

# **Coeur d'Alene Tribal Housing Authority**

## **Board of Commissioners**

# **ROLES & RESPONSIBILITIES HANDBOOK (BYLAWS)**

2005

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## INTRODUCTION

This handbook has been prepared to aid you in orienting you to the functions and activities of the advisory position to which you have been appointed. The handbook is designed to contribute to your general knowledge and understanding of **Coeur d'Alene Tribal Housing Authority** and to convey the role and responsibilities the Coeur d'Alene Tribal Council expects you to perform within the organizational framework of CDTHA and the governmental framework of the Coeur d'Alene Tribal government.

Although CDTHA is a separate legal entity, its mission is mandated by the Tribal Ordinance creating the Authority and reaffirmed more specifically by a comprehensive housing assistance strategy. Functioning as the Tribe's principal housing agency (in HUD terms, Tribally Designated Housing Entity), you will focus upon community needs that require your understanding, dedication, enthusiasm, vision, and experience. As a Board member, you serve as a principal advisor on housing issues facing the Coeur d'Alene people and as a policymaker for the CDTHA. You must be continually aware that the decisions you make, even after receiving and evaluating staff recommendations, are not easily made. Many decisions are not discretionary since many housing programs are governed in accordance with program rules and/or federal/state regulations. Because the CDT Council has the ultimate political and legal responsibility for the conduct of Tribal government and the welfare of the entire community, yours is an important role in assisting the CDT Council to fulfill its housing obligations to the community.

Participation on the CDTHA Board of Commissioners can be a satisfying and challenging experience as well as a mature responsibility. It provides an opportunity to become intimately aware of the overall policies and problems of Tribal government in general and of the policies and problems unique to operating a housing authority. It gives you an opportunity to play a vital role in the communication process between the community, elected representatives, and the housing authority

However, it must be recognized that the responsibility for making recommendations and decisions is not to be taken lightly. Due to the heavily regulated environment in which CDTHA operates, decisions are more responsive to legal considerations than to local policy. Failure to base policies and/or decisions according to applicable laws and regulations could result in legal action against CDTHA or even the Board. It is imperative that you, as a Board member, make policies that are fair and equitable and keep the Tribal Government informed of the legal basis upon which decisions are made. Those receiving the advice must weigh it against other information and considerations as they reach the decisions for which they are responsible.

## SECTION I

### GENERAL INFORMATION ABOUT THE TRIBE

#### A. Tribal Law & Order Structure

The Coeur d'Alene Tribe (CDT) maintains a centralized organizational framework supporting the provision of essential governmental services. The legislative branch of the Tribal Government is composed of a seven member Tribal Council who delegates authority to an Administrative Director for the overall management of the daily governmental activities (i.e., administration, finance, employment and training, education, social services, health, enrollment, land services, law enforcement, tribal court, natural resources, environmental services, and planning). Separate entities have been established by the Tribe for areas in which the scope of services is broader, requires more specialized functions, or generates revenue through various sources including customer charges. The Coeur d'Alene Tribal Housing Authority (CDTHA) is such an entity.

In order to address the critical shortage of housing for the members of the Coeur d'Alene Tribe, the *CDTHA* was organized pursuant to Coeur d'Alene Tribe Ordinance CDA 205(1963) and designated as the Tribally Designated Housing Entity (TDHE) by Resolution No. 98(1998) dated March 30, 1998. The Authority, as a subdivision of the Coeur d'Alene Tribal Government, exists as a legal nonprofit entity empowered to issue bonds, provide financing, and enter into contracts with the federal government and private groups for the purpose of planning, developing and implementing comprehensive housing assistance plans. It is also charged with the responsibility to administer, direct and manage all operations pertaining to the housing needs of Native people residing on the Coeur d'Alene Reservation.

#### B. Organizational Structure

The CDTHA maintains a centralized organization with an Executive Director being responsible for day-to-day operations involving the following departments

##### Administration/Finance

An Executive Director is responsible for overall direction and management of housing administration operations including human resources, procurement; accounting; housing development and management; planning; program/policy development; staff and Board development, needs assessment, financial management and analysis, fund raising, public relations, etc.. Staff includes a Finance Director, Human Resource Technician, Accounting Technician, Administrative Assistant, Accounts Payable Technician and a Cashier/Receptionist. Legal, software technical assistance, and audit services are provided through a contract.

## **Facilities & Construction Services Department**

Coordinates all activities needed to carry out all work order requests and all associated construction and rehab functions. Inventory and acquisition of materials, labor, and technical assistance needed to complete new construction and to assess and to perform physical improvements are implemented by this department. Management and advocacy for all special rehab projects and other agency construction related programs are functions performed by this department. All construction activities, conventional bidding or force account, labor compliance, environmental review research, and land leasing are administered through this department. Staff includes a Facilities Construction/Maintenance Director, Maintenance Coordinator, work order/scheduling clerk, cleaning crew, and temporary and regular construction and maintenance crew. The Facilities Construction Director is responsible for organizing and supervising the completion of all repair and modernization activities, including cost estimating, work write-ups, scheduling, physical needs assessments, and inspection for all CDHA work activities, including contracted activities.

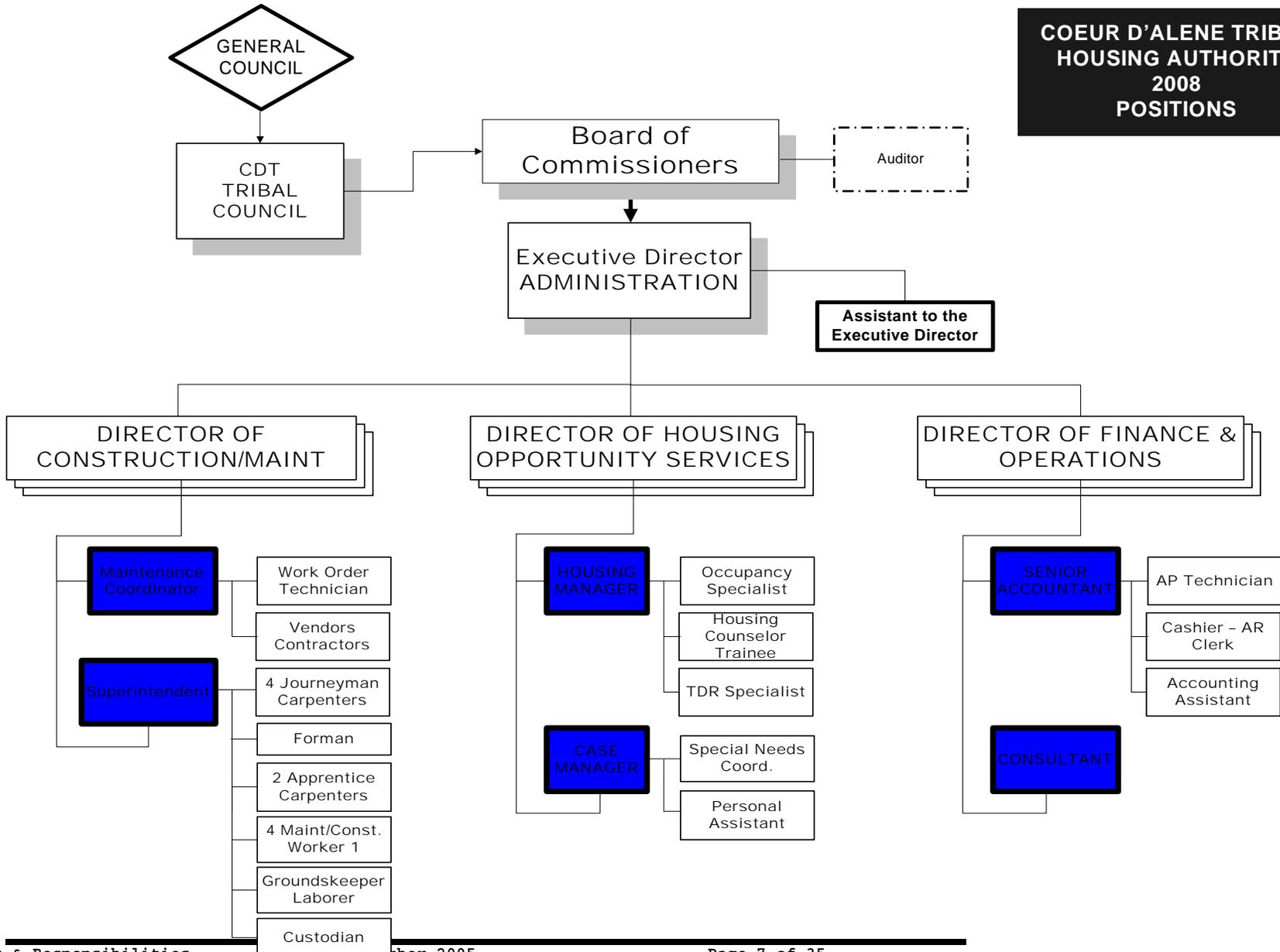
## **Housing Management Department**

Provides all property management functions including but not limited to oversight of all tenant issues; admissions and occupancy for rentals and other programs; interior and exterior inspections; recertification; monitoring of lease compliance, preparation of corrective action notices to residents, coordination of clean-ups, maintenance of tenant ledgers and other records; general tenant counseling; and management of tenant accounts receivables, preparation of reports including but not limited to vacancy, waiting lists, inspections, and recertification. Staff includes a Housing Manager, two Housing Counselors, and an Receptionist/Cashier who assist in the operations and administration of all property management functions.

## **Housing Counseling Services Department**

Plans and implements activities designed to increase knowledge about the homebuying process, home maintenance, budget/credit and debt management. Staff includes a Housing Counseling Manager and a Housing Counselor Trainee who plan, organize, and conduct homebuyer education classes for the community; provide prequalifying assistance, budgeting, credit counseling, and loan application assistance. The Housing Counseling Manager assesses needs, conducts outreach, counsels regarding lease compliance including budgeting and maintenance, prepares court docs for lease enforcement, completes payback agreements, implements one-on-one counseling with families, organizes and conducts classes on HBE, maintenance, credit, debt management, etc., organizes home fair and other home care/obligations events.

**COEUR D'ALENE TRIBAL HOUSING AUTHORITY  
2008  
POSITIONS**



## SECTION II

### BOARD OF COMMISSIONERS - OVERVIEW

#### A. General

The CDTHA BOC is responsible for establishing housing related policies and plans which will effectively carry out the statutory, regulatory, and contractual obligations associated with housing finance, development and management. The Board governs on behalf of persons who are not seated at the Board table. Individually, commissioners are members of the board, but collectively, in a properly called meeting, they become the Board of Commissioners. Actions by the BOC can only be made in a meeting called in accordance with the Ordinance establishing the CDTHA.

An Executive Director, hired by the CDT acting as the Housing Board, is responsible for the administration and operation of CDTHA's day-to-day business, planning and development, and the formulation and implementation of procedures designed to carry out Board established policies. The Executive Director is expected to function as an ad-hoc member of the Board, advising the Board of the business, legal, and legislative housing issues impacting present and future housing services.

The Board of Commissioners is expected to maintain a forum that is nonpartisan which allows for informed detailed discussion of policy issues and formulation of policies that are reflective of all parties. They are charged with the following responsibilities:

- § Ensure that policies are in place which provide for a management system that is implemented in an efficient, professional, and timely manner
- § Advise the CDT Council and the COMMUNITY on matters within their area of expertise.
- § Help focus attention on goals and objectives needed to address community issues and problems within their scope of responsibilities and develop policies to implement a course of action.
- § Serve as a communication link between Tribal government and the tribal community in the area of housing development and management.
- § Reconcile contradictory viewpoints and provide direction toward achievement of Tribal wide housing goals and objectives that are consistent with policies.
- § Balance Tribal community wants with program responsibilities and resources and CDTHA's responsibility to manage its resources according to sound business practices and policies.
- § Act as a sounding board so that people who are unhappy with a decision can appeal in accordance

with the grievance policy and the process afforded through the tribal court.

When a specific situation requires more extensive short term study and/or evaluation, the Executive Director is responsible for formulation of a response and recommendations to the Board of Commissioners. The Board of Commissioners is expected to follow procedures for conducting meetings in a businesslike manner using Robert's Rules of Order as a guide. Basic standard operating procedures for the Board of Commissioners must be applied as described in this handbook. Actions of the Board must be consistent with the mission and goals of the CDTHA as identified in the Indian Housing Plan

The focus of the Board and the CDTHA Executive Director and the management staff are summarized below:

## **Roles & Responsibilities - The Focus**

**The Board  
(Governance)**

**The Executive Director/CEO  
(Management)**

**Leadership/Vision/Strategic**

**Management/Operational**

**Establish policy**

**Establish procedures to implement  
policy**

**Implement & adhere to board**

**Implement operations in  
compliance with board process &  
policies**

**Issues affecting the entity as  
as a whole**

**Issues affecting clients & partners**

**Doing the right thing**

**Doing things right**

**Long Term**

**Day-to-day**

## B. Duties

The actions of the Board are guided by the policies of the organization as well as applicable laws and regulations. How the Board acts as a whole is a composite of the individual personal integrity maintained by each Board member. It is critical that each commissioner abide by a code of ethics and fulfill the duties inherent in the role of a commissioner as summarized below:

1. Board members will conduct business in accordance with standards consistent with Robert's Rules of Order and the CDTHA Roles and Responsibilities Handbook.
2. Participate in officially called Board meetings.
3. Refer community members to the Executive Director of the Coeur d'Alene Housing Authority for resolution of problems or for a response to inquiries.
4. Consult directly with the Executive Director for inquiries regarding housing issues.
5. Abide by the "need to know" standard with regard to confidentiality.
6. Act with diligence, care and skill, honesty, prudence with the interests of the organization before any personal interest.
7. Avoid conflict of interests through disclosure, recusal, etc.
8. Demonstrate a sense of cooperation and support for the benefit of the whole organization.
9. Maintains the highest regard for all applicable laws and regulations and the due process afforded by the Coeur d'Alene Tribal Court.
10. Submit to an annual evaluation conducted by the CDTHA Executive Director for the CDT Tribal Council.
11. Submit to a self-evaluation and peer evaluation every six months to strive towards optimal performance.
12. Complete an annual evaluation of the Executive Director.
13. Select an auditor as needed.
14. Perform program monitoring in accordance with the applicable provisions of HUD's Self-Monitoring Guidebook.

## SECTION III

### MISSION, GOALS, & OBJECTIVES

It shall be the mission of the Coeur d'Alene Tribal Housing Authority to create opportunities to meet the housing needs of enrolled member of the Coeur d'Alene Tribe by:

- ! maximizing the utilization of available resources to ensure services are provided in an efficient, professional, economical and timely manner;
- ! forming and enhancing partnerships between the Coeur d'Alene Tribal Housing Authority and tribal, state, local and private entities; and
- ! promoting self-sufficiency and improving the quality of life.

The Board of Commissioners is responsible for developing the policies by which the Coeur d'Alene Tribal Housing Authority will plan, develop and implement programs which will facilitate the provision of housing assistance through a variety of opportunities that are responsive to a variety of needs. In order to further the accomplishment of this mission, the Board of Commissioners will adopt Five Year Goals every five years beginning in 1996.

SECTION IV

ORGANIZATION STANDARDS

A. Seal of Coeur d'Alene Tribal Housing Authority

The seal of the Authority shall be in the form of a circle and shall bear the name of the Authority and the year of its organization.

B. Office of the Authority

The office of the Authority shall be on the Coeur d'Alene Tribe Reservation in the Coeur d'Alene Tribal Housing Authority office building. All files and records will be maintained at this location under the supervision of the Executive Director.

C. Appointment

According to the Ordinance the CDT Council appoints five members to the Board of Commissioners. The CDT Tribal Council appoints the Chairperson from among the five members appointed. Each member serves 3 years.

Appointment to the CDTHA Board of Commissioners is an honor and a responsibility. Members from the community at large serve at the pleasure of the CDT Tribal Council and may be removed from office as prescribed in the Tribal ordinance.

Board members are expected to serve as role models for the community. Board members who are also CDTHA participants must be in full compliance with their CDTHA lease agreement. Any non-compliance will be immediately reported to the Tribal Council by which may result in a corrective action plan or immediate dismissal.

D. Term of Office

Members of the Board shall begin their appointment as a Commissioner as follows:

Katherine M. Lowley	2006- June 15, 2009
Abel C. Sanchez	2006- June 15, 2009
William E. Weems	2006- June 15, 2009

E. Commencement of Commissioner Duties

Commissioners will assume official responsibility for the governance of the Coeur

d'Alene Tribal Housing Authority after the completion of all of the following:

- Official appointment by the Tribal Council;
- Completion of the requisite orientation prior to participating in any Board meeting;  
and
- Completion of the Oath of Office at the next regular meeting called by the Chairperson, or the Executive Director in the case of a new Chairperson.

F. Officers

The officers of the Board of Commissioners shall include a Chairperson, Vice-Chairperson, and Secretary. Officers will be selected as follows:

- The CDT Tribal Council will appoint the Chairperson;
- a majority vote of the Board members.

The term of office for each elected officer shall be one year from the Board member's official date of commencement. The term of office for the Chairperson shall be three years from the date of appointment to the date when a newly appointed Chairperson has completed the orientation and taken the Oath of Office.

G. Resignation

If a commissioner resigns from office before the end of the term, a letter announcing the resignation shall be addressed to the Secretary of the Tribal Council and forwarded to the CDTHA Executive Director for distribution to the Chairperson and the CDT Council. The position will be filled in accordance with the CDTHA Ordinance.

H. Removal

The process for removal of a Board member is governed by the Coeur d'Alene Tribal Housing Authority Ordinance.

I. Quorum

A majority of the full Board consisting of not less than three Commissioners, notwithstanding the existence of any vacancies, shall constitute a quorum, but no action shall be taken by a vote of less than a majority of such full Board.

J. Orientation

The Executive Director will be responsible for developing an orientation manual and conducting orientation sessions for all Commissioners. Soon after selection, general orientation meetings will be scheduled for the appointees in a combination of group and individual settings. These meetings are intended to acquaint newly selected members with CDTHA goals, the responsibilities required of a Board member, and the current status of the CDTHA. The Executive Director will provide at least 3 sessions regarding the technical aspects governing CDTHA. A new board member must complete at least one orientation session prior to participating in any regular meeting. Completion of at least one orientation session will be certified by both the Chairperson of the Board and the Executive Director.

Orientation will consist of the following:

- § Copy and review of the Roles & Responsibilities Handbook\Review of Board passed resolutions for the last year and applicable rules, regulations and handbooks regarding NAHASDA.
- § Copy and review of the last 6 approved minutes of regular meetings and additional meetings occurring within the last 6 months
- § Copy and review of material regarding current and/or significant projects
- § Review and analysis of the Indian Housing Plan operating budget and plan requirements
- § Copy and review of the Coeur d'Alene Tribal Housing Plan
- § Copy of the last audit
- § Copy and review of materials deemed necessary by the Executive Director.

#### H. Attendance

Regular attendance at meetings is critical to the effective operation of the Board. It is mandatory that the Executive Director attend all meetings since the meetings represent a monthly report of CDTHA issues. Attendance ensures a steady flow of communication and keeps everyone informed of current topics under discussion. Although absences due to illness or absences with prior permission of the Board of Commissioners will occur, a pattern of repeated absences or three consecutive absences from regular meetings can result in a recommendation to the CDT Council for removal.

When a member is unable to attend a meeting, the Chairperson or the Executive Director should be notified in advance of the meeting. In the case of a personal emergency or

prolonged illness, an absence is considered excused.

Board members must represent themselves at meetings. Due to the complexity of issues, voting requirements, and in some instances confidentiality, a temporary designee can not attend on behalf of the Board member. Family members of Board members may not attend meetings. Portions of meetings will be private while other portions may be public. Board meetings are intended to be forums for planned discussion of policy issues, legal developments, financial issues, etc.. They are not intended to be an arena for complaints.

I. Annual Training

All members of the Board are required to participate in a minimum of 5 onsite training sessions and a maximum of one out of area training regarding housing. The purpose of training is to acquaint new members and reaffirm to current members, the roles and responsibilities of the CDTHA Board of Commissioners and to educate members in the body of knowledge comprising housing. The Executive Director will identify suitable training and provide direct training to Board members.

J. Compensation

Board members shall be paid \$100 for attendance at each officially called Board meeting in for a maximum of 12 regular meetings and a maximum of 3 special meetings. Stipends do not apply to Board meetings requiring out of area travel nor do they apply to conference call meetings.

K. Compensation for Travel

Board members who are required to travel in the performance of his/her duties, to attend an authorized meeting or conference which is of benefit to the CDTHA, shall be reimbursed for reasonable expenses incurred for transportation, meals, lodging and incidentals as prescribed by the CDTHA Travel Policies and Procedures.

L. Insurance – Bonding

Commissioners are automatically bonded under the CDTHA Insurance policy.

M. Evaluation

All commissioners will submit to the following:

- An annual evaluation designed and tabulated by the CDTHA Executive Director for the Tribal Council.

- Semi-annual self-evaluation and peer evaluations.
- An annual evaluation of the Executive Director.

## SECTION V

### OPERATING PROCEDURES

#### A. Regular Meetings

Regular meetings of the Board of Commissioners are held monthly. Generally, meetings will be scheduled with two weeks advance notice. If it is known in advance that a quorum can not be achieved, all members and persons scheduled to attend the meeting should be notified of postponement by the Chairperson or the Executive Director or the Executive Director's designee.

An agenda will be prepared or caused to be prepared by the Executive Director in consultation with the Chairperson and, to the greatest extent possible, mailed to each member in advance. The agenda or memorandum will serve as notice of reminder of each regular meeting. Phone or email confirmation of notice shall be made by the Executive Director's designee not less than 2 calendar days in advance nor more than 14 days in advance. Notice need not be given to a member who waives notice either before or after the meeting or who participates in the meeting without timely objection as to notice. Notice need not be given of a meeting resumed after adjournment.

#### B. Special Meetings

Because the magnitude of the business of Coeur d'Alene Tribal Housing Authority is vast, issues may arise which will need to be addressed prior to the next regular meeting. Meetings of the Board of Commissioners which are not a rescheduled regular meeting or can not be scheduled as a regular meeting will be considered a Special Meeting. Important issues that need to be addressed immediately warrant a special meeting. Special meetings are called by the Chairperson of the Board, except that special meetings regarding procurement or an emergency can also be initiated by the Executive Director. The notice of the special meeting and its purpose will be prepared by the Executive Director for the Chairperson of the Board. E-mail to Board members counts as official notice. Conference-call meetings for a specific item may be arranged if the majority of the Board so agrees. Stipends are available for a maximum of three Special Meetings in which a quorum of the Board convenes in person at the designated meeting location. Special conference-call meetings are not eligible for stipends.

#### C. Adjourned Regular Meetings

If for any reason the business to be considered at the regular meeting cannot be completed, the Board of Commissioners may then adjourn to a specified time and location. A notice by phone confirming the adjournment and the subsequent arrangements must be made by the Executive Director or the Executive Director's designee 1 day prior to the originally agreed

upon date.

D. Community Participation

Generally meetings are public. However, because of the confidentiality of many issues presented at the Board meetings, parts of the sessions will not be open to the public. The Executive Director is responsible for preparing and presenting an Annual Report to the Board of Commissioners for submittal to the CDT Council. Furthermore the Executive Director or the Executive Director=s designee organizes and schedules community meetings to acquire community input in the formulation of plans and activities.

E. Hearing Procedures

Although the CDT provides due process through the Coeur d'Alene Tribal Court, appeals may be heard for non-delinquency related matters when all of the following has occurred:

- The individual has exhausted the informal hearing process and has received a formal written decision;
- The appeal is for a matter not involving a delinquency or a regulatory or statutory issue.

F. Motions

Issues to be considered by the Board must be on the agenda. Discussion of an issue proceeds when it comes up on the agenda. When a Board member wishes to take action on an issues, the member must make a motion. This is the only way an idea or proposal from a member or the Executive Director may be presented to the body for possible action. A motion goes through the following steps:

1. The member asks to be recognized by the Chairperson or the Chairperson asks for a motion.
2. After being recognized, the member makes the motion (I move ...).
3. Another member seconds the motion.
4. The Chairperson states the motion and asks for discussion.
5. When the Chairperson feels there has been sufficient discussion, the debate is closed (i.e., "Are you ready for the question?" or "Is there any further discussion?").
6. If no one asks for permission to speak, the Chairperson puts the question to vote.
7. After the vote, the Chairperson announces the decision ("The motion is carried" or "The motion fails," as the case may be). Agreement requires that a majority of those present are in agreement. A

consensus requires that all those present are in agreement.

Phrasing a motion is often difficult and corrections may be necessary before it is acted upon. Until the Chairperson states the motion (step 4), the member making the motion may rephrase or withdraw it. After an amendment, the motion as amended still must be seconded and then voted upon. It is particularly important when a motion is amended that the Chairperson restate the motion in order that members are clear as to what they are voting on.

In making a motion, members should try to avoid including more than one proposal in the same motion. This is especially important when members are likely to disagree. If a member would prefer to see proposals divided and voted on separately, the member should ask the Chairperson to divide the motion. If other members do not object, the Chairperson may proceed to treat each proposal as a distinct motion to be acted upon separately. The request to divide may also be made by motion.

Furthermore, no action may be taken on any item not appearing on an agenda, except upon a determination by two-thirds of the body that the need to take action arose subsequent to the agenda being posted. Thirdly, no action may be taken on an item at any meeting without a quorum which is defined as three members.

The Executive Director is responsible for ensuring that a record of motions is maintained. It includes the motion, the name of the member making the motion, the name of the member seconding the motion, the vote on the motion and/or any information relating to the disposition of the motion.

#### G. Manner of Agreement

At least a quorum of Board members present is required for agreement. All those of at least a quorum of Board members present must be in agreement in order for there to be a consensus. A consensus is required in order for established policies and bylaws to be amended.

Actions by Written/Telephone Consent. Any action, required or permitted by the CDTHA Ordinance, to be taken at a meeting of the Authority, may be taken without a meeting, if a consent in writing setting forth the action so taken, shall be signed by a quorum of the Board members entitled to vote, with respect to the subject matter thereof. In cases when immediate, necessary action must be taken, a telephone polling may be taken with written confirmation at the next meeting. Such consents shall have the same force and effect as vote and may be described as such.

Voting by Proxy. No commissioner may vote on any business of the Board of Commissioners in absentia, or by proxy.

## H. Resolutions

All Resolutions (an official position on an issue) shall be in writing, shall be numbered by the last two digits of the calendar year, a hyphen, and a sequential number and preceded by the prefix ACDTHA,@ and copies of said Resolutions shall be maintained in a journal of the proceedings of the Authority. The Executive Director or his or her designee is responsible for maintaining these records.

## I. Adjournment

When the Board has finished its business, a motion to adjourn is in order. This motion is not debatable; therefore, it is the duty of the Chair to see that no important business is overlooked.

If the body wishes to meet before the next regularly scheduled meeting, a motion may be made to adjourn the meeting to a designated time and place. If this is done, the procedures for adjourned regular meetings must be followed.

## J. Agenda

Basically, agenda items for regular meetings include the Executive Director's report of business matters which require action by the Board of Commissioners. Any item that a member wishes to include on a future agenda should be communicated to the Executive Director for placement on the agenda.

## K. Minutes

Minutes of all meetings will be prepared and maintained by the Executive Director's designee. Written minutes, upon approval by the Board of Commissioners and certification by the Board secretary, constitute the official record of its activities. Additions and corrections of the minutes may be made in regular meetings subject to the approval of the Board members. Board minutes will not be verbatim. They will, instead, reflect action minutes, recording the essence of the decisions made and significant action taken. Personnel will not be discussed at Board meetings, although personnel policies are subject to Board discussion and adoption.

For the convenience of the recording secretaries, meetings may be recorded in order to facilitate the preparation of minutes; however, tapes will not be retained. Copies of minutes of all meetings are generally public information and are available upon request at no cost for the first copy. CDTHA reserves the right to exclude information that does not meet the "need to know" standard in an effort to ensure privacy. All requests for copies must be made to the Executive Director in writing.

Excerpts of official Board minutes will be prepared by the Executive Director's designee and submitted to the Tribal Council in accordance with the CDTHA Ordinance.

L. Agenda Packets

The agenda items for discussion, review, general information, etc. will be prepared by the Executive Director or his or her designee. To the greatest extent practical, agenda packets detailing the items of business to be discussed and any communications to be presented will be delivered to the members of the body 1 day before the meeting. In order to be prepared for meetings, members should read these packets and contact the Executive Director or designee if there are any questions/corrections regarding information presented.

Agenda packets for regularly scheduled meetings will to the greatest extent feasible include the following:

**Old Business**

- Agenda
- Minutes of prior Meetings
- Special Report/Announcements
- Regular Reports
- Monthly Financial Report
- Board development

**New Business**

- Special Reports
- Policy/Program Development
- Policy/Program Review
- Conveyance

M. Area of Interest

The area of jurisdiction for services from the Coeur d'Alene Tribal Housing Authority are set forth in the Tribal Ordinance that created it. It is implicitly understood that the Board of Commissioners is limited to the consideration of those matters which are specifically assigned to its jurisdiction.

N. Conflict of Interest

CDTHA shall maintain standards that are consistent with the requirements of the CDTHA Ethics & Integrity Policy and with the requirements of the Native American Housing Assistance & Self-Determination Act (NAHASDA) as stated below:

**Sec. 1000.30 What prohibitions regarding conflict of interest are applicable?**

(a) **Applicability.** In the procurement of supplies, equipment, other property, construction and services by recipients and subrecipients, the conflict of interest provisions of 24 CFR 85.36 or 24 CFR 84.42 (as applicable) shall apply. In all cases not governed by 24 CFR 85.36 or 24 CFR 84.42, the provisions of this part shall apply.

(b) **Conflicts Prohibited.** No person who participates in the decision-making processor ]who gains inside information with regard to NAHASDA assisted activities may obtain a personal or financial interest or benefit from such activities, except for the use of NAHASDA funds to pay salaries or other related administrative costs. Such persons include anyone with an interest in any contract, subcontract or agreement or proceeds thereunder, either for themselves or others with whom they have business or family ties.

**Sec. 1000.32 May exceptions be made to the conflict of interest provisions?**

(a) Yes. HUD may make exceptions to the conflict of interest provisions set forth in Sec. 1000.30(b) on a case-by-case basis when it determines that such an exception would further the primary objective of NAHASDA and the effective and efficient administration or implementation of the recipient's program, activity, or project.

(b) A public disclosure of the conflict must be made and a determination that the exception would not violate tribal laws on conflict of interest (or any applicable state laws) must also be made.

**Sec. 1000.34 What factors must be considered in making an exception to the conflict of interest provisions?**

The following factors must be considered.

(a) Whether undue hardship will result, either to the recipient or to the person affected, when weighed against the public interest served by avoiding the prohibited conflict. In evaluating the hardship which would result to the person affected, HUD will consider if the person is a member of a group or class of intended beneficiaries of the assisted activities and if they would receive generally the same benefits as would be provided to the group as a class.

(b) Whether the exception would provide a significant cost benefit or essential expert knowledge to the program, activity, or project which would otherwise not be available.

(c) Whether an opportunity was provided for open competitive bidding or negotiations.

(d) Any other relevant considerations.

CDTHA shall insert in all contracts entered into in connection with any Project or any property included or planned to be included in any Projects, and shall require its contractors to insert in each of its subcontracts, the following provisions:

"No commissioners officer, or employee of the CDTHA, no member of the governing body of the locality in which the project is situated, no member of the governing body of the locality in which the CDTHA was activated, and no other public official of such locality or localities who exercise any functions or responsibilities

with respect to the project, shall, during his tenure or for one year thereafter, have any interest, direct or indirect, in the project or in any property included or planned to be included therein, or in this Contract or any other contract or proposed contract relating to the project or the proceeds thereof, unless (a) prior to such acquisition, he disclosed his interest in writing to CDTHA and such disclosure was entered upon the minutes of the CDTHA, and (b) the commissioner, officer, or employee does not participate in any action by CDTHA relating to the property or contract in which he has any such interest."

Any decision for which a Tribal official or Commissioner is a direct beneficiary must be publically disclosed and submitted to HUD for prior approval.

O. Role of Chairperson of the Board

It is incumbent upon the Chairperson of the Board of Commissioners to know and accept the responsibility of CDTHA and to limit the discussion and deliberation of meetings and to ensure that Board members adhere to the policies governing CDTHA activities.

The Chairperson exists to encourage the input of ideas, to guide discussions in a logical and orderly fashion, and to overall facilitate the decision-making process. He or she should clarify ideas as they are discussed and repeat motions made in order so that all members fully understand the wording of the item on which they are voting. The Chairperson and the Executive Director should be in contact prior to each regularly scheduled meeting in order to review and discuss the agenda. The Chairperson and Executive Director work closely together in order to coordinate activity pertaining to items pending before the Board of Commissioners.

The CDTHA Board of Commissioners is comprised of a diverse group of people and it is inevitable that not everyone will agree on an issue all of the time; however, all efforts should be made to maintain amicable relations among the individual members. Personality conflicts only hamper an organization's effectiveness. Nevertheless, in the event that a personality conflict does arise between individual members, it is the Chairperson's responsibility to try to mediate and resolve the problem.

P. Role of the Officers

Vice-Chairperson: The vice-chairperson shall assist the chairperson when called upon to do so. In the absence of the chairperson, the vice-chairperson shall preside, and when so presiding, shall have all the rights, privileges, and duties, as well as the responsibilities of the chairperson.

Secretary: The secretary/treasurer shall be responsible for certifying the authenticity of official documents of the CDTHA. The Executive Director is responsible for designating staff to perform secretarial duties and assure that all written records are kept, and notices, correspondence, and minutes are distributed in a timely fashion. All minutes will be distributed to appropriate tribal officials and a permanent file maintained in CDTHA=s central offices.

## SECTION VI

### RELATIONSHIPS

#### A. Relationship with Staff

The Authority's staff works for and is responsible to the Executive Director and, therefore, it is the Executive Director's responsibility to allocate staff time and efforts. Commissioners do not have any supervisory responsibility and shall not attempt to direct or decide the priority of work for the department or the individual staff person. However, the Executive Director shall manage time in a manner consistent with Board established policies and applicable rules and regulations. Final decisions with regard to personnel actions reside with the Executive Director. Appeals are afforded through the chain of command up to the Executive Director. Additionally, priorities established by the Executive Director regarding the delivery of services are also dictated by the availability of funds and need.

In contacting CDTHA personnel on official business, the proper channel is through the Executive Director. If the Executive Director is unavailable his or her designee should be contacted. In the absence of the Executive Director, the Executive Director will notify the Board and staff of the staff person left in charge.

It is not expected that every staff recommendation will be followed; but, based on the technical knowledge of staff personnel, consideration should first be given to their proposals and recommendations. In the event the Board is not satisfied with the information, the Board may direct the Executive Director to seek a legal opinion and/or agency opinion, if the Executive Director has not already done so, except for issues which are statutory, regulatory, or policy driven.

#### B. Relationship with CDT Council

The primary responsibility of the Board of Commissioners is to set policies which are consistent with applicable regulations and laws and the Tribal community's housing goals.

The Board and the Executive Director will submit an Annual Performance Report to the CDT Council. Additionally, the Executive Director will copy to the CDT Council information as needed to keep the CDT Council abreast of any pending legislation or policy development that may affect the CDT and its members. The CDTHA will submit quarterly progress reports to the CDT Council for the monitoring of the Indian Housing Plan. This quarterly report will be prepared by the Executive Director or designee in consultation with the Board of Commissioners for distribution to the CDT Council. Technical Assistance regarding new programs and/or policies is to be provided as needed by the Executive Director to the CDT Council via appropriate channels. Policies of CDTHA are applicable to members of the CDT Council.

C. Relationship with the Community

Members are encouraged to become aware of community opinion relating to housing needs and problems in an effort to apprise the Coeur d'Alene Tribal Housing Authority Executive Director of potential situations and to refer residents and/or community members to the proper source. Members are reminded that impartiality and compliance with laws and rules and regulations are critical to building a housing program for all enrolled members of the Coeur d'Alene Tribe. All efforts to act on recommendations will be made in consideration of funding availability and compliance with applicable priorities, laws, and regulations.

D. Applicability

Tribal officials as well as tribal staff have the added responsibility of serving the tribal community in an exemplary manner in addition to complying with the tribal and federal laws governing housing affairs. As positive role models, officials facilitate the community housing goals and objectives.

# Exhibits

ETHICS AND INTEGRITY POLICY  
FOR THE  
COEUR D'ALENE TRIBAL HOUSING AUTHORITY

SUBJECT: Standards of Conduct  
Conflicts of Interest  
Use of Coeur d'Alene Tribal Housing Authority Property  
Fraud  
Confidentiality

PURPOSE: The purpose of this policy is to provide safeguards to prevent Coeur d'Alene Tribal Housing Authority (Authority) commission members and staff from using their positions for purposes that are, or give the appearance of being motivated by a desire for private financial and/or personal gain for themselves or others, such as those with whom they have family, business, personal, or other ties. Commissioners and staff of the Authority must have high standards of integrity, honesty, and impartiality in order to perform Authority business and earn and maintain the confidence of the public and our clients.

STANDARDS OF CONDUCT

Gifts, Gratuities, Favors, Meals of Nominal Value and Travel Expenses: Commissioners and staff members may not solicit or accept gratuities, favors, or anything of value from contractors, potential contractors, subcontractors, clients, or vendors of the Authority. A gift means anything offered directly by, or on behalf of, a contractor or client other than promotional materials of little value such as pens, pencils, note pads, calendars, or other items of nominal intrinsic value and intended for wide distribution.

When attending a meeting on behalf of the Authority, commissioners and staff are permitted to accept food and refreshments of nominal value if offered in the ordinary course of the event and there is no reasonable opportunity to compensate the sponsor. When attending meetings or providing advisory services on behalf of the Authority, commissioners and staff may accept travel and subsistence from outside sources, but only if approved in advance and appropriate adjustments are made in per diem and travel reimbursements by the Authority.

Indebtedness: Staff, commissioners, and tribal officials of the Authority must meet their personal

Acceptance of Awards/Honoraria: Commission and staff of the Authority may accept an award for meritorious public contribution or achievement given by a charitable, professional, governmental, social, educational, recreational, public service or civic organization. Honoraria must have the prior approval of the Board of Commissioners.

Political Activities: No commission or staff member may use the Authority's name, resources, or facility in connection with political activities.

Outside Employment and Other Activities: Staff members must have prior approval for outside employment from their supervisor and the Executive Director. The Executive Director must have approval from the Board of Commissioners. Outside activities of staff and commission members must not conflict with current responsibilities or the mission of the Authority.

financial obligations as it relates to housing in a proper and timely manner.

Abuse of Alcohol and Other Substances: A commissioner=s or staff member=s conduct must not be affected by the use of alcohol or other substance not used under the supervision of a physician. The commissioner or staff member is expected to take appropriate action if this situation arises. Requests for accommodation in scheduling leave for treatment will be handled confidentially. However, failure to deal adequately with the problem causing unacceptable job performance and/or misconduct may subject the commissioner or staff member to disciplinary action.

Other: There are various other Authority policies, laws, and government rules and regulations that commissioners and staff of the authority must comply with.

Reporting: Violations of the Standards of Conduct

should be reported in writing. However, it is the responsibility of the Executive Director to investigate all allegations of Standards of Conduct violations by staff and report the findings and remedial actions (if any) to the Board of Commissioners. Allegation of Standards of Conduct by the Executive Director shall be reported to the Board of Commissioners. Allegations of violations on the part of commissioners shall be reported to the Coeur d'Alene Tribal Executive Council.

Disciplinary and Other Remedial Actions: Commissioners and staff of the Authority that violate the Standards of Conduct will be disciplined as appropriate. Disciplinary actions include: letters of reprimand, financial reimbursement to the Authority, reductions in pay, forfeiture of promotion, involuntary separation, and/or removal from office.

## CONFLICT OF INTEREST

Conflicts Prohibited: No person who exercises or has exercised any functions or responsibilities with respect to activities funded by the Authority or who is in a position to participate in a decision-making process or gain inside information with regard to these activities, may obtain a financial interest or benefit for an Authority-assisted activity, or have an interest in any contract, subcontract or agreement with respect thereto, or the proceeds thereunder, either for themselves or those with whom they have family or business ties, during their tenure or for one year thereafter.

Persons Covered: Any person who is an employee, agent, consultant, officer, or elected/appointed official of the Coeur d'Alene Tribe or the Authority or subrecipient of Authority funds.

Exceptions: Upon a written request to the Board of Commissioners, approved by the Executive Director and Board of Commissioners, and the Coeur d'Alene Tribal Executive Council who has final review authority (except in cases requiring the approval of

- 1) whether the exception would provide a significant cost benefit or an essential degree of expertise to the program or project which would otherwise not be available;

- 2) whether the person affected is a member of a group or class of persons intended to be the beneficiary of

another agency such as the federal government). Reviews shall be performed on a case-by-case basis when it is determined that the exception will serve to further the purposes and mission of the Authority and the effective and efficient administration of the program or project.

All requests to the Board of Commissioners will be accompanied by :

- 1) a disclosure of the nature of the conflict, accompanied by an assurance that there has been public disclosure of the conflict description and of how the public disclosure was made; and
- 2) an opinion from the Authority=s attorney that the interest for which the exception is sought does not violate tribal laws or the rules and laws governing the source of funds.

### Factors To Be Considered:

the assisted activity, and the exception will permit such person to receive generally the same interests or benefits as are being made available or provided to the group of class;

- 3) whether the affected person has withdrawn from his/her functions or responsibilities, or the decision-

making process with respect to the specific assisted activity in question;

4) whether the interest or benefit was present before the affected person was in a position affected by the Standards of Conduct;

5) whether undue hardship will result either to the Authority or the person affected when weighed against the public interest served by avoiding the prohibited conflict; and

6) any other relevant considerations.

### USE OF AUTHORITY PROPERTY

Applicability: All Authority property including vehicles, communication devices, tools, buildings, land and other equipment is for the sole use of Authority staff and commissioners to further the purpose and mission of the Authority. Property shall not be for the personal use of Authority staff or commissioners or for purposes other than those that

further the purposes and mission of the Authority. Other: No housing authority property shall be used for or in connection with illegal purposes or the commission of a crime.

Related Provisions: See *Disposition Policy*.

### FRAUD

Policy Statement: It is the Authority's policy that each employee and commissioner of the Authority is responsible for fraud prevention, detection and reporting. Each manager and shall be familiar with the signals suggesting possible fraud within his/her scope of authority in order to eliminate fraud, waste and abuse. The Executive Director, the Board of Commissioners and the Coeur d'Alene Tribal Executive Council are each responsible for investigating suspected irregularities.

Because much of the funding of the Authority is federal, reporting may be appropriately made to the Office of Inspector General of the respective agency.

Scope of Policy: All commissioners, staff of the Authority and Coeur d'Alene government officials and staff, our clients, contractors, and vendors are covered by this policy.

#### Actions Possibly Constituting Fraud:

Reporting Suspected Fraud: Generally, the Executive Director should first receive reports of fraud. However, it may be appropriate to report to the Board of Commissioners or the Coeur d'Alene Tribal Executive Council depending on who is suspected of committing fraud.

In any case, the reporting party should not attempt an investigation or demand restitution. Great care should be taken in the investigation of suspected

- \$ Any dishonest or fraudulent act
- \$ False certifications
- \$ False claims for reimbursement
- \$ Misstating household income
- \$ Bribery or kickbacks
- \$ False claims or bid-rigging
- \$ Forgery or alteration of documents
- \$ Theft and embezzlement
- \$ Misappropriation of funds or assets
- \$ Improper reporting of financial transactions
- \$ Profiting on insider knowledge
- \$ Disclosing private information to others
- \$ Accepting gifts from vendors/contractors
- \$ Destruction or concealment of records
- \$ Destruction or concealment of assets
- \$ Any similar or related irregularity

improprieties or irregularities so as to avoid mistaken accusations or alerting suspected individuals that an investigation is under way. There shall be no discussion of the irregularity with those that have no legitimate need to know (including the media).

In cases suspected to involve HUD programs or funds, the reporting can be to the Office of Inspector General in Seattle at 206-220-5360 (Audit) or 206-220-5380 (Investigations); fax: 206-220-5159; TTY:

800-304-9597.

Whichever entity investigates the allegation of irregularities may examine or even take control of the Authority=s records. A report of the findings shall be issued to the appropriate entities. When an investigation substantiates fraudulent acts have occurred, the Executive Director, the Board of Commissioners, and legal counsel will decide whether to refer the matter to law enforcement and will make the final disposition of the case.

Other Irregularities: Allegations concerning moral, ethical, or behavioral conduct may be covered by other parts of this policy that requires resolution.

They may not necessarily constitute fraud or criminal acts.

Confidentiality: Any investigation resulting from suspected irregularities will not be disclosed to outsiders, except appropriate law enforcement officials. Suspensions and/or terminations resulting from allegations are not to be reported or disclosed to prospective employers. The Authority shall not retaliate against employees who report either fraudulent or other irregularities.

## CONFIDENTIALITY

Definition: Confidentiality applies to and is defined as the following:

At no time during or after termination of employment shall an employee disclose to any person, entity, or Indian tribe any confidential business, financial, legal, personal or contractual information learned or obtained in the course of employment, unless:

- 1) it is consistent with an authorized intention and effort to promote the business or governmental interest of the Authority, or
- 2) it is by order of a court of competent jurisdiction, or
- 3) it is given to an employee of the Authority who is authorized to know the information in the performance of that employee=s duties, or
- 4) it is public information.

Waiver of Confidentiality: An employee may release in the course of business certain confidential information to outside governments, agencies, contractors, private businesses or individuals provided that:

- 1) the employee obtains informed consent in the form of written authorization for the release of the confidential information contained in Authority records from the person, and

Such information includes but is not limited to information contained in any of the Authority=s proprietary records pertaining to any commissioner or staff of the Authority; legal information, records and documents; and any information of a financial nature concerning the Authority or its members.

Terms of Employment: As one of the terms of employment, the employee shall agree, in writing, to protect all such confidential information. Any employee who is found to have breached the confidentiality of any Authority information shall be subject to disciplinary procedures. A written reprimand explaining the facts and circumstances of the breach of confidentiality shall be placed in the employee=s personnel file and, depending on the outcome of the disciplinary procedures, may be subject to dismissal.

- 2) that the authorization shall include a specific description of the information and purpose authorized to be released, to whom the information is to be released, the signature and date of the authorizing individual, and a time period for which the authorization for release of confidential information is in effect.

The original authorization shall be kept in the records and a duplicate copy shall be provided to the authorizing individual.