alleged violation or noncompliance.

- (F) The Ethics Officer shall act in the capacity of complainant on matters to be heard by the Tribal Council.
- (G) The hearing body may impose or recommend any sanctions, civil damages, restitution; or other penalties provided in this Code; or refer their findings to other appropriate entities for action.
- (H) The Grand Traverse Band Tribal Court shall have *de novo* jurisdiction to hear appeals from final decisions of the Tribal Council involving Tribal Councilors.
- (I) The Grand Traverse Band Tribal Court shall have record review of all other non-adjudicatory and adjudicatory hearings conducted by either the Ethics Officer or the Tribal Council.
- (J) A notice of appeal shall be filed within ten (10) working days of the issuance of a written decision.
- (K) The hearing shall be on the record only.
- (L) The standard of review shall be recognized administrative law standards.
 - (i) In any complaint where the accused is the Tribal Chairman, Vice-Chairman, Treasurer, Secretary or a Tribal Councilor, the Tribal Council, upon completion of the adjudicatory administrative hearing, shall deliberate in executive session and by resolution render its findings of facts, conclusions of law and recommendations for sanction. Said findings, conclusions and recommendations shall be forwarded to the Grand Traverse Band Tribal Council during its next regular or special session for final adoption of sanction.
- (M) If the Tribal Council refers to the Tribal Judiciary pursuant to Article VIII, Section 2, the trial shall be *de novo*.
- (N) In any complaint where the accused is a public employee or otherwise appointed under the supervisory authority of the Tribal Council, the finding of facts, conclusions of law and sanction, if any, by the Tribal Council shall be final for purposes of judicial review. Judicial review shall be limited to review of the record to determine whether the Tribal Council complied with recognized administrative law standards.

History: GTB Ethics Code, adopted by Tribal Council in Special Session on November 14, 1997, effective as of May 28, 1998 (after tribal election).

§ 607 - Sanctions and Penalties

- (a) Administrative Sanctions.

- (1) Upon finding that there has been violation of any provisions of this Code, the Tribal Council may impose any or all of the following penalties or sanctions:
 - (A) Removal, discharge or termination from public office or employment in accordance with applicable Tribal law and procedure.
 - (B) Suspension from public office or employment and forfeiture of all compensation and benefits accruing therefrom, for not less than thirty (30) days nor for more than one (1) year.
 - (2) Accordingly, any public employee of the Grand Traverse Band shall be subject to discipline, including suspension without pay or other benefits and dismissal as provided by other laws, regulations and personnel policies, or procedures applicable thereto.
 - (3) Issuance of a written public reprimand, which shall be entered into such person's permanent record of employment or office and upon the permanent record of the public office or entity of which such person is a member or employee, according to provisions of applicable Grand Traverse Band Tribal laws and procedures.
 - (4) Issuance of a private reprimand to such person, with or without suspension of any or all other sanctions provided herein.
 - (5) No sanctions or penalty provided herein shall limit any other powers of the Tribal Council or Tribal Courts of the Grand Traverse Band, nor of any other entity or administrative officials or employees under other applicable law, rules, regulations or procedures.
- (b) Other Civil Damages.
- (1) A person found in violation of this mandate shall be further subject to, and personally liable for, the following provisions, without regard to the imposition of any administrative sanction or criminal conviction:
 - (A) Any Tribal Councilor or management employee who violates any economic disclosure or reporting requirement of this Code may be held liable to the Grand Traverse Band for civil damages in any amount not to exceed the value of any interest not properly reported.
 - (B) Any Tribal Councilor or management employee who realizes an economic benefit as a result of violation of any prohibition or restriction set forth in §§ 602 or 603 of this Code, shall be liable to the Grand Traverse Band for civil damages in the amount not exceeding three (3) times the amount or value of the benefit or benefits so obtained.
 - (C) If two (2) or more persons are responsible for any violation, each of them shall be liable to the Grand Traverse Band for the full amount of any civil

damages prescribed herein, the full amount of which may be imposed upon and collected from each of them individually.

- (D) Any civil penalties imposed hereunder shall be collected in any manner authorized for recovery of debts or obligations owed to the Grand Traverse Band and shall be paid into the general fund of the Tribe.
- (E) No imposition of any or all civil damages provided herein shall be a bar to institution of any civil, criminal or misdemeanor action, liability, judgment, conviction or punishment otherwise applicable hereto, nor shall determination of any such civil damages be barred thereby.

History: GTB Ethics Code, adopted by Tribal Council in Special Session on November 14, 1997, effective as of May 28, 1998 (after tribal election).

§ 608 - Severability and Prior Inconsistent Law Suspended

- (a) If any provision of this Code or the application of such provisions to any person, firm, association, corporation, or circumstances shall be held invalid. The remainder of the Code and the application of such other than those as to which it is held invalid shall not be affected thereby.
- (b) Upon the effective date of the GTB Code of Ethics, all prior inconsistent enactments, ordinances, rules, policies and regulations of the Tribe and subdivisions, branches, commissions, departments and offices thereof are hereby superseded and/or amended to comply with this Code.

History: GTB Ethics Code, adopted by Tribal Council in Special Session on November 14, 1997, effective as of May 28, 1998 (after tribal election).

Chapter 7 - Tribal Member/Employee Medical Insurance Coverage

§ 701 - Post-Employment Medical Insurance of GTB Tribal Members

A committee, consisting of the GTB Clinic Department Manager, Human Resources Department Manager, Chief Financial Officer and Tribal Manager, is hereby directed to establish a schedule of medical benefits coverage for all GTB tribal member employees who voluntarily or involuntarily leave the employment of a position covered by GTB medical insurance self-funding coverage and the GTB Indian Health Service area coverage under federal law.

- (a) The Committee shall structure a post-benefit schedule of payments consistent with protecting the Indian Health Service Funds and the term of service/employment of the GTB tribal member who is a GTB ex-employee.
- (b) The Committee shall structure medical insurance coverage consistent with applicable federal law governing post-employment relationships of GTB and tribal members.

- (c) The Committee shall publish the benefit structure within thirty (30) days of the approval of this referendum ordinance for the year 2000.

History: Tribal Member/Employee Medical Insurance Coverage Ordinance adopted by Tribal Council at Special Session on April 26, 2000, approval by Referendum, May 24, 2000.

Chapter 8 - Labor Relations Ordinance

§ 801 - Labor Relations

- (a) No person shall be required, as a condition of employment on GTB lands, to:
- (1) resign or refrain from voluntary membership in, voluntary affiliation with, or voluntary financial support of a labor organization;
 - (2) become or remain a member of a labor organization;
 - (3) pay dues, fees, assessments or other charges of any kind or amount to a labor organization; or
 - (4) pay to any charity or other third party, in lieu of such payments any amount equivalent to or a pro-rata portion of dues, fees, assessments or other charges regularly required of members of a labor organization.

CROSS REFERENCE: This provision is also codified in 18 GTBC § 1701 (“Gaming” title).

History: Labor Relations Ordinance adopted by Tribal Act #04-22.1466 enacted by Tribal Council on November 24, 2004.