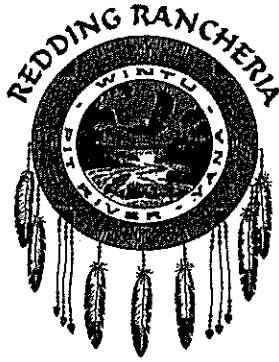


**Redding Rancheria  
General Welfare Ordinance**



## Redding Rancheria General Welfare Ordinance 2007

### Section 1000 - Findings and Policy

The Tribe finds that

1. The Redding Rancheria, a federally recognized tribal government, exercises its sovereign right to provide non-taxable needs based financial assistance under the Internal Revenue Service general welfare doctrine.
2. The Redding Rancheria, through this Ordinance, desires to establish a process for establishing financial need guidelines that must be satisfied in applying for financial assistance payments from the Tribe.
3. The Redding Rancheria, through this Ordinance, desires to authorize procedures that will be used in determining eligibility for general assistance benefits to ensure consistency with the overall needs and interests of the Tribe, and to ensure compliance with federal tax laws.
4. The financial assistance payments authorized by this Ordinance are intended to qualify for favorable tax treatment under the general welfare doctrine to the fullest extent permitted at law. All amounts budgeted by the Tribe for welfare assistance payments shall remain general assets of the Tribe until such payments are disbursed; the welfare assistance payment arrangement authorized by this Ordinance shall be an unfunded arrangement, and shall be limited to appropriated funds and all limitations imposed by the Tribe's fiscal budgeting process.
5. General welfare payments hereunder are paid from assets of the Redding Rancheria; all payments are based on budget availability of the Redding Rancheria, and the Tribe does not guarantee any payments hereunder. Benefits paid hereunder on the basis of need shall not be treated as a resource of the Beneficiary for any purpose. The Tribe reserves the right to cancel or revoke any benefits that are treated as a resource of the Beneficiary.

General Welfare Ordinance

Approved by the General Membership

2000 Redding Rancheria Rd.

Redding, CA 96001

Tribal Office: 530-225-8979

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6. The Tribal Council may seek a private letter ruling from the Internal Revenue Service regarding the tax treatment of any benefits set aside or paid under an Approved Program(s) hereunder. The Tribal Council may revoke or modify any Approved Programs if necessary and appropriate in order to obtain a favorable private letter ruling, within ninety days after any unfavorable private letter ruling is issued with respect to such programs, or within ninety days after the private letter ruling request with respect to such programs is withdrawn by the Tribal Council.

#### **Section 1001 - Definitions**

- a. **"Approved Program"** - Any program or programs approved by the Tribal Council to provide Assistance intended to qualify for treatment under the General Welfare Doctrine.
- b. **"Assistance"** - Benefits or payments under an Approved Program, which are paid to or on behalf of a Beneficiary pursuant to this Ordinance.
- c. **"Beneficiary"** - The person or persons entitled to receive welfare assistance payments pursuant to this Ordinance.
- d. **"Code"** - The Internal Revenue Code of 1986, as amended.
- e. **"General Membership"** - The voting membership of the Redding Rancheria, with legislative authority reserved to it under the Redding Rancheria Constitution.
- f. **"General Welfare Doctrine"** - The doctrine, as recognized by the Internal Revenue Service, permitting a sovereign to provide needs based Assistance on a non-taxable basis. All payments qualifying for treatment under the General Welfare Doctrine must be provided on a needs basis and for a purpose deemed to benefit the general welfare of the Tribe. In no event, will General Welfare Doctrine payments be made on a per capita basis or as compensation for services.
- g. **"Ordinance"** - The Redding Rancheria General Welfare Ordinance.
- h. **"Tribe"** - The Redding Rancheria, a federally recognized tribal government.
- i. **"Tribal Council"** - The duly elected governing tribal council of the Redding Rancheria, a federally recognized Indian tribal government.

j. "Tribal Member" means any person, regardless of age, who is an enrolled member of the Redding Rancheria at the time of an Assistance determination.

### Section 1002 - Approved Programs

1. The Tribal Council shall determine which programs each fiscal year shall qualify as Approved Programs under this Ordinance, subject to budget authorization. While the Tribal Council shall approve all programs for compliance with this Ordinance, this Ordinance shall not alter the allocation of budget approval authority as between the General Membership and the Tribal Council. Approved Programs shall be designated by Tribal Council Resolution, and shall be consistent with the General Welfare Doctrine as to purpose, eligibility, and funding.

2. Approved Programs shall be limited to purposes consistent with treatment under the General Welfare Doctrine. Such purposes may include, for example, assistance for medical care, shelter, and subsistence benefits. Any Approved Program must be established and operated to promote the general welfare of the Tribe, including programs designed to enhance the promotion of health, education, self-sufficiency, self determination, Tribal image and the maintenance of culture and tradition, entrepreneurship, and the employment of Tribal members.

3. Assistance intended to qualify under the General Welfare Doctrine must benefit the Tribe as a whole, a Tribal Member, and/or the family of a Tribal Member.

4. Each Approved Program shall set forth the specific eligibility rules and limitations applied to that program, and shall be administered pursuant to application forms and procedures approved by the Tribal Council or its designee.

5. All Assistance disbursed pursuant to this Ordinance must be used for the purpose stated in the Approved Program description, and the application for the applicable Assistance. In the event that Assistance payments are used or pledged for a purpose inconsistent with the purpose set forth in the applicable Approved Program or the application, the Tribal Council, or its designee, shall require the repayment of the welfare assistance payment. The Tribal Council is authorized to offset any other payments owed to a Tribal Member, including per capita distributions, if such an offset is necessary, in the discretion of the Tribal Council, to secure repayment of a welfare assistance payment in accordance with this Section 1002.5.

6. If a Beneficiary receives any Assistance that is not used for a proper purpose, or is in excess of the amount needed for an General Welfare Ordinance

approved purpose, such benefits shall be treated as a deemed loan, and the Tribal Council, or its designee, shall have a legally enforceable right to demand repayment. Tribal remedies shall include all debt enforcement remedies available under the laws of the Redding Rancheria.

### **Section 1003 - Needs Basis Determinations**

1. Assistance disbursed pursuant to this Ordinance shall be needs based in accordance with the applicable Tribal Income and Need Guidelines in effect at the time said benefits are paid. A Beneficiary must certify his or her financial needs, and that the Assistance benefits do not exceed the amount of the Beneficiary's financial need. The Tribal Council, or its designee, shall adopt procedures and forms for certifying a Beneficiary's eligibility for Assistance under the general Tribal Income and Need Guidelines:

2. The Tribal Council shall adopt policies and review them for changes as necessary each year in establishing recommended minimum standards of living and income guidelines for purposes of determining a Beneficiary's qualification for needs based benefits hereunder. In making the recommendations called for herein, the Tribal Council may look for guidance to federal guidelines such as the federal poverty levels, the federal earned income credit levels, the national or regional median family income statistics, and the guidelines used by state and federal programs. However, the General Membership and the Tribal Council, by joint approval, shall retain ultimate authority in establishing minimum standards of living for the Redding Rancheria. In doing so, the Tribal Council and General Membership may take into account such issues as the number of dependants in a household, the level of household income, and household expenditures, the average and median Tribal incomes, and financial matters unique to the Redding Rancheria.

3. In lieu of or in addition to Section 1003.1 or 1003.2 above, the Tribal Council may also designate Assistance as necessary to satisfy a core need of the Redding Rancheria itself, which need not necessarily be based on individual need, such as the preservation of tribal traditions or culture, or the promotion of economic development and self determination; provided that any such program or assistance is supported by Resolutions of the Tribal Council demonstrating consistency with the general welfare doctrine as codified herein and as may be amplified in published guidance from the Internal Revenue Service.

### **Section 1004 - Tribal Program Funds**

1. All Approved Programs are subject to budget

authorization from the General Membership and/or Tribal Council as applicable. Funds that may be considered shall include those from gaming and non-gaming sources.

2. Notwithstanding anything to the contrary, the Assistance payments authorized hereunder shall be "unfunded" for tax purposes and no Beneficiary shall have an interest in or right to any funds budgeted for or set aside for Assistance payments until paid. Assistance benefits shall remain assets of the Tribe until distributed, and the Approved Programs shall be administered at all time to avoid the doctrines of constructive receipt and/or economic benefit.

3. No payments shall be made in connection with a Tribal program 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.

#### **Section 1005 - Forfeiture and Appeals**

1. Notwithstanding anything herein to the contrary, the Tribe may forfeit Assistance benefits to any Beneficiary who is found by the Tribal Council to have misapplied program funds or to have made any misrepresentations during the application process. The Tribal Council may also forfeit Assistance benefits should said benefits be treated as a resource to the detriment of the Tribe or a Beneficiary; provided that no forfeiture may take effect until the individual is provided a hearing and due process as set forth in Section 1005.2 herein.

2. Before any individual's Assistance is subject to forfeiture, said individual shall be provided an opportunity for a hearing before the Redding Rancheria Tribal Court. The Tribal Council, or its designee, shall provide a written statement of the grounds for forfeiture at least five days before the date of said hearing.

#### **Section 1006 - Anti-alienation**

A Tribal Member's rights to apply for welfare assistance payments under this Ordinance are not subject to anticipation, alienation, sale, transfer, assignment, pledge, encumbrance, attachment or garnishment by creditors of the Tribal member or his or her beneficiaries.

**Section 1007 - Delegations for Administration**

1. The Tribal Council, or its designee, the Chief Executive Officer of the Redding Rancheria (collectively, the "administrator"), shall be charged with the responsibility and authority to administer the welfare assistance payment program called for by this Ordinance. The Chief Executive Officer may also delegate administrative functions under his/her direction and oversight. All powers and duties conferred on the administrator shall be exercised or performed in the exercise of the administrator's discretion regardless of whether the provision conferring such power or imposing such duty specifically refers to the administrator's discretion.

2. All decisions of the administrator upon all matters within the scope of its authority shall be binding and conclusive upon all persons.

3. All actions taken by individuals in administering benefits under this Ordinance shall be presumed to be taken in their official capacity.

**Section 1009 - No waiver of tribal sovereignty**

All rights and liabilities associated with the enactment of this Ordinance, or the welfare assistance payments made hereunder, shall be construed and enforced according to the laws of the Redding Rancheria. Nothing in this Ordinance or the related policies or procedures, if any, shall be construed as a waiver of sovereign immunity or to make applicable any laws or regulations which the Tribe is entitled to exemption from in accordance with its sovereign status.

**CERTIFICATION**

The Redding Rancheria Distribution Ordinance was amended by a vote of 37 for 2 against on April 30 at a duly called General Membership meeting.

Barbara Murphy  
Barbara Murphy  
Tribal Council Chair

April 30, 2007

Patty Spaulding  
Patty Spaulding  
Tribal Council Secretary

April 30, 2007

General Welfare Ordinance  
Approved by the General Membership  
April 30, 2007

Present Council

1. Chair - Barbara Murphy
2. Vice-Chair - Jim Hayward, Sr.
3. Secretary - Patty Spaulding
4. Treasurer - Jason Hayward
5. Councilperson - Hope Wilkes
6. Councilperson - Jack Potter
7. Councilperson - Mike Hayward