



Little River Band of Ottawa Indians

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

Resolution # 05-0608-239

Adoption of Emergency Amendments to the Membership Assistance Program Ordinance Regarding Article VII, Community Wellbeing and Support

WHEREAS, the status of the *Gaá Čhíng 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 adopted the Membership Assistance Program Ordinance in 2002, and the final form which was amended in September 2004, to create programs to provide assistance to members, and the final amendments which created the Community Wellbeing and Support Program the intent of which was to gather information to assist in targeting programs to meet member needs; and

WHEREAS, the Community Wellbeing and Support Program has been effective in gathering information on the housing, food, employment, education and life needs of members which has allowed the Tribe to begin targeting those needs and has identified where programs may be made more effective; and

WHEREAS, the Tribal Council has identified that the survey process both obtains needed information and provides necessary income to some Tribal members such that delaying the submission of a survey, or limiting the time during which the survey can be submitted does not allow members to actively participate in determining when their needs can be best addressed through this survey response income; and

WHEREAS, the Tribal Council adopted the Administrative Procedures Act - Ordinances which identifies processes by which ordinances may be adopted, amended, or repealed, and which also identifies processes by which emergency amendments may be authorized;

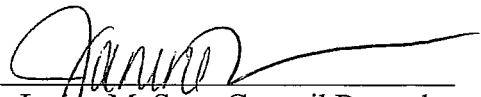
WHEREAS, the Tribal Council finds that emergency adoption to allow a broader period of survey response periods, rather than a two month window late in the year, is necessary to allow members to meet their own needs through this additional income;

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby adopts, under authority of Article V of the Administrative Procedures Act - Ordinances, the emergency amendments to the attached Membership Assistance Program Ordinance which shall be effective for a six month period or until permanent amendments can be presented for Public Comment and permanently adopted.

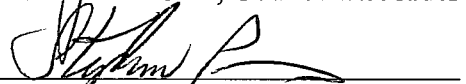
IT IS FURTHER RESOLVED THAT the Tribal Council directs that the amendments be posted for Public Comment.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 8 FOR, 0 AGAINST, 0 ABSTAINING, and 1 VACANT, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held on June 8, 2005, 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 ORDINANCE

Ordinance # 04-700-04

Article I. Purpose; Findings

- 1.01. *Purpose.* This ordinance is intended to outline the programs providing assistance to tribal members.
- 1.02. *Findings.* The Tribal Council, in adopting this ordinance, makes the following findings:
- a. The Constitution of the Little River Band of Ottawa Indians delegates to the Tribal Council the responsibility and authority, "to exercise the inherent powers of the Little River Band by establishing laws ... to promote, protect and provide for public health ... and general welfare of ... its members." *Constitution, Article IV, Section 7(a)(2).*
 - b. That provision of adequate housing and health services to members is an important aspect of governmental activities.
 - c. That the development of services that can be accessed by all members in a coordinated program is an essential governmental function.
 - d. That identification of the needs and living conditions of membership in order to draft new programs, amend existing programs, and develop coordination among all programs is necessary.
 - e. That it is difficult to obtain this information except through the development and response to surveys and questionnaires for which members are given compensation to return in a complete and timely manner.
 - f. That the Tribal Council has determined, through the results of the Tribal Census project and the 2003 Community Wellbeing and Support Program that compensating members to return complete surveys in a timely manner is an appropriate methodology of both gaining information, and meeting immediate needs of members.

Article II. Adoption; Amendment; Repeal; Severability

- 2.01. *Adoption.* This Ordinance is re-authorized by resolution # 04-0908-372. This Ordinance has been amended as follows.
- a. Original adoption by resolution # 02-0710-04.
 - b. Resolution # 03-0910-296 which repealed "Section 7. Family Services Department Assistance Programs" and adopted "Section 7. Community Wellbeing and Support Program" and other amendments.
 - c. Resolution # 03-0917[-303] - which provided for corrections to the earlier amendments.
 - d. Resolution # 04-0908-372 - which re-authorized the ordinance and provided for amendments to the Community Wellbeing and Support Program to clarify amount of survey compensation and timing of survey mailings and reimbursements.
 - [e. Resolution # 04-0608-239 - which adopted emergency amendments to the Community Wellbeing and Support Program.]
- 2.02. *Amendment.* This Ordinance may be amended by the Tribal Council in accordance with the Constitution and any rules set forth governing amendment of laws of the Little River Band of Ottawa Indians.
- 2.03. *Severability Clause.* If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.

Article III. Definitions

- 3.01. *General.* For purposes of this Ordinance, certain terms are defined in this Article. The word "shall" is always mandatory and not merely advisory.
- 3.02. *Family* means one or more persons maintaining a household.

- 3.03. *Household* means individuals living with a head of household who may be related or unrelated to the head of household and who function as a family unit living within the same home or apartment.
- 3.04. *Permanent members of household* means an adult living in the household who intends to reside with that family continuously and any child of any adult or legal guardian living in the household.
- 3.05. *Member* means an individual enrolled as a member of the Little River Band of Ottawa Indians.

Article IV. Membership Assistance Department

4.01. *Program*. The Membership Assistance Program is created to develop and implement programs and benefits that can be accessed by all Tribal members. The Membership Assistance Program is intended to be broken into various programs offering benefits that meet one or more housing, general welfare or health related needs of the membership. Each program will be designed to be integrated with other programs within the Tribal government and build a team approach to identifying assistance available to the member.

4.02. *Membership Assistance Department*. The Membership Assistance Department shall be delegated the authority to create and implement regulations governing all aspects of benefit programs available through the department. Such regulations shall be effective only after approval by the Ogema and presentation to and approval by the Tribal Council. The Membership Assistance Department may be placed within the government organization as directed by the Ogema.

a. It is the intent of this ordinance that the Membership Assistance Department shall be the clearinghouse for information presented under section 4.03 as well as budgeting processes.

b. It is further the intent of this ordinance that the Membership Assistance Department shall be the primary location for all housing related assistance that is tribally funded. The department may create offices within its department to implement programs as may be needed.

c. It is finally the intent of this ordinance that assistance programs created within separate departments shall not be consolidated within the Membership Assistance Department unless specifically identified by the Ogema and approved by the Tribal Council to be in the best interests of providing services, and that such separate departments shall have the necessary authority, subject to the limitations set forth specifically in this section, and generally in this ordinance, to develop future programs and regulations.

4.03. *Reporting*. The Membership Assistance Program Department shall submit reports consolidating information regarding all programs created under this ordinance that contains at least the following information. Such reporting shall be submitted monthly to the Ogema and the Tribal Council.

a. Funding allocations to each program, expenditures, including internal costs associated with providing the services.

b. Listing of implemented programs and assistance provided by those programs in numerical information. The program shall not be required to provide information that specifically identifies any applicant.

c. Development of programs and potential funding needs related to those proposed programs.

d. Recommendations regarding consolidation, application, amendment or other process/activity that would allow the program to provide better service while maximizing the available funding for providing those services.

Article V. Review of Determinations in Program Application and Eligibility

5.01. *General*. The programs implemented under this ordinance shall contain an appeal process that allows applicants to appeal a determination of application of program resources and/or eligibility to participate in the program as set forth in this Section.

5.02. *Appeal*. An applicant may appeal a determination on application of program resources and/or eligibility to participate by filing with the Membership Assistance Program Department a notice of appeal which shall be provided by the program to all applicants as part of the application process and along with

every program resource award. Notice of appeal must be filed in writing, contain a copy of the award determination letter and identify with sufficient specificity the following information.

- a. Name, address, phone number of applicant.
- b. Copy of the award letter.
- c. In simple terms, the reason why the applicant is appealing, this may include ineligibility, or the level of program resources received.
- d. The name of the program and the Members Assistance Department personnel that the applicant was working with in that program.
- e. Signature and date of applicant at bottom of notice.

5.03. *Appeal Review Panel.* The Appeal Review Panel shall consist of the Membership Assistance Program Department Director, a caseworker that is not involved in the decision making process related to the appeal, and a representative identified by the Ogema. The panel will request the materials related to the application, interview the Members Assistance personnel and the applicant, which may be conducted by phone, and review the program eligibility and award criteria. The panel will render a written decision within 14 working days after being called to order. The written decision shall contain a summary of the pertinent facts, the applicable ordinance or regulation provisions, and a clear, concise description of the decision of the Appeal Review Panel. The written decision shall be forwarded to the applicant and the Membership Assistance Department personnel. A decision of the Appeal Review Panel is an administrative determination shall be final, and cannot be appealed by Tribal Court.

Article VI. Home Repair Program

6.01. *General.* The Home Repair Program is created to provide assistance in repairing, and as may be needed, replacing substandard housing, or in providing repairs to non-standard housing. The program shall be developed to provide services to all Tribal members living within the continental United States. The Home Repair Program shall be placed within the Membership Assistance Department.

6.02. *Minimum Criteria.* The program shall identify additional criteria and requirements, but shall not be less than –

- a. home repairs must be made such that the house will meet local building codes; and
- b. home repairs must be done through a licensed contractor.

6.03. *Prioritization.* For eligible applicants, a priority list will be established by the Membership Assistance Department.

6.04. *Priorities.* The program shall establish priorities which are not less than those defined below, but may make additional categories of priorities that substantially meet those defined in this section. Provided further, that funding shall be allocated such that substantially all priority #1 needs have been met. A quarterly priority list shall include the priority number issued to an applicant and a description of the repair requested. The quarterly priority list shall be reviewed and approved by the Ogema.

- a. Priority #1 is repair to substandard housing and determined by a building inspector for an elder or physically impaired tribal member.
- b. Priority #2 is repair to substandard housing as determined by a building inspector for households with minor children.
- c. Priority #3 is repair to substandard housing as determined by a building inspector for all other households.
- d. Priority #4 is repair to housing where a circumstance outside the scope of the definition of standard housing that if left un-repaired may pose a threat to the health and/or safety of a member of a household.

6.05. *Maximum Grant Award.* No grant award may be made in excess of \$6000.00. The Tribal Council may amend the grant amount by resolution stating such change without prior notice to the membership or applicants. Such amendment to the grant amount shall not be retro-active and shall apply to any existing

applications for disbursement of the grant not yet awarded. Provided that, the regulations may identify lower grant awards for specific priorities in order to best allocate limited funds.

Article VII. Community Wellbeing and Support Program

7.01. *Community Wellbeing and Support Program.* The Community Wellbeing and Support Program is created to recognize that all members have health, safety and welfare needs that may not be adequately met through current household resources. Further, the Community Wellbeing and Support Program is intended to be utilized as a resource to develop information related to the needs of members in order to assist the Tribe in developing programs to assist members.

7.02. *Program Participation.* All members are eligible to participate in the Community Wellbeing and Support Program provided they are enrolled as of ~~September 1~~ *January 1st* of the program year. *Provided that, for program year 2005 members must be enrolled by June 8, 2005.*

7.03. *Program Amount.* The program amount for each program year shall be set by resolution of Tribal Council each fiscal year and shall be included in this section as reference.

a. ~~*Program Year - 2003.*~~ Assistance shall be set at \$500.00 per member, and shall be payable directly to members.

b. ~~*Program Year - 2004*~~ *2005.* Assistance shall be set at \$1500.00 for each adult member age 18 or over on ~~September 1, 2004~~ *June 8, 2005*, and \$500.00 for each minor member not having reached age 18 on ~~September 1, 2004~~ *June 8, 2005*. Members meeting program requirements shall receive direct payments.

b. *Subsequent Program Years - for each subsequent program year, the Tribal Council shall set amount of assistance payments by resolution.*

7.04. *Program Recipient.* An eligible member may receive the program amount only after submission of a completed survey on or before November 1st of the program year. Program surveys must be received in the office of the Membership Assistance Department on or before November 1st of the program year, no exceptions are allowed. A completed survey includes responses to questions, a signature and date. The Membership Assistance Department shall not be responsible for verification of survey information. Parents or legal guardians may submit a survey on behalf of a minor or ward.

7.05. *Program Survey.* The Membership Assistance Department shall develop the program survey for approval by the Ogema.

a. *Development - Collaboration.* The Membership Assistance Department shall consult with all departments of the Tribe providing services to members in order to determine comprehensive survey questions which will assist these departments in meeting their goals in providing services.

1. Surveys must contain a signature line and date.

2. Surveys must be signed by the member, or in the case of a minor or ward, the parent or the legal guardian.

b. *Approval.* The program survey shall be submitted for approval to the Ogema no later than ~~August 1~~ *January 1st* of the program year *who shall approve the survey no later than January 15th of the program year.* *Provided that, for the purposes of program year 2005, the survey for the prior program year shall be re-issued to assist in determining annual changes in survey responses.*

c. *Mailing.* The program survey shall be mailed to all members on or around ~~September 1~~ *February 1st* of each program year. All program survey mailing shall have, in a conspicuous location, a notice that the deadline for submission of a completed survey is receipt in the Membership Assistance Department offices on or before November 1 of the program year. *Provided that, for program year 2005, surveys shall be mailed no later than June 22nd.*

d. *Results.* The Membership Assistance Department shall submit a report on the program survey results to the Ogema, the Tribal Council, and the Program Director of each program which provides services to members. The program survey results shall be considered public information, and may,

at the determination of the Ogema, be presented in the Tribal newsletter in whole or in part. Provided that, no individual members may be identified in any report of program survey results.

7.06. *Program Amount Mailing.* The Membership Assistance Department shall forward to the Accounting Department the names of eligible members on a weekly basis beginning after ~~September 1, 2004~~ *February 1st of each program year. Provided that, for program year 2005, the Membership assistance Department shall forward to the Accounting Department a weekly list of names beginning after July 10th.* Each list shall have a certification at the bottom which identifies that the Membership Assistance Department certifies that the members listed have met all qualifications of this program. The Membership Assistance Department shall

- a. review all returned surveys;
- b. determine whether the survey is complete;
- c. sign each survey as having been reviewed and identify the determination of completeness.

7.07. *Eligibility Conclusion.* There shall be no carry over of eligibility from program year to program year. The Membership Assistance Department must have received a completed program survey on or before the deadline date. No member shall be eligible to appeal a determination of an incomplete program survey, or proper receipt of a program survey. No member shall be eligible to appeal a determination of ineligibility based on mailing of the survey to the improper mailing address of the member. Members shall be responsible for maintaining the correct address on file with the Enrollment Department.