



SHINGLE SPRINGS BAND OF MIWOK INDIANS

Shingle Springs Rancheria, (Verona) Tract, California
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(530) 676-8010 office; (530) 676-8033 fax

RESOLUTION 2011-102

SUBJECT: AUTHORIZING CLOSURE OF THE HOUSING DEPARTMENT AND CURRENT HOUSING DEPARTMENT PROGRAMS.

WHEREAS, the Shingle Springs Band of Miwok Indians (the "Tribe") is a federally recognized Indian tribe eligible for the special programs and services provided by the United States to Indians because of their status as Indians and is recognized as possessing powers of self-government; and

WHEREAS, the Shingle Springs Tribal Council is the duly-elected governing body of the Tribe and is authorized to act on behalf of the Tribe; and

WHEREAS, the Tribe had established the Housing Department to design and implement Tribal housing assistance programs authorized by the Native American Housing Assistance and Self Determination Act of 1996 ("NAHASDA"); and

WHEREAS, the Housing Department did not receive Indian Housing Block Grant ("IHBG") funding for 2012; and

WHEREAS, the Tribal Council has temporarily closed the Housing Department due to lack of funds and program mismanagement as documented in the Housing Department audit dated September 29, 2011; and

WHEREAS, the Tribal Council has determined to take this opportunity to restructure the Housing Program by discontinuing certain assistance programs, including, but not limited to, rental assistance, move-in assistance, utility assistance and down payment assistance and instead implement other types of housing programs as will be described in the 2012 Indian Housing Plan ("IHP").

NOW THEREFORE, BE IT RESOLVED that the Tribal Council hereby closes the Housing Department and the assistance programs listed above of the Housing Department, and authorizes the Chairman or his designee to execute any and all documents and agreements necessary as may be required to give effect to the transactions, herein contemplated, and to take such other actions as may hereby be necessary and appropriate to carry out the obligations there under.

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

CERTIFICATION

As a duly-elected official of the Shingle Springs Band of Miwok Indians, I do hereby certify that, at a meeting duly called, noticed, and convened on this 29th day of September, 2011 at which time a quorum of 6 was present, this resolution was duly adopted by a vote of 6 FOR, 0 AGAINST, 0 ABSTAINED, and said resolution has not been rescinded or amended in any form.



Chairperson

9.26.11

Date

ATTEST:


Secretary

9.26.11

Date

Shingle Springs Band
El Dorado County, California

THE SHINGLE SPRINGS BAND OF INDIANS
of the
SHINGLE SPRINGS RANCHERIA
of
El Dorado County, California

HOUSING ORDINANCE

AUTHORITY

Whereas: The Shingle Springs Tribal Council, On June 19, 1976, did adopt the Articles of Association for the management of all Tribal affairs.

Whereas: Article VI, Section 1(d) of the Articles of Association authorizes the Tribal Council "To manage, lease or otherwise operate all unassigned Tribal property and to control the use of and development on assigned Tribal lands."

Whereas: It is the desire of the band to establish standards for housing on the Shingle Springs Rancheria that will provide for safe, healthy and comfortable homes for Tribal members.

Now, therefore, be it known, that the Tribal Council of the Shingle Springs Rancheria does ordain as follows:

Section 1: Definitions

Wherever used in this Ordinance, the following terms shall have the following meaning:

- 1.1. "Family" means one or more persons maintaining a household.
- 1.2. "DHUD" means Department of Housing and Urban Development.
- 1.3. "IHS" means Indian Health Service of the Department of Education and Welfare.
- 1.4. "Interdepartmental Agreement" means an agreement among the Bureau of Indian Affairs, Department of Housing and Urban Development and the Indian Health Service which appears as part of the DHUD Regulations, Title 24, Chapter VIII, Part 805 of the Code of Federal Regulations.

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- 1.5. "Standard Housing" means a dwelling in a condition which is decent, safe and sanitary. These standards comply with the Interdepartmental Agreement.

Section 2. Purpose

The purpose of this Ordinance is to assure that the housing standards set forth are maintained for the health, safety and comfort of the persons living on Shingle Springs Rancheria.

Section 3. Jurisdiction

The provisions of this Ordinance shall apply to the entire territory of the Shingle Springs Rancheria.

Section 4. Administration

The Shingle Springs Tribal Council shall administer the provisions of this Ordinance.

Section 5. Standards

5.1. Shingle Springs Rancheria Housing Standards for conventional constructed homes must meet the following minimums:

A. General construction conforms to applicable building standards for the region. Structures to be improved are to be in sound condition. Deterioration, if any, will not be at a level creating a health or safety hazard, or a comfort problem.

B. The heating system has the capacity to maintain a minimum temperature of 70 degrees in the dwelling during the coldest weather in the area. It must be safe to operate and maintain and deliver a uniform distribution of heat. Applicable local heating codes are to be followed. If there are no applicable local codes, county or state codes are to be used as a guide.

C. The plumbing system includes a properly installed system of piping. Fixtures consist of a kitchen sink, and within a partitioned bathroom, a lavatory, toilet, bath and / or shower. The water supply, plumbing and sewage disposal systems meet minimum standards of the Indian Health Service, tribe, county or state, which ever is applicable.

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D. The electrical system includes wiring and equipment properly installed to safely supply electrical energy for adequate lighting and for the operation of appliances. The tribal, county, or state electrical code, whichever is applicable, must be used as an alternative standard. If no codes exist, a minimum of two circuits per dwelling must be installed with provisions for a least one additional circuit for future use.

E. Family size per dwelling does not exceed these limits:

(1). Two bedroom dwelling: up to four persons (the first bedroom must have at least 120 sq. ft. of floor space and the second bedroom must have a minimum of 100 sq. ft. of floor space).

(2). Three bedroom dwelling: up to seven persons (the first bedroom must have at least 120 sq. ft. of floor space and the remaining bedrooms must have a minimum of 100 sq. ft. of floor space each).

(3). Four bedroom dwelling: adequate for all but the very largest families (the first bedroom must have at least 120 sq. ft. of floor space and the remaining bedrooms must have a minimum of 100 sq. ft. of floor space each).

5.2. Special Construction Features or Conditions. The following special features or conditions must be installed on all new construction and, where feasible, should be installed on standard repair projects:

- (A). Smoke detectors.
- (B). Insulation.
- (C). Water conservation items.

5.3. Shingle Springs Rancheria Housing Standards for Mobile Homes.

A. The mobile home must meet reasonable construction standards for size, health and safety. This means that the structure must be in a sound, well maintained condition capable of maintaining a temperature of 70 degrees inside the dwelling during the coldest weather for this area. It must be properly and safely supplied with an electrical system, and have fully functioning plumbing and fixtures for a full bathroom and kitchen. It must be of a size that provides adequate living space for the

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entire family. A minimum size allowed on the Rancharia is a total of 480 square feet of floor space. The mobile home must have it's wheels removed and be tied down to permanent foundations. Travel trailers, campers, or structures in a state of disrepair are not permitted on the rancharia for use as a home site or residence.

B. Family size per dwelling does not exceed these limits:

1. One bedroom dwelling: up to two persons (the bedroom must have at least 120 sq. ft. of floor space).
2. Two bedroom dwelling: up to four persons (the first bedroom must have at least 120 sq. ft. of floor space and the second bedroom must have a minimum of 100 sq. ft. of floor space).
3. Three bedroom dwelling: up to seven persons (the first bedroom must have at least 120 sq. ft. of floor space and the remaining bedrooms must have a minimum of 100 sq. ft. of floor space each).

5.4 Shingle Springs Rancharia Utilities requirements: The following services are normally provided by IHS. If funding is not available then the homeowner is responsible to provide the following services before the assignment is occupied.

A. Wastewater Disposal: The soil must be tested to see if the local conditions will support a septic tank-drainfield system. This involves a percolation test and a deep boring or test pit which is accomplished by or under the direction of IHS staff prior to the home being moved on site. If the soils do not provide adequate percolation, or if there is a high groundwater or bedrock condition then the site cannot be occupied.

B. Water Service Connections: The site must be close enough to the community water system to allow for installation of the water service line. If this service is not provided by IHS, the homeowner must obtain permission from the water company to be connected to the community water system, and must pay any fees that are required for water service.

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Section 6. Procedures

A. The Tribal Council shall review all applications for Residential Construction to assure that they meet the requirements of the Shingle Springs Housing Ordinance, Section 5, the Shingle Springs Land Use Ordinance, Section 8, (a), and the Shingle Springs Assignment Ordinance, Section 9; (F).

B. Permission may be granted by the Tribal Council for an Assignee to establish temporary living quarters on their parcel in the form of a building, mobile home or trailer until the construction of a permanent home is completed. Temporary living quarters must provide a safe and sanitary environment for the occupants. An application for such an action must be presented to the Tribal Council for approval.

C. Permits required shall be issued by the Tribal Council in accordance with the Shingle Springs Land Use Ordinance, Section 9.

Section 7. Enforcement

A. Enforcement of this Ordinance shall be by the Shingle Springs Tribal Council.

B. Violations of this Ordinance shall be subject to the jurisdiction of the Shingle Springs Rancheria. The Tribal Council shall act on all reported violations of this Ordinance. Wherever possible, the Tribal Council shall grant the alleged violator an opportunity to correct the reported violation within a specified time.

C. If the alleged violator fails to take corrective action upon being given the opportunity, the Tribal Council shall notify the alleged violator by certified mail, return receipt requested, that his/her assignment may be canceled or he/she may be evicted from the Rancheria.

D. The alleged violator has thirty (30) days to appear before the Tribal Council to present his/her case.

E. The Tribal Council shall conduct a hearing at the scheduled time and place and then and there may make its final decision whether or not the alleged violator appears, provided that good cause has not been shown at the time for the non-appearance.

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F. When the Tribal Council upon hearing and after due deliberation has reached its final decision, such decision shall be confirmed in a letter issued by the Tribal Council and directed to the alleged violator by certified mail, return receipt requested. The letter shall cover all of these items:

- (1) the nature of the decision,
- (2) whether the alleged violator has been found innocent or guilty,
- (3) in the event of finding of guilty, the exact remedy that is to be carried out by the Tribal Council.
- (4) the period of time allowed for removing or otherwise disposing of personal property, which period shall not be less than six (6) months from the date of the letter. If a person is ordered to leave Tribal lands, he/she shall have at least thirty (30) days to do so.

Section 8. Appeals

A. Any person aggrieved by an action of the Tribal Council may make an appeal by filing a notice of appeal with the Tribal Office within thirty (30) days of the action by the Tribal Council.

B. The Tribal Council shall consider the appeal based solely upon the provisions of Sections 5 and 6 of this Ordinance.

C. Within sixty (60) days of the filing of the notice of appeal, the Tribal Council shall render its decision on the matter. Failure of the Tribal Council to render its decision on the matter within sixty (60) days of the filing of the notice of appeal shall be deemed to be a denial of the appeal and an affirmation of the previous action.

D. The decision of the Tribal Council upon an appeal is final and conclusive as to all things involved in the matter.

Section 9. Amendments

This Ordinance, or any section herein, may be amended by a majority vote of the Tribal Council at a duly called regular or special meeting.

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Section 10. Severability

The parts of this Ordinance are declared separable. If any provision, clause, sentence, or paragraph of this Ordinance is held to be unconstitutional or otherwise illegal, the remainder of the provisions shall remain in full force and effect.

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CERTIFICATION

We the undersigned, as duly elected officers of the Shingle Springs Tribal Council, do hereby certify that the foregoing ordinance was enacted by the Shingle Springs Tribal Council of the Shingle Springs Rancheria at a duly called meeting on Sept. 19, 1998 which a quorum was present by a vote of 7 for, 0 against, and 0 abstaining.

Jim Adams 12/30/98
CHAIRPERSON
SHINGLE SPRINGS RANCHERIA

ATTEST:

Charles Stevens 12-30-98
Secretary

COPY



SHINGLE SPRINGS RANCHERIA

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RESOLUTION 98-64

Subject: Revision to Land Use, Housing, and Assignment Ordinance to make the language consistent between the three documents

WHEREAS, the Shingle Springs Rancheria is a Federally-recognized and acknowledged Tribe; and

WHEREAS, the Shingle Springs Tribal Council is a duly-elected governing body of the Tribe and is authorized to act on behalf of the Tribe; and

WHEREAS, in review of the Land Use, Housing and Assignment Ordinance it was determined that there were inconsistency between the three documents. Corrections were to the following sections:

- | | |
|----------------------|---------------------------------|
| Land Use Ordinance | Sections 5a, 6a, 8b, f, and 12f |
| Housing Ordinance | Sections 6B, 7 f. |
| Assignment Ordinance | Sections 10f |

THEREFORE LET IT BE RESOLVED that the Shingle Springs Rancheria Tribal Council authorizes the Chairperson to execute the amendments thereto; and

LET IT BE FURTHER RESOLVED that in the absence of the Chairperson, the Vice-Chairperson is authorized to execute any amendments thereto.

CERTIFICATION

As a duly-elected official of the Shingle Springs Rancheria, I do hereby certify that, at a meeting duly called, noticed, and convened on the 19 day of Sept., adopted by a vote of 7 FOR, 0 AGAINST, 0 ABSTAINED, and said resolution has not been rescinded or amended in any form.

Jim Adamo
Chairperson

12/30/98
Date

ATTEST:
Carrie Stevens
Secretary

12-30-98
Date

SHINGLE SPRINGS RANCHERIA

SHINGLE SPRINGS RANCHERIA
Shingle Springs, El Dorado County, California

RESOLUTION 97-36

Whereas, the Shingle Springs Rancheria is a Federally-recognized Indian Tribe; and

Whereas, the Shingle Springs Rancheria Tribal Council is the governing body of the Shingles Springs Rancheria; and

Whereas, the Shingle Springs Tribal Council has determined, at the request of the members of the Band that the Shingle Springs Rancheria Housing Ordinance, Section 5.3., Paragraph A. should be revised to reflect "A minimum size allowed on the Rancheria is a total of Four Hundred Eighty (480) square feet of floor space."

Therefore, be it resolved that the Shingle Springs Rancheria Tribal Council hereby amends the Shingle Springs Rancheria Housing Ordinance, Section 5.3., Paragraph A. to read "A minimum size allowed on the Rancheria is a total of Four Hundred Eighty (480) Square feet of floor space."

CERTIFICATION

As duly-elected officials of the Shingle Springs Rancheria, we do hereby certify that, at a meeting duly called, noticed and convened on the 20th of December 1997 at which time a quorum of 7 was present, this resolution was duly adopted by a vote of 7 FOR, and 0 AGAINST, and 0 ABSTAINED, and said resolution has not been rescinded or amended in any form.

William J. M...
Chairperson

Dec. 20, 1997
Date

ATTEST:

Helen Fonseca
Secretary

12-20-97
Date

