

**RINCON BAND OF LUISEÑO MISSION INDIANS
RINCON INDIAN RESERVATION, CALIFORNIA**



**RINCON MINOR'S CLOTHING ALLOWANCE
PROGRAM ORDINANCE
RINCON TRIBAL CODE § 17.400**

Adopted on November 20, 2014

RINCON MINOR’S CLOTHING ALLOWANCE PROGRAM ORDINANCE

Rincon Tribal Code § 17.400

Table of Contents

§ <u>17.400</u>	Findings and Purpose	3
§ <u>17.401</u>	Authority	3
§ <u>17.402</u>	Definitions.....	3
§ <u>17.403</u>	Clothing Allowance Assistance Eligibility.....	5
§ <u>17.404</u>	Clothing Allowance Assistance Limits.....	5
§ <u>17.405</u>	Elgible Program Assistance	6
§ <u>17.406</u>	Application Process	6
§ <u>17.407</u>	Program Funds Disbursement Process.....	7
§ <u>17.408</u>	General Administrative Procedures	8
§ <u>17.409</u>	Miscellaneous	9

RINCON MINOR'S CLOTHING ALLOWANCE PROGRAM ORDINANCE

Rincon Tribal Code § 17.400

§ 17.400 **FINDINGS AND PURPOSE**

(a) The purpose of this Ordinance is to ensure the protection and social welfare of Tribal Member Minors. The Tribe has a responsibility to protect and promote the general welfare interests of its members and to assist in providing support to its members.

(b) The Tribe, through the exercise of its sovereign right and duty, desires to protect the interests of Tribal Member Minors and has expressed a policy to restrict Tribal Member Minor access to per capita payments and instead to make assistance payments to Tribal Member Minors for a Clothing Allowance that will protect them and motivate them to attain the highest level of education.

(c) This Clothing Allowance Program Ordinance is designed to provide regular Clothing Allowance assistance that ensures the protection of a Tribal Member Minor's social welfare.

§ 17.401 **AUTHORITY**

This Ordinance is established pursuant to the authority vested in the Tribal Council by Section 6 of the Articles of Association to enact ordinances for the general welfare of the Tribe, and pursuant to the Tribal General Welfare Exclusion Act of 2013, codified under Internal Revenue Code Section 139E, which excludes from gross income, for income tax purposes, the value of general welfare assistance that may be provided to an Eligible Tribal Member.

§ 17.402 **DEFINITIONS**

(a) **“Applicant”** means a Tribal Member seeking benefits under this Program who may submit an Application, or whose Guardian may submit an Application on his/her behalf, to qualify as a Beneficiary of assistance.

(b) **“Application”** means written forms completed by the Applicant, including all supporting documentation, submitted to the Tribal Administrator pursuant to Section 17.406 in order to receive consideration for a Clothing Allowance.

(c) **“Band”** means the Rincon Band of Luiseño Indians and the same as “Tribe” for purposes of this Ordinance.

RINCON MINOR'S CLOTHING ALLOWANCE PROGRAM ORDINANCE

Rincon Tribal Code § 17.400

(d) **“Band Member”** means the Tribal Member Minor determined to be eligible to receive general welfare assistance payments pursuant to this Program. Beneficiary means the same as Eligible Tribal Member.

(e) **“Beneficiary”** means a Tribal Member Minor who receives Clothing Allowance.

(f) **“Clothing Allowance”** means the monetary assistance provided under this Ordinance for the payment or reimbursement of costs for Minor's clothing, including garments and shoes.

(g) **“Eligible Cost Documentation”** means documentation that substantiates the expenditure of Program funds for purposes of reimbursement pursuant to Section 17.405.

(h) **“Eligible Tribal Member”** means a Tribal Member who meets the requirements of Section 17.403 of this Ordinance.

(i) **“Fiscal Year”** means the calendar year commencing January 1st and ending December 31st each year.

(j) **“Guardian”** means a parent or legal guardian who has the legal authority and duty to care for the personal and property interests of a Tribal Member Minor.

(k) **“Minor”** means an enrolled tribal member of the Band who has not attained the age of twenty-one (21) years.

(l) **“Ordinance”** means this Clothing Allowance Program Ordinance.

(m) **“Program”** means the Clothing Allowance general welfare assistance program described by this Ordinance.

(n) **“Rincon Reservation”** means all land within the exterior boundaries of the Rincon Reservation, located in Valley Center, California, and all lands that may be added from time to time to the Rincon Reservation after the date of enactment of this Ordinance.

RINCON MINOR'S CLOTHING ALLOWANCE PROGRAM ORDINANCE

Rincon Tribal Code § 17.400

(o) **“Tribal Administrator”** means the Tribal Administrator appointed by the Tribal Council to execute administrative functions on behalf of the Tribal Government.

(p) **“Tribal Member”** means any enrolled member of the Tribe and shall have the same meaning as Band Member.

§ 17.403 **CLOTHING ALLOWANCE ASSISTANCE ELIGIBILITY**

To be eligible for assistance pursuant to this Program, a Beneficiary must be a Tribal Member who is also a Minor, or the Guardian of a Tribal Member who is also a Minor.

§ 17.404 **CLOTHING ALLOWANCE ASSISTANCE LIMITS**

(a) **Annual Limitation:** All assistance provided pursuant to this Program is subject to the availability of funds. Financial assistance is limited to an aggregate annual amount of \$1,500.00, and shall be available for distribution as follows:

- June 15th - \$500.00
- August 15th - \$500.00
- December 15th - \$500.00

The annual assistance limit is subject to change from time to time, at the discretion of the Tribal Council. The annual assistance limit reflects a determination by the Tribe that this amount reasonably represents some or all of the additional financial assistance needs of its Minor population, for the types of costs reflected in Section 17.405 of this Ordinance, in order to support and maintain their health and well-being and to achieve the equitable purposes of this Ordinance as set forth in Section 17.400.

(b) **Disbursement limits.** Disbursements under this Program will be made only upon approval of an Application from an Eligible Tribal Member or his/her Guardian. Reimbursements will be made payable to the Minor. Reimbursement checks will be mailed to the address as listed on the approved Application.

(c) **Non-Discrimination.** The assistance provided under this Program shall not discriminate in favor of the governing body of the Tribe.

RINCON MINOR'S CLOTHING ALLOWANCE PROGRAM ORDINANCE

Rincon Tribal Code § 17.400

§ 17.405 **ELIGIBLE PROGRAM ASSISTANCE**

Program assistance is limited to costs actually incurred by the Beneficiary and/or his or her Guardian for clothing items for the Minor, including garments and shoes, for school, sports activities and other general needs.

§ 17.406 **APPLICATION PROCESS**

(a) **Tribal Member Applicant Responsibility.**

- (1) **Application Requirement.** If required by the Tribal Council, an Applicant must submit an Application for a Clothing Allowance in accordance with the requirements established by the Tribal Administrator pursuant to this Program. All Applications must be signed and dated by the Applicant. Completed Applications will be accepted in person, by mail or by facsimile.
- (2) **Eligible Cost Documentation.** For requests for reimbursement or direct pay to a third party retailer, the Applicant must submit receipts or other documentation which substantiates the actual costs incurred by the Applicant to substantiate reimbursement of a Clothing Allowance pursuant to Section 17.407.
- (3) **Tribal Administrator Requests.** If required by Tribal Council, the Applicant must timely submit any other documents or information deemed necessary by the Tribal Administrator.

(b) **Tribal Administrator Responsibility.**

- (1) **Eligibility Determination.** If an Application is required, the Tribal Administrator shall date stamp the Application upon receipt and notify the Applicant, in writing within five (5) business days of his/her determination of eligibility for assistance benefits.
- (2) **Emergency Applications.** Completed Applications for emergency needs shall be reviewed, and determination made as to eligibility, within forty-eight (48) hours of receipt by the Tribal Administrator.

RINCON MINOR'S CLOTHING ALLOWANCE PROGRAM ORDINANCE

Rincon Tribal Code § 17.400

- (3) **Annual Assistance Limits.** Upon the request of the Tribal Council and for purposes of periodically testing the propriety of the total aggregate annual assistance limit, the Tribal Administrator shall conduct due diligence research into the average annual costs which a Minor may expect to incur for the types of eligible assistance reflected in Section 17.405 of this Ordinance.

§ 17.407 PROGRAM FUNDS DISBURSEMENT PROCESS

(a) Subject to Section 17.404, an approved Applicant is eligible to receive the amounts set forth therein, on the dates set forth therein.

(b) Payment in the form of a negotiable check will be disbursed on behalf of the Beneficiary as follows:

- i. **Annual Assistance Payment.** The Tribal Administrator will disburse the total annual assistance amount to each eligible Beneficiary in accordance with Section 17.404 of this Ordinance each year; provided however, to the extent a Beneficiary has requested payment directly to a third party retailer or reimbursement of eligible costs, the total annual assistance payments in the aggregate shall be offset by the amount of such payments or the Beneficiary shall be required to repay any excess benefits to the Tribe.
- ii. **Payment Directly to a Third Party.** Upon the request of the Beneficiary, the Tribe may make payment directly to a third party retailer on behalf of a Beneficiary. A Beneficiary must present the Eligible Cost Documentation to the Tribal Administrator fourteen (14) days before the due date of payment to the Third Party.
- iii. **Reimbursement to Beneficiary for Payments to a Third Party.** Upon the request of the Beneficiary, the Tribe may reimburse the Beneficiary for eligible costs. A Beneficiary must present the Eligible Cost Documentation to the Tribal Administrator fourteen (14) days before the due date of payment to the Beneficiary.

RINCON MINOR'S CLOTHING ALLOWANCE PROGRAM ORDINANCE

Rincon Tribal Code § 17.400

§ 17.408 GENERAL ADMINISTRATIVE PROCEDURES

(a) Record Maintenance. The Tribal Administrator shall maintain the following files:

- (1) For each Beneficiary, including all information and documentation supplied in connection with his or her Application and Eligible Cost Documentation, if required, and all proof of disbursement of Program funds.
- (2) For each Applicant determined to be ineligible, including all information provided by the Applicant and documentation of the decision making process to disapprove eligibility.
- (3) For Applications which are incomplete and pending determination of eligibility. Applicants submitting incomplete Applications will be notified in writing and given an opportunity to submit the missing information within a reasonable period of time.
- (4) An annual ledger recording each and every form of Program assistance provided to a Beneficiary during the applicable Fiscal Year. Each annual ledger shall be maintained for no less than seven (7) years.
- (5) For the Program, record of all due diligence research conducted to support the total aggregate annual assistance limit set forth in Section 17.404 of this Ordinance, including, but not limited to surveys, cost samplings and other research.

(b) Audit.

- (1) If required, a Beneficiary must submit documentation to annually recertify eligibility for assistance under this Program.
- (2) Beneficiaries and their Guardian are required to use Program assistance exclusively for the purposes stated herein. In the event that assistance payments are used or pledged for a purpose inconsistent with the purposes set forth in this Program or the Beneficiary's Application, the Tribal Administrator shall require the immediate repayment of the assistance payment.

RINCON MINOR'S CLOTHING ALLOWANCE PROGRAM ORDINANCE

Rincon Tribal Code § 17.400

(c) **Appeal Procedure.** Should the Tribal Administrator disapprove any Application, the Applicant may appeal the decision by filing a written notice with the Tribal Council within fourteen (14) working days following the certified mailing of notice of disapproval. The Applicant shall be entitled to be present at a meeting of the Tribal Council and shall have the right to present oral or written communication with regard to the reconsideration. The decision of the Tribal Council shall be considered final.

§ 17.409 **MISCELLANEOUS**

- a) **Severability.** If any provision of these Clothing Allowance Program Guidelines, or the application thereof to any person or circumstance, shall be held unconstitutional or invalid by the Tribal Council, only the invalid provision shall be severed and the remaining provision and language of this Ordinance shall remain in full force and effect.
- b) **No Waiver of Immunity.** All inherent sovereign rights of the Band as a federally recognized Indian tribe with respect to provisions authorized in this Ordinance and are hereby expressly reserved, including sovereign immunity from unconsented suit. Nothing in this Ordinance shall be deemed or construed to be a waiver of the Band's sovereign immunity from unconsented suit.
- c) **Effective Date.** This Ordinance and Program shall become effective upon its approval by majority vote of the Tribal Council of the Band at a duly noticed meeting.

[END OF DOCUMENT]