



**Little River Band of Ottawa Indians  
Tribal Council**

2608 Government Center Drive  
Manistee, MI 49660  
(231) 723-8288

**Resolution #21-1208-305**

*Continuing COVID-19 Pandemic Assistance Program*

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 Tribe adopted amendments to the Constitution on July 11, 2016 which became effective upon approval by the Assistant Secretary-Indian Affairs on August 24, 2016; and

WHEREAS, the legislative powers of the Tribe are vested in the Tribal Council according to Article IV, Section 1 of the Constitution; and

WHEREAS, the Tribal Council is authorized by Article IV, Section 7(a)(1) and (2) to exercise the inherent powers of the Tribe by establishing laws through the enactment of ordinances and adoption of resolutions to govern the conduct of Tribal Members and others within the Tribe's jurisdiction and to promote, protect and provide for the public health, peace, morals, education and general welfare of the Tribe and its members; and

WHEREAS, the Tribal Council approved the Revenue Allocation Plan by Tribal Council Resolution #08-0123-20 including Sections 4 and 6 allowing for assistance for Tribal Members through the funding of government programs that provide services and at times direct funds to address general welfare concerns; and

WHEREAS, on September 26, 2014, President Obama signed into law H.R. 3043, the Tribal General Welfare Exclusion Act of 2014 (the “Act”), which amends the Internal Revenue Code to exclude from gross income, for income tax purposes, the value of an Indian general welfare benefit;

WHEREAS, the federal law defines an “Indian general welfare benefit” as any payment made or services provided to or on behalf of a member of an Indian tribe under an Indian tribal government program if: (1) such program is administered under specified guidelines and does not discriminate in favor of members of the governing body of the Indian tribe; and (2) the program benefits are available to any tribal member, are for the promotion of general welfare, are not lavish or extravagant, and are not compensation for services;

WHEREAS, the Little River Band of Ottawa Indians operates governmental programs that provide Indian general welfare benefits that are eligible for the exclusion from gross income;

WHEREAS, the Tribal Council acknowledges the passage of federal legislation, the Act, and finds that it will be beneficial to the Little River Band of Ottawa Indians and its tribal members

WHEREAS, on March 13, 2020, the President of the United States declared the ongoing Coronavirus Disease 2019 (“COVID-19”) pandemic of sufficient severity and magnitude to warrant an emergency declaration for all states, tribes, territories, and the District of Columbia pursuant to section 501 (b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5207 (the “Stafford Act”); and

WHEREAS, on March 20, 2020, the Tribal Ogema, pursuant to Executive Order No. 20-0320-01, officially declared a state of emergency for the Little River Band of Ottawa Indians in response to the COVID-19 pandemic to protect the public health, safety and welfare of the community; and

WHEREAS, on Tribal Council issued Tribal Council Resolution #20-0320-096 declaring a state of emergency; and

WHEREAS, the federal government has found that Native Americans have experienced more than 1 and a half times the rate of COVID-19 infections, more than triple the rate of hospitalizations and more than double the death rate compared to White Americans;

WHEREAS, the federal government has found that the pandemic has had a disproportionate impact on tribal communities, with unemployment rates in Indian country exceeding 20% at the height of the pandemic and currently remaining at 11%;

WHEREAS, the Tribe’s 9-County federal service area has had significant spread of COVID-19 which includes in the week of the 21<sup>st</sup> of November a positivity rate of 24% compared to a

state average of 17.4% in Muskegon County and the Tribe's Reservations located in Manistee and Mason County having some of the highest infection rates in the state of Michigan and being considered to be on-going hotspots; and

WHEREAS, tribal members, like much of the population in Indian country are experiencing hardships related to loss of employment, childcare, etc. and incurring additional personal, family, and/or living expenses in connection with the COVID-19 pandemic and Tribal Council deems it in the best interest of the Band and its members to provide a general welfare program to help tribal members defray these additional costs; and

WHEREAS, the Tribal Council has identified a gap in the provision of services to persons affected by COVID-19 global pandemic, especially where federal, state and local programs are unable to meet the immediate needs of those persons, including economic assistance, food assistance, housing assistance, clothing, and health care needs especially for tribal members with a moderate income; and

WHEREAS, the Tribal Council has found that prior to and because of the pandemic tribal members are now living with a low or moderate income and that rising inflation due to the pandemic recovery is significantly impacting their ability to meet their daily needs due to the increased costs of food, housing, household goods, fuel and other essential items and services; and

WHEREAS, the Tribal Council has identified that as a result COVID-19 Tribal members continue to suffer economic loss and increased expenses causing financial hardship for tribal members; and

WHEREAS, the Tribal Council has identified that members, regardless of where they reside, in times of a global pandemic impacting the workforce and economy of many nations including the United States, should be able to rely upon their government, the Little River Band of Ottawa, as they have historically relied upon each other, to provide assistance in times of natural disasters; and

WHEREAS, because the Tribal Council is aware of the immediate needs of members across the nation as unemployment claims have risen exponentially in the months since we were made aware of the pandemic, the Tribal Council is aware that inflation is impacting the cost of essential goods, including food, gas, housing costs, and household goods, and knows that these immediate needs are continuing and will not be adequately met by federal, state, local and non-profit organizations, the Tribal Council has identified that sufficient funds exist in the CARES Act funding provided to the Tribe from the federal government to address these immediate and continuing needs and has determined to create a program to address these needs.

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby continues the *COVID-19 Pandemic Assistance Program* which was created pursuant to Resolution #20-0909-242, in accordance with the Tribal General Welfare Exclusion Act of 2014.


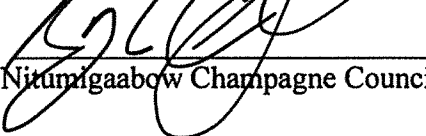
IT IS FURTHER RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby determines that due to the ongoing impact of COVID-19, including the Delta variant and the Omnicom variant, that Tribal members, who applied and received assistance pursuant to the Tribe's initial COVID-19 Pandemic Assistance Program, are deemed eligible to receive additional CARES Act assistance without further application. The amount of assistance shall be determined by the Tribe's Financial/Accounting and Members' Assistance Departments and all such costs associated with the production and Distribution of such program shall be covered

IT IS FURTHER RESOLVED THAT any additional assistance provided to Tribal members pursuant to this resolution is subject to the same restrictions and information retention requirements as the initial COVID-19 Pandemic Assistance Program and by accepting this assistance the Tribal members consent to this.

IT IS FURTHER RESOLVED THAT this additional *COVID-19 Pandemic Assistance Program* assistance to eligible tribal members shall be funded only with the Tribe's allocation of CARES Act funds.

**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 Regular Meeting of the Little River Band of Ottawa Indians Tribal Council on December 08, 2021, with a quorum being present for such vote.

  
Julie Wolfe Council Recorder  
  
Nitumigaabow Champagne Council Speaker

cc: Council Records  
Tribal Ogema  
Members Assistance  
Accounting