



KIOWA TRIBE

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OFFICE OF THE LEGISLATURE

KIOWA TRIBE
RESOLUTION NO. KL-CY-2017-25

EXECUTIVE BRANCH CODE OF ETHICS

At a duly called Session of the Legislature of the Kiowa Tribe held this 14th day of October, 2017, the following Resolution and Law were adopted.

WHEREAS; the Legislature is vested with the authority to pass laws and resolutions pursuant to Article VI, Section 6(a) of the Constitution of the Kiowa Tribe; and,

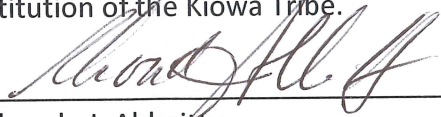
WHEREAS; the Legislature has determined that it is in the best interests of the Tribe and Members of the Tribe for the Legislature to enact a Code of Ethics, pursuant to the Legislature's authority to determine "good cause" as the basis to remove a Chairman or Vice Chairman from office, in order to establish ethical standards for the elected officials of the executive branch of government that reflect the cultural values of the Tribe; and,

WHEREAS; the Legislature has previously adopted nearly identical ethical standards of conduct applicable to Legislators pursuant to the Legislature's authority to initiate the process to remove a Legislator by referral to the voters in a Special Election.

NOW THEREFORE IT BE IT RESOLVED; that the Legislature hereby enacts the attached law entitled, "EXECUTIVE BRANCH CODE OF ETHICS".

CERTIFICATION

The foregoing resolution was duly voted upon by the Legislature on October 14th, 2017, at a Session with a vote of (6) in favor and (0) opposed, (0) abstaining, and (1) absent, pursuant to the authority vested in the Legislature by the Constitution of the Kiowa Tribe.


Rhonda J. Ahhaity
Secretary of the Legislature



LEGISLATURE - RESOLUTION NO. KL-CY-2017-025:

SPONSOR: Rene M. Plata

CO-SPONSOR(S): Rhonda J. Ahhaitty; Ronald Poolaw, Sr.; Anita Onco-Johnson; Modina Waters; Ben Wolf.

LEGISLATORS	YES	NO	ABSTAIN	ABSENT
Rhonda J. Ahhaitty	X			
Renee M. Plata	X			
Ronald C. Poolaw, Sr.				X
Dave Geimausaddle	X			
Anita Onco Johnson	X			
Modina Waters	X			
Ben Wolf	X			

DELIVERY OF THE RESOLUTION AND LAW TO THE CHAIRMAN

Resolution No. KL-CY-2017-025; was presented to the Chairman of the Kiowa Tribe on the 14th day of October, 2017, pursuant to the Article VI, Section 8(a)(iv) of the Constitution of the Kiowa Tribe, and will become effective after signature by the Chairman or veto override by the Legislature, and as otherwise required by the Constitution.


Rhonda J. Ahhaitty
Secretary of the Legislature

CHAIRMAN'S ACTION:

APPROVED

VETO - RETURNED TO LEGISLATURE WITH EXPLANATION:

On this ____ day of _____, 201__.

Chairman

Presented by the Chairman to the Legislature on the ____ day of _____, 201__.

LEGISLATURE'S ACTION:

Override of Chairman's veto:

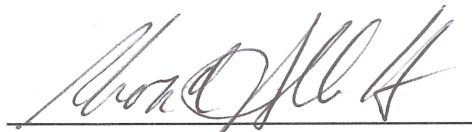
YES

NO

LEGISLATORS	YES	NO	ABSTAIN	ABSENT
Rhonda J. Ahhaitty				
Renee M. Plata				
Ronald C. Poolaw, Sr.				
Dave Geimausaddle				
Antia Onco Johnson				
Modina Waters				
Ben Wolf				

CERTIFICATION

The foregoing resolution no. KL-CY-2017-025 was duly voted upon by the Legislature on October 14th, 2017, at a meeting with a vote of (6) in favor and (0) opposed, (0) abstain and (1) absent pursuant to the authority vested in the Legislature by the Constitution of the Kiowa Tribe.

A handwritten signature in black ink, appearing to read "Rhonda J. Ahhaitty", written over a horizontal line.

Rhonda J. Ahhaitty
Secretary of the Legislature

Section 1.1 Short Title

This enactment shall be known as, the “EXECUTIVE BRANCH CODE OF ETHICS” (“Code of Ethics”).

Section 1.2 Findings.

The Legislature has determined that it is in the best interests of the Tribe and Members of the Tribe for the Legislature to enact the Code of Ethics to establish ethical standards that reflect the cultural values of the Tribe in order to guide the official conduct of the Chairman and Vice Chairman;

The Legislature recognizes of that the Code of Ethics enacted by law applies within the executive branch of government and is ultimately enforceable (and enforced) by the Chairman or enforceable pursuant to the Chairman’s direction, and therefore, the direct application of the Code of Ethics to the Chairman and Vice Chairman is problematic;

The Legislature is not attempting to impose a Code of Ethics on the Chairman or Vice Chairman, rather, the Legislature is enacting the Code of Ethics pursuant to its authority under the Constitution to remove a Chairman or Vice Chairman for “good cause” by a unanimous vote of the Legislature, and the Code of Ethics seeks to define, and provide notice of, the “good cause” standard for such removal.

The voters of the Tribe expect elected officials, including the Chairman, Vice Chairman, and Legislators to serve in an ethical manner, free of corruption and malfeasance;

The Legislature has adopted a Legislative Order establishing Ethical Standards for Legislators that are nearly identical to the standards established in the Code of Ethics so that all elected officials of the Tribe are held to the same, high ethical standards;

The Code of Ethics may be used by the Legislature to determine if “good cause” exists to initiate the process to remove a Chairman or Vice Chairman from office.

Section 1.3 Purpose.

The purpose of the Code of Ethics is set standards of ethical conduct for the Chairman and Vice Chairman, as elected officials of the Tribe, in accordance with the cultural values of the Tribe.

Section 1.4 Code of Ethics Policies.

The Code of Ethics shall be guided by the Preamble to the Constitution which states:

“We the people of the Kiowa Tribe, pursuant to our inherent sovereignty and under the guidance of Daw-Kee (our almighty God), seek to improve, promote, and maintain our language, culture, traditions, and the independence of our people, to guarantee individual rights and freedom of religion, to preserve our right of self-government, to promote the social and economic welfare of our members, and to utilize, increase, and protect our tribal resources, maintain peace and order, and safeguard individual rights, do ordain and establish this Constitution.”

The Code of Ethics is intended to define a standard of conduct for ethical behavior for the Chairman and Vice Chairman for the duration of their elected terms in order to determine if “good cause” exists for removal, and to establish procedures for a Chairman or Vice Chairman charged with violating the Code of Ethics.

The Chairman and Vice Chairman represent the Tribe and the People at all times throughout the duration of their terms.

The Chairman and Vice Chairman should act in the best interests of the People in order to improve, promote, and maintain the language, culture, and traditions of the Tribe. The Chairman and Vice Chairman have a duty to promote the well-being of the Tribe and the People.

The Chairman and Vice Chairman should act with the highest degree of honesty, integrity, transparency, accountability, confidentiality, objectivity, respectfulness, obedience to the law, and loyalty.

The Chairman and Vice Chairman should exhibit social responsibility, fiduciary responsibility, and ensure ethical business practices. The Chairman and Vice Chairman should not engage in any unlawful conduct, and should avoid conflicts of interest and the appearance of any impropriety.

Any illegal acts committed by a Chairman or Vice Chairman may be punishable by law and may be adjudicated in the Courts.

Failure of a Chairman or Vice Chairman to comply with the Code of Ethics may result in Legislature initiating the process to remove a Chairman or Vice Chairman from office in accordance with the requirements of Article XII, Section 3 of the Constitution.

Section 1.5 Ethical Standards.

The Chairman and Vice Chairman shall follow the Code of Ethics at all times in their capacity as elected officials of the Tribe. Any violation of the Code of Ethics may constitute “good cause” for purposes of removing a Chairman or Vice Chairman from office in accordance with the requirements of the Constitution.

The Chairman and Vice Chairman shall:

- (1) discharge duties of the Office of Chairman and the Office of Vice Chairman with great moral turpitude and in accordance with the laws, traditions, and cultural values of the Tribe;
- (2) use their best efforts to represent the interests and protect the integrity of the Tribe through professional decorum. The Chairman and Vice Chairman shall conduct themselves in a manner that does not bring disgrace or embarrassment to the Tribe;
- (3) provide collective leadership and direction in accordance with the Constitution;
- (4) demonstrate the highest standards of personal integrity, truthfulness, and honesty in all official activities, in order to inspire public confidence and respect in government;
- (5) treat all people in a courteous, respectful, and lawful manner so as not to create an unsafe or hostile working environment.

(b) The Chairman and Vice Chairman shall not:

(1) use their status as elected officials to secure special privileges or exemptions for personal use, including for another person or entity; provided, that:

(i) the Chairman and Vice Chairman may accept food and refreshments in the ordinary course of an official luncheon or business dinner or other official meeting or event;

(ii) the Chairman and Vice Chairman may accept unsolicited gifts or promotional materials of nominal value less than \$100, and any gift valued at \$100 or more may be accepted but shall become the property of the Tribe;

(iii) gifts of moderate value may be accepted by the Chairman and Vice Chairman for traditional gift-giving holidays or events from friends and relatives where the relationship existed prior to the gift-giver's establishment of any contractual, financial, or regulatory relationship with the Tribe;

(2) disclose or use any proprietary information which they acquired in their official capacity as the Chairman or Vice Chairman for their personal benefit;

(3) use, request, permit, or direct the use of the Tribe's vehicles, equipment, supplies, material, or other government owned property except for official business of the Tribe;

(4) intentionally and knowingly make false statements to the Legislature;

(5) make or authorize any expenditure that exceeds an appropriation of funds approved in an Annual Budget or Budget Modification.

Section 1.6 Executive and Fiduciary Responsibilities of the Chairman.

The People, through the Constitution, have vested the executive power of the Tribe in the Chairman. Article VII, Section 4 of the Constitution authorizes and directs the Chairman to:

execute, administer, and enforce the laws including court orders;

make projections of revenues for a two-year period, and develop and present an annual budget to the Legislature no later than February 1st. of each year;

provide a signature before any monies may be drawn from the Treasury;

negotiate and sign a treaty, contract, compact, or gaming management contract which has been previously and specifically authorized by the Council or Legislature in accordance with the requirements of the Constitution;

nominate a Treasurer subject to confirmation by the Legislature, and to direct the Treasurer to safeguard and be responsible for the financial assets and financial practices of the Tribe;

ensure that an annual audit of the Tribe is conducted as prescribed by law by an independent certified public accountant;

sign, or veto with an explanation, a Bill or budget passed by the Legislature;

nominate an Executive Director for a division, or nominate a Board Member or Commissioner, subject to confirmation by the Legislature;

serve as the representative of the Tribe for purposes of representing the Tribe in negotiations with other governments.

Section 1.7 Obligations of the Chairman and Vice Chairman.

(a) In fulfillment of their executive duties and responsibilities, and to the best of their knowledge and abilities, the Chairman and Vice Chairman shall:

Execute the laws and administer the budgets of the Tribe, including completing and maintaining the Tribe's documents in a truthful and accurate manner;

Require all employees under their direction to agree to execute the laws and administer the budgets of the Tribe, including completing and maintaining the Tribe's documents in a truthful and accurate manner;

Take reasonable steps to supervise and manage the financial operations and activities of the Tribe including a system of internal controls and independent auditing in accordance with the laws of the Tribe;

Respond in a timely manner to all requests from the Legislature for information, documents, and testimony from Executive branch personnel, including providing available information and documents without delay;

Provide complete and accurate financial information maintained by the Tribe to the Legislature in a timely manner upon written request;

Publish for the People all documents, notices, and other official announcements upon written request by the Legislature.

Section 1.8 Violations of the Code of Ethics.

A Chairman or Vice Chairman who, during his or her term of office, is convicted of any felony or is convicted of a misdemeanor involving moral turpitude, or who engages in gross neglect of duty, malfeasance in office, or misconduct reflecting on the dignity and integrity of the Tribe's government, may be removed from office pursuant to the Legislature's authority to remove a Chairman or Vice Chairman from office by unanimous vote and in accordance with the requirements of the Constitution.

Section 1.9 Procedures to Initiate the Removal of a Chairman or Vice Chairman.

(a) The Constitution, Article XII, Section 3, authorizes the Legislature to initiate the process to remove a Chairman or Vice Chairman from office as follows:

Section 3. Impeachment and Removal of a Chairman and Vice-Chairman. The Legislature shall have the power to impeach and remove a Chairman or Vice-Chairman for good cause beyond a reasonable doubt by a unanimous vote of the Legislature. The Legislature shall have the burden of proving good cause beyond a reasonable doubt. A Chairman or Vice-Chairman subject to removal shall be provided with adequate notice, be informed of the charges in writing, be given an opportunity to address the Legislature in a public hearing, and be given an opportunity to contest the charges, and prepare and present a defense including presenting witnesses and other evidence. The process to seek the impeachment and removal of the Chairman or Vice-Chairman shall not extend beyond ninety days. The Chairman and Vice-Chairman shall not be subject to impeachment and removal at the same time.

(b) The following procedures may be utilized by the Legislature when an alleged violation of the Code of Ethics occurs:

The Legislature may conduct a preliminary review of the alleged violation to determine whether adequate reasons exist to bring formal charges. The preliminary review may occur during a closed session or meeting of the Legislature;

The Legislature may initiate the process to remove a Chairman or Vice Chairman by a majority vote of the Legislature;

The Legislature shall provide the Chairman or Vice Chairman with due process including a written list of charges, at least five days prior notice of the date, time, and location of a scheduled Public Hearing;

The Legislature shall hold a Public Hearing to provide the Chairman or Vice Chairman with the opportunity to provide a defense to any and all charges;

A decision to remove a Chairman or Vice Chairman from office shall be made by a unanimous vote of all seven Legislators voting in favor of removal, and the decision of the Legislature shall be published.

Section 1.10 Amendment.

The Legislature may amend the Code of Ethics any time upon in accordance with the Legislative Process established by the Constitution.

Section 1.11 Severability.

If any provision of the Code of Ethics is held to be invalid or unconstitutional, then the remaining provisions of the Code of Ethics shall remain in full force and effect.