

REDDING RANCHERIA TRIBAL GOVERNMENT POLICIES

Chapter TP 7-1300

Financial Advisor/Planning Assistance



October 24, 2023

REDDING RANCHERIA TRIBAL GOVERNMENT POLICIES
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Financial Advisor/Planning Assistance Program Policy

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SECTION 1: PURPOSE

To promote the general welfare and enhance the economic well-being and self-determination of the Redding Rancheria by providing support for use of professional advisors and financial planners to assist in addressing personal financial issues and planning by tribal members, taking into account the unique rules, laws, programs, customs and traditions that apply to tribal members, including special rules related to state and federal taxes and programs covered by the Tribal General Welfare Exclusion Act.

SECTION 2: BACKGROUND AND INTENT

(a) Promotion of the General Welfare / Addressing Tribal Needs and Goals

This program is designed to promote the general welfare of the Redding Rancheria and to address specific tribal needs and goals. This program was developed taking into account specific facts and circumstances of the Redding Rancheria, including needs and goals unique to the Tribe's culture, history, traditions, and demographics. The Redding Rancheria supports the development of personal financial management skills and financial self-sufficiency of its members through education, employment and other programs. The knowledge and skills available through financial planners and other professionals is considered an important tool to addressing personal financial issues and planning, and for avoiding many risks associated with managing personal finances, given the complexity of financial instruments and tax laws today.

The program is deemed necessary by the Rancheria to curb historic patterns of poverty, taxation issues, and lack of quality financial management education available to members through public education institutions. Learning and adopting financial management skills and appropriate financial plans by an individual member will aid the overall membership and increase the likelihood that such skills will be passed to future Tribal members. The program serves a core and essential government function of the Rancheria and transcends individual financial need. The assistance provided under this program is designed to satisfy an overall long range need of the community and not merely an individual short term need of the recipient.

As the program is established there are significant numbers of members who are in need to assistance to address taxation issues, develop personal financial skills and plans. The Rancheria has determined that failure to address these skills is an impediment to personal and family self-sufficiency and, therefore, the general welfare of the community. In particular, the Rancheria has determined that the Tribe will benefit if members are

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provided assistance with regard tax issues and planning issues that are unique to tribal governments including, by way of example: Code Section 139D special rules related to tribal health benefits; Code Section 139E special rules related to tribal welfare assistance; Title 25 rules related to land and trust settlements; special rules related to the taxation of Indian Gaming Regulatory Act distributions; judicial decisions related to state taxation based on tribal membership and residency; and long term planning and investment goals taking into account tribal programs and resources, tribal customs, traditions and culture.

Strategic goals have been developed through meetings with the membership and represent the expression of the member community of its values and community needs.

(b) Coverage under the Redding Rancheria General Welfare Ordinance

This program and its associated benefits are authorized pursuant to the Redding Rancheria General Welfare Ordinance and Chapter TP 1-1100 of the Redding Rancheria Tribal Governmental Policies, as the same may be amended from time to time, and shall be administered in accordance and compliance therewith. Program benefits are intended to constitute Indian tribal general welfare benefits excluded from taxable income under Internal Revenue Code Section 139E. Program benefits modeled after the IRS "safe harbor" rules are also intended to qualify for tax free treatment under IRS Revenue Procedure 2014-35 and Notice 2015-34, as the same may be amended, which are looked to as good faith guidance by the Tribe in applying Code Section 139E pending the issuance of final regulations thereunder. All assistance provided in accordance with this policy is intended to qualify for favorable tax treatment to the fullest extent permitted at law.

The provisions of Chapter TP1-1100 of the Redding Rancheria Tribal Governmental Policies are hereby incorporated by reference and shall apply to the implementation and benefits authorized by this policy.

SECTION 3: DEFINITIONS

As used within this chapter, the following terms shall mean:

- (a) Administrator: The Chief Executive Officer of the Redding Rancheria or authorized designee.
- (b) Chief Executive Officer (CEO): The Chief Executive Officer of the Redding Rancheria.

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- (c) Tribe: The Redding Rancheria, a federally recognized Native American tribe, in Redding, California.
- (d) Tribal Court: The Redding Rancheria Tribal Court.

Other terms utilized herein shall have the same meaning as defined within the General Welfare Ordinance.

SECTION 4: DELEGATED AUTHORITY

The Chief Executive Officer is hereby delegated all administrative authority to carry out the day-to-day operations of the program, in accordance with General Welfare Implementing Policies – Chapter TP 1-1100 of the Redding Rancheria Tribal Government Policies.

SECTION 5: AUTHORIZED PROGRAMS AND SERVICES

- (a) There is hereby authorized financial planning assistance for adult members of the Redding Rancheria for the purposes set forth herein.
- (b) The amount available to the program for any year shall be determined by the Tribal Council pursuant to the Tribal budget, or as otherwise set forth by Tribal Council resolution.
- (c) The purpose of this program shall be to assist members in obtaining financial planning assistance to include:
 - (1) Assistance of professional financial planners in the development of personal or family financial plans.
 - (2) Tax planning assistance.
 - (3) Assistance in addressing issues such as tax deficiencies or working out payment plans with regard to unpaid taxes with federal, state and other taxing agencies.
 - (4) Assistance in developing wills, living trusts, and similar instruments.
 - (5) Preparation of income tax returns.
 - (6) Credit and fraud protection services.

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(d) General Restrictions

- (1) Benefits must be available to any tribal member who satisfies the program guidelines.
- (2) Distribution of benefits shall not discriminate in favor of members of the governing body.
- (3) Benefits cannot constitute compensation for services.
- (4) Benefits cannot be lavish or extravagant.
- (5) Benefits must comply with the Redding Rancheria General Welfare Ordinance.
- (6) All program benefits are subject to funding and budget limitations.

(e) Amount of Assistance

The amount of assistance for any one purpose, as described above in Section C, with the exception of the preparation of current year income tax returns, shall be \$1,500 or as otherwise set forth within the annual budget, or as otherwise may be determined based on the utilization of and available appropriations for the program.

(f) Direct Payment or Reimbursement

Assistance payments may be by direct payment to the professional or entity providing the service or by reimbursement of the applicant upon submission of proof of qualifying expense.

SECTION 6: ELIGIBILITY

- (a) Applicants must be Redding Rancheria members 18 years of age and older.
- (b) Members who have received assistance may apply for additional assistance, provided that the request does not duplicate the services previously assisted within the same calendar year, the request does not exceed the annual limits in Section 5(e), and sufficient appropriations are available.
- (c) The Administrator may prioritize or limit the amount of assistance to the extent that requests exceed available appropriations for the program.

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Program benefits are available to any member who satisfies these guidelines subject to budgetary constraints. This program does not discriminate in favor of members of the governing body of the Tribe.

SECTION 7: GENERAL PROVISIONS

- (a) Requests are required to be submitted to utilize the program, and must be for a purpose covered by this policy.
- (b) Requests will be made to the Administrator or authorized designee as provided by the Administrator.
- (c) The Administrator shall determine whether a request is consistent with the authorized purpose of the program before providing assistance payments.
- (d) If the number of qualified requests exceeds the amount of appropriations available, requests will be funded on a first-come first-served basis, and the amount of the assistance payments may be reduced to provide assistance to a greater number of applicants.
- (e) Receipts or other proof of payment is required for assistance by reimbursement, and must be turned in within a reasonable period of time following assistance. For direct payment to a vendor, an invoice must be submitted.
- (f) Program benefits may not include any expenses that are lavish or extravagant under the facts and circumstances.

Legislative History:

Adopted by Tribal Council Resolution #084-12-08-15, dated December 8, 2015.

Amended by Tribal Council Resolution #024-03-07-17, dated March 7, 2017.

Amended by Tribal Council Resolution #069-10-24-23, dated October 24, 2023.