

**Hualapai Tribe**  
**COVID-19 Utility Assistance Program**  
**Program Description**

## **I. Purpose**

The purpose of the COVID-19 Utility Assistance Program is to assist Tribal Members with delinquent utility costs incurred due to the public health emergency with respect to COVID-19. The Program will promote the general welfare of the Hualapai Tribe (“Tribe”).

The Tribal Council (“Council”) has found that Tribal Members do not have adequate funds to respond to COVID-19 and it has resolved that it is necessary to make additional resources available to Tribal Members, in particular to assist Tribal Members in the payment of delinquent utility costs, to ensure that Tribal Members continue to have access to the necessary utilities, such as water, sewer, electric, natural gas and phone/internet.

This Program is designed to provide Assistance to eligible Tribal Members, including, but not limited to, Assistance as described herein. The Tribe’s intent that the Assistance provided pursuant to the Program will meet the criteria set forth in Revenue Procedure 2014-35 as may be amended, and the Tribal General Welfare Exclusion Act of 2014, for treatment as a tax-exempt “Indian general welfare benefit,” as defined within Internal Revenue Code, Section 139E.

Benefits paid under this Program may only be used to cover costs that:

1. Are necessary expenditures incurred due to the public health emergency with respect to COVID-19;
2. Were not accounted for in the Tribe’s budget most recently approved as of March 27, 2020 (the date of enactment of the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”)) for the Tribe; and
3. Were incurred during the period that begins on March 18, 2020, and ends on December 30, 2020.

## **II. Definitions**

The Program adopts the definitions provided in the COVID-19 Relief Program Title. Additionally, the Program adopts the following definitions:

- a. “**Assistance**” – means the benefits provided by this COVID-19 Utility Assistance Program.
- b. “**Beneficiary**” – Means the recipient of the Assistance under this Program.
- c. “**Fiscal Year**” – Means the calendar year commencing January 1st and ending December 31st each year.
- d. “**Program**” – Means this COVID-19 Utility Assistance Program.
- e. “**Tribal Administrator**” – Means the person or entity appointed by the Council to execute the Program.
- f. “**Tribal Law**” – Means the laws of the Hualapai Tribe.
- g. “**Tribal Member**” – Means an enrolled member of the Hualapai Tribe.

### **III. Eligibility**

The Tribal Finance Director shall employ such application and certification measures as he or she deems reasonably necessary to comply with Tribal Law. The benefits of this Program are available to any member of the Tribe who applies for such benefits and certifies that they have a need for assistance with delinquent utility payments due to the public health emergency with respect to COVID-19. Such needs may be due to reasons, including, but not limited to, a loss of overall household income, increased utility expenses due to staying at home, increased medical expenses or increased essential living costs.

### **IV. Assistance Limits**

- a. **One-Time Limitation:** All assistance provided pursuant to this Program is subject to the availability of funds. Financial assistance is limited to an aggregate amount as follows:

Adult Tribal Member - \$800.00 one-time assistance.

The assistance limit is subject to change, from time-to-time, at the discretion of the Council. The assistance limit reflects a determination by the Tribe that this amount reasonably represents some of the additional utility assistance needs of its Tribal Member population, in order to assist Tribal Members in securing access to the necessary utilities during the COVID-19 crisis.

- b. **General Welfare Limitations:** The Assistance will be made pursuant to this COVID-19 Utility Assistance Program and the written guidelines provided in this Program Description. As outlined above, the Assistance is available to any Tribal Member who satisfies the applicable eligibility requirements, subject to budgetary constraints. The Assistance provided under this Program shall not discriminate in favor of the governing body of the Tribe. The Tribe will not provide Assistance in compensation for services. The Tribe will not provide Assistance that is lavish or extravagant.

### **V. Eligible Program Assistance**

Program Assistance will be used by Beneficiary to assist in responding to the COVID-19 crisis.

### **VI. Program Funds Disbursement Process**

- a. A Beneficiary is eligible to receive up to the maximum assistance limit, as set forth in this Program Description.

- b. Payment, in the form of a negotiable check, will be distributed directly to the utility company(s) identified by the Beneficiary. The Tribal Finance Director will disburse the assistance amounts to the utility company(s) identified by the Beneficiary.

**VII. General Administrative Procedures**

- a. **Record Maintenance.** The Tribal Finance Director shall maintain the following files:
  - (1) An annual ledger recording each and every form of Program assistance provided to a Beneficiary during the applicable Fiscal Year. All ledgers shall be retained for a period of no less than seven (7) years.

**VIII. Miscellaneous**

- a. **Severability.** If any provision of this Program Description, or the application thereof to any person or circumstance, is held unconstitutional or invalid, only the invalid provision shall be severed and the remaining provision and language of this Program Description shall remain in full force and effect.
- b. **No Waiver of immunity.** All inherent sovereign rights of the Tribe, as a federally recognized Indian tribe, are hereby expressly reserved, including sovereign immunity from unconsented suit. Nothing in this Program Description shall be deemed or construed to be a waiver of the Tribe's or any of its governmental officers, employees and/or agents' sovereign immunity from unconsented suit; or to create any private right of action.
- c. **Effective Date.** This Program shall become effective, retroactive to March 18, 2020.

**Approved by Tribal Council 10/06/2020**