



HABEMATOLEL POMO OF UPPER LAKE CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT

Whereas, the novel coronavirus SARS-CoV-2 which causes the COVID-19 respiratory disease was first reported in late 2019 and by March, 2020 had create a global pandemic which as of the writing of this legislation has infected over 5.5 million people worldwide and resulting in almost 350,000 deaths.

Whereas, recognizing the seriousness of the situation, the federal government, the State of California and the Tribe began emergency measures in mid-March 2020 with the Tribe declaring a state of emergency on March 16, 2020.

Whereas, to address the healthcare crisis, state and local authorities have issued several shelter-in-place orders in which the Tribe has cooperated for its jurisdiction recognizing that only a cooperative approach could address the emergency.

Whereas, the economic fallout of the virus has been felt world-wide and has resulted in a great deal of hardship for all Americans, but especially Native American communities such as the Tribal Membership.

Whereas, recognizing the severe impacts of the pandemic, the United States Congress passed the Coronavirus Aid, Relief, And Economic Security Act (the “US CARES Act”) on March 27, 2020 under which Title VI—Coronavirus Relief Fund, Section 601 set aside funds to assist States, Tribes and units of local government in addressing the impacts of the pandemic on their populations.

Whereas, the US CARES Act Section 601(d) requires that “A State, Tribal government, and unit of local government shall use the funds provided under a payment made under this section to cover only those costs of the State, Tribal government, or unit of local government that—

- (1) are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19);
- (2) were not accounted for in the budget most recently approved as of the date of enactment of this section for the State or government; and
- (3) were incurred during the period that begins on March 1, 2020 and ends on December 30, 2020.”

Whereas, the Constitution of the Habematolel Pomo of Upper Lake Article X vests the Executive Council, among other powers, with specific powers “A. To act in all matter that concerns the general welfare of the Tribe;” “H. To appropriate, administer and set aside funds under Tribal control for the use and benefit of the General Membership;” and “K. To manage and control Tribal property, community enterprises, for the development of economic projects and programs for the benefit of Tribe and establish planning, programming, development, commissions....”

Whereas, the Tribe's portion of its allocation of funds under the US CARES Act pursuant to its status as a federally recognized Indian Tribe which as required by the US CARES Act have been segregated into an separate account to ensure the Tribe meets the use requirements imposed by statute and guidelines established by the United States Department of Treasury.

Whereas, the Executive Council hereby determines that the actions set forth in this Ordinance are necessary and proper to provide emergency assistance and health care response for its members, all of which have been affected by the 2020 coronavirus pandemic.

Therefore, be it enacted by the Executive Council of the Habematolel Pomo of the Upper Lake:

Article I. SHORT TITLE.

This Ordinance may be cited as the "Habematolel Pomo of Upper Lake Coronavirus Aid, Relief, and Economic Security Act" or the "HPUL CARES Act".

Article II. DEFINITIONS

Section 2.01 "HPUL CARES Fund" means that segregated account containing funds received by the Tribe under the US CARES Act.

Section 2.02 "Program" means any of the programs established under Articles III, IV, V, VI, VII, VIII, IX and X of this Act.

Section 2.03 "Programs" means all the Programs established by this Act.

Section 2.04 "Tribal Adult Member" means any Tribal Member 18 years or older on the date of passage of this Act.

Section 2.05 "Tribal Child" means any Tribal Member less than 18 years old on the date of passage of this Act.

Section 2.06 "Tribal Elder" means any Tribal Member 60 years old or greater on the date of passage of this Act.

Section 2.07 "Tribal Member" means any person considered a member of the Habematolel Pomo of Upper Lake Tribe by the Tribal Enrollment Committee on the date of passage of this Act.

Section 2.08 "Tribal Membership" means all Tribal Members.

Section 2.09 "Tribe" means the Habematolel Pomo of Upper Lake, a federally recognized Indian tribe.

Section 2.10 "US CARES Act" means Public Law No: 116-136 enacted on March 27, 2020 by the federal government.

Article III. TRIBAL MEMBER COVID-19 CARE PACKAGES

Section 3.01 Findings. The Executive Council finds that Tribal Members have been impacted by the COVID-19 pandemic and that care packages with certain essentials are appropriate to assist in adhering to current social distancing requirements and to prepare Tribal Members for future outbreaks and emergencies and that associated expenses are unbudgeted necessary expenditures incurred due to the public health emergency with respect to COVID-19.

Section 3.02 Program. The Executive Council hereby appropriates a previously unbudgeted amount of Fifty Thousand Dollars (\$50,000) from the HPUL CARES Fund to fund care packages to be ordered and assembled by Tribal Administration containing the following:

- (a) Disinfecting wipes (two containers per Tribal Member)
- (b) Gloves (two boxes 100 per Tribal Adult Member)
- (c) Protective masks (four boxes of 50 per Tribal Adult Member)
- (d) Decks voided RCC cards (two boxes per Tribal Adult Member)
- (e) Trail mix packs (ten packs per Tribal Member)
- (f) Hand sanitizer (three bottles per Tribal Member)
- (g) Toothpaste (one tube per Tribal Member)
- (h) Hand soap (three bottles per Tribal Member)

Section 3.03 Implementation. The Executive Council within 10 days of this Act shall, in consultation and coordination with Tribal Administration, order materials for and develop assembly and distribution plans for the care packages with the goal of distributing as quickly as possible. The Executive Council establishes a goal of the first delivery by June 15, 2020 with hard to find items such as disinfecting wipes to follow as available. This Program must be fully implemented no later than August 17, 2020 and expires on that day provided that any materials ordered but not yet received may be distributed after August 17, 2020. Tribal Administration must provide an accounting of all funds expended under this Article III no later than September 1, 2020 at which time all remaining funds attributable to this Article III shall be considered unobligated funds of the HPUL CARES Fund.

Article IV. TRIBAL MEMBER COVID-19 STRATEGIC STOCKPILE

Section 4.01 Findings. The Executive Council finds that the United States Center for Disease Control and other health experts predict future outbreaks of COVID-19 which would affect the Tribal Membership. Therefore, the Executive Council determines that it is in the best interest of the general welfare of the Tribal Membership to create a strategic stockpile of materials which currently are or could become scarce due to COVID-19 and that associated expenses are unbudgeted necessary expenditures incurred due to the public health emergency with respect to COVID-19.

Section 4.02 Program. The Executive Council establishes the HPUL COVID-19 Strategic Stockpile and hereby appropriates a previously unbudgeted amount of Thirty Thousand Dollars (\$30,000) from the HPUL CARES Fund to allow for its creation. Materials from the HPUL COVID-19 Strategic Stockpile may only be distributed with approval of the Executive Council.

The Executive Council determines that until further notice, the Tribe shall procure and maintain the following materials in the COVID-19 Strategic Stockpile in a secure location approved by the Executive Council:

- (a) Disinfecting Wipes (500 containers)
- (b) Gloves- Small (50 boxes of 100)
- (c) Gloves- Medium (50 boxes of 100)
- (d) Gloves- Large (100 boxes of 100)
- (e) Gloves- XL (100 boxes of 100)
- (f) Protective Masks (300 boxes of 50)
- (g) Hand Sanitizer (50 one-gallon containers)
- (h) Hand Sanitizer (100 personal-sized containers)
- (i) Tissues (200 boxes of 125)
- (j) Acetaminophen (50 bottles of 600)
- (k) Hand Soap (50 80-oz bottles)
- (l) Hand Soap (50 13-oz bottles)
- (m) Baby Formula (20 48-oz. containers)
- (n) Toilet Paper (30 36-roll packages)

Section 4.03 Implementation. The Tribe shall begin (as supplies allow) the acquisition of the materials for the HPUL COVID-19 Strategic Stockpile and shall leverage FEMA and other resources to minimize the ultimate expense to the Tribe. The Executive Council within 60 days of this Act shall, in consultation with Tribal Administration, approve guidelines and processes for the maintenance and distribution of materials in and from the HPUL COVID-19 Strategic Stockpile. This Program must be fully implemented by September 1, 2020. Tribal Administration must provide an accounting of all funds expended under this Article IV no later than September 15, 2020 at which time all remaining funds shall be considered unobligated funds of the HPUL CARES Fund.

Article V. TRIBAL MEMBER COVID-19 UTILITY SECURITY PROGRAM

Section 5.01 Findings. The Executive Council finds that (a) the extended shelter-in-place requirements affecting Tribal Members has caused economic hardship; (b) that basic utilities are essential for Tribal Members to avoid exposure, protect vulnerable members of the Tribe and comply with tribal, state and local shelter-in-place and other orders; (c) Tribal Elders will likely need to shelter-in-place longer than the remainder of other Tribal Members and the rolling outages imposed by PG&E affecting the area could have a higher impact on the Tribal Elders; and (d) expenses associated in addressing the utility security for the Tribal Membership are unbudgeted necessary expenditures incurred due to the public health emergency with respect to COVID-19.

Section 5.02 Program: The Executive Council hereby appropriates a previously unbudgeted amount of One Hundred Ten Thousand Dollars (\$110,000) from the HPUL CARES Fund to provide a distribution to address utility security to Tribal Members in the time period from March 1, 2020 through December 30, 2020:

- (a) The Tribe shall make a one-time payment directly to one or more utility providers as chosen by each Tribal Adult Member of up to a total of Two Hundred Fifty (\$250).

Each Tribal Member is encouraged to choose one utility provider to aid in the ease of administration, but if a Tribal Adult Member chooses more than one provider, the Tribal Adult Member must provide direction as to how the total of \$250 is to be divided.

- (b) Each Tribal Member using a personal generator on or before the passage of this Act may receive the funds contained in Section 5.02(a) as a direct disbursement to the Tribal Member.
- (c) Each Tribal Elder (in addition to the funds contained in Section 5.02(a)) may access a tribal grant of Three Thousand Dollars (\$3,000) to be applied to the purchase and installation of a generator for their residence.

Section 5.03 Administration. The Executive Council within 15 days of this Act shall, in consultation with Tribal Administration, approve guidelines, processes and forms for the application and distribution of the funds under this Article V. This Program will expire on September 15, 2020. Tribal Administration must provide an accounting of all funds expended under this Article V no later than October 1, 2020 at which time all remaining funds shall be considered unobligated funds of the HPUL CARES Fund.

Article VI. HPUL COVID-19 HOUSING SECURITY ASSISTANCE PROGRAM

Section 6.01 Findings. The Executive Council finds that (a) the high property values in California result in high mortgage costs and rental rates that affect the Tribal Membership beyond the traditional impacts in Indian Country; (b) housing security is essential to the well-being and physical and mental health of Tribal members during a pandemic; (c) that the economic upheaval caused by the COVID-19 pandemic affects all Tribal Members; and (d) expenses associated in addressing the housing security for the Tribal Membership are unbudgeted necessary expenditures incurred due to the public health emergency with respect to COVID-19.

Section 6.02 Program: The Executive Council hereby appropriates a previously unbudgeted amount of Three Hundred Fifteen Thousand Dollars (\$315,000) from the HPUL CARES Fund to rental and mortgage COVID-19 housing security grants of \$500 per month grant to each Tribal Adult Member to assist with rental or mortgage payments for the 4 months beginning April through July 2020 to be awarded in a lump sum of \$2,000 within 10 days of the passage of this Act.

Section 6.03 Implementation. Tribal Administration will compile a list of Tribal Adult Members and after approval from the Executive Council will deliver the funds due each Tribal Adult Member either by electronic deposit or by making a traditional check available for a scheduled pickup at the Tribal Administration Office within 10 days of the passage of this Act. This Program will expire on June 15, 2020. Tribal Administration must provide an accounting of all funds expended under this Article VI no later than July 1, 2020 at which time all remaining funds shall be considered unobligated funds of the HPUL CARES Fund.

Article VII. HPUL COVID-19 CONNECTIVITY ASSISTANCE PROGRAM

Section 7.01 Findings. The Executive Council finds that internet connectivity is essential for Tribal Members to avoid exposure, protect vulnerable members of the Tribe and comply with state and local shelter-in-place and other orders and that expenses associated in addressing connectivity issues for the Tribal Membership are unbudgeted necessary expenditures incurred due to the public health emergency with respect to COVID-19 in the time period from March 1, 2020 through December 30, 2020.

Section 7.02 Program: The Executive Council hereby appropriates a previously unbudgeted amount of Sixty-Five Thousand Dollars (\$65,000) from the HPUL CARES Fund to address electronic connectivity issues for the Membership:

- (a) Each Tribal Adult Member shall receive a Sixty Dollar (\$60) per month grant for the 4 months beginning April through July 2020 as assistance in securing or maintaining an internet connection either through a local provider or a data plan on a mobile phone where local internet service is not available to be awarded in a lump sum of Two Hundred Forty (\$240) within 20 days of the passage of this Act.
- (b) Each Tribal Elder and Tribal Child shall receive a Google chrome book, Amazon Fire tablet or smart phone of a value no greater than Two Hundred Dollars provided that families may combine funds for more than one Tribal Child or pay the difference for more expensive computing equipment so long as such equipment is helpful in accessing the internet for educational or communications reasons.

Section 7.03 Implementation. Tribal Administration will compile a list of Tribal Adult Members and after approval from the Executive Council will deliver the funds due under Section 7.02(a) to each Tribal Adult Member either by electronic deposit or by making a traditional check available for a scheduled pickup at the Tribal Administration Office. The Executive Council within 15 days of this Act shall, in consultation with Tribal Administration, approve guidelines, processes and forms for the application and purchase of goods under Section 7.02(b) of this Act. The program will expire on September 1, 2020. Tribal Administration must provide an accounting of all funds expended under this Article VII no later than September 15, 2020 at which time all remaining funds shall be considered unobligated funds of the HPUL CARES Fund.

Article VIII. HPUL COVID-19 FOOD SECURITY ASSISTANCE PROGRAM

Section 8.01 Findings. The Executive Council finds that the economic upheaval caused by the pandemic affects the economies of Upper Lake and other areas where Tribal Members live, the results of which could negatively impact the food security of Tribal Members, including Tribal Elders and Tribal Children, and that expenses associated in addressing food security for the Tribal Membership are unbudgeted necessary expenditures incurred due to the public health emergency with respect to COVID-19 in the time period from March 1, 2020 through December 30, 2020.

Section 8.02 Program: The Executive Council hereby appropriates a previously unbudgeted amount of Sixty Thousand Dollars (\$60,000) from the HPUL CARES Fund to (a) purchase and provide Safeway gift cards for each Tribal Member excluding Tribal Elders of Two Hundred (\$200) and (b) recognizing that Tribal Elders may incur delivery fees to maintain self-quarantine, to purchase and provide gift cards to each Tribal Elder of Three Hundred Dollars (\$300) to aid in providing food security beginning April through December 2020.

Section 8.03 Implementation. Tribal Administration will compile a list of Tribal Members and Tribal Elders and after approval from the Executive Council will arrange for the purchase Safeway gift cards and propose the most efficient delivery method to be approved by the Executive Council. The program will expire on July 1, 2020.

Tribal Administration must provide an accounting of all funds expended under this Article VIII no later than July 15, 2020 at which time all remaining funds shall be considered unobligated funds of the HPUL CARES Fund.

Article IX. HPUL COVID-19 MENTAL WELL-BEING SECURITY PROGRAM

Section 9.01 Findings. The Executive Council finds that the economic upheaval, social distancing and shelter-in-place requirements caused by the pandemic has negatively affected the emotional security and mental well-being of Tribal Members and that expenses associated in addressing emotional and mental well-being security issues for the Tribal Membership are necessary to promote and maintain social distancing and self-quarantine measures and are unbudgeted necessary expenditures incurred due to the public health emergency with respect to COVID-19 in the time period from March 1, 2020 through December 30, 2020.

Section 9.02 Program: The Executive Council hereby appropriates a previously unbudgeted amount of Thirty-eight Thousand Dollars (\$38,000) from the HPUL CARES Fund for the following:

- (a) A Fifty Dollar (\$50) purchase through the Tribe of art supplies, books, games or exercise equipment for each Tribal Child; and
- (b) A Two Hundred Dollar (\$200) reimbursement for adult social distancing materials such as gym equipment, books, games, etc. for each Tribal Adult Member.

Section 9.03 Implementation. The Executive Council within 30 days of this Act shall, in consultation with Tribal Administration, approve:

- (a) guidelines, processes and forms for the application and purchase of goods under Section 9.02(a) of this Act
- (b) guidelines, processes and forms for the application and reimbursement of materials under Section 9.02(b) of this Act
- (c) The program will expire on September 1, 2020. Tribal Administration must provide an accounting of all funds expended under this Article IX no later than September 15, 2020 at which time all remaining funds shall be considered unobligated funds of the HPUL CARES Fund.

Article X. REIMBURSEMENT OF TRIBAL RESPONSE TO COVID-19 (SASSP & OTHER PROGRAM MEASURES)

Section 10.01 Findings. After declaring a Tribal emergency on March 16, 2020, the Executive Council determined that the economic upheaval caused by the pandemic was detrimentally affecting the economies of Upper Lake and other areas where Tribal Members live and negatively impacting the well-being of Tribal Members. The Executive Council determined that immediate action was required by the Tribe as the United States Congress debated the US CARES Act. On March 24, 2020, the Executive Council acted to provide COVID-19 related assistance to Tribal Members including approximately Two Hundred Twenty-four Thousand Five Hundred Dollars (\$224,500) in Supplement Assistance Self Sufficiency Program (SASSP) COVID-19 Emergency Relief, approximately Thirty-four Thousand Dollars (\$34,000) in COVID-19 related scholarships for impacted school children to address school cancellations and approximately Ten Thousand Dollars (\$10,000) to support community-wide programs such as homeless shelters.

All of these Tribal expenditures were unbudgeted expenditures from the Tribe's general fund that were expenses associated in addressing the COVID-19 emergency for the Tribal Membership and were unbudgeted necessary expenditures incurred due to the public health emergency with respect to COVID-19 in the time period from March 1, 2020 through December 30, 2020.

Section 10.02 Reimbursement: The Executive Council hereby appropriates a previously unbudgeted amount of Two Hundred Seventy Thousand Dollars (\$270,000) from the HPUL CARES Fund to reimburse the Tribe's general fund for COVID-19 related emergency measures that were unbudgeted expenditures occurring in March 2020.

Section 10.03 Implementation. Tribal Administration will complete an accounting of funds spent to accomplish the March 2020 emergency actions outlined in Section 10.01 and provide that accounting to the Executive Council for approval by July 1, 2020, after which funds shall be transferred from the HPUL CARES funds to the Tribe's general fund. Tribal Administration must provide an accounting of all funds expended under this Article X no later than July 1, 2020 at which time all remaining funds from this Article X shall be returned to the HPUL CARES Fund and shall be considered unobligated funds therein.

Article XI. EFFICIENCY, REIMBURSED & UNUSED FUNDS

Section 11.01 Obligation to Efficiently Use Funds. The Executive Council hereby finds that:

- (a) the stated goal of the Tribe is to use HPUL CARES Funds as efficiently as possible to maximize the benefits to the Tribe and the Tribal Membership.
- (b) the Executive Council directs all parties implementing any of the Programs using funds appropriated from the HPUL CARES Fund to attempt to use federal and state purchasing resources to leverage discounted or free materials to the extent timely and practicable.
- (c) the Executive Council directs all parties acquiring or administering materials under this Act to use care and efficiency while respecting time requirements so that excess funds may be used for future COVID-19 relief programs before the US CARES Act deadline of December 30, 2020.

Section 11.02 Obligation to Apply for Reimbursements from Other Potential Sources. The Executive Council directs all parties involved in administering funds under this Act to apply or assist in applying for reimbursements from any available funding source such as the Federal Emergency Management Agency, other applicable grants or programs. When any reimbursement funds are received related to expenditures under this Act, Tribal Administration must credit those reimbursement funds to the HPUL CARES Fund immediately and alert the Executive Council.

Section 11.03 Use of Unused Funds. Given the rapidly changing situation, the Executive Council will determine the use of funds for uncommitted monies in HPUL CARES Fund from time to time. The Executive Council shall reassess the HPUL CARES Fund on October 1, 2020 and shall determine the most effective way to use the remaining funds in the HPUL CARES Fund before December 30, 2020 to address unbudgeted COVID-19 related issues.

*[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK.
CERTIFICATION & SIGNATURES APPEAR ON FOLLOWING PAGE.]*

CERTIFICATION

We the undersigned Officers of the Habematolel Pomo of Upper Lake (the “Tribe”), being the Chairperson and Secretary of the Executive Council (EC) of the Tribe, do hereby certify that the Executive Council is composed of seven (7) Council Members, of which 7 were present and participated, constituting a quorum, a poll vote was duly conducted on this day of MAY 26, 2020 and that this Tribal Act was adopted and enacted by way of Resolution No. 05-20-07 and an affirmative poll vote of 6 YEAS, 0 NAY, and 1 ABSTENTION. We further certify that since its adoption this Act has not been rescinded, amended, or modified in any way.

DATED SIGNED: May 29th, 2020

ATTEST:



SHERRY TREPPIA,
Executive Council (EC) Chairperson



IRIS PICTON,
Executive Council (EC) Secretary

