

FOND DU LAC ORDINANCE #04/98 AMENDED

CHARTER AND BYLAWS OF THE FOND DU LAC HOUSING COMMITTEE

Adopted by the Fond du Lac Reservation Business Committee by Resolution #1089/98 on March 30, 1998.

Amended by Ordinance #06/98, adopted by Resolution #1193/98 of the Fond du Lac Reservation Business Committee dated July 7, 1998.

Amended by Ordinance #07/07 adopted by Resolution #1526/07 of the Fond du Lac Reservation Business Committee on December 11, 2007.

FOND DU LAC ORDINANCE #04/98 AMENDED

CHARTER AND BYLAWS OF THE FOND DU LAC HOUSING COMMITTEE

Pursuant to the authority reserved under the Treaty of LaPointe, 10 Stat. 1109, and as recognized by Article VI of the Revised Constitution of the Minnesota Chippewa Tribe, Section 16 of the Indian Reorganization Act, 25 U.S.C. § 476, and the Native American Housing Assistance and Self-Determination Act of 1996, 25 U.S.C. § 4401 et seq., the Fond du Lac Reservation Business Committee, as the Governing Body of the Fond du Lac Band of Lake Superior Chippewa, does hereby charter the Fond du Lac Housing Committee to engage in those activities prescribed herein relating to the administration and operation of the Fond du Lac Housing Program on and near the Fond du Lac Reservation.

101. **Name.** The name of the organization shall be the Fond du Lac Housing Committee.

102. **Purpose.** The purpose of the Committee shall be to oversee the administrative operations of the Fond du Lac Housing Program, and to exercise such advisory, review and decisional authority as is specifically delegated under the provisions of this Charter.

103. **Structure of the Fond du Lac Housing Program.** The Fond du Lac Housing Program shall be organized and operated in the following manner:
 - a. **Government-to-Government Matters.** The Reservation Business Committee shall be responsible for all government-to-government matters relating to the operation of the Fond du Lac Housing Program between the Fond du Lac Band, the United States and any state or local governmental agency, and shall have exclusive responsibility and control over all finances of the Fond du Lac Housing Program.

 - b. **General Administration.** The administration of the Fond du Lac Housing Division shall be exclusively in accordance with the policies, procedures, and chain-of-command of the Reservation Business Committee, except as expressly provided under this Charter.

- c. **Housing Committee.** The Housing Committee shall be responsible for the performance of such advisory, review and decisional functions as are specifically delegated by the Reservation Business Committee pursuant to Article 108 of this Charter.
- d. **Director of Housing.** The Director of Housing shall be the chief administrative officer of the Fond du Lac Housing Program, and shall be responsible for the day-to-day operations of the Program. The Housing Director shall be subject to the administrative supervision of the Fond du Lac Executive Director, except for those matters for which the Housing Director is accountable to the Housing Committee under this Charter.
104. **Attributes.** The Fond du Lac Housing Division is a subdivision of the Fond du Lac Band of Lake Superior Chippewa, and the actions taken by the Division shall be imbued with those privileges and immunities inherent to the Fond du Lac Band, except as limited herein. Nothing in this Charter shall be deemed or construed as a waiver of the sovereign immunity of the Fond du Lac Band, or to constitute consent by the Fond du Lac Reservation Business Committee or the Housing Committee to suit, except as provided herein.
105. **Housing Committee Membership.** The Housing Committee shall consist of five (5) members, who shall be appointed by the Reservation Business Committee to terms of four (4) years. The Brookston, Cloquet and Sawyer districts of the Reservation shall each be represented by at least one (1) member on the Housing Committee. The terms of members shall be staggered so as to preserve continuity of operation and purpose. The Reservation Business Committee may appoint temporary members to the Housing Committee, consistent with the provisions of this Charter, as necessary to serve out the remainder of existing terms on the Housing Committee. The Reservation Business Committee may consider the recommendations of the Housing Committee in making such appointments, and shall notify both the appointee and the Housing Committee of such appointments. All members of the Housing Committee must be enrollees of the Fond du Lac Band.
106. **Resignation, Removal or Suspension of Housing Committee Members.** A member of the Housing Committee may resign from the Committee by providing written notice of resignation to the Committee Chairperson. A member with three (3) consecutive unexcused absences shall be presumed to have resigned from the Housing Committee. A member of the Housing Committee may be removed by the Reservation Business Committee for misconduct, malfeasance, or crimes of moral

turpitude. Where a member of the Housing Committee has been charged with a crime of moral turpitude, or where the Reservation Business Committee has considered reliable allegations of such conduct, the Reservation Business Committee may suspend that member until such time as that member has been exonerated of those charges or allegations. The Housing Committee may recommend removal or suspension of a Committee member to the Reservation Business Committee for any of the above-stated reasons, provided that the conduct at issue is reasonably substantiated.

107. **Officers.** The Housing Committee shall elect from among its members a Chairperson, a Vice-Chairperson, and Secretary, subject to the approval of the Reservation Business Committee. The Chairperson shall preside at all meetings of the Committee or, in the absence of the Chairperson, the Vice-Chairperson shall preside. The Chairperson shall have the responsibility to see that all the functions of the Housing Committee are satisfactorily conducted and shall perform all general responsibilities which are inherent to that office. The Secretary shall prepare and maintain the minutes of the Housing Committee and shall provide copies of Committee minutes to the Reservation Business Committee within ten (10) days of approval. An officer may be removed from that office by majority vote of a quorum of the Housing Committee.

108. **Powers.** The Housing Committee shall have the following powers, subject to the review and approval of the Reservation Business Committee:

a. **Establishment of Policies and Procedures.** The Housing Committee shall have the authority to establish such policies and procedures as are necessary to govern the actions and proceedings of the Housing Committee, consistent with the purposes prescribed under Article 102 of this Charter, specifically including policies and procedures in the following areas:

b. **Oversight of Procedural Compliance.** The Housing Committee shall review the administration of the Fond du Lac Housing Program to ensure its compliance with all procedures established by the Reservation Business Committee.

c. **Housing Budget.** The Director of Housing shall annually develop and present to the Housing Committee a proposed budget for the Housing Division, which shall clearly delineate all recommended expenditures, and the Housing Committee shall have the authority to review and comment

on the budget of the Housing Division prior to its presentation to, and final approval by, the Reservation Business Committee. The fiscal records of the Housing Division shall be maintained and managed by the Fond du Lac Accounting Division, which shall follow the accepted rules of accounting and the accounting policies of the Reservation Business Committee, absent a contractual or other legal requirement to the contrary.

d. **Homebuyer Selection and Tenant Assignment Review.**

The Housing Committee shall review all homebuyer and rental applications in accordance with the procedures and criteria established by the Reservation Business Committee, and shall make the appropriate recommendations for selection to the Reservation Business Committee.

e. **Appellate Tribunal.** The Housing Committee shall serve as the appellate tribunal in reviewing the decisions of the Director of Housing in tenant and homebuyer grievances and evictions, in accordance with the procedures established by the Reservation Business Committee.

f. **Personnel Evaluation and Selection.** The Housing Committee shall have the authority to conduct an annual performance evaluation of the Housing Director, in addition to the evaluation conducted by the Executive Director.

g. **Community Relations.** The Housing Committee may speak to the Fond du Lac community on any matter relating to the Housing Program which is of concern to the community and may communicate with parents and community members as necessary to advance the purposes and interests of the Housing Program.

109. **Meetings.** All meetings of the Housing Committee shall be conducted in accordance with the following procedures and the limitations set forth under Article 112 of this Charter.

a. **Regular Meetings.** Regular Meetings of the Housing Committee shall be held monthly, and shall be open to the public. A written notice of a Regular Meeting must be sent to each member of the Committee by the Secretary at least five (5) calendar days prior to the meeting specifying the agenda, place, date and time of the meeting.

- b. **Special Meetings.** Special Meetings of the Housing Committee may be called by the Chairperson or by any three (3) members of the Committee. A written notice must be sent to each member by the Secretary at least three (3) calendar days prior to the meeting specifying the purpose, place, date and time of the meeting and shall include the names of those members responsible for calling the meeting. No business shall be conducted at the Special Meeting except as specified in the written notice.
- c. **Executive Sessions.** The Chairperson or a majority of the Housing Committee may call an executive session after a legally-convened meeting of the Committee, having established a quorum and by a majority vote of members present, for the consideration of matters of a highly sensitive or confidential nature, or for consultation with the tribal attorney relating to matters of a legal nature. Matters discussed and/or resolved in Executive Session are to be treated with the utmost confidentiality, and Committee members shall not disclose the details of Executive Sessions to unauthorized persons.
- d. **Agenda.** The Chairperson of the Housing Committee and the Housing Director shall develop a meeting agenda based upon the regular business of the Committee and issues raised by community members, staff, or other interested parties.
- e. **Quorum.** A quorum of three (3) members, at least one of whom shall be the Chairperson or the Vice-Chairperson, shall be necessary to conduct the business of the Housing Committee.
- f. **Voting Procedures.** All votes taken by the Housing Committee shall be based upon a motion duly made and seconded. No vote shall be valid unless made during a duly-convened meeting with a quorum present. A majority of voting members present and voting shall be necessary to pass or defeat a motion. Officers of the Committee, except for the presiding officer, are expected to vote on all motions. In the event of a tie vote, the presiding officer shall cast the deciding vote.

110. **Subcommittees.** The Housing Committee may establish standing or ad hoc subcommittees from its membership to address specific issues or projects.
111. **Limitations.** The following limitations shall apply to members of the Housing Committee in carrying out Committee functions:
- a. **Political Activity.** No member of the Housing Committee shall use Committee membership to advance personal positions which are not directly related to the Committee's purposes, to promote propaganda or to otherwise attempt to influence the outcome of legislative or political processes.
 - b. **Representation.** No member of the Housing Committee shall represent that he or she individually speaks or acts for the Housing Committee, Reservation Business Committee or the Fond du Lac Housing Division outside of official meetings unless and to the extent that such representation is designated in advance by the Housing Committee.
 - c. **Personal Compensation.** No member of the Housing Committee shall receive any income or compensation for serving on the Committee, except to the extent that the Reservation Business Committee authorizes reasonable compensation for services rendered.
 - d. **Operational Limitations.** The Housing Committee shall not engage in any activity which is not permitted by (1) a corporation which is exempt from federal income tax under Section 501(c) (3) of the Internal Revenue Code of 1954 or (2) a corporation, contributions to which are deductible under Section 170(c) (2) of the Internal Revenue Code of 1954.
 - e. **Conflicts of Interest.** No member of the Housing Committee shall use his or her membership on the Committee for personal gain or to benefit members of his or her immediate family. Use of one's membership on the Committee in such a manner shall constitute misconduct, and shall be sufficient grounds for removal as provided under Article 106 of this Charter.

112. Amendments. This Charter may be amended by resolution of the Reservation Business Committee.

CERTIFICATION

We do hereby certify that the foregoing Ordinance #04/98, was duly adopted by Resolution #1089/98 by a vote of 2 for, 0 against, 0 silent, with a quorum of 3 being present at a Special Meeting of the Fond du Lac Reservation Business Committee held on March 30, 1998 on the Fond du Lac Reservation, and subsequently amended by Ordinance #06/98 on July 7, 1998 adopted by Resolution 1193/98; and by Ordinance #07/07 adopted Resolution #1526/07 on December 11, 2007.



Karen R. Diver
Chairwoman



Ferdinand Martineau, Jr.
Secretary/Treasurer

laws:1998 04 (033098,070798,1201107)