



NAHASDA Tribal Council Roles and Responsibilities Day 2
11:00 to Lunch



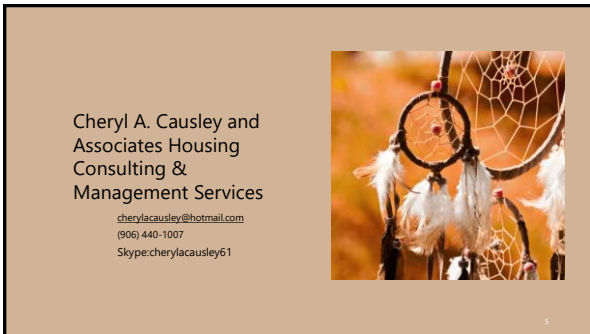
WELCOME &
GOOD
MORNING!

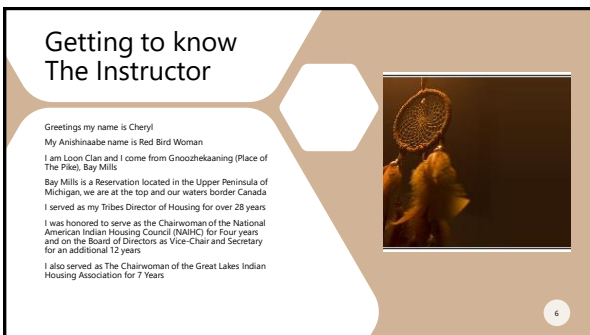
*Sending up smoke
and Prayers*



This training is offered by the U.S. Department of Housing and Urban Development (HUD) and the Office of Native American Programs under a cooperative agreement with the National American Indian Housing Council.









AGENDA DAY 2

11:00 - 11:15 A.M.	ZOOM SIGN IN & ROOM ENTRY
11:15 - 4:00 P.M.	<ul style="list-style-type: none"> Welcome, Introductions Governance Documents- The role of the Tribal Council & The Tribal Ordinance Required Statutory & Regulatory Policies Indian Housing Plan & APPR Guidance Key Roles of The Tribal Council Tribal Council Role in Housing Board Oversight Tribal Council Monitoring Roles & Responsibilities
1:00 - 2:00 P.M.	LUNCH BREAK



Appendix Day # 2

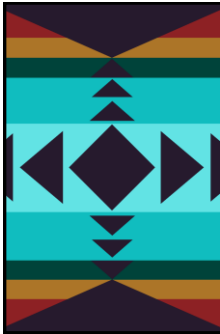
- App # 6 Model Housing Ordinance
- App # 7 Program Guidance 98-13 Board of Commissioners Stipends
- App # 8 Program Guidance 2020-02 Useful life and Binding Commitments





The following Governance Documents are Required and should be readily available:

- Tribal Ordinance creating the HA
- If you are a TDHE- The Tribal Resolution designating the HA as the TDHE
- By-Laws for the Board or Commissioners
- Mission Statement
- Organizational Chart



Role of The Tribal Council & The Tribal Ordinance

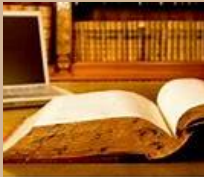
The Tribal Council by legislation, adopts or creates a Tribal Ordinance creating the Housing Authority- Tribally Designated Housing Entity (TDHE) who becomes the Grant Recipient by Resolution.

The Ordinance is the legal document establishing the TDHE unless the Tribe itself will administer the IHBG program through its Tribal Housing Department.

The Ordinance delegates certain powers and authorities to the Housing Board and the TDHE informing them how to use those powers & authorities.

The Tribal Council is the only body who may amend the Tribal Housing Ordinance and they may do so as they deem necessary.

HOUSING ORDINANCE



- Tribes had to Adopt a Model Ordinance under the 1937 Housing Act
- It Created the Housing Authorities
- It offered extremely limited Flexibility
- Tribes under NAHASDA can adopt or amend their Housing Ordinances
- Many Tribes are still operating under the 1937 Housing Act, are you?


What is usually found in the 1937 Model Housing Ordinance

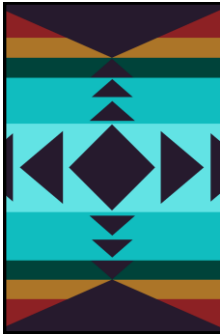
ARTICLE I. DECLARATION OF NEED
 "That a shortage of decent, sanitary dwelling units"

ARTICLE II. PURPOSE
 "That the Authority shall be organized to remedy unsafe Housing and alleviate the shortage while providing employment opportunities through construction"

ARTICLE III. DEFINITIONS
 "Definitions for Council, area of operation, Housing Project, homebuyer, obligations, persons of low income, Oblige, and

"Internal 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.





What is usually found in the 1937 Model Housing Ordinance

ARTICLE IV
Board of Commissioners
YOUR ORDINANCE SHOULD CLARIFY BOARD SIZE

The Board Members shall be appointed, and maybe reappointed, by the Council. **A certificate of the Secretary of the Council** as to the appointment of any commissioner shall be conclusive evidence of the due and proper appointment of the commissioner.

Anytime the Tribal Council takes action regarding the Housing Authority/TDHE/Tribal Department it is important that a copy of the meeting minutes and Resolution if one created be filed with the Housing Authority/TDHE/Tribal Department for Audit and Monitoring purposes.

ARTICLE IV
Board of Commissioners
THIS LANGUAGE IS COMMONLY FOUND "A commissioner may be a member or non-member of the Tribe and may be a member or non-member of the **Tribal Council**."

If you should appoint a **Tribal Council Liaison** it is important for you to spell out if they have a vote.

What is usually found in the 1937 Model Housing Ordinance

ARTICLE IV
Board of Commissioners-**THIS LANGUAGE IS COMMONLY FOUND**

No person shall be barred from serving on the Board because he is a tenant or homebuyer in a housing project of the authority, and such commissioner 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 commissioner 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, concerning any matter involving his individual rights, obligations or status as a tenant or homebuyer.

*There should be Conflict of Interest, Confidentiality Statements and a Code of Ethics paperwork that they are required to sign. As well as Conflict of Interest protocol should **any family members of the Tribal Council** be selected for Housing Services.*


ARTICLE IV
Board of Commissioners -LANGUAGE WILL SPELL OUT TERM LENGTHS and should also clarify if they are staggered terms.

What is usually found in the 1937 Model Housing Ordinance

ARTICLE IV
Board of Commissioners- **THE LANGUAGE SHOULD SPELL OUT TERMS OF OFFICE**- As well as Executive Committee terms. **The Council shall name** one of the Commissioners as a Chairman of the Board. The Board shall elect from among its members a Vice-Chairman, a Secretary, and a Treasurer, 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.

ARTICLE IV
Board of Commissioners- *Language Might Include terms for Removal-* d) A member of the Board **may be removed by the appointing power** for serious inefficiency or neglect of duty for misconduct in office, but only after a hearing before the appointing power and only after the member has been given a written notice of the specific charges against him at least 10 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 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.



What is usually found in the 1937 Model Housing Ordinance


ARTICLE IV, Board of Commissioners It Should Include Language about Board Stipends (e) The Commissioners shall not receive compensation for their services but shall be entitled to compensation for expenses, including travel expenses, incurred in the discharge of their duties.

- If your Board is receiving a stipend, you should have a Board of Commissioners Stipend policy that includes language on:
 - Right to Compensation
 - Effective dates and amount of compensation
 - Amendments (**Tribal Council Meeting Minutes**) of every time the Stipend amount or terms change
 - Requirements of attendance
 - Tax Implications –IRS Form 1099
- There is Program Guidance 98-13 Appendix # 2 Board of Commissioners Stipends and the language reads: The Commissioner must be authorized or not prohibited under Tribal (or other applicable) law. This would mean that the law or Housing Ordinance governing the housing entity cannot prohibit the payment of stipends (which would be the case if the ordinance reflects the old HUD model for Indian housing authorities).

What is usually found in the 1937 Model Housing Ordinance

ARTICLE IV, Board of Commissioners

- It should speak to Board Quorum
- It should spell out Board Duties
- It should speak about The Annual Report
- The Treasurer shall keep full and accurate financial records, make periodic reports to the Board, and submit a complete **annual report, in written form, to the Council** as required by Article XX, Section 1, of this ordinance.
- It should speak about Meeting Times, Regular & Emergency




What is usually found in the 1937 Model Housing Ordinance

Article V, POWERS

The Authority shall have perpetual succession in its corporate name.

2. The Council hereby gives its irrevocable consent to allowing the Authority to sue and be sued in its corporate name, upon any contract, claim or obligation arising out of its activities under this ordinance and hereby authorizes the Authority to agree by contract to waive any immunity from suit which it might otherwise have; but the Tribe shall not be liable for the debts or obligations of the Authority.

Is should speak about Immunity and Tribal Liability



**Article V
POWERS**

- (a) To adopt and use a corporate seal.
- (b) To enter into agreements, contracts and understandings with any governmental agency, Federal, State or Local (including the Council) or with any person, partnership, corporation or Indian Tribe, and to agree to any conditions attached to Federal financial assistance.
- (c) To agree, notwithstanding anything to the contrary contained in this ordinance 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 the conditions which the Federal government may have attached to its financial aid to the project.

**Article V
POWERS**

- (d) To obligate itself in any contract with the Federal government for annual contributions to the Authority to convey to the Federal government possession of or title to the project to which such contract relates, upon the concurrence of a substantial default. (AJ)
- (e) To lease property from the Tribe and others for such periods as are authorized by law and to hold it, manage or to sublease the same.
- (f) 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 Article VI of this ordinance.
- (g) 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.

**Article V
POWERS**

- (h) To purchase land or interests in land or take the same by gift; to lease land or interests in land to the extent provided by law.
- (i) 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, extension, alteration, or repair of any project of and part thereof.
- (j) 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 receive 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 so to issue further rules and regulations as the Board deem necessary and desirable to effectuate the powers granted by this ordinance.
- (k) To finance purchase of a home by an eligible homebuyer in accordance with regulations and requirements of the Department of Housing and Urban Development.

Article V POWERS



- (L) 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 there under, or when such termination is otherwise authorized under the provisions of such agreement; and to bring action for eviction against such tenant or Homebuyer.
- (M) To establish income limits for admission that ensures that dwelling accommodations in a housing project shall be made available only to persons of low income.
- (N) To purchase insurance from any stock or mutual company for any property or against any risk hazards.
- (O) To invest such funds as are not required for immediate disbursement.
- (P) To establish and maintain such bank accounts as may be necessary or convenient.

Article V POWERS

- (Q) To 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 shall deem proper.
- (R) To take such further actions as are commonly engaged in by public bodies of this character as the Board may deem necessary and desirable to effectuate the purposes of the Authority.
- (S) 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, for the purpose 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 the 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 Authorities agent or otherwise, in the name of the Authority or in the name of such agency or agencies.

Article V POWERS

(T) To adopt such by-laws as the Board deems necessary and appropriate.

4. It is the purpose and intent of this ordinance 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 operation of any project by the Authority.

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

Article VI OBLIGATIONS



- 1) The Authority may issue obligations from time to time in its discretion for the purpose of paying or retiring obligations previously issued by it. The Authority may issue such types of obligations on which the principal and interest are payable:
 - (a) 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.
 - (b) 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
 - (c) From its secured by a pledge of any revenues of any project or other property of the authority.

Article VI OBLIGATIONS



- (2) Neither the commissioners of the Authority nor any person executing the obligations shall be liable personally on the obligations by reason of issuance thereof.

Article VI OBLIGATIONS

- 3) The notes and other obligations of the Authority shall not be a debt of the Tribe and the obligations shall so state on their face
- (4) 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 Tribe. The tax exemption provisions of this ordinance shall be considered part of the security for the repayment of obligations and shall constitute, by virtue of this ordinance and without necessity of being restated in the obligations, a contract between (a) the Authority and the Tribe, and (b) the holders of obligations and each of them, including all transferees of the obligations from time to time.
- (5) Obligations shall be issued and sold in the following manner:

Article VI OBLIGATIONS

- (a) Obligations of the Authority shall be authorized by a resolution adopted by the vote of a majority of the full Board and may be issued in one or more series.
- (b) The obligations shall bear such dates, mature at such dates, mature 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 resolution may provide.
- (c) The obligations may be sold at public or private sale at not less than par.
- (d) In case any of the commissioners of the Authority whose signatures appear on any obligations cease to be commissioners before the deliver of such obligations, the signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if the commissioners have remained in office until delivery.

Article VI OBLIGATIONS

(6) Obligations of the Authority shall be fully negotiable. In any suit, action or proceeding involving the validity or enforceability or any obligation of the Authority or the security therefore, any such obligation reciting in substance that it has been issued by the Authority to aid in financing a project pursuant to this ordinance shall be conclusively deemed to have been issued for such purpose, and the project for which such obligation was issued to be conclusively deemed to have been planned, located and carried out in accordance with the purpose and provisions of this ordinance.

(7) 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 ordinance, may:

- (a) 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.

Sections A through S discuss all the Covenants. (Please Read thoroughly)

(Covenant (Law), a promise to engage in or refrain from a specified action.)

Article VII Miscellaneous

- (1) The Authority shall submit an annual report, signed by the Chairman of the Board, to the Council showing: (a) a summary of the year's activities, (b) the financial condition of the Authority, (c) the condition of the properties, (d) the number of units and vacancies, (e) any significant problems and accomplishments, (f) plans for the future, and (g) such other information as the Authority or the Council shall deem pertinent.

Article VII Miscellaneous

(2) During his tenure and for one year thereafter, no commissioner, officer or employee of the Authority, or any member of any governing body of the Tribe, 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 disclosed his interest in writing to the Authority and such disclosure is entered upon the minutes of the Authority, and the commissioner, 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 commissioner, 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 commissioner, officer or employee, the commissioner, 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 commissioner, 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 a 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.

Article VII Miscellaneous

- 3) 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.
- 4) The Authority shall obtain or provide for the obtaining of adequate fidelity bond coverage of its officers, agents, or employees handling cash or authorized to sign checks or certify vouchers.
- 5) The Authority shall not construct or operate any project for profit.
- 6) 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 Tribe.
- 7) All property including funds acquired or held by the Authority pursuant to this ordinance shall be exempt from lien and sale by virtue of an execution, and no execution or other judicial process shall issue against the Authority to be charge or lien upon such property. However, the provisions of this section shall not apply to or limit the right of obliges 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 ordinance or the right of the Authority to bring eviction actions in accordance with Article V, Section 3 (1).

Article VIII Cooperation in Connection with Projects

(1) For the purpose of aiding and cooperating in the planning, undertaking, construction or operation of projects, the Tribe hereby agrees that:

(a) It will not levy or impose any real or personal property taxes or special assessments upon the Authority or any project of the Authority.

(b) It will furnish or cause to be furnished to the Authority and the occupants of projects all services and facilities of the same character and to the same extent as the Tribe furnishes from time to time without cost or charge to other dwellings and inhabitants.

Article VIII
Cooperation in Connection with Projects

(C) Insofar as it may lawfully do so, it will grant such deviations from any present or future building or housing codes of the Tribe 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 and protection of such project, and the surrounding territory.

(D) 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.

Article VIII
Cooperation in Connection with Projects

(e) The Tribal Government hereby declares that the powers of the Tribal Government shall be vigorously utilized to enforce eviction of a tenant or homebuyer for nonpayment or other contract violations including action through the appropriate courts.

(f) The Tribal Government shall have jurisdiction to hear and determine an action for eviction of a tenant or homebuyer. The Tribal Government hereby declares that its powers shall be vigorously utilized to enforce eviction of a tenant or homebuyer for nonpayment or other contract violations.

Article VIII
Cooperation in Connection with Projects

(2) The provisions of this Article 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 (a) the project is owned by a public body or governmental agency and is used for low-income housing purposes.

(b) Any 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 (c) 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. 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.

Article IX
Approval by Secretary of Interior

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 or his designee.



Required Statutory & Regulatory Policies



Policies and Procedures

Policies and procedures provide for consistent and cohesive action on the part of an organization. Policies generally establish the broad parameters of a particular function of the TDHE or tribal housing division. A procedure establishes the specific way a function is to be performed, assigns responsibility, and describes specific actions, including forms and documents, and report preparation. Sections 203 and 207 of NAHASDA and implementing regulations at 24 CFR Part 1000 and 2 CFR Part 200 require that IHBG recipients adopt written policies in the following areas:



NAHASDA POLICY ISSUES

- ❖ Eligible Families
- ❖ Tribal Preference in Selection
- ❖ Applicable Income Limits
- ❖ Definition of Low-Income
- ❖ Definition of Gross Annual Income
- ❖ Eligible Activities
- ❖ Required Policies



NAHASDA POLICY ISSUES



- ❖ Maintenance
- ❖ Inspections
- ❖ Useful Life
- ❖ Uniform Relocation Assistance
- ❖ Conflict of Interest
- ❖ Procurement
- ❖ Total Development Costs (TDC)
- ❖ Financing
- ❖ Personnel

SECTION 7: INDIAN HOUSING PLAN CERTIFICATION OF COMPLIANCE
 NAHASDA § 102(b)(2)(D)

By signing the IHP, you certify that you have all required policies and procedures in place in order to operate any planned IHBG programs.

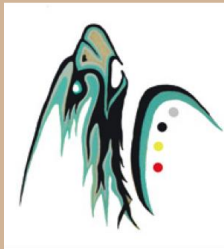


Policies and Procedures

Policies and procedures provide for consistent and cohesive action on the part of an organization. Policies generally establish the broad parameters of a particular function of the TDHE or tribal housing division. A procedure establishes the specific way a function is to be performed, assigns responsibility, and describes specific actions, including forms and documents, and report preparation. Sections 203 and 207 of NAHASDA and implementing regulations at 24 CFR Part 1000 and 2 CFR Part 200 require that IHBG recipients adopt written policies in the following areas:

1. Rents and homebuyer payments policy.

A policy regarding rents and homebuyer payments charged for dwelling units assisted with NAHASDA funds, including the methods by which rents, and homebuyer payments are determined (Section 203(a) (1)). This policy would also address the tribe/TDHE's procedures for how and when tenants/homebuyers shall make payments, along with the requirements for collection of payments.



2. Eligibility, admission, and occupancy policies.

Policies addressing the eligibility, admission, and occupancy of families for housing assisted with NAHASDA funds (Section 203(d)). Following are subjects that should be addressed in each policy.



3. Tenant and homebuyer selection policy.

This policy must include criteria which:

- Are consistent with the purpose of providing housing for low-income families
- Are reasonably related to program eligibility and the ability of the applicant to perform the obligations of the lease

• Provide for:

- a) the selection of tenants and homebuyers from a written waiting list in accordance with the policies and activities in the IHP for the tribe that is the grant beneficiary of such grant amounts; and
- b) the prompt written notification to any rejected applicant of the rejection and the grounds for the rejection.



Tenant and Homebuyer Selection Policy- Conflict of Interest

- (A) In order to ensure fair and equitable treatment for all eligible participants of any of the Any Tribal Indian Housing Authority programs, the following policy is designed to eliminate any undisclosed conflicts of interest and preferential treatment on the part of Housing Authority staff and anyone else who participates in the decision-making process or who gains inside information with regard to housing activities.
- (B) This policy prohibits anyone from benefiting from their position personally, financially or through receipt of special benefits other than payment of their salary and/or administrative expenses. This does not prevent housing staff, their family members and/or business associates from receiving housing benefits for which they qualify as low-income individuals.
- (C) Any exceptions to this Conflict-of-Interest Policy must be in accordance with applicable HUD regulations. See [§1000.30(c)].

Tenant and homebuyer selection policy- Conflict of Interest

- (D) Low-income individuals to whom the conflict-of-interest provisions would normally apply (e.g., Any Tribal Indian Housing Authority Staff, Board of Commissioners and **Tribal Council members**), but who qualify for assistance under the Any Tribal Housing Authority written policies for eligibility, admission and occupancy do not fall under the category of an "exception" and ONAP approval is not required to provide them with assistance for which they qualify. However, the Any Tribal Indian Housing Authority must make public disclosure of the nature of the assistance to be provided such individuals and the specific basis for the selection of the person.
- (1) The Housing Division must provide ONAP with a copy of the public disclosure before the assistance is provided to the person.
- (2) The Housing Division must post a copy of the public disclosure on the Any Tribal Indian Housing Authority official notice board and the **Tribal Council official notice board**.

In addition to the statutorily required policies just listed, other applicable Federal laws and regulations require the following standards, statements, or policies.





4. Management and Maintenance Policies

Policies addressing the management and maintenance of housing assisted with NAHASDA funds (Section 203(e)). Although not specifically specified by statute or regulation, management policies should include policies such as:

- Personnel
- Grievance- You need two separate Policies
- Employee/Tenant
- Capitalization
- Disposition



Capitalization Policy

The capitalization policy shall provide all parties associated with the housing programs of ATHA with a comprehensive statement of policy and actions which will be used as the criteria for governing the control and accountability of capitalized property of the housing authority.



Inventory Records for Capitalized Equipment

ATHA shall establish and maintain complete and accurate inventory records for all capitalized equipment. The records will provide the following information:

- Description of item
- Serial and/or model number
- Purchase price of item
- Purchase date of item
- Quantity of item
- Location of item
- Sale or disposal date of item.

Annual Inventory of Capitalized Equipment

ATHA shall take a physical inventory of all capitalized equipment at least once each fiscal year. The physical inventory shall be compared with the accounting inventory records and reconciled to the property accounts. Any differences between the inventory records and physical inventory shall be investigated and appropriate entries made in the books of account to correct or adjust the differences.



5. Fiscal and Financial Management

Refer to 2 CFR Part 200 Post Federal Award Requirements Standards for Financial and Program Management §200.300-309
 Financial Management & Internal Controls Policy required by 200.302

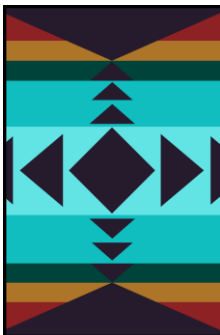
Refer to NAHASDA §1000.26 Administrative Requirements for NAHASDA specific requirements



6. Procurement and Contract Administration.

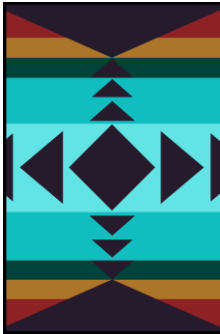
The regulations at §1000.26 require compliance with 2 CFR 200.317 through 326. The language at 2 CFR 200.318(a), requires grantees and subgrantees to use their own procurement procedures that reflect applicable state and local laws and regulations, provided that the procurements conform to applicable Federal laws and standards identified in this section. The regulations at 2 CFR 200.318(c)(1) also requires that grantees and subgrantees maintain a written code of standards of conduct governing the performance of employees engaged in the award and administration of contracts.





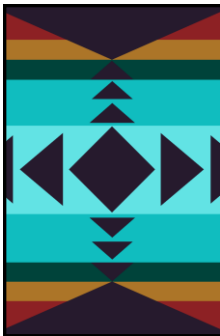
Conflicts Prohibited: 2 CFR 200.211

Grantees and subgrantees will maintain a written code of standards of conduct governing the performance of their employees engaged in the award and administration of contracts. No employee, officer, or agent shall participate in the selection or in the award or administration of a contract supported by federal funds if a conflict of interest, real or apparent, would be involved.



**Written Code of Standards of Conduct
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. Such conflict would arise when a financial or other interest in a firm selected for award is held by:



**Written Code of Standards of Conduct
Conflict of Interest**


Persons Covered:

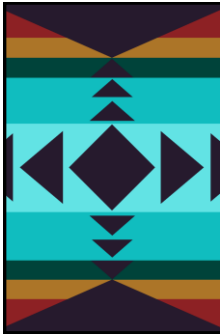
- ❖ Any person who is an employee, agent, consultant, officer, or elected, appointed official of the Tribe or the Authority or subrecipient of Authority funds. An officer, employee, or agent involved in making the award. Family member defined as: His or her relative, including father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half- brother and half-sister.
- ❖ His or her partner; or
- ❖ An organization which employs, is negotiating to employ, or has an arrangement concerning prospective employment of any of the above.

**Written Code of Standards of Conduct
Conflict of Interest**

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

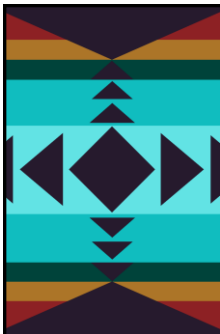




**Written Code of Standards of Conduct
Conflict of Interest**

Factors to Be Considered:

- 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 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 or 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.



**Written Code of Standards of Conduct
Conflict of Interest**

Gifts, Gratuities, and Use of Confidential Information:
The Housing Authority prohibits its officers, employees, and agents from soliciting or accepting gratuities, favors, or anything of monetary value (other than unsolicited items of nominal intrinsic value) from contractors, potential contractors, or parties to subcontracts, and the knowing use of confidential information for actual or anticipated personal gain.

Violations:
Disciplinary action will be taken to remedy violations of this code and may include verbal or written warning, formal reprimand, suspension, or dismissal. The level of disciplinary action will depend on the severity of the violation, the individual's prior behavior, and the nature of the individual's position. Notice the Tribal Indian Housing Authority communicates the requirements of this code during orientation, at trainings, in the bylaws of the Board of Commissioners, and in its personnel and procurement policies.



Conflict Of Interest in Admissions and the Administration of Contracts.

67 What Is A Conflict Of Interest

When someone in a position of trust has competing professional and personal interests

When someone makes a decision in an official capacity and they stand to profit personally

When your interests have the potential to conflict with the best interest of the organization or those you represent

68 Conflict of Interest Requirements

Report a potential conflict of interest to ONAP



Disclose to the public the conflict of interest, the nature of the assistance to be provided the individual, and the specific basis for which there is no conflict.

Conflicts in Admissions

Ensure fair and equitable treatment for all

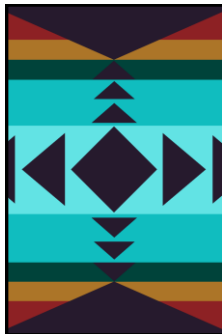
Determine if a conflict exists

Disclose to the public and report to HUD prior to providing assistance

HUD may make an exception

If family is low-income and qualifies, this is not a conflict, but disclosure is required

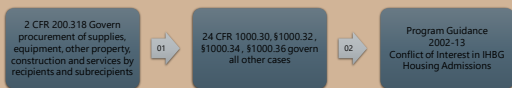
If conflict is only apparent or perceived, make disclosure and inform HUD



Conflicts in Admissions


There may be several ways to make the public disclosure. One such way is to make the information available in the same manner that you would provide any other public information, such as posting it in a prominent place. Some programs include a "public disclosures" section on their monthly meeting agendas. HUD must be provided with a copy of the disclosure. If the recipient is a TDHE, the disclosure may be provided to the tribe as well.

What REQUIREMENTS regarding conflict of interest are applicable?



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graph LR
    A["2 CFR 200.318 Govern procurement of supplies, equipment, other property, construction and services by recipients and subrecipients"] -- 01 --> B["24 CFR 1000.30, §1000.32, §1000.34, §1000.36 govern all other cases"]
    B -- 02 --> C["Program Guidance 2002-13 Conflict of Interest in IHBG Housing Admissions"]
  
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24 CFR 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 2 CFR 200.318 shall apply. In all cases not governed by 2 CFR 200.318, the following provisions shall apply.

24 CFR 1000.30 What prohibitions regarding conflict of interest are applicable?

(b) Conflicts prohibited. No person who participates in the decision-making process or 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 immediate family ties. Immediate family ties are determined by the Indian tribe or TDHE in its operating policies.



Seven horizontal lines for writing an answer to the first question.

24 CFR 1000.30 What prohibitions regarding conflict of interest are applicable?

(c) The conflict-of-interest provision does not apply in instances where a person who might otherwise be included under the conflict provision is low-income and is selected for assistance in accordance with the recipient's written policies for eligibility, admission and occupancy of families for housing assistance with IHFG funds, provided that there is no conflict of interest under applicable tribal or state law. The recipient must make a public disclosure of the nature of assistance to be provided and the specific basis for the selection of the person. The recipient shall provide the appropriate Area ONAP with a copy of the disclosure before the assistance is provided to the person.



Seven horizontal lines for writing an answer to the second question.

§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 §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 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.

Seven horizontal lines for writing an answer to the third question.

§1000.34 What factors must be considered in making an exception to the conflict-of-interest provisions?

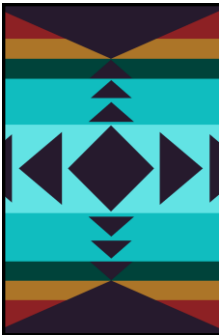
In determining whether to make an exception to the conflict-of-interest provisions, HUD must consider whether undue hardship will result, either to the recipient or to the person affected, when weighed against the public interest served by avoiding the prohibited conflict.



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§1000.36 How long must a recipient retain records regarding exceptions made to the conflict-of-interest provisions?

A recipient must maintain all such records for a period of at least 3 years after an exception is made.



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PROGRAM GUIDANCE

 No. 3463.13
July 23, 2002

PROGRAM: Indian Housing Block Grant (IHBG)

TITLE: All Tribal Government Conflict and Disability Designated Housing Entities (CDDHE)

FROM: Ted Lee, Acting Deputy Assistant Secretary, PH

TOPIC: Conflict of Interest in IHBG Housing Admissions

Purpose: The purpose of this guidance is to help IHBG recipients manage their business when members of admission committees, housing providers to the Indian Housing Program, or other individuals or entities are involved in the process of making fair and equitable decisions for all eligible participants in their programs.

Reference: 24CFR 1000.100, 1000.101, 1000.102 and 401.14 CFR 61.100(c), 24 CFR 1000.10, 1000.102, 1000.14 and 1000.14

Background: On August 1, 2002, the Department of Housing and Urban Development's (HUD) Office of Inspector General (OIG) published its report of a widespread lack of the implementation of 24CFR 1000.100, Indian Housing Program (IHP) entities. The report found that many IHBG recipients have not implemented the requirements of 24CFR 1000.100, which requires recipients to ensure that all members of admission committees are free from conflicts of interest and that all members of the committee are free from conflicts of interest.

Additional Information: The conflict of interest provisions apply to those who participate in the IHBG recipient's admission-making process or who have a financial interest in the IHBG recipient's business. The conflict of interest provisions do not necessarily extend to housing staff, housing or tribal board members, members of the admission committee, and staff who manage housing operations.

U.S. Department of Housing and Urban Development

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Program Guidance 2002-13
Conflict of Interest in IHBG Housing Admissions

On August 2, 2001, the Department of Housing and Urban Development's (HUD) Office of Inspector General (OIG) published its report of a nationwide audit of the implementation of NAHASDA. Finding Number 6 of that audit found, in part, that among the housing entities reviewed there were undisclosed conflicts of interest and preferential treatment in the admission to their housing programs.

Over half of the housing entities audited had no process to ensure adherence to the conflict-of-interest requirements or that admissions were made to eligible families and that all members of the tribe were treated fairly.



Program Guidance 2002-13
Conflict of Interest in IHBG Housing Admissions

Application of Requirements:

The conflict-of-interest provisions apply to anyone who participates in the IHBG recipient's decision-making process or who gains inside information with regard to the IHBG assisted activities. Such individuals would be, but are not necessarily limited to housing staff, housing or tribal board members, members of their immediate families, and such individual's business associates.

The requirements prohibit any such individuals from benefiting from their position personally, financially or through the receipt of special benefits other than payment of their salary and/or appropriate administrative expenses. This does not prevent housing staff, board members, their family members and/or business associates from receiving housing benefits for which they qualify as low-income individuals.

(See Exceptions to the Requirements in following slides.)



Your Applications should ask..



Do you or any member of your household have a family or business relationship with an employee of the ATHA Housing Authority, Board of Commissioners of the Any Tribal Housing Authority, or a Tribal Council Member?

Application Conflict Of Interest Disclosure

Conflict of Interest Disclosure. The Any Tribal Housing Authority takes seriously any actual or potential conflicts of interest. As we wish to avoid even the appearance of a conflict, we ask all applicants to disclose any immediate family members, or other significant persons, which could potentially cause a conflict of interest. (ATHA Staff Tribal Council, Housing Board Of Commissioners.) For this purpose, immediate family member includes, but is not limited to, spouse, children, parents and siblings. Please list any relationship here (please print):



Program Guidance 2002-13
Applying the Conflict-of-Interest Requirements in Admission:

In order to effectively comply with the conflict-of-interest requirements, recipients should have in place a set of procedures for determining when a conflict of interest exists and for reporting the conflict to HUD and disclosing it to the public as required by the regulations. Those procedures should include:

A method of determining whether or not there is a potential conflict of interest with an applicant (e.g., does the housing application ask applicants to disclose any personal, family or business relationships with the housing entities decision makers? Does the housing entity maintain a list of persons having immediate family or business ties to its decision makers?);

And administrative steps for reporting a potential conflict of interest to the Area Office of Native American Programs (ONAP) and disclosing to the public the conflict of interest, the nature of the assistance to be provided the individual and the specific basis for which the selection of the individual was made.



Program Guidance 2002-13
Exceptions to the Requirements:

Exceptions may be made to the conflict-of-interest provisions. HUD approval must be obtained through the recipient's local Area ONAP before providing benefits to any individual as an exception to §1000.30(b). Exceptions will be considered on a case-by-case basis and when making the exception can be shown to further the primary objective of NAHASDA (See Section 201(a) of NAHASDA) and the effective and efficient implementation of the recipient's program, activity, or project.

Before any exception may be granted, a public disclosure of the conflict must also be made and a determination that the exception would not violate tribal or any applicable state laws on conflict of interest. All records relating to exceptions made to the conflict-of-interest provisions must be maintain for at least three years after the exception has been granted.



Program Guidance 2002-13
Exceptions to the Requirements:

Low-income individuals to whom the conflict-of-interest provisions would normally apply (e.g., housing staff and board members), but who qualify for assistance under the recipient's written policies for eligibility, admission and occupancy do not fall under the category of an "exception" and ONAP approval is not required to provide them with the assistance for which they qualify [See §1000.30(c)].

However, the recipient must make a public disclosure of the nature of the assistance to be provided such individuals and the specific basis for the selection of the person. The recipient must also provide its Area ONAP with a copy of the disclosure before the assistance is provided to the person.



Sample Public Disclosure Form

PUBLIC DISCLOSURE NOTICE: In accordance with 24 CFR 1000.30, the following public disclosure is made in accordance with the (ATHA) Any Tribal Housing Authority of the ANY TRIBE'S Conflict of Interest Policy:



To: Tribal Members of Any Tribal Housing Authority
Date: Today's date
Re: Potential Conflict of Interest

Staff:
Board:
Council: Immediate family member of a Tribal Council Member

The above has applied and has been determined eligible for services. The nature and basis of the assistance to be provided is as follows:

Rental Assistance-Selection for Rental Unit

Sample Public Disclosure Form
PUBLIC DISCLOSURE NOTICE: In accordance with 24 CFR 1000.30, the following public disclosure is made in accordance with the (ATHA) Any Tribal Housing Authority of the ANY TRIBE'S Conflict of Interest Policy:



Please be advised that all public comments must be postmarked within 7 calendar days of the initial date of this posting, as indicated below. All conflict-of-interest comments must be in a sealed envelope, addressed to Any Tribal Housing Authority, "Conflict of Interest Comment", 1111 S 22nd Avenue, Any Tribal Place, BRS49. Comments that are received will be reviewed at the next regularly scheduled ATHA Board meeting. The Board will not consider any comments received after the end of the comment period, 12/12/2021 AT 8:05 am EST.

This Notice was posted on December 9th, 2021, at this time of 8:00 AM EST at the location: ATHA Office Lobby.
On this day _____ of _____, 2021, at this time of _____, This Notice was taken down by: _____

Native American Housing & Self-Determination Act (NAHASDA) Notice of Potential Conflict of Interest

This Notice was posted on December 5th, 2021, at this time of 8:06 AM EST at the location: ATHA Office Lobby.

On this day 12th of December, 2021, at this time of 8:06 AM. This Notice was taken down by: Jane Doe, The Best front Office Staff ever.



Sample ONAP Disclosure Form Notification of Potential or Appearance of Conflict of Interest

To: Office of Native American Programs

From: Any Tribal Housing Authority

Date: Today's Date

Regarding the following applicant: Vice-Chairman's Hunkadunks Sister

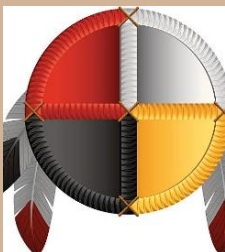


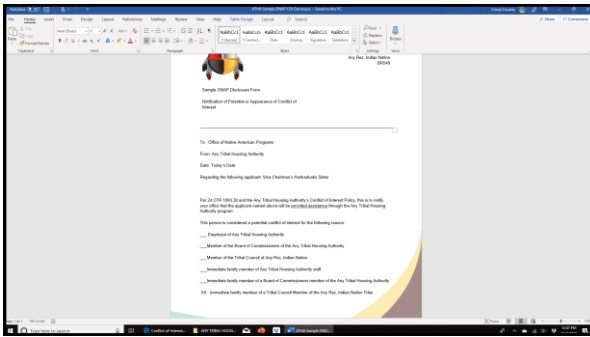
Sample ONAP Disclosure Form Notification of Potential or Appearance of Conflict of Interest

Per 24 CFR 1000.30 and the Any Tribal Housing Authority's Conflict of Interest Policy, this is to notify your office that the applicant named above will be provided assistance through the Any Tribal Housing Authority program:

This person is considered a potential conflict of interest for the following reason:

- Employee of Any Tribal Housing Authority
- Member of the Board of Commissioners of the Any Tribal Housing Authority
- Member of the Tribal Council of Any Rez, Indian Nation
- Immediate family member of Any Tribal Housing Authority staff
- Immediate family member of a Board of Commissioners member of the Any Tribal Housing Authority
- Immediate family member of a Tribal Council Member of the Any Rez, Indian Nation Tribe







Native American Housing & Self-Determination Act (NAHASDA) Notice of Potential Conflict of Interest

— Per the Department of Housing and Urban Development (HUD) NAHASDA regulations at 24 CFR §§1000.30 – 1000.36, Any Tribal Housing Authority (ATHA) must publicly disclose when an individual directly affiliated with the organization has qualified and been selected to receive assistance through the NAHASDA program.

— A Potential Conflict of Interest is being disclosed due to Housing Assistance being provided to immediate family members of Staff or Housing Commissioners or Tribal Council members of The ATHA Tribe, Vice-Chairman Scott Hunkadunks Applicant Suzy Hunkadunks (Sister) have applied for and met the requirements for participating in the Low Rent Program in Lakeside Apartments, Any Tribal Place. Participant will be provided assistance with Rental Assistance-Selection for Rental Unit #1234.

Native American Housing & Self-Determination Act (NAHASDA) Notice of Potential Conflict of Interest

The following applicants have met all requirements for participation:

Applicant: Suzy Hunkadunks
Relationship to Board Member or ATHA: Sister of Vice Chairman Scott Hunkadunks


Specific Basis for the selection:

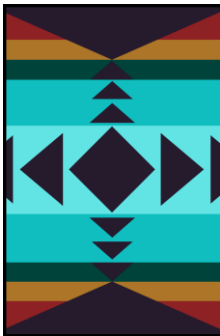
- X American Indian or Alaskan Native
- X Low-income as determined by HUD
- X Primary residence
- X Applicant met all criteria and was next on waiting list



Program Guidance 2002-13
Actions to be Taken:

All IHBG recipients should be sure that they have written and adopted all policies required by NAHASDA (i.e., eligibility, selection, admission, occupancy, rents charged, management and maintenance). These policies must be in accordance with NAHASDA and program regulations and enforced by a set of procedures that ensure that those policies are being adhered to in both the actions of the staff and the decisions of the Board.





Program Guidance 2002-13
Actions to be Taken:


They should also be reviewed to ensure that they do not contain provisions that inherently allow conflicts of interest. If the housing entity does not have the necessary policies, systems, and control procedures to comply with NAHASDA requirements, they should be written and adopted immediately. All policies should be made public, and copies should be available to the public upon request.

Program Guidance 2002-13
HUD Approval:

If the person receiving assistance is low-income and they qualify for eligibility, admission and occupancy, only public disclosure and HUD notification is required [See §1000.30(c)].

However, as stated above, HUD approval for an exemption is required when there is a potential conflict of interest that would be in violation of §1000.30(b).

An example of a situation requiring HUD approval for an exemption to the conflict-of-interest provision would be housing assistance to a TDHE Board member whose income is between 80% and 100% of median income.






Program Guidance 2002-13 Review:

A recipient's compliance with conflict-of-interest requirements should be included in the tribe and/or TDHE's self-monitoring program. HUD will also review conflict of interest policies, procedures, and performance during its regular monitoring of a recipient compliance with program requirements.

Conflict Of Interest And Your Tribal Ordinance

- During his tenure and for one year thereafter, no commissioner, officer or employee of the Authority, or any member of any governing body of the Tribe, 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 disclosed his interest in writing to the Authority and such disclosure is entered upon the minutes of the Authority, and the commissioner, 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 commissioner, officer or employee of the Authority involuntarily acquires any such interest, or voluntarily or involuntarily acquires any such interest prior to appointment or employment as a commissioner, officer of employee, the commissioner, 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 commissioner, 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 as provided in Article IV, Section 1 (a) (4).



2 CFR 200.318 (C) (1)

The non-Federal entity must maintain written standards of conduct covering conflicts of interest and governing the performance of its employees engaged in the selection, award and administration of contracts. No employee, officer, or agent must participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest.

2 CFR 200.318 (C) (1)

Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents of the non-Federal entity must neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts.



Gifts, Entertainment and Gratuities


An employee shall not solicit or accept directly or indirectly any gift exceeding \$100.00 value, gratuity, favor, loan or any other thing of monetary value from a person or organization who has (in the past, or tends to seek to obtain) a contractual, business or financial relation with ATHA or who has interests which may be affected by the performance or nonperformance of the employee's official duty, except as allowed in paragraph 2 below.



Gifts, Entertainment and Gratuities

An employee may accept food or refreshments of nominal value on infrequent occasions in the ordinary course of a breakfast, luncheon or dinner meeting, or other meeting where an employee may properly be in attendance; or may accept unsolicited advertising materials such as pens, calendars or other items of a nominal value.






CODE OF CONDUCT

- **Conflict of Interest**
- The Any Tribal Indian Housing Authority prohibits its officers, employees, and agents from participating directly or indirectly in the selection or in the award or administration of any contract if a conflict, real or apparent, would be involved. Such conflict would arise when a financial or other interest in a firm selected for award is held by:
 - An officer, employee, or agent involved in making the award;
 - His/her relative, including father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, and half-sister;
 - His/her partner; or
 - An organization which employs, is negotiating to employ, or has an arrangement concerning prospective employment of any of the above.

Gifts, Gratuities, and Use of Confidential Information

The Any Tribal Indian Housing Authority prohibits its officers, employees, and agents from soliciting or accepting gratuities, favors, or anything of monetary value (other than unsolicited items of nominal intrinsic value) from contractors, potential contractors, or parties to subcontracts, and the knowing use of confidential information for actual or anticipated personal gain.







Violations

Disciplinary action will be taken to remedy violations of this code and may include verbal or written warning, formal reprimand, suspension, or dismissal. The level of disciplinary action will depend on the severity of the violation, the individual's prior behavior, and the nature of the individual's position. Notice the Any Tribal Indian Housing Authority communicates the requirements of this code during orientation, at trainings, in the bylaws of the Board of Commissioners, and in its personnel and procurement policies.



Mitigation Measures

-  Recusal – declare yourself disqualified to participate
-  Code of Ethics – policies that prohibit certain activities or conduct
-  Third-parties – independent, well-qualified individual outside the organization
-  Disclosure – sharing information not previously known

CODE OF ETHICS



Create and Adopt a Board of Directors Code of Ethics



Members of the ATHA Board Will

- Refer** Refer constituent or staff complaints to the proper level on the chain of command.
- Recognize** Recognize that the board member's job is to ensure that ATHA is well managed, not to manage ATHA.
- Vote** Vote to hire the best possible person to manage ATHA.
- Represent** Represent all constituents of ATHA and not solely a particular geographic area or special interest group.
- Consider** Consider themselves each a "trustee" of ATHA and do their best to ensure that ATHA is well maintained, financially secure, growing and always operating in the best interests of constituents.
- Work** Always work to learn about the board member's job and how to do it better.
- Declare** Declare any conflict of interests between their personal life and their position on the ATHA board and avoid voting on issues that appear to be a conflict of interest.

Members of the ATHA Board will not...

- Be critical, in or outside of the board meeting, of other board members or their opinions.**
- Use ATHA or any part of ATHA for personal advantage or the personal advantage of friends or relatives.**
- Discuss the confidential proceedings of the board outside the board meeting.**
- Promise prior to a meeting how each will vote on any issue in the meeting.**
- Interfere with duties of the executive director or undermine the executive director's authority.**
- Be involved in self-dealing that provides personal gain.**

Mitigation Measures

-  **Recusal** – declare yourself disqualified to participate
-  **Code of Ethics** – policies that prohibit certain activities or conduct
-  **Third-parties** – independent, well-qualified individual outside the organization
-  **Disclosure** – sharing information not previously known

