



Little River Band of Ottawa Indians

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

Resolution # 05-0112-11

Adoption of the Housing Commission By-Laws

WHEREAS, the status of the *Gaá Čhíng Ziibi Daáwaa Aníshinábek* (little River Band of Ottawa Indians) as a sovereign and Treaty-making power is confirmed in numerous treaties, from agreements with the initial colonial powers on this land, to various treaties with the United States; and

WHEREAS, the Little River Band of Ottawa Indians (Tribe) is descended from, and is the political successor to, the Grand River Ottawa Bands, signatories of the 1836 Treaty of Washington (7 Stat. 491) with the United States, as reaffirmed by federal law in P.L. 103-324, enacted in 1994; 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 Tribe adopted amendments to the Constitution on April 26, 2004, which became effective upon approval by the Assistant Secretary-Indian Affairs on May 13, 2004; and

WHEREAS, The Tribal Council is authorized under Article IV, Section 7(a) to provide for the public health, peace, morals, education and general welfare of the Little River Band and its members; and

WHEREAS, the Tribal Council of the Little River Band of Ottawa Indians ("Tribal Council") established the Little River Band Housing Commission ("Housing Commission"). Housing Commission Ordinance, Ordinance # 04-700-01.

WHEREAS, the Tribal Council also established the Commissions Ordinance, Ordinance # 01-100-06, adopted November 11, 2001. The Commission Ordinance requires Commissions to have by-laws. Commissions Ordinance, *Section 6.02*.

WHEREAS, the Housing Commission has reviewed the proposed amendments to the by-laws to conform to amendments in the Housing Commission Ordinance and the Commissions Ordinance at the meeting on October 28, 2004 and conducted its final review and approved the By-Laws at the meeting on December 16, 2004.

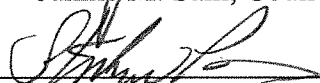
NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby approves the by-laws of the Housing Commission.

Certificate of Adoption

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 7FOR, 0AGAINST, 0ABSTAINING and 2ABSENT, at a regular meeting of the Little River Band of Ottawa Indians Tribal Council held on January 12, 2005, at the Little River Band's Dome Room in Manistee, Michigan, with a quorum being present for such vote.



Janine M. Sam, Council Recorder



Stephen Parsons, Council Speaker

Attest:

Distribution:



Little River Band of Ottawa Indians
Housing Commission
Mailing Address: 375 River Street
Office Location: 1762 U.S. 31 South
Manistee, Michigan 49660
888.723.8288

Resolution No. HC 04-1216-01

Adoption of the Housing Commission By-Laws

WHEREAS, the Tribal Council of the Little River Band of Ottawa Indians ("Tribal Council") established the Little River Band Housing Commission ("Housing Commission"). Housing Commission Ordinance, Ordinance # 04-700-01.

WHEREAS, the Tribal Council also established the Commissions Ordinance, Ordinance # 01-100-06, adopted November 11, 2001. The Commission Ordinance requires Commissions to have by-laws. Commissions Ordinance, Section 6.02.

WHEREAS, the Housing Commission has reviewed the proposed amendments to the by-laws to conform to amendments in the Housing Commission Ordinance and the Commissions Ordinance at the meeting on October 28, 2004 and conducted its final review at the meeting on November 18, 2004.

NOW THEREFORE IT IS RESOLVED BY the Housing Commission that the attached by-laws be and they are hereby adopted and approved as and for the by-laws of the Housing Commission.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Housing Commission with 4 FOR, 0 AGAINST, 1 ABSENT, and 0 ABSTAINING, at a regular meeting of the Housing Commission held at the Little River Band Administration Building on December 16, 2004, in Manistee, Michigan, with a quorum being present for the vote.


 Frank Beaver, Chairmen

12/16/04
 Date


 Al Medacco, Secretary

12-16-04
 Date

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, MI 49660

1.02. *Authority.* The Housing Commission was created by -

a. Delegated authority in Article IV of the Housing Commission Ordinance, # 04-700-01.

b. Adoption of by-laws by Tribal Council resolution # _____ in accordance with Section 6 of the Commissions Ordinance, #04-100-06.

1.03. *Purpose.* As identified in the Housing Commission Ordinance, the purpose of the Housing Commission is to:

a. Develop regulations to implement activities to provide housing services for Tribal members;

b. Coordinate with Federal, State, local, and private entities to further housing opportunities for Tribal members; and

c. Provide housing programs and services for Tribal members.

Article II. Commissioners

2.01. *Members.* The Commission shall consist of five Commissioners appointed to 4 year terms of office according to the Constitution and the Commissioners Ordinance who must meet the following qualifications.

a. *Qualifications for Appointment.* Any Tribal member or other person 21 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, provided that no more than one of the five Commissioners may be a non-Tribal member.

b. *Compatibility of Functions.* No person shall be barred from appointment to the Commission because they are a tenant in a housing project, and such Commissioner shall be entitled to fully participate in all meetings concerning matters that affect all of the tenants, even though such matters affect them as well. Provided that, no such Commissioner shall be entitled or permitted to participate in or be present at any meeting, except in their capacity as a tenant, or to be counted or treated as a member of the Commission, concerning any matter involving their individual rights, obligations or status as a tenant.

c. *Prohibition.* A person shall not be eligible to be appointed as a Commissioner if they are employed in the Housing Department.

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, including review of budget of Commission.

4. Reporting to the Tribal Council and other entities or persons as directed.

5. Signing all correspondence and representing the Commission 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 maintained 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 primary responsibilities.

- a. To implement the provisions of this Ordinance and all Ordinances governing Tribal housing activities, through the development and adoption of regulations governing Tribal housing on Tribal trust or fee lands. Regulations shall be approved by the Tribal Council or in accordance with any Ordinance promulgated regarding adoption of regulations.
- b. To promulgate regulations necessary to implement federally funded projects regarding housing, including development, construction, maintenance and/or repairs that shall be approved by the Tribal Council or in accordance with any Ordinance promulgated regarding adoption of regulations.
- c. To promulgate regulations necessary to implement market-based rental housing, low-income home ownership, federal tax credit home ownership, private mortgage financing home ownership for housing activities on Tribal trust and fee lands, that shall be approved by the Tribal Council or in accordance with any Ordinance promulgated regarding adoption of regulations.
- d. To prepare, for Tribal Council submission, the Tribe=s annual Indian Housing Plan under the Native American Housing Assistance and Self-Determination Act of 1996 (P.L. 104-330, 110 Stat. 4019).
- e. To oversee the Housing Department=s execution and administration of the housing programs and policies.

3.02. The Housing Commission has the additional powers:

- a. To develop and complete a bi-annual survey and assessment of housing needs of the Tribal membership, and to determine and implement appropriate housing programs to meet the identified needs, subject to the approval of the Tribal Council.
- b. To issue orders and directives not inconsistent with regulations adopted by the Commission, the Ordinance, or Ordinances regulating the housing activities of the Tribe.
- c. to adopt, when deemed necessary by the Commission, such emergency regulations not to exceed 90 days in duration.
- d. to identify income requirements and to set occupancy rates.
- e. to establish by resolution, on an annual basis, the rents for any rental or leased unit, and the basis therefore.
- f. To set forth the criteria for the selection of tenants, including the establishment of priorities for assignment of housing, occupancy, rental, care and management of housing units.
- g. To prepare and present to the Tribal Council a proposed budget requesting an appropriation of funds to permit the Commission to carry out the responsibilities of this Ordinance and all Ordinances related to Tribal housing activities.

Article IV. Meetings

4.01. *Meetings*. The Housing Commission meeting shall be scheduled on the third Thursday of the month with the exception of holidays. The meeting will be held at the Little River Band of Ottawa

Indians Administration Building 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 and one original shall be included in the January report submitted to Tribal Council.

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 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 meeting.

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, which 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 B

- a. Date and time the meeting was called to order;
- b. Members present, and whether the Chairperson is/is not present;
- c. Adoption of the agenda, and any amendments;
- d. Action taken regarding each agenda item; and
- e. Date and time the meeting was concluded, and the manner in which it was concluded, i.e. loss of quorum, completed, etc.

Article V. Liaison

5.01. *Liaisons.* 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 Housing Department area shall identify a contact person to which correspondence, requests, and other like material shall be sent.

5.02. *Employees of Commission.* The Commission does not have the power to employ individuals.

Article VI. Hearing Body Powers

6.01. The Commission shall act as the hearing body for the activities listed below in accordance with hearing procedures adopted by the Commission.

a. The Commission shall hear:

1. all appeals of denials, suspensions, revocations, or other Departmental actions involving Tribal housing tenants;
2. all cases where a lease or rental agreement allegedly breached by a tenant have resulted in notice of termination or eviction issued by the Housing Department;
3. all cases in which a tenant or former tenant disputes the withholding by the Housing Department of all or any part of the person=s security deposit;
4. all cases in which the Housing Department requests a variance from Tribal building, housing, or zoning codes. The standard in any such case shall be whether the requested variance is necessary and reasonable. The Tribal Building Official shall be a necessary party to any such action.

b. The Commission shall adopt all decisions in an order that clearly identifies the parties, issues, facts, rule or law and decision.

c. The Commission shall adopt all orders by majority vote and an original shall be presented to the affected party.

d. Decisions of the Commission, acting as the hearing body for the activities listed herein, may be appealed to the Tribal Court on an appeal review of an administrative decision and not as an original hearing.

e. The Housing Department may appeal an adverse decision of the Commission only with the approval of the Ogema.

f. The Commission shall maintain all records and filings submitted during this administrative hearing process in a safe and confidential location.

Article VII. Amendment; Repeal

7.01. *Amendment.* The Housing Commission shall review these by-laws on an annual basis 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.

7.02. *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 commission=s by-laws.

CERTIFICATION

I, Frank Beaver, 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 December 16, 2004

Frank Beaver, Chair

Date

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

Janine M. Sam, Recorder

Date