



Saint Regis Mohawk Tribe

Chief Ron LaFrance Jr.
Chief Eric Thompson
Chief Beverly Cook
Sub-Chief Michael L. Conners
Sub-Chief Cheryl Jacobs
Sub-Chief Shelley Jacobs

Tribal Council Resolution

2016-88

RESOLUTION OF THE SAINT REGIS MOHAWK TRIBE TO AMEND THE ROOM OCCUPANCY FEE ORDINANCE

WHEREAS, the Saint Regis Mohawk Tribal Council (the "Tribal Council") is the duly recognized governing body of the Saint Regis Mohawk Tribe (the "Tribe") and is responsible for the health, safety, education and welfare of all community members; and

WHEREAS, the Tribal Council, on behalf of the Tribe, possesses inherent legislative authority to adopt policies, ordinances or regulations in the best interest of the Tribe; and

WHEREAS, on August 7, 2013, the Saint Regis Mohawk Tribal Council enacted the Room Occupancy Fee Ordinance (TCR 2013-41) imposing a Room Occupancy Fee for facilities that offer accommodations within the jurisdiction of the Tribe; and

WHEREAS, the Tribal Council desires to amend the Ordinance to further clarify the use of the Occupancy Fee in the Ordinance and the Tribe's allocation of revenue from said Ordinance; now, therefore be it

RESOLVED, that the Saint Regis Mohawk Tribal Council hereby amends the Room Occupancy Fee Ordinance, as attached, to change the section titled "Use of Occupancy Fees" section in the Ordinance to read as follows: "The Occupancy Fees will be utilized to assist in the education and recreation of the membership of the Tribe and in tourism", and except as herein modified, TCR 2013-41 remains intact; and be it finally

RESOLVED, that the Amendment will be implemented effective January 1, 2017.

THE SAINT REGIS MOHAWK TRIBAL COUNCIL

Ron LaFrance Jr.
Tribal Chief

Eric Thompson
Tribal Chief

Beverly Cook
Tribal Chief

CERTIFICATION: This is to certify that the Saint Regis Mohawk Tribal Council pursuant to the authority vested therein duly passed the above resolution.

Betty Roundpoint, Tribal Clerk

November 30, 2016
Date

SAINT REGIS MOHAWK TRIBE

Room Occupancy Fee Ordinance

Forward

The requirements for occupancy permits, the distribution of permits, reporting requirements, remittance of occupancy fees and other obligations is set forth below.

Facilities that offer accommodations within the jurisdiction of the Saint Regis Mohawk Tribe (SRMT) must comply with all SRMT adopted Fire Safety and Building Codes regulations and apply a room occupancy fee for each occupied room per day.

The rules and regulations set forth below applies to the occupancy of any room at any Hotel or Motel located within the jurisdiction of the SRMT.

Purpose

The imposition of an Occupancy Fee has been determined to be in the best interest of the Tribe to help provide revenue for services that ensure the health, safety and welfare of Tribal Members.

Definitions

“Hotel” means a commercial establishment offering lodging to travelers and sometimes to permanent residents, and often having restaurants, meeting rooms, stores, etc., that are available to the general public.

“Motel” means a hotel providing travelers with lodging and free parking facilities, typically a roadside hotel having rooms adjacent to an outside parking area.

“Occupancy” means the use or possession, or the right to the use or possession, of any room or rooms in a hotel or motel for any purpose.

“Room” means any room in a hotel or motel for the use of which the hotel or motel receives a sum of currency for the use and occupancy of the room.

“Fee” means the Occupancy Fee.

“Person” means any organization, whether it be a sole proprietorship, partnership, joint venture, trust, estate, unincorporated association, corporation, or government or any part, division, or agency of any of the foregoing, and an individual or group of individuals.

Occupancy Permit Requirements

There shall be a requirement to obtain a Saint Regis Mohawk Tribe permit to offer any rooms for rent for any duration.

Permit Application Requirements

Shall include the Following:

- Applicants Full Name
- Tribal Enrollment Number
- Business name (d/b/a)
- Business Address
- Business Phone and Fax numbers
- Business e-mail
- Investors full name
- Total number of rooms available for occupancy

Permit Process and Distribution

The applicant must complete the application with the Compliance Department.

- Upon completion of an application the business shall be inspected for compliance of applicable codes.
- Upon completion of the inspection a report shall be issued to the applicant and any violations shall have an order of satisfactory completion date.
- Annual code inspections shall be conducted thereafter at each hotel/motel.

Permit Fee

The applicant for an occupancy permit for a hotel and/or motel shall remit an initial application fee of fifty dollars (\$50.00) for an application.

Permit Denial

Should it be determined that an applicant's location not be in compliance with applicable codes, the applicant shall be notified of the specific deficiencies and a permit shall not be issued for the occupancy until non-compliance is rectified.

Occupancy Rate

The SRMT Room Occupancy Fee rate shall be assessed at ten dollars (\$10.00) per room for each day of occupancy.

Exemptions

1. No Occupancy Fee shall be imposed on any Onkwehonwe (Tribal member, First Nations member or Band members) who provide their membership card as proof of being Onkwehonwe.
 - a. An invoice must be kept for monthly reports along with a photo copy of the Onkwehonwe membership card.
2. No Occupancy Fee shall be imposed upon any person who receives a complimentary room and does not pay for the use of the room personally. It shall be the responsibility of the entity or payee offering the complimentary occupancy to remit the fees to the hotel/motel or complete the authorization form prior to the date of occupancy.

Reporting Requirements

Shall be outlined below and required to be remitted and adhered to at all times.

1. A daily log sheet (Appendix A) or a pre-approved version with comparable information shall be completed for each day of operation. (*This record must be available for inspection by the Compliance Inspectors.*)
2. A monthly report will begin on the 1st day of a month and end on the last day of each month. (Appendix B) or an approved version with comparable information must be completed
3. The assessed occupancy fees shall be remitted to the SRMT Accounting Department by the 15th of each month for the preceding month.
4. The Monthly Report must be remitted to the SRMT Compliance Department no later than the 15th of each month for the preceding month.
5. When No Occupancy Fee is imposed on any Onkwehonwe:
 - a. An invoice must be kept and remitted with the monthly reports and must also provide a photo copy of the Onkwehonwe membership card.

Use of Occupancy Fees

The Occupancy Fees will be utilized to assist in the education and recreation of the membership of the Tribe and in tourism.

Violations

Violations may include, however are not limited to:

- Failure to remit collected occupancy fees on or prior to 15th of each month.
- Remitting false reports.

Amendments

This document may be amended from time to time should it be determined by Tribal Council. The amendment process shall be as follows:

- Each Hotel/Motel Occupancy Permit holder shall be provided notice that there will be three (3) public meetings scheduled to discuss any proposed amendments. All comments received shall be given consideration, prior to final approvals.
- Final drafted amendments shall then be presented to Tribal Council who may by Tribal Council Resolution, enact the proposed amendments into the law or regulations; this shall be done during a regularly scheduled Work Session.

SAINT REGIS MOHAWK TRIBE
LEGISLATION ROUTING FORM

2 COPIES

1. Summary

Name of person submitting proposed legislation: Dale White, General Counsel

For non-staff, community members only:

Tribal Enrollment Number _____

Address _____

Phone _____

Type of proposed legislation ☒ Tribal Council Resolution ☐ Tribal Regulation
☐ Tribal Policy

Title of proposed resolution: RESOLUTION OF THE SAINT REGIS MOHAWK TRIBE
TO AMEND THE ROOM OCCUPANCY FEE ORDINANCE

2. Date Initial Draft submitted to Tribal Council and Legal: 11-23-16

3. 5 days from date listed in #2 – Initial Review period expires: 12-1-16

4. Tribal Clerk Review and Approval

Summer Dero 11/28/2016

5. Legal Department Review and Approval

RECEIVED NOV 28 2016

11/28/16

6. Community Review requested?

☐ Yes ☒ No

- a. If yes, date Tribal Clerk posted for Community Review: _____
- b. 30 business days from date listed in #6a – Community Review period expires: _____
- i. Presented at a _____ Meeting held on: _____
- ii. Presented at a _____ Meeting held on: _____
- iii. Presented at a _____ Meeting held on: _____
- c. Date Tribal Council begins Final Draft Prep period: _____
- d. 30 days from date listed in 6c. – Final Draft Prep period expires: _____
- e. Sent to Tribal Clerk's Office for Public Notice of Final Action: _____
- f. Public Notice of Final Action expires: _____

6. Date Legislation Adopted _____

Once adopted, please forward the original to the Tribal Clerk with copies of the Legislation and the Adoption Form to the Legal Department and the Public Information Office for public notice.

7. Adopted Legislation available at:

☐ Library

☒ Community Building

☐ Newsletter

☐ Website

