



Kashia Round House
Founded in 1916

Kashia Band of Pomo Indians
Of the Stewarts Point Rancheria

ORDINANCE # 14

**KASHIA BAND OF POMO INDIANS
OF THE STEWARTS POINT RANCHERIA
TRIBAL LENDING REVENUE ALLOCATION ORDINANCE
(Final~ 8/9/14)**

SECTION 1. INTRODUCTORY PROVISIONS

- 1.1. Authority. This Ordinance is enacted under the inherent sovereign authority of the Kashia Band of Pomo Indians of the Stewarts Point Rancheria and in accordance with Article 5, Section 1(l), (o) and (p) and Article 6, Section 2 of the Tribe's Constitution.
- 1.2. Policy. The Kashia Band of Pomo Indians, through its General Council, has established the Kashia Lending Enterprise to operate one or more consumer lending businesses on behalf of and for the benefit of the Tribe and its members. It is the policy of the Tribe to ensure revenues generated by the business activities of the Kashia Lending Enterprise are used to support essential Tribal Government operations, provide critical health and welfare programs to Tribal Members, and invest in economic development opportunities to contribute to the long-term self-sufficiency of the Tribe.
- 1.3. Purpose. By adopting this Ordinance, the Tribe intends to formalize a plan for the allocation of net lending revenues both for general Tribal purposes and for the benefits of Tribal members.
- 1.4. Scope. The provisions of this Ordinance are intended to and shall apply to all net revenues generated by the Kashia Lending Enterprise as well as the net revenues of any and all other tribal lending business(es) that may be established in the future.

SECTION 2. DEFINITIONS

As used in this Ordinance, the following terms have the following meanings, unless the context clearly requires otherwise.

- 2.1 “General Council” means the governing body of the Tribe composed of all Tribal Members aged 18 and over.
- 2.2 “Tribe” means the Kashia Band of Pomo Indians of the Stewarts Point Rancheria, a federally recognized Indian tribe.
- 2.3 “Net Lending Revenues” means gross revenues generated by all tribal lending business operations remaining at the end of each calendar month or other applicable period of accounting or disbursement, less amounts paid out as, or paid for operating expenses as determined in accordance with GAAP, including, for purposes of this Ordinance; debt service (including principal, interest and any other applicable fees and charges) and compensation to contracted service providers.
- 2.4 “Tribal Council” means those officials elected by the voting membership of the Tribe that exercise the executive powers of the Tribe under the direction of the General Council.
- 2.5 “Lending Commission” means the Kashia Lending Commission established and governed by the Kashia Lending Commission Ordinance that is responsible for licensing Tribal lending businesses and certain vendors and ensuring lending business operations at all times comply with Tribal and other applicable law.

SECTION 3. ALLOCATION PLAN

- 3.1. Allocations. The Tribe hereby allocates its Net Lending Revenues to the following purposes:

- (a) **Tribal Government Operations. (27%)**

- (1) ***Lending Commission Operating Expenses.*** Seven percent (7%) of Net Lending Revenues shall be allocated to supplement regulatory fees collected by the Tribe to cover Lending Commission operating expenses authorized under operating

budgets approved by the General Council, including such things as Commissioner and staff compensation and related expenses, equipment and supplies, legal and/or professional support, and fees for background checks. In the event the amount allocated to this category either exceeds or is inadequate to cover approved operating expenses in a given month, the Tribal Council may exercise its authority under Section 3.2 to transfer funds into or out of this category, as appropriate.

(2) *Other Government Operations.* Twenty percent (20 %) of Net Lending Revenues shall be used to fund other Tribal government operations, services, and administration, including, without limitation, any or all of the following: Tribal government offices, human resources, insurance costs, establishment of a 401k for program for Tribal employees, grant matching funds, grant writing, Tribal public works, and administrative costs associated with Tribal enrollment, housing, health, Indian Child Welfare Act and other family services, and cultural programs, Reservation facilities maintenance and cleanup, Tribal library and media center, Tribal recreation program, Tribal daycare, Tribal justice system, and Tribal police and fire department.

(b) Tribal Programs. (53%)

(1) *Senior Services.* Fifteen percent (15%) of Net Lending Revenues shall be used to develop Senior Services, including but not limited to, health care, housing, utility assistance, emergency assistance and senior activities.

(2) *Veterans Services.* Ten percent (10%) of Net Lending Revenues shall be used to develop Veterans Services, including but not limited to, health care, housing, education, job and placement training.

(3) *Youth Services.* Eight percent (8%) of Net Lending Revenues shall be used to develop Youth Services, including but not limited to tutoring assistance, school supplies, school programs, health programs, cultural programs, gym clothes, shoes, sports, modern books, cultural books, basket classes, fishing, learning how to build fires, cooking classes, hiking trails on Tribal lands, baseball fields, camping, and learning cultural law.

(4) *Other Programs.* Twenty (20 %) of Net Lending Revenues shall be used for other programs to enhance the general welfare of the Tribal community through provision of community services and programs, including but not limited to, social welfare, tuition

assistance and associated education expenses, housing, health and nutrition, child care, emergency funds for such things as transportation, temporary housing and food assistance, planning and environmental protection.

(c) **Tribal Economic Development. (20%)**

(1) ***Examples of Authorized Uses.*** Twenty percent (20 %) of Net Lending Revenues shall be used to promote Tribal Economic Development, including, but not limited to, developing and/or expanding Tribal business enterprises, and investments in land, business opportunities, goods and services that may provide employment and financial returns for the Tribe and its members.

(2) ***Tribal Policy.*** The investment policy of the Tribe shall be weighted toward investments that provide for the long-term security of the Tribe, and the Tribal Council shall be authorized to make multi-year appropriations from funds dedicated to this category to facilitate long-term investments and projects.

- 3.2. **Tribal Council Authority.** The Tribal Council shall have the authority to transfer not more than twenty-five percent (25%) of the funding in any category described in Section 3.1, to any other category described in that Section if the Tribal Council determines that the funding in the category from which the money is being taken is not necessary for the stated purposes and the funding is required for the category into which the money is being transferred. Otherwise, the purposes and proportions for the expenditure of Net Lending Revenues may be changed only with the approval of the General Council.
- 3.3. **Accounting.** The Tribal Council shall ensure that an accounting is made within 30 days after each transfer of Net Lending Revenues from any Tribal lending business to the Tribe, and that the appropriate percentages of such Net Lending Revenues are earmarked and set aside for the expenditures described in Section 3.1 above.

SECTION 4. NO WAIVER OF SOVEREIGN IMMUNITY

Nothing in this Ordinance shall provide or be interpreted so as to provide a waiver of the sovereign immunity from suit of the Tribe or its governmental offices, agents, employees or enterprises.

SECTION 5. EFFECTIVE DATE

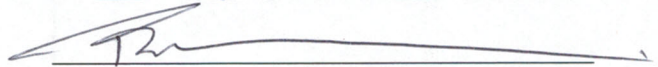
This Ordinance shall take effect on the date of approval by the General Council, and shall remain in effect and govern distributions of all Net Lending Revenues of the Tribe until amended or repealed by the General Council.

SECTION 6. AMENDMENT

This Ordinance may be amended or repealed by a majority vote of the General Council at a duly called meeting at which a quorum is present.

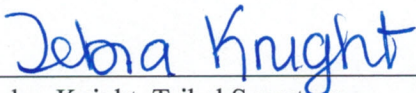
CERTIFICATION

We, the undersigned members of the Tribal Council of the Kashia Band of Pomo Indians of the Stewarts Point Rancheria, hereby certify that the foregoing Tribal Lending Revenue Allocation Ordinance was approved by the General Council at a duly called regular meeting at which a quorum was present on August 9, 2014, by a vote of 50 for, 0 against, and 0 abstaining.



Reno Keoni Franklin, Tribal Chairman

ATTEST:



Debra Knight, Tribal Secretary