



Little River Band of Ottawa Indians

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

Resolution # 04-1130-622

Adoption of Energy Relief Program-2005

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 has been delegated Legislative powers by the membership, and 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 has reviewed information from sources including two years of tribal membership information as reported by the Community Well Being and support survey, the Federal Government's energy outlook as published by the energy administration, as well as local pricing for heat and energy costs; and

WHEREAS, the Tribal Council has determined that the Little River Band citizenship surveys reveal that the majority of tribal members are low to middle income, and that the majority of tribal members have utilized community well being dollars to provide basic needs such as clothing, shelter or heat, and that the majority of tribal membership are economically disadvantaged when compared to their surrounding communities; and

WHEREAS, the Tribal Council did propose legislation to establish a general welfare program for the purpose of providing economic assistance to members to provide for heat and energy required to support their homes; and

WHEREAS, the Tribal Council did post the proposed legislation for public comment in accordance with the Administrative Procedures Act, and said public comment period would expire on December 2, 2005, and the Tribal Council did receive one public comment as of November 30, 2005; and

WHEREAS, the Tribal Ogema did submit a separate proposal to provide emergency funding to tribal members to assist with the cost of heat and energy on October 31, 2005, however, the proposal as submitted appeared to be inconsistent with the Indian Gaming Regulatory Act, and therefore could not be adopted as proposed; and

WHEREAS, the Tribal Council did propose changes to the legislation to incorporate those portions of the proposal submitted by the Ogema that provided immediate assistance and limited the eligibility to adult members, including making a portion of the benefit taxable to the individual; and

WHEREAS, program eligibility determined by demonstrated need as stipulated in the legislation for the program does meet the requirements of the Indian Gaming Regulatory Act; and

WHEREAS, citizens of the Little River Band have expressed to the Tribal Council that the need for this program is urgent with the onset of colder weather, and that members need the assistance to complete propane orders, and other energy requests to provide heat, that cannot wait until the next fiscal year.

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council hereby adopts the Energy Relief Program of 2005- Ordinance # 05-700-07 on an emergency basis as provided by the Administrative Procedures Act.

IT IS FURTHER RESOLVED THAT this legislation is to be immediately implemented by the departments assigned responsibility to carry out specific tasks, to ensure that membership is provided the assistance during the month of December 2005.

IT IS FINALLY RESOLVED THAT the Tribal Council will consider permanent adoption of this program during December 2005, as this action to adopt the program on November 30, 2005, was following 28 days of public comment, and the Council will observe the 30 day process as provided by law.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 7 FOR, 0 AGAINST, 1 ABSTAINING, 0 ABSENT, and 1 VACANT, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held on November 30, 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

ENERGY ASSISTANCE PROGRAM-RELIEF ACT OF 2005-2006
Ordinance #05-700-07

Article I. Purpose; Findings

1.01 *Purpose.* This ordinance enacts a general welfare program to provide public assistance for the benefit of the citizens of Little River Band. This general welfare program is designed to provide assistance with providing the basic necessity of heat.

1.02. *Findings.* The Tribal Council, in adopting this ordinance, makes the following findings from the surveys conducted of the citizens during fiscal years 2003 and 2004:

a. 80% of the population of Little River Band live in the area defined as the upper Midwest of the United States, and will be impacted by increased costs associated with providing the basic necessity of heat during winter conditions.

b. The 2004 Elders Survey indicates that 99% of Tribal Elders responded to the survey, and of those responding, 44% used their assistance funds to pay for heat costs associated with their primary residence.

c. The 2004 Community Well-being and Support Survey was responded to by 99% of the Little River Band citizenship - there were 2935 surveys mailed, with 2898 surveys returned, and the respondents included 2432 adults and 466 minors.

d. The 2004 Community Well-being and Support Survey revealed an Unemployment Rate of 17.5% of tribal citizens aged 18 and over.

e. The 2004 Community Well-Being and Support Survey revealed that 38% of respondents have accessed public assistance.

f. The 2004 Community Well-being and Support Survey revealed that 2196 respondents indicate that their primary heat source is Natural Gas or Electricity.

g. The 2004 Community Well-being and Support Survey revealed that 1515 respondents, or 52% of those surveyed, used the program funds to pay for utility costs, including heating costs.

h. The 2004 Community Well-being and Support Survey results indicated that annual individual income before taxes for citizens of Little River Band are as follows within the population:

1. 361 respond that annual income is less than \$1,000.00
2. 534 respond that annual income is \$1,000 to \$10,000.00
3. 424 respond that annual income is \$10,000 to \$20,000.00
4. 432 respond that annual income is \$20,000. to \$30,000.00

which indicates that 1751 respondents have an annual income below \$30,000.00 per year.

i. The 2004 Community Well-being and Support Survey results indicate that annual household income before taxes for citizens of Little River Band are as follows within the population:

1. 159 respond that annual household income is less than \$1,000.00
2. 360 respond that annual household income is \$1,000 to \$10,000.00
3. 469 respond that annual household income is \$10,000 to \$20,000.00
4. 565 respond that annual household income is \$20,000 to \$30,000.00

which indicates that 1553 respondents identify that the annual household income below \$30,000.00 per year.

j. Of the adult population responding to the survey, statistics indicated that 71.9% of the adult population responding have an annual individual income of less than \$30,000.00 per year.

k. Of the adult population responding to the survey, statistics indicated that 63.8% of the adult population responding have an annual household income of less than \$30,000.00 per year.

l. The Tribal Council determines that establishing this general welfare program as a non-means tested public assistance benefit is in the best interest of the Little River Band, and the underlying economic position of the majority of membership supports this determination.

m. The Energy Information Administration published the Short Term Energy Outlook on October 12, 2005. The information predicts that there will be an increase of home heating costs from 30% to 48%, depending on the source of heat, the information predicts increase from \$325 to \$378, on average, provided that the winter season is average, and predicts increased costs over and above the projections if the Midwest experiences a colder than expected winter season.

n. The Tribe's current unemployment rate, in consideration of the annual income levels of over half of the citizenship, and the predicted increase in home heating costs for the FY 2005-2006 winter seasons provides substantial indicators that the Little River Band Tribal Government must provide immediate energy assistance to ensure that citizens are provided with the economic means necessary to sustain livable conditions.

o. The Legislature of the State of Michigan has announced plans to provided home heat credits and other forms of relief to taxpayers, and such means of government assistance is not available to the Little River Band Tribal Government, as tribal government issued tax credits are not honored by the current tax agreement.

p. The Tribal Council has determined that the initial need of the membership is immediate, and immediate distribution of benefit dollars to program recipients is necessary to ensure that the population has the ability to provide heat for their domicile with the onset of winter conditions.

Article II. Adoption; Amendment; Repeal; Severability

2.01. *Adoption.* This Ordinance is adopted by Tribal Council resolution #05-1130-622.

2.02. *Amendment.* This Ordinance may be amended in accordance with the procedures set forth in the Administrative Procedures Act - Ordinances.

2.03. *Repeal.* This Ordinance may be repealed in accordance with the procedures set forth in the Administrative Procedures Act - Ordinances.

2.04. *Severability.* 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.* As used in this Ordinance, except where otherwise specifically provided or the context otherwise requires, the following terms and expressions shall have the following meanings.

3.02. *Family* means one or more persons maintaining a household.

3.03. *Household* means individuals living at one primary physical residence with an address, who may be related or unrelated, within the same home or apartment.

3.04. *Member* means a duly enrolled member of the Little River Band.

3.05. *Heating cost* means the expense incurred by the household to provide heat for the residence evidenced by a utility bill provided by the member from a heat service provider.

3.06. *Heat service provider* means any vendor which sells a resource- electric, gas, propane, coal, fuel oil, wood or other source - used for the purpose heating a home.

Article IV. Program

4.01. *Public Assistance-Eligibility.* This program is structured as a non-means tested benefit program open to:

- a. Members of the Little River Band of Ottawa Indians duly enrolled and age 18 or over as of November 30, 2005.
 - b. Initial eligibility for the first benefit distribution is determined based on membership status with the Little River Band. Future eligibility for participation in this program will be determined by evidence of need as defined by the program guidelines.
- 4.02. *Program Duration.* This program is authorized for immediate implementation during December 2005. Subsequent program years will be determined based on utilization of the program, as well as available resources of the Tribal Government. Adoption of subsequent program benefit or amendments must be authorized by Tribal Council.
- 4.03. *Initial Benefit and Access.* The program provides assistance per adult member for the initial benefit distribution. Additional assistance under this program is subject to application and evidence of need.
- a. An Initial Benefit of \$700.00 will be mailed by the Members Assistance Department to each adult member eligible for the assistance.
 - b. The Enrollment Department will create a listing of enrolled Members of the Little River Band of Ottawa Indians aged 18 and older that were enrolled members on or before November 30, 2005, to be delivered to Membership Assistance and Accounting Departments no later than December 6, 2005.
 - b. Initial benefit-program distribution will be mailed to each member eligible on or before December 16, 2005.
- 4.04. *Benefit ceiling.* This program provides a maximum of \$1,000.00 in financial assistance, and is available irregardless of any other public benefit or assistance that a member may be eligible for or entitled to.
- 4.05. *Frequency of Benefit Payment.* The assistance provided under this program will be paid in two installments as follows: the initial benefit will be paid as specified by Section 4.03. The second installment of \$300.00 must be applied for on the application provided by the Membership Assistance Department, as authorized by this Ordinance.
- a. At the time of application, the member/applicant must designate the service provider, and that service provider may not be changed during the program.
 - b. The second installment under this general welfare program is payable directly to the service provider.
 - c. Applications will be mailed by the Members Assistance Department to each member on the initial eligibility list created by Enrollment Department.
 - d. Applications may be returned to the Members Assistance Department prior to January 31, 2006.
 - c. Applications are to be processed as they are received by the Department, to complete distribution of the second installment under this program.
 - e. At the close of business on January 31, 2006, this program will be considered closed. Any payment of subsequent program years must be reauthorized by the Tribal Council.
- 4.06. *Evidence of Need.* To be eligible to apply for the second installment of the program distribution, the tribal member must provide a utility bill for services provided for which the benefit is being applied for. The utility bill must bear the address that is the primary physical address of the Tribal member on file with the Enrollment Department.
- a. In the event that a member relocates to a new physical address between the months of December 2005 and January 2006, the member must notify the Members Assistance Department immediately.
- 4.07. *Special Conditions.* In the event that a member is displaced due to natural disaster (example: Hurricane) or other catastrophic event, the member must notify the Members Assistance Department immediately.
- a. Members that occupy a residence in which the lease or rental payment includes a portion of heat/utility costs associated with the home may submit a copy of the

rental agreement or lease, and the Members Assistance Department may accept such documentation as evidence of need required by Section 4.06.

Section 5. Taxation

5.01. *Initial Benefit taxable.* The initial installment paid to each adult member under this program will result in a 1099 form to each recipient, regardless if the member utilizes the initial distribution.