

TRIBAL ORDINANCE NO. 1

Pursuant to the authority vested in the Squaxin Island Tribal Council, and its authority to contract, manage, and to lease or otherwise deal with tribal assets, the Squaxin Island Tribal Council, hereby joins a public corporation known as The Southern Puget Sound Inter-Tribal Housing Authority (hereinafter referred to as the Authority), and enacts this ordinance in order to charter the Authority jointly with other participating Indian Tribes.

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 been established and authorized to transact business and exercise its powers upon proof of the adoption of this ordinance by this and other participating Indian Tribes, Bands, or Groups.

1. Declaration of Need

It is hereby declared:

- a.. That there exists on the Squaxin Island Reservation unsanitary, unsafe and overcrowded dwelling accommodations; that there is a shortage of safe or sanitary dwelling accommodations available at rents or prices which persons of low income can afford; and that 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 the health, safety, morals and welfare of the residents of the Reservations; 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 for rebuilding of these areas and the providing of safe and sanitary dwelling accommodations for persons of low income are public uses and purposes for which

Page 2

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 in 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.

II. Purposes

The Authority shall be organized and operate for the purposes of:

a. Remedying on the Reservations of this and other participating Indian Tribes, Bands or Groups 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 families of low income; and

c. Providing employment opportunities on the Reservation of this and other participating Indian Tribes, Bands or Groups through the construction, reconstruction, improvement, extension, alteration or repair and operation of low-rent dwellings.

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 context:

a. "Board" means the Board of Commissioners of the Authority.

b. "Council" means the Tribal Council the the Squaxin
Island Indian Tribe.

c. "Federal government" includes the United States of America, the Department of Housing and Urban Development, and 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

page 3

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 decent, safe and sanitary dwellings, apartments, or other living accommodations for persons of low income by any suitable method, including but not limited to rentals, sale or individual units in single or multifamily structures under conventional, condominium, or cooperative sales contracts; lease-purchase agreement; loans; or subsidizing of rentals or charges; or (3) to accomplish a combination of the foregoing. Such work or undertaking may include buildings, land, lease holds, equipment, facilities, and other real or personal property for necessary, convenient, or desirable appurtenances, for street, sewers, water services, 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 building 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 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 any lessor transferring 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.

IV. Organization

1. The affairs of the Authority shall be managed by a Board of Commissioners composed of two persons from each participating Indian Tribe or Band.

a. Two commissioners shall be appointed, and may be reappointed by the Tribal Council. A certificate 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.

b. The Commissioners' term of office shall be four years and staggered. When the Board is first established the term of one of the Tribe's two commissioners shall by drawing lots be designated to expire in two years and the other 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 successor has been appointed.

c. The Board shall elect one of the commissioners as Chairman of the Board. The Board shall also elect from among its members a Vice-Chairman, a Secretary, and a Treasurer. 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.

d. The Board of Commissioners may remove a commissioner from the Board for good cause. In deciding whether to remove a commissioner, the Board shall consider the desires and recommendations of that Commissioner's Tribal Council.

e. The Commissioners shall not receive compensation for their services but shall be entitled to compensation from the Authority for expenses, including traveling expenses, incurred in the discharge of their duties.

f. A majority of the total membership of the Board as constituted by this ordinance shall be a quorum (for transaction of business), whether or not any Board positions are vacant.

g. The Secretary shall keep complete and accurate records of all meetings and actions taken by the Board.

h. 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 elected officials of each Tribe or Band as required by Article VII, Section 1, of this ordinance. The Treasurer shall be

bonded as provided by the Department of Housing and Urban Development.

2. 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 resolutions.

3. 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 may be transacted at such meetings, provided that a majority of all members present concur in the proposed action.

V. Powers

1. The Authority shall have perpetual succession in its corporate name. The Authority shall also be authorized to admit other Indian Tribes or Bands or Groups to the Southern Puget Sound Inter-Tribal Housing Authority upon the adoption of an Ordinance by said Indian Tribe, Band or Group. No Tribe, Band or Group shall withdraw from the Authority without the consent of the Authority. All additions and withdrawals of Tribes, Bands or Groups from the Authority shall also be submitted and receive the approval of the Department of Housing and Urban Development before taking effect. The Authority shall be authorized to accept the transfer of any existing housing project covered by an Annual Contribution Contract and to accept assignment of all obligations under said Contract with the approval of the Department of Housing and Urban Development. Upon the transfer of all projects and contract obligations to the Southern Puget Sound Inter-Tribal Housing Authority, any existing Tribes', Bands', or Groups' Housing Authority shall be terminated and go out of existence.

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

a. The Council hereby gives its 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 authorized the Authority to agree by contract to waive any immunity from suit which it might otherwise have; but the Squaxin Island Tribe, shall not be liable for the debts or obligations of the Authority, except insofar as expressly authorized by this ordinance.

b. To adopt and use a corporate seal.

page 6

c. 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. 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.

d. To lease property from the Tribes, Band, or Group and others for such periods as are authorized by law, and to hold and manage or to sub-lease the same.

e. To borrow money, to issue temporary or long term 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.

f. 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.

g. To purchase land or interests in land or take the same by gifts; to lease land or interest in land to the extent provided by law.

h. To undertake and carry out studies and analysis 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, improvement, extension, alteration or repair of any project or any part thereof.

i. To lease, rent, sell, or lease with option of 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 admission 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

Page 7

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.

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

k. To invest such funds as are not required for immediate disbursement.

l. To establish and maintain such bank accounts as may be necessary, or convenient.

m. To employ an executive director, technical and maintenance personnel and such other 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.

n. 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.

o. To adopt such bylaws as the Board deems necessary and appropriate.

p. To join or cooperate with any other public housing agency or agencies operating under the laws or ordinances of a state or other Bands or Tribes or Group in the exercise, either jointly or otherwise, of any or all of the powers of the Authority and such other public housing agency or agencies for the purpose of financing (including but not limited to the issuance of bonds, notes or other obligations and giving security therefore), planning, undertaking, owning, constructing, operating or contracting with respect to a housing project or projects of the Authority or such other public housing agency or agencies. For such purpose the Authority may by resolution prescribe and authorize any other public housing agency or agencies so joining or cooperating with the Authority to act on the Authority's behalf with respect to any or all powers, as the Authority's agent or otherwise, in the name of the Authority or in the name of such agency or agencies:

VI. Bonds

1. 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 principal 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.
2. Neither the commissioner of the Authority nor any person executing the bonds shall be liable personally on the bonds by reason of the issuance thereof.
3. The bonds and other obligations of the Authority shall not be a debt of Squaxin Island Tribe and the bonds and obligations shall so state on their face.
4. 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 Squaxin Island Tribe, and (b) the bondholders and each of them including all transferees of the bonds from time to time.
5. Bonds shall be issued and sold in the following manner:
 - a. 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.
 - b. 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.

c. The Bonds may be sold at public or private sale at not less than par.

d. In case any of the Commissioners of the Authority whose signatures 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 Commissioners had remained in office until delivery.

6. Bonds of the Authority shall be fully negotiable. In any suit, action, or proceedings involving the validity or enforcement 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 purposes and provisions of this ordinance.

7. 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,

a. 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.

b. 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.

c. 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.

d. Covenant with respect to limitations on its right to sell, lease, or otherwise dispose of any project or any part thereof.

e. Covenant as to what other or additional debts or obligations may be incurred by it.

f. Covenant as to the Bonds to be issued and as to the issuance of

Page 10

such Bonds in escrow or otherwise, and as to the use and disposition of the proceeds thereof.

g. Provide for the replacement of lost, destroyed, or mutilated Bonds.

h. Covenant against extending the time for the payment of its Bonds or interest thereon.

i. Redeem the Bonds and covenant for their redemption and provide the terms and conditions thereof.

j. 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.

k. Create or authorize the creation of special funds for monies held for construction or operating costs, debt service, reserves or other purposes, and covenant as to the use and disposition of the monies held in such funds.

l. Prescribe the procedure, 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 number in which such consent may be given.

m. 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 monies.

n. Covenant as to the rights, liabilities, powers and duties arising upon the breach by it of any covenant, condition or obligation.

o. 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.

p. 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.

q. Exercise all or any part or combination of the powers granted in this section.

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

s. Make any covenants and do any acts and things necessary or convenient

or desirable in order to secure its Bonds, or, in the absolute discretion of the Authority, tending to make the Bonds more marketable although the covenants acts or things are not enumerated in this section.

VII. Miscellaneous

1. The Authority shall submit a detailed annual report, signed by the Chairman of the Board, to elected officials of each participating Reservation showing (a) the names of occupants of all the housing units on the Reservation of said Tribes, Bands or Group, (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.
2. 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 acquires any such interest prior to appointment or employment as an officer or employee, the officer or employee, in 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 provisions 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 acts as trustee under any trust indenture, or to utility services the rates for which are fixed or controlled by governmental agencies.
3. All projects of the Authority located on an Indian Reservation shall be subject to the planning, zoning, sanitary, and building ordinances and regulations of that reservation's governing body. All other projects shall observe the ordinance and regulations of the locality in which they are situated.
4. The Authority shall not construct or operate any project for profit.

5. 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 Squaxin Island Indian Tribe.

6. All property including funds acquired or held by the Authority pursuant to the Ordinance establishing the Authority shall be exempt from levy and sales 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 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.

VIII. Cooperation in Connection with Project

1. For the purposes of aiding and cooperating in the planning, undertaking, construction or operation of project, the Tribal Council agrees that:

(a) It will not levy or impose any real or personal property taxes or special assessments upon the Authority or any project.

(b) 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 Tribal Council furnishes from time to time without cost or charge to other dwellings and inhabitants on the Reservation.

(c) Insofar as it may lawfully do so, it will grant such deviations from any present or future building code of the Tribe or Band 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 of the site and surrounding territory of any project as are reasonable and necessary for the development and protection of such project and the surrounding territory.

(d) It will do any and all things, within its lawful powers, necessary or convenient to aid and cooperate in the planning, undertaking, construction or operations of projects.

(e) It will join in any disposition of project property or interest therein by the Authority and make assignment 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.

(f) This ordinance will not be abrogated, changed, or modified without the consent of the Department of Housing and Urban Development.

2. The Tribal Council declares its intention to use its lawful powers, to the extent feasible, to eliminate unsafe or unsanitary dwelling units on the Reservations, as additional dwellings are provided by the projects of the Authority.

3. The provisions of paragraph 1 of this section shall remain in effect with respect to any project so long as the project is either (1) owned by a public body or governmental agency and is used for low-rent housing purposes, (2) any contract between the Authority and the Department of Housing and Urban Development for loans or annual contributions, or both, in connection with such project 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 governmental agency.

IX. Approval by Secretary of the Interior

With 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.

CERTIFICATION

We, the undersigned, duly elected members of the Tribal Business Committee, do hereby certify that the foregoing ordinance was adopted by the members of the Tribal Council at the regular meeting on April 14, 1975 by a vote of 4 "for" 0 "against" and 0 "abstained" and said ordinance has not been amended or rescinded in any way.

Robert J. [Signature]

John [Signature]

[Signature]

[Signature]

[Signature]

Approved:

[Signature]
Superintendent

4/23/75

R. J. H.