

TABLED

CHEROKEE COUNCIL HOUSE
CHEROKEE NORTH CAROLINA
APR 03 2025

ORDINANCE NO. 433 (2025)

WHEREAS, the Charter and Governing Document authorizes and empowers the Eastern Band of Cherokee Indians (EBCI) Tribal Council to adopt laws and regulations for the general government of the Tribe. Charter and Governing Document §23 (Sept. 5, 1995) see also CC §117-10.

WHEREAS, the EBCI Tribal Council constitutes the Eastern Band of Cherokee Indians Legislative Branch of government. CC §117-10.

WHEREAS, the Tribe currently has two primary housing programs: the oldest program is Qualla Housing Authority (QHA), which is established in Tribal Ordinance in Chapter 44 of the Cherokee Code. (See Ord. 573 (1993). Qualla Housing Authority was created in 1962 to receive and administer federal funds for low income housing and it is the tribally designated housing entity (TDHE) that used to be required by the US Department of Housing and Urban Development (HUD) to administer federal housing funds. Id.

WHEREAS, in or about 2005, the Tribe created within the executive branch the Division of Housing and Community Development (HCD) to serve the housing needs not being met by Qualla Housing Authority.

WHEREAS, In 2007, the Office of Internal Audit conducted an operation review of QHA and HCD and concluded that unifying QHA and HCD into one housing entity would provide substantial benefits for Tribal Members. Operational review of the Eastern Band of Cherokee Indians Qualla Housing Authority and the Division of Housing and Community Development (Nov 6, 2007)

WHEREAS, the operational review stated that QHA and HCD are twice as strong together than they are apart.

WHEREAS, the operational review went on to state that "together...these two main housing programs can bring to bear a great deal of experience, insight and know-how that can be used for the benefit of all enrolled members in need of housing."

WHEREAS, in 2008, Tribal Council passed Resolution 563 (2008) for the purpose of moving toward a unification of QHA and HCD, which the Tribe is now ready to do.

NOW THEREFORE BE IT ORDAINED, by the Eastern Band of Cherokee Indians in Tribal Council assembled at which a quorum is present that the Tribal Council of the Eastern Band of Cherokee Indians amends the Cherokee Code as follows;

- (a) By repealing existing Chapter 44 of the Cherokee Code;
- (b) By inserting a new Chapter 44, creating a unified housing authority, as described in the attached and incorporated EXHIBIT A.

1 BE IT FURTHER ORDAINED that the unified housing entity shall be authorized, among other
2 things, to serve as the Tribally Designated Housing Entity for the purposes of receiving and
3 administering federal housing funds, including but not limited to funds provided by the federal
4 government through NAHASDA

5
6 BE IT FURTHER ORDINANCED the provisions of this Ordinance shall become effective on
7 _____

8
9 BE IT FURTHER ORDIANCED the provisions of this ordinance which amend or adopt new
10 sections of the Cherokee Code shall be codified by the Department of Justice. The Department of
11 Justice shall incorporate such amended provisions in the next codification of the Cherokee Code.

12
13 BE IT STILL FURTHER ORDAINED should any provisions of this ordinance be determined invalid
14 by the Cherokee Supreme Court, or the Cherokee Court without appeal to the Cherokee Supreme
15 Court, or any other court of competent jurisdiction, those portions of this ordinance which are not
16 determined invalid shall remain the law of the Eastern Band of Cherokee Indians

17
18 BE IT FINALLY ORDAINED that all ordinances inconsistent with this ordinance are rescinded and
19 that this ordinance shall become effective upon ratification of the Principal Chief

20
21
22 Submitted by: Tribal Council

Chapter 44 - HOUSING^[1]

Footnotes:

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Cross reference— Utilities, ch. 62; supplemental needs distribution, ch. 130B.

Sec. 44-1. - Authority.

Pursuant to the Authority vested in the Eastern Band of Cherokee Indians of North Carolina (hereinafter referred to as the EBCI), by virtue of its inherent powers of self-government, and its authority to provide for the health, safety, morals and welfare of the EBCI, hereby establishes a public body known as the Qualla Housing Authority (hereinafter referred to as the "Authority"), and enacts this chapter which shall establish the purposes, powers and duties of the Authority.

(Ord. No. 573, 10-4-1993; Ord. No. 9, 11-21-1995)

Sec. 44-2. - Purpose.

- (a) 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 chapter.
- (b) A copy of the chapter, duly certified by the Secretary of the Tribal Council, shall be admissible in evidence in any suit, action or proceeding.
- (c) It is the purpose and intent of this chapter 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 cooperation of any project by the Authority.

(Ord. No. 573, 10-4-1993; Ord. No. 9, 11-21-1995)

Sec. 44-3. - Declaration of need.

It is hereby declared:

- (a) There exist on the lands owned by the EBCI insanitary, 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 income can afford; and that such shortage forces such persons to occupy insanitary, unsafe and overcrowded dwelling accommodations;
- (b) 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) The shortage of decent, safe and sanitary dwellings for persons of low income cannot be relieved through the operation of private enterprises;

- (d) The providing of decent, safe and sanitary dwelling accommodations for persons of low income are public uses and purposes, for which money may be spent and private property acquired and are governmental functions of EBCI concern;
- (e) The residential construction activity and a supply of acceptable housing are important factors to general economic activity, and that the undertakings authorized by this chapter 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 and housing supply which will assist materially in achieving full employment; and
- (f) The necessity in the public interest for the provisions hereinafter enacted is hereby declared as a matter of legislative determination.

(Ord. No. 573, 10-4-1993; Ord. No. 9, 11-21-1995)

Sec. 44-4. - Duties.

- (a) Remedying unsafe and insanitary 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 income; and
- (c) Providing employment opportunities through the construction, reconstruction, improvement, extension, alteration or repair and operation of low income dwellings.

(Ord. No. 573, 10-4-1993; Ord. No. 9, 11-21-1995)

Sec. 44-5. - Definitions.

The following terms, wherever used or referred to in this chapter, shall have the following respective meanings, unless a different meaning clearly appears from the context:

- (a) *Area of operation* means all areas within the jurisdiction of the EBCI.
- (b) *Board* means Board of Commissioners of Qualla Housing Authority.
- (c) *EBCI Tribal Council* means the governing body of the Eastern Band of Cherokee Indians of North Carolina that is representative of the general membership And which constitutes the legislative branch of the EBCI government. ~~There are 12 Tribal Council members and they are the only people who can represent the wishes of, speak for, or contract for the Eastern Band of Cherokee Indians of North Carolina in any official capacity.~~
- (d) *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.
- (e) *Homebuyer* means a person who has executed a lease-purchase agreement with the Authority, and who has not yet achieved home ownership.
- (f) *Housing project* or *project* means 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-family or multi-family 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 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 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 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.

- (g) *Obligations* means any notes, bonds, interim certificates, debentures, or other forms of obligation issued by the Authority pursuant to this chapter.
- (h) *Obligee* includes any holder of an obligation, agent or trustee for any holder of an obligation 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.
- (i) *Persons of low income* means 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.
- (j) *Representative Governing Body* means the EBCI Tribal Council.

(k) Secretary means the person appointed by the Principal Chief to oversee the Tribe's housing programs and designated as the Secretary of Housing.

(Ord. No. 573, 10-4-1993; Ord. No. 9, 11-21-1995)

Sec. 44-6. - Board of Commissioners.

- (a) ~~(1) The affairs of the Authority shall be managed by a Board of Commissioners composed of seven persons.~~
 - ~~(2) The Board of 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 Board of Commissioners member shall be conclusive evidence of the due and proper appointment of the member.~~
 - ~~(3) A Board of Commissioners member must be a member of the EBCI, and may be a member or non-member of the Tribal Council.~~
 - ~~(4) No person shall be barred from serving on the Board of Commissioners because he is a tenant or homebuyer in a housing project of the Authority. However, any homebuyer or tenant with a history of payment delinquencies shall not be eligible to serve on the Board. Such Board of Commissioners members shall be entitled to fully participate in all meetings concerning matters that affect all of the tenants or homebuyers, even though such matters affect him as well. However, no such Board of Commissioners member shall be entitled or permitted to participate in or be present at any meeting (except in his capacity as a tenant or homebuyer) or to be counted or treated as a member of the Board of Commissioners, concerning any matter involving his individual rights, obligations or status as a tenant or homebuyer.~~
- (b) (a) The seven-member Board shall consist of six members of the Tribal Council, and the seventh member shall be appointed by the Principal Chief of the Eastern Band of Cherokee Indians.
- (c) (b) The Board of Commissioners shall select one of its own members to serve as a Chairman of the Board. This Chairman shall serve for a two-year term. In the event the Chairman resigns, dies or is otherwise unable to complete his term, the Board of Commissioners shall reappoint a new Chairman to complete the vacated term. The Board of Commissioners shall also select from among its members a Vice-Chairman and a Secretary, 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 the Vice-Chairman, the Secretary shall preside.

- (d) (c) A member of the Board of Commissioners may be removed by the appointing power for serious inefficiency or neglect of duty, misconduct in office or for homebuyer delinquencies in excess of three consecutive months, but only after a hearing before the appointing power and duly after the member has been given a written notice of the specific charges against him at least ten days prior to the hearing. At any such hearing, the member shall have the opportunity to be heard in person or by counsel and to present witnesses in his behalf. In the event of removal of any Board of Commissioners member, a record of the proceedings, together with the charges and findings thereon, shall be filed with the appointing power, and a copy thereof sent to the appropriate office of the Department of Housing and Urban Development.
- (e) (d) Except for the community member appointed by the Principal Chief, Board of Commissioners members shall not receive compensation for their services, but shall be entitled to compensation for their expenses, including travel expenses, incurred in the discharge of their duties. In addition to expenses, the community member appointed by the Principal Chief shall receive a stipend, as established by the Board of Commissioners, not to exceed \$100.00 per month. This amount will be paid by the Authority.
- (f) (e) A majority of the full Board of Commissioners (i.e., notwithstanding the existence of any vacancies) shall constitute a quorum for the transaction of business, but no Board of Commissioners action shall be taken unless there is a majority agreement among the members present.
- (g) (f) The Board of Commissioners Secretary shall keep complete and accurate records, including minutes, of all meetings and actions taken by the Board of Commissioners.
- (g) The Board of Commissioners shall have the following duties:
1. To review and approve mortgages, leases, and temporary use permits entered by the Authority and by the Tribe's Housing and Community Development program. Mortgages, leases and temporary use permits must comply with applicable federal or internal Tribal lending standards (depending on the source of funds), and must comply with applicable policies and procedures of the Authority or the Tribe's Housing and Community Development program, respectively.
 2. To review and approve requests for additional work and cost that may exceed the dollar limit imposed by Tribal law or policy for projects undertaken by the Tribe's Infrastructure and Paving program.
 3. To make recommendations to Tribal Council for the purchase of homes or land to be used for housing.
 4. To hear grievances for the purpose of mediating disputes between parties concerning housing related issues.
 5. To ensure: that the actions of the Authority comply with applicable law, policy, procedure, contracts and grants; that the actions of the Authority are within the scope of its authority; and that the Authority provides a complete and accurate accounting of all monies received or distributed by the Authority or entrusted to it.
- (h) The Executive Director shall keep full and accurate financial records, submit periodic monthly reports to the Board of Commissioners and the Tribal Council, and to the Secretary, and submit a

complete annual report, in written form, to the Board, as required by section 44-9(a) of this chapter, and the annual report shall also be submitted to the Tribal Council and to the Secretary.

(Ord. No. 573, 10-4-1993; Ord. No. 9, 11-21-1995; Ord. No. 83, 1-13-2000; Ord. No. 265, 6-18-2002)

Sec. 44-7. - Meetings.

Regular Mmeetings of the Board of Commissioners shall be held not less than monthly with public notice provided at least five calendar days before each meeting. ~~at regular intervals as provided in the bylaws.~~ Emergency meetings may be held upon 24 hours' actual notice and business transacted, provided that at least a quorum exists.

- (a) All actions to be heard by the Board of Commissioners will need to be on the agenda with a supporting resolution.
- (b) There will also be a vote count sheet to confirm action of the board and signed by chairman and secretary of Board of Commission.

(Ord. No. 573, 10-4-1993; Ord. No. 9, 11-21-1995)

Sec. 44-8. - Powers. (a) The Authority shall have perpetual succession in its corporate name.

- (b) The Tribal Council ~~hereby consents to~~ may, by resolution duly approved by Tribal Council allow the Authority to agree by contract to waive any immunity from suit which it might otherwise have; provided, that to be effective, the Authority's waiver of immunity from suit must be clearly and unequivocally expressed by the Authority in the contract at issue, and the Eastern Band of Cherokee Indians shall not be liable for the debts or obligations of the Authority.
- (c) The Authority shall have the following powers which it may exercise consistent with the purpose for which it is established: All agreements and commitments to be entered by the Authority, regardless of whether called a contract, agreement, understanding, pledge, mortgage, lease, permit, or other name, shall comply with the Tribe's law governing approval of the same and shall comply with the Tribe's policy and procedures for contracting and fiscal management.
 - (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 Representative Governing Body) 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 chapter 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 projects; and the Authority may include in any contract let in connection with a project stipulations requiring that the contractor and any subcontractors comply with requirements as to maximum hours of labor, and comply with any conditions which the federal government may have attached to its financial aid to the project.
 - (4) To obligate itself, in any contract with the federal government for annual contributions to the Authority, to convey to the federal government possessions of or title to the project to which such contract relates, upon the occurrence of a substantial default (as defined in such contract) with respect to the covenants 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 funds in accordance with the terms of such contract, provided: that the contract requires that, as 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.

- (5) To lease property from the EBCI and others for such periods as are authorized by law, and to hold and manage or to sublease the same.
- (6) To borrow or lend money, to issue temporary or long term evidence of indebtedness, and to repay the same. Obligations shall be issued and repaid in accordance with the provisions of section 44-8(a) of this chapter.
- (7) 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 interests therein.
- (8) To purchase land or interest in land or take the same by gift: to lease land or interests in land.
- (9) To undertake and carry out studies and analyses of housing needs, to prepare housing needs, to execute the same, to operate projects and to provide for the construction, reconstruction, improvement, extensions, alteration or repair of any project or any part thereof.
- (10) With respect to any dwellings, accommodations, lands, buildings, or facilities embraced within any project (including individual cooperative or condominium units): 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 or homebuyers, including the establishment of priorities, and concerning the occupancy, rental, care and management of housing units; and to make sure further rules and regulations as the Board of Commissioners Secretary may deem necessary and desirable to effectuate the powers granted by this chapter.
- (11) To finance the purchase of a home by an eligible homebuyer in accordance with regulations and requirements of the Department of Housing and Urban Development.
- (12) 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 its obligations thereunder, or when such termination is otherwise authorized under the provisions of such agreement and to bring action for eviction against such tenant or homebuyer.
- (13) To establish income limits for admission that ensure that dwelling accommodations in a housing project shall be made available only to persons of low income.
- (14) To purchase insurance from any stock or mutual company for any property or against any risk or hazards.
- (15) To invest such funds as are not required for immediate disbursement. The Eastern Band of Cherokee Indian Investment Committee shall be used as a consultant for these investments.
- (16) To establish and maintain such bank accounts as may be necessary or convenient.
- (17) To The Secretary shall employ an Executive Director, technical and maintenance personnel and such other officers and employees, permanent or temporary, as the Authority may require, and to delegate to such officers and employees such powers or duties as the Board of Commissioners may recommend shall deem proper.
- (18) ~~To take such further actions as are commonly engaged in by public bodies of this character as the Board of Commissioners may deem necessary and desirable to effectuate the purposes of the Authority.~~
- (19) To join or cooperate with any other public housing agency or agencies operating under the laws or ordinances of a state or another Tribe in the exercise, either jointly or otherwise, of any or all the powers of the Authority and such other public housing agency or agencies for the purposes of financing (including, but not limited to, the issuance of notes or other obligations

and giving security therefor), 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, 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.

- (20) To adopt such By-laws as the ~~Board of Commissioners~~ Secretary deems necessary and appropriate to ensure the development of policies to effectuate good management practices.

(Ord. No. 573, 10-4-1993; Ord. No. 9, 11-21-1995; Ord. No. 625, 2-1-2007)

Sec. 44-9. - Obligations.

- (a) The Authority may issue obligations from time to time in its discretion for any of its purposes and may also issue refunding obligations for the purpose of paying or retiring obligations previously issued by it. The Authority may issue such types of obligations as it may determine, including obligations on which the principal and interest are payable:
- (1) Exclusively from the income and revenues of the project financed with the proceeds of such obligations, or with such income and revenues together with a grant from the federal government in aid of such project;
 - (2) 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 obligations; or
 - (3) From its revenues generally.

Any such obligation may be additionally secured by a pledge of any revenues of any project or other property of the Authority.

- (b) Neither the Board of Commissioners members of the Authority nor any person executing the obligations shall be liable personally on the obligations by reason of issuance thereof.
- (c) The notes and other obligations of the Authority shall not be a debt of the EBCI and the obligation shall so state on their face.
- (d) Obligations 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 imposed by the EBCI. The tax exemption provisions of this chapter shall be considered part of the security for the repayment of obligations and shall constitute by virtue of this chapter and without necessity of being restated in the obligations, a contract between (1) the Authority and the EBCI, and (2) the holders of obligations and each of them, including all transferees of the obligations from time to time manner:
- (e) Obligations shall be issued and sold in the following manner:
- (1) Obligations of the Authority shall be authorized by a resolution adopted by the Board of Commissioners and may be issued in one or more series.
 - (2) The obligations 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 payment and at such places, and be subject to such terms of redemption, with or without premium, as such Agreement may provide.
 - (3) The obligations may be sold at public or private sale at not less than par.
 - (4) In case any of the Board of Commissioners members whose signatures appear on any obligations cease to be members before the delivery of such obligations, the signature shall nevertheless, be valid and sufficient for all purposes, the same as if the members had remained in office until delivery.

- (f) Obligations of the Authority shall be fully negotiable. In any suit action or proceeding involving the validity or enforceability of any obligation of the Authority or the security therefor, any such obligation reciting in substance that it has been issued by the Authority to aid in financing a project pursuant to this chapter shall be conclusively deemed to have been issued for such purpose, and the project for which such obligation was issued shall be conclusively deemed to have been planned, located and carried out in accordance with the purpose and provisions of this chapter.
- (g) In connection with the issuance of obligations or incurring of obligations under leases and to secure the payment of such obligations, the Authority, subject to the limitations in this chapter, 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 obliges and limit their liabilities; and provide the terms and conditions on which such obliges may enforce any covenant or rights securing or relating to the obligations.
 - (3) Covenant against pledging all or any part of its rents, fees and revenues 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 the obligations to be issued and as to the issuance of such obligations in escrow or otherwise, and as to the use and disposition of the proceeds thereof.
 - (6) Covenant as to what other or additional debts or obligations may be incurred by it.
 - (7) Provide for the replacement of lost, destroyed or mutilated obligations.
 - (8) Covenant against extending the time for the payment of its obligations or interest thereon.
 - (9) Redeem the obligations and covenant for their redemption and provide the terms and conditions thereof.
 - (10) Covenant concerning the rents and fees to be charged in the operations 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 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.
 - (12) Prescribe the procedure, if any, by which the terms of any contract with holders of obligations may be amended or abrogated, the proportion of outstanding obligations the holders or which must consent thereto, and the manner in 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 monies.
 - (14) Covenant as to the rights, liabilities, powers and duties arising upon the breach by it of any covenant, condition or obligation.
 - (15) Covenant and prescribe as to events of default and terms and conditions upon which any or all of its 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 obligations or any covenants securing or relating to the obligations.
 - (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.

- (19) Make any covenants and do any acts and things necessary or convenient or desirable in order to secure its obligations, or, in the absolute discretion of the Authority, tending to make the obligations more marketable although the covenants, acts or things are not enumerated in this section.

(Ord. No. 573, 10-4-1993; Ord. No. 9, 11-21-1995)

Sec. 44-10. - Reporting requirement.

- (a) The Authority shall submit an annual report, prepared by the Executive Director and signed by the ~~Chairman of the Board~~ Tribe's **Secretary of Housing**, to the Tribal Council showing (1) a summary of the year's activities, (2) the financial condition of the Authority, (3) the condition of the properties, (4) the number of units and vacancies, (5) any significant problems and accomplishments, (6) plans for the future, and (7) such other information as the Authority shall deem pertinent.
- (b) During his or her tenure and for one year thereafter, no Board of Commissioners member, officer or employee of the Authority, or any member of the governing body of the EBCI, or any other public official who exercises any responsibilities or functions with regard to the project, 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, unless prior to such acquisition, he discloses his interest in writing to the Authority and such disclosure is entered upon the minutes of the Authority, and the Board of Commissioners member, 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. If any Board of Commissioners member, officer, or employee of the Authority involuntarily acquires any such interest, or voluntarily or involuntarily acquired any such interest prior to appointment or employment as a Board of Commissioners member, officer, or employee the Board of Commissioners member, 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 Board of Commissioners member, 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 obligations 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 a governmental agency, or to membership on the Board of Commissioners as provided in section 44-8(a). (The original text of the ordinance references a section which does not exist.)
- (c) Each project developed or operated under a contract providing for federal financial assistance shall be developed and operated in compliance with all requirements of such contract and applicable federal legislation, and with all regulations and requirements prescribed from time to time by the federal government in connection with such assistance.
- (d) The Authority shall obtain or provide for the obtaining of adequate fidelity bond handling cash, or authorize issuance of checks or certify vouchers.
- (e) The Authority shall not construct or operate any project for profit.
- (f) 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 EBCI.
- (g) All property including funds acquired or held by the Authority pursuant to this chapter 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 judgement against the Authority be a charge or lien upon such property. However, 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 chapter or the right of the Authority to bring eviction actions in accordance with section 44-7(c).

(Ord. No. 573, 10-4-1993; Ord. No. 9, 11-21-1995)

Sec. 44-11. - Cooperation with Tribal government.

- (a) For the purpose of aiding and cooperating in the planning, undertaking, construction or operation of projects, the EBCI hereby agrees that:
- (1) It will not levy or impose any real or personal property taxes or special assessments upon the Authority or any project of the Authority.
 - (2) It will furnish or cause to be furnished to the Authority and the occupants of the projects all services and facilities of the same character and to the same extent, as the EBCI furnishes from time to time without cost or charge to other dwellings and inhabitants.
 - (3) ~~Insofar as it may lawfully do so, it will grant such deviations from any present or future building or housing codes of the EBCI, as are reasonable and necessary, to promote economy and efficiency in the development and operation 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 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) The EBCI Government hereby declares that its powers shall be vigorously utilized to enforce eviction of a tenant or homebuyer for nonpayment or other contract violations including action through the appropriate courts.
 - (6) The Cherokee Tribal Courts of the State of North Carolina shall have jurisdiction to hear and determine an action for eviction of a tenant or homebuyer. ~~The EBCI Government hereby declares that the powers of the State of North Carolina Tribal Courts shall be vigorously utilized to enforce eviction of a tenant or homebuyer for nonpayment or other contract violations.~~
- (b) The provisions of this chapter shall remain in effect with respect to any project, and said provisions shall not be abrogated, changed or modified without the consent of the Department of Housing and Urban Development, so long as (1) the project is owned by a public body or governmental agency and is used for low income housing purposes, (2) and contract between the Authority and the Department of Housing and Urban Development for loans or annual contributions, or both in connection with such project remains in force and effect, or (3) any obligations issued in connection with such project or any monies due to the Department of Housing and Urban Development in connection with such project remain unpaid, whichever period ends the latest.
- (c) 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 operation of low income housing 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.

(Ord. No. 573, 10-4-1993; Ord. No. 9, 11-21-1995)

Sec. 44-12. - Authority to sign contracts and agreements.

All contracts and other agreements to be entered by the Authority, regardless of amount of money involved, shall comply with all budget, financial and legal requirements applicable to the Authority and shall comply with the Tribe's Fiscal Management policy. All such contract and agreements shall be approved by a majority vote of the Board of Commissioners and executed by the chairman or vice-chairman of the Board of Commissioners, the Tribe's Secretary of Housing, and the Principal Chief. Any contract and other agreement executed pursuant to this section shall not be required to be approved by the Business Committee, as would otherwise be required by Cherokee Code Sec. 117-19, unless submission to and approval by Business Committee is required to effectuate a transfer of an interest in real property.

~~Sec. 44-12. - Secretarial approval.~~

~~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 of the United States of America or his designee.~~

~~(Ord. No. 573, 10-4-1993; Ord. No. 9, 11-21-1995)~~

~~Sec. 44-13. - Autonomy.~~

~~No ordinance or other enactment of the EBCI with respect to the acquisition, operation, or disposition of EBCI property shall be applicable to the Authority in its operations pursuant to this chapter.~~

~~(Ord. No. 573, 10-4-1993; Ord. No. 9, 11-21-1995)~~

Sec. 44-14. - Interpretation.

The provisions of this chapter, being necessary for the benefit of the EBCI and its members, shall be liberally construed to effect the purpose and objectives thereof.

(Ord. No. 573, 10-4-1993; Ord. No. 9, 11-21-1995)

~~Sec. 44-15. - Effective date.~~

~~This chapter is effective upon enactment.~~

~~(Ord. No. 573, 10-4-1993; Ord. No. 9, 11-21-1995)~~

~~Sec. 44-16. - Enforcement.~~

~~This chapter shall be enforced by the Governing Body of the Eastern Band of Cherokee Indians of North Carolina.~~

~~(Ord. No. 573, 10-4-1993; Ord. No. 9, 11-21-1995)~~