



**PUEBLO OF LAGUNA COUNCIL**

**Resolution No. 54-15**

**Re: Adopting Building Code Regulations Governing Pueblo of Laguna Housing Program and Management Agreement with Native Community Finance**

At a duly called meeting of the Pueblo of Laguna Council held on the 8th day of August, 2015, the following resolution was adopted:

**WHEREAS**, the Pueblo of Laguna (“Pueblo”) is a federally recognized Indian Tribe with all the inherent sovereign governing powers; and

**WHEREAS**, pursuant to Article IV, Section 2(e), the Pueblo of Laguna Council is the governing body of the Pueblo, with the authority to establish and enforce ordinances governing the conduct and civil relations of residents of the Pueblo and provide for the maintenance of law and order and the administration of justice within the lands of the Pueblo; and

**WHEREAS**, pursuant to Article IV, Section 2(k), the Pueblo of Laguna Council is the governing body of the Pueblo, with the authority to promote and protect the public health and the welfare of the members and other residents of the Pueblo; and

**WHEREAS**, on April 5, 2014, Council approved Resolution #32-14, that authorized a margin loan using its investment portfolio in the amount of \$5,000,000.00, authorized the creation of a Pueblo of Laguna Home Loan Program, and appropriated the proceeds generated by the margin loan in the amount of \$5,000,000.00 to establish the Pueblo of Laguna Home Loan Fund; and

**WHEREAS**, Resolution #32-14 tasked the Housing Priority Work Group with finalizing the Pueblo of Laguna Loan Program and associated documents, and selecting a Loan Fund Administrator to manage and service the fund; and

**WHEREAS**, Resolution #32-14 also authorized and directed the Governor, Treasurer, the Chief Financial Officer, the Chief of Operations and/or the Pueblo’s investment advisor to take all actions necessary to establish the revolving Pueblo of Laguna Home Loan Fund, and to enter into such agreements and sign such other documents necessary; and

**WHEREAS**, on December 14, 2014, the Pueblo of Laguna entered into a Housing Management Agreement with Native Community Finance for the funding for the Pueblo’s Home Loan program; and

**WHEREAS**, the Pueblo's Home Loan program, through Native Community Finance, currently provides funding for construction of new homes, both modular and stick built, on the Pueblo of Laguna; and

**WHEREAS**, in order to preserve the health and safety of all within its jurisdiction, and to ensure the stability and long term viability of the newly built homes, the Pueblo of Laguna has a responsibility to implement appropriate regulations prescribing minimum standards regulating building, mechanical, plumbing and electrical work, and maintenance of buildings and structures within the Pueblo of Laguna that are financed through the Pueblo's Home Loan Program; and

**WHEREAS**, the current Pueblo of Laguna Uniform and Administrative Building Code, found at Title XVI of the Pueblo of Laguna Law and Order Code is outdated and unenforceable;

**NOW, THEREFORE, BE IT RESOLVED**, that the Pueblo of Laguna Council hereby rescinds the existing Title XVI, the Uniform and Administrative Building Code of the Pueblo of Laguna Law and Order Code.

**BE IT FURTHER RESOLVED** that the Pueblo Council hereby prescribes minimum standards to safeguard life, limb, health, property, public and economic welfare by regulating and controlling building design, construction, quality of materials, use and occupancy of all buildings and structures built within the Pueblo of Laguna that are funded pursuant to the Pueblo's Home Loan Fund or pursuant to the Management Agreement with Native Community Finance.

**BE IT FURTHER RESOLVED** that Council hereby adopts the most recent version of the International Building Code and Title 14, the Housing and Construction chapters of the New Mexico Administrative Code, as amended, whichever is the most stringent, for the sole purpose of regulating home construction activity related to the Pueblo of Laguna Home Loan Fund Program, and pursuant to the December 14, 2014 Management Agreement and any subsequent amendments to the Management Agreement.

**BE IT FURTHER RESOLVED** that all Pueblo of Laguna Home Loan Fund Program contracts for design and construction projects on the Pueblo must incorporate, by reference, the Building Codes adopted in this Resolution.

**BE IT FURTHER RESOLVED** that all construction project contractors conducting business on the Pueblo of Laguna must in all circumstances and at all times have a valid business license issued by the Pueblo of Laguna. The Pueblo of Laguna Office of the Secretary shall develop forms, regulations, and Standard Operating Procedures for the construction project contractor Business License applications and certifications, such licenses to be reviewed and approved by Staff Officers or Council according to Pueblo of Laguna law.

**BE IT FURTHER RESOLVED** that the Pueblo Council mandates that the Native Community Finance shall not close any loans and the Treasurer shall not issue payment on any mortgage pursuant to the December 14, 2014 Management Agreement or any subsequent

Management Agreement Amendments, without ensuring that the home building project site has received or will receive a geo-technical analysis to determine load capacity prior to obtaining a design for a new home.

**BE IT FURTHER RESOLVED** that the Native Community Finance and the Pueblo Governor's staff shall collaborate on the development and completion of Standard Operating Procedures that ensure that the Pueblo member borrower has the option to make payments on the home loan pursuant to phases: 1) Design, interest only payments; 2) Construction Loan interest only payments; and 3) Permanent Mortgage.

**BE IT FURTHER RESOLVED** that the Pueblo Council mandates that the Native Community Finance shall not close any loans and the Treasurer shall not issue payment on any mortgage pursuant to the December 14, 2014 Management Agreement or any subsequent Management Agreement amendments, without verification that the pueblo member home borrower has obtained or will obtain certified and stamped architectural designs for the home building project.

**BE IT FURTHER RESOLVED** that the organization, regulation, permitting, and enforcement of this Resolution shall be established under the administrative and operational control of the Chief of Operations, or any department or office within the Pueblo of Laguna administration that is most appropriate.

**BE IT FURTHER RESOLVED**, that Native Community Finance is permitted to amend its Policies and Procedures in accordance with the directives of this Resolution. In particular, Native Community Finance shall ensure that, prior to entering into any mortgage loan financing agreement, the Mayordomos of the village in which the home will be constructed have reviewed and approved the building plans for village zoning purposes.

**BE IT FURTHER RESOLVED** that the Pueblo of Laguna, as the funding source of this project, requires that Native Community Finance mandate the use of a Pueblo of Laguna approved standard template design and construction contracts for projects funded by the Home Loan Fund.

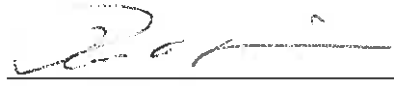
**BE IT FURTHER RESOLVED** that the Management Agreement may be amended in substantial form as reflected in Attachment A. However, prior to final execution, the attached Amended Management Agreement may be amended to reflect final negotiated language, with all changes approved by the Governor.


**BE IT FURTHER RESOLVED** that the Pueblo may utilize \$150,000.00 of the Home Loan Fund to pay for the costs of inspections required and necessary pursuant to Pueblo of Laguna law and regulations.

**BE IT FURTHER RESOLVED** that Council directs the Chief of Operations and Government Affairs Director to continue working with an ad hoc subcommittee of relevant experts, departments, entities and others to complete the development of a Uniform and Administrative Building Code, and report back to Council on the status of this project no later than the end of 2016.


**BE IT FINALLY RESOLVED** that Council delegates to Governor, or his designee, and the Secretary and Treasurer, authorization to take all action necessary, enter into other such agreements and sign other documents as are necessary to carry out the intent of this Resolution.

  
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Governor

  
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Council Member

  
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Council Member

**ATTEST:**

  
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Pueblo Secretary

**CERTIFICATION**

The foregoing resolution was enacted upon by the Pueblo of Laguna Council on the 8 day of August, 2015, by a vote of 13 for and 6 opposed, at a duly called meeting at which a quorum of the Council was present.

  
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Governor

**ATTEST:**

  
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Pueblo Secretary