

**TITLE 6 – TRIBAL ASSISTANCE PROGRAMS
PART II – GENERAL WELFARE ASSISTANCE
CHAPTER 2-2 – CORONAVIRUS RELIEF FUND GENERAL WELFARE
GRANT PROGRAM**

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Legislative History: Enacted on May 27, 2020 by Resolution No. C05-123-20 and Ordinance No. 27-20.

On July 29, 2020 Title 6, Part II, Chapter 2-2 is hereby repealed, adding new Title 6, Part II, Chapter 2-2 by Resolution No. C07-187-20 and Ordinance No. 39-20.

Amended on September 23, 2020 by Resolution No. C09-229-20 and Ordinance No. 47-20.

Amended on October 14, 2020 by Resolution No. C10-276-20 and Ordinance No. 51-20.

Amended on December 9, 2020 by Resolution No. C12-324-20 and Ordinance No. 60-20.

On January 13, 2021 Title 6, Part II, Chapter 2-2 is hereby repealed, adding new Title 6, Part II, Chapter 2-2 by Resolution No. C01-11-21 and Ordinance No. 01-21.

Amended on Monday, March 28, 2022 by Resolution No. C03-63-22 and Ordinance No. 15-22.

SUBCHAPTER A GENERAL PROVISIONS

Section 10 Authority (6 PYTC § 2-2-10)

- (A) 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.
- (B) 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.
- (C) 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 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”).

- (D) 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 § 2-2-20)

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

Section 30 Purpose (6 PYTC § 2-2-30)

- (A) To provide a general welfare program that will provide financial income support grants to enrolled individual tribal members over 18 years of age and families directly affected by the COVID-19 public health emergency.
- (B) 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.
- (C) 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 through providing (without limitation):
 - (2) Ensuring food security and continued education during the COVID-19 pandemic;
 - (3) Assistance for 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 § 2-2-40)

Enrolled Tribal Members that wish to apply for the Coronavirus Relief Fund General Welfare Grant Program entitled: PYT CARES shall apply on a form specified by the Treasurer's Office.

Section 50 Eligibility Requirements for Assistance (6 PYTC § 2-2-50)

- (A) 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, 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 § 2-2-60)

- (A) Each applicant shall provide the following information:
- (1) Identifying information, including:
 - (2) Date of Application;
 - (3) Name of Applicant;
 - (4) Work Number;
 - (5) Cell Number;
 - (6) Mailing Address;
 - (7) Email Address;
 - (8) Tribal Enrollment Number;
 - (9) If medical and/or healthcare-related expenses, proof of health coverage denial of payment;
 - (10) If mortgage or rent expenses, proof of monthly expenses and/or payments; and;
 - (11) Documented proof of economic impact due to COVID-19.

SUBCHAPTER B COVID-19 RELATED ASSISTANCE PROGRAMS

Section 70 Assistance Programs (6 PYTC § 2-2-70)

- (A) **Tribal Families Support.** Provides assistance to tribal member families (defined as having at least one child in the home) to offset additional education, childcare, medical and health care costs related to the COVID-19 pandemic.

- (1) **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.
- (B) **Household Security.** Provides assistance to any tribal member who is a head of household and who has been impacted by the COVID-19 pandemic for mortgage payment, rental payment, utility payments, and food/groceries, and cleaning and disinfectant supplies.
- (1) **Amount of Grant** – Each eligible head of household will receive \$500.00 for necessary household expenses incurred due to COVID-19.
- (C) **Disaster Stabilization.** Provides assistance to tribal members who have lost household income because the tribal member or their non-member domestic partner has been laid off or furloughed, or had 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 household income (as determine above) has been fully reimbursed by unemployment compensation, disaster stabilization assistance will not be available. For purposes of disaster stabilization, the term domestic partner includes a legally married spouse or an unmarried life partner who shares a residence with a tribal member. Tribal members will be required to document the loss of household income. .
- (1) **Amount of Grant** – Each eligible tribal member will receive \$2,000.00 for disaster stabilization.
- (2) **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.
- (3) Total amount of grant to a single household under this section (3) shall be capped at \$5,000.00.
- (D) **Education Support.** 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.
- (1) **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.
- (2) **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. Documentation of expenses will be required in advance of grant approval.

Section 80 Application Deadline (6 PYTC § 2-2-80)

Applications must be submitted no later than December 31, 2021 or until funding has been exhausted.

Section 90 Reporting (6 PYTC § 2-2-90)

You will be required to provide an attestation verifying your application. In the event that an applicant's 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.

SUBCHAPTER C TRIBAL MEMBER OWNED SMALL BUSINESS PROGRAM

Section 100 Purpose (6 PYTC § 2-2-100)

To provide financial assistance to Pascua Yaqui tribal member owned small business that have been impacted by COVID-19, that are located in traditional communities.

Section 110 Standards (6 PYTC § 2-2-110)

Tribal owned small business that wish to apply for the Coronavirus Relief Fund Grant Program shall apply on a form specified by the Treasurer's Office.

Section 120 Qualifications (6 PYTC § 2-2-120)

- (A) In order to qualify for this grant, the business must meet the following eligibility criteria:
- (1) Be 51% Pascua Yaqui Tribal Member owned;
 - (2) Have less than 50 employees;
 - (3) Must have a business license from the Pascua Yaqui Tribe or be incorporated business in the State of Arizona;
 - (4) Lost business opportunities or revenue as a result of COVID-19 or suffered other adverse impacts due to COVID-19; and
 - (5) Not have received federal or tribal funding for the programmatic area for which the application is being submitted.

Section 130 Procedures (6 PYTC § 2-2-130)

(A) APPLYING

- (1) Each applicant shall provide the following information:
 - (a) Identifying information, including:
 - (i) Date of application
 - (ii) Name of Applicant;
 - (iii) Work Number;
 - (iv) Cell Number;
 - (v) Mailing Address of Program/Project Applying
 - (vi) Email Address;
 - (vii) Percent of Yaqui member ownership;
 - (viii) Number of Employees;
 - (ix) Location of business;
 - (x) Whether the business has received any coronavirus related tribal or federal funding or federal loans;
 - (xi) Amount Requested from PYT Coronavirus State Fiscal Recovery Fund (“SFRF”), authorized by the American Rescue Plan Act (“ARPA”) of 2021; and
 - (xii) Programmatic areas related to COVID-19.
 - (b) Essential employee payroll costs. Essential employee is defined as a designated employee that is required to work during a business closure in order to meet operational requirements.
 - (c) Additional security, legal, insurance, health or technology costs.
 - (d) Payments necessary to keep business loans and other obligations, including
 - (e) Business re-opening or stabilization costs.
 - (f) Compliance cost, which can include:

- (i) Expenses for acquisition and distribution of medical and protective supplies, including sanitizing products and personal
- (ii) Expenses for disinfection of business facilities in response to the COVID-19 public health emergency;
- (iii) Expenses for technical assistance to business entities on mitigation of COVID-19 related to threats to public health and safety;
- (iv) Expenses for public safety measures undertaken in response to COVID-19;
- (v) Expenses to improve telework capabilities for employees to enable compliance with COVID-19 public health precautions; and
- (vi) Expenses of providing paid sick and paid family and medical leave to employees to enable compliance with COVID-19 public health precautions.

(B) The following information/documentation must also be included:

- (1) Cover letter from CEO or other senior entity official; and
- (2) Detailed Budget showing revenue and expenses in FY 2021 and proposed use of PYT ARPA funding.

Section 140 Reporting (6 PYTC § 2-2-140)

(A) All businesses that receive funding are required to submit a report by December 20, 2022.

- (1) The report shall include the following:
 - (a) Initial projected budget;
 - (b) Detailed expenditure report; and
 - (c) Relevant pictures, press releases, articles, software, and any other noteworthy media products where the project appeared.

Section 150 Restrictions (6 PYTC § 2-2-150)

(A) The Tribal Council reserves the rights to partially fund tribal small business requests.

- (B) Awards will be capped at \$150,000.
- (C) Any funds that will not be expended by the entity by December 1, 2022, shall be returned to the Tribe no later than December 10, 2022.
- (D) Any business personal property including equipment, office equipment, and fixtures purchased with funds received under this Subchapter shall not be sold or otherwise transferred without the express written authorization of the Pascua Yaqui Tribe for a period of three years from the date of grant. If the small business receiving the funds is dissolved or otherwise ceases operations, any business personal property purchased with funds received under this Subchapter, shall be immediately returned to the Tribe.

SUBCHAPTER D REPEAL

Section 160 Repealing of Tribal Code (6 PYTC § 2-2-160)

At such time as the funding for the Pascua Yaqui Coronavirus Relief Fund General Welfare Grant Program is exhausted, Title 6, Part II, Chapter 2-2 of Pascua Yaqui Code shall be automatically repealed.