

Commissioners was established by Resolution No. 67-1 of the Tribal Council. The Resolution provides for the number, selection, removal, qualifications, and term of office of members of the Board.

06-03-01 DUTIES OF THE BOARD OF COMMISSIONERS

The duties of the Board of Commissioners are stated in Resolution No. 68-2 of the Tribal Council. In addition to the duties stated in the aforementioned Resolution, the Board shall hold a hearing or otherwise seek to resolve all landlord-tenant disputes over repair bills in an amount less than three hundred dollars (\$300.00) and shall determine whether the Authority should proceed in Court against any tenant who owes the Authority more than three hundred dollars (\$300.00) for repairs to a dwelling.

06-03-02 The Board shall have no jurisdiction to seek a resolution of any matter which may constitute a ground for eviction under Chapter 07-02-03. The Executive Director of the Housing Authority shall seek to resolve without Court action, all matters which may constitute grounds for eviction under the aforementioned Chapter and Section, subject to the provisions of this Section regarding repairs. If the

4. That the providing of decent, safe and sanitary dwelling accommodations for persons of low income are public uses and purposes for which money may be spent and private property acquired and are governmental functions of Tribal concern;
5. That residential construction activity and a supply of acceptable housing are important factors to general economic activity, and that the undertakings authorized by this Ordinance to aid the production of better housing and more desirable neighborhood and community development at lower costs will make possible a more stable and larger volume of residential construction and housing supply which will assist materially in achieving full employment; and
6. That the necessity in the public interest for the provisions hereinafter enacted is hereby declared as a matter of legislative determination.

including but not limited to: rental, sale of individual units in single or multi-family structures under conventional condominium, or cooperative sales contracts or lease/purchase agreements, loans, or subsidizing of rentals or charges) decent, safe and sanitary dwellings, apartment, or other living accommodations for persons of low income. Such work or undertaking may include buildings, land, leaseholds, equipment, facilities, and other real or personal property for necessary, convenient, or desirable appurtenances; for streets, sewers, water service, utilities, parks, site preparation or landscaping; and for administrative, community, health, recreational, welfare, or other purposes. The term housing project also may be applied to the planning of the buildings and improvements; the acquisition of property or any interest therein; the demolition of existing structures; the construction, reconstruction, rehabilitation, alteration or repair; or improvements of other property and all other work in connection therewith and the term shall include all other real and personal property and all tangible or intangible assets held or used in connection with the housing project.

project of the Authority; and such commissioner shall be entitled to fully participate in all meetings concerning matters that affect all of the tenants or home buyers, even though such matter affects him as well. However, no such commissioner shall be entitled to or permitted to participate in, or be present at any meeting (except in his capacity as a tenant or home buyer) or be counted or treated as a member of the Board, concerning any matter involving his individual rights, obligations or status as a tenant or home buyer.

06-07-02 The term of office shall be four (4) years and staggered. When the Board is first established, one member's term shall be designated to expire in one (1) year, another to expire in two (2) years, a third to expire in three (3) years, and the last two shall expire in four (4) years. Thereafter, all appointments shall be for four (4) years, except that in the case of a prior vacancy, an appointment shall be only for the length of the unexpired term. Each member of the Board shall hold office until his successor has been appointed and qualified.

- 06-07-07 The Secretary shall keep complete and accurate records of all meetings and actions taken by the Board.
- 06-07-08 The Treasurer shall keep full and accurate financial records, make periodic reports to the Board, and submit a complete annual report, in written form, to the Council as required by Section 06-11-01 of this Ordinance.
- 06-07-09 Meetings of the Board shall be held at regular intervals as provided in the By-laws. Emergency meetings may be held upon twenty-four (24) hours actual notice, and business transacted, provided that not less than a majority of the full Board concurs with the proposed action.
- 06-08-01 **POWERS**
The Authority shall have perpetual succession in its corporate name.

which the Federal Government may have attached to its financial aid to the project;

4. To obligate itself, in any contract with the Federal Government for annual contributions to the Authority, to convey to the Federal Government, possession of or title to the project to which such contract relates, upon the occurrence of a substantial default (as defined in such contract) with respect to the covenants or conditions to which the Authority is subject; and such contract may further provide, that in case of such conveyance, the Federal Government may complete, operate, manage, lease, convey or otherwise deal with the project and funds in accordance with the terms of such contract; provided, that the contract requires that, as soon as practicable after the Federal Government is satisfied that all defaults with respect to the project have been cured, and that the project will thereafter be operated in accordance with the terms of the contract, the Federal Government shall reconvey to the Authority, the project as then constituted;

payments, to make rules and regulations concerning the election of tenants or home buyers, including the establishment of priorities; and concerning the occupancy, rental, care management of housing units; and to make such further rules and regulations as the Board may deem necessary and desirable to effectuate the powers granted by this Ordinance;

11. To finance purchase of a home by an eligible home buyer in accordance with regulations and requirements of the Department of Housing and Urban Development;
12. To terminate any lease or rental agreement or lease-purchase agreement when the tenant or home buyer has violated the terms of such agreement, or failed to meet any of its obligations thereunder, or when such termination is otherwise authorized under the provisions of such agreement; and to bring action for eviction against such tenant or home buyer;
13. To establish income limits for admission that insure that dwelling accommodations in a housing project shall be made available only to persons of low income;

may, by resolution, prescribe and authorize any other public housing agency or agencies, joining or cooperating with the Authority, to act on the Authority's behalf with respect to any or all powers, as the Authority's agent or otherwise, in the name of the Authority or in the name of such agency or agencies.

20. To adopt such bylaws as the Board deems necessary and appropriate.

06-08-04 It is the purpose and intent of this Ordinance to authorize the Authority to do any and all things necessary or desirable to secure the financial aid or cooperation of the Federal Government in the undertaking, construction, maintenance or operation of any project by the Authority.

06-08-05 No ordinance or other enactment of the Tribe with respect to the acquisition, operation, or disposition of Tribal property shall be applicable to the Authority in its operations pursuant to this Ordinance.

an essential public and governmental purpose and to be public instrumentalities and, together with interest thereon and income therefrom, shall be exempt from taxes imposed by the Tribe. The tax exemption provisions of this Ordinance shall be considered part of the security for the repayment of obligations and shall constitute, by virtue of this Ordinance, and without necessity of being restated in the obligations, a contract between, 1) the Authority and the Tribe, and 2) the holders of obligations and each of the, including all transfers of the obligations from time to time.

06-09-05 Obligations shall be issued and sold in the following manner:

1. Obligations of the Authority shall be authorized by a resolution and adopted by the vote of a majority of the full Board and may be issued in one or more series;

in connection with the issuance of obligations or incurring of obligations under leases and to secure payment of such obligations, the Authority, subject to the limitations in this Ordinance, may:

1. Pledge all or any part of its gross or net rents, fees or revenues to which its rights then exist, or may thereafter come into existence;
2. Provide for the powers and duties of obligee and limit their liabilities and provide the terms and conditions on which such obligee may enforce any covenant or rights securing or relating to the obligations;
3. Covenant against pledging all or any part of its rents, fees, or revenues or against mortgaging any or all of its real or personal property to which its title or right then exists or may thereafter come into existence or permitting or suffering any lien on such revenues or property;

funds;

12. Prescribe the procedure, if any, by which the terms of any contract with holders of obligations may be amended or abrogated, the proportion of outstanding obligations the holder of which must consent thereto; and the manner in which such consent may be given;
13. Covenant as to the use, maintenance, and replacement of its real or personal property, the insurance to be carried thereon, and the use and disposition of insurance monies;
14. Covenant as to the rights, liabilities, powers and duties arising upon the breach by it of any covenant, condition or obligation;
15. Covenant and prescribe as to events of default and terms and conditions upon which any or all of its obligations become or may be declared due before maturity, and as to the terms and conditions upon which such declaration and its consequences may be waived;

23. The Housing Authority Director shall provide appropriate District Councils with a delinquent rent payment listing;
24. The Housing Authority Board shall, as soon as possible, make available to the Tribal Council, the criteria and policy developed; which permits the occupancy of low rent housing units; and
25. The Director of the Housing Authority shall consult with the District Councils in matters of occupancy selection, provided that such District Councils have informed the Tribal Council of its intent to participate in the occupancy selection process.

06-10-01 MISCELLANEOUS

The Authority shall submit an annual report showing:

1. A summary of the year's activities;
2. The financial condition of the Authority;

or to act as trustee under any trust instrument, or to utility services, the rates for which are fixed or controlled by a governmental agency, or to membership on the Board as provided in Section 06-07-01.

- 06-10-03 Each project developed or operated under a contract providing for Federal financial assistance shall be developed and operated in compliance with all requirements of such contract and applicable Federal legislation, and with all regulations and requirements prescribed from time to time by the Federal Government in connection with such assistance.
- 06-10-04 The Authority shall obtain or provide for the obtaining of adequate fidelity bond coverage of its officers, agents, or employees handling cash or authorized to sign checks or certify vouchers.
- 06-10-05 The Authority shall not construct or operate any project for profit.
- 06-10-06 The property of the Authority is declared to be public property used for essential public and governmental purposes, and such property and the Authority, are exempt from all taxes and special assessments of the Tribe.

housing codes of the Tribe as are reasonable and necessary to promote economy and efficiency in the development and operation of any project and, at the same time, safeguard health and safety, and make such changes in zoning of the site and surrounding territory of any project as are reasonable and necessary for the development and protection of such project, and the surrounding territory;

4. It will do any and all things, within its lawful powers, necessary or convenient to aid and cooperate in the planning, undertaking, construction, or operation of projects;
5. The Tribal Government hereby declares that the powers of the Tribal Government shall be vigorously utilized to enforce eviction of a tenant or home buyer for non-payment or other contract violations including action through the appropriate Courts; and

with respect to any financial assistance contract between the Authority and the Federal Government, the Authority shall obtain the approval of the Secretary of the Interior, or his designee.

06-13-01

SEVERABILITY

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

S.W.S.T. CODE
 Amendment
 New Adoption
Judicial Approved
02-24-88
Council Adopted
03-01-88