

Rincon Band of Luiseño Indians

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RESOLUTION NO. 2016-47

RINCON BAND OF LUISEÑO MISSION INDIANS OF THE RINCON RESERVATION, CALIFORNIA

A RESOLUTION TO AMEND THE COMMERCIAL BUILDING CODE

WHEREAS, the Rincon Band of Luiseño Mission Indians of the Rincon Reservation, California (“Rincon Band”) is a federally recognized Indian Tribe organized pursuant to Articles of Association, adopted February 14, 1960 (“Articles of Association”), and approved by the Commissioner of Indian Affairs on March 15, 1960; and

WHEREAS, the Business Committee (“Tribal Council”) is the duly elected governing body of the Rincon Band, empowered pursuant to Section 6 of the Articles of Association to represent and act for the Rincon Band in matters concerning its general welfare; and

WHEREAS, the Tribal Council, in accordance with Sections 6(b) and 6(c) of the Articles of Association, is authorized to manage tribal lands and enact ordinances; and

WHEREAS, pursuant to Resolution No. 2012-04, the Tribal Council approved amendments to the Emergency Interim Ordinance of the Tribal Council of the Rincon San Luiseno Band of Mission Indians Adopted as an Urgency Measure Establishing Temporary Land Use Controls Pending Consideration By The Tribal Council Of a Comprehensive Land Use Plan and Building Code, dated June 11, 1989, to require health and safety standards for any new development or construction of structures on the Rincon Reservation, including, but not limited to, industrial, commercial, governmental and any other classification of non-residential structures, to comply with the 2009 International Building Code, Appendix A of the 2009 International Existing Building Code and 2009 International Fire Code, as each may be amended from time to time hereafter, to the extent not inconsistent with any applicable federal building standards, laws, codes or policies or any federal fire prevention, safety and suppression laws, regulations or policies, including wildland fire management prevention policies promulgated by the Bureau of Indian Affairs, as each may be amended from time to time hereafter, that may be applicable to any federally-funded structures or other physical trust assets located on the Reservation (“Commercial Building Code”); and

WHEREAS, the Tribal Council desires to amend the Commercial Development Ordinance to adopt Title 24 - California Building Standards Code, as amended by supplements and errata from time to time hereafter, to the extent not inconsistent with any applicable federal building standards, laws, codes or policies or any federal fire prevention, safety and suppression laws, regulations or policies, including wildland fire management prevention policies promulgated by the Bureau of Indian Affairs that may be

Bo Mazzetti
Chairman

Stephanie Spencer
Vice-Chairwoman

Steve Stallings
Council Member

Laurie E. Gonzalez
Council Member

Alfonso Kolb Sr.
Council Member

applicable to any federally-funded structures or other physical trust assets located on the Rincon Reservation (“Amended Commercial Building Code”); and

WHEREAS, pursuant to the Amended Commercial Building Code, all new plans for development and construction on lands within the Rincon Reservation shall be reviewed and approved by both the Rincon Fire Marshall and the General Services Superintendent, or their respective designee, and all new development and construction on lands within the Reservation shall be subject to physical inspection and approved by the Rincon Fire Marshall and the General Services Superintendent, or their respective designee; and

WHEREAS, the Rincon Fire Marshall and the General Services Superintendent, or their respective designee, on a case-by-case basis, pursuant to an express written justification in consultation with the Director of Tribal Administration, shall be authorized to waive any requirements, standards or best practices set forth in the Amended Commercial Building Code upon plan inspection, at any time during development or upon completion of construction of structures on lands located within the Reservation.

NOW, THEREFORE, BE IT RESOLVED, that the Tribal Council hereby repeals Resolution No. 2012-04 and amends the Commercial Development Ordinance by adopting the Amended Commercial Building Code as defined hereinabove; and

THEREFORE BE IT FURTHER RESOLVED, that pursuant to the Amended Commercial Building Code, all new plans for development and construction on lands within the Reservation shall be reviewed and approved by both the Rincon Fire Marshall and the General Services Superintendent, or their respective designee, and all new development and construction on lands within the Reservation shall be subject to physical inspection and approved by the Rincon Fire Marshall and the General Services Superintendent, or their respective designee; and

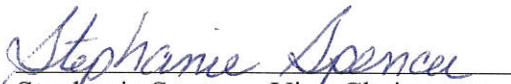
THEREFORE BE IT FINALLY RESOLVED, that the Rincon Fire Marshall and the General Services Superintendent, or their respective designees, on a case-by-case basis, pursuant to an express written justification in consultation with the Director of Tribal Administration, shall be authorized to waive any requirements, standards or best practices set forth in the Amended Commercial Building Code upon plan inspection, at any time during development or upon completion of construction of structures on lands within the Reservation.

[Certification on the Following Page]


CERTIFICATION


We, the undersigned, as the governing body of the Rincon Band of Luiseño Mission Indians of the Rincon Reservation, California, do hereby approve the Amended Commercial Building Code, and do hereby certify that the Rincon Business Committee is composed of five (5) members of whom 3 constituting a quorum were present at a meeting duly held on October 05, 2016, by a vote of 5 in favor, 0 against, 0 absent, and 0 abstaining.


Bo Mazzetti, Chairman


Stephanie Spencer, Vice-Chairwoman


Steve Stallings, Council Member


Laurie E. Gonzalez, Council Member


Alfonso Kolb, Sr., Council Member