

**Leech Lake Band of Ojibwe
Tribal Assistance
Regulations**

Tribal Assistance Regulations

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Tribal Assistance Regulations

Introduction

The purpose of this document is to ensure fair and equitable distribution of funds to Leech Lake Band members (herein referred to simply as Band members) in dire need of emergency or extraordinary assistance, who have exhausted all other resources.

I. Chapter 1 – General Provisions

1. **Title** – The regulations shall be known as, referred to, and cited as the Assistance Regulations. Any reference to emergency assistance or emergency fund assistance shall mean extraordinary assistance, as defined in Section 106 of the Gaming Revenue Allocation Ordinance No. 96-01 and as provided in Chapter 2 of these Assistance Regulations.
2. **Purpose** – The purpose of the Assistance Regulations is to explain and provide a procedure in following and complying with Sections 105 and 106 of the Gaming Revenue Allocation Ordinance No. 96-01, the Tribal Council's Rules of Operation and Procedure and the LLBO General Administration Personnel Policies. The Assistance Regulations are intended to equitably distribute and conserve the Band's funds; prevent abuse, misuse or overuse of the assistance program by both Band members and government officials; and ensure that the Band is in compliance with the Indian Gaming Regulatory Act; by defining the Assistance program specifically as an emergency assistance program.
3. **Application** – These regulations shall apply to all requests for supplemental program funding and emergency assistance as provided by Sections 105 and 106 of the Gaming Revenue Allocation Ordinance No. 96-01.
4. **Exclusive Delivery System for Emergency Assistance** – These regulations shall replace and supersede any formal or informal donation policy or prior assistance regulations or procedures, whether approved or not previously utilized by the Leech Lake Tribal government, including individual line items allotted for each individual Tribal Council member, designated for assistance. The delivery system established by these regulations shall be the exclusive procedure utilized by Band members seeking emergency assistance.
5. **Eligibility** – Eligibility shall be determined by the type of assistance requested. Chapter 2 of these regulations outlines types of assistance and eligibility requirements. Mental or permanently disabled Band members shall be required to provide a written doctor's statement or a Social Security statement of Disability of their mental or physical disability to be eligible. The Tribal Assistance Regulations shall acknowledge the determination of a mentally or physically disabled Band member with written Social Security Statement of Disability or a Physician's statement of disability. Elders must be able to provide proof of age being sixty-two (62) years or older.

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- 6. Verification Requirements** – Tribal Assistance shall require a Band member to provide documentation and information necessary and outlined specifically within Chapter 2 of these regulations to determine eligibility. Information previously verified and retained by Tribal Assistance must be verified again regardless of the last date of verification. The burden of providing documentation for Tribal Assistance in verifying eligibility is upon the Band member. Tribal Assistance may attempt to assist the Band member to obtain documents that he/she does not possess and cannot otherwise obtain, usually through means unavailable to the Band member, such as Fax, e-mail, internet access, etc. Tribal Assistance must verify at the time of each new application the following:
- a. The identity of each adult and child for whom the assistance is requested.
 - b. The age, if required to establish eligibility.
 - c. The type of emergency claim and the basis for that claim which would require extraordinary assistance.
 - d. The relationship of the caretaker of a child, mentally or permanently disabled or terminally ill, Band member for whom an application is being submitted, including documentation establishing custody, if applicable.

Tribal Assistance shall, without exception, verify that any existing Tribal, Federal or State emergency or direct assistance program has denied the Band member's request for assistance or otherwise determined the Band member to be ineligible for assistance.

Tribal Assistance must verify the following information:

- a. Receipt and amount of earned or unearned income.
- b. Termination from employment.
- c. Dependent care costs of an employed Band member at the time of the application.

Tribal Assistance may verify additional program eligibility and assistance payment factors if it is determined that information on the application is inconsistent with, statements made by the Band member, information on previous applications, or other information received.

- 7. Intoxication Prohibition** - No Band member shall be intoxicated or otherwise under the influence of a non-prescribed controlled substance when requesting assistance and services from Tribal Assistance. Tribal Assistance staff shall refuse assistance or services to any Band member who is intoxicated or under the influence of a non-prescribed controlled substance.
- 8. Gaming Disbursement Prohibition** - The Band's gaming operations, including its officers, employees, agents or other person under the direction

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of the gaming operation are prohibited from providing any Band member, Tribal Council member or Band program with any revenues, funds or other property or assets of the gaming operations. The prohibition of the Band's gaming operations from providing revenues, funds or other property and assets shall be construed as broadly as possible, specifically, the gaming operations shall not provide food to Band members, Tribal Council members or Band programs for any purpose, excluding a wake or funeral. Further, any assistance authorized by the Gaming Revenue Allocation Ordinance, and the General Administration Personnel Policies or these regulations shall not be disbursed by the Band's gaming operations nor its officers, employees, agents or other person under the direction of the gaming operation.

9. **Requests for Assistance to Members of the Tribal Council Prohibited** - All requests for emergency assistance shall be made to Tribal Assistance. All requests for assistance made to the Tribal Council members, whether emergency or non-emergency situations, shall be referred to Tribal Assistance. The Tribal Council's Rules of Operation and Procedure prohibit the Tribal Council members from directly granting a Band member's request for assistance. Members of the Tribal Council shall direct requests for assistance to Tribal Assistance, but may not order Tribal Assistance to provide assistance outside the parameters of these regulations.
10. **Vendors Prohibited from Receiving Direct Benefit Assistance** - Vendors who do not complete a W-9 or produce a Federal Tax Identification number shall be prohibited from receiving direct benefits on behalf of a Band member. This prohibition is established as a deterrent from fraud and other false information that may be provided but cannot be discovered.
11. **Application Intake** - No emergency assistance request shall be processed unless it is presented to Tribal Assistance. All extraordinary assistance requests shall be made through a formal written application, at the time of the request. In the event that a Band member is unable to complete the application, Tribal Assistance Staff may complete the application on behalf of the Band member. In all instances, extraordinary assistance shall not be disbursed without an intake interview.

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II. Chapter 2 – Extraordinary Direct Assistance

1. **Exhaustion of Other Assistance Resources** – A Band member shall first apply for assistance from other programs for which they are potentially eligible and which would, if received, offset the need for extraordinary direct assistance payments. A Band member shall be required to provide written denials from other agencies to verify their effort in applying with other agencies to be determined eligible for assistance with Tribal Assistance. Failure to complete application(s) for other available assistance resources shall result in denial of extraordinary assistance. Exceptions shall be made when a Band member's income exceeds the assistance level requirements of other Band programs, Federal, State and local service agencies.
2. **Allowable Extraordinary Direct Assistance** – A Band member may be eligible for extraordinary direct assistance if his/her request falls under one of the terms enumerated in this section. Tribal Assistance shall determine, prior to the authorization for allocation of emergency funds that the Band member has exhausted, or does not qualify for assistance in other regular programs offered by the Band or the Federal, State or local governments. Tribal Assistance shall disallow any extraordinary direct assistance request not included in this section.

Tribal Assistance shall only be authorized to provide extraordinary direct assistance, as authorized in this section, to qualified Band members up to the level of assistance and within the limitations provided within this section. Upon issuance of the approval/denial section of the standard application form, the Intake Worker shall gain counter-approval from the Deputy Director or Executive Director and provide assistance by issuance of payment to the vendor utilizing the Tribal Assistance purchase order or check.

a. **Medical Assistance (mileage, lodging, food)**

Description of Medical Assistance – Medical assistance mileage, lodging, food – Maximum daily travel, lodging and food for one Band member per day pursuant to the established Medical Assistance rates (Appendix B). The Band member shall be provided a check made payable to the Band member conducting the travel.

Level of Assistance – See established Medical Assistance rates.

Limitations

- i. No Band member shall receive more than two (2) days equivalent mileage, lodging and food per request for non-life threatening medical appointment.
- ii. Requests for medical transportation for non-life threatening illness or injury utilizing a privately-owned vehicle shall be limited to six (6) separate requests per fiscal year.
- iii. One individual family member shall be designated the “responsible individual” and shall be responsible for making

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the decision of whom shall utilize benefits available within this section. The Intake Worker shall only authorize benefits with the consent of the "responsible individual"

- iv. In the case of a hospitalized Band member (or Band member's spouse who is a non-Band member) experiencing a life-threatening illness or injury, the medical assistance shall be available only until the condition of the Band member stabilizes.
- v. The Intake Worker shall possess the ability to authorize with counter-approval by the Deputy Director or Executive Director, up to assistance contemplated by this section for up to twelve (12) days/nights and up to three (3) family members. The twelve (12) days/nights may be utilized at different times within the fiscal year, but no more than twelve (12) days/nights may be utilized within the same fiscal year.

Verification Requirements

- i. For a medical non-emergency, a medical appointment slip for the medical transport shall be utilized to determine the need for assistance. The verification of follow-up form shall be utilized to assure the funds provided were used for the stated need.
- ii. For a medical emergency, a telephone number of the hospital where the hospitalized Band member or Band member's family member is located and the name of the hospital social worker who shall provide a physician's statement of life threatening condition of patient is required.
- iii. For extended medical assistance for life-threatening illness or injury of a Band member or Band member's spouse - A physician's statement of continued life-threatening illness or injury is required.
- iv. A written physician's report of existing critical condition (catastrophic or life threatening) shall be required to extend services beyond allowable time.
- v. For medical lodging funds, if medical lodging funds are disbursed the Band member shall be required to submit a lodging receipt to the Intake Worker. If the Band member fails to account for lodging with a receipt and a signed Medical Benefit Consent Form he or she shall be considered ineligible for future medical assistance.
- vi. If the approved and granted amount exceeds the receipt amount, the Band member shall be held responsible for the return of the overage or be determined ineligible for future medical assistance.
- vii. Requests for medical assistance for life-threatening illness or injury shall be available after the responsible physician provides written diagnosis of life-threatening illness or injury.

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Upon a request for extended medical assistance beyond the two (2) days allowed, it shall be the responsibility of the requesting Band member to assure the responsible physician provides the Intake Worker with an update of the patient's illness or injury.

- viii. Non-life threatening medical appointments must be verified with written documentation of proof that the appointment was fulfilled to be eligible for future requests. The Appointment Verification form shall be utilized for this purpose.
- ix. Non-life threatening medical appointments are required to provide proof of the medical appointment and required to be referred by a physician in the applicant's region.
- x. Failure to complete application(s) for other available assistance resources shall result in denial of extraordinary assistance.
- xi. No medical assistance shall be provided unless the Band member has been denied assistance through the CHR (Community Health Representative) program and County if receiving Medical Assistance through that County.

b. Food Assistance

Description of Assistance – A food voucher for a local grocer will be issued to the Band member. This assistance is only available to Band Members who are permanently disabled or elderly.

Limitations – Food Assistance will be available to:

- i. Elders;
- ii. Individuals on Medical Assistance in an emergency situation;
- iii. Those that have not utilized local food shelves;
- iv. Failure to complete application(s) for other available assistance resources shall result in denial of extraordinary assistance.

Individuals may only receive food assistance for a maximum of six (6) times in a single fiscal year.

Exception – Exception to the food assistance being provided is in the event of special dietary needs that cannot be met by the local food shelf. A physician's statement recommending special dietary needs shall be required to provide food assistance beyond a local food shelf.

Verification Requirements

The Band member will be required to provide documentation of denial from the Leech Lake Food Distribution Program.

c. Home Necessary Utility Assistance

Description of Assistance – A check made payable to the utility company for natural gas, fuel oil, propane, water or electricity for the home, will be issued directly to the utility company.

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Level of Assistance – The level of assistance shall be determined if eligible, when reviewed on a case-by-case basis. Generally, this amount will be the minimum amount to avoid disconnection of services. This assistance is available to Band Members who are permanently disabled or elderly. Limitations

- i. Natural Gas, Propane and Fuel assistance shall be limited to one time per fiscal year.
- ii. Electric and water shall be limited to one time per fiscal year.

Verification Requirements

- i. A written estimate of the cost of natural gas, propane and fuel oil shall be submitted by the vendor on behalf of the Band member.
- ii. A billing statement for electricity or water shall be submitted by the Band member.
- iii. Failure to complete application(s) for other available assistance resources shall result in denial of extraordinary assistance.

d. Emergency Vehicle Repair (labor and parts)

Description of Assistance – A purchase order or check will be disbursed only to an eligible local repair vendor.

Level of Assistance – The level of assistance shall be determined on a case by case basis. This assistance is available to Band Members who are permanently disabled or elderly.

Limitations

- i. Emergency vehicle repair shall be limited to no more than one (1) time per fiscal year.
- ii. All vendors of vehicle repair are required to submit an IRS form W-9 with the Band member's application to be considered an eligible vendor.
- iii. If the vehicle repair is for parts only, a purchase order or check may be issued to an eligible auto parts vendor.

Verification Requirements

- i. Failure to complete application(s) for other available assistance resources shall result in denial of extraordinary assistance.
- ii. A copy of the vehicle title in the Band member's name.
- iii. A copy of the Band member's auto insurance for the vehicle.
- iv. A copy of the Band member's valid driver's license.
- v. A written estimate of repair from an eligible auto repair vendor.
- vi. An IRS form W-9 completed by the auto repair vendor.

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e. **Auto Insurance, License Registration & Tabs Assistance**

Description of Assistance – A check made payable to an auto insurance company or State or Tribal Department of Motor Vehicles.

Level of Assistance – Auto insurance, vehicle license registration or vehicle tabs is available to Band members who are permanently disabled or elderly.

Verification Requirements

- i. Failure to complete application(s) for other available assistance resources shall result in denial of extraordinary assistance.
 - ii. A copy of the vehicle title in the Band member's name.
 - iii. A copy of the Band member's auto insurance billing statement for the vehicle.
 - iv. A copy of the Band member's valid driver's license.
- f. **Funeral Assistance**

Description of Assistance – Funeral Assistance is to assist families of a deceased enrolled Band member in paying funeral expenses. The family donation shall be made payable to the individual responsible for making the funeral arrangements. The program will disburse funds to the funeral home for services provided and costs incurred (up to the maximum, described below) upon submission of the following:

- i. Verified, itemized invoices
- ii. Verification of enrollment
- iii. A certified copy of the death certificate
- iv. A signed Program acceptance form

For budgetary reasons, applications must be filed within ninety (90) days of the date of death.

Level of Assistance – Financial assistance for deceased Band members is as follows:

- i. Adult funeral - \$5,000.00
- ii. Adolescent funeral - \$2,500.00
- iii. Born Infant funeral - \$2,500.00 – brought into existence by birth
- iv. Pre-Life funeral - \$1,500.00 – examples: stillborn/natural causes

Additionally, there is a family donation of \$500.00.

\$250.00 may be disbursed to a Band member if the deceased is an immediate family member, non-Band member.

Limitations

- i. The Band member's family donation shall not exceed \$500.00. There shall be one family donation to a Band member whose deceased immediate family member is a Band member

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- (\$500.00) or non-Band member (\$250.00). The family donation shall be made payable to the individual responsible for making the funeral arrangements.
- ii. Only one individual shall be eligible to submit an application and shall be the individual responsible for making the funeral arrangements. The responsible individual shall be responsible for the funeral home costs over and above the benefit amounts.

Verification Requirements

- i. Proof of death through the provision of a death certificate, obituary or letter from the selected funeral home.
- ii. Written proof of funeral home expenses shall be provided by the funeral home.

g. **Housing Assistance**

Description of Assistance – A check, payable to the rental agency, landlord or mortgage company.

Level of Assistance – This assistance is available to Band members who are permanently disabled or elderly. Housing Assistance does not include damage/security deposits. See Landlord Information form.

Limitations

- i. Housing Assistance shall be limited to one time per fiscal year.
- ii. Homeless housing assistance shall be referred to the Homelessness program.
- iii. The Band member shall be required to submit the Landlord Information form for the specific housing vendor with the initial application.

Verification Requirements

- i. Failure to complete application(s) for other available assistance resources shall result in denial of extraordinary assistance.
- ii. The dwelling sought shall be a separate dwelling (from the landlord) with its own electric and gas hook-up.
- iii. Each request shall be documented and verifiable.
- iv. In the event of a mortgage payment, the Band member shall be required to provide proof of attempt to have deferred payments and the amount of assistance required.
- v. Rental assistance shall not be provided to Band members claiming to landlord status unless they provide such documents of ownership of their private or fee land and proper ownership of such land or dwelling.

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h. Fire Damage Assistance

Description of Assistance – A made payable to the Band member displaced from their privately owned home due to fire damage.

Level of Assistance – \$300.00 shall be available per one fire damage incident.

Limitations

- i. This assistance does not include rental units.
- ii. The Band member shall only receive assistance if the fire has displaced the family from the home.

Verification Requirements

- i. The Band member receiving the assistance shall be required to complete an IRS form W-9.
- ii. The Band member shall be responsible to submit a written Fire Department Report of the fire.
- iii. Each request shall be documented and verified.

3. Fraudulent Activity & False Information Reporting

Anyone who provides false information or who makes a false report to Tribal Assistance or any other Band program is subject to all criminal and civil sanctions available to the Band under applicable law, including civil action in Leech Lake Tribal Court. A Band member whose application is suspicious or displays fraudulent activity after the request has been honored shall be ineligible for further assistance for up to two (2) years, depending on the type of incident that occurred, unless corrected.

4. Final and Exclusive Determination and Appeal

All decisions made by the Tribal Assistance Staff regarding assistance under these regulations are final and exclusive. The applicant shall possess the right to appeal the Tribal Assistance staff's decision to the Deputy Director. The appeal must be in writing and submitted within two (2) business days. If the applicant is unsatisfied with the decision of the Deputy Director, the final recourse shall be an appeal to the Executive Director. The appeal must be in writing and submitted with two (2) business days of denial from the Deputy Director. The Executive Director's decision shall be final.

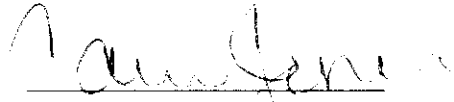
5. Amending Assistance Regulations

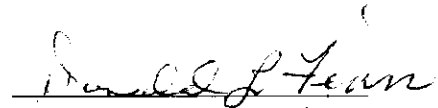
Amendments, revisions, changes to the regulations herein shall be submitted to the LLBO Tribal Council for approval and adopted by a Resolution.

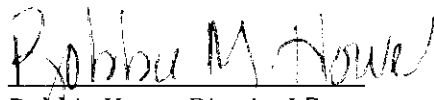
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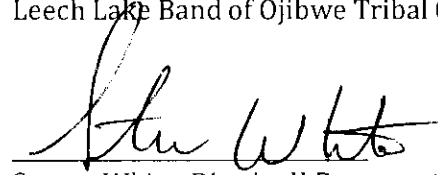
III. Chapter 3 – Certification

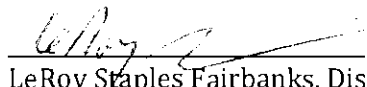
These regulations may not be amended except through the express permission of the Leech Lake Reservation Tribal Council. Additional regulations and rules for operation of the Program may be adopted, so long as they are in no way in conflict or inconsistent herewith. Such rules or regulations must be presented to the Leech Lake Reservation Tribal Council for review and recording.


Carri Jones, Chairperson
Leech Lake Band of Ojibwe Tribal Council


Donald Finn, Secretary/Treasurer
Leech Lake Band of Ojibwe Tribal Council


Robbie Howe, District I Representative
Leech Lake Band of Ojibwe Tribal Council


Steven White, District II Representative
Leech Lake Band of Ojibwe Tribal Council


LeRoy Staples Fairbanks, District III Representative
Leech Lake Band of Ojibwe Tribal Council

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Appendix I Definitions

Auto Insurance, License Registration & Tabs Assistance – means, for purposes of these regulations, a situation occurs where insufficient resources prevent a Band member from obtaining auto insurance, license registration and/or license tabs causing the loss of ability to legally drive the vehicle for permanently disabled or elderly Band members.

Catastrophic Issues - means, for purposes of these regulations, that a death in a Band member's family has occurred, or is experiencing a life-threatening illness or injury. The individual may be a non-Band member if the applicant is the individual's spouse.

Elder Assistance – means, for purposes of these regulations, assistance within the guidelines of Section 2.02 (2)(A) through (J) specifically for a Band member who provides proof of age being sixty-two (62) years old or greater.

Food Assistance – means, for purposes of these regulations, that a situation occurs where insufficient resources cause or threaten a permanently disabled or elderly Band member (age sixty-two (62) or older) or their family.

Funeral Assistance – means, for purposes of these regulations, that a death has occurred and the assistance is to assist families of a deceased enrolled Band member in paying funeral expenses. The family donation shall be made payable to the individual responsible for making the funeral arrangements.

Home Necessary Utility Assistance - means, for purposes of these regulations, a situation occurs as a result of a permanently disabled or elderly Band member's insufficient resources that causes a lack or shortage of heating fuel or electricity that endangers or threatens to endanger the health or safety of a Band member or Band member's family.

Housing Assistance - means, for purposes of these regulations, a situation occurs as a result of a permanently disabled or elderly Band member's insufficient resources, due to a catastrophic issue, may cause them to become homeless if the rent or mortgage payment is not secured immediately. Housing assistance shall also include, utility hook-up, mobile home moving fees, property tax and lot rent assistance. Homeless housing assistance shall be referred to the Homelessness program.

Immediate Family – is defined, for purposes of these regulations, as a Band member's spouse or significant other, biological parent, child, sibling, aunt, uncle, niece or nephew; the Band member's spouse or significant other's parent, sibling, aunt, uncle.

Medical Assistance "non-emergency" - means, for purposes of these regulations, routine visits to a physician for non-life threatening routine medical treatments/appointments. All out of town appointments must be referred from a local physician or must on-going appointments.

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Medical Assistance “emergency” - means, for purposes of these regulations, a medical condition of a Band member or a Band member’s immediate family member that, if not immediately diagnosed or treated, could cause serious physical or mental disability, continuation of severe pain or death. Medical Assistance emergency shall also include a Band member who desires to visit an immediate family member in the hospital who is suffering from a severe injury or illness, which has been medically classified as life threatening.

Non-Band Member “emergency” - means, for purposes of these regulations, means a person that is not enrolled in the Leech Lake Band of Ojibwe, but the assistance shall directly benefit a child, elder or permanently disabled Band member.

Emergency Vehicle Repair - means, for purposes of these regulations, a situation where insufficient resources prevent a permanently disabled or elderly Band member from obtaining repairs to a vehicle or purchasing tires the use of which is necessary for the Band member to retain or obtain employment or obtain on-going medical treatment.