



NCA 20-066

CLASSIFICATION: #11. COMMUNITIES

A LAW OF THE MUSCOGEE (CREEK) NATION AMENDING TITLE 11, CHAPTER 3, SUBCHAPTER 2, ENTITLED “ANNUAL FUNDS FOR BUILDING COSTS, ECONOMIC DEVELOPMENT, AND DEVELOPMENT OF CHARTERED COMMUNITIES” AND TITLE 11, CHAPTER 5, ENTITLED “PROTECTION OF CHARTERED COMMUNITY BY-LAWS; PROHIBITION OF UNLAWFUL ASSEMBLY”

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

SECTION ONE. FINDINGS. The National Council finds that:

A. On March 13, 2020, the Principal Chief issued a Proclamation declaring a State of Emergency for the Muscogee (Creek) Nation as a result of the ongoing coronavirus health epidemic that discontinued community meetings or large gatherings in the Nation’s Chartered Community buildings.

B. Most of the Nation’s Chartered Communities’ Constitutions and By-Laws provide for meetings to be held in person.

C. There is a need to amend law to allow the Nation’s Chartered Communities to meet virtually during the State of Emergency in order to conduct official business on behalf of the community.

D. By updating these Code provisions, the Nation’s Chartered Communities will be able to once again move forward during this State of Emergency by holding virtual community meetings, conducting community business virtually and being able to offer emergency social services.

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 purposed of codification of said amendment and its inclusion in pocket parts of the Code of Laws of the Muscogee (Creek) Nation, the Office of 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 Publication 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 THREE. AMENDMENT. MCNCA Title 11, §§ 3-201, 3-202 and 3-203 shall be amended to read as follows:

§ 3-201. CMD Fund

A. There is hereby created the Community and Development Fund ("CMD Fund") for use by the Muscogee (Creek) Nation Chartered Indian Communities and for the purpose of providing economic development, community building maintenance, community vehicle maintenance, education, youth/senior activities and other projects that would benefit the Communities. Services that would benefit a Community would include, but not be limited to, senior lawn mowing and winterization, cultural/traditional classes and community fundraisers. Communities shall utilize an approved Service Contract provided by the Office of the Attorney General 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 CMD 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 CMD Funds shall be kept in a separate Community account and not be co-mingled with any other funds of the Community.

D. CMD funds may be used to provide for emergency assistance if a State of Emergency is declared by the Principal Chief on behalf of the Nation. The Community Board shall present the proposed emergency assistance to the Community Research and Development Department for review and approval prior to any CMD funds being expended. The Community Board shall also establish guidelines procedures to ensure uniformity and equality to all tribal citizens residing in the Chartered Community boundaries. Any emergency assistance provided shall not duplicate services already provided by the Nation.

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

Page 3 of 5
NCA 20-066

§ 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. Beginning FY 2017, distributions well are made in October, February and June, provided the Comprehensive Annual Budget is approved. **Due to the Coronavirus epidemic and the inability of the Nation's Chartered Communities to meet and expend CMD funds for FY 2020, a one-time carry-over of FY 2020 funds in the amount \$20,000.00 may be requested by each Chartered Community.**

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

§ 3-203. CMD 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 CMD fund provided they comply with the following:

A. The application and all documents listed below requesting the CMD fund must be turned into Community Research and 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 the date falls on a weekend, the first following Monday; **however, due to the COVID-19 epidemic and the inability of Chartered Communities to gather and conduct business, all Chartered Communities shall be eligible for the initial \$20,000.00 FY2021 CMD Funds without submitting a Community Resolution as set forth under Subparagraph B and without attending the two quarterly trainings as set forth under Subparagraph F;**

B. A letter from the Community requesting the CMD fund, signed by the duly elected Chairperson of the Community and accompanied by a Community Resolution authorizing the request of Funds;

C. Deposit slips 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; and

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

SECTION FOUR. AMENDMENT. This amendment shall be codified in Title 11, Chapter 5, 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 Office of 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 Publication 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:

§ 5-101. Effectiveness and enforcement of chapter

This chapter shall be effective and enforced until the passage and approval of legislation “exacting model governmental and development standards for Chartered Communities.”

§ 5-102. Unlawful assembly

A. “Unlawful assembly” is hereby defined as a meeting of any group or groups of Chartered Community members who call that meeting an official Chartered Community meeting, knowing that it is contrary to the Chartered Community's by-laws.

B. Any and all actions taken at unlawful assemblies shall be null and void.

§ 5-103. Special Circumstances

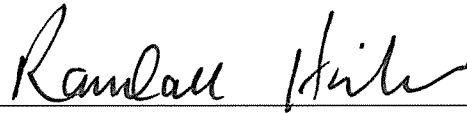
A. **In the event of a natural disaster, public health emergency or any other special circumstances, the Principal Chief may authorize the Nation's Chartered Communities to hold Board, Regular, Special, and/or Emergency meetings by teleconference and/or videoconference where each member is audible and/or visible to each other.**

B. **Pursuant to the Nation's Open Meetings Act, MCNCA Title 37, § 5-101, voting on community business, motions, etc. shall be taken in a manner that citizens will know the vote of each community member entitled to vote. Election votes shall continue to be by secret ballot, either through mail-in vote, come and go vote, or voting in person if a community is able to do so safely under the emergency or special circumstance.**

SECTION FIVE. 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 1st day of September, 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

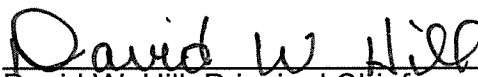
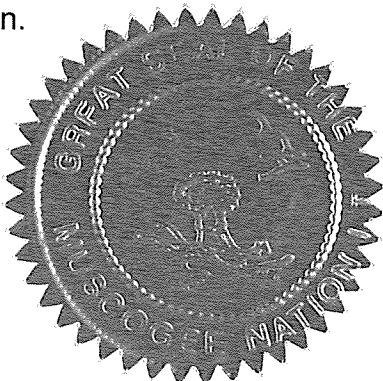
I, the undersigned, certify that the foregoing is a true extract from the minutes of the Muscogee (Creek) National Council comprised of Sixteen members with **Sixteen** members attending this meeting on the 1st day of September, 2020 and that the above is in conformity with the provisions therein adopted by a vote of 15 in favor, 0 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 3rd day of Sept, 2020 to the above Law, **NCA 20-066** 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



NCA 20-066

CLASSIFICATION: #11. COMMUNITIES

A LAW OF THE MUSCOGEE (CREEK) NATION AMENDING TITLE 11, CHAPTER 3, SUBCHAPTER 2, ENTITLED “ANNUAL FUNDS FOR BUILDING COSTS, ECONOMIC DEVELOPMENT, AND DEVELOPMENT OF CHARTERED COMMUNITIES” AND TITLE 11, CHAPTER 5, ENTITLED “PROTECTION OF CHARTERED COMMUNITY BY-LAWS; PROHIBITION OF UNLAWFUL ASSEMBLY”

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

SECTION ONE. FINDINGS. The National Council finds that:

A. On March 13, 2020, the Principal Chief issued a Proclamation declaring a State of Emergency for the Muscogee (Creek) Nation as a result of the ongoing coronavirus health epidemic that discontinued community meetings or large gatherings in the Nation’s Chartered Community buildings.

B. Most of the Nation’s Chartered Communities’ Constitutions and By-Laws provide for meetings to be held in person.

C. There is a need to amend law to allow the Nation’s Chartered Communities to meet virtually during the State of Emergency in order to conduct official business on behalf of the community.

D. By updating these Code provisions, the Nation’s Chartered Communities will be able to once again move forward during this State of Emergency by holding virtual community meetings, conducting community business virtually and being able to offer emergency social services.

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 purposed of codification of said amendment and its inclusion in pocket parts of the Code of Laws of the Muscogee (Creek) Nation, the Office of 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 Publication 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 THREE. AMENDMENT. MCNCA Title 11, §§ 3-201, 3-202 and 3-203 shall be amended to read as follows:

§ 3-201. CMD Fund

A. There is hereby created the Community and Development Fund ("CMD Fund") for use by the Muscogee (Creek) Nation Chartered Indian Communities and for the purpose of providing economic development, community building maintenance, community vehicle maintenance, education, youth/senior activities and other projects that would benefit the Communities. Services that would benefit a Community would include, but not be limited to, senior lawn mowing and winterization, cultural/traditional classes and community fundraisers. Communities shall utilize an approved Service Contract provided by the Office of the Attorney General 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 CMD 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 CMD Funds shall be kept in a separate Community account and not be co-mingled with any other funds of the Community.

D. CMD funds may be used to provide for emergency assistance if a State of Emergency is declared by the Principal Chief on behalf of the Nation. The Community Board shall present the proposed emergency assistance to the Community Research and Development Department for review and approval prior to any CMD funds being expended. The Community Board shall also establish guidelines procedures to ensure uniformity and equality to all tribal citizens residing in the Chartered Community boundaries. Any emergency assistance provided shall not duplicate services already provided by the Nation.

E. 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. Beginning FY 2017, distributions well are made in October, February and June, provided the Comprehensive Annual Budget is approved. Due to the Coronavirus epidemic and the inability of the Nation's Chartered Communities to meet and expend CMD funds for FY 2020, a one-time carry-over of FY 2020 funds in the amount \$20,000.00 may be requested by each Chartered Community.

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

§ 3-203. CMD 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 CMD fund provided they comply with the following:

A. The application and all documents listed below requesting the CMD fund must be turned into Community Research and 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 the date falls on a weekend, the first following Monday; however, due to the COVID-19 epidemic and the inability of Chartered Communities to gather and conduct business, all Chartered Communities shall be eligible for the initial \$20,000.00 FY2021 CMD Funds without submitting a Community Resolution as set forth under Subparagraph B and without attending the two quarterly trainings as set forth under Subparagraph F;

B. A letter from the Community requesting the CMD fund, signed by the duly elected Chairperson of the Community and accompanied by a Community Resolution authorizing the request of Funds;

C. Deposit slips 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; and

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

SECTION FOUR. AMENDMENT. This amendment shall be codified in Title 11, Chapter 5, 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 Office of 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 Publication 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:

§ 5-101. Effectiveness and enforcement of chapter

This chapter shall be effective and enforced until the passage and approval of legislation “exacting model governmental and development standards for Chartered Communities.”

§ 5-102. Unlawful assembly

A. “Unlawful assembly” is hereby defined as a meeting of any group or groups of Chartered Community members who call that meeting an official Chartered Community meeting, knowing that it is contrary to the Chartered Community's by-laws.

B. Any and all actions taken at unlawful assemblies shall be null and void.

§ 5-103. Special Circumstances

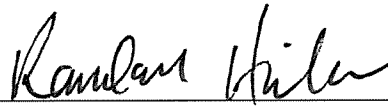
A. In the event of a natural disaster, public health emergency or any other special circumstances, the Principal Chief may authorize the Nation's Chartered Communities to hold Board, Regular, Special, and/or Emergency meetings by teleconference and/or videoconference where each member is audible and/or visible to each other.

B. Pursuant to the Nation's Open Meetings Act, MCNCA Title 37, § 5-101, voting on community business, motions, etc. shall be taken in a manner that citizens will know the vote of each community member entitled to vote. Election votes shall continue to be by secret ballot, either through mail-in vote, come and go vote, or voting in person if a community is able to do so safely under the emergency or special circumstance.

SECTION FIVE. 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 1st day of September, 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

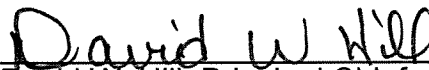
I, the undersigned, certify that the foregoing is a true extract from the minutes of the Muscogee (Creek) National Council comprised of Sixteen members with **Sixteen** members attending this meeting on the 1st day of September, 2020 and that the above is in conformity with the provisions therein adopted by a vote of 15 in favor, 0 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 3rd day of Sept, 2020 to the above Law, **NCA 20-066** 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