

# REDDING RANCHERIA TRIBAL GOVERNMENT POLICIES

## Chapter TP 1-200 Tribal Council



October 24, 2023

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SECTION 1: PURPOSE

To set forth uniform policies and procedures to promote the effective performance of the responsibilities of the Tribal Council, to facilitate orderly and productive meetings and efforts in the conduct of tribal business, and to establish clear expectations of members of the Tribal Council.

The purpose of this policy is to define the roles of the Tribal Council and its members, to establish certain standards and procedures for conducting the business of the Tribal Government, and to prohibit actions involving conflicts of interest and acts of actual or apparent ethical impropriety. The Council recognizes that the establishment of such standards and procedures is in the best interest of the Tribe and its membership.

SECTION 2: BACKGROUND AND INTENT

The Tribal Council has set forth the structure and roles of the Redding Rancheria Tribal Government, providing for the delegation of responsibilities and authorities of the Tribal Council to various work units of the Tribal Government.

The Tribal Council has set forth its expectations that tribal laws be established to guide the efforts and actions of all work units who shall serve the Tribal Council in carrying out the delegated functions and responsibilities of the Tribal Council.

The Tribal Council has reserved to itself the legislative responsibility and authority, and other such responsibilities and authorities not specifically delegated by law.

It is the intent of the Tribal Council that this policy shall provide guidance to present and future Tribal Councils in carrying out their efforts and actions in the accomplishment of the role of the Tribal Government and shall provide for continuity in the conduct of tribal business.

(a) Overall Policy

This policy is adopted in furtherance of the following objectives:

(1) Definition of Roles of Tribal Council and Council Members

The Tribal Council hereby recognizes that it is in the best interest of the Tribe and its members to clearly define the roles of the Tribal Council and Council Members. This policy, therefore, sets out the specific duties and responsibilities of the Tribal Council and its Council Members. The efficient administration of tribal affairs requires that the Tribal Council focus its efforts, energy, and resources primarily on issues of policy and short- and long-term planning for the community. Clearly established standards and procedures provide for the most constructive use of Tribal Council Members' time and tribal resources.

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(2) Establishing Standards of Ethical Conduct

The Tribal Council hereby recognizes that it is in the best interest of the Tribe and its members to ensure that Officers of Tribal Government carry out their duties in a manner meeting the most rigorous standards of ethical conduct. The prohibition of actions involving conflicts of interest and other acts of actual or apparent ethical impropriety ensures the continued high moral standards, legitimacy, and strength of the Redding Rancheria Tribal Government. This policy therefore defines and prohibits conflicts of interest and other conduct involving actual or apparent impropriety.

(3) Administrative Authority and Procedures

The Tribal Council hereby recognizes that it is in the best interest of the Tribe and its members to have the executive and administrative authority specifically defined to facilitate the efficient functioning of the day-to-day business and operational affairs of the Tribe. This policy, therefore, delegates specific authority to the Chief Executive Officer to carry out affairs involving personnel, business, and other day-to-day operations of the Tribe and limits the role of the Council in such affairs to minimize the confusion and problems associated with dual authority.

(b) Role of the Tribal Council

The Tribal Council shall be responsible for carrying out the following functions:

(1) Establishment of General Tribal Policy

The Tribal Council shall be responsible for the establishment, review, and revision of general Tribal Policy including but not limited to the areas of economic development, health and human services, natural resources, legal matters, sovereignty and jurisdiction, overall budget, personnel procedures, education, and cultural resources. Authority to implement Tribal Policy is delegated to the Chief Executive Officer pursuant to Section 2(b)(3), subject to general oversight and review by the Tribal Council.

(2) Short- and Long-Term Planning for the Community

The Tribal Council shall be responsible for the development, review, and revision of short- and long-term plans for the tribal community, including but not limited to; housing, land acquisition, land-use planning, resource development and use, budgets, legal resources, economic development, health and human services, education, and cultural

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resources. Authority to implement these short- and long-term plans are delegated to Tribal Administration pursuant to Section 2(b)(3), subject to general oversight and review by the Tribal Council.

(3) Supervisory Authority over Chief Executive Officer

The Tribal Council shall be responsible for hiring, supervising, and reviewing the work of the Chief Executive Officer. The Tribal Council as a whole shall monitor and review the work of the Chief Executive Officer to determine whether he or she is carrying out Tribal Policy and short- and long-term plans in a manner consistent with the intention of the Tribal Council. Day-to-day communication with the Chief Executive Officer shall be carried out by the Tribal Council Chairperson, on behalf of the Tribal Council. Supervision and review of all other tribal employees are delegated to the Chief Executive Officer pursuant to Section 2(5), and the Council shall not be involved in the direct supervision of all other specific personnel.

(4) Hiring Authority for Other Tribal Officers

The Tribal Council shall reserve the authority to confirm the selection of the Chief Operating Officer and the Chief Financial Officer.

(5) Hiring Authority for Tribal Employees

Hiring, discipline, and termination decisions regarding all tribal personnel is delegated to the Chief Executive Officer pursuant to chapter TP 1-300 "Executive Management" of the Redding Rancheria Tribal Policies, and the Council shall not be directly involved in the hiring, supervision, discipline, and termination of all other tribal personnel.

(6) Specific Delegation of Authority

The Tribal Council may specifically delegate authority to the Tribal Council Chairperson, tribal administration, or specific personnel to carry out any of the duties or policies of the Tribal Council not specifically delegated by this Policy; provided that such delegation shall be consistent with the Tribe's Constitution. Such delegation shall be reduced to writing and shall specify in as much detail as possible the authority so delegated and the duration of such delegation.

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SECTION 3: DEFINITIONS (Reserved)

SECTION 4: DELEGATED AUTHORITY (Reserved)

SECTION 5: AUTHORIZED PROGRAMS AND SERVICES (Reserved)

SECTION 6: APPLICABILITY

The provisions of this policy shall apply to all members of the Tribal Council.

SECTION 7: OFFICERS OF THE TRIBAL COUNCIL

The officers of the Tribal Council are hereby assigned duties and responsibilities as follows:

(a) Tribal Chairperson

The chairperson of the Tribal Council is the chief spokesperson of the Tribe, represents the Tribe by name and title; provides for correspondence with other governments and entities on behalf of the Tribe, and carries out the following duties:

- (1) Calls for and presides over regularly scheduled meetings of the Tribal Council, General Membership meetings, and such other meetings as are considered necessary for the conduct of Tribal business.
- (2) Coordinates with other work units and communicates the direction of the Tribal Council.
- (3) Organizes and approves the agenda in advance of Tribal Council meetings, in coordination with and with the assistance of the Chief Executive Officer. The chairperson also determines, with the assistance of the Chief Executive Officer, if there are executive session or closed session items on the agenda. An executive session is held when it is necessary to exclude the general public from certain discussions. Executive session agenda items include, but are not limited to, personnel matters and minors' trust issues. Closed session agenda items may include instances where individual council members or officers may need to be excluded from the discussion of a particular agenda item. Closed session agenda items include, but are not limited to, personnel items relating to officers or council members who are employees; and claims against council members brought by other employees or councilpersons, that result from actions within the scope of their official capacities as councilpersons.

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- (4) Presents and explains the position of the Redding Rancheria Indian Tribe on all matters of importance.
- (5) Delegates' tasks to members of the Tribal Council to assist the Tribal Council in its efforts.
- (6) Exercises other authority and carries out other duties delegated by the Tribal Council.
- (7) Provides for the orderly conduct of tribal business by:
  - (A) Ensuring that the Tribal Council holds regular meetings according to the terms of Article VIII, Clause I of the Redding Rancheria Constitution;
  - (B) Ensuring that the General Membership holds, at a minimum, regular quarterly meetings in the months of February, May, August, and November of each year, according to the terms of Article VIII, Clause 3 of the Redding Rancheria Constitution;
  - (C) Calling special meetings of the Tribal Council within one week of receiving a request from three or more Tribal Council members;
  - (D) Ensuring that all Tribal Council members have at least twelve hours' notice of any special Tribal Council meeting and has received the agenda for such meeting unless a member waives notice in writing;
  - (E) Setting the agenda for all regular Tribal Council meetings and making the agenda available 24 hours in advance of such meetings, provided, however, that the chairperson may add to the said agenda; provided further that such agenda shall include any item submitted upon the written request of three or more Tribal Council members;
  - (F) Adding items to the agenda at Tribal Council meetings upon a majority vote;
  - (G) Announcing at the last General Membership meeting prior to elections that nominations for candidates for the October Tribal Council elections will be taken;
  - (H) Calling a special meeting of the General Membership and ensuring that an accused tribal official(s) is given full opportunity to reply to any and all charges against him or her according to

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the terms of Article VII, Clause 1 of the Redding Rancheria Constitution; and

- (l) Facilitating the resolution of grievances and conflicts that come before the Tribal Council.

(b) Vice-Chairperson

The Vice-Chairperson of the Tribal Council shall assist the Chairperson in the duties of the office and shall carry out the duties of the Chairperson in his/her absence.

(c) Secretary

The Secretary of the Tribal Council shall assist the Chairperson in the duties of the office and shall carry out the duties of the chairperson in the absence of the Chairperson/Vice-Chairperson.

The Secretary of the Tribal Council ensures the accurate recording of all Tribal Council meetings and decisions; certifies the accuracy of the minutes; records and certifies all resolutions; verifies the accuracy of Tribal Policies and other actions of the Tribal Council and carries out other responsibilities as directed by tribal law.

- (1) Reviews "draft" minutes of Tribal Council meetings to ensure their accuracy and timely presentation for approval and certifies approved minutes.
- (2) Certifies the content and accuracy of resolutions and policies.
- (3) Reviews and advises the Tribal Organization on record-keeping practices.

(d) Treasurer

The Treasurer of the Tribal Council shall assist the Chairperson in the duties of the office and shall carry out the duties of the Chairperson in the absence of the Chairperson/Vice-Chairperson and Secretary.

- (1) The Treasurer serves as the Chairperson of the Finance and Investment Committee.



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SECTION 8: EXPECTATIONS OF TRIBAL COUNCIL MEMBERS AND ALTERNATES

- (a) All members of the Tribal Council are expected to adhere to Tribal Policy 1-100 Tribal Code of Ethics as well as the following:
  - (1) Attend all Tribal and General Membership meetings unless excused from such meetings;
  - (2) Provide input into all matters coming before the Tribal Council, stating beliefs and providing alternatives and recommendations in all decision making;
  - (3) Support all decisions of the Tribal Council;
  - (4) Diligently carry out assignments on behalf of the Tribal Council;
  - (5) Conduct themselves professionally and ethically in all matters and provide a positive community role model;
  - (6) Promote cooperation and teamwork among Tribal Council and all other work units and members of the Tribe;
  - (7) Avoid interference with other work units, not giving direction to employees or others except as authorized by the Tribal Council;
  - (8) Maintain impartial attitude in decision making, keeping personal and family matters separate from such processes; and
  - (9) Avoid personal involvement in employee matters.
  
- (b) General Duties of Council Members

Individual council members shall uphold the following requirements of their office.

- (1) Attendance

Tribal Council Members are required to attend all meetings of the Tribal Council. A Tribal Council member may attend a Tribal Council Meeting by speakerphone or conference call when he/she is on Council travel and unable to make the meeting due to official business.

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(A) Excused Absences

A Tribal Council Member shall make arrangements for an excused absence within an adequate and reasonable time prior to the meeting, except in the case of sickness or emergency; by notifying the Council Staff Secretary and the Council Staff Secretary shall inform the Chairperson. Absences may be excused due to illness, scheduled vacation, Tribal Council travel, work conflict, or other important personal or family event that is noticed to the Tribal Council in advance.

(B) Unexcused Absences

If a Tribal Council Member has three unexcused absences from three regularly scheduled Council meetings, the Council Staff Secretary shall inform the Chairperson; who shall place the issue on the next Tribal Council agenda and send a letter to the Tribal Council Member warning him/her that any further absences could result in sanctions outlined in Part III, Section 8, Sanctions Regarding Tribal Council Members. Continued absences following a warning shall result in sanctions.

(2) Duty to Stay Informed

Each Tribal Council Member shall read all pertinent reports; legal, administrative, and financial memoranda; and all other documents and information presented to them in their capacity as Tribal Council Members; in order to stay fully informed on the affairs of Tribal Government. Each member shall also become familiar with the Tribe's Constitution, ordinances, and policies, and should make an effort to educate themselves on issues relevant to policy and planning for the Tribal Government.

(3) Advisory Committee Membership

Council members are encouraged to serve on Advisory Committees established by the Council.

(4) Participation

Each Tribal Council Member has a duty to participate in the deliberations of the Tribal Council, including voting on motions, expressing opinions, and giving their informed input on matters before the Council.

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(5) Cooperation

Council members should work cooperatively with other members of the Council. When disputes arise, members should agree to disagree with one another; to hear out and respect the opinions expressed by other members of the Tribal Council, no matter how divergent these opinions are from their own beliefs. While heated discussion and debate are a natural and necessary part of Council deliberations, such activity should be undertaken respectfully and cooperatively.

(6) Dignity and Respect; Refrain from Personal Attacks

The Tribal Council hereby recognizes that serving the Tribe as a Council Member is an honor that demands dignity and respect, and members should comport themselves in an appropriate manner. Council members should refrain from engaging in personal attacks on other members of the Council, members of the Tribe or Tribal Personnel. Tribal Council Members should also refrain from making public statements describing disputes or disagreements among the Council in a negative, personal manner.

(7) Communication with General Membership

Each Tribal Council Member has a duty to his or her constituents to keep them informed as to the issues before the Council and the decisions made by the Council, except for confidential or privileged information; and to relay the concerns, questions, opinions, and sentiments of those constituents to the Tribal Council.

(8) Tribal Funds and Property

Individual Tribal Council Members may not enter into any transactions involving the commitment, encumbrance, or expenditure of tribal funds or other tribal resources, property, or assets unless specifically delegated such authority by the Tribal Council.

(9) Personnel

Individual Tribal Council Members may not take part in any Tribal personnel decisions, including but not limited to hiring, firing, discipline, and supervision of an employee's work, except where otherwise specified by this policy concerning key personnel. The Council has delegated such authority to the Chief Executive Officer to provide for the efficient operation of Tribal Administration and has adopted general Personnel Management Procedures to guide the Chief Executive

Officer in such matters.

## SECTION 9: TRIBAL COUNCIL MEETINGS

Meetings of the Tribal Council shall be conducted in accordance with the following procedures:

(a) Council Meeting Procedures

The Tribe's Constitution sets out certain procedural requirements for meetings of the Tribal Council. The following additional, specific requirements are established as a supplement to those Constitutional requirements, to provide for orderly meetings and informed decision making. These additional requirements shall be interpreted in a manner consistent with the Tribe's Constitution:

(1) Quorum

Pursuant to Article VIII, Clause 2 of the Tribal Constitution, a quorum on the Tribal Council requires the presence of no less than five members. The Council may decide tribal business only when a quorum is present to vote on a specific matter. In the absence of a quorum, the Chairperson (in the Chairperson's absence the Vice- Chairperson and in the absence of both, the Secretary) shall announce the lack of a quorum. The Council may still meet despite the lack of a quorum to discuss relevant issues and hear from members of the tribal community and the general public.

(2) Chairperson to Preside

During a Council meeting, the Chairperson (or in the Chairperson's absence the Vice-Chairperson, and in the absence of both, the Secretary) shall preside over such meeting in the following manner:

- (A) Calling the meeting to order, at a place and time to be designated by the Council.
- (B) Keeping order during meetings, including providing for an orderly process of recognizing all speakers who wish to address the Council, including individual Council members.
- (C) Calling for and recognizing motions and seconds and conducting the vote on motions.
- (D) Calling for and conducting the vote to adjourn.

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- (E) Summarizing discussion and debate prior to a vote.
- (F) Other such duties as necessary for the conduct of orderly meetings and informed decision making.

(3) Executive Session

The Tribal Chairperson will be responsible for declaring agenda items to be in Executive Session. During Executive Session, all individuals will be required to leave for that specific agenda item except the Tribal Council, Tribal Council Alternates, the CEO, the COO, and the Tribal Council Staff Secretary. When the CEO and COO are both unable to attend Tribal Council meetings, the CEO will designate an employee to sit in the meeting on their behalf. Executive Session will be declared in the following circumstances:

- (A) Minor's Trust. All minors trust issues pertaining to an individual minor including but not limited to purchases made payable out of their minor's trust. The parent or guardian of the minor and the minor themselves may remain in the meeting to answer any questions regarding the request. They will then be required to leave so the Tribal Council can discuss the issue in Executive Session. After the Tribal Council has discussed the issues, they will be invited back into the room to be present for the vote.
- (B) Personnel. Discussing personnel matters will be held in Executive Session. In these instances, the Tribal Council Staff Secretary may be asked to leave.
- (C) Lawsuits. Lawsuits or the potential threat of a lawsuit will be considered in Executive Session.
- (D) Purchase of Land. Discussions regarding the purchase of land will be considered in Executive Session from the initial discussions of determining whether to proceed with the purchase of land through the actual negotiations period and the finalizing of land purchase sales.
- (E) Tribal Council Member Disclosures. When it becomes necessary for a Tribal Council Member to disclose issues that may be potential violations of the Tribal Council Code of Ethics Policy, they will be heard by the Council in Executive Session.
- (F) Hearings. Discussions of Tribal Council following a hearing of a Tribal Council Member for possible ethics violation will be in

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Executive Session. The actual hearing regarding a Tribal Council Member's possible ethics violation will be heard in open session (Tribal members only may attend). At the conclusion of the hearing, the Tribal Council Chairperson will declare an Executive Session in order for the Tribal Council to discuss the outcome of the hearing. After the Council has discussed the issue, the Tribal Council Member and Tribal Members will be present for any motions regarding any action.

- (G) Financials. Tribal Government and Enterprise financials will be discussed in Executive Session except that Tribal members will be able to stay in on these agenda items.
- (H) Other agenda items that are deemed necessary. The Tribal Council may determine by majority vote that a particular item must be heard in Executive Session for the safety and benefit of the Tribe as a whole.
- (I) In Executive Session, all persons present, including Tribal Members, Tribal Council Members, CEO, COO, and Tribal Council Staff Secretary will be bound by confidentiality. If matters discussed in Executive Session are discussed outside of Executive Session, they may be deemed to have violated the Tribal Council Code of Ethics Policies as outlined in the policy.

(4) Addressing the Tribal Council

Any person wishing to address the Tribal Council may request the Chairperson or Chief Executive Officer; subject to the provisions set out herein. Speakers shall be recognized in turn and in an orderly manner provided that Tribal Council Members shall have priority over other persons present in addressing the Council.

- (A) No Tribal Member wishing to address the Council shall be denied the right to do so, unless the person wishing to speak is disruptive, unruly, attempting to obstruct Tribal Council business, verbally or physically threatening, visibly intoxicated, or otherwise impaired.
- (B) Speakers shall wait their turn, and refrain from interrupting other speakers.
- (C) Speakers shall attempt to keep their comments concise and address the matter specifically before the Council at the time when their turn comes to speak.

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(5) Voting

A vote by the Council on a particular matter shall be binding as an act of the Tribal Government when undertaken pursuant to the following procedure:

- (A) A quorum must be present when the vote is taken.
- (B) A vote on a matter before the Council shall be conducted when a member of the Council has made a motion to do so and that motion has been seconded by another Tribal Council Member; provided that the chairperson may not make a motion or second a motion for a vote, provided further that the Chairperson may call for a motion and a second in order to facilitate the conduct of business at Tribal Council meetings.
- (C) Upon a motion and second, the Chairperson shall call for a vote, which may be conducted either by voice or by raised hands. The results of the vote shall be recorded, listing the number for, the number against, and the number abstaining. A Tribal Council Member has the right to have his or her specific vote on a matter included in the record.
- (D) The Chairperson may not vote, except in those instances where the Chairperson's vote is necessary to break a tie.
- (E) A motion shall be considered approved and binding if the number of Tribal Council Members voting for the motion exceeds the number voting against it; except for matters which are required by the Tribe's Constitution to have a larger margin than a simple majority.
- (F) The matter voted on cannot be a matter outside the authority delegated to the Tribal Council pursuant to the Tribe's Constitution.
- (G) Notwithstanding the above, a Tribal Council Member should make motions in person at Tribal Council meetings, but on rare occasions, when a phone/email vote is necessary:
  - i. A Tribal Council member may contact the Chairperson (in the Chairperson's absence the Vice-Chairperson and in the absence of both, the Secretary) with a proposed motion only after that Tribal Council member has secured

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- a second on the proposed motion from another Tribal Council Member.
- ii. If the Chairperson determines that a rare occasion exists to warrant a phone/email vote, the chairperson will contact the Tribal Council Staff Secretary to initiate a phone/email vote.
  - iii. The Tribal Council Staff Secretary will send all Tribal Council members the proposed motion via phone/email and request a response within two hours.
  - iv. After the specified time has passed, the Tribal Council Staff Secretary will review the votes of Tribal Council Members; if five Tribal Council Members do not respond; then the Tribal Council Staff Secretary will count submitted votes of Alternate Tribal Council members starting with the first alternate.
  - v. The Tribal Council Staff Secretary will send the outcome of the vote count to the Chairperson and the Tribal Council Members via phone/email.
  - vi. There must be five responses from the Tribal Council members to establish a quorum.
  - vii. If five responses; including Alternate Tribal Council members, are not received after the specified time, the Tribal Council Staff Secretary will contact the Chairperson and the Tribal Council members to let them know the motion died.
  - viii. The Tribal Council Staff Secretary will create minutes of any phone/email vote to be approved by the Tribal Council at a later meeting.

## SECTION 10: COMPENSATION

The members of the Tribal Council shall be entitled to compensation for attendance at scheduled Tribal Council meetings and when they are called upon to travel on behalf of the Tribal Council or otherwise in attendance at Tribal Council directed functions (i.e.: meetings, workshops, etc.).

- (a) For Tribal Council meetings or directed functions held in Redding, the Tribal Council other than the Chairperson and Vice-Chairperson shall be



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compensated at a rate approved in accordance with this policy for attendance at the meeting or function.

- (b) The Chairperson and Vice-Chairperson or Council person acting as shall be compensated at a rate approved in accordance with this policy, with the extra amount intended to compensate for the time and effort required outside of Tribal Council meetings to organize the Council, review, and execute documents, etc.
- (c) For Tribal Council meetings or delegations to meetings, which require travel outside the local area, Tribal Council members shall receive their normal compensation for each "travel only" day while traveling to and from meetings.
- (d) Tribal Council Members who are also employees of the Rancheria shall be entitled to receive their normal employee compensation in lieu of Tribal Council compensation to the extent that Tribal Council meetings, functions, or travel are required during the normal business day. There is an exception of political or lobbying activities, in which case Tribal Council Members must receive an honorarium.
- (e) The Tribal Council compensation shall be in the form of an honorarium from which no tax withholding shall be taken. Tribal Council members shall be responsible for federal or state taxes which may be applicable to the compensation.
- (f) Authorization for the payment of honorariums shall be by the Chairman, Vice-Chairman, Secretary or Treasurer of the Council, or other members designated by the Tribal Council in writing, who shall certify the attendees at each meeting, the beginning and ending time of the meeting and the amount to be paid to each Tribal Council Member.
- (g) In the case of travel, each Tribal Council Member shall certify the time of travel and attendance at meetings. The Chairperson, Vice-Chairperson, Secretary, or Treasurer shall approve honorarium payments for authorized and properly certified travel. In the absence of Officers of the Tribal Council; the Chief Executive Officer may authorize payment for properly certified travel.
- (h) Honorariums shall be paid on the next check run, as scheduled by the Finance Department, following receipt of the written authorization for payment as discussed in (f) above.
- (i) The Chairman and Vice-Chairman shall establish such procedures as are required to implement the honorarium policy.
- (j) Changes in the amount of Tribal Council compensation shall be proposed on three-year intervals by the Chief Executive Officer in conjunction with the

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annual budget. Proposed changes shall be accompanied by information pertinent to adjusting compensation, including but not limited to the cost of living changes and compensation studies. Changes shall be authorized by Tribal Council Resolution and shall become effective as of the beginning of the next calendar year. Notification of changes, including justification, shall be provided to the Membership in conjunction with other budget material.

#### SECTION 11: TRAVEL POLICY

Tribal Council Members traveling on official Tribal business shall be subject to the following requirements and procedures; to provide a uniform system for travel expenditures and to avoid actual or apparent impropriety in the use of tribal funds for travel purposes.

(a) Air Travel

Where air travel is required for a specific trip, the Tribe will pay for such travel at prevailing "coach" rates. However, first-class travel will be authorized under the following circumstances:

- (1) Coach rates are unavailable for the particular travel schedule.
- (2) Tribal Council Member has a noticeable physical handicap or other health condition and the flight time will exceed four hours.
- (3) The Tribal Council otherwise authorizes.

(b) Credit Card Policy

Credit cards may be utilized as authorized by the Tribal Council for appropriate travel expenditures.

(c) Car Rentals

Travelers who have a valid driver's license may rent automobiles for travel where appropriate and cost-effective. Luxury cars shall not be rented unless non-luxury vehicles are not available. A larger car may be rented if a Tribal Council Member has a noticeable physical handicap or other health condition.

#### SECTION 12: SANCTIONS REGARDING TRIBAL COUNCIL MEMBERS

Tribal Council Members accused of violating the requirements set out under this section shall have the matter determined by the Tribal Council, subject to the following procedures:

- (a) Any member of the Tribe may present an accusation to the Tribal Council in writing alleging that a particular Council member violated the requirements of

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this policy. The accusation must be filed within six months of the alleged event. This restriction shall not apply in such instances where the Tribal Council Member fails to make a full disclosure in accordance with Section 5(c) of TP 1-100, Tribal Code of Ethics.

- (b) Whenever one or more members of the Tribal Council, including the Tribal Council Member themselves, becomes aware of a serious conflict or legal matters involving a member of the Tribal Council, the member(s) is required to bring the matter to the attention of the Chairperson of Tribal Council who shall report the matter to the Tribal Council and may direct staff to assemble information relevant to the matter.
- (c) The Council shall hear the matter in open session within 30 days of receiving the accusation or notification, provided that the hearing may be extended beyond 30 days by the Council if any party involved in the proceeding, including the Council, requires additional time to gather necessary information.
- (d) The party accusing the Tribal Council Member shall present evidence and witnesses to support the accusation.
- (e) The Tribal Council itself, or through a party so delegated, may conduct an independent investigation, and enter evidence and witness testimony into the record during the actual hearing.
- (f) The accused Tribal Council Member shall have the right to confront witnesses, to challenge the evidence, and to offer witnesses and evidence on his or her behalf.
- (g) Presentation of witnesses and evidence may be done informally, provided that the rights of the accused Tribal Council Member are protected in a manner consistent with the Tribe's Constitution.
- (h) The Council shall render its determination in writing in a timely manner, including its evidentiary findings, which must be approved by at least five of those Tribal Council Members voting, provided that the Council can request further information be produced before rendering a determination, provided further that the accused Tribal Council Member shall not vote in this determination. The appropriate Alternate Tribal Council Member shall vote in the place of the accused Tribal Council Member.
- (i) If the Tribal Council determines that the accused Tribal Council Member has violated the requirements set out in this Section, the Tribal Council shall choose the sanction it deems appropriate, including reprimand, censure, or temporary suspension from Tribal Council (not to exceed three months), or removal from office. To be valid and binding, the sanction must be approved

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by at least five of those Tribal Council Members voting on the issue, provided that the accused Tribal Council Member shall not vote in this determination. The appropriate Alternate Tribal Council Member shall vote in the place of the accused Tribal Council Member.

- (j) The Tribal Court is hereby granted jurisdiction to hear appeals of the issuance of such sanctions by the Tribal Council, provided, however, that the Tribal Court's jurisdiction in such matters is limited to a determination of whether or not the action taken by Tribal Council was arbitrary and capricious, or in violation of the Tribe's Constitution or of the Indian Civil Rights Act.
- (k) The appeal must be filed within 30 days of the Council's determination. The evidentiary findings of the Council shall be accepted by the Court as final unless such findings are found to be arbitrary and capricious.

### SECTION 13: SEVERABILITY

If any provision of this policy is found to be invalid under applicable law, that provision shall be severed from this policy and the remainder of the policy shall remain in full force and effect.

### SECTION 14: SOVEREIGN IMMUNITY

Nothing in this policy shall be construed to have waived the sovereign immunity of the Redding Rancheria, any tribal entity, department or program, or any tribal officials or employees, except as specifically and explicitly described herein.

#### Legislative History:

Originally Adopted by Tribal Council Resolution dated October 21, 1997.

As Amended by Tribal Council on March 13, 1998; Resolution 03-18-98.

As Amended by Tribal Council on January 14, 2003; Resolution 003-1-14-03.

As Amended by Tribal Council on September 2, 2003; Resolution \_\_\_\_\_.

As Amended by Tribal Council Resolution #018-04-11-07, dated April 11, 2007.

As Amended by Tribal Council Resolution #034-05-14-08, dated May 14, 2008.

As Amended by Tribal Council Resolution #020-04-17-12, dated April 17, 2012.

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As Amended by Tribal Council Resolution #066-10-23-12, dated October 23, 2012.

As Amended by Tribal Council Resolution #020-03-12-19, dated March 12, 2019.

As Amended by Tribal Council Resolution #076-10-13-20, dated October 13, 2020.

As Amended by Tribal Council Resolution #071-10-24-23, dated October 24, 2023.