

**Redding Rancheria
Distribution Ordinance**



REDDING RANCHERIA DISTRIBUTION ORDINANCE 2017

The Redding Rancheria Indian Tribe, a federally recognized Indian Tribe ("Tribe") hereby enacts the following ordinance to amend and restate a plan for the use of gaming revenues and rules respecting the distribution of such revenues. This ordinance shall be known as the "Distribution Ordinance." This ordinance and any regulations promulgated thereunder shall constitute the entire distribution ordinance for the Tribe.

**ORDINANCE OF THE GENERAL COUNCIL OF THE
REDDING RANCHERIA AMENDING AND RESTATING
ARTICLE 2 OF CHAPTER 1 OF DIVISION 2 OF THE
REDDING RANCHERIA TRIBAL CODE, ENTITLED:
"USE OF GAMING REVENUES" AS AMENDED BY
GENERAL COUNCIL RESOLUTION #001-06-29-09,
GENERAL COUNCIL RESOLUTION #03-29-10-003,
GENERAL COUNCIL RESOLUTION #007-11-05-12,
GENERAL COUNCIL RESOLUTION #001-10-09-17.**

The General Council of the Redding Rancheria (sometimes referred to as the "Tribe") hereby amends Article 2 of Chapter 1 of Division 2 of the Redding Rancheria Tribal Code to read as follows:

DIVISION 2 - BUSINESS

CHAPTER 1 - GAMING

ARTICLE 1 - REGULATION OF CLASS II AND CLASS III GAMING

ARTICLE 2 - USE OF GAMING REVENUES

Section 1000 - Findings and Policy

The Tribe finds that

1. The Redding Rancheria operates a gaming facility which produces revenues which are subject to the control of the Tribal Council;
2. The Tribal Council may use these funds:

- a. To provide per capita payments to Redding Rancheria members;
- b. To fund Rancheria government operations or programs;
- c. To provide for the general welfare of the Redding Rancheria and its members;
- d. To promote Redding Rancheria economic development;
- e. To donate to charitable organizations.

3. The Tribal Council may use net revenues from Class II and Class III gaming activities to make per capita payments to tribal members, if

- a. the Tribe has prepared a plan to allocate revenues to uses authorized under subsection 2 of this Section;
- b. the plan is approved by the Secretary of Interior;
- c. the interests of minors and other legally incompetent persons are adequately protected and preserved, and per capita payments are disbursed to the parents or legal guardian of such minors or legal incompetents in such amounts as may be necessary for the health, education or welfare of the minor or other legally incompetent person under a plan approved by the Tribe, which may include health education and welfare payments which also meet the requirements of the Redding Rancheria General Welfare Ordinance and Internal Revenue Code Section 139E; and
- d. the per capita payments are subject to Federal taxation and tribal members are notified of their tax liability when payments are made.

4. The Tribe requires a plan for the use of gaming revenues and rules respecting the distribution of such revenues for the purposes set forth in Section 2.

5. The general welfare of tribal members is best served, if 60% of the tribe's share of the net revenues of the gaming enterprise is provided to meet the individual welfare needs of tribal members in the form of per capita and Indian general welfare benefits, and 40% of the revenues are used for tribal programs that benefit the members collectively.

6. It is in the best interests of each minor tribal member to set aside, protect and preserve funds for future payment of deferred per capita and/or Indian general welfare benefits, as applicable, and to hold all such deferred benefits within a trust meeting applicable requirements for pre-tax deferral consistent with Internal Revenue Code rules for Rabbi and grantor trusts (referred to as the "Rabbi Trust Deferral Plan"). Following

approval of these changes by the Secretary, and such additional time as may be reasonably necessary to implement the same, the Tribe shall cease future post-tax contributions to the Tribe's Custodial Trust Deferral Plan, with existing Custodial Trust benefits remaining subject to that program until exhausted.

7. The Rabbi Trust Deferral Plan shall include a portion of per capita benefits for future payment of Minor Trust Benefits beginning at age twenty one (21), unless deferred, and a portion of per capita benefits for future payment of Senior Benefits beginning at age fifty (50), unless deferred. Both Minor Trust Benefits and Senior Benefits may also include a portion to pay future general welfare benefits.

- (a) Senior Benefit set asides shall apply to and remain in force only so long as the Beneficiary remains an enrolled member. The amount of Senior Benefits shall be determined by the General Council. The Tribal Council shall determine the amount needed to be set aside for the benefit levels established by the General Council, and may make adjustments to the amount set aside for Senior Benefits consistent with those determinations; provided that no further adjustments shall be made without the Beneficiary's consent, upon his or her attainment of age eighteen (18). Senior Benefits are projected, and not a guaranteed amount.
- (b) Unless the Beneficiary enters into a valid deferral or disclaimer agreement, all deferrals and earnings within the Rabbi Trust Deferral Plan in excess of the amount necessary to pay future Senior Benefits, and in excess of amounts set aside for the payment of general welfare benefits, shall be paid as Minors Trust Benefits in four annual installments beginning after his or her 21st birthday.
- (c) Notwithstanding the general distribution schedules, each Beneficiary who is then an enrolled Member, upon reaching age eighteen, may be provided the option to defer or disclaim both future per capita and general welfare benefits subject to compliance with the Internal Revenue Code. Such elections shall be administered in accordance with rules and procedures established by the Trustee to avoid premature taxation through the Internal Revenue Service doctrines of constructive receipt and economic benefit. The Trustee may, in its discretion, accelerate distribution, contrary to a deferral agreement upon a Beneficiary's disenrollment. A deferred Minors Trust benefit shall thereafter be combined with and subject to the adult deferral program rules addressed in Section 9.
- (d) Death benefits under the Rabbi Trust Deferral Plan may be paid pursuant to options approved by the Tribal Council or its designee. Benefits shall be paid in four annual installments beginning after the Tribal Council determines the proper contingent beneficiaries unless the Beneficiary elects an alternative form of death benefit in accordance with rules and

procedures established by the Trustee to avoid premature taxation through the Internal Revenue Service doctrines of constructive receipt and economic benefit, or unless the benefit is less than \$30,000, in which case the Trustee may establish a policy for lump sum death benefit payments.

- (e) The Tribal Council, in its sole discretion, may authorize distributions or changes to a deferral election upon an unforeseeable emergency subject to compliance with the Internal Revenue Code. A portion of the Minors Trust benefit may also be allocated to a general welfare account for the health education and welfare of a beneficiary previously administered under the Custodial Trust Deferral Plan.
- (f) The Tribal Council shall establish Trust Implementing Policies to administer the Rabbi Trust Deferral Plan, which the Tribal Council may amend from time to time, to the extent consistent with the terms of this Ordinance and applicable resolutions of the General Council.

8. General Welfare Account Rules for Minors and Legal Incompetents:

- (a) It is in the best interests of each minor tribal member to contribute a portion of his or her per capita benefits to a general welfare account to be used for the Beneficiary's health, education and welfare based on use and other restrictions established by the Tribal Council consistent with the Internal Revenue Code. The portion contributed to the general welfare account shall be determined by the Tribal Council each year, and may, at the discretion of the Tribal Council, include additional amounts at the election of the minor's parent or guardian, subject to limitations, procedures and forms designed to prevent premature taxation of Rabbi Trust Deferral Plan benefits. The Tribal Council may also limit or deny an election submitted by a non-member if, in its sole discretion, it determines that such limitation or denial is necessary to protect the health or welfare of a member Beneficiary.
- (b) It is in the best interests of each adult tribal member who has been declared incompetent by a court of competent jurisdiction to contribute per capita benefits for such member to a general welfare account to protect, preserve and pay future general welfare or deferred per capita benefits subject to the requirements of the Internal Revenue Code. The Tribal Council may delay per capita payments for a member upon notice that legal incompetency proceedings are pending, with payments to recommence if the member is declared competent, the matter is dismissed, or withdrawn.
- (c) Future contributions to the Custodial Trust Deferral Plan are discontinued, as soon as administratively feasible following approval of this Ordinance. Amounts previously contributed to the Tribe's Custodial Trust Deferral Plan shall be

administered under the terms of that program and applicable trust implementing policies until exhausted.

- (d) The Tribal Council shall establish such further trust implementing policies to administer the general welfare account, which the Tribal Council may amend from time to time, to the extent consistent with the terms of this Ordinance and applicable resolutions of the General Council.

9. The Tribal Council may also implement an adult deferral or disclaimer option to allow each adult enrolled member to make an annual deferral or disclaimer election whereby all or a portion of his or her per capita benefits otherwise payable during such year shall be deferred or disclaimed in favor of future general welfare benefits, subject to compliance with the Internal Revenue Code. Amounts deferred or disclaimed may be invested on a tax deferred basis into a rabbi trust modeled after Revenue Procedure 92-64. Adult members shall be provided flexibility to make annual deferral or disclaimer elections, and to establish and change deferred payment dates, subject to rules and procedures to avoid premature taxation through the Internal Revenue Service doctrines of constructive receipt and economic benefit. An adult member shall not have the option of receiving that portion of a per capita benefit subject to a deferral or disclaimer agreement in cash. The Trustee may, in its discretion, accelerate distribution, contrary to any deferral election, upon a member's disenrollment. The Tribal Council shall establish trust implementing policies to administer deferral, disclaimer, and general welfare program benefits, which the Tribal Council may amend from time to time, to the extent consistent with the terms of this Ordinance and applicable resolutions of the General Council.

10. The Tribal Council or its designee may seek Internal Revenue Service rulings or other guidance, including consultation or participation through the Advisory Committee established pursuant to the Tribal General Welfare Exclusion Act of 2014, with regard to tax compliance, deferral elections, tax reporting and withholding, disclaimers, general welfare benefits and qualification of payments under Internal Revenue Code Section 139E.

11. The changes implemented by this amended Ordinance shall follow approval by the General Council and, to the extent required by the Indian Gaming Regulatory Act, by the Secretary of the Interior or authorized designee. The Tribal Council shall adopt a separate Trust Agreement consistent with this Ordinance, and as supported by Resolutions of the General Council (the Resolution).

12: The Tribal Council shall have the discretion to determine, each year, the amount of funds to be used for general welfare benefits in meeting the needs of individual Tribal members and as called for herein, taking into account the unique circumstances of the Tribe and its members consistent with the Redding Rancheria General Welfare Ordinance, Code Section 139E, and resolutions of the General Council.

13: Amounts declared for general welfare needs will be reported as taxable benefits unless substantiated in accordance with the Redding Rancheria General Welfare Ordinance, applicable program guidelines and Code Section 139E.

14: A member's request to disclaim per capita payments in favor of general welfare benefits shall be subject to applicable requirements for a valid disclaimer under the Internal Revenue Code.

15: The selection of contingent beneficiaries, as well as the deferral, disclaimer, investment, distribution, payment of benefits, and substantiation of general welfare expenditures, shall be determined in accordance with Implementing Policies approved by the Tribal Council and subject to resolutions of the General Council.

16: Any trusts established to hold amounts set aside for the payment of deferred per capita or general welfare benefits to minors, adults or legally incompetent members hereunder shall be modeled after the Internal Revenue Service rabbi trust provisions appearing in Revenue Procedure 92-64, as the same may be amended.

17: The trustee is authorized to file income tax returns if necessary for any minor or legally incompetent members covered under any of the trusts called for herein.

18: Deferred or disclaimed amounts may not be paid contrary to the terms of a deferral or disclaimer agreement, which shall be irrevocable except to the extent permitted under applicable requirements of the Internal Revenue Code. Without limitation, a deferral agreement may include exceptions for unforeseeable emergencies to the extent such procedures would not cause premature taxation. Implementing Policies may include such additional rules, limitations and procedures as may be deemed advisable by the Tribal Council to prevent premature taxation (including compliance with Internal Revenue Service doctrines of constructive receipt and economic benefit) or to comply with Code Section 139E.

The Tribe hereby declares that the policy of the Tribe is to amend and restate a plan for the use of gaming revenues and rules respecting the distribution of such revenues. .

NOW, THEREFORE, the General Membership of the Redding Rancheria hereby ordains as follows:

Section 1001 - Definitions

a. **"Adult Optional Deferral Plan"** means the plan identified in paragraph 9 above, the terms of which are authorized by this Ordinance and the Resolution.

- b. **"Budget Ballot Committee"** means a three member committee consisting of tribal members appointed by the Tribal Council to conduct an election of the budget as provided in Section 1003.4.A(3).
- c. **"Custodial Trust Deferral Plan"** means the plan and post-tax trusts established under prior distribution ordinances for the health, education and welfare of minor Beneficiaries. Future contributions to the Custodial Trust Deferral Plan are discontinued.
- d. **"General Welfare Benefits"** means benefits that qualify as tribal general welfare benefits under the Redding Rancheria General Welfare Ordinance and under Internal Revenue Code Section 139E.
- e. **"General Welfare Account"** means a bookkeeping account maintained by the Trustee to assist the Tribe in tracking and providing for future general welfare benefits that a member may qualify for. A general welfare account shall be subject to the Rabbi Trust taxation rules and shall not, in any event, create a current economic benefit or be subject to assignment or alienation for the benefit of the beneficiary of such account.
- f. **"Minor"** means a tribal member under the age of 18 whose date of birth and certified copy of a birth certificate have been provided to the tribe. A minor shall be considered an adult tribal member, if the minor is emancipated as provided in Family Code §7002. An emancipated minor must file with the treasurer a certified copy of (1) a valid marriage certificate, (2) orders establishing active duty in the armed forces, or (3) a court order issued pursuant to Family Code §7123. If the minor has not filed such proof of emancipation with the treasurer, he or she shall be considered a minor for all purposes under this Article, until on and after the date such order is filed with the treasurer.
- g. **"Net revenues"** means gross revenues of an Indian gaming activity less amounts paid out as, or paid for, prizes and total operating expenses, excluding management fees.
- h. **"Net revenues account"** means one or more accounts in a federally insured financial institution or a financial instrument backed by the full faith and credit of the federal government, at least one of which is interest bearing, into which the treasurer deposits, or which the treasurer purchases with, net revenues exclusively. No other funds shall be deposited or used to purchase instruments in the net revenues account.
- i. **"Operating expenses"** means all expenses of an Indian gaming activity including, without limitation, debt service payments, amounts set aside in a separate reserve account(s) at the direction of Tribal Council, and amounts approved as working capital by Tribal Council in the gaming operations annual budget.
- j. **"Payment date"** means the twentieth day of each month or the last business day before the twentieth of the month and is the date for payment of per capita benefits to legally competent adult Tribal members.

k. **"Per capita benefit"** means (1) a payment from net revenues in any month to a living legally competent adult tribal member who has a current address on file with the treasurer, or contribution to an Adult Optional Deferral Trust in accordance with 9 above, (2) funds set aside pursuant to the Rabbi Trust Deferral Plan for the benefit of a living minor tribal member in accordance with 7 above, or (3) a contribution to a General Welfare Account for the benefit of a living minor tribal member or for the benefit of a legally incompetent adult tribal member in accordance with 8 above, the amount of which is determined by dividing the total net revenues available in the per capita benefits account among all eligible tribal members, living on the payment date, per a formula in which each tribal minor receives exactly 30% of the amount received by each adult. Notwithstanding anything herein to the contrary, (1) per capita benefits may be disclaimed in favor of General Welfare Benefits subject to applicable requirements of the Internal Revenue Code, and (2) the taxation of General Welfare Benefits resulting from the disclaimer of per capita payments will be determined in accordance with Code Section 139E.

l. **"Per capita benefit account"** means a separate account in a federally insured financial institution which can be used to distribute funds to tribal members, set aside funds pursuant to the Rabbi Trust Deferral Plan or Adult Optional Deferral Plan, or contribute funds to the General Welfare Account, through checks, electronic fund transfers or other means. The per capita benefits account shall hold amounts that represent current or future per capita payments as well as per capita payments that have been disclaimed in favor of future General Welfare Benefits.

m. **"Rabbi Trust Deferral Plan"** means the plan identified in paragraph 7 above and the terms of which are authorized by this Ordinance and the Resolution.

n. **"Rabbi Trust"** means the pre-tax deferral trust used in conjunction with the benefits provided in 7, 8 and 9 above, as may be amended or replaced. The rabbi trust shall be modeled after IRS Revenue Procedure 92-64.

o. **"Quarter"** means the following three month periods in any calendar year: January 1 to March 31, April 1 to June 30, July 1 to September 30 and October 1 to December 31.

p. **"Treasurer"** means the tribal treasurer as specified in the Constitution of the Redding Rancheria or some other employee or official designated by resolution of the Tribal Council to administer net revenues under this Article.

q. **"Tribal member"** means any person, regardless of age, who is an enrolled member of the Redding Rancheria for the entire month for in which per capita benefits are paid, set aside pursuant to the Plan, or contributed to Custodial Trusts.

r. **"Tribal programs account"** means one or more separate accounts in a federally insured financial institution or financial instruments backed by the full faith and credit of the federal government or other approved investment under a tribal funds investment policy adopted by the Tribal Council into which the treasurer deposits tribal programs funds.

s. **“Tribe’s share of net revenues”** means the net revenues of an Indian gaming activity available for deposit into the net revenues account after (a) the payment of all costs of the Indian gaming activity, including, without limitation, all principal payments, capital expenditures and regulatory costs of the Indian gaming activity, (b) the payment of any management fees of the Indian gaming activity and (c) the reserving or retaining of amounts for application or use by the Indian gaming activity, including, without limitation, amounts used to fund cash-on-hand balances and reserves for the payment of costs and expenses and any amounts which are required to be retained to comply with contractual obligations of the Indian gaming activity.

Section 1002 - Division of net revenues

1. Upon receipt of the tribe's share of net revenues, the treasurer shall deposit the funds in the net revenues account.
2. By the twelfth day of each month, the treasurer shall prepare an accounting of the total net revenues in the net revenues account from the previous month. The treasurer shall deposit 60% of such total net revenues in the per capita benefits account and 40% in the tribal programs account.
3. The treasurer shall prepare and present to the Tribal Council at its next regular meeting a report of the accounting prepared pursuant to this Section, the balance of the per capita benefits and tribal programs accounts, and the amount of the per capita benefits for the month (hereafter, "the monthly report").

Section 1003 - Per capita benefits

1. Following BIA approval of this Ordinance, and on a designated date each year thereafter ("notice date"), the treasurer shall provide notice to tribal members or the parents or guardians of minors or incompetent members of their options, as applicable, to receive per capita benefits, have them set aside pursuant to the Rabbi Trust Deferral Plan or the Adult Optional Deferral Plan, or to disclaim them in favor of General Welfare Benefits. The tribal member or his or her parent or legal guardian, as applicable, must provide the treasurer with a current address. The treasurer shall be entitled to rely on the address provided by the member or other authorized instructions filed with the treasurer. The member or authorized recipient shall provide picture identification when he or she picks up a check. The treasurer shall only release checks upon presentation of adequate identification.

- a. Such notice shall be given by regular first class mail to any tribal member for whom the treasurer has a mailing address.
- b. For a period of ten days after the notice date, the notice shall be conspicuously posted in an area readily visible to the general public in the tribal office, the Win River Casino Bingo facility, and the tribal health clinic.

- c. The notice shall be published as soon after the notice date as is possible in a newspaper of general circulation in the Redding area.
 - d. Failure shall not give that tribal member any right of action or claim against the Redding Rancheria, its officers, agents or employees, or impose any obligation on the Redding Rancheria or any of its officers, agents or employees.
 2. By no later than the 20th day of each month, the treasurer shall:
 - a. Make payment of per capita benefits for the previous month to each tribal member who is not a minor, and who has not entered into a deferral or disclaimer election, by mailing checks, transferring funds or issuing and holding checks as directed by the tribal member. In the absence of specific instructions from the member, the treasurer shall mail the tribal member's check to the address on file with the treasurer;
 - b. Set aside funds for each minor and legally incompetent member pursuant to the Rabbi Trust Deferral Plan or contribute per capita benefits to the General Welfare Account, as applicable, for the benefit of such minor or legally incompetent member. The treasurer shall give notice of the set aside or contribution as provided in Section 1001.A.3.
 - c. Set aside funds for each Adult Member who has entered into a deferral or disclaimer agreement.
 3. Notice that per capita payments are subject to federal income tax shall be furnished to each recipient of a taxable distribution hereunder in accordance with applicable requirements of the Internal Revenue Code. Tax withholding and the deposit of taxes shall be administered in compliance with the Internal Revenue Code and the current IRS forms, as applicable, provided that the Tribal Council may establish withholding amounts for federal and/or state taxes at amounts above the minimum IRS or State thresholds if deemed in the interest of the membership. The Tribe will report taxable per capita payments to the IRS on Form 1099 as required for compliance with the Internal Revenue Code.
 4. Only tribal members living on the payment date and who have current addresses on file with the treasurer are entitled to a per capita payment. If a tribal member dies after the payment date but before the treasurer makes the per capita payment and the treasurer has prior notice of the death, the treasurer shall hold the tribal member's per capita payment and dispose of it as an asset of the deceased member's estate pursuant to the California Probate Code. The treasurer shall have no obligation to invest such payment or pay any interest thereon.
 5. Except as provided in subsection 4 nothing in this Article is intended to vest or vests in any tribal member or any other person any right or interest in the Win River Casino

Bingo facility, the income produced by such facility, any other tribal assets, or the income produced by such assets. The General Council reserves the right to amend or repeal this Ordinance at any time and such amendment or repeal shall not represent a taking of any vested property right.

Section 1004 - Tribal programs funds

1. Prior to the commencement of the Tribe's fiscal year or as often as once each quarter, in the discretion of the Chief Executive officer, he or she shall prepare, in consultation with the heads of the tribal departments, a proposed budget for the funds contained in the Tribal Programs Account.

a. The proposed budget shall consist of two parts:

(1) A line item budget showing in columns the individual expenditures grouped by categories with subtotals for each category, department, and/or project; and

(2) A budget narrative for each department or project explaining the purpose of each expenditure, the goals sought to be achieved and explaining how the expenditures will achieve the stated goals.

b. The budget shall explain in both parts how other funds budgeted to the department or project will be used in combination with the Tribal Programs Account funds. It also may project expenditures that will require funds from future quarters. If a proposed budget anticipates funds from a future quarter or quarters, the budget narrative shall explain why budgeting the additional funds is necessary. The budget may anticipate accumulating funds from future quarters for a particular project or financing a project by pledging future revenues to repay borrowed funds.

c. If the General Council approves a budget that anticipates or relies upon funds from a future quarter or quarters, any contract or other commitment, including employment or financing contracts dependent on that future funding, shall contain an express written provision, making any expenditure of funds beyond those funds available at the time of budget approval subject to the availability of funds in future quarters.

2. The permissible uses of Tribal Programs Account funds shall include, but are not limited to, the following uses.

a. Health and Welfare;

b. Education;

- c. Economic Development, including investment in tribally owned businesses;
- d. Housing;
- e. Social services;
- f. A revolving loan fund for low or no interest loans to tribal members;
- g. Land acquisition; and
- h. General administration.

3. No Tribal Programs Account funds shall be used to make payments to or on behalf of individual tribal members, unless a specific program authorizing such payment has been approved by the Tribal Council. The approved program must include objective standards for determining eligibility for the payments and the amount of the payment. Subject to the availability of funds, the program must be available equally to all tribal members who meet the eligibility requirements, which shall not discriminate among tribal members on the basis of race, religion, age, sex, sexual orientation, marital status, income, geographic location or physical or mental disability. The foregoing language prohibiting discrimination is not intended to prohibit program and trust features designed to achieve bona fide goals in promoting the general welfare or interests the Tribe including, by way of example, programs supporting students or elders, age based distinctions for Minor and Adult status under the trusts, member-based distinctions, or disability based distinctions for benefits attributable to legally incompetent members. Benefits provided with Tribal program funds are intended to qualify as General Welfare Benefits.

4. The budget shall be approved in accordance with the following procedure.

A. Approval by the General Council.

(1) The General Council shall consider the budget as further provided herein and may approve, modify or reject the budget by a majority vote at a duly called General Council meeting at which a quorum is present.

(a) Not less than 45 days prior to the General Council meeting, the CEO shall give notice by first class mail of the meeting to all members who have an address on file. The notice shall state the time, date and place of the meeting and shall enclose a copy of the proposed budget.

(b) Copies of the proposed budget shall also be available at the tribal office for any member requesting one.

(2) At the meeting the CEO shall review the budget for the members, after which the Tribal Chairperson shall call for a vote on the budget.

(3) If a quorum fails to attend the General Council meeting within one hour after the time when the meeting was scheduled to begin, the Chairperson shall adjourn the meeting and the Budget Ballot Committee shall mail absentee ballots to all tribal members with instructions to mark the ballot in favor or against the proposed budget and to return the ballots by mail or in person to the tribal office by 3 p.m. on a date not earlier than 15 days after the ballots are sent. After 3 p.m. on that date, the Budget Ballot Committee shall count and tabulate the ballots and announce the election results. If less than the number of ballots constituting a quorum for a general council meeting are received, in proper form, the Budget Ballot Committee shall not tabulate the votes, and the budget may be reviewed and voted upon by the Tribal Council as provided in Subsection B.

B. Approval by the Tribal Council.

1. If the General Council fails to act on the budget as provided in Subsection A, the Tribal Council shall consider the proposed budget at a noticed public hearing.

a. The notice shall state the date, time and place of the hearing, which may be a regular or special Tribal Council meeting, and shall notify tribal members where the budget is available for review for a period of ten days prior to the hearing.

b. Notice shall be given as provided in Section 1003.1 b-c.

c. At the hearing the Tribal Council shall allow any tribal member to submit written or oral comments and shall consider written or oral comments on the proposed budget.

d. After opening the hearing, the Tribal Council may continue the hearing without renoticing it.

e. After closing the hearing, the Tribal Council shall approve, modify or reject the budget.

Section 1004 - No waiver of tribal sovereignty.

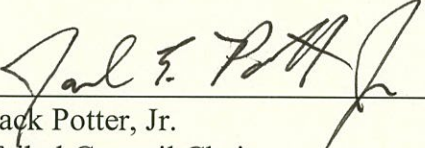
No provision of this Article expressly or impliedly waives the sovereign immunity of the Redding Rancheria and its officers and employees or is intended to operate as a consent to suit.

Section 1005 - Technical or conforming changes.

The Tribal Council is authorized to make such further technical or conforming changes, including renumbering as necessary, to accomplish the purpose and intent of the First Amendment to the Redding Rancheria Distribution Ordinance of 2012, as approved by the General Council and submitted to the Secretary or its designee.

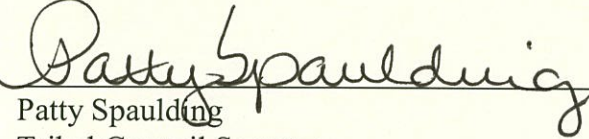
CERTIFICATION

The Redding Rancheria Distribution Ordinance was amended by a vote of 54 for 0 against and 6 abstentions on October 9, 2017 at a duly called General Membership meeting.



Jack Potter, Jr.
Tribal Council Chair

10-9, 2017



Patty Spaulding
Tribal Council Secretary

10-9, 2017