

**RESOLUTION OF THE GOVERNING BODY
OF THE
WASHOE TRIBE OF NEVADA AND CALIFORNIA**

- WHEREAS,** the Washoe Tribe of Nevada and California (“Washoe Tribe” or “Tribe”) is organized under the provisions of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended, to exercise certain rights of home rule and to be responsible for the general welfare of its membership; and
- WHEREAS,** the Washoe Tribe Constitution, Article VI, Section 1(e) empowers the Washoe Tribal Council to manage the economic affairs of the Tribe; and
- WHEREAS,** in response to the COVID-19 public health emergency, the federal government enacted the American Rescue Plan Act (“ARPA”), Pub. L. 117-2 (Mar. 11, 2021), which established a Coronavirus State Fiscal Recovery Fund (“FRF”) to be administered by the U.S. Department of the Treasury (“Treasury”), and
- WHEREAS,** the Tribe has or will receive payments from the FRF; and
- WHEREAS,** the ARPA states that a Tribal government may use FRF payments, among other things, “to cover costs incurred by the Tribal government, by December 31, 2024 ... to respond to the public health emergency with respect to the Coronavirus Disease 2019 (“COVID-19”) or its negative economic impacts, including assistance to households,” ARPA § 602(c)(1)(B); and
- WHEREAS,** the Treasury has issued guidance regarding how Treasury interprets the ARPA provisions regarding permissible FRF expenditures, Treasury Department, Coronavirus State and Local Fiscal Recovery Funds Interim Final Rule 86 Fed. Reg. 26786 (May 17, 2021) (hereafter “Interim Final Rule”), and has further provided Coronavirus State and Local Fiscal Recovery Funds Frequently Asked Questions (updated June 10, 2021) (hereafter “FAQ”); and
- WHEREAS,** the Treasury’s Interim Final Rule provides that FRF monies may be used to provide “[a]ssistance to households or populations facing negative economic impacts due to COVID-19,” including: “Food assistance; rent, mortgage, or utility assistance; counseling and legal aid to prevent eviction or homelessness; cash assistance (discussed below); emergency assistance for burials, home repairs, weatherization, or other needs; internet access or digital literacy assistance; or job training to address negative economic or public health impacts experienced due to a worker’s occupation or level of training,” 86 Fed. Reg. at 26794; and
- WHEREAS,** the Interim Final Rule establishes 31 C.F.R. § 35.6(b) (8) authorizing “[a] assistance programs, including cash assistance programs, that respond to the COVID-19 public health emergency,” 86 Fed. Reg. at 26822; and Treasury’s FAQ answers in the affirmative the question of whether recipients of FRF monies may provide “direct cash transfers to households,” FAQ at Q. 2.6; and
- WHEREAS,** the Interim Final Rule states that, “in considering whether a potential use is eligible under this category, a recipient must consider whether, and the extent to which, the household has experienced a negative economic impact from the pandemic. In assessing whether a household or population experience economic harm as a result of the pandemic, a recipient may presume that a household or population that experience unemployment or increased food or housing insecurity or is low- or moderate-income experienced negative economic impacts resulting from the pandemic. For example, a cash transfer program may focus on

unemployed workers or low- and moderate- income families, which have faced disproportionate economic harms due to the pandemic.” 86 Fed. Reg. at 26794; and

WHEREAS, the Interim Final Rule further states that: “Cash transfers must be reasonably proportional to the negative economic impact they are intended to address. Cash transfers grossly in excess of the amount needed to address the negative economic impact identified by the recipient would not be considered to be a response to the COVID-19 public health emergency or its negative impacts. In particular, when considering the appropriate size of permissible cash transfers made in response to the COVID-19 public health emergency.... Tribal governments may consider and take guidance from the per person amounts previously provided by the Federal Government in response to the COVID-19 crisis. Cash transfers that are grossly in excess of such amounts would be outside the scope of eligible uses... and could be subject to recoupment,” *Id.*; and

WHEREAS, the Interim Final Rule further provides that “a recipient could provide survivor’s benefits to surviving family members of COVID-19 victims, or cash assistance to widows, widowers, and dependents of eligible COVID-19 victims,” *Id.*; and

WHEREAS, the Treasury’s FAQ provides that recipients may use FRF monies to provide assistance to households for “economic harms experienced or costs incurred by the household [due to the COVID-19 public health emergency] prior to March 3, 2021,” FAQ at Q. 4.7; and

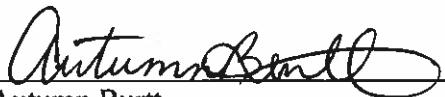
WHEREAS, on July 13, 2021, the Washoe Tribal Council passed a motion to set aside approximately \$7,000,000.00 to provide financial assistance and food assistance to each enrolled member of the Washoe Tribe consistent with proposed legislation; and

NOW THEREFORE BE IT RESOLVED, the Washoe Tribal Council hereby adopts the following COVID-19 Financial and Food Assistance to Households Program as Attachment 1; and

NOW THEREFORE BE IT FINALLY RESOLVED, the Washoe Tribal Council hereby adopts the application for the COVID-19 Financial and Food Assistance to Households Program as Attachment 2.

CERTIFICATION

It is hereby certified that the Washoe Tribal Council is the governing body of the Washoe Tribe of Nevada and California composed of twelve (12) members of whom ten (10), constituting a quorum, were present at a meeting duly held on the 27th day of July, 2021, and that the foregoing resolution was adopted by the affirmative vote of six (6) for, two (2) against, and two (2) abstentions pursuant to the authority contained in Article VI, Section 1(h) of the Amended Constitution and Bylaws of the Washoe Tribe of Nevada and California.


Autumn Burt
Secretary-Treasurer
Washoe Tribe of Nevada and California

07/28/2021
Date



The Washoe Tribe of Nevada and California



Washoe Tribe Administration and Emergency Operations Center: Household Economic and Food Assistance Program

Section 1. Findings.

The Washoe Tribal Council hereby finds and declares the following:

1. The Washoe Tribe of Nevada and California ("Tribe" or "Washoe Tribe") has approximately 1,433 enrolled members as of July 13, 2021.
2. A large percentage of the Tribe's enrolled members live on one of the four (4) reservation of the Washoe Tribe: Dresslerville Colony, Carson Colony, Woodfords Colony, Stewart Colony and Washoe Tribe allotment lands ("Reservation"), and a large percentage live off-reservation in urban areas across Nevada and California, and across the country.
3. The Reservation is located in Douglas County, Nevada; Carson City County, Nevada, and Alpine County, California.
4. Reservation residents suffer from high rates of unemployment.
5. Reservation and off-Reservation residents suffer from high levels of food insecurity.
6. Reservation and off-Reservation residents suffer from high levels of housing insecurity, including homelessness, overcrowding, and unsafe and uninhabitable housing.
7. Washoe Tribal members have suffered significant and disproportionate negative economic and health impacts and other harms due to the COVID-19 public health emergency, including unemployment, increased food and housing insecurity, increased expenses, and loss of income.
8. Nationwide, American Indians have the highest per capita death rate from COVID-19, according to the American Public Media Research Lab, and American Indians have died from COVID-19 at more than twice the rate of white Americans, according to the Centers for Disease Control. On the Washoe Tribe Reservation, there have been at least one hundred documented COVID-19 cases, with at least 6 deaths, according to local health agencies.
9. Tribal members have required and continue to require financial assistance for food, utilities, housing, rent and mortgage payments, home repairs, medical and burial expenses, distance learning and telework expenses, job training, personal protective equipment and sanitation supplies, and other expenses in response to the COVID-19 public health emergency.
10. Washoe Tribal members have required and continue to require economic assistance to enable them to comply with the Tribe's public health measures, including but not limited to measures relating to sheltering in place, self-quarantining, and physical distancing.
11. The economic assistance authorized by this Resolution is reasonably proportional to the negative economic and health impacts and other harms tribal member households have faced as a result of the COVID-19 public health emergency.
12. The economic assistance authorized by this Ordinance is necessary to enable compliance with public health measures in response to COVID-19.

Section 2. Economic Assistance to Households.

1. The Washoe Tribe shall provide one-time economic assistance to households of the Washoe Tribe by providing payments to enrolled members of the Tribe, utilizing funds from the Tribe's Coronavirus State and Local Fiscal Recovery Fund ("FRF") payment, in the amount of \$3,200 per eligible enrolled tribal member in cash assistance, and one-time electronic benefit transfer ("EBT") food card loaded with \$1,800 per each enrolled member. The total aid each eligible tribal member may not exceed \$5,000. This economic assistance and food assistance will be expended only to address the needs arising from the COVID-19 public health emergency and its negative economic impacts.

Section 3. Eligibility.

1. **General Rule – Assistance is Based on Economic Harm.** The Washoe Tribe COVID-19 Household Economic and Food Assistance Program ("Program") shall be open to all enrolled members of the Washoe Tribe of Nevada and California who have experienced a negative economic impact from the COVID-19 public health emergency.
 - a. Applicant must be an enrolled member of the Washoe Tribe; or
 - b. An adult or custodian acting on behalf of an enrolled minor child or enrolled dependent in the Washoe Tribe of Nevada and California. The custodian of the minor child or dependent must provide judgment of custody, if applicable.
2. **Examples of economic harm.** The following are considered examples of negative economic impacts from the COVID-19 public health emergency:
 - a. Increased household expenses due to the COVID-19 public health emergency. Examples include but are not limited to: increased housing expenses to comply with public health measures, like shelter in place, self-quarantine, including increased rent, mortgage, or utility expenses and increased expenses for home repairs and weatherization; increased grocery or food delivery expenses due to sanitizing and personal protective equipment needs; increased child care expenses; increased expenses related to remote learning and telework; increased costs associated with caring for household members with COVID-19; increased costs associated with additional persons living in the household due to the pandemic; burial expenses for COVID-19 related deaths;
 - b. Decreased household income due to the COVID-19 public health emergency;
 - c. Persons in the household who experienced unemployment during the COVID-19 public health emergency;
 - d. Persons in the household who experienced food insecurity during the COVID-19 public health emergency;
 - e. Persons in the household who experienced housing insecurity during the COVID-19 public health emergency; and/or
 - f. Persons in the household who are surviving spouses or dependents of persons who have passed away due to COVID-19.
3. **Presumption of Economic Harm.** In assessing whether a tribal member experienced a negative economic harm as a result of the COVID-19 public health emergency, the Tribe will presume that the following tribal members experienced negative economic impacts resulting from the COVID-19 public health emergency:
 - a. Persons who live in households that experienced unemployment (persons age 18 and over) during the COVID-19 public health emergency;
 - b. Persons who live in households that experienced increased food insecurity during the COVID-19 public health emergency;

Resolution No. 2021-07-WTC-043

- c. Persons who live in households that experienced housing insecurity during the COVID-19 public health emergency;
 - d. Persons who live in households that are low- or moderate- income.
4. **Individual assessment of Economic Harm.** In order for the Tribe to make an assessment that a household has experienced a negative economic harm during the COVID-19 public health emergency, the tribal member applicant shall sign a self-certification under penalty of perjury. A signed certification that an applicant experienced a negative economic harm during the COVID-19 public health emergency, made by an applicant is sufficient for the Tribe to establish an individualized assessment of need. On the self-declaration form, an applicant shall sign, under penalty of perjury, that the applicant's adjusted gross income is is not more than \$75,000 for a single person, \$112,000 for a head of household, or \$150,000 for a married couple.
5. An application shall not be denied if the applicant's self-certification of adjusted gross income is more than \$75,000 for a single person, \$112,000 for a head of household, or \$150,000 for a married couple.
- a. The Tribe reserves the right to request additional information for proof of negative economic harm (such as furloughed hours, increased travel expenses to go to work or training, loss of revenue from a small-owned business, medical expenses, or other extenuating circumstance) and documentation from any applicant who self-certifies that their adjusted gross income is more than \$75,000 for a single person, \$112,000 for a head of household, or \$150,000 for a married couple.

Section 4. Application.

1. To receive one-time financial and food assistance under this program, an applicant must submit a signed "Application and Certification Form," to be provided by the Tribe, and the applicant must provide all information requested on the form and certify, under penalty of perjury and other applicable punishments under Tribal law, that:
- a. The applicant either:
 - 1. Is an enrolled member of the Tribe; or
 - 2. Is filing on behalf of a minor or other dependent of the applicant for which all of the following conditions are met:
 - a. The minor or other dependent is an enrolled member of the Tribe;
 - b. The minor or other dependent currently lives in the household of the applicant;
 - c. The minor or other dependent has lived in the home with the applicant for at least 30 days;
 - d. The applicant is the legal guardian or legal conservator of the minor or other dependent;
 - e. The applicant is the primary caregiver of the minor or other dependent;
 - f. No other person can claim that he or she is the legal custodian, legal guardian, legal conservator, or primary caregiver of the minor or other dependent; and
 - g. The funds received will be used solely for the benefit of the minor or other dependent.
 - 3. The applicant needs economic and food assistance due to actual negative economic impacts suffered by the applicant as a result of the COVID-19 public health emergency and such negative economic impacts are in an amount not less than \$3,200 cash assistance, and \$1,800 in food assistance;
 - 4. The applicant is in need of economic assistance as result of the COVID-19 public health emergency and its negative economic impacts based on one or more of the following:
 - a. Increased household expenses due to the COVID-19 pandemic;
 - b. Decreased household income due to the COVID-19 pandemic;
 - c. Persons in the household who are over age 18 have experienced unemployment during the pandemic and/or are currently unemployed;
 - d. Persons in the household have experienced housing insecurity during the pandemic;

- e. The household is low- or moderate- income; and/or
- f. Persons in the household are surviving spouses or dependents of persons who have passed away due to COVID-19;
- g. The applicant's claim of negative economic impacts from the COVID-19 public health emergency is not based on, and assistance will not be used for, any expense that has been or will be reimbursed under any federal program, any other Tribal program, or insurance;
- h. The applicant has and will retain for a minimum of three (3) years all evidence needed to support the applicant's claim of negative economic impacts from the COVID-19 public health emergency attested to in the application and will furnish a copy of such evidence to the Tribe upon demand, provided that any applicant whose adjusted gross income is more than \$75,000 for a single person, \$112,000 for a head of household, or \$150,000 for a married couple will be required to furnish such evidence together with the application;
- i. The applicant understands that while the Program is structured to be non-taxable to members under the Tribal General Welfare Exclusion Act and IRS Revenue Procedure 2014-35, if the Internal Revenue Service deems assistance taxable, then the Tribal member and not the Tribe shall be responsible for any taxes, interest and penalties;
- j. Nothing in the application waives the sovereign immunity of the Tribe; and
- k. The information contained in the application and certification form is true and accurate in all material respects, and the applicant understands that knowingly making a false statement to obtain this one-time financial assistance to households from the Tribe's FRF payment is punishable under the law.

Section 6. Designated Tribal Department

- 1. The Washoe Tribe Emergency Operations Center ("EOC") or ("Department") will administer the Program and disburse available funds in accordance with this Policy and any procedures it adopts thereunder.
- 2. Definitions. For the purposes of this Program, the following terms have the following meanings:
 - a. "Applicant" or "Program Recipient" is defined as an enrolled member of the Washoe Tribe of Nevada and California or parent/custodian filing an application on behalf of an enrolled minor child.
 - b. "Washoe Tribal Member" is an enrolled member of the Washoe Tribe of Nevada and California as of July 13, 2021.

Section 7. Limits on the COVID-19 Emergency Program's Available Financial Assistance.

- 1. Assistance provided by the Program is subject to a one-time payment that shall be immediately available to eligible tribal members and upon the passage of this Resolution. It is one-time, non-recurring emergency financial assistance. Individuals may only receive Program assistance once in a lifetime. Applicants must have a completed application submitted prior to December 1, 2022.

Section 8. How the EOC Determines the Amount of Assistance Provided.

- 1. The amount provided upon each request is a one-time \$3,200.00 cash assistance payment to each applicant and a one-time EBT food card for \$1,800.00 to each applicant.

Section 9. How do you Apply for Program Assistance?

- 1. Applicants must complete the attached application form in its entirety; and to the best knowledge of the applicant and return along with the applicable Tribal ID or CIB verifying Washoe Tribal enrollment.

2. Applicant must provide copies of the following documents and information as part of their application. Failure to provide the required information will result in an incomplete application:
 - a. Washoe Tribal ID card; or State issued driver's license or ID with a copy of Certificate of Indian Blood verifying current Washoe Tribe enrollment.
 - b. Proof of custody/guardianship of minor child and/or dependent (power of attorney or court judgment is acceptable for proof).

Section 10. Program Assistance Approval Process.

1. Department Review & Decision. Upon receipt of a completed application, the EOC will, within five (5) business days of receipt, review completed applications, verify the documentation, and make the following determination:
 - a. The application is complete and the applicant is eligible for Program funds and the application is approved; or
 - b. The Department is unable to verify the documentation and therefore unable to determine eligibility without further information and the application is denied; or
 - c. The applicant failed to complete the application and the application is denied; or
 - d. The applicant is ineligible for Program funds because of non-enrollment in the Washoe Tribe of Nevada and California and the application is denied.
2. Notification of Eligibility & Assistance. When the Department determines an applicant is eligible for Program funds, it will immediately inform the applicant and provide the approved financial assistance within two (2) calendar days of determination.
3. Notification that Unable to Determine Eligibility. If the Department is unable to verify the documentation provided and is therefore unable to determine eligibility, the Department will immediately inform the applicant and request additional information. The applicant will have three (3) business days to provide the necessary documentation. If requested documents are not received within the three (3) day period, the applicant will be determined ineligible for Program assistance. Once the additional information is received, the Department will make a determination. In the event where the applicant is unable to provide necessary documentation, the applicant will need to submit a new application and go through the process again. When the Department determines an applicant is ineligible for Program funds, the Department will immediately notify the applicant, in writing, with its findings as to why the application was denied.

Section 11. Applicant's Rights and Responsibilities.

1. The Department must provide applicants the opportunity to complete and sign the application form in the presence of a staff person on the same day as the request or inquiry. The Department must date-stamp the completed application for on the date it is received. A copy of the date-stamped application form shall be given to the applicant. All applications will be verified by the Tribal Council Secretary Treasurer to verify Washoe Tribe enrollment. Applicants are responsible for submitting all the required documentation, completing the application, and cooperating with the Department to process the application. Applicants may file electronic submissions of the application.

Section 12. Penalties for Fraud.

In accordance with applicable laws, the Department will establish a system of identifying and reporting suspected fraud. Intentional violations such as making a false or misleading statement, misrepresenting, or concealing facts is fraud. If an applicant commits these acts to establish Program eligibility, the Department may refer the case to the appropriate jurisdiction.

Washoe Tribe of Nevada and California



Household Economic and Food Assistance Program Application

Printed Name:

Mailing Address:

Email Address:

Community:

Phone Number:

Washoe Tribe Enrollment Number:

Applicant Self- Certification Regarding Adjusted Gross Income

Individual assessment of Economic Harm. In order for the Tribe to make an assessment that a household has experienced a negative economic harm during the COVID-19 public health emergency, the tribal member applicant shall sign a self-certification under penalty of perjury. A signed certification that an applicant experienced a negative economic harm during the COVID-19 public health emergency, made by an applicant is sufficient for the Tribe to establish an individualized assessment of need. On the self-declaration form, an applicant shall sign, under penalty of perjury, that the applicant's adjusted gross income is not more than \$75,000 for a single person, \$112,000 for a head of household, or \$150,000 for a married couple.

Please check applicable box below regarding adjusted gross income, self-certifying the applicant earned less than:

- \$75,000 for a single person. \$112,000 for a head of household. \$150,000 for a married couple.

OR

- Applicant's income exceeds \$75,000 for a single person, \$112,000 for a head of household, or \$150,000 for a married couple.

An application shall not be denied solely based on the applicant's self-certification of adjusted gross income that exceeds the amounts listed above. The Tribe reserves the right to request additional information and documentation from any applicant who self-certifies that their adjusted gross income is more than \$75,000 for a single person, \$112,000 for a head of household, or \$150,000 for a married couple. If so, initial below:

- The applicant has and will retain for a minimum of three (3) years all evidence needed to support the applicant's claim of negative economic impacts from the COVID-19 public health emergency attested to in the application and will furnish a copy of such evidence to the Tribe upon demand, provided that any applicant whose adjusted gross income is more than \$75,000 for a single person, \$112,000 for a head of household, or \$150,000 for a married couple will be required to furnish such evidence together with the application.

Applicant Self-Certification of Need

The applicant self-certifies that he or she needs economic and food assistance due to actual negative economic impacts suffered by the applicant as a result of the COVID-19 public health emergency and such negative economic impacts, for assistance in the amount of \$3,200 cash assistance, and \$1,800 in EBT food assistance, per enrolled member.

The applicant is in need of economic assistance as result of the COVID-19 public health emergency and its negative economic impacts based on one or more of the following:

- Increased housing expenses to comply with public health measures, like shelter in place, self-quarantine, including increased rent, mortgage, or utility expenses and increased expenses for home repairs and weatherization;
- Increased grocery or food delivery;
- Increased expenses due to sanitizing and personal protective equipment needs;
- Increased child care expenses;
- Increased expenses related to remote learning and telework;
- Increased costs associated with caring for household members with COVID-19;
- Increased costs associated with additional persons living in the household due to the pandemic;
- Burial expenses for COVID-19 related deaths;
- Increased household expenses due to the COVID-19 pandemic;
- Decreased household income due to the COVID-19 pandemic;
- Persons in the household who are over age 18 have experienced unemployment during the pandemic and/or are currently unemployed;
- Persons in the household have experienced housing insecurity during the pandemic;
- The household is low- or moderate- income; and/or
- Persons in the household are surviving spouses or dependents of persons who have passed away due to COVID-19.

For Minor Children and/or Dependents ONLY

For an application on behalf of a minor and/or dependent, the applicant certifies the following regarding the minor child (please initial each):

- [] The minor or dependent is an enrolled member of the Tribe;
- [] The minor or other dependent currently lives in the household of the applicant;
- [] The minor or other dependent has lived in the home with the applicant for at least 30 days;
- [] The applicant is the legal guardian or legal conservator of the minor or other dependent;
- [] The applicant is the primary caregiver of the minor or other dependent;
- [] No other person can claim that he or she is the legal custodian, legal guardian, legal conservator, or primary caregiver of the minor or other dependent; and
- [] The funds received will be used solely for the benefit of the minor or other dependent.

Please Initial Below:

-] The applicant’s claim of negative economic impacts from the COVID-19 public health emergency is not based on, and assistance will not be used for, any expense that has been or will be reimbursed under any federal program, any other Tribal program, or insurance; and
-] The applicant understands that while the Program is structured to be non-taxable to members under the Tribal General Welfare Exclusion Act and IRS Revenue Procedure 2014-35, if the Internal Revenue Service deems assistance taxable, then the Tribal member and not the Tribe shall be responsible for any taxes, interest and penalties;
-] Nothing in the application waives the sovereign immunity of the Tribe; and
-] The information contained in the application and certification form is true and accurate in all material respects, and the applicant understands that knowingly making a false statement to obtain this one-time financial assistance to households from the Tribe’s FRF payment is punishable under the law.

Signature below verifies that the one-time, non-recurring emergency support will only be used for the above-named essential needs in direct response to the COVID-19 pandemic and state of emergency. The signature is signed under penalty of perjury:

If executed in the State of Nevada: “I declare under penalty of perjury that the foregoing is true and correct.” Except as otherwise provided in NRS 53.250 to 53.390, inclusive, if executed outside this State: “I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.”

Signature:

Date:

For office use only:

- Date received by the Washoe Tribe EOC Department:
- Date Washoe Tribal enrollment verified by Office of Secretary Treasurer:
- Verified Tribal enrollment? Yes No
- Application approved? Yes No
- Check mailed out on: