



NCA 21-005

CLASSIFICATION: #5. CHURCHES AND CEREMONIAL GROUNDS

A LAW OF THE MUSCOGEE (CREEK) NATION AMENDING MCNCA TITLE 5, CHAPTER 1 ENTITLED "PROTECTION AND PRESERVATION OF CEREMONIAL SITES" AND CHAPTER 2 ENTITLED "FINANCIAL ASSISTANCE" TO ADD LAND ACQUISITION ASSISTANCE AND EMERGENCY ASSISTANCE

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

SECTION ONE. AMENDMENT. These amendments shall be codified in Title 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 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 5, §§ 1-102, 103 and 104 are hereby amended to read as follows:

§ 1-102. Acquisition of sites

A. Ceremonial Grounds in need of land for its ceremonial sites shall submit a request to either the Principal Chief or Legislative Branch, whom shall forward to the Muscogee (Creek) Nation Department of Interior to be processed through the Muscogee (Creek) Nation Property Acquisition Program. ~~This subsection, for the duration of the sovereign powers of the Muscogee (Creek) Nation, shall provide the Principal Chief or designee and the Speaker of the National Council or designee the power to negotiate for purchase of accommodating acreage on which ceremonial sites are located. A law of authorization shall be enacted for this purpose in each individual case.~~

B. Upon completion of the Property Acquisition Program and the purchase is determined to be viable, the Office of the Attorney General shall draft, prepare and review all purchasing Real Estate contracts and request shall be

forwarded to the Land, Natural Resources & Cultural Preservation Committee for funding approval. ~~The Muscogee (Creek) Nation Realty Department ("Realty") shall be responsible for assessing a fair market value, providing right of ways, easements, surveys and land descriptions for recommendations to the National Council and Principal Chief.~~

C. **Once, the purchasing Real Estate contracts are drafted, legislation must be enacted for authorization the purchase of property.** ~~Realty, with the National Council Land, Natural Resources and Cultural Preservation Committee, shall be responsible for drafting and finalizing the appropriate land lease and/or option to purchase agreement to accommodate the uniqueness of this subsection.~~

D. Upon purchase, Ceremonial Grounds shall be put into trust status. All leases for purposes of this subsection shall be made for no less than twenty-five (25) years and shall abide by the provisions of this subsection.

§ 1-103. Acquisition of access to sites

A. In this case of access to located nonfunctional historic ceremonial sites only, this subsection shall provide the Speaker of the National Council, the authority to designate members of the National Council and Tribal members to arrange and deliberate with the owner or owners (heirs), certain preliminaries toward an agreement of access which may be specific to their situation. Upon the agreement of these parties, the Principal Chief shall finalize by approving the agreement of access, right of way and easement within ten (10) days of receipt. Upon occasion that the approval is not achieved within ten (10) days of receipt, the agreement shall acquire approved status.

B. Realty, with the **Office of the Attorney General** ~~Land, Natural Resources & Cultural Preservation Committee~~, shall be responsible for drafting and finalizing the appropriate access, right of way, and easement agreement to accommodate the uniqueness of this subsection.

§ 1-104. Sanctity ensured

A. In ensuring the sanctity of the Ceremonial Grounds and its religion it shall be the function of the Muscogee (Creek) Nation government to acquire ceremonial lands and access to such, ~~which shall be stated by future laws and shall refer to this subsection.~~

B. This subsection ensures the sanctity of ceremonial grounds, when purchased the Muscogee (Creek) Nation, to be held in trust and shall be by lease agreement leave exclusive control of those ceremonial grounds to their specific authorities.

C. The Muscogee (Creek) Nation shall not infringe upon, control, sell or otherwise handle matters of the land or tenure of the ceremonial grounds leased or held

in trust for historic ceremonial grounds other than assistance in certain improvements which shall be with the agreement of the stated ceremonial grounds' specific authorities or heirs of the land and the agreement shall reflect this provision.

SECTION THREE. AMENDMENT. MCNCA Title 5, § 2-101. B. is hereby amended to read as follows:

B. Due to numerous factors, many Churches and Ceremonial Grounds are in great need of assistance for heating expenses, lawnmowers, summer Church camps and mission trips, land acquisitions, emergencies, maintenance, repair and/or larger more improved facilities.

SECTION FOUR. AMENDMENT. MCNCA Title 5 §§ 2-108 and 109 are hereby amended to read as follows:

§ 2-108. Ceremonial Ground Land acquisition assistance

A. Land acquisitions for Ceremonial Grounds shall be funded through the Ceremonial Ground Land Acquisition Assistance after completion of the Property Acquisition Program.

B. Upon approval of the Land, Acquisition Assistance by the Land, Natural Resources & Cultural Preservation Committee, a Tribal Resolution authorizing the purchase of land must be enacted before funds will be released.

C. After the Tribal Resolution is enacted, a letter shall be forwarded to the Office of the Principal Chief. Upon approval by the Principal Chief, the Controller shall distribute the funds.

D. The annual appropriation for Ceremonial Ground Land Acquisition Assistance shall be established One Hundred Fifty Thousand and No/100 Dollars (\$150,000.00) beginning with the FY 2021 Comprehensive Annual Budget and annually thereafter.

§ 2-109. Emergency Assistance

A. Emergency Assistance may be provided to the Muscogee (Creek) Traditional Churches and Ceremonial Grounds if they are not eligible for the Church and Ceremonial Ground Grant.

B. Churches and Ceremonial Grounds may apply for Emergency Assistance for the following:

1. leaking roofs, health and safety hazards and electrical, HVAC, and plumbing issues;
2. construction or repair of ramps for handicap accessibility;
3. HVAC's, lawnmowers and bells if stolen from the Church or Ceremonial Ground; and
4. other as determined by the Land, Natural Resources and Cultural Preservation Committee.

C. The Church or Ceremonial Ground shall submit the following to the National Council office:

1. a completed application signed by the Pastor (if there is no Pastor, a Deacon or other Church officer) or Mekko or designee which will be provided by the National Council;
2. a line item budget for total cost, if applicable; and
3. no less than two itemized quotes with the same items/materials that shall match the line item budget of total cost, if applicable;

D. If the emergency request is related to repairs or construction, the application shall be forwarded by email to Tribal Construction Services.

1. Upon review of the application, Tribal Construction Services may visit the Church or Ceremonial Ground site.
2. After assessment is completed, if request is deemed an emergency:
 - a. Tribal Construction Services may provide assistance upon approval by the Land, Natural Resources & Cultural Preservation Committee; or
 - b. Tribal Construction Services shall submit an RFP to the Contracting and Employment Support Office to secure bids for job.
 - i. Upon completion of the bid process, Tribal Construction Services shall forward all information/documentation to the Land, Natural Resources & Cultural Preservation Committee, which shall be addressed at the next Land, Natural Resources & Cultural Preservation Committee meeting.
3. If the emergency request is time sensitive, Tribal Construction Services may address the situation and utilize funds from its

budget without approval of the Land, Natural Resources & Cultural Preservation Committee.

4. Tribal Construction Services shall oversee all jobs regarding construction related emergencies.

E. If the emergency request involves contractual services not covered under § 2-109. D., an RFP shall be submitted to the Contracting and Employment Support Office to secure bids for job.

1. If there aren't enough bids secured, the Church or Ceremonial Ground shall provide bid(s).
2. Once the required amount of bids are received, the emergency request shall be addressed at the next Land, Natural Resources & Cultural Preservation Committee meeting.

F. If the emergency request involves only the purchase of items and/or equipment, a quick quote form shall be completed and forwarded to the Contracting and Employment Support Office to secure quotes.

1. If there aren't enough quotes secured, the Church or Ceremonial Ground shall provide quote(s).
2. Once the required amount of quotes are received, the emergency request shall be addressed at the next Land, Natural Resources & Cultural Preservation Committee meeting.

G. Emergency requests that are due to failure to plan, such as stolen HVAC equipment in the winter and request being submitted in spring or summer, shall not be deemed as an emergency and will not be addressed.

H. All purchases and contractual and sub-contractual services for emergency requests shall be in compliance pursuant to MCNCA Title 16, Chapter 9, the Muscogee (Creek) Nation Contracting and Employment Support Act.

I. The annual appropriation for the Emergency Assistance shall be established at One Hundred Fifty Thousand and No/100 Dollars (\$150,000.00) beginning with the FY 2021 Comprehensive Annual Budget and annually thereafter.

§ 2-1082-110. Funding

A. All funding requests from Muscogee (Creek) Traditional Churches that are fifty (50) years or older or churches that can provide documentation demonstrating that eighty percent (80%) of their membership is Muscogee (Creek) citizens and the sixteen

established Ceremonial Grounds that are located within the Nation's jurisdictional boundaries, as well as funding requests from Muscogee (Creek) citizens for Ceremonial Ground camp repairs and Church camp house and fellowship hall repairs/renovation whose location is within the Nation's jurisdictional boundaries, shall only be addressed through the Comprehensive Assistance Grant Program. Any emergency request not qualifying for the Comprehensive Assistance Grant Program shall be referred to the Land, Natural Resources & Cultural Preservation Committee to be considered, subject to the availability of funds.

B. Funds for the Grant Program for Churches and Ceremonial Grounds shall be disbursed as follows:

1. ~~Five~~**Two** Hundred Eighty-Five Thousand and No/100 Dollars (\$~~5285,000.00~~) for the Churches and Ceremonial Grounds Grant;
2. One Hundred Seventy-Five and No/100 Dollars (\$175,000.00) for the Ceremonial Ground camp repairs and Church camp house and fellowship hall repairs/renovation Grant;
3. Fifty Thousand and No/100 Dollars (\$50,000.00) for the Heating Expense Grant per fiscal year;
4. One Hundred Fifty Thousand and No/100 Dollars (\$150,000.00) for the Lawnmower grant; and
5. Forty Thousand and No/100 Dollars (\$40,000.00) for the Summer Church Camp and Mission Trip Grant;
6. One Hundred Fifty Thousand and No/100 Dollars (\$150,000.00) for the Ceremonial Ground Land Acquisition Assistance; and
7. One Hundred Fifty Thousand and No/100 Dollars (\$150,000.00) for the Emergency Assistance.

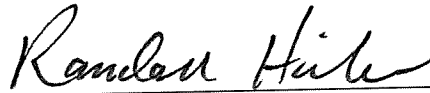
§ ~~2-1092-111~~. Contract and Terms and Conditions

All renovations and construction projects funded through the Comprehensive Assistance Grant Program that involve an outside contractor(s) are required to use the Contract and Terms and Conditions, which shall be provided with application.

SECTION FIVE. EFFECTIVE DATE. This Act shall become effective immediately 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 30th day of January, 2021.

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

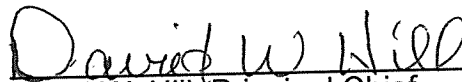
I, the undersigned, certify that the foregoing is a true extract from the minutes of the Muscogee (Creek) National Council comprised of Sixteen members with **Fifteen** members attending this meeting on the **30th** day of **January, 2021** and that the above is in conformity with the provisions therein adopted by a vote of **14** 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 4th day of February, **2021** to the above Law, **NCA 21-005** 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 21-005

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B. Upon completion of the Property Acquisition Program and the purchase is determined to be viable, the Office of the Attorney General shall draft, prepare and review all purchasing Real Estate contracts and request shall be forwarded to the Land, Natural Resources & Cultural Preservation Committee for funding approval.

C. Once, the purchasing Real Estate contracts are drafted, legislation must be enacted for authorization the purchase of property.

D. Upon purchase, Ceremonial Grounds shall be put into trust status. All leases for purposes of this subsection shall be made for no less than twenty-five (25) years and shall abide by the provisions of this subsection.

§ 1-103. Acquisition of access to sites

A. In this case of access to located nonfunctional historic ceremonial sites only, this subsection shall provide the Speaker of the National Council, the authority to designate members of the National Council and Tribal members to arrange and deliberate with the owner or owners (heirs), certain preliminaries toward an agreement of access which may be specific to their situation. Upon the agreement of these parties, the Principal Chief shall finalize by approving the agreement of access, right of way and easement within ten (10) days of receipt. Upon occasion that the approval is not achieved within ten (10) days of receipt, the agreement shall acquire approved status.

B. Realty, with the Office of the Attorney General, shall be responsible for drafting and finalizing the appropriate access, right of way, and easement agreement to accommodate the uniqueness of this subsection.

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B. This subsection ensures the sanctity of ceremonial grounds, when purchased the Muscogee (Creek) Nation, to be held in trust and shall be by lease agreement leave exclusive control of those ceremonial grounds to their specific authorities.

C. The Muscogee (Creek) Nation shall not infringe upon, control, sell or otherwise handle matters of the land or tenure of the ceremonial grounds leased or held in trust for historic ceremonial grounds other than assistance in certain improvements which shall be with the agreement of the stated ceremonial grounds' specific authorities or heirs of the land and the agreement shall reflect this provision.

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7. One Hundred Fifty Thousand and No/100 Dollars (\$150,000.00) for the Emergency Assistance.

§ 2-111. Contract and Terms and Conditions

All renovations and construction projects funded through the Comprehensive Assistance Grant Program that involve an outside contractor(s) are required to use the Contract and Terms and Conditions, which shall be provided with application.

SECTION FIVE. EFFECTIVE DATE. This Act shall become effective immediately 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 30th day of January, 2021.

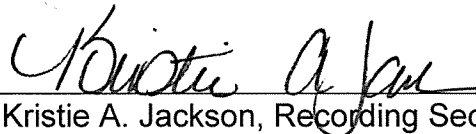
IN WITNESS WHEREOF, the Speaker of the Muscogee (Creek) National Council has hereto attached his signature.



Randall Hicks, Speaker
National Council
Muscogee (Creek) Nation

CERTIFICATION

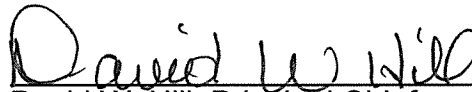
I, the undersigned, certify that the foregoing is a true extract from the minutes of the Muscogee (Creek) National Council comprised of Sixteen members with **Fifteen** members attending this meeting on the **30th** day of **January, 2021** and that the above is in conformity with the provisions therein adopted by a vote of **14** 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 4th day of February, 2021 to the above Law, **NCA 21-005** 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

