

## CHAPTER 4. IMPROPER CONDUCT

### Findings:

1. The Smith River Rancheria of California ("Tribe") is a federally recognized Indian Tribe.
2. The Council of the Smith River Rancheria ("Tribal Council") is the Tribe's governing body. (Art. III, Sec. 1, Constitution, Smith River Rancheria.)
3. The Council has the authority to regulate its own procedures and to exercise such further powers as needed to carry out its constitutional powers. (Art IV, Section 1, subsections (o) and (r), Constitution, Smith River Rancheria.)
4. The interests of the Tribe require that Tribal Officers, employees, members and guests participating in and/or attending meetings sponsored or conducted by the Smith River Rancheria Tribal Council act appropriately, follow directives of the Chairman, and not disrupt the proceedings.
5. The best possible results may be obtained at meetings where the participants follow rules regulating conduct so as to bring credit both to themselves and to the Tribe.
6. The interests of the Tribe require that Tribal Officers, employees, members, and guests conducting business at tribal offices, or any office(s) of a subdivision of the Tribe act appropriately, follow the directives of the Chairperson or immediate supervisor of the respective office or premises, and not disrupt the orderly working environment of any Tribal Officer(s), employee(s), or guest(s).
7. It is in the best interests of the Tribe and its members that the offices and premises of the Tribe be maintained such that an orderly and safe atmosphere shall be provided for the efficient working order of the Tribe and its employees. The interests of the Tribe and its members are further benefited by all parties maintaining a courteous and businesslike decorum while at tribal offices or on tribal premises.

**NOW, THEREFORE,** the Tribal Council of the Smith River Rancheria hereby ordains as follows:

Section 1. Purpose. The purpose of this Ordinance is to regulate conduct at meetings sponsored or conducted by the Smith River Rancheria Tribal Council or its subordinate departments, agencies, or entities, and to regulate conduct at tribal facilities.

## Section 2. Definitions.

1. "Tribe" means the federally recognized entity known as the Smith River Rancheria of California.
2. "Tribal Council" means the governing body of the Smith River Rancheria as established in Article III of the Constitution of the Smith River Rancheria, adopted in 1987, as last amended.
3. "Tribal facilities" means tribal offices of the Smith River Rancheria and surrounding premises, as well as all offices, businesses or premises operated by the Smith River Rancheria Tribal Council or its subordinate departments, agencies or entities.
4. "Immediate supervisor" means the tribal agent, official or employee, who by special delegation from the Tribal Chairperson or Tribal Council or as a function of the regular terms of his/her appointment, is vested with supervisory authority over a tribal department, business or entity.
5. "Improper Participant Conduct" shall mean any conduct which threatens the health and safety of participants at the meeting, endangers tribal property, or obstructs the orderly functioning of that meeting and, more specifically, includes but is not limited to the following:
  1. Being under the influence or partaking of intoxicating beverages or illegal non-prescription drugs;
  2. Use and/or possession of firearms or other dangerous weapons;
  3. Continuation of any action or behavior after the Chairperson of the meeting has ruled it out of order.
  4. Continuation of any action or behavior after the immediate supervisor of a tribal office or department has requested that such activity be refrained from for the benefit of maintaining a safe and business-like atmosphere for tribal employees and other personnel.
  5. Verbal and/or physical assaults upon tribal officials, employees, or guests which disrupt a meeting or threaten the efficient working atmosphere of tribal officers and their immediate premises.

Section 3. Conduct Prohibited. The conduct of tribal officials, employees, members and guests in meetings conducted or sponsored by the Smith River Rancheria Tribal Council or its entities, and at tribal facilities, shall conform to such rules and regulations of the Tribal Council as may be promulgated from time to time and all "improper conduct" as defined herein is and shall be prohibited.

Section 4. Penalties. Improper Conduct shall be grounds for immediate removal of any person or persons from any meeting at which such conduct takes place, or from the tribal facility where the conduct occurs. Any person found to be engaging in such improper conduct will be requested to voluntarily remove him/herself from the meeting or facility by the Chairperson of the meeting or the immediate supervisor of the respective tribal facility. Thereafter, the Chairman presiding at that meeting or the immediate supervisor of the facility shall be empowered to direct the Sergeant-of-Arms or such other designee(s) to remove any offending person(s); to declare one engaging in Improper Conduct to be disturbing the peace and/or trespassing at the meeting and to take such necessary and further action, including the securing of assistance from local law enforcement agencies and the prosecution of such persons as may be appropriate to protect the integrity of meetings conducted or sponsored by the Smith River Rancheria Tribal Council and its entities, and the safety and business-like atmosphere of tribal facilities. Costs associated with enforcing this ordinance may be assessed against the person or persons removed from the meeting or facilities.

Section 5. Legislative History.

This Chapter was adopted on November 25, 2002, as the Ordinance Prohibiting Improper Conduct at Tribal Meetings and Facilities (Ordinance No. 02-10).