

**SISSETON-WAHPETON OYATE  
OF THE LAKE TRAVERSE RESERVATION**

**Chapter 55  
Public Official Code of Conduct**

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## **Title I – General Provisions**

### **55-01-01 Title**

This Chapter shall be known as the Public Official Code of Conduct.

### **55-01-02 Purpose and Intent**

This Chapter shall be construed to promote the following:

1. Pursuant to the Constitutional powers and authority granted under Article VII Powers, of the Sisseton-Wahpeton Oyate Revised Constitution and By-Laws, among others, authorizes Tribal Council to promulgate and enforce ordinances governing the conduct of the persons under the jurisdiction of the Sisseton-Wahpeton Oyate and to take action by ordinance, resolution, or otherwise which are reasonably necessary through committees, boards, agents or otherwise, to carry into effect the fore-going purpose.
2. The purpose of this Chapter is to maintain and protect the public trust of the Tribe by requiring Elected or Selected Officials to adhere to the highest ethical obligations.
3. It is the intent of this Chapter to be construed and applied in each instance to require Elected or Selected Officials to make decisions and actions free from undue influence, conflicts of interest, or other inappropriate and unethical behavior.

### **55-01-03 Scope**

This Chapter shall apply to any and all Elected or Selected Officials.

### **55-01-04 Specific Applicability**

This Chapter shall apply to conduct of Elected or Selected Officials and shall take precedence over any general laws of applicability.

### **55-01-05 Effective Date**

This Chapter shall be in full force and effect on the date of formal approval and adoption by the Tribal Council.

### **55-01-06 Sovereign Immunity Not Waived**

By the adoption of this Chapter the Tribe does not waive its sovereign immunity or consent to suit in any court, whether the court is federal, tribal, or state, and the adoption of this Code shall

not be construed to be a waiver of the sovereign immunity of the Tribe nor a consent to suit against the Tribe in any court.

**55-01-07 Severability**

If any clause, sentence, paragraph, section, or part of this Code shall, for any reason be adjudicated by the Tribal Court to be invalid or unconstitutional, such judgment shall not affect, impair, or invalidate the remainder, but shall be confined in its operation to the clause, sentence, paragraph, section, or part directly involved in the controversy in which the judgment shall have been rendered.

**55-01-08 Amendment**

This Code may be amended only upon an affirmative vote of a majority of the Tribal Council of the Sisseton-Wahpeton Oyate.

**55-01-09 Effect of Headings**

Headings shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of the provisions of any portion of this Chapter.

**Title II – Definitions**

**55-02-01 Definitions**

1. “Elected or Selected Official(s)” pursuant to this Code, shall mean:
  - a. Tribal Council members including any interim members.
  - b. District Elected, Selected Officials, Officers and any and all Interim positions, including but not limited to:
    1. District Executives, such as District Chair, District Vice-Chair, District Secretary, District Treasurer, and Sergeant of Arms.
    2. District Board Members, District Committee Members, and District Commission Members.
    3. Additional District positions listed herein shall include those elected or selected in any manner such as those elected off the floor.
2. “Fiduciary Duty” means a legal obligation to act with honesty, loyalty, care, and diligence in the relationship where trust is placed in the Elected or Selected Official to act in the utmost good faith for the benefit of the Sisseton-Wahpeton Oyate and its citizens.

3. “Financial Interest” means any interest which shall yield, directly or indirectly, a monetary or economic benefit to the Elected or Selected Official or to any person or entity in the Official’s immediate family, household, or business relationships.
4. “Immediate Family” means those who are members of the same household and relatives identified as spouse/significant other, brother/sister, step brother/sister, brother/sister in-law, son/daughter, step son/daughter, father/mother, step father/mother, father/mother in-law, grandfather/grandmother, grandson/granddaughter, uncles/aunts, nephew/nieces.
5. “Other Interest” means any relationship, professional activity, or purpose that influences and is incompatible with the proper discharge of an Elected or Selected Official’s duties in the public interest or would tend to impair the public official’s independence of judgment or action in the performance of official duties.

### **Title III – Code of Ethics**

#### **55-03-01      Applicability**

All Elected and Selected Officials are bound by a fiduciary duty to the Sisseton-Wahpeton Oyate and bound by the Code of Ethics outlined in the Sisseton-Wahpeton Oyate Revised Constitution, By-Laws, Article I, Section 4. All Ethical violations under this title are subject to suspension and removal proceedings as outlined in 55-03-03.

#### **55-03-02      Code of Ethics**

##### **Gross Neglect: Determined by Council**

As evidenced through any or all of the following:

1. Gross incompetency – unable or unwilling to perform the duties of office.
2. Inability to handle private affairs as evidenced through garnishment proceedings or court actions or ordering payments of delinquent loans or debts.
3. Abandonment of office – not attending three consecutive District meetings.
4. Excessive absenteeism – five days of unexcused absence in any thirty (30) day period.

##### **Improper Conduct: Determined by Council or District Chairman Association**

1. Converting tribal property or monies without authorization through omission or misrepresentation of facts.
2. Misuse of office – unauthorized personal use of tribal equipment, manpower, or

materials.

3. Public conduct so as to question the integrity of the Sisseton-Wahpeton Oyate.
4. Malfeasance of office: including gross partiality or oppression.

### **Improper Conduct: Conviction by legal courts**

1. Conviction of a felony.
2. Three low misdemeanor convictions within a twelve (12) month period.
3. Crimes in office: corruption, extortion, fraudulent claims for compensation, salary, mileage and per diem or an unaccountable period of time.
4. Contempt of Court.
5. Any high-misdemeanor, including but not limited to malicious mischief, statutory rape, hit-and-run, assault, battery, or assault and battery.
6. Driving while under the influence of alcohol.

### **Improper Conduct – Alcohol and drug-free lifestyle while in office**

1. Failure to promote and live an alcohol and drug-free lifestyle.
2. Failure, while in office, to abstain from the use of alcohol and/or illegal drugs.
3. Failure, while in office, to submit to random alcohol and drug testing.

### **55-03-03 Violations of the Code of Ethics**

An Elected or Selected Official accused of a violation may be suspended pending a removal hearing from his/her position with or without pay until such time guilt or innocence has been established by Tribal Council. No Elected or Selected Official accused of ethical violations shall be removed from his/her office or position until those allegations have been proven at a Tribal Council due process hearing in accordance with Article VI, of the Sisseton-Wahpeton Oyate Revised Constitution & By-Laws.

### **55-03-04 Hearing Procedures**

Any Elected or Selected Official suspended pending a removal hearing shall be provided hearing guidelines prior to the hearing.

### **55-03-05 Unsubstantiated Violations**

If the allegations are not substantiated, the Elected or Selected Official should be restored to full duties and responsibilities.

### **55-03-06 Substantiated Violations**

In those cases where allegations have been substantiated and resulted in a determination of guilt by the Tribal Council, the Elected or Selected Official shall, immediately be immediately removed

from his/her position.

## **Title IV – Conflicts of Interest**

### **55-04-01 Intent**

Elected and Selected Officials shall be accountable in exercising the authority vested in them as a matter of public trust and to protect the Tribal citizens from government decisions and actions resulting from, or affected by, undue influence or conflicts of interest. Elected and Selected Officials must treat their positions as a matter of public trust, and are entrusted with responsibility to advance the Tribal interests of all citizens. Elected and Selected Officials shall refrain from using their office or position in a manner which could place, or appear to place, their personal interests before that of the Tribal government or its citizens.

### **55-04-02 Prohibited Conduct**

1. No Elected or Selected official(s) shall participate in selection, or in the award or administration of a contract supported by Federal, State, or Tribal funds, if a conflict-of-interest, real or apparent, exists. In the event such conflict exists the Elected or Selected Official shall remove themselves from the discussion, and shall not participate in the selection or vote.
2. No Elected or Selected Official shall use their official position to secure unwarranted privileges, advantages, or employment for themselves, immediate family members, or former staff.
3. No Elected or Selected Official shall participate in making or influencing governmental decisions in which the Official or their immediate family has a financial gain or other interest that would reasonably appear to be affected by such participation in the decision.
4. No Elected or Selected Official shall solicit or accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to sub-agreements.
5. No Elected or Selected Official of a Board, Committee, or Commission shall serve or be selected if the Director of the Program or Manager of the Entity is an immediate family member as defined in this chapter.

### **55-04-03 Financial and Other Interests**

A conflict of interest would arise, but is not limited to, a situation where an Elected or Selected Official interferes, influences, or participates in a governmental decision or vote that would provide a financial interest to the Elected or Selected Official or their immediate family.

#### **55-04-04 Disclosure Requirements**

All Elected or Selected Officials who have interests which might conflict with their duties shall disclose those interests in writing on a disclosure form, including interests held by their immediate family members. Every Elected or Selected Official shall file a disclosure of: (1) interests/shares, ownership in a business/corporation by self or immediate family members; (2) conflicting employment, which means employment part-time by a business that seeks to contract or obtain other services from the Tribe or a District; (3) participation in boards or volunteer organizations that seeks to contract with or obtain services from the Tribe or a District; or (4) any other financial or other interest. Any subsequent acquisitions or employment interests within the listed categories should be promptly disclosed.

#### **55-04-05 Disclosure Records**

All Elected or Selected Officials shall file a written disclosure form with the Tribal Secretary's Office immediately after being seated into a position on Tribal Council, District Executive, or any board, committee, or commission as well as with their designated District Office. Disclosure forms shall be kept for the duration of the particular term of office.

#### **55-04-06 Administrative Hearing for Prohibited Conduct**

Failure to disclose interests which might conflict with official of an Elected or Selected Official's duties under this section shall result in an administrative hearing by the Council. A hearing on allegations of non-disclosure should be scheduled within 15 days after it has been presented. The accused Elected or Selected Official should be given notice; particularly defining the allegations and by whom. The burden of proof will rest with the accuser. The burden of proof will be by preponderance of evidence standard. Due process requires that the accused has the right to be represented, present testimony and cross examine witnesses and his/her accuser. A 2/3 vote of a quorum duly seated shall be required to make a determination whether the Elected or Selected Official engaged in non-disclosure.

#### **55-04-07 Violations of Non-Disclosure**

Violation of 55-04-02, (1) Non-Disclosure of a Conflict of Interest with the award or administration of a contract:

Penalties shall be as follows:

1. Loss of per diem/salary for ten (10) days if contract value is less than the micro purchase threshold amount of \$10,000 as outlined in the Sisseton-Wahpeton Oyate Accounting Manual.
2. Referral for investigation and possible removal under, Code of Ethics 55-03-02 if contract value is over the micro purchase threshold amount of \$10,000 as outlined in the Sisseton-Wahpeton Oyate Accounting Manual.

Violation of 55-04-02, (2) Non-Disclosure of the Elected of Selected Official receipt of unwarranted privileges.

Penalties shall be as follows:

1. Loss of per diem/salary for ten (10) days if unwarranted receipt of value is less than the micro purchase threshold amount of \$10,000 as outlined in the Sisseton-Wahpeton Oyate Accounting Manual.
2. Referral for investigation and possible removal under, Code of Ethics 55-03-02 if if unwarranted receipt of value is over the micro purchase threshold amount of \$10,000 as outlined in the Sisseton-Wahpeton Oyate Accounting Manual.

Violation of 55-04-02, (3) Non-Disclosure of Elected of Selected Official making or influencing governmental decisions that benefit financial or other interest for the official or immediate family.

Penalties shall be as follows:

1. Loss of per diem/salary ten (10) days if financial benefit or other interest value is less than the micro purchase threshold amount of \$10,000 as outlined in the Sisseton-Wahpeton Oyate Accounting Manual.
2. Referral for investigation and possible removal under, Code of Ethics 55-03-02 if financial benefit or other interest value is over the micro purchase threshold amount of \$10,000 as outlined in the Sisseton-Wahpeton Oyate Accounting Manual.

Violation of 55-04-02, (4) Non-Disclosure of the Elected of Selected Official receipt of gratuities or favors.

Penalties shall be as follows:

1. Loss of per diem/salary ten (10) days if receipt of gratuities or favor value is less than the micro purchase threshold amount of \$10,000
2. as outlined in the Sisseton-Wahpeton Oyate Accounting Manual.
3. Referral for investigation and possible removal under, Code of Ethics 55-03-02 if receipt of gratuities or favor value is over the micro purchase threshold amount of \$10,000 as outlined in the Sisseton-Wahpeton Oyate Accounting Manual.

Violation of 55-04-02 (5) Non-Disclosure of the Elected of Selected Official serving on a Board, Committee, or Commission for a program directed by an immediate family member.

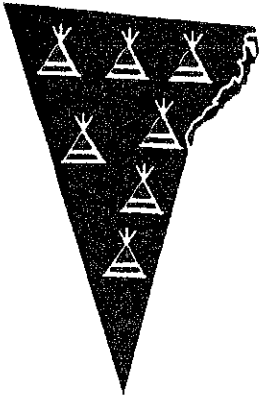
Penalties shall be as follows:

1. Referral for investigation and possible removal under, Code of Ethics 55-03-02.



**55-04-08      Investigations**

The Tribe's criminal investigator may investigate written reports alleging a violation of this Ordinance by an elected or selected official. If the investigation brings forth violations of a minor nature or a situation that is subject to administrative remedies, the record of the investigation shall so, state. If an investigation indicates violations of a criminal nature that are prosecutable in a court of competent jurisdiction, the Tribe's Criminal Investigator shall proceed directly with his/her investigative reports to the Federal prosecutor and to the Tribal Prosecutor for prosecution.



# Sisseton - Wahpeton Oyate

## LAKE TRAVERSE RESERVATION

PO BOX 509 • 12554 BIA HWY. 711  
AGENCY VILLAGE, SOUTH DAKOTA 57262-0509  
PHONE: (605) 698-3911

### TRIBAL COUNCIL RESOLUTION NO. SWO-26-022

#### Amend and Rename Chapter 55 – Code of Conduct to Public Official Code of Conduct

**WHEREAS,** The Sisseton-Wahpeton Oyate is organized under a Constitution and By-laws adopted by the members of the Tribe on August 1-2, 1966, and approved by the Commissioner of Indian Affairs on August 25, 1966, and last amended effective November 15, 2006; and

**WHEREAS,** The Constitution ARTICLE III, Section 1, states that, the Sisseton-Wahpeton Oyate shall be governed by a Council, and ARTICLE VII, Section 1, states that, the Council shall have the following powers: (a) to represent the Tribe in all negotiations with Federal, State and local governments; (b) to acquire, own, use, manage, lease and otherwise encumber and to dispose of Tribal property, both real and personal, wherever situated; (c) to engage in any business that will further the economic development of the Tribe and its Members, and to use Tribal funds or other resources for such purposes; (d) to make rules governing the relationship of the members of the Tribe, to Tribal property, and to one another as members of the Tribe; (e) to hire employees and agents, including legal counsel, directly or as independent contractors, and to compensate them for their services; (f) to deposit Tribal funds to the credit of the Tribe, without limitations of the amount in any account; (g) to take any action by ordinance, resolution, or otherwise which are reasonably necessary through committees, boards, agents or otherwise, to carry into effect the for-going purposes; (h) to promote public health, education, charity, and such other services as may contribute to the social advancement of the members of the Sisseton-Wahpeton Oyate; (i) adopt resolutions regulating the procedures of the Tribal Council, its officials and committees in the conduct of Tribal Affairs; and

**WHEREAS,** in 1987, the Tribal Council enacted the Sisseton-Wahpeton Sioux Tribe Code of Conduct Ordinance as Chapter 55 of the Sisseton-Wahpeton Tribal Codes of Law, which has been amended from time to time; and

**WHEREAS,** the Tribal Council has made amendments to Chapter 55 Code of Conduct as outlined in Tribal Council Resolution No. SWO-08-045; and

**WHEREAS,** on August 6, 2025, by Tribal Council Motion No. 74, the Tribal Council has unanimously approved the motion stating the intent to amend "Tribal law to create or expand financial sanctions for white collar crime including but not limited to embezzlement, financial misconduct and abuse of confidential information that directly harm the welfare and stability of our community; the goal of this work will be to uphold transparency, accountability and trust in the managements of Tribal, federal, and state resources at all levels of Tribal Government, Districts, and entities..."; and

**Amend and Rename Chapter 55 – Code of Conduct to Public Official Code of Conduct**

**WHEREAS,** on August 6<sup>th</sup>, 2025, the Sisseton-Wahpeton Oyate published a press release titled Sisseton-Wahpeton Oyate Tribal Council Passes Sweeping Financial Sanctions Reform, stating that, “[t]he forthcoming legislation is expected to include provisions that may disqualify individuals found guilty of white-collar offenses from holding tribal employment, housing benefits, or receiving tribal-funded general welfare payments until full restitution is made. It also signals a broader commitment by SWO leadership to ensure public trust is safeguarded through strong oversight and enforcement”; and

**WHEREAS,** during review of Chapter 55 – Code of Conduct, the Tribal Council identified the need to amend, rename, and add provisions that ensure consistency with the intent to create and expand financial sanctions for white collar crime and for the consistency between all codes; and

**WHEREAS,** the Tribal Council has published Chapter 55 amendments on the Tribal Council website for public comment; and

**WHEREAS,** Tribal Council makes the following amendments to Chapter 55:

**Chapter 55**  
**Public Official Code of Conduct**

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**Purpose of Amendment:** A Table of Contents will clarify the sections of the code.

**Title I – General Provisions**

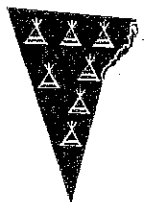
**55-01-01 Title**

This Chapter shall be known as the Public Official Code of Conduct.

**55-01-02 Purpose and Intent**

This Chapter shall be construed to promote the following:

1. Pursuant to the Constitutional powers and authority granted under Article VII Powers, of the Sisseton-Wahpeton Oyate Revised Constitution and By-Laws, among others, authorizes Tribal Council to promulgate and enforce ordinances governing the conduct of the persons under the jurisdiction of the Sisseton-Wahpeton Oyate and to take action by ordinance, resolution, or otherwise which are reasonably necessary through committees, boards, agents or otherwise, to carry into effect the fore-going purpose.



Amend and Rename Chapter 55 – Code of Conduct to Public Official Code of Conduct

2. The purpose of this Chapter is to maintain and protect the public trust of the Tribe by requiring Elected or Selected Officials to adhere to the highest ethical obligations.
3. It is the intent of this Chapter to be construed and applied in each instance to require Elected or Selected Officials to make decisions and actions free from undue influence, conflicts of interest, or other inappropriate and unethical behavior.

**55-01-03 Scope**

This Chapter shall apply to any and all Elected or Selected Officials.

**55-01-04 Specific Applicability**

This Chapter shall apply to conduct of Elected or Selected Officials and shall take precedence over any general laws of applicability.

**55-01-05 Effective Date**

This Chapter shall be in full force and effect on the date of formal approval and adoption by the Tribal Council.

**55-01-06 Sovereign Immunity Not Waived**

By the adoption of this Chapter the Tribe does not waive its sovereign immunity or consent to suit in any court, whether the court is federal, tribal, or state, and the adoption of this Code shall not be construed to be a waiver of the sovereign immunity of the Tribe nor a consent to suit against the Tribe in any court.

**55-01-07 Severability**

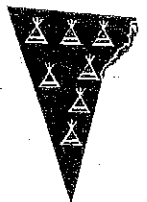
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**55-01-08 Amendment**

This Code may be amended only upon an affirmative vote of a majority of the Tribal Council of the Sisseton-Wahpeton Oyate.

**55-01-09 Effect of Headings**

Headings shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of the provisions of any portion of this Chapter.



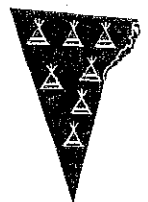
## Amend and Rename Chapter 55 – Code of Conduct to Public Official Code of Conduct

**Purpose of Amendment:** The General Provision Section has been added to create consistency with all other Codes. The Sections also provide strong statements for tribal inherent sovereignty.

**Title II – Definitions****55-02-01 Definitions**

1. “Elected or Selected Official(s)” pursuant to this Code, shall mean:
  - a. Tribal Council members including any interim members.
  - b. District Elected, Selected Officials, Officers and any and all Interim positions, including but not limited to:
    1. District Executives, such as District Chair, District Vice-Chair, District Secretary, District Treasurer, and Sergeant of Arms.
    2. District Board Members, District Committee Members, and District Commission Members.
    3. Additional District positions listed herein shall include those elected or selected in any manner such as those elected off the floor.
2. “Fiduciary Duty” means a legal obligation to act with honesty, loyalty, care, and diligence in the relationship where trust is placed in the Elected or Selected Official to act in the utmost good faith for the benefit of the Sisseton-Wahpeton Oyate and its citizens.
3. “Financial Interest” means any interest which shall yield, directly or indirectly, a monetary or economic benefit to the Elected or Selected Official or to any person or entity in the Official’s immediate family, household, or business relationships.
4. “Immediate Family” means those who are members of the same household and relatives identified as spouse/significant other, brother/sister, step brother/sister, brother/sister in-law, son/daughter, step son/daughter, father/mother, step father/mother, father/mother in-law, grandfather/grandmother, grandson/granddaughter, uncles/aunts, nephew/nieces.
5. “Other Interest” means any relationship, professional activity, or purpose that influences and is incompatible with the proper discharge of an Elected or Selected Official’s duties in the public interest or would tend to impair the public official’s independence of judgment or action in the performance of official duties.

**Purpose of Amendment:** There was previously no definition section in the Code. This added Section will provide key definitions for clarity and understanding.



## Amend and Rename Chapter 55 – Code of Conduct to Public Official Code of Conduct

**Title III – Code of Ethics****55-03-01      Applicability**

All Elected and Selected Officials are bound by a fiduciary duty to the Sisseton-Wahpeton Oyate and bound by the Code of Ethics outlined in the Sisseton-Wahpeton Oyate Revised Constitution, By-Laws, Article I, Section 4. All Ethical violations under this title are subject to suspension and removal proceedings as outlined in 55-03-03.

**55-03-02      Code of Ethics****Gross Neglect: Determined by Council**

As evidenced through any or all of the following:

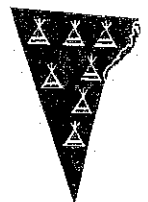
1. Gross incompetency – unable or unwilling to perform the duties of office.
2. Inability to handle private affairs as evidenced through garnishment proceedings or court actions or ordering payments of delinquent loans or debts.
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4. Excessive absenteeism – five days of unexcused absence in any thirty (30) day period.

**Improper Conduct: Determined by Council or District Chairman Association**

1. Converting tribal property or monies without authorization through omission or misrepresentation of facts.
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**Improper Conduct: Conviction by legal courts**

1. Conviction of a felony.
2. Three low misdemeanor convictions within a twelve (12) month period.
3. Crimes in office: corruption, extortion, fraudulent claims for compensation, salary, mileage and per diem or an unaccountable period of time.
4. Contempt of Court.



**Amend and Rename Chapter 55 – Code of Conduct to Public Official Code of Conduct**

5. Any high-misdemeanor, including but not limited to malicious mischief, statutory rape, hit-and-run, assault, battery, or assault and battery.
6. Driving while under the influence of alcohol.

**Improper Conduct – Alcohol and drug-free lifestyle while in office**

1. Failure to promote and live an alcohol and drug-free lifestyle.
2. Failure, while in office, to abstain from the use of alcohol and/or illegal drugs.
3. Failure, while in office, to submit to random alcohol and drug testing.

**55-03-03      Violations of the Code of Ethics**

An Elected or Selected Official accused of a violation may be suspended pending a removal hearing from his/her position with or without pay until such time guilt or innocence has been established by Tribal Council. No Elected or Selected Official accused of ethical violations shall be removed from his/her office or position until those allegations have been proven at a Tribal Council due process hearing in accordance with Article VI, of the Sisseton-Wahpeton Oyate Revised Constitution & By-Laws.

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Any Elected or Selected Official suspended pending a removal hearing shall be provided hearing guidelines prior to the hearing.

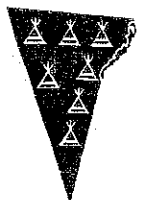
**55-03-05      Unsubstantiated Violations**

If the allegations are not substantiated, the Elected or Selected Official should be restored to full duties and responsibilities.

**55-03-06      Substantiated Violations**

In those cases where allegations have been substantiated and resulted in a determination of guilt by the Tribal Council, the Elected or Selected Official shall, immediately be immediately removed from his/her position.

**Purpose of Amendment:** The Code of Ethics Section was clarified with additional Sections and language.



## Amend and Rename Chapter 55 – Code of Conduct to Public Official Code of Conduct

**Title IV – Conflicts of Interest****55-04-01 Intent**

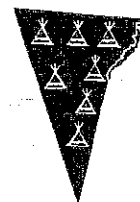
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**55-04-04 Disclosure Requirements**

All Elected or Selected Officials who have interests which might conflict with their duties shall disclose those interests in writing on a disclosure form, including interests held by their immediate family members. Every Elected or Selected Official shall file a disclosure of: (1) interests/shares, ownership in business/corporation by self or immediate family members; (2) conflicting employment, which means employment part-time by a business that seeks to contract or obtain other services from the Tribe or a District; (3) participation in boards or volunteer organizations that seeks to contract with or obtain services from the Tribe or a District; or (4) any other financial or other interest. Any subsequent acquisitions or employment interests within the listed categories should be promptly disclosed.

**55-04-05 Disclosure Records**

All Elected or Selected Officials shall file a written disclosure form with the Tribal Secretary's Office immediately after being seated into a position on Tribal Council, District Executive, or any board, committee, or commission as well as with their designated District Office. Disclosure forms shall be kept for the duration of the particular term of office.

**55-04-06 Administrative Hearing for Prohibited Conduct**

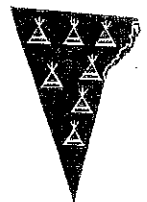
Failure to disclose interests which might conflict with official of an Elected or Selected Official's duties under this section shall result in an administrative hearing by the Council. A hearing on allegations of non-disclosure should be scheduled within 15 days after it has been presented. The accused Elected or Selected Official should be given notice; particularly defining the allegations and by whom. The burden of proof will rest with the accuser. The burden of proof will be by preponderance of evidence standard. Due process requires that the accused has the right to be represented, present testimony and cross examine witnesses and his/her accuser. A 2/3 vote of a quorum duly seated shall be required to make a determination whether the Elected or Selected Official engaged in non-disclosure.

**55-04-07 Violations of Non-Disclosure**

Violation of 55-04-02, (1) Non-Disclosure of a Conflict of Interest with the award or administration of a contract:

Penalties shall be as follows:

1. Loss of per diem/salary for ten (10) days if contract value is less than the micro purchase threshold amount of \$10,000 as outlined in the Sisseton-Wahpeton Oyate Accounting Manual.
2. Referral for investigation and possible removal under, Code of Ethics 55-03-02 if contract value is over the micro purchase threshold amount of \$10,000 as outlined in the Sisseton-Wahpeton Oyate Accounting Manual.



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Violation of 55-04-02, (2) Non-Disclosure of the Elected of Selected Official receipt of unwarranted privileges.

Penalties shall be as follows:

1. Loss of per diem/salary for ten (10) days if unwarranted receipt of value is less than the micro purchase threshold amount of \$10,000 as outlined in the Sisseton-Wahpeton Oyate Accounting Manual.
2. Referral for investigation and possible removal under, Code of Ethics 55-03-02 if unwarranted receipt of value is over the micro purchase threshold amount of \$10,000 as outlined in the Sisseton-Wahpeton Oyate Accounting Manual.

Violation of 55-04-02, (3) Non-Disclosure of Elected of Selected Official making or influencing governmental decisions that benefit financial or other interest for the official or immediate family.

Penalties shall be as follows:

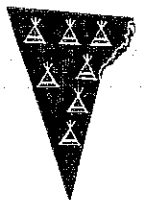
1. Loss of per diem/salary ten (10) days if financial benefit or other interest value is less than the micro purchase threshold amount of \$10,000 as outlined in the Sisseton-Wahpeton Oyate Accounting Manual.
2. Referral for investigation and possible removal under, Code of Ethics 55-03-02 if financial benefit or other interest value is over the micro purchase threshold amount of \$10,000 as outlined in the Sisseton-Wahpeton Oyate Accounting Manual.

Violation of 55-04-02, (4) Non-Disclosure of the Elected of Selected Official receipt of gratuities or favors.

Penalties shall be as follows:

1. Loss of per diem/salary ten (10) days if receipt of gratuities or favor value is less than the micro purchase threshold amount of \$10,000 as outlined in the Sisseton-Wahpeton Oyate Accounting Manual.
2. Referral for investigation and possible removal under, Code of Ethics 55-03-02 if receipt of gratuities or favor value is over the micro purchase threshold amount of \$10,000 as outlined in the Sisseton-Wahpeton Oyate Accounting Manual.

Violation of 55-04-02 (5) Non-Disclosure of the Elected of Selected Official serving on a Board, Committee, or Commission for a program directed by an immediate family member.



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Penalties shall be as follows:

1. Referral for investigation and possible removal under, Code of Ethics 55-03-02.

**55-04-08 Investigations**

The Tribe's criminal investigator may investigate written reports alleging a violation of this Ordinance by an elected or selected official. If the investigation brings forth violations of a minor nature or a situation that is subject to administrative remedies, the record of the investigation shall so state. If an investigation indicates violations of a criminal nature that are prosecutable in a court of competent jurisdiction, the Tribe's Criminal Investigator shall proceed directly with his/her investigative reports to the Federal prosecutor and to the Tribal Prosecutor for prosecution.

**Purpose of Amendment:** The Conflict-of-Interest Section was added to clarify the intent with defined Sections and language.

The following provisions as deleted are incorporated into the above changes in different wording throughout the newly amended chapter.

~~55-01-01 Procurement Procedures and Standards~~

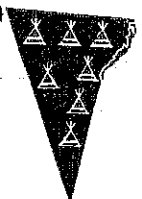
~~Attachment O, Circular No. A-102 from the Office of Management and Budget is hereby incorporated by reference in the Sisseton-Wahpeton-Oyate's procurements are from federal programs.~~

~~55-01-02 No employee, officer, or agent of the Grantee (Sisseton-Wahpeton-Oyate) shall participate in selection, or in the award or administration of a contract supported by Federal funds and/or Tribal funds, if a conflict of interest, real or apparent, would be involved. In the event the preceding conditions exist, the employee, officer or agent of the Grantee shall absent himself/herself from the room where the selection is taking place. Such a conflict would arise when:~~

- ~~1. The employee, officer, or agent;~~
- ~~2. Any member of his/her immediate family;~~
- ~~3. His or her partner; or~~
- ~~4. An organization which employs or is about to employ any of the above, has a financial or other interest in the firm selected for the award.~~

~~55-01-03 The Grantee's officers, employees, or agents shall neither solicit not accept gratuities, favors, or anything of a monetary value from contractors, potential contractors, or parties to sub-agreements.~~

~~54-01-04 Any violations of these procurement standards as set forth herein shall be reported for investigation either through Federal administrative channels (which is the Grantor's Contracting Officer) or to the Tribe's Criminal Investigator.~~



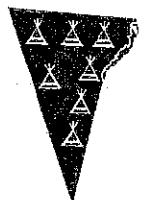
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- ~~54-01-05~~ — If the investigation brings forth violations of a minor nature or a situation that is subject to administrative remedies, the record of the investigation shall so state. Administrative remedies shall mean those internal controls of program management and/or the provisions of 55-02-01, 55-03-01, 55-03-02 and 55-03-03.
- ~~55-01-06~~ — If the investigation indicates violations of a serious nature that are prosecutable in a court of competent jurisdiction, the Tribe's Criminal Investigator shall proceed directly with his investigative reports to the Federal court system or if the situation indicates, to the Tribal Prosecutor for prosecution.
- ~~55-01-07~~ — Suspensions of elected or selected officials includes, but is not limited to, Council persons, District officers, Committee members, commission members, Board members, and Tribal Program/Project Managers. No person accused of violations under this Chapter shall be removed from his/her office or position until those allegations have been proven beyond a reasonable doubt in a court of competent jurisdiction within the parameters of due process as mandated by the Indian Civil Rights Act of 1968.
- ~~55-01-08~~ — Presentation of the evidence requesting circumstances for offenses shall be presented at a regularly scheduled Council meeting wherein an affirmative vote of five of the council members shall obtained for subject's suspension.
- ~~55-01-09~~ — A person so accused may be suspended from his/her position with or without pay until such time guilt or innocence has been established. If the allegations are not substantiated, the person/defendant should be restored to full duties and responsibilities. In those cases where allegations have resulted prosecution and conviction, and after exhaustion of all appeals, the person/defendant shall, upon conviction, immediately forfeit his/her position. Elected or selective Selected officials of the Sisseton Wahpeton Oyate, who have been convicted under the provisions of this Chapter, may be subjected to the provisions of the Constitution and By-Laws of the Sisseton Wahpeton Oyate, Article VI Vacancies, Removal and Recall, if they do not voluntarily relinquish their positions.

~~55-04-01~~ — **Disclosure**

For the purposes of this Chapter "disclosure" means the premise that all Tribal officials that are elected or selected and Tribal employees who have interests which might conflict with their duties should divulge those interests. Disclosure shall also extend to those interests held by his/her family. Every selected or elected official or office or positions file a disclosure of the following:

- ~~1.~~ Interest/shares, ownership in a business/corporation by self or immediate family, (parents, spouse, brothers, sisters, or children).



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~~2. Conflicting employment, which means, under the provisions of this Chapter, employed part-time by a business that seeks to contract or other services from the Tribe, or in the case of immediate family as defined in (1), employed full-time.~~

~~55-04-02 Any elected or selected officials or employee who does have these interests listed in the proceeding definitions shall not take part or vote in any transaction involving these interests.~~

~~55-04-03 Any subsequent acquisitions or employment within the listed categories should be promptly disclosed. Failure to disclose under this section shall result in an administrative hearing by the Council. A hearing on allegations of non-disclosure should be scheduled within 15 days after it has been presented. The defendant should be given notice, particularly defining the allegations and be whom. The burden of proof will rest with the accuser. Due process requires that the accused has the right to be represented, present testimony and cross-examine witnesses and his/her accuser. A 2/3 vote of a quorum duly seated shall be required to make a determination. Penalties shall be as follows:~~

- ~~1. Loss of per diem/salary for one (1) day if contract value is less than \$100.00.~~
- ~~2. Loss of per diem/salary for five (5) days if contract value is less than \$500.00.~~
- ~~3. Referral for possible removal under Gross Neglect, 55-02-01, if contract value is over \$500.00.~~

~~55-04-04 Location of the repository of such records shall be the responsibility of the Tribal Secretary's approval.~~

~~55-06-01 Candidates~~

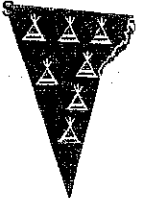
~~Candidates for a board cannot serve if an immediate family member is employed by the entity, unless the employee resigns.~~

~~55-06-02 Relative/Immediate Family Member~~

~~For the purposes of this Chapter, "relative/immediate family member" means father, mother, son, daughter, brother, sister, grandfather, grandmother, husband or wife.~~

**Purpose of Amendment:** deleted Sections language is incorporated into the amended Sections with similar language to clarify the intent of the Code.

**FINALLY, BE IT RESOLVED,** That the Tribal Council of the Sisseton-Wahpeton Oyate of the Lake Traverse Reservation hereby adopts the amendments and renames Chapter 55 to Public Official Code of Conduct.



### CERTIFICATION

*We, the Undersigned duly elected Tribal Chairman and Tribal Secretary of the Sisseton-Wahpeton Oyate Tribal Council, do hereby certify that the above resolution was duly adopted by the Sisseton-Wahpeton Oyate Tribal Council, which is composed of 10 members (representing a total of 15 Tribal Council weighted votes and two Executive Committee votes for a total of 17 votes) of whom 9 constituting a quorum, were present at a Tribal Council meeting, duly noticed, called, convened and held at the TiWakan Tio Tipi, Agency Village, South Dakota, March 4, 2026, by a vote of 14 for, 2 opposed, 0 abstained, 0 absent from vote, 1 not voting, and that said Resolution has not been rescinded or amended in any way.*



J. Garret Renville, Tribal Chairman  
Sisseton-Wahpeton Oyate

ATTEST:



Curtis Bissonette, Tribal Secretary  
Sisseton-Wahpeton Oyate

