

**RINCON BAND OF LUISEÑO INDIANS
RINCON RESERVATION, CALIFORNIA**



**RINCON CODE OF CONDUCT AND ETHICS
ORDINANCE
RINCON TRIBAL CODE § 2.300**

Adopted on April 15, 1994

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§2.300 **TITLE**

This title is adopted to implement and shall be known as the “Rincon Code of Conduct and Ethics Ordinance.”

§2.301 **PURPOSE AND INTENT**

This Rincon Code of Conduct and Ethics Ordinance (the “Ordinance”) is intended to set forth policy and regulations governing standards by which Officials will conduct themselves in order to protect Tribal assets, promote tribal integrity and enhance the ability of the Tribe to achieve its objectives in a manner consistent with applicable laws, regulations, and policies.

This Ordinance is intended to guide and direct the conduct of all Officials in dealing with situations they may encounter while in office, or thereafter upon leaving office. This Ordinance provides guidance to Officials, including conduct and behavior regarding fair and equitable treatment of Officials, employees and contractors working on-behalf of the Tribe, conflicts of interest, confidentiality, and acceptance of monies, gifts and/or other similar gratuities and various other matters during service with the Tribe as a member or officer of the Tribal Council.

§2.302 **DEFINITIONS**

For the purposes of this Ordinance, the following definitions shall apply:

(a) **“Articles of Association”** means that certain organic Tribal Law adopted by the Tribe on February 14, 1960, and approved by the Commissioner of Indian Affairs on March 15, 1960.

(b) **“Business Committee”** means the same as Tribal Council.

(c) **“Casino”** means Harrah’s Southern California Resort, the gaming enterprise owned and operated by the Tribe.

(d) **“General Manager”** means the executive officer in-charge of day-to-day operations of the Casino.

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(e) **“Good Standing”** means (i) an Official and/or Tribal Delegate is in compliance with all applicable Tribal Laws, and (ii) an Official and/or Tribal Delegate owes no financial debts to the Tribe or has made arrangements for repayment of any debts owed to the Tribe subject to the satisfaction of the Business Committee.

(f) **“Immediate Family Member”** means a grandparent, parent, child, sibling, aunt, uncle or first-cousin.

(g) **“Official”** means persons elected to the Business Committee pursuant to Section 3 of the Articles of Association and Tribal Delegates.

(h) **“Ordinance”** means this Rincon Code of Conduct and Ethics Ordinance.

(i) **“Reservation”** means all land within the exterior boundaries of the Rincon Reservation, Valley Center, California, and any lands that may be added to the Rincon Reservation from time to time after the date of enactment of this Ordinance. the Rincon Reservation.

(j) **“Tribal Council”** means the Business Committee of the Tribe.

(k) **“Tribal Delegate”** means a person appointed by the Tribal Council to serve on a task force, board, committee or standing committee and any other of advisory body established by the Tribal Council for the purpose of soliciting input, discussion, and advice on certain issues, or a consortium of tribes organized to advance the Tribe’s rights and interests.

(l) **“Tribal Government”** means the Rincon Tribal Government, its arms, agencies, departments, instrumentalities, entities and enterprises, including, any branch, authority, division, office, commission, board, bureau, committee, legislative body or agency established by the Tribe.

(m) **“Tribal Liaison”** means the employee of the Tribal Government responsible for day-to-day coordination of the Tribal Council’s affairs.

(n) **“Tribal Member”** means a person whose name appears on the current membership roll of the Tribe.

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(o) **“Tribe”** shall mean the Rincon Band of Luiseño Indians.

§2.303 **INTERPRETATIONS**

In matters of concern, questions, or complaints brought to the attention of the Tribal Council which involve the application of this Ordinance, the provisions of this Ordinance shall be interpreted based upon the purpose, intent, and general policies set forth herein.

§2.304 **ETHICAL CONDUCT**

All Officials and/or Tribal Delegates are required to adhere to the following policies during and after the execution of the duties and responsibilities their office:

(a) Exercise of Authority. To, at all times, exercise restraint of authority with the interest of peacemaking in mind, and wisdom including when acting in any meeting of the Tribal Government.

(b) Equal Representation of the Tribe. To represent equally all Tribal Members and not favor special interests on- or off-Reservation.

(c) Fair and Equitable Treatment. To protect the human capital of the Tribal Government and provide for the fair and equitable treatment of all persons, Officials, Tribal Delegates, employees and contractors working on behalf of the Tribe.

(d) Best Interests of the Tribe. To approach all Tribal Government issues with an open mind in order to make informed decisions in the best interests of the Tribe and to focus individual or collective efforts on the mission and objectives of the Tribe, not personal, financial or influential gain.

(e) Trust and Confidence. To uphold the trust and confidence of persons who elected or appointed the Official or Tribal Delegate.

(f) Confidentiality. To keep confidential all matters and information deemed to be confidential and to respect the privacy of Tribal Members, and employees, contractors, and of the Tribe by protecting confidential and proprietary information from unauthorized use or disclosure when such information was gained in the course of, or by reason of, the office or position of the Official or Tribal Delegate.

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(g) Integrity. To make an honest commitment to use Official and/or Tribal Delegate position and status to advance the interests of the Tribe, not for personal, financial or influential gain of the Official or Tribal Delegate, or the personal, financial or influential gain of a persons covered by Section 2.305(a) or Immediate Family Members.

(h) Good Standing. An Official and/or Tribal Delegate shall be in Good Standing with the Tribe.

§2.305 CONFLICTS OF INTEREST

(a) Conflicts of Interest. An actual or potential conflict of interest or the appearance of a conflict of interest arises whenever an Official or Tribal Delegate is:

(1) Related to or a close personal friend of an individual with whom the Tribe conducts business, or is under consideration for a proposed business venture or other financial arrangement.

(2) A partner, member, owner, or investor that would financially gain from a business agreement or contract entered into between said entity and the Tribe.

(3) Employed as a chief executive officer, chief financial officer, or in a senior management position with responsibility for contract negotiations and/or administration in any company, partnership, or investment group with whom the Tribe conducts business or is under consideration for a proposed business venture or other financial arrangement.

(b) Immediate Family Members. An actual or potential conflict of interest also arises when an Immediate Family Member of an Official and/or Tribal Delegate is a person subject to Section 2.305(a).

(c) Disclosure. An Official and/or Tribal Delegate shall immediately disclose to the Tribal Council any conflict of interest relationship prohibited by this Section 2.305 of the Ordinance.

(d) Recusal. In the event of a conflict of interest, the Official and/or Tribal Delegate shall recuse him/herself from deliberations, decisions or actions of the Tribal

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Council or Tribal Government. For purposes of recusal only, the remaining Officials and/or Tribal Delegates shall constitute a quorum, provided that only the Tribal Council shall be authorized to decide whether or not, and to what extent, a recused Official and or Tribal Delegate may continue participate in the deliberations, decisions or actions of the Tribal Council and/or Tribal Government when a conflict of interest is disclosed.

§2.306 CONFIDENTIALITY

(a) Confidentiality. Officials and/or Tribal Delegates shall keep information imparted to them in strict confidence at all times during the term of their service to the Tribe. Such information includes, but is not limited to:

- (1)** Business or strategy plans of the Tribe;
- (2)** Financial information about and/or negotiations involving the Tribe or prospective business arrangements;
- (3)** Personal or employee information and data involving Tribal Members, employees or contractors working for the Tribe;
- (4)** Legal and litigation matters involving the Tribe; and
- (5)** Governmental or commercial matters discussed in executive or closed session meetings of the Tribal Council, including, but not limited to, subject matter of the discussion, decisions and actions taken by individual Officials or by Tribal Council.

(b) Confidentiality Agreement. Officials and/or Tribal Delegates shall sign a confidentiality agreement to obligate themselves in their personal capacity to maintain the confidentiality and proprietary information of the Tribe, Tribal Council, Tribal Government or Tribal Members.

(c) Consent to Disclose. Officials and/or Tribal Delegates shall not disclose confidential or proprietary information of the Tribe, Tribal Council, Tribal Government or Tribal Members unless the Tribal Council consents in advance of the disclosure by the Official and Tribal Delegates at a meeting of the same at which a quorum is present. An Official and/or Tribal Delegate may divulge confidential and proprietary information of the Tribe, Tribal Council, Tribal Government or Tribal Members with other persons of the

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Tribal Governmental on a need-to-know basis to facilitate routine operation of the Tribal Government.

(d) Liability. Violation of this Ordinance or the confidentiality agreement signed by an Official and/or Tribal Delegate may result in censure, removal, and civil liability to the Official and/or Tribal Delegate.

§2.307 ACCEPTANCE OF BRIBES OR OTHER MONIES

No Official and/or Tribal Delegate shall accept, request, or demand payment of money or any other form of compensation from an individual, family member, company, corporation, investment, or partnership in connection with business or transactions of the Tribal Government.

Any Official and/or Tribal Delegate who is offered, implicitly or explicitly, money or any other form of compensation for advocating, sponsoring, or taking a particular position or action on any issue pending before an Tribal Government, shall immediately disclose the offer to the Tribal Council, Attorney General or Tribal Administrator. The disclosure may be reported to appropriate local, state, and/or federal officials.

2.308 CASINO POLICIES APPLICABLE TO OFFICIALS

(a) Gambling Policy. Members of the Tribal Council are required to sign a confidentiality and non-disclosure agreement, that is in effect at all times during their term of service, and are prohibited from gambling in the Casino to avoid the appearance of benefiting, directly or indirectly, from confidential information that may be imparted to them by virtue of their elected office or appointed position. The need for confidentiality and preclusion from gambling is necessary to protect public confidence and trust in the Tribe's reputation for sound regulatory and decision-making processes with regard to Casino oversight that, if perceived in a negative light, raises questions about the integrity of Casino operations.

(b) Event/Concert Tickets Policy. Each Official shall be limited to four (4) tickets per event scheduled at the Casino, except for events:

- (1) held for non-profit, fundraising purposes and/or community relations;
- (2) where complimentary admission is prohibited;

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- (3) where alcohol is included in the price of a ticket; and
- (4) the General Manager shall deliver tickets in an envelope, labeled “Tribal Council” to the Security Desk by 3:00 p.m. on the 1st and the 15th of the month for pick up by the Tribal Liaison.

(c) Tribal Rate Rooms/Meals Policy – Visiting Dignitaries. Officials may request rooms, event tickets, and meals for visiting officials, dignitaries or persons of celebrity status, to be charged to the Tribe at the pre-determined tribal discount rate then in effect by directing requests to the General Manager of the Casino, provided that any request for discounted rates on tickets, rooms and meals shall be first disclosed by the officer or member making the request to the all Tribal Council persons at a meeting of the same or by email communication. The request must be approved by a majority of the Tribal Council. Once approved, the official requests are to be delivered to the General Manager by the Tribal Liaison.

§2.309 PROHIBITION ON TRIBAL COUNCIL EMPLOYMENT

No Tribal Council member shall accept employment with the Tribe while serving in office. A Tribal Council member may resign their service, without prejudice, in order to be eligible for employment with the Tribal Government. In the event of a natural, or man-made disaster and/or other emergency, the entire Tribal Council shall determine the suitability and extent of temporary employment of a Tribal Council member to solely perform or oversee said emergency work provided that no other person is available, or capable, of accomplishing said work. Subject to Section 2.305(d), any compensation, or out of pocket expenses, paid or reimbursed to a Tribal Council member for such temporary employment shall be first approved by the Tribal Council.

§2.310 TRIBAL COUNCIL OATH OF OFFICE & ACKNOWLEDGEMENT

Each Official shall acknowledge, pledge to uphold and abide by the standards and code of conduct set forth the Rincon Tribal Council Oath of Office.

§2.311 SCOPE OF AUTHORITY

No Official and/or Tribal Delegate shall attempt or act beyond the scope and extent of his/her delegated authority as an Official and/or Tribal Delegate.

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§2.312 VIOLATIONS OF LAW

Any Official and/or Tribal Delegate convicted of a felony, by a court of competent jurisdiction, shall resign and/or be immediately removed from office by operation of Tribal Law without further action by the Tribal Council. In the case of an Official convicted of a felony, the Tribal Chairman, Acting Tribal Chairman, or Vice-Chairman, as appropriate under the circumstances, shall declare a vacancy and call for a special election in accordance with Section 5 of the Articles of Association.

§2.313 TRAVEL MEASURES TO PRESERVE CONTINUITY OF GOVERNMENT

For “continuity of government,” key tribal government officials, particularly those in the line of succession (the Business Committee Chair and Vice Chair), should travel separately to ensure the government can continue to function in the event of a catastrophic attack or accident. This practice is a crucial part of a larger plan to maintain stability, continuity of leadership and institutional knowledge essential to governmental operations. When travelling by plane or by automobile, the Business Committee Chair and Vice Chair must travel in separate planes and cars. In addition, no Business Committee member may travel with more than one (1) other member, to protect the continuity of business by quorum.

§2.314 INTOXICATION & DRUG USE

No Official and/or Tribal Delegate shall attend or report to a Tribal Governmental meeting or conduct any business or travel on behalf of the Tribal Governmental while under the influence of any controlled substance or alcoholic beverage, unless medically prescribed and proof of prescription is provided upon Tribal Council request.

§2.315 ENFORCEMENT & APPEALS

A Tribal Member may file a complaint regarding the terms of implementation and enforcement of this Ordinance or an appeal from any decision of the Business Committee with respect to alleged violations of this Ordinance. The Tribal Council, in the first instance, shall have authority to adjudicate any claim arising under or relating to this Ordinance, and shall be empowered to require evidence in support of claims brought before the Business Committee. The Tribal Court may hear an appeal of any decision of the

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Business Committee, provided that the claim was brought by a Tribal Member, and provided further that any remedy of the Tribal Court awarded to a Tribal Member shall be exclusively limited to legal and equitable relief, no incidental, consequential or punitive damages are permitted under this Ordinance.

§2.316 **SEVERABILITY**

If any provision or clause of this Ordinance or the application thereof to any person or circumstance is held to be invalid or illegal under applicable tribal or federal law, such provision shall be severed from this Ordinance and the remainder of this Ordinance shall remain in full force and effect.

§2.317 **SOVEREIGN IMMUNITY**

Except as specifically provided in Section 2.315 of this Ordinance, nothing in this Ordinance waives, expressly or impliedly, the sovereign immunity of the Tribe or any Official from unconsented suit.

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