

**REDDING RANCHERIA
TRIBAL GOVERNMENT POLICIES**

Chapter TP 1-1050

IRS LEVY PROCESSING POLICY



June 4, 2019

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SECTION 1: PURPOSE

The purpose of this Policy is to establish a procedure that assures the expeditious compliance, as required by law, when the United States Department of the Treasury, Internal Revenue Service, delivers to the Tribe a Levy seizing either property, salaries, or other income.

SECTION 2: BACKGROUND AND INTENT

The Redding Rancheria is a federally recognized Indian tribe that possesses attributes of sovereignty, including exclusive civil regulatory authority within the boundaries of its reservation, except where the exercise of that sovereignty is expressly limited by federal law.

Congress has abrogated the sovereignty of the Tribe in federal statutes for the limited purpose of authorizing the Internal Revenue Service to collect taxes allegedly owed by seizing either property, salaries, or other income that the Tribe owes to the individual named in the Levy. It is important for the Tribe to understand and follow federal Levy instructions, thereby avoiding federal tax penalties and ensuring that the Tribe receives necessary information from tribal employees, tribal members, vendors, or others.

Congress has not similarly acted to abrogate or limit the sovereignty of the Tribe by requiring it to enforce tax levies or other civil money judgments from state or local jurisdictions. The Tribal Council has voluntarily, and unilaterally agreed, as matter of tribal public policy, to honor and enforce wage assignments, issued by the courts of Shasta County, to satisfy the child support obligation of employees of the Redding Rancheria and its subordinate organizations, and to develop a procedure for enforcement of those wage assignments (Tribal Council Resolution #063-11-06-01).

SECTION 3: DEFINITIONS

For the purpose of this policy, the following words and phrases shall be defined as follows:

- (a) Tribe: The Redding Rancheria, a federally recognized Indian Tribe.
- (b) Tribal Council: The tribal council of the Redding Rancheria, the duly elected governing body of the Redding Rancheria.
- (c) IRS: The United States Department of the Treasury, Internal Revenue Service.
- (d) CEO: The Chief Executive Officer, the highest ranking administrative officer for the Redding Rancheria Tribal Government.

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- (e) Human Resources Department: The Redding Rancheria Human Resources Department.
- (f) Legal Department: The internal legal department representing the Redding Rancheria Indian tribe.
- (g) Levy: an administrative action by the Internal Revenue Service under statutory authority to seize property to satisfy a tax liability.
- (h) Finance Department: The internal finance department of the Redding Rancheria Indian Tribe.
- (i) Senior Director of Community Services: The highest ranking administrative official, or designee, in the community services department of the Redding Rancheria Indian Tribe.

SECTION 4: DELEGATED AUTHORITY

All authority necessary to carry out the purposes of this policy are delegated to the CEO, who may assign such authority and duties.

SECTION 5: AUTHORIZED PROGRAMS AND SERVICES (Reserved)

SECTION 6: PROTOCOL

The following protocol shall be observed to process any IRS Levy received by the Redding Rancheria:

- (a) The Human Resources Department shall:
 - (1) Date stamp the IRS Levy received by the Tribe.
 - (2) Deliver the original Levy to the Legal Department on the date received.
 - (3) Deliver copies upon receipt, by email, of the Levy to the Legal Department, Finance Department, and the Director of Social Services; concurrently deliver a copy of the Levy to the named taxpayer.
- (b) The Legal Department shall:
 - (1) Review the original Levy received to determine the type of Levy, the category of income in which the Levy seeks to attach, and determining whether the Levy is continuing.

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- (2) Notify the tribal member as required by the terms of the Levy and applicable federal law.
 - (3) Timely consult with the Finance Department about any types of income which are affected by the Levy received by the Tribe.
 - (4) Coordinate with the Finance or Human Resources Department about proper calculation of funds to be remitted to the IRS.
 - (5) Advise the Director of Community Services whenever property, including wages and/or other income, is being withheld from a Redding Rancheria tribal member to satisfy a Levy.
 - (6) Sign and return the executed IRS Levy.
- (c) The Finance Department shall:
- (1) Communicate with the Legal and Human Resources Departments to determine any amounts required to be withheld and remitted to the IRS in response to a Levy.
 - (2) Prepare the check, or other method of remittance, when appropriate, and deliver it, timely, to the Legal Department for inclusion in the response to the Levy.

SECTION 7: REVIEW

The CEO shall review this Policy each year and shall such make recommendations, if any, for its amendment as appropriate for the effective administration hereof.

SECTION 8: SOVEREIGN IMMUNITY

Nothing contained within this Policy shall be construed as a waiver of the sovereign immunity of the Redding Rancheria, its officers, elected officials, or employees acting in their official capacity.

Legislative History:

Originally Adopted by Tribal Council Resolution #038-06-04-19, dated June 4, 2019.