



# TRIBAL ELDERS AND DISABILITY PENSION TRUST GUIDELINES

## I. FUNDING OF THE TRUST

The Tribal Council has committed the sum of three million dollars (\$3,000,000.00) to fund the Tribal Elders and Disability Pension Trust. The principal sum of the Trust may be increased or decreased as deemed appropriate by and in the sole discretion of the Tribal Council.

## II. ELIGIBILITY REQUIREMENTS

- (A) Tribal Defined: “Tribal” means relating to the Keweenaw Bay Indian Community.
- (B) Tribal Elder Defined: For the purposes of this Trust, all tribal members who are 62 years old or older and who reside in Baraga County or on the Marquette Trust Lands of the Community, shall be eligible to receive benefit payments from the Tribal Elders and Disability Pension Trust.
- (C) Disabled Member Defined: For the purposes of this Trust, all tribal members, regardless of their age, who (1) receive Social Security Disability or other long-term disability payments on a monthly basis, (2) do not have a gross earned income exceeding \$1,000 per month, and (3) reside in Baraga County or on the Marquette County Trust Lands shall be eligible to receive benefit payments from the Tribal Elders and Disability Pension Trust.
- (D) Beneficiary and Beneficiaries Defined: For the purposes of this Trust, the terms “Beneficiary” and “Beneficiaries” mean any or all tribal elders and disabled members of the Community, as defined in Article II (B) and (C) above, who are eligible to receive benefit payments from the Tribal Elders and Disability Pension Trust.

## III. DISTRIBUTION OF INTEREST PROCEEDS

- (A) **All interest proceeds** derived from the investment of the principal shall be held in insured accounts until such time as they are distributed. Distributions shall be made to those Beneficiaries who meet the eligibility requirements set forth in Article II above and who elect to receive payments from the Trust, as follows:
  - (1) **Monthly payments** – Elderly \$300.00 or for the Disabled \$225.00 per month commencing on the 19<sup>th</sup> day of the first month following the month in which eligibility is established, and continuing thereafter.
  - (2) **Quarterly payments** – Elderly \$900.00 or for the Disabled \$675.00 per quarter commencing on the next quarter anniversary date following the month in which eligibility is established, and continuing thereafter. The first such payment shall be pro-rated to reflect the number of months of eligibility during the first such quarter.
  - (3) **Semi-annual payments** - Elderly \$1800.00 or for the Disabled \$1350.00 per half year, commencing on the next half-year anniversary date following the month in which eligibility is established and continuing thereafter. The first such payment shall be pro-rated to reflect the number of months of eligibility during such half-year.
  - (4) **Annual payments** - Elderly \$3600.00 or for the Disabled \$2700 per year commencing on the next year anniversary date following the month in which eligibility is established, and continuing thereafter. The first such payment shall be pro-rated to reflect the number of months of eligibility during such year.

- (B) **Anniversary dates** in any year in which the Trust is in effect shall be as follows:

**Quarterly:** January 19, April 19, July 19, November 19,

**Semi-annual:** April 19, November 19,

**Annual:** November 19

- (C) **Each beneficiary** who wishes to receive payments from the Trust must make an election in writing to the Benefits Coordinator to receive payments either on an annual, semi-annual, quarterly, or monthly basis. Such

election may be changed once every calendar year. Failure to make an election within ninety (90) days of the date of receipt of notice of eligibility to receive payments from the Trust shall be deemed an election not to receive payments from the Trust. Beneficiaries who have made an election in the past but who do not wish to receive further payments from the Trust must make an election in writing to the Benefits Coordinator indicating that they do not wish to receive further payments from the Trust. Such election may be changed once every calendar year.

#### **IV. ADMINISTRATION**

**(A) The Community Assistance Programs of the Community** shall act as the Benefits Coordinator of the Tribal Elders and Disability Pension Trust.

**(B) The Benefits Coordinator** shall have the authority to make determinations in accordance with this trust document as to the eligibility of individuals to receive payments from the Trust investment. In addition, the Benefits Coordinator shall have the following duties:

- (1). To identify and notify potentially eligible tribal members by certified mail;
- (2). To receive and maintain records of elections made by eligible tribal members pursuant To Article III above;
- (3). To determine, or delegate the determination of, the amount of interest accrued on the investment of the principal; to allocate, or delegate the allocation of, such interest as set forth in Article III above; and to initiate payments to eligible tribal members;
- (4). To keep accurate and complete records of all applications for benefits and all determinations made as to the eligibility of tribal members to receive payments from the Trust, together with the evidence or documentation relied upon to make such determinations;
- (5). To provide an accurate and complete accounting of the administration of the Trust to the Tribal Council as directed by the Tribal Council, and in no event less frequent than once per year

**(D) The Benefits Coordinator** shall not be held liable for any errors or omissions which may arise in the good faith exercise of the Benefit Coordinator's authorities or duties.

#### **V. DISPUTES AS TO ELIGIBILITY**

All disputes as to the eligibility of an individual to receive payments from the Tribal Elders and Disability Pension Trust shall be determined in the first instance by the Benefits Coordinator. An adverse decision of the Benefits Coordinator as to such eligibility of an individual may be appealed to the Tribal Council.

#### **VI. NO ALIENATION OF BENEFICIAL INTEREST**

In no event shall any beneficial interest to receive payments from the Tribal Elders and Disability Pension Trust be anticipated, alienated, inherited, or assigned by or to any third party by the Beneficiary. The eligibility of any individual to receive payments from the Trust shall terminate upon the death of the individual, or upon a decision of the Tribal Council to terminate the Tribal Elders and Disability Pension Trust. Notwithstanding anything contained to the contrary in the Article VI, a deceased Beneficiary's accrued payment from the Tribal Elders and Disability Pension Trust may be applied by the deceased Beneficiary's personal representative, executor, or executrix, or rightful heirs, toward the deceased Beneficiary's outstanding funeral expenses payable to a funeral home.

*Guidelines created from Tribal Elders and Disability Pension Trust Resolution 8/6/2015 (approval pending)*