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CHAPTER ONE INTRODUCTION

- I. Pursuant to the authority vested in the Chippewa Cree Tribe, by its Constitution, and particularly by Article VI, Sections 1 g. thereof, and its authority to provide for the health, safety, morals and welfare of the Tribe, the Tribal Council of the Chippewa Cree Tribe hereby charters a public corporation known as the Chippewa Cree Housing Authority (hereinafter referred to as the authority), and enacts this ordinance which shall constitute the charter of the Authority.
- II. In any suit, action or proceeding involving the validity or enforcement of or relating to any of its contracts, the Authority shall be conclusively deemed to have become established and authorized to transact business and exercise its powers upon proof of the adoption of this ordinance. A copy of the ordinance duly certified by the Secretary of the Council shall be admissible in evidence in any suit, action or proceeding.

CHAPTER TWO DECLARATION OF NEED

- I. **Declaration Of Need** - It is hereby declared:
 - A. That there exist on the Rocky Boy's Reservation in sanitary, unsafe, and overcrowded dwelling accommodation; that there is a shortage of sanitary dwelling accommodation available at rents or prices which person of low income can afford; and that such shortage forces such persons to occupy in sanitary, unsafe and overcrowded dwelling accommodations;
 - B. That these conditions cause an increase in and spread of disease and crime and constitute a menace to the health, safety, morals and welfare of the residents of the Reservation; that these conditions necessitate excessive and disproportionate expenditures of public funds for crime prevention and punishment, public health and safety protection, fire and accident prevention, and other public services and facilities;
 - C. That these slum areas cannot be cleared, nor can the shortage of safe and sanitary dwellings for persons of low income be relieved through the operation of private enterprises;
 - D. That the clearance, replanning and preparation fro rebuilding of these areas and the providing of safe and sanitary dwelling accommodations for person of low income are public uses and purpose for which public money may be spent and private property acquired and are governmental functions of Tribal concern;
 - E. That residential construction activity is an important factor to general economic activity and that the undertaking 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 activity which will assist materially in maintaining full employment; and

- F. That the necessity in the public interest for the provisions hereinafter enacted is hereby declared as a matter of legislative determination.

CHAPTER THREE PURPOSE

- I. **Purpose** - The Authority shall be organized and operated for the purpose of:
- A. Remedying on the Reservation unsafe and in sanitary housing condition, that are injurious to the public health, safety and morals;
 - B. Alleviating the acute shortage of decent, safe and sanitary dwellings for families of low income; and
 - C. Providing employment opportunities on the Reservation through construction, reconstruction, improvements, extension, alteration or repair and operation of low-rent dwellings.

CHAPTER FOUR DEFINITIONS

- I. **Definitions** - The following terms, wherever used or referred to in this ordinance shall have the following respective meanings, unless a different meaning clearly appears from the context:
- A. "Board" means the Board of Commissioners of the Authority
 - B. "Council" means the Rocky Boy's Business Committee.
 - C. "Federal Government" includes the United States of America, the Public Housing Administration, or any other agency or instrumentality, corporate or otherwise of the United States of America.
 - D. "Slum" means any area where dwellings predominate which by reason of dilapidation, overcrowding, faulty arrangement or design, lack of ventilation, light or sanitary facilities, or any combination of these factors, are detrimental to safety, health and morals.
 - E. "Housing project" or "project" means any work or undertaking: (1) to demolish, clear, or remove buildings from any slum area; or (2) to provide or assist in providing (by any suitable method, including but not limited to: rental; sale of individual units in single or multi-family structures under conventional, condominium, or cooperative sales contract; lease-purchase agreements; loans; or subsidizing of rentals or charges)

decent, safe, and sanitary dwellings, apartments, or other living accommodations for persons of low income; or (3) to accomplish a combination of the foregoing. 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" or "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 of the improvements or other property and all other work connection therein, and the term shall include all other real and personal property and all include all tangible or intangible assets held or used in connection with the housing project.

- F. "Persons of low income" means persons or families who lack the amount of income which is necessary (as determined by the authority) to enable them, without financial assistance, to live in decent, safe and sanitary dwellings, without overcrowding.
- G. "Bonds" means any bonds, notes, interim certificates, debentures, or other obligations issued by the Authority pursuant to this ordinance.
- H. "Obligee" includes any bondholder, agent or trustee for any bondholder, or lessor demising to the Authority property used in connection with a project, or any assignee or assignees of such lessor's interest or any part thereof, and the Federal Government when it is a party to any contract with the Authority in respect to a housing project.

CHAPTER FIVE ORGANIZATION

I. Organization:

- A. The affairs of the Authority shall be managed by a Board of Commissioners composed of five persons.
 - 1. The Board members shall be appointed, and may be reappointed, by the Council. A certification of the Secretary of the Council as to the appointment or reappointment of any commissioner shall be conclusive evidence of the due and proper appointment of the commissioner.
 - 2. The term of office shall be four years and staggered. ¹Three (3) members to be appointed for two year terms and two (2) members to be appointed for four (4) year terms and thereafter all appointments shall be for four (4) year terms. When the Board is first established one member's term shall be designated to expire in one year, another to expire in two years, a third to expire in three

¹ Resolution 1-93 amendment to ordinance #3-63

years, and the last two in four 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 has qualified.

3. The Council shall name one of the commissioners as Chairman of the Board. The Board shall elect from among its members a Vice-Chairman, a Secretary, and a Treasurer; and any member may hold two of these positions. In the absence of the Chairman, the Vice-Chairman shall preside; and in the absence of both the Chairman and Vice-Chairman, the Secretary shall preside.
 4. The Council may remove any member of the Board for cause.
 5. The Commissioners shall not receive compensation for their services but shall be entitled to compensation for expenses, including traveling expenses, incurred in the discharge of their duties.
 6. Three members of the Board shall constitute a quorum for the transaction of business, notwithstanding the existence of any vacancies.
 7. The Secretary shall keep complete and accurate records of all meetings and actions taken by the Board.
 8. 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 Article VII, Section 1, of this Ordinance. The Treasurer shall be bonded in such amount as it prescribed by the Council or by any agreement to which the Authority is a party.
- B. The Board shall have authority to exercise, by majority vote of those present and voting, any and all powers delegated to the Authority by this ordinance or any amendments thereto, except as provided in Article VI, Section 5a, for the adoption of bond resolution.
- C. Meetings of the Board shall be held at regular intervals as provided in the bylaws. Emergency meetings may be held upon 24 hours actual notice and business transacted, provided that three or more members concur in the proposed action.

CHAPTER SIX POWERS

I. Powers:

- A. The Authority shall have perpetual succession in its corporate name.

B. The Authority shall have the following powers which it may exercise consistent with the purposes for which it is established:

1. The Council hereby gives it irrevocable consent to allowing the Authority to sue and be sued in its corporate name, upon any contract, claim or obligation arising out of its activities under this ordinance and hereby authorizes the Authority to agree by contract to waive any immunity from suit which might otherwise have; but the Tribe shall not be liable for the debts or obligations of the Authority, except insofar as expressly authorized by this ordinance.
2. To adopt and use a corporate seal.
3. To enter into agreements, contracts, and understandings with the governmental agency, Federal, State or local (including the Council) or with any person, partnership, corporation or Indian tribe; and to agree to any conditions attached to Federal financial assistance. Notwithstanding anything to the contrary contained in this ordinance or in any other provision of law, to agree to any conditions attached to Federal financial assistance relating to the determination of prevailing salaries or wages or payment of not less than prevailing salaries or wages or compliance with labor standards, in the development or administration of projects, and to include in any contract let in connection with a project, stipulations requiring that the contractor and any subcontractor comply with requirements as to minimum salaries or wages and maximum hours of labor, and comply with any conditions which the Federal government may have attached to financial aid of the project. In any contract with the Federal government for annual contributions to the Authority, the Authority may obligate itself to convey to the Federal government possession of or title to the project to which such contract relates, upon occurrence of the substantial default (as defined in such contract) with respect to the covenant 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, and 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. 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.
4. To lease property from the Tribe and others for such periods as are authorized by law, and to hold and manage or to sublease the same.

5. To borrow money, to issue temporary or longterm evidence of indebtedness; and to repay the same. Corporate bonds shall be issued and repaid in accordance with the provisions of Section VI of this ordinance.
6. To pledge the assets and receipts of the Authority as security for debts; and to acquire, sell, lease, exchange, transfer or assign personal property or interest therein.
7. To purchase land or interest in land or take the same by gift; to lease land or interests in land to the extent provided by law.
8. To undertake and carry out studies and analyses of the housing needs on the Reservation, to prepare housing plans, to execute the same, to operate projects and to provide for the construction, reconstruction, improvements, extension, alteration or repair of any project or any part thereof.
9. To lease, rent, sell or lease with option to purchase, any dwellings accommodations, lands, buildings, or facilities embraced within any project; to establish and revise rents; and to make rules and regulations concerning the occupancy, rental, care and management of its low-rent housing units. Such rules and regulations may establish priorities for the admissions of tenants, and provide for the eviction of tenants for failure to pay rent, for failure to comply with rules and regulations, or for failure to maintain the premises in satisfactory condition.

The Board shall insure that dwelling accommodations in a housing project shall be made available only to families of low income at rentals within their financial reach by (A) establishing lower than average rentals for especially needy families, and (B) by establishing income limits for admission and continued occupancy by low income families. In making these determinations, the Board may take into consideration family size, composition, age, physical handicaps or other factors which might affect the financial ability of the family to pay rental and shall consider as well such economic factors as may affect the financial stability and solvency of the project.

To purchase insurance in any stock or mutual company for any property or against any risks or hazards.

- C. To invest such funds as are not required for immediate disbursement.
- D. To invest such funds as are not required for immediate disbursement.
- E. To establish and maintain such bank accounts as may be necessary or convenient.

- F. To employ an executive director, technical and maintenance personnel and such officers and employees, permanent or temporary, as it may require; and to delegate to such officers and employees such powers or duties as the Board shall deem proper.
- G. To take such further actions as are commonly engaged in by corporate bodies of this character as the Board may deem necessary and desirable to effectuate the purposes of the Authority.
- H. To adopt such bylaws as the Board deems necessary and appropriate.
- I. 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 unless the Council shall specifically so state.

CHAPTER SEVEN BONDS

I. Bonds:

- A. The Authority may issue bonds from time to time in its discretion for any of its corporate purposes and may also issue refunding bonds for the purpose of paying or retiring bonds previously issued by it. The Authority may issue such types of bonds as it may determine, including bonds on which the principle and interest are payable: (a) exclusively from the income and revenues of the project financed with the proceeds of such bonds, or with such income and revenues together with a grant from the Federal government in aid of such project; (b) exclusively from the income and revenues of certain designated projects whether or not they were financed in whole or in part with the proceeds of such bonds; or (c) from its revenues generally. Any of such bonds may be additionally secured by a pledge of any revenues of any project, projects or other property of the Authority.
- B. Neither the commissioner or the Authority nor any person executing the bonds shall be liable personally on the bonds by reason of the issuance thereof.
- C. The bonds and other obligations of the Authority shall not be a debt of the Tribe and the bonds and obligations shall so state on their face.
- D. Bonds of the Authority are declared to be issued for an essential public and governmental purpose and to be public instrumentalities and, together with interest thereon and income therefrom, shall be exempt from taxes. The tax exemption provisions of this ordinance shall be considered part of the security for the repayment of bonds and shall constitute, by virtue of this ordinance and without necessity of being restated in the bonds, a contract between (a) the Authority and the Tribe, and (b) the bondholders and each of them, including all transferees of the bonds from time to time.

E. Bonds shall be issued and sold in the following manner:

1. Bonds of the Authority shall be authorized by a resolution adopted by the vote of an absolute majority of the Board and may be issued in one or more series.
2. The bonds shall bear such dates, mature at such times, bear interest at such rates, be in such denominations, be in such form, either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payments, at such places and be subject to such terms of redemption, with or without premium, as such resolution may provide.
3. The bonds may be sold at public or private sale at not less than par.
4. In case any of the commissioners of the Authority whose signature appear on any bonds or coupons cease to be commissioners before the delivery of such bonds, the signature shall, nevertheless, be valid and sufficient for all purposes, the same as if the commissioner had remained in office until delivery.

F. Bonds of the Authority shall be fully negotiable. In any suit, action or proceedings involving the validity or reinforcement of any bond of the Authority or the security therefore, any such bond reciting in substance that it has been issued by the Authority pursuant to this ordinance shall be conclusively deemed to have been issued for such purpose and the project for which such bond was issued shall be conclusively deemed to have been planned, located and carried out in accordance with the purpose and provisions of this ordinance.

G. In connection with the issuance of bonds or incurring of obligations under leases and in order to secure the payment of such bonds or 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 right then exists or may thereafter come into existence.
2. Provide for the powers and duties of obligees and limit their liabilities; and provide the terms and conditions on which such obligees may enforce any covenant or rights securing or relating to the bonds.
3. Covenant against pledging all or any part of its rents, fees and 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.
4. Covenant with respect to limitations on its right to sell, lease or otherwise dispose of any project or any part thereof.

5. Covenant as to what other or additional debts or obligations may be incurred by it.
6. Covenant as to the bonds to be issued and as to the issuance of such bonds in escrow or otherwise, and as the use and disposition of the proceeds thereof.
7. Provide for the replacement of lost, destroyed or mutilated bonds.
8. Covenant against extending the time for the payment of its bonds or interest thereon.
9. Redeem the bonds and covenant for their redemption and provide the terms and conditions thereof.
10. Covenant concerning the rents and fees to be charged in the operation of a project or projects, the amount to be raised each year or other period of time by rents, fees and other revenues, and as to the use and disposition to be made thereof.
11. Create or authorize the creation of special funds for moneys held for construction or operating costs, debt service, reserves or other purposes, and covenant as to the use and disposition of the moneys held in such funds.
12. Prescribe the procedures, if any, by which the terms of any contract with bondholders may be amended or abrogated, the proportion of outstanding bonds the holders of which must consent thereto, and the manner of 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 moneys.
14. Covenant as to the rights, liabilities, powers and duties arising upon the breach by it or any covenant, condition and obligation.
15. Covenant and prescribe as to events of default and terms and conditions upon which any or all of its bonds or 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.
16. Vest in any obligees or any proportion of them the right to enforce the payment of the bonds or any covenants securing or relating to the bonds.
17. Exercise all or any part or combination of the powers granted in this section.

18. Make covenants other than and in addition to the covenants expressly authorized in this section, of like or different character.

CHAPTER 8 MISCELLANEOUS

I. Miscellaneous:

- A. The Authority shall submit a detailed annual report, signed by the Chairman of the Board, to the Council showing (a) the names of occupants of all the housing units, (b) the number of vacancies, if any, (c) the status of construction, maintenance and repair of all housing units, and (d) such other information as the Authority or the Council shall deem pertinent.
- B. During his tenure and for one year thereafter, no officer or employee of the Authority shall voluntarily acquire any interest, direct or indirect in any project or in any property included or planned to be included in any project, or in any contract or proposed contract relating to any project. If any such officer or employee involuntarily acquires any such interest, or voluntarily or involuntarily acquire any such interest prior to appointment or employment as an officer or employee, the officer or employee, in any such event, shall immediately disclose his interest in writing to the Authority and such disclosure shall be entered upon the minutes of the Authority, and the officer or employee shall not participate in any action by the Authority relating to the property or contract in which he has any such interest. Any violation of the foregoing provision of this section shall constitute misconduct in office. This section shall not be applicable to the acquisition of any interest in notes or bonds of the Authority issued in connection with any project, or to the execution of agreements by banking institutions for the deposit or handling of funds in connection with a project or to act as trustee under any trust indenture, or to utility services the rates for which are fixed or controlled by the governmental agency.
- C. All projects of the Authority shall be subject to the planning, zoning, sanitary and building regulations applicable to the locality in which the planned project is situated.
- D. The Authority shall not construct or operate any projects for profit.
- E. 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.
- F. All property including funds acquired or held by the Authority pursuant to this ordinance shall be exempt from levy and sale by virtue of an execution, and no execution or other judicial process shall issue against the same nor shall any judgment against the Authority be a charge or lien upon such property; Provided, however, That the provisions of this section shall not apply to or limit the right of the obligees to pursue any remedies for the enforcement of any pledge or lien given by the Authority

on its rents, fees or revenues or the right of the Federal Government to pursue any remedies conferred upon it pursuant to the provisions of this ordinance.

CHAPTER NINE COOPERATION IN CONNECTION WITH PROJECTS

I. Cooperation in connection with Projects:

- A. For the purpose of aiding and cooperating in the planning, undertaking, construction or operation of projects, the Chippewa Cree Tribe agrees that:
1. It will not levy or impose any real or personal property taxes or special assessments upon the Authority or any project.
 2. It will furnish or cause to be furnished to the Authority and the tenants of projects all services and facilities of the same character and to the same extent as the Tribe furnishes from time to time without cost or charge to other dwellings and inhabitants on the Reservation.
 3. Insofar as it may lawfully do so, it will grant such deviations from any present or future building code of the Tribe as are reasonable and necessary to promote economy and efficiency in the development and administration of any project, and at the same time safeguard health and safety, and make such changes in any zoning 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. It will join in any disposition of project property or interest therein by the Authority and make assignments or other appropriate disposition of the underlying land as permitted by law, where such action is required in order to grant the maximum interest therein permitted by law.
 6. This section will not be abrogated, changed, or modified without the consent of the Public Housing Administration.
- B. The Tribe declares its intention to use its lawful powers, to the extent feasible, to eliminate unsafe or insanitary dwelling units on the Reservation, as additional dwellings are provided by projects of the Authority.
- C. The provisions of paragraph 1 of this section shall remain in effect with respect to any project so long as the project is either (i) owned by a public body or governmental agency and is used for low-rent housing purposes (ii) any contract between the Authority and Public Housing Administration for loans or annual contributions, or

both, in connection with such project remains in force and effect, or (iii) any bonds issued in connection with such project or any moneys due to the Public Housing Administration in connection with such projects remain unpaid, whichever period is the longest. If at any time title to, or possession of, any project is held by any public body or governmental agency authorized by law to engage in the development or administration of low-rent housing or slum clearance projects, including the Federal government, the provisions of this section shall inure to the benefit of and be enforced by such public body or government agency.

CHAPTER TEN APPROVAL BY SECRETARY OF THE INTERIOR

I. Approval by Secretary of the Interior:

In 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.