



SQUAXIN ISLAND TRIBE

RESOLUTION NO. 98-99 of the SQUAXIN ISLAND TRIBAL COUNCIL

WHEREAS, the Squaxin Island Tribal Council is the Governing Body of the Squaxin Island Tribe, its members, its lands, its enterprises and its agencies by authority of the Constitution and Bylaws of the Squaxin Island Tribe, as approved and adopted by the General Body and the Secretary of the Interior on July 8, 1965; and,

WHEREAS, under the Constitution, Bylaws and inherent sovereignty of the Tribe, the Squaxin Island Tribal Council is charged with the duty of protecting the health, security, education and general welfare of tribal members, and with protecting and managing the lands and treaty resources and rights of the Tribe; and,

WHEREAS, the Squaxin Island Tribal Council has been entrusted with the creation of ordinances and resolutions in order to fulfill their duty of protecting the health, security, education and general welfare of tribal members, and of protecting and managing the lands and treaty resources of the Tribe; and,

WHEREAS, the Final Rule implementing NAHASDA at 24 C.F.R. § 1000.204 permits an Indian tribe to designate itself as a recipient of HUD funds for housing on Indian reservations and within Indian areas; and,

WHEREAS, the Squaxin Island Tribal Council voted Thursday, July 9, 1998 to designate the Squaxin Island Tribe as recipient of FY98 and FY99 Indian Housing Block Grant funds; and

WHEREAS, the Squaxin Island Tribal Council voted Friday, September 25, 1998 to begin operating its own housing program independent of the Southern Puget Sound Inter-Tribal Housing Authority, effective October 1, 1998 in accordance with 24 C.F.R. 1000, the Final Rule implementing NAHASDA; and

WHEREAS, the Tribal Council finds it necessary to create a Housing Commission to operate the Tribe's housing program, and that such Commission's duties are logically related to the already existing Squaxin Island Tribal Utility Commission,

NOW THEREFORE BE IT RESOLVED, that the Squaxin Island Tribal Council does hereby approve and adopt the attached Ordinance Establishing the Squaxin Island Tribal Housing and Utilities Commission, as Tribal Law effective this date.

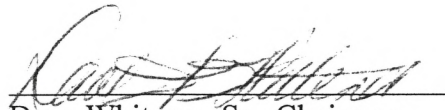
NOW THEREFORE BE IT FURTHER RESOLVED, that Resolution number 91-68, as amended by Resolution number 93-02, the Squaxin Island Tribal Utility Ordinance, is repealed and replaced by the attached Squaxin Island Utilities Ordinance, adopted as Tribal Law effective this date.

NOW THEREFORE BE IT FINALLY RESOLVED, that the attached Interim Housing Code is adopted as Tribal Law effective this date.


Ordinance
10/1

CERTIFICATION

The Squaxin Island Tribal Council does hereby certify that the foregoing Resolution was adopted at the regular meeting of the Squaxin Island Tribal Council, held on this 8th day of October, 1998, at which time a quorum was present and was passed by a vote of 4 for and 0 against with 0 abstentions.


Dave Whitener, Sr., Chairman

Attested by: 
Sue McFarlane, Secretary


Cal Peters, Vice Chairman

SQUAXIN ISLAND TRIBAL COUNCIL

Ordinance Establishing the Squaxin Island Housing and Utilities Commission

Chapter 11.02 is added to the Squaxin Island Tribal Code, to read as follows:

Sections:

11.02.010 Title, Effective Date, and Statutory Authority.

11.02.020 Establishment of Housing and Utilities Commission.

11.02.030 Commission's Purpose.

11.02.040 Definitions.

11.02.050 Membership.

11.02.060 Term of Office.

11.02.070 Organization and Procedures.

11.02.080 Exceptions.

11.02.090 Powers and Responsibilities.

11.02.010 Title, Effective Date, and Statutory Authority.

This Ordinance shall be known as the "Housing and Utilities Commission Establishment Ordinance" of the Squaxin Island Tribe. This Ordinance shall become immediately effective upon enactment of an adopting resolution by the Squaxin Island Tribal Council. The Housing and Utilities Commission is established under authority of the Commissions and Committees Policy Ordinance. (Res. 98-45)

11.02.020 Establishment of Housing and Utilities Commission.

There is hereby established the Squaxin Island Housing and Utilities Commission to serve as the advisory, decision-making, and policy authority for the Squaxin Island Tribal Housing Program and Tribal Utilities Program. The Commission shall continue to exist until dissolved by the Tribal Council.

11.02.030 Commission's Purpose.

- A. The Housing and Utilities Commission shall be organized to:
1. Assist Indian families and individuals to obtain affordable homes in safe and healthy environments, recognizing that the Squaxin Island Tribe grants a preference to its enrolled Tribal members in providing services; and
 2. Provide housing and housing services to low- and moderate-income Indian families and individuals within the Indian area served by the Squaxin Island Tribe; and,

3. Provide public utilities and utility services including water, sewer, garbage, power, roads, and other public utilities deemed by the Housing and Utilities Commission as essential to maintaining safe and healthy environments within the Tribal Utilities Service Area.
4. Operate as a subordinate unit of the tribal government, independent in its daily operation, but responsible to the Tribal Council for its actions.

B. The purpose of the Housing and Utilities Commission is to define policies, identify rules and regulations necessary to implement the policies, and recommend the identified rules and regulations to the Tribal Council for enactment.

11.02.040 Definitions.

Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

- A. "Commission" means the Squaxin Island Housing and Utilities Commission.
- B. "Commissioners" means the members of the Squaxin Island Housing and Utilities Commission appointed by the Squaxin Island Tribal Council.
- C. "Kamilche Community" means residents receiving housing or utility services from the Tribe, and residing on the Kamilche Peninsula in Mason County, Washington.
- D. "NAHASDA" means the Native American Housing Assistance and Self-Determination Act of 1996.
- E. "Shall" means mandatory actions that must be undertaken.
- F. "Tribal Community," for the purposes of this Ordinance, shall include, but shall not necessarily be limited to Squaxin Island Tribal members.
- G. "Tribal Council" means the Squaxin Island Tribal Council.
- H. "Tribal Housing Program" means the program of the Squaxin Island Tribe authorized to provide housing and housing services to low- and moderate-income Indian families and individuals.
- I. "Tribal Utilities Program" means the program of the Squaxin Island Tribe authorized to operate, manage, and maintain the utilities services and facilities provided by the Tribe.
- J. "Tribal Utilities Service Area" means any and all areas connected to the Tribal Water System or Wastewater System or linked by Tribal or Bureau of Indian Affairs roads.

11.02.050 Membership.

A. The Housing and Utilities Commission shall be composed of seven persons appointed by the Tribal Council. One person shall be selected from the Tribal Council, as its representative, one person shall be a resident of the Kamilche community, and five persons selected from the general Tribal community. Members of the Commission shall be known as Housing and Utilities Commissioners.

B. The Tribal Council, as it deems necessary, may appoint Alternate Members to the Commission and determine their number and term at the time of appointment. Voting rights, if any, shall be specified in the Bylaws of the Commission.

11.02.060 Term of Office.

Initially, two Commissioners will be appointed to three-year terms, two Commissioners will be appointed to two-year terms, and three Commissioners including the Tribal Council representative will be appointed to a one-year term; thereafter, the term of office shall be three years, except for the Tribal Council representative, who will serve a one-year term. The term of office expires on the upon swearing in a newly appointed Commissioner. In the event that the Tribal Council representative to the Commission resigns from or is removed from the Tribal Council, the representative's term on the Commission expires immediately, and the Tribal Council shall fill the vacancy by appointment at its next regularly scheduled meeting.

11.02.070 Organization and Procedures.

A. Until such time that the Commission develops its own bylaws, and the bylaws are approved by the Tribal Council, the Commission shall develop an organization and follow procedures consistent with Sections 11 through 24 of the Commissions and Committees Policy Ordinance. (Res. 98-45)

B. Within seven days after the initial appointment of Commissioners, the Commission shall convene to elect officers and develop bylaws for the Commission. The Commission shall submit its proposed bylaws to the Tribal Council for approval at the first regularly scheduled meeting of the Tribal Council following the appointment of Commissioners and at each subsequent meeting of the Tribal Council until the Commission's Bylaws are approved.

C. Within ninety (90) days after the initial appointment of Commissioners, the Commission shall convene to develop, review, and adopt the specific policies listed under Section 11.02.090 of this Ordinance.

11.02.080 Exceptions.

A. A majority (four) of the voting members of the Commission shall constitute a quorum, and no action of the Commission shall be valid unless at least a majority of those members constituting a quorum concur therein; except that an affirmative vote of at least four of the voting members of the Commission shall be required for approval of any action.

B. An annual report for each Fiscal Year shall be submitted by the Commission to the Tribal Council and the Tribal Executive Director on or before November 15 of each year; except that no annual report will be required to be submitted by the Commission for the fiscal year ended September 30, 1998.

C. Membership in the Housing and Utilities Commission shall be open to enrolled members of the Squaxin Island Tribe and to non-tribal members, at the discretion of the Squaxin Island Tribal Council.

11.02.090 Powers and Responsibilities

The Housing and Utilities Commission shall provide oversight of the Tribal Housing Program and the Tribal Utilities Program by developing policies governing the operations of these programs, recommending rules and regulations to the Tribal Council for adoption, and

participating with staff in planning and monitoring programs. To fulfill these responsibilities, the Commission shall have the power to:

A. Adopt policies for assessing and collecting reasonable fees to operate and maintain the Tribal Utilities Program and the Tribal Housing Program for the provision of essential community services.

B. Adopt policies consistent with Title II, Section 203 of NAHASDA to include at a minimum the following written policies:

1. Policy governing rents and home buyer payments charged for dwelling units assisted under NAHASDA, including the methods by which such rents and home buyer payments are determined; and,
2. Policy for reserving and using Indian Housing Block Grant operating assistance under NAHASDA to provide for the continued maintenance and efficient operation of housing developed pursuant to the United States Housing Act of 1937; and,
3. Policy governing the eligibility, admission, and occupancy of families for housing assisted with Indian Housing Block Grant amounts provided under NAHASDA; and,
4. Policy governing the management and maintenance of housing assisted with Indian Housing Block Grant amounts provided under NAHASDA.
5. Policy assuring that adequate insurance coverage is maintained for housing units owned, operated, or assisted with grant amounts provided under NAHASDA.

C. Adopt additional policies as necessary to implement the Tribal Housing Program and the Tribal Utilities Program, including, but not necessarily limited to the following:

1. Policy governing grievances filed by any customer or tenant or applicant for housing services or utilities services who is aggrieved by any action of the Housing and Utilities Commission, the Housing Program, or the Utilities Program.
2. Policy governing the determination of fee schedules to be assessed to the users of Tribal utilities services.
3. Policy governing fire and other insurance coverage on facilities and equipment owned or operated by the Tribal Housing Program or the Tribal Utilities Program.
4. Policy governing the promulgation and implementation of emergency regulations by the Utilities Program or the Housing Program in the event of disasters or other emergencies including but not limited to fire, water shortage, sewer overflow, or power outage.

D. Participate with staff each year to develop and submit the Tribe's one-year and five-year Indian Housing Plan to the Tribal Council and to the U.S. Department of Housing and Urban Development for approval.

E. Participate with staff in monitoring compliance under NAHASDA and preparing the Tribe's Annual Performance Report. During at least one regular meeting take comments on each fiscal year's Annual Performance Report that has been made publicly available to Tribal members, non-Indians served under NAHASDA, and other citizen's within the Tribe's Indian area.

F. Participate with the Tribal Administration in developing budgets for the Tribal Housing Program and the Tribal Utilities Program.

G. Advise Tribal Administration in regard to program staffing and needs.

H. Develop appropriate regulations to implement the requirements of the Tribal Housing Program and the Tribal Utilities Program, and forward these regulations to the Tribal Council for consideration and adoption.

I. Review existing Tribal ordinances and codes potentially affected by Commission policy development and recommend amendments to these ordinances and codes to the Tribal Council as appropriate to assure consistency between the codes and ordinances and the Tribal Housing and Utilities Programs. At a minimum, this review shall include the following ordinances and codes:

1. Ordinance, as Amended, Establishing the Southern Puget Sound Inter-Tribal Housing Authority. (Title 2, Chapter 2.08 of the Squaxin Island Tribal Code)
2. Housing and Utilities Commission. (Title 11, Chapter 11.02 of the Squaxin Island Tribal Code)
3. Wastewater Code. (Title 11, Chapter 11.04 of the Squaxin Island Tribal Code)
4. Utilities Code. (Title 11, Chapter 11.08 of the Squaxin Island Tribal Code)
5. Water Code. (Title 11, Chapter 11.12 of the Squaxin Island Tribal Code)
6. Building Code. (Title 11, Chapter 11.16 of the Squaxin Island Tribal Code)
7. Housing Code. (Title 11, Chapter 11.20 of the Squaxin Island Tribal Code)
8. Tenant Accounts Receivable Policy. (Title 6, Chapter 6.20 of the Squaxin Island Tribal Code)

J. Adjudicate grievances filed by any customer or tenant or applicant for housing services or utilities services who is aggrieved by any action of the Housing and Utilities Commission, the Housing Program, or the Utilities Program. The Commission shall handle such grievances in a manner which provides for due process of law.

All decisions by the Housing and Utilities Commission on matters that have been submitted for grievance under the Grievance Policy of the Commission and the grievance procedures implemented by the Housing and Utilities Programs shall be considered final. Final decisions of the Commission may be appealed by an aggrieved party only on the basis that grievance procedures were not followed, or that due process of law was denied.

K. The Housing and Utilities Commission is an agency of the Squaxin Island Tribe, and thereby retains all rights of sovereign immunity of the Tribe. The Commission shall not waive the sovereign immunity of the Squaxin Island Tribe or any of its officers, agents, attorneys, or employees, or any one else acting at the direction of and on behalf of the Squaxin Island Tribe.