

Little River Band of Ottawa Indians

2608 Government Center Drive

Manistee, MI 49660

(231) 723-8288

Resolution #18-1128-351

Approval of Amendments to Housing Commission By-Laws

WHEREAS, the status of the *Gaá Čhíng Ziibi Daáwaa Aníshinaábek* (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 Tribe adopted amendments to the Constitution on July 11, 2016 which became effective upon approval by the Assistant Secretary-Indian Affairs on August 24, 2016; and

WHEREAS, the legislative powers of the Tribe are vested in the Tribal Council according to Article IV, Section 1 of the Constitution; 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 adopted the Commission Ordinance, #04-100-06 and Section 6.01 of the Commission Ordinance states that all Commissions shall have two creation documents – and Ordinance and By-Laws; and

WHEREAS, Section 6.02(f) of the Commission Ordinance mandates that By-Laws be reviewed on an annual basis by the Commission for amendments; and

WHEREAS, the Tribal Council has, pursuant to the Housing Commission Ordinance # 04-700-01, created the Housing Commission and delegated to such Commission

the authority to oversee and regulate Tribal housing within the Tribe's jurisdiction; and

WHEREAS, the Housing Commission reviewed the Housing Commission By-Laws, has made amendments necessary to be compliant with Tribal Law, and approved the revisions on November 8, 2018, by the Housing Commission Resolution #HC-2018-1108-07; and

WHEREAS, the amended Housing Commission By-Laws are now being forwarded to Tribal Council for placement on their agenda for approval.

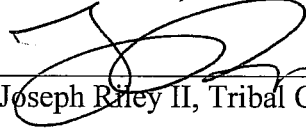
NOW THEREFORE IT IS RESOLVED, that the Tribal Council approves the amendments to the Housing Commission By-Laws.

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 November 28, 2018, at the Little River Band's Government Center in Manistee, Michigan, with a quorum being present for such vote.



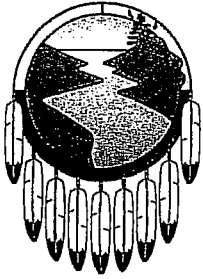
Sandra Lewis, Tribal Council Recorder



Joseph Riley II, Tribal Council Speaker

Attest:

Distribution: Council Records
Tribal Ogema
Housing Department



Little River Band of Ottawa Indians
Housing Commission
2608 Government Center Dr.
Manistee, MI 49660
(231) 723-8288

Resolution # HC-1108-07

Approving Amendments and Re-Authorizing Housing Commission By-Laws

WHEREAS, the status of the *Gaá Čhíng Ziibi Daáwaa Aníshinaábek* (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 Tribe adopted amendments to the Constitution on July 11, 2016 which became effective upon approval by the Assistant Secretary-Indian Affairs on August 24, 2016; and

WHEREAS, the legislative powers of the Little River Band are vested in the Tribal Council at Article IV, Section 7 of the Constitution; and

WHEREAS, the Tribal Council is authorized under Article IV, Section 7(a) of the Constitution to enact ordinances and adopt resolutions to provide for the public health, peace, morals, education and general welfare of the Little River Band and its members and to govern the conduct of members of the Little River Band and other persons within its jurisdiction; and

WHEREAS, the Tribal Council is authorized under Article IV, Section 7(f) to create by ordinance regulatory commissions or subordinate organizations and to delegate to such organizations the power to manage the affairs of the Little River Band; and

WHEREAS, the Tribal Council did by Ordinance #04-150-01 created the Commissions Ordinance to govern commissions including creation and authorization Commission By-Laws in

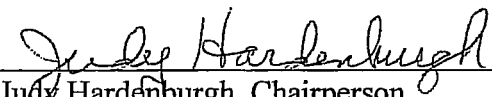
Section 6.02 and by Ordinance #04-700-01 Tribal Council created the Housing Commission.

NOW THEREFORE IT IS RESOLVED that the Housing Commission adopts the attached amendments to the Housing Commission By-Laws and re-authorizes with amendments.

IT IS FURTHER RESOLVED that the Housing Commission shall forward these By-Laws to the Tribal Council with a recommendation for adoption.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Housing Commission with 2 FOR, 0 AGAINST, 1 ABSTAINING ___ and 1 ABSENT at a regular session of the Little River Band of Ottawa Indians Housing Commission held on - _____, at the Aki Maadiziwin Community Center in Manistee, Michigan, with a quorum being present for such vote.


Judy Hardenburgh, Chairperson

Distribution: Tribal Council
Housing Department
Unified Legal Department

Housing Commission By-Laws

Article I. Title; Authority; Purpose.

- 1.01. 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 address is 2608 Government Center Drive, Manistee, MI 49660.
- 1.02. *Authority.* The Housing Commission was created by Article IV of the Housing Commission Ordinance, Ordinance #04-700-01, and by-laws as adopted by Tribal Council Resolution #15-0909-266.
- 1.03. *Purpose.* As identified in the Housing Commission Ordinance, the purposes of the Housing Commission are 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 (5) commissioners appointed to four (4) year terms of office according to the Constitution and the Commissions Ordinance, Ordinance #04-150-01. Any person twenty-one (21) years of age or older may be appointed to serve as a commissioner, provided that no more than one (1) non-Tribal member may be seated on the Commission at any time.
 - a. *Appointment of Tenants.* A person’s status as a tenant of the Tribe shall not prohibit them from serving on the Housing Commission. A tenant commissioner shall be entitled to fully participate in all meetings concerning matters that affect all tenants, even though such matters have a personal effect. However, a tenant commissioner shall not participate in an official capacity in any matter involving his or her individual rights, obligations or status as a tenant.
 - b. *Employees Prohibited from Appointment.* A person shall not be eligible to be appointed as a commissioner if he or she is employed by the Housing Department.

- 2.02. *Appointment to Vacancy.* In the event of a vacancy before the expiration of a term, an individual appointed to the Commission shall fill the remainder of the term of the vacant office. If less than six (6) months remain of the vacant term, the individual shall be appointed for the remainder of the term and a full term thereafter.
- 2.03. *Officers.* The Housing Commission shall have the following officers elected by its members for a one (1) year term of office. Officer elections shall be held annually in December. No member may serve in two officer positions simultaneously. If an officer's seat becomes vacant, the members shall elect a new officer for the remainder of the vacant term and for one full term thereafter.
- 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 the Housing Commission designates another member to act as a representative at such a meeting by motion.
 6. Appoint Secretary in the event of a vacancy in that office before elections.
- b. *Secretary.* This officer shall be responsible for:
1. Maintaining all minutes, agendas, reports, and correspondence of the Housing Commission at a secure location at the office of the Housing Department or as directed by Tribal Council.
 2. Presiding at duly called meetings in the absence of the Chairperson.
 3. Provide agenda to Commission members and for public posting prior to meetings.
- 2.04. *Resignations.* Resignation of a commissioner is effective upon submission of a written resignation to the Chairperson or Secretary.

Article III. Duties and Responsibilities.

3.01. The Housing Commission has the following responsibilities and is delegated all necessary power by the Tribal Council to carry out these responsibilities:

- a. To implement the provisions of the Housing Commission Ordinance, Ordinance #04-700-01, and any other ordinance adopted by Tribal Council governing housing activities on Tribal lands;
- b. To create, adopt and amend regulations, subject to Tribal Council adoption, on the following subject matters:
 1. Tribal housing on Tribal trust or fee lands;
 2. The implementation of federally-funded projects regarding housing, including but not limited to, the development, construction, maintenance and repairs of housing projects;
 3. The implementation of market-based rental housing, low-income tenancy or home ownership, federal tax credit rentals or home ownership and private mortgage financing for home ownership on Tribal trust or fee lands;
 4. Further regulations as the Commission may deem necessary and desirable to effectuate the powers granted by the Housing Commissions Ordinance, Ordinance #04-700-01;
- c. To adopt regulations on the foregoing subject matters for emergency implementation without Tribal Council adoption, provided that adoption of emergency regulations satisfies the procedures for the adoption of emergency amendments as provided in the Administrative Procedures Act, Ordinance #04-100-07, and that emergency regulations not exceed ninety (90) calendar days in duration without formal adoption by the Commission and approval by Tribal Council;
- d. To develop and complete an 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 and to design and carry out studies and analyses of housing needs, as may be necessary from time to time, to ensure the accuracy of housing information for planning purposes, for the information of Tribal Council and the Ogema;
- e. To issue orders and directives not inconsistent with regulations adopted by the Commission, the Housing Commission Ordinance, or ordinances regulating the housing activities of the Tribe;

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Adopted by Tribal Council Resolution #18-1128-351

- f. To develop and foster cooperative and constructive working relationships with governments, organizations, and agencies to benefit the housing needs of the Tribal membership;
- g. To set forth the criteria for the selection of tenancy, including the establishment of priorities for assignment of housing, occupancy, rental, care and management of housing units, to identify income requirements for tenancy and to set occupancy rates for regulated housing units
- h. To plan for the development of land set aside for the use of low-income and other housing projects consistent with the Tribe's land use and/or acquisition plans(s) and in collaboration with other departments as directed, and subject to the approval of Tribal Council;
- i. To ensure the development of private housing finance mechanisms for members seeking to build on trust and fee lands or purchase housing on fee lands;
- j. 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 the Housing Commission Ordinance and other ordinances governing Tribal housing activities; and
- k. The Commission shall act as the hearing body according to this subsection and any regulations adopted by the Commission governing the conduct of administrative hearings.
 - 1. The Commission shall have original jurisdiction to hear:
 - A. All appeals of denials, suspensions, revocations or other Departmental actions involving Tribal Members or lessees;
 - B. 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;
 - C. All cases in which a tenant disputes a withholding by the Housing Department of all or any part of the person's security deposit;
 - D. 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.

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2. The Commission shall adopt all decisions by a majority vote in an order that clearly identifies the parties, facts, issues, rules and decision.
3. Decisions of the Commission, acting as a hearing body may be appealed to the Tribal Court on an appeal review of an administrative decision and not as an original hearing.
4. The Housing Department may appeal an adverse decision of the Commission only with the approval of the Ogema.
5. The Commission shall maintain all records and filings submitted during this administrative hearing process in a secure location.

Article IV. Commission Meetings.

4.01. *Regular Meetings.*

- a. The Housing Commission meeting shall have at least one (1) regular meeting per month, but shall not meet more than three (3) times monthly.
- b. The Commission shall establish its regular meeting schedule for the next calendar year no later than the last meeting before the end of the current calendar year. Upon adoption, the meeting schedule shall be posted at Tribal properties and on the Tribal website or social media page(s). The meeting schedule shall also be published in the Tribe's next available newsletter and submitted to Tribal Council no later than the Commission's yearly January report.
- c. The meeting place shall be the Aki Maadiziwin Conference Room or other location as directed by the Tribal Council. The meeting location shall be posted with the meeting schedule and the monthly agenda.

4.02. *Special Meetings.*

- a. Special meetings may be called as needed to conduct business or convene hearings that, if delayed, would be detrimental to the health, safety or welfare of the Tribe, its members or the regulated activity.
- b. The chairperson, or any two commissioners, may call a special meeting on twenty-four (24) hours' notice to the commissioners and the public. Notice may be provided by telephone to commissioners with written notice to follow as early as practicable by hand, fax or e-mail.

4.03. *Quorum.* Quorum for the Housing Commission's meetings shall consist of at least one officer and at least one (1) other member. A Tribal Council liaison may act as a commissioner for a meeting to satisfy quorum.

4.04. *Agenda.*

- a. Every meeting of the Housing Commission shall be conducted in accordance with an agenda delivered before the meeting by hand, mail, fax, e-mail or other transmission method to each commissioner and posted for the public.
- b. At the time of the meeting, the Commission may, by majority vote, accept additional items for the agenda which were not give prior notice, with the exception of the election of officers.
- c. Each agenda shall be drafted to clearly identify the following:
 - 1. Opening Prayer
 - 2. General Business
 - A. Call to order and time of call
 - B. Roll call of commissioners present
 - C. Approval of agenda
 - D. Approval of available open session minutes
 - 3. Hearings, if any
 - 4. Housing Department update – no more than thirty minutes
 - 5. Unified Legal Department update – no more than thirty minutes
 - 6. Regulatory drafting
 - 7. Public Comment
 - 8. Closed Session – for items pertaining to contracts, litigation, personnel or hearings on request of the Tribal Member subject to the hearing
 - A. Approval of available closed session minutes
 - B. Closed hearings, if any

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C. Litigation update, if any

9. Return to open session

10. Agenda items and date for next meeting

11. Adjournment

4.05. *Open and closed meeting sessions.*

- a. Commission business shall be conducted in open session; however, the Commission, by proper motion, may move that a topic under discussion be discussed in closed session.
- b. Records of the Commission shall be considered public documents; however confidential records pertaining to contracts, litigation, personnel or hearings on the request of the Tribal Member subject to the hearing shall remain confidential and non-public documents, and shall be discussed in closed session.
- c. No persons, other than commissioners, shall attend closed sessions of the Commission, except upon proper motion of the Commission. Legal counsel may be permitted to remain in closed session unless excused by motion of the Commission.

4.06. *Minutes.* Commission minutes shall be drafted to clearly identify

- a. The date, time and place the Commission meeting or hearing was called to order;
- b. The names of commissioners and guests present, and whether a commissioner is not present;
- c. Adoption of the agenda, and any amendments;
- d. Any action taken regarding each agenda item;
- e. The date and time the meeting was concluded, and the manner in which it was concluded (i.e., loss of quorum, completed, etc.);
- f. The date(s) of any minutes approved;
- g. The times a commissioner arrives or departs the meeting if the commissioner arrives late or leaves early; and

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h. The date, time and place of the next regular meeting.

4.07. *Compensation; Attendance.* Commissioners may attend by telephone or by real-time electronic remote access with audio and visual technology. A commissioner shall be entitled to compensation only if the commissioner is in attendance for at least half of a Commission meeting, unless otherwise determined by motion of the remaining commissioners present. Tribal Council may overrule the Commission's motion to grant a stipend to a commissioner under this subsection.

Article V. Liaisons; Employees.

5.01. *Liaisons.*

- a. The Housing Department shall identify a liaison to whom the Commission shall forward correspondence, requests and other like material. The liaison shall be responsible for ensuring the delivery of Department reports or other information to the Commission.
- b. The Tribal Council shall assign as a liaison a Council Member to provide communication between the Council and the Commission.
- c. The Commission Chairperson shall act as a liaison to Tribal Council to provide communication to the Department and Tribal Council at work sessions, public meetings or otherwise. The Commission may select a commissioner other than the Chairperson to act as liaison by majority vote.

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

Article VI. Amendment; Repeal.

6.01. *Amendment.*

- a. The Commission shall review its bylaws by the end of each year for amendments and re-authorization.
- b. Amendments must be presented at least one (1) meeting before scheduled action by the Commission, and must be adopted by a majority vote of the commissioners present.
- c. Amendments shall be final after presentation to and approval by Tribal Council resolution.

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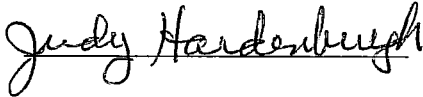
Adopted by Housing Commission Resolution #HC 18-1108-07

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- b. The Commission must approve the resolution requesting repeal by a majority vote of the commissioners present.
- c. The Tribal Council may unilaterally repeal these bylaws by amendment to the creating ordinance, or by adoption of a resolution repealing these bylaws.

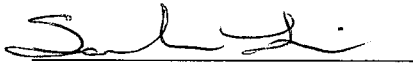
CERTIFICATION

I, Judy Hardenburgh, as Chairperson of the Housing Commission, do hereby certify that the Housing Commission adopted these By-Laws at a regular meeting with Housing Commission Resolution #HC 18-1108-07.



11-8-18
Date

I, Sandra Lewis, Tribal Council Recorder, do hereby certify that the Tribal Council, approved these bylaws by the adoption of Tribal Council Resolution #18-1128-351.



Sandra Lewis
Tribal Council Recorder

11-28-18
Date