

COQUILLE INDIAN TRIBAL CODE

Chapter 152

Part 1 – General Governmental Affairs

Elders’ Benefit Program and Elders’ Supplemental Security Income Program Ordinance

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152.010 General

1. The authority for this Ordinance is found in the Constitution of the Coquille Indian Tribe Article VI, Section 1.

2. Purpose

To provide authorization for the funding of a Coquille Tribal Elders Benefit Program and an alternative Coquille Tribal Elders Supplemental Security Income Program, both of which provide for the needs of Tribal Elders. Qualifying Elders may participate in either, but not both, of these funds.

3. Background

The Coquille Indian Tribe has an inherent and vital interest in the vitality of its culture, oral tradition, spirituality, history, traditional practices and interdependence. Tribal Elders possess innumerable gifts and wisdom that must be passed on to the younger generations in order for the Tribe to thrive. The Coquille Tribal Council finds that a lack of income significantly hinders many Elders from having the resources to devote to the Tribe's survival and well being. The Tribal Council further finds that the establishment of a Tribal Elders benefit program would assist not only the Tribal Elders, but all Tribal Members, Native Americans, Oregonians, and United States Citizens, through the preservation of Coquille Tribal Culture.

4. Definitions

(a) "Federal Supplemental Security Income Program" or "SSI Program" shall mean the programs of the Social Security Administration to provide supplemental security income to individuals who have attained age 65 or are blind or otherwise disabled.

(b) "Income" shall mean both earned and unearned income as defined in the Act establishing the Federal Supplemental Security Income Program at 42 U.S.C. 1382.

(c) "Elder" shall mean an enrolled member of the Tribe who has attained the age of 62.

152.030 Elders Benefit Program

1. Program Authorization

There is hereby authorized to be expended from available Tribal appropriations, for the benefit of Tribal Elders, benefit payments, which shall be paid monthly in such amounts as are set by this policy.

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2 Purpose

The purpose of the benefit is to augment other income to which elders of the Tribes are entitled in order to provide additional comfort and security during their later years.

3. Program discretionary

The benefit program shall be discretionary and subject to the amount appropriated by the Tribal Council. The authorization of the program does not create any liability on the part of the Tribe for any future payment, nor shall any member have any vested right in future benefit payments.

4. Amount

Unless the Tribal Council appropriates a different amount by resolution, the amount of benefit shall be \$ 200.00 per month to all living, eligible Elders.

5. Eligibility

Enrolled Tribal Members shall become eligible for benefit payments on the first day of the month immediately following their 62nd birthday.

6. Source

Benefit payments shall be made from appropriations by the Tribal Council, subject to monies appropriated in the Tribal budget and appropriations process.

7. Method

The method of payment shall be by check, or, at the discretion of the Tribal Council, direct deposit to Elders' accounts or other method as may be beneficial and consistent with the desires of the elders. The Tribal Accounting Department will disburse payments, keep records of distributed funds and maintain a list of eligible Elders.

8. Payment date

Payments shall be made by the first day of each month to all Elders who are eligible for the benefit on the first day of that month.

9. Waiver of benefit

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Elders may, upon written, notarized request, waive the benefit or request that it be paid instead to a Tribal charitable fund on their behalf, but not to another person unless such person is that Elder's legal agent, legal conservator or legal guardian. Elections may be made indefinitely, or for a certain period of time, not less than six months. Notary shall be waived if the request is signed in the presence of the Tribal Enrollment Officer or Elders' security benefits coordinator.

10. Benefits not to reduce other resources

The benefits paid under this Ordinance shall not be available to offset, reduce or otherwise interfere with any other resources or benefits to which an Elder shall be entitled.

11. Designation as supplemental security income

An Elder may request that their monthly payment be designated as "supplemental security income" and be governed by Section 152.500 of this Ordinance, "Elders Supplemental Security Income Program."

12. Review of member needs

The Executive Director will gather and report information regarding the income levels and cost of living of Elders in order to enable the Tribal Council to assess the needed level of benefits. Such information shall be reported as a part of the annual review of this ordinance.

13. Disputes as to Eligibility

All issues as to the eligibility of a member for benefits under this ordinance or any disputes about the amount of said benefits shall be resolved by the Executive Director.

14. Payments to Spouse of Deceased Tribal Elder

If a Tribal member dies after becoming an Elder, his or her spouse at the time of his/her death shall be eligible for benefits payable up to the date of death, plus an additional three months of benefits; *provided*, that this spousal benefit is not available to surviving spouses who were legally separated from a Tribal Elder when he or she passed away.

152.100 Tribal Elders' Trust Fund Authorized

1. Fund Name

There is hereby authorized by the Coquille Indian Tribe the Tribal Elders' Trust Fund (the Elders' Fund).

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2. Fund Purpose

The Tribal Council establishes the Elders' Fund to provide resources to support the Elders' Benefit and Supplemental Security Income Programs as authorized by this Ordinance.

3. Fund Description

During the Tribe's visioning and strategic planning processes, Tribal members identified as a priority the establishment of programs and services to provide assistance to Tribal Elders. In 2000, the Tribal Council approved a policy to create a self-sustaining trust fund to finance a pension program that would support and assist Tribal Elders. The Tribal Council established the Tribal Elders' Trust Fund with the intent that it will provide resources in perpetuity that help support Tribal Elders.

4. Fund Authorization

The Tribal Council authorizes the Elders' Fund pursuant to CITC 160.200.3 for the specific purpose and uses established by this Ordinance. The Elders' Fund shall be accounted for as permanent fund type in accordance with Generally Accepted Accounting Principles as promulgated by the Government Accounting Standards Board.

5. Fund Contributions

The contributions to the Elders' Fund shall be by appropriation of resources available from Tribal revenues and thereafter will grow through further Tribal contributions and the addition of unexpended annual investment earnings. The Tribe may accept private donations to the Fund, provided that such donations require no specific actions on the part of the Tribe other than to be used for the program.

6. Fund Custody

Contributions, assets and earnings of the Fund shall be custodied in a bank account, brokerage account, or trust account of an institutional trust company, or any combination thereof, selected by the Chief Financial Officer and approved by the Tribal Council. Elders' Fund assets shall be invested in accordance with CITC 160.300 and may be invested in common with other Tribal fund assets to facilitate efficient management, provided they have similar duration, liquidity and risk constraints.

7. Fund Uses

The Elders' Fund may only be used to provide assistance to Elders and their families as authorized by the Tribal Council. Amounts shall not be appropriated from the Elders' Fund until it reaches its minimum target fund balance. Thereafter, in accordance with its intent as a

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permanent non-expendable trust fund, the Tribal Council intends to expend only a portion of the earnings each year so that the principle of the trust shall not be less than an amount needed to finance benefits in perpetuity. Such amounts shall be appropriated annually pursuant to the Tribal budget. The Tribal council anticipates that resources other than from the Fund shall be utilized in early years of the program while the fund is built to a desired level. Except as otherwise provided within Tribal budgets, any unused amounts appropriated to provide benefits during any calendar year shall be returned to the Elders' Fund.

8. Reporting Requirements

Unless the Tribal Council directs otherwise, the Chief Financial Officer shall provide the Tribal Council with an accounting for the Fund, including its receipts, disbursements, cumulative principal contributions and fund balance, within 45 days following the end of each calendar quarter.

9. Target Fund Balance

The minimum target fund balance shall be an actuarially established amount needed to finance authorized benefits in perpetuity, based on Tribal enrollment, life expectancies and reasonable estimates for annual rates of investment return.

152.500 Elders' Supplemental Security Income Program

1. Program Authorization

There is hereby authorized to be expended from available Tribal appropriations, for the benefit of members of the Tribe who are eligible, supplemental security income payments, which shall be paid monthly in such amounts as are set by this policy.

2. Purpose

The purpose of the benefit is to augment other income from federal programs received by members of the Tribe who are aged, blind, or otherwise disabled.

3. Program Standards

(a) Program discretionary: The benefit program shall be discretionary and subject to the amount appropriated by the Tribal Council. The authorization of the program does not create any liability on the part of the Tribe for any future payments, nor shall any member have any vested right in future benefit payments.

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- (b) Amount: Unless the Tribal Council appropriates a different amount by resolution, the amount of benefit shall be \$ 200.00 per month to all living, eligible Elders.
- (c) Eligibility: Enrolled Members of the Tribe may become eligible for the supplemental security payments on the first day of the month immediately following their 62nd birthday, or as they are determined to be eligible, after completion of the application for the program benefit.
- (d) Source: Benefit payments shall be made from appropriations by the Tribal Council pursuant to Tribal Budget.
- (e) Method of payment: The method of payment shall be by check, or, at the discretion of the Tribal Council, direct deposit to members' accounts or other method as may be beneficial and consistent with the desires of the members. The Tribal Accounting Department will disburse payments, keep records of distributed funds and maintain a list of eligible Elders.
- (f) Payment date: Payments shall be made by the first day of the month to all Tribal members who are eligible for the benefit on the first day of that month.
- (g) Waiver: Elders may, upon written, notarized request, waive the benefit or request that it be paid instead to a tribal charitable fund or other benevolent purpose on their behalf, but not to another person unless such person is a legal agent or guardian. Elections may be made indefinitely, or for a certain period of time, not less than six months. The notarization requirement shall be waived if the request is witnessed and signed by the Tribal Enrollment Officer or Elders benefits coordinator.
- (h) Benefits not to reduce other resources: The benefits paid under this policy shall not be available to offset, reduce or otherwise interfere with any other resources or benefits to which an Elder shall be entitled.
- (i) If a Tribal member dies after becoming an Elder, his or her spouse at the time of his death shall be eligible for benefits payable up to the date of death, plus an additional three months of benefits; *provided*, that this spousal benefit is not available to surviving spouses who were legally separated from a Tribal Elder when he or she passed away.

4. Designation as supplemental security income

An Elder (or qualifying surviving spouse as provided in section 152.500 (3)(i)), above, that is eligible for the Tribal Supplemental Security Income Program may request that their payment be designated as "supplemental security income" in order to ensure that the payments are

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recognized by the Federal Social Security Administration and other agencies in such a manner as to avoid any offset or reduction of Social Security or Supplemental Security payments or other benefits to which the member may be entitled.

- (a) Designation as Supplemental Security Income shall be made only to eligible enrolled members of the Tribes who have submitted an application for such benefits. The Executive Director will make application forms available to any eligible enrolled member of the Tribes desiring to apply for such benefits.
- (b) The supplemental benefits designation shall be made only to persons who are eligible for payments or are receiving payments under the Federal Supplemental Security Income Program or similar program, or to persons who would be eligible upon filing an application for such payments with the Social Security Administration or other agencies.
- (c) Such benefits shall be paid only to such persons who are determined by the Executive Director or designee, to meet the above eligibility requirements for such designation.

5. Notification to Social Security Administration

This program is designed to provide assistance to supplement benefits paid under the Federal SSI Program. The Tribe intends Tribal Elders SSI program payments to qualify for exclusion as income under the rules and regulations of the Federal Social Security Administration. The Executive Director will advise the Social Security Administration of any amendments to this Ordinance that change the conditions for eligibility or the method of payment. If the Tribe wishes to adopt any such amendments it will seek a determination from the Social Security Administration on the plan's status as an excluded income payment under the appropriate law and regulations governing the Federal SSI Program.

152.800 Implementation and Review

1. The Executive Director will develop procedures to carry out the provisions of this Ordinance.
2. The Executive Director will provide for review of the programs authorized by this Ordinance not less than once each year and shall make recommendations for such changes as are consistent with the intent of the fund. The review completed within the first year of establishment of this fund and at three year intervals thereafter, shall include a limited or informal actuarial analysis to determine the amount needed for future annual expenditures, provided, however, that said analysis shall be updated for any year in which enrollment growth exceeds five percent.

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History of Amendments to Chapter 152 Elders Benefit Program and Elders Supplemental Security Income Program Ordinance:

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