



## NCA 18-136

### CLASSIFICATION: #11. COMMUNITIES

**A LAW OF THE MUSCOGEE (CREEK) NATION AMENDING MCNCA TITLE 11, CHAPTER 3, ENTITLED "ANNUAL FUNDS FOR OPERATIONAL COSTS, ECONOMIC DEVELOPMENT, AND SOCIAL SERVICE PROGRAMS OF CHARTERED COMMUNITIES"**

**Be it enacted by the National Council of the Muscogee (Creek) Nation:**

#### **SECTION ONE. FINDINGS. The National Council finds that:**

A. The National Council has determined that a clarifying amendment is needed to specifically exclude operating funds, such as salaries and payroll from Community Development funds

**SECTION TWO. AMENDMENT.** This amendment shall be codified in Title 11, Chapter 3, of the Code of Laws of the Muscogee (Creek) Nation; provided that for purposes of codification of said amendment and its inclusion in pocket parts of the Code of Laws of the Muscogee (Creek) Nation, the Attorney General is hereby authorized: (1) to approve any changes related to the manner in which sections, articles, chapters and sub-chapters are designated consistent with the format in the Code of Laws published in 2010 by West Publishing Company; (2) to include footnoted references to the legislative history in said pocket parts to the Code of Laws and (3) to note in said pocket parts any editorial correction of minor clerical or grammatical errors in the following amendment, without further National Council approval:

### **TITLE 11. COMMUNITIES**

#### **CHAPTER 3. ANNUAL FUNDS FOR OPERATIONAL BUILDING COSTS, ECONOMIC DEVELOPMENT, AND SOCIAL SERVICE PROGRAMS DEVELOPMENT OF CHARTERED COMMUNITIES**

#### **SUBCHAPTER 1. GRANT FUNDS**

#### **§ 3-101. Grant funds**

A. The Chartered Communities are hereby authorized to apply for and accept grant funds, from whatever source available, in order to enter into business ventures and/or initiate and/or expand their social service programs according to the policies and procedures of the community.

B. Chartered Communities Chairperson and Treasurer are authorized to receive and disburse funds received according to the grant proposal.

**SUBCHAPTER 2. ANNUAL COMMUNITY OPERATION MAINTENANCE AND DEVELOPMENT FUND**

**§ 3-201. COMD Fund**

A. There is hereby created the Community Operation Maintenance and Development Fund ("COMD Fund") for use by the Muscogee (Creek) Nation Chartered Indian Communities for the purpose of providing economic development, ~~social services according to the policies and procedures of the Community,~~ community building maintenance, community vehicle maintenance, education, youth/senior activities and other projects that would benefit the Communities. ~~Funds may be used for operating costs.~~ Services that would benefit a Community would include, but not limited to senior lawn mowing and winterization, cultural/traditional classes and community fundraisers. Communities shall utilize an approved Service Contract provided and approved by the Office of the Attorney General, which shall take no longer than ten business days, to provide services that would benefit the Communities up to \$8,000.00 a quarter. Any citizen living within the Chartered Community's boundaries will benefit from these tribal funds, community member or not. Use of COMD Funds by the Communities shall be used for any eligible citizen of the Muscogee (Creek) Nation regardless if such citizen is not a formal member of the respective Community. If a Community declines to provide benefits to a citizen based upon lack of membership with a Community, such action may result in loss of funding or reduced funding.

B. Funds may not be used for: Community Board/Committee member stipends; salaries and payroll; personal mileage; personal rent or mortgage; personal loans; cash donations to schools/churches/individuals; travel expenses related to overnight trips; purchase of vehicle(s); per capita payments; board meals; or mobile phones.

C. The COMD Funds shall be kept in a separate Community account and not be co-mingled with any other funds of the Community.

D. Expenditure of funds shall be reported in written monthly reports to the Community members.

**§ 3-202. Annual appropriation**

A. The sum of One million, Five Hundred Thousand and No/100 Dollars (\$1,500,000.00) shall be appropriated each fiscal year, for the implementation of this act. The funds shall be divided equally among all Chartered Communities, not to exceed \$60,000.00 in a fiscal year, which shall be disbursed in three increments in the amount

not to exceed \$20,000.00. ~~In the first year of implementation of this Act, during FY 2016, there will be one payment made in May in the amount of \$25,000.00.~~ Beginning FY 2017, distributions will be made in October, February and June, provided the Comprehensive Annual Budget is approved.

B. The annual Christmas funds, utility expenses and van appropriations to the Chartered Communities will no longer be granted. All previous National Council laws authorizing funds for Christmas or van appropriations are revoked, cancelled and hereby declared null and void.

### § 3-203. COMD Fund Application Requirements

All twenty-five (25) Muscogee (Creek) Nation Chartered Indian Communities that are currently active at the time of enactment of this legislation are eligible to apply for the annual COMD fund provided they comply with the following:

A. The application and all documents listed below requesting the COMD fund must be turned into Community Research & Development Department by 5:00 pm, April 1, 2016 for the first year of implementation and September 1 for FY 2017 and every year thereafter, or if that date falls on a weekend, the first following Monday;

B. A Letter from the Community requesting the COMD fund, signed by the duly elected Chairperson of the Community and accompanied by Community Resolution authorizing the request of funds;

C. A Deposit slip from the Community bank account;

D. A copy of the Community's current signature authority, a simple letter stating who has signature authority will not suffice;

E. Dual signatures are required on all checks;

F. Attend at least two quarterly trainings provided by Community Research and Development as required under MCNCA, Title 11, § 2-101 (A);

**G. A proposed budget.**

### § 3-204. Compliance for Distribution of COMD Funds

A. A financial report, accompanied by copies of checks, ~~and receipts~~ **and any supporting documentation** detailing the expenditure of COMD funds shall be forwarded to the Community Finance Officer on a quarterly basis in order to be eligible for distributions of COMD funds. Distributions will not be disbursed until all requirements are met, reviewed, and approved by Community Finance Officer.

1. All items shall be submitted by certified mail or hand delivered to the Muscogee (Creek) Nation, Community Finance Officer and received by 5:00 P.M. on January 7, April 7, July 7, and October 7 of the fiscal year of the grant award. The Community Finance Officer shall send verification of receipt of the above items to the Community within five days of receipt of the same.
2. ~~For FY 2016, all Chartered Communities that apply for the CMD Fund by April 1, 2016 will receive a distribution during the month of May. Additionally, financial reporting shall be turned in by October 7, 2016.~~

B. If there are Any discrepancies, non-compliance, or misuse of funds determined by Community Finance Officer, immediate notification shall be reported sent to the Community Board, Community Research and Development Department, Principal Chief, Speaker of the National Council, and the Controller's office.

1. Community Research and Development shall schedule a meeting with community representatives within ten (10) business days to discuss the findings.
2. Community Research and Development shall offer assistance whether it be follow-up meeting dates or training dates as needed to bring the Community into compliance.
3. The Community will receive the next distribution of CMD funds, while working to be in compliance; however, the community shall be on probation until the following distribution.
4. The probation period shall be a trimester and will require monthly reporting from the Community to Community Research and Development.
  - a. At the end of the probationary period, if the Community is determined to be in compliance, the community's following distribution won't be affected and the probation shall be lifted.
  - b. At the end of the probationary period, if the Community is determined to not be in compliance, the Community will not receive a distribution until it is determined to be in compliance.
5. If at any time during the probationary period, a Community is found to be still misusing funds or not be in compliance, the Community shall not be eligible for a distribution until it is determined to be in compliance.

C. If funds are not disbursed to a Chartered Community due to noncompliance of submitting financial documents and/or receipts on time, misuse of funds or failure to comply with guidelines, said funds will be returned to the treasury. No retroactive release of funds will be allowed.

D. If a Community did not receive COMD funds in the previous year, they shall submit documentation from the last year they did receive COMD funds.

**§ 3-205. Disbursement of funds**

A. The Community Finance Officer shall send a list of all Communities who are in compliance with § 3-203 of this Title to the Office of the Principal Chief and National Council. The Office of the Principal Chief shall forward the above-mentioned list to the Office of the Controller. The Controller shall distribute the grant in increments of Twenty Thousand and No/100 Dollars every fourth month on October 15, February 15, and June 15. For FY 2016, there will be one payment in the amount of Twenty-Five Thousand and No/100 Dollars disbursed in May after review and approval of the COMD fund yearly application.

B. Communities do not have to receive all three disbursements of the COMD fund. If a Community is not requesting the next increment disbursement of funds, they should notify the Community Finance Officer. Additionally, a Community's failure to meet the quarterly deadline in submitting documents shall result in forfeiture of the next disbursement of COMD funds.

C. All funds not expended by September 30 shall be returned to the Tribal Treasury, excepting the \$2,500.00 referenced in this subsection. The \$2,500.00 shall be used for upcoming bills/payments due in the first two weeks of October. Any funds remaining out of the \$2,500.00 as of October 15 shall be returned to the treasury by October 20. Community books should be closed by October 20 of each fiscal year. If a Community fails to return any unused funds at the end of the fiscal year, the next disbursement of funds will be forfeited.

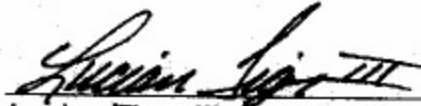
**§ 3-206. Economic Development**

No provision of this Act shall preclude any Chartered Community from submitting to the National Council proposals, or requests for separate appropriations, relating to prospective economic development projects.

**SECTION THREE. EFFECTIVE DATE.** This Act shall become effective upon proper approval and execution in accordance with the requirements of the Muscogee (Creek) Nation Constitution.

**ENACTED** by the Muscogee (Creek) National Council on this 29<sup>th</sup> day of September, 2018.

**IN WITNESS WHEREOF**, the Speaker of the Muscogee (Creek) National Council has hereto attached his signature.



Lucian Tiger III, Speaker  
National Council  
Muscogee (Creek) Nation

**CERTIFICATION**

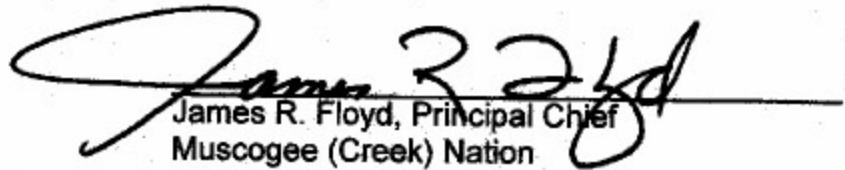
I, the undersigned, certify that the foregoing is a true extract from the minutes of the Muscogee (Creek) National Council comprised of Sixteen members with **Fifteen** members attending this meeting on the **29<sup>th</sup>** day of **September, 2018** and that the above is in conformity with the provisions therein adopted by a vote of **8** in favor, **6** against and that said Law has not been rescinded or amended in any way and the above is the signature of the Speaker of the National Council.



Kristie A. Jackson, Recording Secretary  
Muscogee (Creek) National Council

**APPROVAL**

I, the Principal Chief of the Muscogee (Creek) Nation, hereby affix my signature on this **10<sup>th</sup>** day of **October**, 2018 to the above Law, **NCA 18-136** authorizing it to become a Law under Article VI., Section VI., of the Constitution of the Muscogee (Creek) Nation.



James R. Floyd, Principal Chief  
Muscogee (Creek) Nation

