



COYOTE VALLEY

Band of Pomo Indians

COYOTE VALLEY BAND OF POMO INDIANS TRIBAL ELDER ASSISTANCE PROGRAM

I. PURPOSE:

Provisions set forth in Ordinance # CV-02-2016-01 (“Coyote Valley General Welfare Ordinance”) Section 4.1, permit the Coyote Valley Tribal Council to establish “Approved Programs” that fulfill a “General Welfare Need.” An Approved Program meets a General Welfare Need if it provides a Benefit to a Tribal Member to rectify the impact of generations of prior unmet need, is in consideration of the needs of the whole Tribe, provides assistance to currently underprivileged Tribal Members, or compensates for federal program underfunding. Approved Programs provide assistance to Coyote Valley Tribal Members on a non-taxable basis, so long as:

- (1) The Approved Program has written guidelines that specify how Tribal Members may qualify for the Benefit; and
- (2) The Approved Program has written guidelines that specify how Tribal Members may qualify for the Benefit; and
- (3) The Benefit is available to any Tribal Member who satisfies the Approved Program guidelines; and
- (4) The distribution of Benefits from the Approved Program does not discriminate in favor of members of the governing body of the Tribe; and
- (5) The Benefit is not compensation for services unless it is the type of service provided for in the General Welfare Ordinance; and
- (6) The Benefit is not lavish or extravagant; and
- (7) The Benefit meets a General Welfare Need.

The Coyote Valley Tribal Council has determined that Tribal Elders of the Tribe will benefit greatly from additional financial assistance to pay for basic living expenses, including but not limited to, utilities and food. This interest satisfies a General Welfare Need listed in the Coyote Valley General Welfare Ordinance, Section 6.5.

II. DEFINITIONS

Approved Program—any program approved by the Tribal Council that provides a service or payment meeting a General Welfare Need.

Benefit(s)—the services and/or payments provided through an Approved Program to a Tribal Member or his or her spouse or dependent, whether made directly or indirectly, by payment or reimbursement, or in cash or in property.

Distribution Date—the third (3rd) Thursday or the 20th of each calendar month, whichever date occurs sooner.

Garnishment or Garnish—a legal process permitting the taking of a Tribal Member's Per Capita or Non-Gaming payment(s) wages to satisfy a debt.

General Welfare Need—a need, in the sole discretion of the Tribal Council, which must be met to ensure the Tribe's longevity as a self-governed Indian tribe.

Hearing Request— means a written request to the Tribal Court to overturn the Tribal Council's decision to require garnishment and repayment and/or forfeiture and revocation for a Tribal Member's misuse of Approved Program Benefits.

Internal Revenue Service or IRS—the federal agency responsible for administering and enforcing all internal revenue laws in the United States.

Non-Gaming Payment—a payment made to an individual Tribal Member from the Tribe's proceeds of the California Indian Gaming Revenue Sharing Trust Fund. Non-Gaming Payments are not subject to the rules of the Tribe's Revenue Allocation Plan.

Per Capita Payment—a payment made to an individual Tribal Member from the Tribe's gaming revenues. Per Capita Payments are subject to the rules of the Tribe's Revenue Allocation Plan.

Pledge—a voluntary garnishment of per capita or non-gaming payment(s) as security against a debt owed to Tribe.

Revenue Allocation Plan—Coyote Valley Band of Pomo Indians Resolution #09-01 ("Use of Gaming Revenues").

Tribal Council—the duly elected governing body of the Coyote Valley Band of Pomo Indians.

Tribal Elder—an enrolled member of the Tribe aged fifty-five (55) or older.

Tribal Court—the judiciary branch of the Tribe as set forth and provided for under the Tribe's Constitution Article 14, and shall specifically mean the Northern California Intertribal Court System, which the Tribe joined by Resolution No. 02-29-12-04. If there is no court

that can exercise jurisdiction, then the Coyote Valley Tribal Council shall constitute the “Tribal Court” for the purposes of this Ordinance.

Tribal Member—an enrolled member of the Coyote Valley Band of Pomo Indians.

Tribe—the Coyote Valley Band of Pomo Indians.

III. PROGRAM ELIGIBILITY

- (1) Tribal Elders are eligible to participate in the Tribal Elder Assistance Program.
- (2) Tribal Elders desiring to participate in the Tribal Elder Assistance Program must complete a written application, on a form created by the Tribe, requesting participation in the Program. Tribal Elders shall only be required to complete the application process one time, unless their contact information changes.
- (3) The Tribal Elder must declare, in writing and under penalty of perjury that the Tribal Elder will only use the Benefits received under the Tribal Elder Assistance Program for the authorized uses listed in Section IV below.
- (4) The Tribal Elder must elect in writing to pledge their Per Capita Payment(s) and Non-Gaming Payments as security owed to the Tribe which may be garnished as reimbursement for the stipend if the Tribal Council discovers that the Tribal Elder Assistance Program Stipend has been misused.
- (5) Tribal Elders must notify the Tribe if their mailing address and other contact information changes. The Tribe will update the Tribal Elder’s address within the Tribe’s records system for all purposes based on the address provided on the Tribal Elder’s application or based on an updated address provided by the Tribal Elder.

IV. ELDER ASSISTANCE PROGRAM STIPEND AND STIPEND PERMITTED USES

- (1) Each calendar month, the Tribe shall mail an Elder Assistance Program Stipend (“Stipend”) check in the amount of one-hundred dollars (\$100.00), subject to available funds, to each Tribal Elder who has satisfied the Program Eligibility requirements of Section III and for whom the Tribal Health and Human Services Department has received an application for the Tribal Elder Assistance Program no later than ten (10) calendar days prior to the Distribution Date. The amount distributed to each eligible Tribal Elder shall be established through budget adjustments approved by the Tribal Council.
- (2) The Stipend may only be used for the following purposes:
 - (a) Utility payments, including electricity, water, natural gas, propane, other heating bills, sewer, and garbage; and

- (b) Housing improvements and/or improvements to adapt housing to special needs (including but not limited to grab bars and wheelchair ramps);
- (c) Rent and/or mortgage payments;
- (d) Medical expenses, including medical treatment, medications and traditional medical practices as further defined in Section 6.2 of the General Welfare Ordinance; and
- (e) Home care, including but not limited to, assistance with preparing meals or doing chores, or day care outside the home;
- (f) Local transportation assistance
- (g) Travel expenses for doctor appointments or other medical care;
- (h) Meals delivered through a home-delivered meals program or at a Tribal center or other community center; and
- (i) To purchase food. "Food" is any nutritious substance to eat or drink. "Food" does not include alcohol, tobacco, pet foods or meals from restaurants.

V. MISUSE OF PROGRAM STIPEND

- (1) If the Tribal Council discovers that an Tribal Elder has misused the Stipend funds in violation of Section IV, then the Tribal Council shall:
 - (a) Garnish the Tribal Elder's Per Capita Payments and/or Non-Gaming Payments in the amount of the misused funds, in accordance with the provisions of the Coyote Valley Debt Collection Policy; and
 - (b) Revoke the Tribal Elder's eligibility to receive future Elder Assistance Program Stipend Benefits for six (6) months.
- (2) The burden of proving that a Tribal Elder has misused Stipend funds shall be on the Tribal Council.
- (3) Evidence of a receipt(s) showing that the Tribal Elder used the Stipend funds only for approved purchase(s) shall be conclusive to prove that the Stipend funds were not misused.

- (4) A Tribal Elder may request a hearing with the Tribal Court any time following receipt of a notice of garnishment and repayment or a notice of forfeiture and/or revocation by submitting a written Hearing Request to the Tribal Court and a copy to the Secretary of the Tribal Council. This hearing procedure shall supersede all other hearing and dispute resolution procedures for the purposes of this Elder Assistance Program.

VI. GENERAL PROVISIONS

- (1) Program Administration. This Program shall be administered by the Tribe's Health and Human Services Department.
- (2) No New Benefits Created by this Program. This Program does not create or establish individual assistance rights. Rather, this Program is intended to affirm the right of the Tribe to provide non-taxable assistance to its Tribal Members.
- (3) Benefits are Assets of the Tribe Until Distributed. The Tribal Council, through its annual budgeting process, or by resolution or by motion, shall designate those funding sources that are available for the payment of Benefits as part of this Program. No Tribal Member shall have an interest in or right to any funds budgeted for or set aside for Benefit payments until actually paid. Benefit payments shall remain assets of the Tribe until distributed.
- (4) Inalienability of Benefits. A Tribal Elder's right to Benefits under this Program is not subject to alienation, sale, transfer, assignment, pledge, encumbrance, levy, attachment, or garnishment by creditors or his or her beneficiaries.
- (5) Policy, Not Law. For the avoidance of doubt, it is expressly recognized that this policy is not Tribal law, but instead policy approved by Tribal Council pursuant to Tribal law, specifically the Coyote Valley General Welfare Ordinance.
- (6) Effective Date. This Policy shall become effective following the approval of the General Welfare Ordinance by the Coyote Valley Tribal Chief and approval of the Policy by the Tribal Council.

APPROVAL

Approved February 26, 2015 by a vote of 7 for 0 against
with 0 abstaining.



Michael Hunter, Chairman
Coyote Valley Tribal Council



Candace Gonzalez, Secretary
Coyote Valley Tribal Council