



Little River Band of Ottawa Indians

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

Resolution # 04-1208-502

*Adoption of Amendment to the Membership Assistance Regulation R700-04:MA adding
Chapter 5 Food Assistance Program*

WHEREAS, the status of the *Gaá Čhing Ziibi Daáwaa Aníshinaábek* (Little River Band of Ottawa Indians) as a sovereign and Treaty-making power is confirmed in numerous treaties, from agreements with the initial colonial powers on this land, to various treaties with the United States; and

WHEREAS, the Little River Band of Ottawa Indians (Tribe) is descended from, and is the political successor to, the Grand River Ottawa Bands, signatories of the 1836 Treaty of Washington (7 Stat. 491) with the United States, as reaffirmed by federal law in P.L. 103-324, enacted in 1994; 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 Tribe adopted amendments to the Constitution on April 26, 2004, which became effective upon approval by the Assistant Secretary-Indian Affairs on May 13, 2004; and

WHEREAS, the Tribal Council is authorized under Article IV, Section 7(a) to provide for the public health, peace, morals, education and general welfare of the Little River Band and its members; 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 the Membership Assistance Program consolidating tribally funded benefits for the member in the continental United States is part of that governmental responsibility; and

WHEREAS, the Membership Assistance Program Ordinance was adopted by the Tribal Council by Resolution #03-917-303; and

WHEREAS, the Tribal Ogema Lee Sprague has received a draft of the Food Assistance Program Regulation by the Members Assistance Department and has determined that the Food Assistance Program regulation is acceptable and will allow for an effective program to assist the membership.

WHEREAS, the Tribal Council has determined that the approval of the regulation is in the best interest 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 Membership Assistance Department Regulation R700-04:MA adding Chapter 5. Food Assistance Program Regulation. Program to be implemented January 1st, 2005

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 9 FOR, 0 AGAINST, 0 ABSTAINING, and 0 ABSENT, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held on December 8, 2004, at the Little River Band's Dome Room 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

Membership Assistance Program Regulations

Regulation # R700-04:MA

Chapter 5. Food Assistance Program Regulations

Section 1. Authority; Purpose

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

1-2. *Purpose.* This program is intended to provide limited, short term assistance to eligible members experiencing a dietary/food crisis. This assistance is designed to resolve a dietary/food crisis and protect the Tribal members' health and welfare.

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. Unless defined otherwise, terms defined in the Membership Assistance Program Ordinance are defined for the purposes of this chapter.

2-2. *Household* means persons living in the same residence maintaining a single economic unit and also includes any person living alone/single who is a permanent member of and participate in the maintenance of the household.

2-3 *Household Income* means the sum of income received in the calendar year by all household members, including household members not related to the head of household, people living alone/single within household, and other non-family member within household.

2-4 *Income* means total income amounts reported separately for wage/salary earned income and unearned income.

2-5 *Applicant* means on behalf an application for services has been received.

2-6 *Member* means an enrolled member of the Little River Band of Ottawa Indians.

2-7 *Age 18 or over* includes a member who has not yet reached the age of a18 but who has been recognized by a court of competent jurisdiction to have been emancipated and accorded all legal rights and privileges of being recognized as an adult.

2-8 *Members Assistance Department* means the office delegated responsibility to implement the Food Assistance Program.

2-9 *Permanent resident of the household* includes all persons, of any age or relationship, living in the house for one or more months. A person residing in the house should be considered a permanent resident if they are a student at a higher education program living at the house during breaks and holidays.

2-10 *Food* dietary nourishment to sustain physical health in the form of meat, bread, fruit, vegetable and dairy products.

2-10 *Food/Dietary Crisis* means one or more of the following:

- a. Special diet needs related to medical restrictions.
- b. Homeless persons needing assistance in obtaining nutritional sustenance.
- c. Budgeting issues where a member or household has unexpected costs or unexpected loss of income which affect the overall budget of the family.

Section 3. Eligibility

Section 3-1. *Eligibility.* An eligible applicant for the Helping Hands Program is:

- a. a Little River Band Of Ottawa Indians member who is:
 1. 18 years or older; or
 2. the parent or legal guardian of a member who has not reached the age 18; or
 3. the legal guardian of a Little River Band of Ottawa Indians 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.
- b. meets one of the criteria set forth in section 4-3 Program Scope.
- c. Within the income criteria as follows: 150% of the Federal Poverty Guideline level is the maximum level allowed in determining income eligibility for Low Income Energy Assistance. The federal poverty income guidelines published by the U.S. Department of Health and Human Services shall be maintained in the Membership Assistance Department and included with each application.

Family Size	Federal Poverty Income Guidelines	LRBOI Criteria
	100%	150%
1	\$9,310	\$13,965
2	\$12,490	\$18,735
3	\$15,670	\$23,505
4	\$18,850	\$28,275
5	\$22,030	\$33,045
6	\$25,210	\$37,815
7	\$28,390	\$42,585
8	\$31,570	\$47,355

Section 4. General Policies

4-1. *Application.* The Members Assistance Department must receive a fully completed application signed by the applicant and accompanied by all required documentation to begin processing any request for assistance. It is the responsibility of the applicant to provide all required information with application.

4-2. *Incomplete Applications.* Applicants submitting applications incomplete or missing required information shall be sent a request for further information. Applications will not be processed until complete information is received. Applications that are incomplete 90 days after receipt of the application shall be closed by the Membership Assistance Department and applicants must submit a new application to begin the process again.

4-3 *Program Scope.* The Food Assistance Program is designed to provide limited assistance in purchasing food as identified in the categories in this section. This program is not intended to be a complete resource for food purchases.

- a. Special diet needs related to medical restrictions.
- b. Homeless persons needing assistance in obtaining nutritional sustenance.
- c. Budgeting issues where a member or household has unexpected costs or unexpected loss of income which affect the overall budget of the family.

4-4. *Restrictions on Program Application.* No expenses related to this program shall be utilized to purchase alcohol or tobacco products, or for the purchase of illegal substances. Any applicant receiving assistance which is subsequently identified as an expense derived

from a prohibited expense, or criminal activity shall result in the applicant being prohibited from accessing this program. Access to this assistance is limited to once a year per household. Failure to submit a receipt for proof of purchase, use of funds to purchase non food products or failure to submit voucher will result in the applicant being restricted from utilizing the program for the remainder of the calendar year.

Before additional assistance is provided the Members Assistance Department shall verify items on receipt meet the requirements of this program.

4-5 *Enrollment Verification*. The Membership Assistance Department shall obtain, from the Enrollment Department, verification of membership of each applicant.

4-6. *Proof of Income*. All applications must identify, and verify, all forms of income for every person living in the house.

- a. Income includes all forms of income, including but not limited to-
 1. Employment, including gross income from self employed persons;
 2. Unemployment benefits;
 3. Workers compensation benefits;
 4. Disability income or benefits;
 5. Retirement, pension, or annuity payments;
 6. Social Security payments;
 7. Child support and alimony payments; and
 8. Dividends, and other investment income.
- b. Income shall be verified as required by the Members Assistance Department. Income can be verified by submission of the following by way of example and not limitation.
 1. Paycheck stubs for the month prior to the application;
 2. Income tax return, including W-2's and other tax reporting forms;
 3. Benefit payment receipts, including notices that identify the amount and duration of benefit; and
 4. Other sources of documents that have been independently generated or verified.
- c. A household includes members and non-members.
- d. Except for children under the age of 18, each person shall sign a notarized statement attesting to the fact that the person has no income resource.

4-7. *Payment to vendor or Receipt*. The applicant will receive funding in \$50.00 increments to purchase food from the vendor of their choice. An applicant receiving this assistance must submit a receipt for the food items purchased along with a food voucher. Failure to submit a receipt, food voucher or use funds to purchase non- food products will result in the applicant restricted from utilizing the program for the remainder of the calendar year.

4-8. *Amount of Assistance*. The maximum amount of assistance is limited to \$200.00 per year.

4-9. *Processing Time Lines*. Final processing will not occur until all required documentation and a completed application have been received by the Members Assistance Department. It is the responsibility of the applicant to provide all required information with application. Applicants submitting applications incomplete or missing required information shall be sent a request for further information. Applications will not be processed until complete information is received.

4-10 *Eligibility Notification*. Applicants that have satisfactorily completed the application and provided the required supporting documentation will be notified by the Membership Assistance Department of receipt of application and required documentation. The application will be reviewed for eligibility and determination will be made within 10 business days.

4-11 *Ineligibility Notification*. If an applicant is ineligible for assistance, they will be notified by the Members Assistance Department within 10 days. The ineligibility notifications shall include clearly stated reasons why the applicant is ineligible, and applicant's rights to appeal an ineligible determination as set forth in section 5.02 of the Membership Assistance Program Ordinance.

4-12 *Maintenance of File; Use of Information*. Members Assistance Program shall maintain a confidential filing system as specified in the federal Privacy Act.

a. *Statistical*. Information may be compiled and reported only to the Little River Band Of Ottawa Indians tribal Ogema and Tribal Council which does not identify specific applicant names.

b. *Program Building*. Upon request from the tribal Ogema and Tribal Council information may be compiled and shared to the extent necessary to project a need to expand or create a program. Such information shall be in a format that does not identify specific applicants.

c. *Contact with Applicant*. The Membership Assistance Program works in conjunction with other Tribal programs to identify the greatest possible amount of assistance to applicants. Program staff shall notify the applicant of this cross-functional team work process. The applicant shall have the ability to reject any or all services identified, and such rejection shall not result in penalizing the applicant for any program accepted, unless such restriction is specifically included within the eligibility requirements for that program.

4-13 *Applicant File* The Membership Assistance Department shall retain applicant file for up to 5 years. Applicant file shall contain at a minimum: applicant application, supporting documentation for eligibility criteria.

4-14 *Ineligible File*. The Membership Assistance Department shall retain ineligible file for one year. Ineligible file shall contain at a minimum: application and letter of ineligibility.

Section 5. Adoption; Amendment; Repeal

5-1. *Adoption*. This Chapter is approved by the Tribal Ogema on and approved by the Tribal Council on _____ 2004 by adoption of resolution # , and amended on _____.

5-2. *Amendment*. This regulation may be amended by the Membership Assistance Department in accordance with the Constitution and any rules set forth governing amendment of regulation of the Little River Band of Ottawa Indians. Provided that, any amendments must approved or adopted in the same manner as set forth in section 5-1.

5-3. *Severability Clause*. If any provision of this regulation or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this regulation which can be given effect without the 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 _____ 2005.