



## NCA 20-023

**CLASSIFICATION: #22. HEALTH AND SAFETY**

### **A LAW OF THE MUSCOGEE (CREEK) NATION AMENDING MCNCA TITLE 22, CHAPTER 9, ENTITLED "EMERGENCY MANAGEMENT AUTHORITY"**

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

**SECTION ONE. AMENDMENT.** These amendments shall be codified in Title 22, Chapter 9 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:

**SECTION TWO. AMENDMENT.** MCNCA Title 22, §§ 9-103 and 9-104 are hereby amended to read as follows:

#### **§ 9-103. Creation**

~~The Muscogee (Creek) Nation Emergency Management Authority shall at this time, for purposes of executing urgent emergency assistance, consist of Director of Risk Management; Director of Housing; Director of Transportation; Construction Services Manager of Housing Division; Tribal Driveways Manager; Community Research and Development Manager; Social Services Manager; Manager of GSA; CEO of Health Systems; Lighthouse Police Chief; Finance (Budgets and Contracts); Office of the Attorney General; Bureau of Indian Affairs (BIA) Creek Firefighters.~~

~~Director of Risk Management shall serve as Coordinator of t~~The Muscogee (Creek) Nation Emergency Management Authority shall be under the Executive Office of the Principal Chief and develop operating policies and procedures to control the efficiency of this authority. The ~~Coordinator~~ Supervisor of the Muscogee (Creek) Nation Emergency Management Authority shall have discretionary authority to authorize purchases requested by Communities based on evaluations by the Muscogee (Creek) Nation Emergency Management Authority Principal Chief or his/her designee. The ~~Coordinator~~ Supervisor may delineate certain authorities to any of the service program members Cabinet Members who compose the Muscogee (Creek) Nation Emergency Management Authority Executive Branch Departments; i.e., the temporary employment

for clean up purposes may be conducted by the Construction Services Department of the Housing ~~Division~~ **Department**, however all temporary employment requests shall be coordinated with the ~~Office of Risk Management~~ **Emergency Management Supervisor and the Principal Chief**.

**§ 9-104. Criteria**

1. Items that may be purchased include, but are not limited to based upon the overall evaluation by the Emergency Management Authority ~~Coordinator~~ **Supervisor**; groceries, water, blankets, lanterns, lamps, lamp oils, kerosene, lantern fuel sources and batteries.
2. Community Centers who have purchased and provided items of necessity to Creek citizens in its community shall be reimbursed from funds appropriated by this act, provided that purchases were directed and authorized by the ~~Office of Risk Management~~ **Emergency Management Authority Supervisor**;
  - A. Funds for items and articles purchased by Community Centers may be reimbursed provided that receipts are submitted to the ~~Office of Risk Management~~ **Emergency Management Authority Supervisor** for determination of whether purchases are related to a declared State of ~~National~~ Emergency within the Muscogee (Creek) Nation.
3. Employ local Creek citizens in the affected area for purposes of temporary employment and assist in the clean up of disaster areas. Employees shall be at a rate equivalent to rates charged for the same duties performed for the general public. Temporary employment shall be coordinated through the ~~Office of Risk Management~~ **Emergency Management Authority Supervisor** for record keeping purposes; i.e., employee identification, time keeping and other general information.
4. Equipment purchases for the purpose of cleanup; all equipment purchases shall be authorized and coordinated through the Emergency Management Authority **Supervisor**.
5. Citizens who are not in the Housing ~~Division~~ **Department** service system and have no homeowner insurance will be assisted from this appropriation with electrical and water connections, from the utility pole or water meter to the house and debris removal will be provided.
6. The Controller is hereby authorized to transfer, distribute, allocate, or otherwise make available funds appropriated under this act, upon receipt of request from a ~~Division Director~~ **Executive Office of the Principal Chief** for the reimbursement of documented costs and expenditures, identified and enumerated herein as

allowable, which have been incurred as a result of executing any program, function, activity or services consistent with the intent and purpose specified in this act.

**SECTION THREE. AMENDMENT.** MCNCA Title 22, § 9-106 is hereby amended to read as follows:

**§ 9-106. Budget modification**

The National Council hereby authorizes the Muscogee (Creek) Nation Emergency Management Authority ~~Coordinator~~ **Supervisor** to modify the budget as deemed necessary and to submit through the ~~Emergency Management Authority~~ **Principal Chief** for approval. The Muscogee (Creek) Nation Emergency Management Authority ~~Coordinator~~ **Supervisor** shall provide a written summary report to the Business, Finance and Justice Committee justifying the budget modifications.

**SECTION FOUR. AMENDMENT.** MCNCA Title 22 § 9-108 is hereby amended to read as follows:


**§ 9-108. Accountability**

The Muscogee (Creek) Nation Procurement Policies and Procedures shall be waived for all entities and agencies during the declared ~~Natural~~ State of Emergency. Upon completion of the disaster clean-up activities the collected woods of the affected areas shall be stored and later distributed to Ceremonial Grounds, Traditional Churches and Citizens. The equipment and unused supplies will be returned to the Muscogee (Creek) Nation for inventory and oversight by the Muscogee (Creek) Nation Emergency Management Authority. ~~The Coordinator will develop and implement policies and procedures whereby equipment inventory may be utilized by Ceremonial Ground, Churches and Citizens within the boundaries of the Muscogee (Creek) Nation.~~ Any person who shall misuse or apply any portion of this legislation for personal gain, or otherwise take advantage of this act and its intentions without cause shall be punished in accordance with the Title 14, Sub-chapter 5 "Criminal Code" of the Muscogee (Creek) Nation.

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

**ENACTED** by the Muscogee (Creek) National Council on this 23<sup>rd</sup> day of April, 2020.

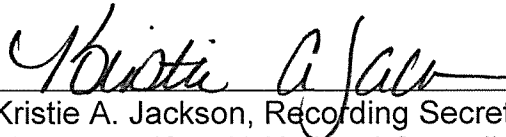
IN WITNESS WHEREOF, the Speaker of the Muscogee (Creek) National Council has hereto attached his signature.



\_\_\_\_\_  
Randall Hicks, 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 **23<sup>rd</sup>** day of **April, 2020** and that the above is in conformity with the provisions therein adopted by a vote of **14** in favor, **1** 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 this 1<sup>st</sup> day of May, 2020 to the above Law, **NCA 20-023** authorizing it to become a Law under Article VI., Section VI., of the Constitution of the Muscogee (Creek) Nation.



\_\_\_\_\_  
David W. Hill, Principal Chief  
Muscogee (Creek) Nation





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**SECTION TWO. AMENDMENT.** MCNCA Title 22, §§ 9-103 and 9-104 are hereby amended to read as follows:

**§ 9-103. Creation**

The Muscogee (Creek) Nation Emergency Management Authority shall be under the Executive Office of the Principal Chief and develop operating policies and procedures to control the efficiency of this authority. The Supervisor of the Muscogee (Creek) Nation Emergency Management Authority shall have discretionary authority to authorize purchases based on evaluations by the Chief or his/her designee. The Supervisor may delineate certain authorities to any of Cabinet Members who compose the Muscogee (Creek) Nation Executive Branch Departments; i.e., the temporary employment for clean up purposes may be conducted by the Construction Services Department of the Housing Department, however all temporary employment requests shall be coordinated with the Emergency Management Supervisor and the Principal Chief.

**§ 9-104. Criteria**

1. Items that may be purchased include, but are not limited to based upon the overall evaluation by the Emergency Management Authority Supervisor; groceries, water, blankets, lanterns, lamps, lamp oils, kerosene, lantern fuel sources and batteries.

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  - A. Funds for items and articles purchased by Community Centers may be reimbursed provided that receipts are submitted to the Management Authority Supervisor for determination of whether purchases are related to a declared State of Emergency within the Muscogee (Creek) Nation.
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4. Equipment purchases for the purpose of cleanup; all equipment purchases shall be authorized and coordinated through the Emergency Management Authority Supervisor.
5. Citizens who are not in the Housing Department service system and have no homeowner insurance will be assisted from this appropriation with electrical and water connections, from the utility pole or water meter to the house and debris removal will be provided.
6. The Controller is hereby authorized to transfer, distribute, allocate, or otherwise make available funds appropriated under this act, upon receipt of request from a Executive Office of the Principal Chief for the reimbursement of documented costs and expenditures, identified and enumerated herein as allowable, which have been incurred as a result of executing any program, function, activity or services consistent with the intent and purpose specified in this act.

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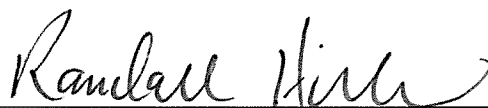
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**ENACTED** by the Muscogee (Creek) National Council on this 23<sup>rd</sup> day of April, 2020.

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

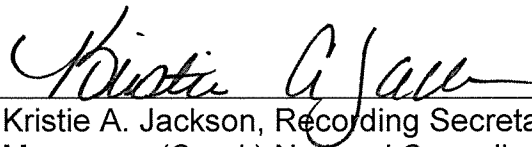


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Randall Hicks, Speaker  
National Council  
Muscogee (Creek) Nation

**CERTIFICATION**

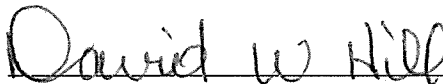
I, the undersigned, certify that the foregoing is a true extract from the minutes of the Muscogee (Creek) National Council comprised of Sixteen members with **Fifteen** members attending this meeting on the **23<sup>rd</sup>** day of **April, 2020** and that the above is in conformity with the provisions therein adopted by a vote of **14** in favor, **1** 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**

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David W. Hill, Principal Chief  
Muscogee (Creek) Nation

