

**Kenaitze Indian Tribe, IRA
P.O. Box 988, Kenai, Alaska 99611**

Ordinance 2002-02

An Ordinance Establishing and Chartering the Kenaitze/Salamatof Housing, TDHE

Exhibit I—TRIBAL ORDINANCE

Pursuant to the powers vested in the Kenaitze Indian Tribe, by its Constitution and traditional law, and its authority to provide for the health, safety, morals and welfare of the Tribe, the Tribal Council of the Kenaitze Indian Tribe hereby charters a public body known as the Kenaitze/Salamatof Housing, a Tribally Designated Housing Entity (hereinafter referred to as the TDHE), and enacts this ordinance which shall constitute the charter of the TDHE.

In any suit, action or proceeding involving the validity or enforcement of or relating to any of its contracts, the TDHE shall be conclusively deemed to have become established and authorized to transact business and exercise its powers upon proof or the adoption of this ordinance. A copy of the Tribal Ordinance duly certified by the Secretary of the Council shall be admissible in evidence in any suit, action or proceeding.

ARTICLE I—DECLARATION OF NEED

It is hereby declared:

- A. That there exist in the service area of the Kenaitze Indian Tribe unsanitary, unsafe, and overcrowded dwelling accommodations, that there is a shortage of decent, safe and sanitary dwelling accommodations available at rents or prices which persons of low and moderate income can afford, and such shortage forces such persons to occupy unsanitary, unsafe and overcrowded dwelling accommodations;
- B. That these conditions cause an increase in and spread of disease and crime and constitute a menace to health, safety, morals and welfare; and 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 the shortage of decent, safe and sanitary dwellings for persons of low and moderate income cannot be relieved through the operation of private enterprise;
- D. That the providing of decent, safe and sanitary dwelling accommodations for persons of low and moderate income are public uses and purposes for which 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 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 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.

ARTICLE II—PURPOSES

The TDHE shall be organized and operated for the purposes of:

- A. Remedying unsafe and unsanitary housing conditions that are injurious to the public health, safety and morals,
- B. Alleviating the acute shortage of decent safe and sanitary dwellings for persons of low and moderate income; and
- C. Providing employment and economic development opportunities through the construction, reconstruction, improvement, extension, alteration or repair and operation of low and moderate-income dwellings.

ARTICLE III—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" meaning the Housing Board of the TDHE.
- B. "Council" meaning the Kenaitze Indian Tribal Council.
- C. "Federal Government" includes the United States of America, the Department of Housing and Urban Development, or any other agency or instrumentality, corporate or otherwise of the United States of America.
- D. "Housing activity" meaning any work or undertaking: to provide or assist in providing (by any suitable method including but not limited to: Rental, sale of individual units in single or multifamily structures under conventional condominium or cooperative sales contracts or lease-purchase agreements; loans; or subsidizing of rentals or charges) decent, safe and sanitary dwellings, apartments, or other living accommodations for persons of low and moderate 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 activity", 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 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 activity. Housing activity may also housing or housing related items as defined in Section 202 of the Native American Housing and Self-Determination Act of 1996 (NAHASDA).
- E. "Persons of low and moderate income" meaning persons or families who cannot afford to pay enough to cause private enterprise in their locality to build an adequate supply of decent, safe, and sanitary dwellings for their use.

ARTICLE IV—HOUSING BOARD

- A. The affairs of the TDHE shall be managed by a Housing Board composed of seven members.
1. Board members shall be appointed by the Kenaitze Tribal Council and the Salamatof Tribal Council and may be reappointed by the respective Councils.
 2. Kenaitze Tribal Council shall appoint five members of the Board, and Salamatof Tribal Council shall appoint two members. A certification of the Secretary of each Council as to the appointment or reappointment of any Board Member shall be conclusive evidence of the due and proper appointment of the Board Member.
 3. A Board Member shall be a member of each respective Tribe, and may be a member or non-member of each respective Tribal Council.
 4. No person shall be barred from serving on the Board because she/he is a tenant, homebuyer, or housing program participant of a housing program operated by the TDHE; and such Board Member shall be entitled to fully participate in all meetings concerning matters that affect all of the tenants, homebuyers, or housing program participants, even though such matters affect him/her as well. However, no such Board Member shall be entitled or permitted to participate in any meeting or to be counted or treated as a member of the Board, concerning any matter involving his/her individual rights, obligations or status as a tenant, homebuyer, or housing program participant.
 5. The term of office shall be four years and staggered. 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 years, and the last two in four years. Thereafter, all appointments shall be for four years except that in the case of prior vacancy, an appointment shall be only for the length of the unexpired term. Each member of the Board shall hold office until his/her successor has been appointed and has qualified.
 6. The Board shall elect one of the Board Members as Chairperson of the Board. The Board shall also elect from among its members a Vice-Chairperson, Secretary, and Treasurer, and any member may hold two of these positions. In the absence of the Chairperson, the Vice-Chairperson shall preside; and in the absence of both the Chairperson and Vice-Chairperson, the Secretary shall preside.
 7. A Board Member may be removed by each respective Council with or without cause. A Board member may be removed for serious inefficiency or neglect of duty or for misconduct in the office, but only after a hearing before the Council and duly after the member has been given a written notice of the specific charges against him/her at least 10 days prior to the hearing. At any such hearing, the member shall have the opportunity to be heard in person or by counsel or to present witnesses in his/her behalf. In the event of removal of any Board Member, a record of the proceedings, together with the charges and finding(s), shall be filed with the Council.
 8. The Board members may receive compensation for their services and shall be entitled to compensation for expenses, including travel expenses, incurred in the discharge of their duties.
 9. Four members of the Board shall constitute a quorum for the transaction of business, notwithstanding the existence of any vacancies.

10. The Secretary shall be responsible for complete and accurate records of all meetings and actions taken by the Board.
11. The Treasurer shall be responsible for 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 VI, Section 1, of this ordinance.
12. The Board shall have the TDHE exercise, by majority vote of those present and voting, any and all powers delegated to the TDHE by this ordinance or any amendments thereto.
13. 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 four or more members concur in the proposed action and that all members have received notice of the emergency meeting.

ARTICLE V—POWERS

- A. The TDHE shall have perpetual succession in its corporate name.
- B. The Council hereby gives its irrevocable consent to allowing the TDHE 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 TDHE to agree by contract to waive any immunity from suit which it might otherwise have; but the Tribe shall not be liable for the debts or obligations of the TDHE.
- C. The TDHE shall have the following powers which it may exercise consistent with the purposes for which it is established:
 1. To adopt and use a corporate seal.
 2. To enter into agreements, contracts and understandings with any 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.
 3. To agree, notwithstanding anything to the contrary contained in this ordinance or in any other provision of law, 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 operation of housing activity; and the TDHE may include in any contract executed in connection with a housing activity, stipulations requiring that the contractor and any subcontractors 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 its financial aid of the housing activity.
 4. To lease property 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 long term evidence of indebtedness, and to repay the same.
 6. To pledge the assets and receipts of the TDHE as security for debts, and to acquire, sell, lease, exchange, transfer or assign personal property or interests therein.
 7. To purchase land or interests 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 housing needs, to prepare housing plans, to execute the same, to operate housing activities and to provide for the construction, reconstruction, improvement, extension, alteration or repair of any housing activity or any part thereof.
9. With respect to any dwellings accommodations, lands, buildings or facilities embraced within any housing activity, to lease or rent, sell, enter into lease-purchase agreements or leases with option to purchase, to establish and revise rents or required monthly payments; to make rules and regulations concerning the selection of tenants, homebuyers, or housing program participants including the establishment of priorities, and concerning the occupancy, rental, care and 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.
10. To finance purchase of a home by an eligible homebuyer.
11. To terminate any lease or rental agreement or lease-purchase agreement when the tenant or homebuyer has violated the terms of such agreement or failed to meet any of his/her obligations or when such termination is otherwise authorized under the provisions of such agreement, and to bring action for eviction against such tenant or homebuyer.
12. To establish income limits for admission that ensures that dwelling accommodations in a housing activity shall be made available only to persons of low and moderate income.
13. To purchase insurance for any property or against any risk or hazards.
14. To invest such funds as are not required for immediate disbursement.
15. To establish and maintain such bank accounts as may be necessary or convenient.
16. To employ a Housing Director, technical and maintenance personnel, and such other officers and employees, permanent or temporary, as the TDHE may require, and to delegate to such officers and employees such powers or duties as the Board shall deem proper.
17. To take such further actions as are commonly engaged in by public bodies as the Board may deem necessary and desirable to effectuate the purposes of the TDHE.
18. To join or cooperate with any other housing agency or agencies operating under the laws or ordinances of a State or another Tribe in the exercise, either jointly or otherwise, or any or all of the powers of the TDHE and such other housing agency or agencies for the purpose or financing, planning, undertaking, owning, constructing, operating, contracting with respect to a housing activity or housing activities of the TDHE or such other housing agency or agencies. For such purpose the TDHE may by resolution prescribe and authorize any other housing agency or agencies, so joining or cooperating with the TDHE, to act on the TDHE's behalf with respect to any or all powers, as the TDHE's agent or otherwise, in the name of the TDHE or in the name of such agency or agencies.
19. To receive and accept the designation of Tribally Designated Housing Entity on behalf of another Tribe in Southcentral Alaska.
20. To adopt such bylaws as the Board deems necessary and appropriate.
21. It is the purpose and intent of this ordinance to authorize the TDHE 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 housing activity by the TDHE.

22. No ordinance or other enactment of the Tribe with respect to the acquisition, operation, or disposition of Tribal property shall be applicable to the TDHE in its operations pursuant to this ordinance unless the Council shall specifically so state.

ARTICLE VI—MISCELLANEOUS

- A. The TDHE shall submit a detailed annual report, signed by the Chairperson of the Board, to each respective Council with the following information:
 1. Copy of most current Annual Performance Report,
 2. Copy of the latest Annual Assessment issued by the HUD Office of Native American Programs,
 3. Copy of the TDHE's current Self-Monitoring Report,
 4. Latest fiscal audit (if required by Office of Management and Budget) and information on the financial condition of the TDHE,
 5. Status of construction, maintenance and repair of all housing units,
 6. Any significant problems and accomplishments,
 7. Narrative of other housing activities,
 8. Plans for the future, and
 9. Other information as the TDHE or the Council shall deem pertinent.
10. The TDHE shall submit Notices of Meetings, Agendas, and Meeting Minutes to each respective Tribal Council.
11. During his/her tenure and for one year thereafter, no Board Member, officer or employee of the TDHE, or any member of any governing body of the Tribe, or any other public official who exercises any responsibilities or functions with regard to the housing activity, shall voluntarily acquire any interest direct or indirect, in any housing activity or in any property included or planned to be included in any housing activity, or in any contract or proposed contract relating to any housing activity. If any such Board Member, officer or employee involuntarily acquires any such interest, or voluntarily or involuntarily acquired any such interest prior to appointment or employment as a Board Member, officer or employee, the Board Member, officer or employee, in any such event, shall immediately disclose his/her interest in writing to the TDHE and such disclosure shall be entered upon the minutes of the TDHE and the Board Member, officer or employee shall not participate in any action by the TDHE relating to the property or contract in which he/she has any such interest. Any violation of the foregoing provisions of his/her section shall constitute misconduct in office.
12. Each housing activity developed or operated under a grant agreement providing for federal financial assistance shall be developed and operated in compliance with all requirements of such agreement and applicable federal legislation and with all regulations and requirements prescribed from time to time by the federal government in connection with such assistance.
13. The TDHE 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.

14. All housing activities of the TDHE shall be subject to the planning, zoning, sanitary, and building regulations applicable to the locality in which the planned housing activity is situated.
15. The TDHE shall not construct or operate any housing activity for profit using NAHASDA program funds.
16. The property of the TDHE is declared to be public property used for essential public and governmental purposes and such property and the TDHE are exempt from all taxes and special assessments of the Tribe.
17. All property, including funds acquired or held by the TDHE 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 TDHE be a charge or lien upon such property.

ARTICLE VII—COOPERATION IN CONNECTION WITH HOUSING ACTIVITIES

- A. For the purpose of aiding and cooperating in the planning, undertaking, construction or operation of housing activities, and when required by statute, the TDHE shall execute a Cooperation Agreement with the local government. The agreement should outline the following:
 1. It will not levy or impose any real or personal property taxes or special assessments upon the TDHE or any housing activity.
 2. It will furnish or cause to be furnished to the TDHE and the occupants of housing units owned by the TDHE all services and facilities of the same character and to the same extent as the local government furnishes from time to time without cost or charge to other dwellings and inhabitants.
- B. For the purpose of aiding and cooperating in the planning, undertaking, construction or operation of housing activities, the Tribal Council agrees:
 1. It will not levy or impose any real or personal property taxes or special assessments upon the TDHE or any housing activity.
 2. 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 housing activities.
 3. The Tribal Courts (if established locally) shall have jurisdiction to hear and determine an action for eviction of a tenant, homebuyer, or housing program participant. The Tribal Government hereby declares that the powers of the Tribal Government and the Tribal Courts shall be vigorously utilized to enforce eviction of a tenant or homebuyer for nonpayment or other contract violations.

ARTICLE VIII – DISSOLUTION

Upon dissolution, all assets of the TDHE will become the property of the Tribal Government to be used for purposes in accordance with Article II herein.

ARTICLE IX – ADOPTION

Pursuant to Article X of the Kenaitze Tribal Constitution, Ordinance 2002-01 is enacted by the Kenaitze Tribal Executive Council at its regular meeting of August 16, 2002 and is effective this date. Passed and approved by the Kenaitze Indian Tribe, IRA Executive Committee/Tribal Council in Kenai, Alaska.

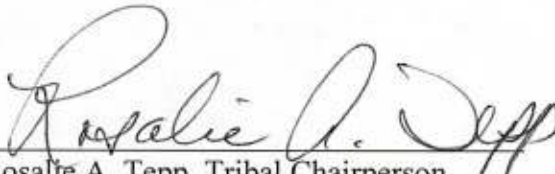
Certification:

Voting For: 7

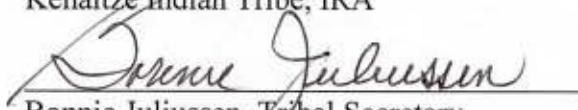
Voting Against: 0

Abstaining: 0

Absent: 0


Rosalie A. Tepp, Tribal Chairperson

Kenaitze Indian Tribe, IRA


Bonnie Juliussen, Tribal Secretary

Kenaitze Indian Tribe, IRA

Date: 8-26-02