

**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

118



**FROM:** Department of Public Social Services

**SUBMITTAL DATE:**  
September 14, 2010

**SUBJECT:** Amend agreement with the Soboba Band of Luiseño Indians for Tribal TANF

**RECOMMENDED MOTION:** Move that the Board of Supervisors:

- 1) Approve and authorize the Chair of the Board to sign the attached amendments to the agreement between DPSS and Soboba Band of Luiseño Indians; and,
- 2) Authorize the Director of DPSS to administer the Agreements; and,
- 3) Authorize the Purchasing Agent, in accordance with Ordinance No. 459 to sign amendments that do not change the substantive terms of the agreement.

**BACKGROUND:**

The Personal Responsibility and Work Opportunity Act of 1996 (Public Law 104-193) authorizes federally recognized Indian tribes to administer and operate their own TANF programs. In 2007, the Board of Supervisors approved an agreement between DPSS and Soboba Band of Luiseño Indians to transfer the provision of federal TANF services to the Tribal TANF. This amendment will revise language in the agreement to reflect changes in the Tribal TANF program from the California Department of Social Services.

*Susan Loew*

Susan Loew, Director  
Department of Public Social Services

<b>FINANCIAL DATA</b>	Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	N/A
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	NO
	Annual Net County Cost:	\$ 0	For Fiscal Year:	10/11

<b>SOURCE OF FUNDS:</b> N/A	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

**C.E.O. RECOMMENDATION:**

APPROVE  
BY: *Debra Cournoyer*  
Debra Cournoyer

**County Executive Office Signature**

FORM APPROVED COUNTY COUNSEL  
DATE: 8/20/10  
BY: *N. S. K...*  
MARSHAL VICTOR

Purchasing: *Mark Seiler*  
Assistant Director  
Department of Public Social Services

Dept's Recomm.:    
 Per Exec. Ofc.:    
 Consent:    
 Policy:

**Prev. Agn. Ref.:** 04/24/07 (3.23) | **District:** ALL | **Agenda Number:**

ATTACHMENTS FILED  
WITH THE CLERK OF THE BOARD

**3.31**

**Riverside County Department of Public Social Services  
Amendment to the Agreement with the  
Soboba Band of Luiseño Indians**

**WHEREAS**, the Department of Public Social Services, hereinafter referred to as DPSS, desires to transfer the provision of Temporary Assistance to Needy Families (TANF) services to a tribal government, in accordance with applicable Federal and State laws (see 42 U.S.C. Section 612, and Calif. Welfare and Institutions Code Section 10553.25) and any applicable regulations promulgated thereunder; and

**WHEREAS**, the Soboba Band of Luiseño Indians, hereinafter referred to as SBLI, desires to provide a tribal family assistance program, hereinafter referred to as the "Soboba Tribal TANF"; and

**WHEREAS**, DPSS desires SBLI to perform these services;

**NOW THEREFORE**, DPSS and SBLI do hereby covenant to follow the provisions in this Agreement and give full faith and credit to the public acts, records, and judicial proceedings for each party.

**IN WITNESS WHEREOF**, the parties hereto have executed this Agreement on this \_\_\_\_\_ day of \_\_\_\_\_.

<b>Authorized Signature for Board:</b>	<b>Authorized Signature for SBLI:</b>  <i>Scott Grant</i>
Printed Name of Person Signing:	Printed Name of Person Signing:
Title:  Chairman of the Board of Supervisors	Title:  Council Chair
Address:  4080 Lemon Street Riverside, CA 92501	Address:  P.O. Box 487 23904 Soboba Road San Jacinto, CA 92581

FORM APPROVED COUNTY COUNSEL  
BY: MARSHAL VICTOR DATE: 8/20/10

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**EXHIBITS**

Exhibit A - DPSS Form RVSD3218

Exhibit B - DPSS Department Policy 44-301

## **I. DEFINITIONS**

- A. "CDSS" refers to the California Department of Social Services.
- B. "DPSS" refers to the County of Riverside and its Department of Public Social Services, which has administrative responsibility for this Agreement.
- C. "Eligible adult" for the purpose of this Agreement refers to one of the following:
  - 1. An Indian or non-Indian caretaker of an eligible Indian child(-ren);
  - 2. An Indian who is pregnant and has reached the third trimester of the pregnancy;
  - 3. An Indian needy or non-needy caretaker who is related by blood to the eligible child. There is no limit to the degree of relationship to the eligible child.
- D. "Family" for the purpose of this Agreement refers to all natural children, step-children, adopted children or relative child (including non-Indians) under the age of 18 years of age living with an eligible adult, with at least one member being an Indian.
- E. "Retrocession" refers to the voluntary termination of the Soboba Tribal TANF.
- F. "SBLI" refers to the Soboba Band of Luiseño Indians.
- G. "Soboba Tribal TANF" refers to the Soboba tribal family assistance program.
- H. "TANF/CalWORKs" refers to the family assistance program administered by DPSS.
- I. "Service area" refers to the Soboba reservation, the city limits of the city of Riverside, and all Soboba tribal members and their descendants residing in Riverside County, excluding the Morongo reservation and reservation lands served by the Torres-Martinez Desert Cahuilla Indians.

## **II. DPSS RESPONSIBILITIES**

DPSS will:

- A. Inform in writing all TANF/CalWORKs applicants of potential eligibility to the Soboba Tribal TANF program as specified in the most recently issued DPSS Form RVSD3218 attached hereto as Exhibit A and incorporated herein by this reference..
- B. Assign a liaison to SBLI to assist in the resolution of issues that may arise during administration of the Soboba Tribal TANF program. The liaison shall be available on normal Riverside County workdays from 8:00 a.m. through 5:00 p.m., excluding County holidays.
- C. Provide to SBLI copies of DPSS' policies and procedures for TANF/CalWORKs assistance and services in existence as of the date of signing of this MOU.
- D. Provide technical assistance and training, covering a scope that has been mutually agreed upon, for program development and implementation, as requested.

## **III. SBLI RESPONSIBILITIES**

SBLI shall:

- A. Identify families to be transferred to the Soboba Tribal TANF program.
- B. Obtain a written acknowledgement from families participating in the Soboba Tribal TANF program that they cannot receive TANF/CalWORKs assistance and services from DPSS while being served by SBLI.
- C. Provide verification, as requested by DPSS Eligibility staff, to establish eligibility and benefit level for the Food Stamp and Medi-Cal programs.

- D. Assign a liaison to DPSS in each Soboba Tribal TANF program office to assist in the resolution of issues that may arise during administration of the Soboba Tribal TANF program. The liaison shall be available during normal SBLI workdays from 8:00 a.m. through 5:00 p.m.

#### **IV. JOINT RESPONSIBILITIES**

Both parties shall:

- A. Cooperate and share information in a manner that best serves Indian families.
- B. Provide mutual assistance through the identification of issues and solutions.
- C. Meet on an as-needed basis, but no less than annually, at a date and time mutually agreeable to both parties.
- D. Inform all applicants and recipients of their right to apply for the Food Stamp and Medi-Cal programs.
- E. Take all reasonable steps to avoid duplication of assistance or services through monthly comparisons of client lists, and as specified in the most recently issued DPSS Department Policy 44-301, attached hereto as Exhibit B and incorporated herein by this reference.
- F. Take all reasonable steps to identify overpayment and duplication of services, as specified in the most recently issued DPSS Department Policy 44-301 (Exhibit B).
- G. Create and maintain a referral process between the TANF/CalWORKs and SBLI Tribal TANF programs, as specified in the most recently issued DPSS Department Policy 44-301 (Exhibit B).
- H. Verify the number of months on aid between the TANF/CalWORKs and SBLI Tribal TANF programs, as specified in the most recently issued DPSS Department Policy 44-301 (Exhibit B).

#### **V. TRANSFER OF CASE INFORMATION**

- A. DPSS will transfer case information in compliance with established DPSS policy and in accordance with the Privacy Act, the Freedom of Information Act, and Section 10850 of the Welfare and Institutions Code.
- B. DPSS will require a signed release of information from each family for every case transferred to the Soboba Tribal TANF program.

#### **VI. CONFIDENTIALITY**

- A. Each party shall ensure that case record information is kept confidential when it identifies an individual by name, address, or other information that identifies an individual. Confidential information requires special precautions to protect it from loss, unauthorized use, access, disclosure, modification, and destruction.
- B. The parties to this Agreement shall keep all information that is exchanged between them in the strictest confidence, in accordance with Section 10850 of the Welfare and Institutions Code.

#### **VII. FISCAL**

- A. SBLI is to be funded directly from federal and state sources for the provision of a Tribal TANF family assistance program by the California Department of Social Services (CDSS).
- B. This Agreement is contingent upon the availability of funds from which payment will be made.

- C. DPSS shall incur no fiscal obligation, unless as otherwise provided for in this Agreement, for any assistance or services under the Soboba Tribal TANF program. The recovery or adjustment of any overpayment, underpayment, or duplicative assistance will be the responsibility of the party issuing the erroneous payment.

## **VIII. SANCTIONS**

Both parties agree that penalties and sanctions are not transferable from TANF/CalWORKs to Soboba Tribal TANF, or conversely.

## **IX. INDEPENDENT CAPACITY**

- A. It is understood that SBLI is an independent agency and that no employer-employee relationship exists between the parties hereto.
- B. SBLI assumes exclusively the responsibility for SBLI's acts and the acts of SBLI's employees, agents, or subcontractors as they relate to services to be provided during the course and scope of this Agreement.
- C. DPSS assumes exclusively the responsibility for DPSS' acts and the acts of DPSS' employees, agents, or subcontractors as they relate to services to be provided during the course and scope of this Agreement.

## **X. DISPUTES**

If a dispute arises from this Agreement involving the interpretation, implementation, or conflict of policy or procedures, the parties shall meet to resolve the problem within applicable state, and federal law. Both parties shall ensure that any dispute will not disrupt the delivery of services or assistance payments to Indian families.

## **XI. MODIFICATION OF TERMS**

No addition to or alteration of the terms of this Agreement, whether by written or verbal understanding of the parties, their officers, agents, or employees, shall be valid unless made in the form of a written amendment to this Agreement which is formally approved and executed by both parties. This Agreement is subject to amendment, as necessary, in accordance with requirements contained in any future federal or state statute, regulation, or policy.

## **XII. TERM**

- A. This Agreement shall remain in effect unless amended or terminated. Review of this Agreement shall, at a minimum, occur every three (3) years, starting from the date of execution of this Agreement.
- B. This Agreement may be terminated unilaterally by either party upon written notice one hundred twenty (120) days in advance of the date of its termination. Either party considering termination shall explore alternatives with the other party before taking such action and ensure that there is no disruption or break in service or assistance to Indian families.
- C. In the event of retrocession, SBLI shall notify DPSS and CDSS one hundred twenty (120) days prior to the effective date of retrocession.

## **XIII. NOTICE**

Any notification required by paragraphs B and C of Section XIII shall be addressed as follows:

**If to DPSS:**

County of Riverside  
Department of Public Social Service  
P.O. Box 7789  
Riverside, CA 92513

**If to CDSS:**

Director  
California Department of Social Services  
744 P Street, M.S. 17-11  
Sacramento, CA 95814

**If to SBLI:**

P.O. Box 487  
23904 Soboba Road  
San Jacinto, CA 92581

**And copies sent simultaneously to:**

Administration of Children and Families  
50 United Nations Plaza, Room 450  
San Francisco, CA 94102  
Attention: HUB Director

**and:**

California Department of Social Services  
CalWORKs Eligibility Bureau  
744 P Street, M.S. 17-08  
Sacramento, CA 95814  
Attention: Tribal Coordinator

**XIV. ENTIRE AGREEMENT**

This Agreement constitutes the entire agreement between the parties hereto with respect to the subject matter hereof, and all prior or contemporaneous agreements of any kind or nature relating to the same shall be deemed to be merged herein. This Agreement is not intended to, and shall not be construed, to create the relationship of agent, officer, employee, partnership, joint venture, or association between DPSS and SBLI. No verbal commitment or conversation with any officer, agent, or employee of either party shall affect or modify any of the terms and conditions of this Agreement.

## IMPORTANT INFORMATION FOR NATIVE AMERICAN INDIANS

**Are you or is anyone in your household (adult or child) a Native American Indian?** Three Tribal Temporary Assistance to Needy Family (TANF) programs in Riverside County provide welfare services to needy Indian families in a similar manner as Riverside County's Department of Public Social Services (DPSS) including but not limited to job-readiness training, assistance in finding a job, and supportive services to enable Native American Indians to leave the program and become self-sufficient.

**The Tribal TANF Programs are:**

Tribe	Name of Program	Serving Native American Indian Families
Torres-Martinez Desert Cahuilla Indians	<b>Torres-Martinez Tribal TANF (TMTT)</b>  Contact: Celeste Risvaloso (760) 262-1400 x 1137	in Riverside County, <b>excluding</b> residents of the: <ul style="list-style-type: none"> <li>• City of Riverside</li> <li>• Morongo Reservation, and</li> <li>• Soboba Reservation.</li> </ul>
Morongo Band of Mission Indians	<b>Morongo Tribal TANF</b> Contact: (951) 755-5178	<ul style="list-style-type: none"> <li>• who reside on the Morongo Reservation, and</li> <li>• who are direct lineal descendants (by blood or marriage) to a Morongo tribal member who reside throughout Riverside County <b>excluding</b> the City of Riverside.</li> </ul>
Soboba Band of Luiseno Indians	<b>Soboba Tribal TANF</b> Contact: 1-800-914-1282 or (951) 300-1040	<ul style="list-style-type: none"> <li>• who reside on the Soboba Reservation</li> <li>• who reside in the City of Riverside, or</li> <li>• who are Soboba descendants who reside in Riverside County, <b>excluding</b> the Morongo Reservation and reservation lands served by TMTT.</li> </ul>

If you think you qualify and have verifying documents, you have the right to choose the agency from which to receive your cash benefits and employment services.

If you choose to receive your cash benefits and employment services from one of the three Tribal TANF programs, your application for benefits will first be processed by Riverside County DPSS and then transferred to the Tribal TANF program.

If your family is Native American and you wish to have your application processed by Riverside County DPSS you don't need to do anything.

**My family is Native American and I choose to:**

- Receive cash benefits and employment services with TMTT.
- Receive cash benefits and employment services with the Morongo Tribal TANF.
- Receive cash benefits and employment services with the Soboba Tribal TANF.
- I only want more information about Tribal TANF.

I authorize the Riverside County DPSS within one (1) year of this dated document to receive and disclose information from and/or to Tribal TANF representatives for the purpose of determining eligibility for services from either DPSS or Tribal TANF. I understand that the information on my application will be kept confidential.

\_\_\_\_\_  
NAME

X \_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
TRIBAL AFFILIATION

\_\_\_\_\_  
TELEPHONE NO.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
RESERVATION OF RESIDENCE  
(If applicable)



# Department Policy

Exhibit B

44-301  
63-505.2  
Medi-Cal 108  
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## Tribal TANF

### Overview

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**Introduction** This Department Policy (DP) provides information regarding Tribal Temporary Assistance to Needy Families (TANF) programs within Riverside County.

CalWORKs (CW) recipients who meet the Tribal TANF service population definition may choose at any time to discontinue their CW and receive Tribal TANF.

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**In this policy** This policy contains the following topics:

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## 1. Introduction, Continued

### Riverside County Tribal TANF

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The federal government approved Tribal TANF programs for:

- Torres-Martinez Consortium, consisting of:
  - Torres-Martinez Desert Cahuilla Indians
  - Pechanga Band of Luiseño Indians
  - Santa Rosa Band of Mission Indians
  - Cahuilla Band of Mission Indians
  - Ramona Band of Mission Indians, and
  - Augustine Band of Indians.
- Morongo Band of Mission Indians (MBMI), and
- Soboba Band of Luiseño Indians (SBLI).

Members of these tribes may choose to receive Tribal TANF services.

The following tribes chose **not** to participate in Tribal TANF:

- Agua Caliente Band of Cahuilla Indians
- 29 Palms Band of Indians, and
- Cabazon Band of Mission Indians.

As otherwise eligible, members of these tribes receive all benefits from Riverside County DPSS.

### TMTT service population

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The Torres-Martinez Consortium defines the service populations eligible for Torres-Martinez Tribal TANF (TMTT) as members, their families, individuals on the California Judgment Roll, or descendants of any federally recognized tribe residing either on reservation lands served by the Consortium or anywhere in Riverside County who choose to apply for assistance through the TMTT program. The exceptions are Native Americans:

- residing in the city limits of Riverside
- residing on the Reservations of the Agua Caliente, Morongo and Soboba tribes, or
- descendants and members of the Agua Caliente and Morongo tribes.

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## 2. CalWORKs Benefits

**Choice of provider** Persons meeting the definition of one of the service populations for a Riverside County Tribal TANF program retain the right to choose whether they receive benefits from a Tribal TANF program or from DPSS.

**CW applicants** All new applicants for CW benefits, even if no tribal affiliation is indicated, must receive the DPSS 3218, *Important Information for Native American Indians, with their SAWS 1, Application for Cash Aid.*

**Application processing** Riverside County DPSS processes CW applications for applicants choosing to receive cash assistance through Tribal TANF prior to transferring the customer to the appropriate Tribal TANF organization. This ensures the applicant's needs are met during the transfer process. Food Stamps (FS) and Medi-Cal (MC) are processed along with CW.

**Denied CW applications** Follow the steps below to refer a denied CW application to the appropriate Tribal TANF organization:

Step	Action
1	Eligibility Technicians (ET) e-mail referrals to the Tribal TANF liaison at <a href="mailto:tribalTANF@riversidedpss.org">tribalTANF@riversidedpss.org</a> . Include all of the following: <ul style="list-style-type: none"> <li>• case number</li> <li>• case name</li> <li>• social security number(s)</li> <li>• reason for denial, and</li> <li>• tribal affiliation and documentation (if available).</li> </ul>
2	The Tribal TANF liaison reviews and prints imaged documents and faxes the information to the appropriate Tribal TANF organization.
3	ETs journal the recipient's: <ul style="list-style-type: none"> <li>• tribal affiliation</li> <li>• denial reason, and</li> <li>• referral actions.</li> </ul>
4	ETs transfer the FS and MC programs per district procedures.

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## 2. CalWORKs Benefits, Continued

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### Welfare to Work (WTW) sanctions

WTW sanctions do not transfer between CW and Tribal TANF programs. Requirements for imposing WTW sanctions, contained in Manual of Policies and Procedures (MPP) 42-721, do not apply to the Tribal TANF program.

Any pre-existing WTW sanctions for customers returning from Tribal TANF continue until cured by the customer. Refer to DP 42-722, *Curing or Rescinding WTW Sanctions*.

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## 4. 60-Month TANF Clock

**60-month timed out** Tribal TANF benefits count toward the 60-month Federal and State time clocks. Currently no safety net exists for Tribal TANF programs when 60-months of federal aid is reached. Tribal TANF refers these cases back to DPSS to process as a Safety Net child-only case using the DPSS 3655, 60-Month Expiration of Tribal TANF. The form lists the referred customer's:

- name
- months TANF assistance received
- Tribal TANF worker and telephone number
- list of verifications attached, and
- other information in the comments section pertinent to the family's case.

DPSS staff fax the DPSS 3655 to the Tribal TANF liaison at 951-358-6649 for processing.

### Processing TANF timed-out referrals

Designated TAM staff take the following actions when a TANF timed-out customer makes an application:

Step	Action
1	schedule CW intake appointment
2	receive the customer's referral packet
3	determine CW eligibility for the children only
4	determine ES eligibility for the household
5	add the number of TANF months the customer received Tribal TANF to the TANF time clock in C-IV, and
6	refer timed-out adults to MC, as appropriate, according to district office procedures.

### MFG rules

Because Maximum Family Grant (MFG) is a state regulation, MFG rules do not apply to Tribal TANF recipients. However, MFG rules do apply once a family begins receiving CW benefits. The designated ET gives the CW 2102, *Maximum Family Grant*, to the Timed-Out customer, acquires the customer's signature, and images the form into C-IV.

For example, if a family receives Tribal TANF and adds a child to their Tribal TANF assistance unit, MFG rules do not apply. If the family then applies for CW, the ET gives the applicant a CW 2102 at application and any additional children fall under MFG rules for CW benefits.

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## 5. County Clearance

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### What is county clearance?

County clearance is a request made by Tribal TANF organizations to verify:

- TANF time on aid
  - current eligibility status, and
  - non-duplication of services and benefits.
- 

### Tribal TANF liaison responsibilities

The Tribal TANF liaison completes the following:

- all county clearance requests, and
- is the contact for transfers and related information between CW and Tribal TANF.

Eligibility staff contact the Tribal TANF liaison at 951-358-3217.

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### County clearance requests

Tribal TANF organizations send county clearance requests to the liaison at [tribalTANF@riversidedpss.org](mailto:tribalTANF@riversidedpss.org).

The Tribal TANF liaison provides the requested information by fax to the requesting Tribal TANF Organization within ten (10) business days. Urgent requests are completed within two (2) business days.

The information provided to Tribal TANF organizations consists of the following applicable information for active or pending cases:

- case number
  - worker information
  - assistance unit/household members
  - aliases, and
  - correct social security number (if available)
  - sanctions/penalties, fraudulent situations, or any other discrepancies, and
  - TANF months used including time limit periods and any exemptions.
- 

### References

All County Information Notice (ACIN) I-01-07 and I-54-02

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KR: kr