

**POKAGON BAND OF POTAWATOMI INDIANS
POKAGON BODE`WADMIK OGITCHEDAW
EMERGENCY ASSISTANCE PROGRAM POLICY**

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Section 1 Findings and Purpose

- (a) In honor and recognition of the contributions and sacrifices the Ogitchedaw have made to the Band and their important role in the Band community, the Pokagon Bode´wadmik Ogitchedaw Board was established.
- (b) The powers and authority of the Pokagon Bode´wadmik Ogitchedaw Board include making financial donations to Veterans.
- (c) In accordance with Section VI (A) 10 of the Code, the Board may make certain donations, provided such are made pursuant to a written policy approved by the Board and the Tribal Council and no such donation exceeds \$1,500. This Policy is intended to implement this requirement in order to permit the Board to make donations for Emergency Assistance.
- (d) This Policy establishes the written guidelines under which Emergency Assistance may be provided.
- (e) The Tribal Council has determined that it is in the best interests of the Band, including the Board to establish this Program and Policy to promote the general welfare of Veterans, including Veterans who are Citizens or reside in the same household as a Citizen.
- (f) The Band intends for this Program, to the extent applicable to Citizens, and spouses and dependents of Citizens, to satisfy all applicable requirements of the General Welfare Exclusion Act (codified at 26 U.S.C. § 139E *et seq.*), or IRS Rev Pro 2014-35, or both.
- (g) This Policy shall be interpreted, and the Program administered, in a manner consistent with the purposes expressed in this Section.

Section 2 Definitions

The following terms, whenever used or referred to in this Policy, shall have the respective meaning stated below, which shall apply regardless of whether such terms are used in their singular or plural form:

- (a) “Applicant” means the person requesting Emergency Assistance from the Board.
- (b) “Application” means the form approved by the Board under Subsection 6(a) of this Policy.

- (c) “Band” means the Pokagon Band of Potawatomi Indians.
- (d) “Board” means the Board of Directors of the Pokagon Bode´wadmik Ogitchedaw Board established by the Code.
- (e) “Citizen” means a duly enrolled member of the Band.
- (f) “Code” means the Pokagon Bode´wadmik Ogitchedaw Code.
- (g) “Emergency Assistance” means a donation of financial assistance provided under this Policy.
- (h) “Finance Department” means the Band’s Finance Department.
- (i) “Policy” means this Emergency Assistance Program Policy.
- (j) “Program” means the Pokagon Bode´wadmik Ogitchedaw Emergency Assistance Program, a legislatively provided social benefit program for the promotion of the general welfare, established by the Tribal Council under this Policy.
- (k) “Qualified Nonmember” means a spouse, former spouse, legally recognized domestic partner or former domestic partner, ancestor, descendant, or dependent of a Citizen.
- (l) “Tribal Council” means the governing body of the Band as set forth in Article IX of the Band Constitution.
- (m) “Veteran” means a person who:
 - (1) Is a Citizen or Qualified Nonmember who resides in the same household as a Citizen; and
 - (2) Actively served in:
 - (i) any branch of the United States military or
 - (ii) any military reserve force of any branch of the United States military or any State Defense Force; and

- (3) Possesses a discharge other than dishonorable; provided, however, that if one possess a dishonorable discharge he or she must provide an explanation regarding the circumstances of such.

- (n) “Vendor” means the person or entity that is, or will, provide any service or perform work, all or a portion of which will be paid for with Emergency Assistance, including a seller of goods or services.

Section 3 Types of Need

Emergency Assistance may only be provided for the following types of needs:

- (a) Payment for temporary relocation and shelter for the Veteran when such person’s principal residence has been destroyed or damaged, including without limitation, by natural disaster or fire; and

- (b) Payment for medical services or supplies, food, clothing, shelter, utilities, and similar expenses when necessary for the health or safety of the Veteran.

Section 4 Eligibility

- (a) Only Veterans, who otherwise satisfy all requirements of this Policy, shall be eligible to receive Emergency Assistance pursuant to this Policy.

- (b) Applicants shall be encouraged to exhaust all other applicable Band assistance programs before seeking Emergency Assistance.

- (c) Each Applicant shall complete and return an Application and supply all requested documentation.

- (d) Applicants shall have the burden of demonstrating to the Board, eligibility for Emergency Assistance under this Policy.

- (e) Emergency Assistance shall be awarded in accordance with this Policy and shall not discriminate in favor of members of the Tribal Council.

Section 5 Amount and Payment

- (a) Emergency Assistance shall not exceed \$1,500 per Veteran.

- (b) No Veteran shall receive more than \$1,500 per calendar year in Emergency Assistance.
- (c) No household of a Veteran shall receive more than \$1,500 in Emergency Assistance per calendar year.
- (d) Subject to the requirements of this Policy, the Board shall determine the amount of Emergency Assistance to award.
- (e) Emergency Assistance may be paid directly to the Veteran, or the Board may, in its sole discretion, pay Emergency Assistance directly to a Vendor on behalf of a Veteran.
- (f) Emergency Assistance will be awarded on a first-come, first-served basis, provided, that the Board may determine priority among Applications based on: (1) the greatest emergency need; and (2) whether the Emergency Assistance is for a Veteran who is a Citizen.

Section 6 Application

- (a) Requests for Emergency Assistance shall be made on an Application provided by the Board.
- (b) At a minimum, the Application shall require the Applicant provide all of the following:
 - (1) The Applicant's name, address, and telephone number;
 - (2) If the Applicant is not the Veteran needing Emergency Assistance, then the Applicant must provide the name, address, and telephone number of such Veteran;
 - (3) The amount of Emergency Assistance requested;
 - (4) Whether the Emergency Assistance is for a Veteran who is a Citizen;
 - (5) A description of the need for the Emergency Assistance;
 - (6) A description of why the Veteran is unable to meet the need;
 - (7) The date by which the Emergency Assistance is desired;
 - (8) Whether the Veteran or anyone within such person's household has previously received Emergency Assistance, including the date(s) of receipt and amount(s);
 - (9) The names of all persons who reside at the household of the Veteran and who have resided at such household within the calendar year and whether such persons are Citizens;

- (10) As to any Veteran that is not a Citizen, identify whether the Veteran resides in the same household as a Citizen and how the Veteran meets the definition of Qualified Nonmember;
- (11) If the Veteran possesses a dishonorable discharge, an explanation regarding the circumstances of such; and
- (12) All supporting documentation.

(c) All completed Applications shall be returned to the Board.

Section 7 Processing Applications

- (a) The Board shall ensure that each Application received is stamped with the time and date of receipt by the Board.
- (b) The Board shall review completed Applications and decide whether Emergency Assistance may be provided pursuant to this Policy.

Section 8 Decision

- (a) The Board shall endeavor to review completed Applications and make a decision on such within seven business days of receipt.
- (b) If the Board determines that the Veteran is eligible for Emergency Assistance and funding is available, the Board shall approve the Application for Emergency Assistance.
- (c) Any decision to approve or to reject any Application shall be made by motion or resolution of the Board. If the Application is for Emergency Assistance for a Veteran who otherwise meets all requirements of this Policy but possesses a dishonorable discharge, any decision to approve the Application: (1) is in the Board's sole discretion and (2) must be approved by 2/3 majority of the Board. Any decision of the Board regarding an Application shall be final and not subject to appeal.
- (d) If the Board approves an Application, the Board Secretary or such person's designee shall submit a check request to the Finance Department in the amount approved by the Board.

Section 9 Notification of Decision

- (a) The Board shall provide written notice to the Applicant of the Board's decision.

(b) Such written notice shall, at a minimum, include:

- (1) The amount of Emergency Assistance and any instructions to arrange for the issuance of the Emergency Assistance payment, if the decision was to approve the Application; and
- (2) If the decision was deny the Application, the specific reason(s) for denial.

Section 10 Miscellaneous

- (a) The Board shall maintain, for a minimum of four years, the Application and records of all Emergency Assistance payments.
- (b) The Board shall ensure that a copy of this Policy is made available to Citizens upon request.
- (c) Nothing contained in this Policy shall be construed to vest in any person, entity, or Applicant, any right or interest in any Band revenues or assets.
- (d) This Policy may only be amended or repealed by the Tribal Council.

POLICY HISTORY

In accordance with Section VI (A) 10 of the Code, this Policy was approved by the Board on May 19, 2016 and by the Tribal Council on June 13, 2016 by Resolution 16-06-13-04; amended on December 18, 2017 by the Tribal Council by Resolution 17-12-18-01.