

**WHEREAS,** The Confederated Tribes of Warm Springs Reservation of Oregon ("Warm Springs Tribe") is a federally recognized Tribe and its Tribal Council is designated as the governing body authorized to act on the Tribe's behalf pursuant to Article V, Section 1, of the Constitution and Bylaws of the Confederated Tribes of Warm Springs Reservation of Oregon, as amended, February 14, 1938; and,

**WHEREAS,** The Warm Springs Tribe has received Coronavirus State and Local Fiscal Recovery Funds (FRF) pursuant to the American Rescue Plan Act (ARPA), Section 9901; and,

**WHEREAS,** The amount of FRF allocated to Warm Springs Tribe pursuant to ARPA is based, in part, on the number of individuals enrolled as members of the Warm Springs Tribe; and,

**WHEREAS,** The Tribal Council has determined that the enrolled members of the Warm Springs Tribe have suffered significant economic hardships by reason of the COVID-19 public health emergency, including but not limited to: (a) either loss of income or increased expenses of personal living, or both; (b) increased costs of access to essential services and support, due in part to closures of government and community programs and services in the geographic area and made worse by the general conditions of remote tribal community living that makes access to food, clothing and other living necessities exceedingly difficult and expensive; (c) increased food and housing insecurity; (d) social and mental health impacts from isolation, and the loss and/or limitation of cultural, spiritual and community activities and (e) other negative economic impacts due to the COVID-19 public health emergency; and,

**WHEREAS,** The COVID-19 public health emergency continues to depress the Warm Springs tribal and local economy, unemployment remains high, and essentially all Warm Springs tribal households are of low to moderate income and are in need of additional assistance to cover their basic living expenses and increased costs incurred due to the ongoing public health emergency; and,

**WHEREAS,** The Tribal Council has determined that its tribal member population has suffered the economic and health consequences of COVID-19 public health emergency disproportionately as compared to other population areas within Oregon and the United States, and because of that it is necessary to ameliorate the negative impacts on its tribal members; and,

**WHEREAS,** Over one year ago, pursuant to Resolution No. 12,699, Warm Springs Tribe established the CARES Emergency and Disaster Relief General Welfare Program to provide direct financial assistance to tribal members in need as a result of the COVID-19 public health emergency; and,

**WHEREAS,** The Tribal Council has determined it is necessary to provide additional emergency cash assistance to tribal members due to the ongoing nature of the continuing COVID-19 public health emergency, the onset of new and more virulent variants of the disease, and continuing negative economic impacts and hardships to Warm Springs citizens; and,

**WHEREAS,** The Warm Springs Tribe desires to exercise its sovereign right to utilize a portion of its FRF to promote the general welfare of its tribal members and community by providing direct economic relief and support to its tribal members to address the negative economic impact of COVID-19 public health emergency, which shall be designated the ARPA Cash Assistance General Welfare Program ("Program"); and,

**WHEREAS,** This Program shall provide economic assistance in the amount of \$1250.00 to all enrolled Warm Springs Tribal Members; and,

**WHEREAS,** The Tribal Council has determined that direct financial assistance in the amount of \$1250.00 paid equally to every enrolled Warm Spring Tribal Member is the amount needed to address the negative economic impact suffered by the Tribal Members and households due to the COVID-19 public health emergency, and that this assistance amount is reasonably proportional to the negative economic impact this Program is intended to address; and,

**WHEREAS,** This Program is intended to affirm the Tribe's inherent sovereign rights to promote the general health and welfare of the Tribe and tribal members and provide qualifying assistance and program benefits on a tax exempt basis as provided in Tribal General Welfare Ordinance No. 100 (Warm Springs Tribal Code Chapter 550). The assistance provided under the Program is intended to qualify for tax exempt treatment to the fullest extent permitted at law, including the Tribal General Welfare Exclusion Act codified by 26 U.S.C. §139E and Revenue Procedure 2014-35; and,

**WHEREAS,** As general welfare benefits, the assistance under this Program is not granted as compensation for services; does not discriminate in favor of the Tribe's governing body, and is not lavish or extravagant. The Tribe may change available Program

benefits from time to time, but such benefits shall always be available equally to all tribal members who satisfy the Program's eligibility requirements; and,

**WHEREAS,** The Tribal Council has made findings and determined the extent of negative economic impact of the COVID-19 public health emergency on its Tribal Members, and by reason of that and the Warm Spring Tribe's limited administrative capacity and need to maintain social distancing requirements, it is not necessary or feasible to implement an application process for Tribal Members to receive the cash assistance under this Program; now, therefore,

**BE IT RESOLVED,** By the (28<sup>th</sup>) Tribal Council of the Confederated Tribes of the Warm Springs Reservation of Oregon, pursuant to Article V, Section 1 (f), (l) and (u), of the Tribal Constitution and By-Laws, that the Tribal Council hereby adopts the ARPA Cash Assistance General Welfare Program to address the negative economic impacts due to the COVID-19 public health emergency; and,

**BE IT FURTHER RESOLVED,** That the ARPA Cash Assistance General Welfare Program shall be administered according to the Tribe's General Welfare Ordinance No. 100 (Warm Springs Tribal Code Chapter 550); and,

**BE IT FURTHER RESOLVED,** That the Tribal Council authorizes the distribution equally to all enrolled Warm Springs Tribal Members cash assistance in a single payment in the amount of \$1250.00. Payments to minor Tribal Members shall be issued to the custodial parent or legal guardian pursuant to the most recent records maintained by the Vital Statistics Department; and,

**BE IT FURTHER RESOLVED,** That the Tribal Council directs staff to distribute the cash assistance payments consistent with this Resolution and without requiring application for assistance from the Tribal Members; and,

**BE IT FURTHER RESOLVED,** That the distributions shall commence on November 15, 2021. All recipients must be enrolled as a Warm Springs Tribal Member as of October 31, 2021; and,

**BE IT FURTHER RESOLVED,** That Tribal staff are authorized and directed to take all necessary actions for implementation of this Resolution as may be needed to carry out the terms of this Resolution.


## CERTIFICATION

The undersigned, as Secretary-Treasurer/CEO of the Confederated Tribes of the Warm Springs Reservation of Oregon hereby certifies that the Tribal Council is composed of 11 members, of whom 7 constituting a quorum were present at a meeting thereof, duly and regularly called, noticed, convened and held this 13<sup>th</sup> day of **September, 2021**; and that the foregoing resolution was passed by the affirmative vote of 6 members, the Chairman not voting; and that said resolution has not been rescinded or amended in any way.



Glendon Smith  
Secretary-Treasurer/CEO

NOTED:



Brenda Bremner 9/23/21  
Superintendent

cc: Secretary-Treasurer/CEO  
Superintendent  
Administrative Services Center