

**Resolution to Establish the  
CARES Emergency and Disaster Relief General Welfare Program**

**WHEREAS,** The Confederated Tribes of Warm Springs Reservation of Oregon ("Warm Springs Tribe" or "Tribe") is a federally recognized Tribe and its Tribal Council is designated as the governing body authorized to act on the Tribe's behalf pursuant to Article V, Section 1, of the Constitution and Bylaws of the Confederated Tribes of Warm Springs Reservation of Oregon, as amended, February 14, 1938; and,

**WHEREAS,** The Warm Springs Tribe has received Corona virus Relief Funding ("CRF") pursuant to Section 601(a) of the Social Security Act, as added by Section 5001 of the Corona virus Aid Relief and Economic Security Act ("CARES Act"); and,

**WHEREAS,** The Tribal Council has determined that the enrolled members of the Warm Springs Tribe have suffered significant hardships by reason of the COVID-19 public health emergency, including but not limited to: (a) either loss of income or increased expenses of personal living, or both; (b) increased costs of access to essential services and support, due in part to closures of government and community programs and services in the geographic area, worsened by the general conditions of rural tribal community living making access to alternative services difficult or impossible; (c) suspension of tribal government and enterprise operations and other businesses resulting in the furlough of employees; (d) the continuing economic fallout as a result of self-isolation and stay-at-home orders to address continuing health threats; and (e) the general uncertainty about future financial and health outcomes; and,

**WHEREAS,** The Tribal Council has determined that the population of the Reservation has suffered the economic and health consequences of the COVID-19 public health emergency disproportionately as compared to other population areas within Oregon and the United States, and because of that it is necessary to ameliorate the negative impacts on its tribal members; and,

**WHEREAS,** The Tribal Council has determined it is necessary for the Tribe to fund a social and economic safety net to ensure individuals' access to essential services and to support their

basic and necessary living needs as a result of the COVID-19 public health emergency; and,

**WHEREAS,** The Tribal Council has determined that it is necessary to provide direct financial support to individual tribal members to encourage their continuing endeavors to limit their public movements and interactions and to otherwise maintain social distancing practices in the interest of the tribal community as a whole; and,

**WHEREAS,** The Warm Springs Tribe desires to exercise its inherent sovereign power to utilize a portion of its CRF to promote the general welfare of the Warm Springs tribal community by providing direct economic relief and support to its tribal members for expenses incurred by them as a result of the COVID-19 public health emergency ("CARES Emergency and Disaster Relief"); and,

**WHEREAS,** The Tribal Council desires to establish a CARES Emergency and Disaster Relief Program ("Program") that will provide direct financial assistance to tribal members for reasonable and necessary expenses of personal living and other eligible expenses they incur due to the COVID-19 public health emergency, for the period of March 1, 2020 through December 30, 2020 or such later date as may be authorized pursuant to the CARES Act; and,

**WHEREAS,** The Tribal Council has determined that the Program established by this Resolution should be administered according to the Tribe's General Welfare Ordinance, Warm Springs Tribal Code Chapter 550, and pursuant to the guidelines and policies set out in the attached "CONFEDERATED TRIBES OF WARM SPRINGS CARES ACT EMERGENCY AND DISASTER RELIEF GENERAL WELFARE PROGRAM" marked as Exhibit "A" to this Resolution; and,

**WHEREAS,** The Tribal Council has determined that it is an administrative necessity to establish the CARES Emergency and Disaster Relief General Welfare assistance as a grant program; and,

**WHEREAS,** The Tribal Council has determined that each Adult Tribal Member and Dependent Tribal Member is eligible to receive a CARES Act Emergency and Disaster Relief General Welfare Program grant in the manner and according to the requirements and terms set forth in the Program Guidelines attached as Exhibit A. The Tribal Council has determined in its reasonable judgement that these individual and family grants are necessary

at this time to respond to the public health emergency and, to that end, to ensure continued access to essential services, to reimburse tribal members for added expenses of responding to COVID-19, to enable and promote their ongoing compliance with COVID-19 public health precautions, and/or to subsidize their ability to meet their basic living needs. The extraordinary expenses of basic living which are supported by this Program shall include food and meals; transportation costs for increased distances and frequency of trips to reach grocery stores, pharmacies and other essential services; utility costs; costs related to college dependents returning home to live; unreimbursed medical and health-related expenses, including in-home care; online learning and other education resources; costs to improve or create teleworking capabilities; housing assistance to avoid foreclosure or eviction; housing maintenance; hygiene and personal safety costs; and such other expenses incurred by the tribal member as a direct result of the COVID-19 public health emergency; and,

**WHEREAS,** The Warm Springs Tribe desires to administer the CARES Emergency and Disaster Relief assistance through its General Welfare Program and, as such, it is the intent of the Tribe that all CARES Emergency assistance shall constitute tax-exempt tribal general welfare benefits pursuant to the Tribal General Welfare Act, 26 U.S.C. 139E and Revenue Procedure 2014-35; now, therefore,

**BE IT RESOLVED,** By the (28<sup>th</sup>) Tribal Council of the Confederated Tribes of the Warm Springs Reservation of Oregon, pursuant to Article V, Section 1, (f), (l), and (u) of the Tribal Constitution and By-Laws, that the Tribal Council hereby adopts the CARES Emergency and Disaster Relief General Welfare Program; and,

**BE IT FURTHER RESOLVED,** That the CARES Emergency and Disaster Relief General Welfare Program shall be administered according to the Tribe's General Welfare Ordinance, Warm Springs Tribal Code Chapter 550, and pursuant to the guidelines and policies set out in the CONFEDERATED TRIBES OF WARM SPRINGS CARES ACT EMERGENCY AND DISASTER RELIEF GENERAL WELFARE PROGRAM attached hereto as Exhibit A; and,

**BE IT FURTHER RESOLVED,** That the CARES Emergency and Disaster Relief General Welfare Program Administrator shall establish procedures and controls which ensure that the grant is utilized by grant recipients for the uses intended by and authorized by this Program; and,

BE IT FURTHER RESOLVED, That the Tribal Council authorizes grants to enrolled tribal members according to the policies and guidelines set out in the CONFEDERATED TRIBES OF WARM SPRINGS CARES ACT EMERGENCY AND DISASTER RELIEF GENERAL WELFARE PROGRAM attached hereto as Exhibit A, as follows:

- A) Adult Tribal Member grant in an amount not to exceed \$1250.00 in July, 2020 and \$1250 in October, 2020.
- B) Dependent Tribal Member grant in an amount not to exceed \$650.00 in July, 2020 and \$650.00 in October, 2020.

**CERTIFICATION**

The undersigned, as Secretary-Treasurer/CEO of the Confederated Tribes of the Warm Springs Reservation of Oregon hereby certifies that the Tribal Council is composed of 11 members, of whom 8 constituting a quorum were present at a meeting thereof, duly and regularly called, noticed, convened and held this 25<sup>th</sup> day of June, 2020; and that the foregoing resolution was passed by the affirmative vote of 7 members, the Chairman not voting; and that said resolution has not been rescinded or amended in any way.

  
Michele Stacona 6/29/2020  
Secretary-Treasurer/CEO

NOTED: JUN 30 2020



Floy L. Anderson  
Superintendent

Attachment: Exhibit "A"

cc: Secretary-Treasurer/CEO  
Superintendent  
Administrative Services Center

EXHIBIT A

COVER PAGE FOR

CARES ACT EMERGENCY AND DISASTER RELIEF

GENERAL WELFARE PROGRAM

**CONFEDERATED TRIBES OF WARM SPRINGS**  
**CARES ACT EMERGENCY AND DISASTER RELIEF**  
**GENERAL WELFARE PROGRAM**

I. Findings and Purpose.

- a) The Warm Springs Tribe CARES Act Emergency and Disaster Relief General Welfare Program (“Program”) is established to provide emergency and disaster relief funding assistance directly to eligible tribal members in response to the COVID-19 public health emergency, pursuant to Tribal Council Ordinance No. 100, Warm Springs Tribal Code, Chapter 550, passed on June 15, 2020.
- b) This Program reflects a determination by the Warm Springs Tribal Council that its members have suffered, and continue to suffer, financial, social, and emotional hardships by reason of the COVID-19 public health emergency and that it is necessary for the Tribe to provide an economic safety net to tribal members in the form of emergency financial assistance.
- c) The Program is targeted at reasonable expenses incurred as a result of the COVID-19 public health emergency, between the period of March 1, 2020 and December 30, 2020, and the Tribe has determined that the form and amount of subsidy is reasonable and necessary to ensure the health and safety of its tribal members.
- d) This Document sets out the Program’s Guidelines and Policies (“Document”) that shall govern the administration of the Program.
- e) It is the Tribe’s intent that the assistance provided pursuant to this Program will meet the criteria set forth in Revenue Procedure 2014-35 (including any subsequent Internal Revenue Service guidance) and Internal Revenue Code Section 139E, for treatment as a tax exempt Tribal General Welfare benefit.

II. Authority.

This Program is established pursuant to the authority vested in the Tribal Council by Article V, Section 1 (f), (l) and (u) of the Constitution and By-laws to enact ordinances and programs for the general welfare of the Tribe, and pursuant to the Warm Springs General Welfare Ordinance codified at Chapter 550 of the Warm Springs Tribal Code.

III. Definitions.

- a) **“Tribal Member”** or **“Warm Springs Tribal Member”** is a duly enrolled member of The Confederated Tribes of the Warm Springs Reservation of Oregon.
- b) **“Adult”** means a Tribal Member who has attained the age of eighteen (18) or older, or who has been legally emancipated.

- c) **“Minor”** or **“Child”** means a Tribal Member age seventeen (17) or younger who is not legally emancipated.
- d) **“Emancipation”** or **“Emancipated”** means that a child has been legally recognized as an adult for the purposes of this Program and that the parents’ legal duty to support the child has terminated.
- e) **“Dependent”** means a Warm Springs Tribal Member child who is legally dependent for the fiscal year, within the meaning of Internal Revenue Code § 152.
- f) **“Eligible Applicant”** means an individual who meets the eligibility criteria for this Program, or who is qualified to apply for an eligible Tribal Member Dependent, and whose application for assistance has been approved.
- g) **“Head of the Household”** means an adult Warm Springs Tribal Member or a qualified non-member who has paid more than half the cost of supporting a Tribal Member dependent who was living with them at least six (6) months of the calendar year.
- h) **“Lineal Descendant”** means a person who is a direct descendant of, and in a blood relationship with a Warm Springs Tribal Member, following downwards to the remotest degree, such as his or her children, grandchildren and great-grandchildren.
- i) **“Overpayment”** means an amount of grant monies received by the Eligible Applicant under this Program that is determined by an audit to have been used for ineligible expenses or unauthorized purposes.
- j) **“Qualified Non-Member”** means a spouse, former spouse, ancestor, or lineal descendant of a Warm Springs Tribal Member.
- k) **“Spouse”** means a man or woman in a marriage with a Warm Springs Tribal Member.

#### IV. Program Eligibility.

All adult Warm Springs Tribal Members and dependent Warm Springs Tribal Members are eligible for benefits under this program unless their eligibility has been suspended for cause by the Tribal Council.

#### V. Emergency and Disaster Relief Assistance Limits.

- a) **CARES Act Limitation.** Funding utilized for this Program is from Coronavirus Relief Funds granted by the federal government, and therefore, use of those funds is intended to comply with Section 601(a) of the Social Security Act, as added by Section 5001 of the Coronavirus Aid Relief and Economic Security Act (“CARES Act”).
- b) **Limitation on Amount.** All assistance provided pursuant to this Program is subject to the availability of funds.
  - i. Financial assistance is limited to an aggregate annual amount of \$2500 for Tribal Member Adults and \$1300.00 for Tribal Member Dependents. The annual assistance limit is subject to change from time to time, at the discretion of the Tribal Council. The annual assistance limit reflects a determination by the Tribal Council that this amount reasonably represents some or all of the additional financial assistance needs of its tribal members for necessary expenses they will incur as a result of the COVID-19 public health emergency.
- c) **General Limitations.**

- i. The benefits provided under this Program shall not discriminate in favor of the Tribe's governing body.
- ii. No payments under this program will be made in exchange for, or as compensation for, services.
- iii. The benefits provided under this program are limited to the amount of eligible expenses for which the Eligible Applicant has not received funding, reimbursement or other compensation from another source, such as other federal, state, local or tribal government program.
- iv. The Tribe reserves the right to deny or revoke assistance if the recipient violates the policies and procedures of this Program.
- v. Eligible Applicants must certify and substantiate that they have utilized these Program benefits only for eligible expenses, as provided herein. Eligible Applicants may be subject to audit by the Tribe to confirm funds were utilized only for eligible purposes and may be subject to repayment of any amounts found not to be used for eligible expenses.

VI. Program Assistance.

a) **Amount.**

i. **“Adult Tribal Member Grant.”** Each eligible Adult Tribal Member shall be permitted to apply for a grant in the amount of \$1250.00 payable in July, 2020 and another grant of \$1250.00 payable in October, 2020.

ii. **“Dependent Grant.”** An Adult Tribal Member or qualified non-tribal member who is Head of Household shall be permitted to apply for a grant *on behalf of a Dependent Tribal Member*, in the amount of \$650.00 payable in July, 2020 and another grant of \$650.00 payable in October, 2020. All Dependent Grants must be utilized strictly for, and on behalf of, the Dependent Tribal Member for eligible expenses under this Program.

b) **Eligible Expenses.** Program assistance is limited to costs actually incurred by the Eligible Applicant as a result of the COVID-19 public health emergency, between the period of March 1, 2020 through December 30, 2020. Thus, the program assistance is intended to cover the added costs incurred by Tribal Members for the following eligible expenses during such period:

- i. **Transportation.** Expense of private vehicle use at \$0.57/mile, car rental, car service, or public transportation costs for increased distances and frequency of trips to access essential and/or emergency services. Assistance with car payments is permitted only to avoid repossession of the Tribal Member's vehicle.
- ii. **Non-covered Medical.** Unreimbursed medical and health-related expenses, in addition to costs for in-home care, prescriptions, supplements, wellness, traditional medicines, and counseling.
- iii. **Food, Meals and Groceries.** Expenses to purchase groceries, food, prepared meals, and other nutrition assistance.
- iv. **Utilities.** Added expenses incurred to stay at home, isolate or adhere to public health and Tribal government mandates, including electricity, gas, propane, firewood, water, sewer, waste disposal, internet, and phone.



- v. **Dependent Care.** Expense of childcare services and added costs for care and support of children not able to attend school.
- vi. **Personal Care and Hygiene.** Personal care items such as face masks, sanitizer, hand cleaner, hygiene products, and special clothing necessary to maintain personal health and safety of oneself and others.
- vii. **Housing.** Assistance with rent or mortgage to avoid foreclosure or eviction; housing maintenance including cleaning supplies and cleaning services necessary to maintain sanitary and safe living conditions.
- viii. **Education and Telework Assistance.** All expenses related to online or distance learning and expenses to maintain and support the education needs of school-age children, including post-secondary school; and, costs incurred to improve or create teleworking capabilities.
- ix. **Expenses to Enable Compliance.** Any other expense reasonably necessary to enable compliance with COVID-19 public health precautions.

VII. Application Process.

- a) To receive assistance under this Program, the Eligible Applicant must submit a written CARES Emergency Aid Application:
  - i. All applications must be signed and dated by the applicant.
  - ii. Applicant must provide a current mailing address and such other information as may be required by the Program Administrator to facilitate payment of funds and supervision of the Program requirements.
  - iii. Applications on behalf of Dependent Tribal Members shall include identifying information for the Dependent(s) and proof that the applicant is legally responsible for more than half the cost of supporting the dependent, as the Program Administrator may require.
  - iv. All applications shall include a "Certificate of Need" which will identify that the applicant has incurred, and continues to incur, eligible expenses and/or is experiencing specified financial hardship due to the COVID-19 public health emergency.
  - v. All applications shall include the following:
    - a. a sworn statement from the applicant that the information provided is true and accurate,
    - b. an agreement the applicant is subject to later audit and repayment of any funds found to be used for ineligible expenses or unauthorized purposes,
    - c. the applicant consents to the Tribe offsetting future per capita, bonus or other payments due to the applicant from the Tribe as repayment of any overpayment, and
    - d. an agreement by the applicant to maintain documentary substantiation to support their Certificate of Need and utilization of the funds for only eligible purposes, and to provide such substantiation to the Tribe as it may request.
  - vi. Completed applications will be accepted in person or by mail at the Tribal Administration Building.
- b) The Program Administrator shall review all applications and determine the applicant is eligible before authorizing a disbursement of funds. The Program Administrator shall ensure

that all applications, certifications, and any substantiating documents provided by applicants, are maintained for five (5) years.

c) The Eligible Applicant must also maintain documentary substantiation in the form of receipts or other evidence for a period of five (5) years or provide copies of such documentary substantiation to the Tribe by December 30, 2020.

#### VIII. Disbursement Process.

- a) The Program Administrator will provide authorization for disbursements to the Finance Department, who will issue checks to the Eligible Applicant for the approved CARES Emergency Aid grant according to standard accounts payable procedures.
- b) Checks will be sent to the address indicated on the Tribal Member's CARES Emergency Aid Application.

#### IX. Collection Process-Overpayment.

The Tribe is authorized to audit a Tribal Member's use of the grant monies to determine if grant monies were used for ineligible expenses or unauthorized purposes. In the event of an audit finding of ineligible or unauthorized use, the Tribe may collect the overpayment by means of offset against per capita, bonus or other amounts due the tribal member from the Tribe.

#### X. Appeal Process.

- a) Should the Program Administrator disapprove any Application, the Applicant may appeal the decision by filing a written notice with the Secretary-Treasurer or Chair of the Tribal Council within thirty (30) working days following the certified mailing of notice of disapproval. The Applicant shall be entitled to be present at a meeting of the Tribal Council and shall have the right to present oral or written communication with regard to the reconsideration. The decision of the Tribal Council shall be considered final.
- b) Tribal Members who have been found to be liable for an overpayment, may appeal such audit findings to the Tribal Council within thirty (30) working days following the certified mailing of the audit determination. The Tribal Member shall be entitled to be present at a meeting of the Tribal Council and shall have the right to present oral or written evidence supporting their qualified use of the grant monies. The decision of the Tribal Council shall be considered final.

#### XI. Miscellaneous.

- a) **Severability.** If any provision of this Document , or the application thereof to any person or circumstance, shall be held unconstitutional or invalid by the Tribal Council, only the invalid provision shall be severed and the remaining provision and language of this Document shall remain in full force and effect.
- b) **No Waiver of Immunity.** All inherent sovereign rights of the Confederated Tribes of the Warm Springs Reservation of Oregon as a federally recognized Indian tribe with respect to provisions authorized in this Document and are hereby expressly reserved, including sovereign immunity from unconsented suit. Nothing in this Document shall be deemed or construed to

be a waiver of the Confederated Tribes of the Warm Springs Reservation of Oregon's sovereign immunity from unconsented suit or legal action of any type.