



Little River Band of Ottawa Indians

375 River Street
Manistee, MI 49660
(231) 723-8288

Resolution # 02-0925-02

*Adoption of Amendments to the Membership Assistance Program Regulations,
R700-04:MA*

WHEREAS, the Tribe's status as a federally-recognized Indian tribe was reaffirmed and restored by Congress pursuant to Public Law 103-324, 108 Stat. 2156 (25 U.S.C. §300k et seq.); and

WHEREAS, the Tribe adopted a new Constitution, pursuant to a vote of the membership on May 27, 1998, which Constitution became effective upon its approval by the Assistant Secretary-Indian Affairs on July 10, 1998; and

WHEREAS, the Tribal Council is authorized under Article IV, Section 7(a)(2) of the Constitution to promulgate ordinances protecting the health and welfare of the membership; and

WHEREAS, the Tribal Council has determined that the creation of a Membership Assistance Program consolidating tribally funded benefits for members in the continental United States is a part of that governmental responsibility; and

WHEREAS, the Membership Assistance Program Ordinance was adopted by the Tribal Council by Resolution # 02-0710-04; and

WHEREAS, Tribal Ogema Jonnie J. Sam, III, has approved the regulations for implementation of this program and has determined that these programs are in the best interests of the Tribe and its members; and

WHEREAS, the Tribal Ogema has received the comments and recommended amendments to the regulations by the Family Services Department and has determined that these amendments clarify the regulations and allow a broader application of the programs to the membership; and

WHEREAS, the Tribal Council has determined that approval of the regulations is in the best interests of the Tribe and its members;

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby approves the following amendments by replacing Sections 3-1, Eligibility, in both Chapters 3 and 4 of the *Membership Assistance Program Regulations*, # R700-04:MA.

Chapter 3. Food Voucher Assistance Program

Section 3-1. *Eligibility.* An applicant is eligible for the Food Voucher Assistance Program if the applicant meets the following criteria-

- a. A member who is 18 or older; or
- b. The parent or legal guardian of a member who has not reached the age of 18; or
- c. The legal guardian of a member who has been determined by a court of competent jurisdiction to require a legal guardian over the person and/or affairs, provided that legal guardian is not the State of Michigan or other state government; and
- d. Within the income criteria set forth in the *Membership Assistance Program Regulations, #R700-04: MA-01, s.3-1(c).*

Chapter 4. Emergency Transportation Program

Section 3-1. *Eligibility.* An applicant is eligible for the Emergency Transportation Assistance Program if the applicant meets the following criteria-

- a. A member who is 18 years or older; or
- b. The parent or legal guardian of a member who has not reached the age of 18; or
- c. The legal guardian of a member who has been determined by a court of competent jurisdiction to require a legal guardian over the person and/or affairs, provided that the legal guardian is no the State of Michigan or other state government; and
- d. Within the income criteria set forth in the Membership Assistance Program Regulations, #R700-04: MA-01, s.3-1(c).

IT IS FURTHER RESOLVED THAT these amendments are to take effect upon the date of adoption, and be retro-active to applications submitted as of the implementation date - September 1, 2002.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 8 FOR, 1 AGAINST, 0 ABSTAINING, and 0 ABSENT, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held on September 25, 2002, at the Little River Band's Community Center in Manistee, Michigan, with a quorum being present for such vote.



Janine M. Sam, Council Recorder



Stephen Parsons, Council Speaker

Attest:

Distribution: Council Records
Tribal Ogema
Tribal Court
Legal Department

To: Jay Sam, Tribal Ogema
Little River Band Of Ottawa Indians Tribal Council
From: Sheryl Ivens, Family Services Director
Date: 9/13/02
Cc: Don Koon, Membership Assistance Program Director
Re: Proposed amendments to Member's Assistance Program Regulations

The proposed amendments are necessary in order to provide resources under the *Food Voucher and Emergency Transportation Programs* to minor tribal members who do not reside with their tribal member parent(s). The proposed amendments are shown below in bold.

1. Proposed amendment:

Chapter 3. Food Voucher Assistance Program Regulations

Section 3. Eligibility

3-1. *Eligibility*. An applicant is eligible for the Food Voucher Assistance Program if the applicant meets the following criteria—

- a. a member who is 18 years or older; or
- b. **the parent or legal guardian of a member who has not reached the age of 18; or**
- c. **the legal guardian of a member who has been determined by a court of competent jurisdiction to require a legal guardian over the person and/or affairs, provided that the legal guardian is not the State of Michigan or other state government; and**
- d. within the income criteria set forth in the *Membership Assistance Program Regulations*, #R700-04:MA-01, s. 3-1(c).

2. Proposed amendment:

Chapter 4. Emergency Transportation Assistance Program Regulations

Section 3. Eligibility

3-1. *Eligibility*. An applicant is eligible for the Emergency Transportation Assistance Program if the applicant meets the following criteria—

- a. a member who is 18 years or older; or
- b. **the parent or legal guardian of a member who has not reached the age of 18; or**
- c. **the legal guardian of a member who has been determined by a court of competent jurisdiction to require a legal guardian over the person and/or affairs, provided that the legal guardian is not the State of Michigan or other state government; and**
- d. within the income criteria set forth in the *Membership Assistance Program Regulations*, #R700-04:MA-01, s. 3-1(c).

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given effect without an invalid provision or application, and to this end the provisions of this regulation are severable.

5-4. *Compliance.* In regards to compliance with this regulation, substantial compliance with the 'spirit' of this regulation rather than complete compliance is acceptable.

5-5. *Sovereign Immunity.* Nothing in this Regulation shall provide or be interpreted to provide a waiver of sovereign immunity from suit of the Tribe or any of its governmental officers and/or agents.

5-6. *Effective Date.* This Regulation shall take effect on September 1, 2002.

Chapter 4. Emergency Transportation Program Regulations

Section 1. Authority; Purpose

1-1. *Authority.* In accordance with Section 7 of Membership Assistance Program Ordinance, Ordinance # 02-700-04, the Tribal Ogema hereby promulgates these regulations for implementation of the Emergency Transportation Program.

1-2. *Purpose.* Emergency Transportation funds may be utilized for public transport, private transport, auto repair, safety maintenance, and auto accident situations. This program is intended to provide limited, short-term financial assistance to members.

Section 2. Definitions

2-1. *General.* For purposes of this regulation, certain terms are defined in this section. The word "shall" is always mandatory and not merely advisory. Definitions included in Chapter 1 are applicable to this Chapter, unless defined otherwise.

2-2. *Applicant,* as used in this Chapter, means an individual filing an application form for the Emergency Transportation Program on behalf of a household.

Section 3. Eligibility

3-1. *Eligibility.* An applicant is eligible for the Emergency Transportation Program if the applicant meets the following criteria -

- a. a member;
- b. must be 18 years of age or older; and *Add*
- c. within the income criteria set forth in the *Membership Assistance Program Regulations*, # R700-04:MA-01, s. 3-1(c).

Section 4. General Policies

4-1. *Application.* The Family Services Department must receive a fully completed application signed by the member. The Lead Caseworker shall follow-up on all incomplete applications to assist in finalizing the application.

4-2. *Program Scope.* The Emergency Transportation Program is designed to provide limited assistance in transportation needs of applicants as identified in the categories in this section. This program is not intended to be a complete resource for transportation needs, but is intended to provide assistance which may not include coverage of the total cost, even where the total cost may be under the maximum amount of benefit available.

- a. Public transportation such as bus, subway or other mass transit voucher, and in limited circumstances taxi cabs.
- b. Private transportation such as assistance the purchase of fuel, maintenance of an existing vehicle such as oil changes, assisting paying for a mechanic to test or otherwise inspect a vehicle that is being purchased, or in limited circumstances assistance in a down payment for purchase of reliable