



Little River Band of Ottawa Indians
2608 Government Center Drive
Manistee, MI 49660
(231) 723-8288

Resolution #22-1026-195

Approving General Welfare Assistance Program 2022 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 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 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; and

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; and

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; and

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; and

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 March 20, 2020 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 one 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 other ethnicities; and

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

WHEREAS, the rate of unemployment across the nation is 3.9 percent in December 2021, in Indian country the rate was 7.9%; 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 found that every tribal member received a reduction in assistance in 2021 as result of the loss of revenue to the tribal government; and

WHEREAS, the Tribal Council has identified that as a result of long-term federal policies, and personal economic needs of individuals, that members live throughout the United States, and the world; 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, the Federal Government provided cash assistance to its citizens with adjusted gross income up to \$150,000; and

WHEREAS, The Tribe is the recipient of Coronavirus Local Fiscal Recovery Funds under the American Rescue Plan Act, Pub. L. 117-2 (ARPA) that may be used to create programs to address Tribal Members' need for assistance with necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19); 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 and the negative impacts of and disruption of supply chains is impacting the cost of essential goods, including food, gas, housing costs, household goods and know 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 ARPA 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 creates the 2022 COVID-19 Pandemic Assistance Program which is created in accordance with the Tribal General Welfare Exclusion Act of 2014 and with the funds provided under the ARPA Act and will now provide this additional necessary assistance with ARPA funds. This program directs the following relief be made available to eligible members, as administered through the Members Assistance Department or as delegated by the Ogema via the attached program.

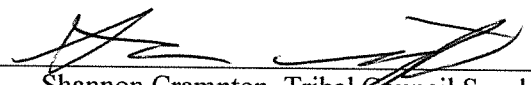
IT IS FURTHER RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby implements the General Welfare Assistance Program 2022 COVID-19 Pandemic Assistance Program and authorizes the Members Assistance Department or department delegated by the Ogema to disburse funds as prescribed by the Act.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 5 FOR, 4 AGAINST, 0 ABSTAINING, and 0 ABSENT, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held on October 26, 2022, via ZOOM and the Little River Band of Ottawa Indians Government Center with a quorum being present for such vote.



Ron Wittenberg, Tribal Council Recorder



Shannon Crampton, Tribal Council Speaker

Attest:

Distribution: Council Records
 Tribal Ogema
 Accounting

General Welfare Assistance Program

2022 COVID-19 Pandemic Assistance Program

Section 1. Authority; Purpose.

1-1. *Authority.* The Little River Band has received funding through the American Rescue Plan Act of 2021.

1-2. *Purpose.* The Tribal Council has established this program to provide relief to Tribal Members who are experiencing financial hardships due to the COVID-19 pandemic and the continued interruption to supply chains and the looming threat of recession.

Section 2. Definitions.

2-1. *General.* For purposes of this program, certain terms are defined in this section. The word shall is always mandatory and not merely advisory.

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

2-3. *Member* means an enrolled member of the Little River Band of Ottawa Indians.

2-4. *Age eighteen (18) or over* includes a member who has not yet reached the age of eighteen (18) 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.

2-5. *Members Assistance Department* means the office delegated responsibility to implement the COVID-19 Pandemic Assistance Program.

2-6. *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 school breaks and holidays.

Section 3. Eligibility.

3-1. *Eligibility.* An eligible applicant for the 2022 COVID-19 Pandemic Assistance Program:

- a. Tribal Member of the Little River Band Of Ottawa Indians who is eighteen (18) years or older; or
- b. The parent or legal guardian of a member who has not reached the age of eighteen (18); or
- c. 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; and Tribal member must reside in home as a permanent household member

All applicants are required to certify a need for assistance directly related to the COVID-19 pandemic and

resultant recession such as lost income or additional incurred expenses, including the reasonable expectation of both prior to December 30, 2023.

Section 4. General Policies.

4-1. *Application and forms.* The Members Assistance Department has the authority to create the initial application and any necessary forms, including follow up communication, if required. The Members Assistance Department must receive a fully completed application signed by the applicant. It is the responsibility of the applicant to provide all required information with application. The application will be available online and may be submitted via email.

4-2. *Program Deadline.* Applicants must submit applications no later than **December 4, 2023**.

4-3. *Program Scope.* The 2022 COVID-19 Pandemic Assistance Program provides limited assistance to Tribal Members in need in order resolve an exigent financial crisis arising as a direct result from the COVID-19 global pandemic.

4-4. *Exception to Restrictions on Other Member's Assistance Programs.* 2022 COVID-19 Pandemic Assistance Program funds may be used for expenses currently covered by other Membership Assistance Programs, such as rental assistance or utility assistance. Access to this program shall not be limited by use of other Member's Assistance Programs, nor shall the receipt of the 2022 COVID-19 Pandemic Assistance Program count towards a prescribed limitation in any other program.

4-5. *Enrollment Verification.* The Members Assistance Department shall obtain, from the Enrollment Department, verification of membership of each applicant and each person identified in the household as a member of the Little River Band of Ottawa Indians. Verification shall include provisions of Section 3.1 Eligibility where applicable.

4-6. *Amount of Assistance.* The maximum amount of assistance is limited to \$2,800 per Tribal Member. Assistance does not carry over into the next program year, unless there is an amendment to the ARPA, allowing for expenditures after December 30, 2023.

4-7. *Processing Time Lines.* Final processing will not occur until a completed application has been received by the Members Assistance Department. In order to expedite and simplify the process, the Accounting Department shall use the payment method on file for the member and group the process of payments in a single batch bi-weekly.

4-8. *Eligibility Notification.* Applicants that have satisfactorily completed the application will have the application reviewed for eligibility and determination shall be made within five (5) business days.

4-9. *Ineligibility Notification.* Applicants ineligible for assistance will be notified by the Members Assistance Department within five (5) business days of the ineligibility determination. The ineligibility notification shall include clearly stated reasons why the applicant is ineligible.

4-10. *Maintenance of File; Use of Information.* Members Assistance Program shall maintain a confidential filing system.

- a. *Statistical.* Information may be compiled and reported only to the Ogema and Tribal Council which does not identify specific applicants.
- b. *Program Building.* Upon request from the Ogema and Tribal Council information may be compiled and shared to the extent necessary to identify 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 Members Assistance Program works in conjunction with other Tribal programs to identify unmet needs and assistance to applicants. Department staff shall notify the applicant of this cross-functional teamwork process.
- d. *Referral Resources.* The Members Assistance Department may provide referral for self sufficiency building opportunities. Referral may include household budget tools and case management.

4-11. *Applicant files.* The Members Assistance Department shall retain applicant file for up to five (5) years. Applicant file shall contain at a minimum: applicant application, supporting documentation for eligibility criteria.

4-12. *Ineligible File.* The Members Assistance Department shall retain ineligible file for one (1) year. Ineligible file shall contain at a minimum application and letter of ineligibility.

4-13. *Expense Tracking.* For purposes of potential future audit activity, the recipient shall track the expense and use of funds to the best of their ability. All expenses shall be incurred between November 1, 2022 and December 30, 2023. Eligible expenses shall not include those expenses already covered by other Tribal Assistance Programs, including stimulus payments in April and May of 2020. In no event should funds distributed by this Program be used to make rental or utility payments to the Little River Band of Ottawa Indians.

Section 5 Adoption; Amendment; Repeal.

5-1. *Adoption.* This Program is approved by the Tribal Council on October 26, 2022 by adoption of Resolution #22-1026-195.

5-2. *Amendment.* This Program may be amended by Resolution of the Tribal Council.

5-3. *Sovereign Immunity.* Nothing in this Program 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.

5-4. *Effective Date.* This Program shall take effect immediately upon approval by Tribal Council.