

# PASCUA YAQUI TRIBE

RESOLUTION NO. C07-187-20

**RESOLUTION OF THE PASCUA YAQUI TRIBE REPEALING TITLE 6, PART II, CHAPTER 3-1 AND ADDING A NEW TITLE 6, PART II, CHAPTER 3-1 OF THE PASCUA YAQUI CODE.**

- WHEREAS,** Article VI, Section 1(o) of the *Constitution of the Pascua Yaqui Tribe* authorizes the Tribal Council to develop and adopt ordinances, resolutions, rules and regulations to protect and promote the peace, health, safety and general welfare of the Pascua Yaqui people and to facilitate the conduct and operations of tribal government; and
- WHEREAS,** Article VI, Section 1(d) of the *Constitution of the Pascua Yaqui Tribe* authorizes the Tribal Council to appropriate available tribal funds for public, governmental and business purposes serving the general welfare of the Pascua Yaqui Tribe; and
- WHEREAS,** on May 27, 2020, the Pascua Yaqui Tribal Council enacted Ordinance 27-20, codified at Title 6, Part II, Chapter 3-1, which approved the Pascua Yaqui Coronavirus Relief Fund General Welfare Grant Program to assist individual members of the Tribe that have been directly impacted by the COVID-19 pandemic on a nontaxable basis pursuant to the General Welfare Doctrine; and
- WHEREAS,** this Pascua Yaqui Coronavirus Relief Fund General Welfare Grant Program is funded, in part, through the Coronavirus Relief Fund (CRF), authorized in Title V of the CARES Act, and is intended to promote the general welfare of the Tribe; and
- WHEREAS,** the Office of Attorney General drafted and approved as to form amendments to the *Pascua Yaqui Coronavirus Relief Fund General Welfare Grant Ordinance*, which is attached to this Resolution as Ordinance No. 39-20, and are incorporated into this Resolution by reference; and
- WHEREAS,** the Tribal Council finds it in the best interests of the Tribe and the Tribe's members to amend the *Pascua Yaqui Coronavirus Relief Fund General Welfare Ordinance*; and

**NOW THEREFORE BE IT RESOLVED BY THE TRIBAL COUNCIL OF THE PASCUA YAQUI TRIBE** that Ordinance No. 39-20 entitled *Pascua Yaqui Coronavirus Relief Fund General Welfare Grant Ordinance* is hereby approved and adopted and that the Chairman is hereby authorized to sign all documents and take any necessary and proper action to execute, implement, and enforce this Resolution and Ordinance No. 39-20.

**CERTIFICATION**

**THE FOREGOING RESOLUTION** was duly adopted on **July 29, 2020** by a vote of **TEN** in favor, **ZERO** opposed, and **ZERO** abstaining, by the Tribal Council of the Pascua Yaqui Tribe pursuant to authority vested in it by Article VI, Sections 1(l), (o) and (t) of the Constitution of the Pascua Yaqui Tribe as adopted on January 26, 1988 and approved by the Secretary of the Interior on February 8, 1988 pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).

  
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**CHAIRMAN OF THE PASCUA YAQUI TRIBE**

  
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**SECRETARY OF THE PASCUA YAQUI TRIBE**





# PASCUA YAQUI TRIBE



## ORDINANCE 39-20

**BE IT ENACTED BY THE PASCUA YAQUI TRIBAL COUNCIL AN ORDINANCE REPEALING TITLE 6, PART II, CHAPTER 3-1 AND ADDING A NEW TITLE 6, PART II, CHAPTER 3-1 OF THE PASCUA YAQUI TRIBAL CODE.**

### **Section 1.**

**The Pascua Yaqui Tribal Code, as codified as Title 6, Part II, Chapter 3-1 is hereby repealed and adding a new Chapter 3-1 “Coronavirus Relief Fund General Welfare Grant Program” as follows:**

### **SUBCHAPTER A GENERAL PROVISIONS**

#### **Section 10 Authority (6 PYTC § 3-1-10)**

The Pascua Yaqui Tribal Council is authorized to enact legislation and take such other actions as it deems necessary to protect the health and welfare of the Tribe and its members, including efforts to combat national and local health emergencies.

A declaration of national emergency was issued on March 13, 2020 with regard to the novel Coronavirus (“COVID-19”). In response, the federal, state and Tribal governments have taken measures to mitigate and prevent the spread of the disease.

The Tribal Council now desires to enact legislation to further address COVID-19 and further its effort to mitigate the spread and impact of the disease. This legislation will promote the social and general welfare of the Tribe and all of its members. The Pascua Yaqui Tribe affirms its sovereign right to provide assistance to Pascua Yaqui tribal members on a nontaxable basis, pursuant to Internal Revenue Code (the “Code”) Section 139E and Revenue Procedure 2014-35 (hereafter, the “General Welfare Doctrine”).

This Chapter provides a framework for approved programs to follow to ensure compliance with the General Welfare Doctrine including Code Section 139E.

#### **Section 20 Short Title; Codification (6 PYTC § 3-1-20)**

This ordinance may be cited as the “Coronavirus Relief Fund General Welfare Grant Program Ordinance.”

#### **Section 30 Purpose (6 PYTC § 3-1-30)**

To provide a general welfare program that will provide financial support grants to enrolled individual tribal members over 18 years of age and families directly affected by the COVID-19 public health emergency.

In establishing this program, the Tribe recognizes that many of the COVID-19 mitigation efforts have a direct impact on individual members and families of the Tribe, including (without limitation): social distancing requirements; reduced employment opportunities; increased cost of food and supplies; increased household costs and utilities; additional education and child care costs; burdens due to business and government service closures; the additional reliance on technology, phone and internet services; and the need for additional cleaning supplies and activities to meet Centers for Disease Control and other recommended guidelines. The Tribe further recognizes the direct impact and hardship on tribal culture, traditions and ceremonial gatherings.

This program is intended to promote the general welfare of the Tribe and its members by alleviating hardships endured due to COVID-19 through providing (without limitations):

- (1) Financial stabilization for tribal members and tribal families who are impacted by COVID-19 and are experiencing a loss of income and/or additional household expenses due to COVID-19;
- (2) Ensuring food security and continued education during the COVID-19 pandemic;
- (3) Assistance with childcare and medical and health services that are necessary due to COVID-19 pandemic;
- (4) Unreimbursed reasonable and necessary personal, living, family and other expenses (consistent with this Section 30) incurred due to the COVID-19 disaster and public health emergency.

**Section 40     Standards     (6 PYTC § 3-1-40)**

Enrolled Tribal Members seeking assistance under the Coronavirus Relief Fund General Welfare Grant Program entitled: PYT CARES shall apply on a form specified by the Treasurer's Office that is designed to demonstrate the unique COVID-19 related needs of each applicant.

**Section 50     Eligibility Requirements for Assistance (6 PYTC § 3-1-50)**

To be eligible for a general welfare grant, the person must:

- (1) Be an enrolled tribal member as of May 27, 2020;
- (2) Be at least 18 years of age;
- (3) Live in the State of Arizona; and
- (4) Apply for assistance based on need specifically related to COVID-19, with the burden of proof to establish need warranting participation in the



Coronavirus Relief Fund General Welfare Grant Program resting on the applicant.

**Section 60     Application Process (6 PYTC § 3-1-60)**

- (1) Each applicant shall provide the following information:
  - (a) Identifying information, including:
  - (b) Date of Application;
  - (c) Name of Applicant;
  - (d) Work Number;
  - (e) Cell Number;
  - (f) Mailing Address;
  - (g) Email Address;
  - (h) Tribal Enrollment Number;
  - (i) If medical and/or healthcare-related expenses, proof of health coverage denial of payment;
  - (j) If mortgage or rent expenses, proof of monthly expenses and/or payments; and
  - (k) Documented proof of economic impact due to COVID-19.

**SUBCHAPTER B     COVID-19 RELATED ASSISTANCE PROGRAMS**

**Section 70     Assistance Programs (6 PYTC § 3-1-70)**

- (1) **Tribal Families Support.** Provides assistance to tribal member families (defined as having at least one child in the home) to offset additional childcare, medical and health care costs related to the COVID-19 pandemic.
  - (a) **Amount of Grant** – Each eligible family will receive \$200.00 per child (under eighteen years of age), and per court-ordered ward (regardless of age) and \$200.00 per adult.
- (2) **Household Security.** Provides assistance to any adult tribal member who has been impacted by the COVID-19 pandemic for mortgage payment, rental payment, utility payments, food/groceries, and cleaning and disinfectant supplies.

- (a) **Amount of Grant** – Each eligible head of household will receive \$500.00 for necessary household expenses as defined above that are incurred due to COVID-19.
  - (b) **Amount of Grant** – Each eligible adult applicant that is not the head of household will receive \$150.00 for necessary household expenses as defined above that are incurred due to COVID-19.
- (3) **Disaster Stabilization.** Provides assistance to tribal members who have been laid off or furloughed or have reduced work hours and reduced wages due to the COVID-19 pandemic. Disaster stabilization assistance shall not provide compensation for services and shall not be construed as payroll support. If a tribal member's loss of income has been fully reimbursed by unemployment compensation, disaster stabilization assistance will not be available.
  - (a) **Amount of Grant** – Each eligible tribal member will receive \$2,000.00 for disaster stabilization.
  - (b) **Mortgage/rental home payment**-Up to \$2,000.00 in additional funding for an eligible tribal member head of household, based on documented housing expenses.
  - (c) Total amount of grant to a single household under this section (3) shall be capped at \$5,000.00.
- (4) **Education Support.** Provides technology-related assistance to students impacted by the COVID-19 pandemic and who need additional technological support or mechanisms in order to successfully complete their coursework during the current COVID-19 pandemic.
  - (a) **Pre-kindergarten, Kindergarten through High School, and GED-**Qualifying students currently enrolled in a program that will require some form of remote work due to COVID-19 shall receive a loaner laptop, wi-fi assistance, and associated tools needed to complete the remote coursework. Once the need has been resolved, applicant shall return the laptop and associated tools, which shall remain the property of the Tribe.
  - (b) **Higher Education and Trade School-** Qualifying students currently enrolled in a program that will require some form of remote work due to COVID-19 may be eligible for a grant of up to \$2,000.00 for necessary expenditures. This grant may be made either on a reimbursement basis or the Education Department may procure the needed items upon approval of the application. Documentation of expenses will be required in advance of any grant approval.

**Section 80      Application Deadline (6 PYTC § 3-1-808)**

Applications must be submitted no later than October 30, 2020 or until funding has been exhausted.

**Section 90      Reporting (6 PYTC § 3-1-90)**

Applicants will be required to provide an attestation verifying their application. In the event that an applicant's COVID-19 related needs are less than the assistance received, applicants must return any excess funds to the Tribe. Applicants must retain all receipts related to expenditures as the Tribe reserves the right to audit and review program compliance. If a grant is structured as a reimbursement program, applicants must provide documentation expenses prior to the receipt of any grant funds.


**Section 2.**

Code Reviser Discretion

The Code Reviser of the Pascua Yaqui Tribe is hereby authorized to insert this Ordinance in the Pascua Yaqui Code, to include a section on legislative history, and to renumber the sections hereof in accordance with Title 1, Chapter 1 of the Pascua Yaqui Code, the Codification Ordinance, without further action or approval.

**Section 3.**

This Ordinance shall go into effect immediately.

  
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CHAIRMAN OF THE PASCUA YAQUI TRIBE

7/29/2020  
Date

  
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SECRETARY OF THE PASCUA YAQUI TRIBE

7/29/2020  
Date

