

1992 ~~1986~~ version

PUEBLO OF LAGUNA

ORDINANCE OF THE PUEBLO COUNCIL

Per Capita Distribution

Ordinance No. 500-86

WHEREAS, Article IV, Section 2(o) of the Constitution of the Pueblo of Laguna, approved June 6, 1984, authorizes the Council to declare per capita distributions to the members of the Pueblo pursuant to Article X of the Constitution; and

WHEREAS, Article X, Section 5 of the Constitution of the Pueblo of Laguna, approved June 6, 1984, sets out procedures and conditions for declaration, calculation, and distribution of per capita distribution payments; and

WHEREAS, the Council of the Pueblo of Laguna wishes to enact a permanent per capita distribution ordinance which allows for annual per capita distributions authorized by resolutions of the Pueblo Council.

NOW, THEREFORE, the Council of the Pueblo of Laguna hereby enacts the following ordinance:

PER CAPITA DISTRIBUTION ORDINANCE

Section 1. Declaration and Effective Date.

The declaration of per capita distribution shall be within thirty (30) days after the receipt of the audited financial statements of the PCD Fund in each year in an amount authorized by resolution of the Pueblo Council from funds in the Per Capita Distribution Fund. The effective date shall be the date of the declaration.

Section 2. Entitlement.

Only persons who are enrolled as members of the Pueblo of Laguna by the Pueblo Council in accordance with Article II, Section 1 of the Constitution of the Pueblo of Laguna, approved June 6, 1984, and in good standing with the Pueblo shall be entitled to the distribution. Only persons living as of the date of declaration shall be entitled to payment.

In the event of the death of a person entitled to payment under a per capita distribution authorized by resolution after the date of declaration, but before payment has been made to such person, the Treasurer shall make the payment due such person and make such distribution by family settlement approved by the Staff Officer of the Village of the decedent's affiliation. In exceptional cases, the Pueblo Council may order a payment.

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Section 3. Amount and Sources.

The amount of the per capita shall be computed by the Treasurer by dividing that portion of the net investment income earned by the PCD Fund available for distribution pursuant to Article X, Section 5 of the Constitution, by the total number of enrolled members on the declaration date as certified by the Secretary. The source of the funds shall be eighty percent (80%) of the net investment income earned by the PCD Fund.

Section 4. Procedure.

(a) The Pueblo Treasurer shall make distribution to each enrolled member of the Pueblo of Laguna other than incompetents, by drawing checks payable to each member within sixty (60) days following the declaration date. No check for per capita distribution shall be delivered by the Pueblo Treasurer or his agents until he has received a properly executed Form 10 and affidavit, if applicable, provided for this purpose from the member involved in such payment.

(b) Delivery of checks to persons other than the payee of the per capita distribution is expressly prohibited, unless the payee has duly authorized, in writing, another person to accept delivery. Such authorization must be executed by the payee. Legal guardians/conservators and legal custodians must also furnish a copy of the judicial document which authorizes such person to act on behalf of an incompetent payee and indicates such person's scope of authority.

(c) The Mayordomos shall certify to the Treasurer on Form 10 that such members are in good standing.

Section 5. Special Categories of Payees.

(a) Those payees who are aged, physically handicapped, or non-English speaking may authorize another blood-relative to receive payment on his/her behalf, provided that the person authorized to receive payment signs a notarized sworn statement (affidavit) provided by the Tribal Secretary's office swearing that they were given such authority from the payee and that they save and hold harmless the Pueblo of Laguna from any and all liability resulting from such delivery of payment.

(b) Members who have been declared legally incompetent to manage their own affairs by reason of mental illness or mental incapacity and who have had guardians duly appointed by a court of competent jurisdiction may not receive payment except through their legal guardian.

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Section 6. In Kind and/or Cash Payment.

If per capita payments made to members who are recipients of welfare assistance from the State of New Mexico or the Bureau of Indian Affairs are deemed to have an adverse affect on their future eligibility and/or the amount of periodic payments received, then these members may elect to receive per capita payments in kind, or in cash, or both in kind and in cash, in accordance with a plan to be prepared and submitted by the Pueblo Division of Community Services and approved by the Council.

Section 7. Per Capita Distribution to Minors.

All members of the Pueblo of Laguna under the age of eighteen (18) years as of the date of the declaration shall be considered minors for the purpose of this ordinance. Per capita payments to minors shall be placed with the Individual Indian Monies Accounts to be invested and managed by the Bureau of Indian Affairs, unless otherwise provided in the Annual Per Capita Distribution Resolution of the Tribal Council of the Pueblo.

Section 8. Assignment Prohibited; Exceptions.

No portion of an undeclared or declared but undistributed per capita distribution may be assigned by any member to any other person to satisfy a debt or other obligation. However, such distributions may be encumbered to satisfy debts owed by a member to the Pueblo or to any organization created by the Pueblo.

Section 9. Limits of Payment.

Per capita distribution checks not claimed and negotiated within one (1) year of the date of the PCD check shall be void and the amount of thereof shall be forfeited and revert to the PCD Fund.

Enacted this 7th day of October 1986.

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C E R T I F I C A T I O N

The foregoing Ordinance was amended by the Pueblo of Laguna Tribal Council on the 13th day of October, 1992, at a duly called meeting at which a quorum was present.


Governor


Council Member


Council Member

ATTEST:


Tribal Secretary