



Little River Band of Ottawa Indians

375 River Street
Manistee, MI 49660
(231) 723-8288

Resolution # 02-0529 - 10

Adoption of Housing Commission By-Laws

WHEREAS, the Tribe's status as a federally-recognized Indian tribe was reaffirmed and restored by Congress pursuant to Public Law 103-324, 108 Stat. 2156 (25 U.S.C. §1300k et seq.); and

WHEREAS, the Tribe adopted a new Constitution, pursuant to a vote of the membership on May 27, 1998, which Constitution became effective upon its approval by the Assistant Secretary-Indian Affairs on July 10, 1998; and

WHEREAS, the Tribal Council is authorized under Article IV, Section 7(f) to create regulatory commissions; and

WHEREAS, the Tribal Council created the Housing Commission in 1996 by adopting the Housing Commission Ordinance, # 96-700-01, and delegated authority and responsibility to carry out actions as set forth in that ordinance; and

WHEREAS, the Tribal Council adopted the Commissions Ordinance, # 01-0100-06, which sets forth standards of conduct and process, including the requirement to adopt and submit by-laws; and

WHEREAS, resolution # 01-1107-04 required commissions to forward by-laws for approval, and which was amended by resolution # 02-0327-03, which extended the deadline for submission to May 15, 2002; and


WHEREAS, the Housing Commission approved their by-laws for submission to the Tribal Council on May 13, 2002; and

WHEREAS, the Tribal Council Liaison has reviewed the by-laws and recommends approval;

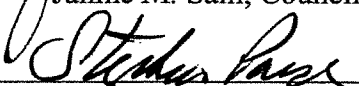
NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby adopts the Housing Commission by-laws in accordance with Section 6 of the Commissions Ordinance for immediate implementation.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 9 FOR, 0 AGAINST, 0 ABSTAINING, and 0 ABSENT, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held on May 29, 2002, at the Little River Band's Community Center in Manistee, Michigan, with a quorum being present for such vote.



Janine M. Sam, Council Recorder



Stephen Parsons, Council Speaker

Attest:

Distribution: cc: Tammy Kleeman, Councilor/Liaison
Helen Ann Yunis, Attorney Liaison for Prosecutor
Phil Memberto, Chairman Housing Commission
Ruth Bussey, Director Housing Department
Accounting
Council Records
Tribal Ogema
Tribal Court
Legal Department



ORIGINAL

**Little River Band of Ottawa Indians
Housing Department
Mailing Address: 375 River Street
Office Location: 1762 US 31 South
Manistee MI 49660**

**Little River Band of Ottawa Indians
Housing Commission**

By-Laws

Article I. Title; Authority; Purpose

- 1.01. *Title.* This entity shall be known as the "Little River Band of Ottawa Indians Housing Commission", and may be referred to as the "Housing Commission". The official addresses are:

Office: 1762 US 31 South
Manistee, MI 49660

Mailing: 375 River Street
Manistee, Michigan 49660

- 1.02. *Authority.* The Housing Commission was created by -
- Delegated authority in Section 1 of the Housing Commission Ordinance, Ordinance # 96-700-01, as amended January 10, 1999.
 - Adoption of by-laws by Tribal Council resolution # 02-0529-10 (and amended by Tribal Council resolution #)
- 1.03. *Purpose.* As identified in Tribal Council resolution # 02-0529-10 and Housing Commission Ordinance, the purpose of the Housing Commission is to:
- Develop, maintain, and operate affordable housing in safe and healthy environments on the Tribe's Reservation, Service Area and other areas for occupancy by Indian families;
 - Assure better access to private mortgage markets for the Tribe and its members and to promote self-sufficiency for the Tribe and its members;
 - Coordinate Tribal activities to provide housing services to the members;

- d. Coordinate with other Tribal agencies to plan for and integrate infrastructure resources for the Tribe with housing development;
- e. Promote the development of private capital markets on the Tribe's Reservation and to allow such markets to operate and grow to the benefit of the Tribal community;
- f. Remedy unsafe and unsanitary housing conditions for members that are injurious to the public health, safety and morals; and
- g. Alleviate the acute shortage of decent, safe and sanitary dwellings within the Tribe's Service Area.

Article II. Commissioners

- 2.01. *Members.* The Housing Commission shall have 5 members who must meet the following qualifications.
- a. *Qualifications for Appointment.* Any Tribal member or other person 18 years of age or older may be nominated for appointment to the Commission. A Commissioner may be a member or non-member of the Tribe, and may be a member or non-member of the Tribal Council, provided that no more than two (2) of the five (5) Commissioners may be non-tribal members.
- 2.02. *Vacancy of member.* An individual appointed to a Commission shall fill the term of the vacant office. Provided that, appointment to a vacancy for which a term of office has less than six months remaining, shall be appointed for the remainder of the vacant term and a full term thereafter.
- 2.03. *Officers.* The Housing Commission shall have the following officers who shall be elected by the members for a one-year term of office. No member may serve in two officer positions.
- a. *Chairperson.* This officer shall be responsible for:
 - 1. Calling all meetings.
 - 2. Presiding at all meetings.
 - 3. Managing and reporting on all finances of the entity.
 - 4. Reporting to the Tribal Council and other entities or persons as directed.
 - 5. Signing all correspondence and representing the entity at all meetings with outside entities, unless by motion, the Housing Commission designates another member to act as a representative at a meeting with outside entities.
 - b. *Secretary.* This officer shall be responsible for:
 - 1. Maintaining all minutes, agendas, reports and correspondence of the Housing Commission.
 - 2. Presiding at duly called meetings in the absence of the Chairperson.
 - 3. The records shall be retained at the offices of the Housing Department.
- 2.04. *Resignations.* Resignation of a commissioner is effective upon submission and cannot extend longer than a thirty-day period once received by the Chairperson or Secretary.

- 2.05. *Vacancy of Officers.* A vacancy created in an officer position shall be filled for the remainder of the vacant term and for one full term.

Article III. Duties and Responsibilities

- 3.01. The Housing Commission has the following duties and responsibilities (Note: that the responsibilities are edited from the Housing Commission Ordinance. The Ordinance must be referred to when identifying duties and responsibilities.)
- a. To adopt and use a corporate seal.
 - b. The Commission can sue and be sued in its corporate name and may waive any immunity from suit, which it has. However, Tribe shall not be liable for the debts or obligations of the Commission.
 - c. To enter into agreements, contracts and understandings with any governmental agency, Federal, state or local (including the Tribal Council) or with any person, partnership, corporation, or Indian tribe, and to agree to any conditions attached to Federal financial assistance.
 - d. To purchase and lease property.
 - e. To borrow or lend money.
 - f. To pledge the assets and receipts of the Commission as security for debts, and to acquire, sell, lease, exchange; transfer or assign personal property or interests.
 - g. To provide for the construction, reconstruction, improvement, extension, alteration or repair of any project.
 - h. To make rules and regulations to implement the housing developments.
 - i. To finance the purchase of a home by an eligible homebuyer in accordance with the regulations and requirements of the Department of Housing and Urban Development, and/or other public or private source(s) of funding.
 - j. To establish and maintain such bank accounts as may be necessary or convenient.
 - k. To employ an executive director, technical and maintenance personnel and such other officers and employees, permanent or temporary, as the Commission may require; and to delegate to such officers and employees such powers or duties as the Commission shall deem proper.
 - l. To do any and all things necessary or desirable to secure public or private financing or the financial aid or cooperation of the Federal government in the undertaking, construction, maintenance or operation of any project by the Commission.
 - m. To provide an annual report to the Tribal Council.

Article IV. Meetings

- 4.01. *Meetings.* The Housing Commission shall meet 4 times per month on each Monday of the week with the exception of holidays. The meetings will be held at the Little River Band of Ottawa Indians Community Center Conference Room located at 1762 US 31 South in Manistee unless notified otherwise to all Commission members prior to the meeting. The Commission shall establish the regular meeting schedule no later than the last meeting prior to the end of the calendar year for the next calendar year. The schedule shall be posted upon adoption of the Little River Health Center, Little River Tribal Office, Little River Band Community Center, and the Little River Band Downtown Office Building.
- 4.02. *Special Meetings.* The Chairperson may call special meetings by giving notice to all members prior to the meeting. Such notice shall be in writing where possible, provided that, the Chairperson or Secretary may telephone all members and follow-up with written notice at the earliest possible time. Special meetings may be called for the purpose of
- a. Conducting business that, should the matter wait until such time as a regular meeting is held, it would be detrimental to the health, safety or welfare of the Tribe, its members or the regulated activity; or
 - b. Conducting hearings regarding regulated activity, including, but not limited to, permits and license issuance or revocation, or for the purposes of hearing matters related to citations and or other orders of the Commission.
- 4.03. *Quorum.* The Housing Commission shall have two members present, and one officer, to make a quorum at meetings. Provided that, the Housing Commission may promulgate regulations, which identify other procedures for the conducting of hearings of the Commission and the number of members necessary to conduct the hearing.
- 4.04. *Commissioner attending by phone.* Commissioners shall be allowed to attend a meeting or special meeting telephonically.
- 4.05. *Agenda.* Every meeting shall be conducted in accordance with an agenda that has been sent, whether by mail, fax, or other transmission method, to each member. The Housing Commission may, by majority vote, accept additional items for the agenda, at the time of the meeting, which were not give prior notice. Each agenda shall contain the following sections, and any other sections as may be necessary to clearly identify the business to be conducted.
- a. Call to Order
 - b. Approval of Agenda
 - c. Approval of Minutes
 - d. Old Business
 - e. New Business
 - f. Adjournment
- 4.06. *Minutes.* The minutes shall be drafted in such a fashion so as to clearly identify
- a. the date and time the meeting was called to order;

- b. the members present, and whether the Chairperson is or is not present;
- c. the adoption of the agenda, and any amendments;
- d. the action taken regarding each agenda item; and
- e. the date and time the meeting was concluded, and the manner in which it was concluded
i.e. loss of quorum, completed, etc.

Article V. Employees; Liaison

- 5.01 *Employees.* The Housing Commission has the power to engage employees and enter into contracts. The Housing Commission has the power to employ an executive director, technical and maintenance personnel and such other officers and employees, permanent or temporary, as the Commission may require; and to delegate to such officers and employees such powers or duties as the Commission shall deem proper. Employees of entities are employees of the Tribe, provided that, the supervisor of employees of entities shall in all cases be the Chairperson of the entity.
- 5.02. *Liaison.* The responsibilities of the liaisons between the Housing Commission and the Tribal Council shall be as set forth herein.
- a. *Commission.* The Housing Commission shall choose a liaison from among its members who is responsible for interacting with the Tribal Council liaison to bring issues to the Tribal Council, and to bring issues from the Tribal Council to the Commission.
 - b. *Tribal Council.* The Tribal Council liaison shall be responsible for identifying a contact number and office location at which the entity may leave documents, messages, requests, and other like information. The Tribal Council liaison may attend meetings, but is not required to do so.
 - c. *Regulated Area.* The regulated area shall identify a contact person to which correspondence, requests, and other like material shall be sent.

Ruth Bussey
Housing Director
375 River Street
Manistee, Michigan 49660

Article VI. Amendment; Repeal

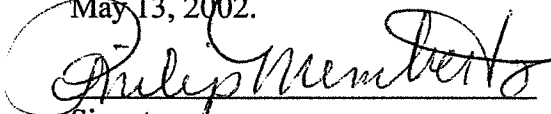
- 6.01. *Amendment.* These by-laws shall be reviewed on an annual basis by the Housing Commission for amendments. All amendments must be presented at least one meeting prior to action and must be adopted by a two-thirds vote of the members present. Amendments are final when presented and approved by the Tribal Council through a resolution created and

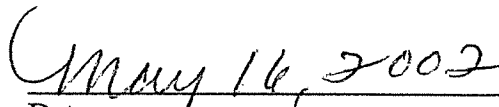
submitted by the Commission.

- 6.02. *Repeal.* These by-laws may be repealed by the presentation of a request to the Tribal Council by the Commission in the form of a resolution containing the reasons a repeal of these by-laws are necessary. The Commission must approve the repealing resolution by a two-thirds vote of the members present. Further, the Tribal Council may unilaterally repeal these by-laws by amendment to the creating Ordinance or by adoption of a resolution calling for the repeal of the Commissions by-laws.

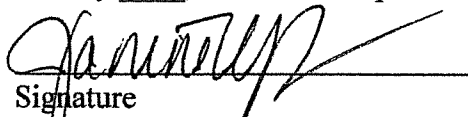
CERTIFICATION

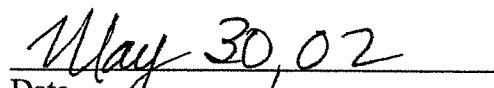
I, Phil Memberto, as Chairperson of the Little River Band of Ottawa Indians Housing Commission do hereby certify that the Housing Commission adopted these by-laws at a duly called meeting on May 13, 2002.


Signature


Date

I, Janine Sam, as Tribal Council Recorder do hereby certify that the Tribal Council, at meeting called on May 29, 2002 and adopted these by-laws.


Signature


Date