



NCA 21-159

CLASSIFICATION: #17. ECONOMIC DEVELOPMENT

A LAW OF THE MUSCOGEE (CREEK) NATION CREATING A NEW CHAPTER 10, ENTITLED "MUSCOGEE (CREEK) NATION TRIBAL UTILITY AUTHORITY" IN MCNCA TITLE 17 "ECONOMIC DEVELOPMENT"

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

SECTION ONE. Findings. The National Council finds that:

A. Under Article VI, Section 7(a) of the Muscogee (Creek) Nation Constitution, the National Council may legislate upon matters that promote the public health and safety, education and welfare that may contribute to the social, physical, well-being and economic development of citizens of the Muscogee (Creek) Nation.

B. The Muscogee (Creek) Nation uses public utilities and services from various service providers for its daily operations and functions and there is no regulatory or administrative oversight to manage the development, maintenance or cost of such utilities.

C. There is a need to regulate public and/or tribal utilities within the Nation's jurisdiction to provide the Nation and consumers with adequate and reliable services at reasonable costs and rates.

D. The operation, maintenance and management of public and/or tribal utilities shall be carried out through an efficient authority and a financially responsible, cost effective and self-sufficient manner.

SECTION TWO. NEW LAW. The following new law shall be codified in Title 17 of the Code of Laws of the Muscogee (Creek) Nation; provided that for purposes of codification of said new law and its inclusion in pocket parts for 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 in this law in order to be 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 new law:

TITLE 17. ECONOMIC DEVELOPMENT

CHAPTER 10. MUSCOGEE (CREEK) NATION TRIBAL UTILITY AUTHORITY
SUBCHAPTER 1. STATUTORY AUTHORIZATION, PURPOSE AND
ESTABLISHMENT OF TRIBAL UTILITY AUTHORITY

§ 10-101. Short title and codification

This Act shall be known and may be cited as the Muscogee (Creek) Nation Utility Authority Act (hereinafter the "Act") and shall be codified as Chapter 10 in Title 17, "Economic Development" of the Muscogee (Creek) Nation Code Annotated.

§ 10-102. Purpose

The National Council recognizes the need to plan and prepare for the future growth of our Nation. The purpose of this Act is to serve as the management, administrative and regulatory authority for the future operations, maintenance and expansion of public and/or tribal utilities, as needed and as provided by law, within the jurisdiction of the Muscogee (Creek) Nation. This includes all departments, agencies, enterprises, independent agencies and businesses owned and/or operated by the Muscogee (Creek) Nation. The Tribal Utility Authority is authorized to explore, establish, develop and maintain distribution systems for public and/or tribal utilities that serve the Nation. This includes, but is not limited to, establishing and maintaining the following:

- A. Electric utilities and services engaged in the generation and distribution of light, heat or power;
- B. Gas utilities and services engaged in the distribution of natural or artificial gas.
- C. Heating utilities services and facilities engaged in the distribution of heat;
- D. Water companies and services for the storage and distribution of water for domestic, agricultural, business, commercial, industry, recreational, ceremonial or other beneficial use;
- E. Renewable utilities, services and facilities engaged in distribution of alternative fuel systems;
- F. Telecommunications companies and services engaged in the furnishing of telephone, cable, internet, cell phones, wireless communication or satellite distribution;
- G. Pipeline utilities engaged in the transportation of gas oil and water; and

H. All other public and/or tribal utilities that operate, maintain or control any equipment or facilities within the jurisdiction of the Muscogee (Creek) Nation.

§ 10-103. Policy Statement

The National Council declares it to be in the public interest of the Muscogee (Creek) Nation to regulate public and/or tribal utilities within its jurisdiction. The future operation, maintenance and management of public and/or tribal utilities, as needed and as provided by law, shall be carried out through an efficient authority and in a financially responsible, cost effective and self-sufficient manner. This includes the ability to become energy self-sufficient, to provide opportunities for ownership of energy generation, to develop renewable energy projects and to enhance the self-governance and self-determination of the Nation.

§ 10-104. Establishment of Tribal Utility Authority

There is hereby established a Muscogee (Creek) Nation Tribal Utility Authority (Tribal Utility Authority) with the purpose, powers, duties and responsibilities set forth in subchapter 4 of this Act. The Tribal Utility Authority Officer shall have oversight of the administration and management of the Tribal Utility Authority as set forth in subchapter 4 of this Act.

SUBCHAPTER 2. DEFINITIONS

§ 10-201. Definitions

Unless specifically defined below, words or phrases used in this Act shall be interpreted to give them the meaning they have in common usage and to give these statutes in this Act its most reasonable application.

- A. "Act" shall mean the Muscogee (Creek) Nation Tribal Utility Authority Act.
- B. "Agreement" shall mean the Operating Agreement of the Muscogee (Creek) Nation Tribal Utility Authority.
- C. "Consumer" shall mean any person, business or organization that receives any utility service provided by the Tribal Utility Authority.
- D. "Contractor" shall mean any individual, firm, contractor, or organization that contracts with the Tribal Utility Authority to provide professional and/or general services for the management, administration and operation of the Authority.

E. "Member" shall mean the Muscogee (Creek) Nation, a federally recognized Indian Tribe.

F. "Muscogee (Creek) Nation Tribal Utility Authority", "Tribal Utility Authority" or "Authority" means the agency responsible for the administration and management of the Tribal Utility Authority as established under this Act.

G. "Nation" means the Muscogee (Creek) Nation.

H. "National Council" means the Muscogee (Creek) Nation National Council.

I. "Public Utility" or "Utility" means any public or tribal authority service that provides services such as electricity, natural gas, water, propane, fuel, oil, telephone, cable, etc.

J. "Tribal Utility Authority Officer" shall be the person who is charged with the oversight of the administration and management of the Tribal Utility Authority.

K. "Vendor" means an individual firm, contractor or organization that supplies parts, equipment, supplies and services to the Tribal Utility Authority.

SUBCHAPTER 3. GENERAL PROVISIONS

§ 10-301. Duration and Fiscal Year of the Tribal Utility Authority

The Tribal Utility Authority shall have perpetual existence, which shall commence on the first day of the month following approval of this Act. The initial fiscal year of the Tribal Utility Authority shall end on September 30, 2022, and thereafter the fiscal year of the Authority shall commence on October 1 of each year and end on September 30 of the following year.

§ 10-302. Registered Office and Agent of the Authority

A. The registered office of the Tribal Utility Authority is the Muscogee (Creek) Nation Capitol Complex, Loop 56 & Hwy 75 (P.O. Box 580), Muscogee Nation, Okmulgee, OK 74447.

B. The registered agent of the Authority shall at all times be the person holding the Office of the Secretary of the Nation and Commerce but only for the duration of time that he or she remains in said office.

§10-303. Tribal Utility Project Manager

The Tribal Utility Authority Officer shall select a Tribal Utility Project Manager in the first year of the Utility's operation. The Project Manager shall have primary responsibility for the day-to-day operation of the Authority.

SUBCHAPTER 4. TRIBAL UTILITY AUTHORITY

§ 10-401. Powers, Responsibilities and Limitations

A. The Muscogee (Creek) Nation Tribal Utility Authority shall have the power to:

1. Adopt and use an official seal;
2. Enter into agreements, contracts, joint ventures, partnerships, cooperative projects and/or other appropriate relationships with any federal, tribal, state, or municipal government, or with any person, partnership, corporation, or any other legal entity to accomplish the purpose of the Tribal Utility Authority, and agree to any conditions attached to federal financial assistance or contract subject to the provisions of this Act;
3. Acquire personal property of any kind, including funds, securities and other intangible property or property rights, and to own and hold same in its own name, separate and apart from the property and assets of the Muscogee (Creek) Nation;
4. Levy and collect reasonable fees for utility services;
5. Sell, lease, exchange, transfer and/or assign personal property of any kind owned by the Tribal Utility Authority;
6. Lease property and obtain easements and rights-of-way for such periods as are authorized by law, and to hold and manage or to sublease the same;
7. Borrow or lend money, issue temporary or long-term evidence of indebtedness and repay the same, provided that no loans shall be made by the Tribal Utility Authority to any person who is an officer, commissioner or employee of the Tribal Utility Authority or to any employee's immediate family; and provided further that the notes and other obligations of the Tribal Utility Authority shall not be debts of the Muscogee (Creek) Nation and shall not create a lien or any other encumbrance on any property or assets of the Muscogee (Creek) Nation, and any such obligations shall so state on its face;
8. Pledge the assets and receipts of the Tribal Utility Authority as security for debts;
9. Employ personnel and establish the compensation, benefits and conditions of their employment, and delegate to such personnel such powers or duties as the Tribal Utility Authority may deem proper;

10. Employ consultants, advisors, planners, legal counsel and other experts by written contract;
11. Invest such funds that are not required for immediate disbursements or obligations;
12. Open and maintain, in the name of the Muscogee (Creek) Nation Tribal Utility Authority, accounts in any financial institution whose deposits are insured by an agency of the United States Government;
13. Engage in any lawful business or activity for which the Tribal Utility Authority is created, and as commonly engaged in by any utility authority of this character and nature;
14. Authorize disbursement of funds for operation, maintenance and repair of utility services;
15. Authorize the study and analysis of utility needs and utility plans, and any other study or analysis to accomplish the purposes of the Tribal Utility Authority;
16. Finance purchase of utility hook-ups and meters by an eligible user;
17. Lease, rent or sell, any meters, utility lines, containers or equipment;
18. To establish hook-up and connection fees, to establish and revise user fees, to establish utility rates and payments;
19. Terminate any utility user agreement when the user has violated the terms of such agreement or when such termination is otherwise authorized under the provisions of such agreement and to bring action for recovery of amounts;
20. Engage or contract with vendors and contractors;
21. Authorize investment of the Tribal Utility funds; and
22. Adopt necessary and appropriate procedures, rules and regulations to implement the purposes of the Tribal Utility Authority.

B. The Tribal Utility Authority shall have no power to:

1. Pledge the credit or any assets of the Muscogee (Creek) Nation;
2. Enter into any agreement of any kind on behalf of the Muscogee (Creek) Nation;
3. To dispose of any of the Authority's assets without a duly adopted written resolution of the National Council.

§ 10-402. Sovereign Immunity

A. All inherent sovereign rights of the Muscogee (Creek) Nation are hereby expressly reserved, including sovereign immunity from any suit in any state, federal or Tribal court.

B. The Muscogee (Creek) Nation Tribal Utility Authority is an agency of the Muscogee (Creek) Nation and thereby retains all rights of sovereign immunity of the Nation.

C. The Tribal Utility Authority shall not waive the sovereign immunity of the Muscogee (Creek) Nation or sell, convey, assign, or encumber any real or personal property or other assets of the Muscogee (Creek) Nation, provided that this limitation shall not apply to personal property or other assets held in the name of the Muscogee (Creek) Nation Tribal Utility Authority.

D. The Tribal Utility Authority and any subsidiary of the Authority, in which the Authority owns a major interest, shall be considered instrumentalities of the Nation, and their officers and employees shall be considered officers and employees of the Nation, and shall, therefore, be entitled to all of the privileges and immunities enjoyed by the Nation, including without limitation, to immunities from suit in federal, state and Tribal courts and from federal, state, and local taxation, except that:

1. The Authority may specifically grant limited waivers of its sovereign immunity from suit for itself and for any other business entity in which the Authority owns a major interest under an approved Operating Agreement with such entity and consent to be sued in the Nation's court or other court of competent jurisdiction pursuant to the procedures and authorities set forth in the Authority's policies and procedures or business plan; provided further, however, that:
 - a. Any such waiver or consent to be sued shall in no way extend to any action against the Nation, nor shall any such waiver or consent to be sued be deemed a waiver of any rights, privileges, and immunities of the Nation and its officers and employees;
 - b. Any recovery against the Authority shall be limited to the assets of the Authority (or to any such portion on the Authority's assets as further limited by the waiver or consent to suit), and the Nation shall not be liable for the payment or performance of any of the obligations of the Authority, and no recourse shall be had against any assets, revenues, or holdings of the Nation in order to satisfy the obligations of the Authority, including without limitation, assets of the Nation leased, loaned, or assigned to the Authority for its use, without transfer of title;
 - c. Any waiver may be granted only by (i) a resolution adopted by the National Council for the specific purpose of granting a waiver; (ii) the language of the waiver must be clear and explicit; and (iii) the waiver must be contained in a written contract or agreement to which the

Authority or a business entity in the Authority owns a majority interest is a party; and

- d. Waivers of sovereign immunity must be specific and limited as to the duration, grantee, transaction, property or funds of the entity subject to the waiver, applicable forum, and applicable law.

F. The sovereign immunity of the Tribal Utility Authority shall not extend to actions against the Authority by the Nation acting as a Member.

G. Neither the Tribal Utility Authority nor any person employed by it or acting on its behalf shall have the power or authority to waive the sovereign immunity of the Nation or to sell, convey, assign or encumber any real or personal property or other assets of the Nation.

H. The National Council is authorized to grant a waiver of sovereign immunity of the Tribal Utility Authority, or a business entity in which the Authority owns a majority interest to a bonding company, surety, or other guarantor for the purpose of securing a contract. If such a waiver is granted for the Authority, such waiver will be limited to assets of the Authority. If such a waiver is granted for a business entity in which the Authority owns a majority interest, such waiver will be limited to assets of that business entity. At no time shall any waiver of immunity granted in this provision apply to the Nation, its assets, or any elected officials, officers or employees of the Nation.

I. The Nation confers upon the Tribal Utility Authority, and any business entity in which the Authority owns a majority interest, a waiver of sovereign immunity in order to sue and be sued in a United States District Court or any other court of competent jurisdiction for all matters relating to Small Business Administration programs including, but not limited to, 8(a) BD program participation, loans, and contract performance. At no time shall any waivers of immunity granted in this provision apply to the Nation, its assets, or any elected officials, officers or employees of the Nation.

§ 10-403. Power to Sue and Be Sued

A. Subject to the provisions of this section, the Tribal Utility Authority shall have the power to sue in any court in its own name.

B. The Muscogee (Creek) Nation does not waive, limit or modify its sovereign immunity from unconsented suit. Provided, however, for any dispute between the Tribal Utility Authority and a contracting party, the Nation expressly consents to and allows the Tribal Utility Authority to be sued in any court of competent jurisdiction, provided the National Council has first approved said waiver by duly enacted Board resolution. Provided, however, the foregoing is limited to suits against the Tribal Utility Authority in the name of the Tribal Utility Authority only and does not authorize suits against Muscogee

(Creek) Nation itself. Provided further that, notwithstanding the foregoing, no court shall have the authority or jurisdiction to execute against any assets of the Muscogee (Creek) Nation; instead, such execution shall be limited to assets held in the name of the Tribal Utility Authority. As used in this subsection, the term "assets held in the name of the Tribal Utility Authority" shall not include any real or personal property title to which is held by or in trust for the Muscogee (Creek) Nation regardless of whether such property is used by the Tribal Utility Authority. Nor shall assets held in the name of the Tribal Utility Authority include any funds generated by the Tribal Utility Authority, which have been paid over to the Controller for the Muscogee (Creek) Nation.

C. The Tribal Utility Authority is hereby allowed to consent to the laws of another jurisdiction when entering into contracts for goods and service, provided the National Council has first approved said choice of law provision by duly enacted resolution, and provided further that the consent to the choice of law of another jurisdiction by the Tribal Utility Authority shall not affect the sovereign immunity of the Muscogee (Creek) Nation.

D. The Tribal Utility Authority shall be allowed to consent to arbitration provisions when entering into contracts for goods and services which allow the final arbitration judgment to be entered into a court of competent jurisdiction, provided the National Council has first approved said arbitration clause by duly enacted resolution, and provided further the consent to arbitration shall not affect the sovereign immunity of the Muscogee (Creek) Nation. Any arbitration judgment that attempts to effect the assets of the Muscogee (Creek) Nation and not the assets of the Tribal Utility Authority shall be null and void.

SUBCHAPTER 5. OFFICER

§ 10-501. Tribal Utility Authority Officer

The Secretary of the Nation shall have the ability to function as an Officer of the Tribal Utility Authority as necessary to effectuate the purpose of this Act, provided that the Secretary of the Nation's activities related to the Authority shall be considered part of his/her regular administrative duties and shall not entitle them to additional compensation from the Authority or any subsidiary. As an Officer of the Authority, the Secretary of the Nation shall have the authority to:

A. Oversee and control the financial and business affairs of the Tribal Utility Authority and to be responsible for the fiscal affairs of the Authority and all businesses and ventures under its management;

B. Employ administrative staff to serve the Authority;

C. Have primary supervisory authority over all subordinate personnel including the authority to hire and fire such personnel;

D. Adopt administrative and personnel policies and procedures for the Authority or any subsidiary of the Authority, provided that said policies and procedures shall include, but are not limited to, provisions calculated to: 1) prevent nepotism in the hiring of personnel and procurement of goods and services; and 2) assure that all contracting and procurement is conducted in a manner consistent with the best interests of the Authority;

E. Review, evaluate, initiate and cause to be carried out business ventures, projects and/or commercial enterprises;

F. On behalf of the Authority, approve any contracts for the engagements of consultants, advisors, planners and/or other experts deemed necessary or appropriate to carry out the purposes of the Authority, provided that all such contracts shall be in writing; and

G. Subject to any requirements and/or limitations imposed on the Authority under the provisions of this Act, take or perform any and all other actions, including without limitation, approving contracts and agreements in the name of the Authority, which may be necessary or appropriate in order for the Authority to carry out its purposes and authority set forth in this Act.

§ 10-502. Powers, Responsibilities and Limitations of Such Powers

A. The general authority, powers and responsibilities of the Officer is:

1. The administration and management of the Muscogee (Creek) Nation's public or tribal utilities operations, facilities and maintenance;
2. To establish the policies and procedures for the Tribal Utility Authority that are in compliance with industry standards and other tribal and federal laws, and to establish rules, regulations and guidelines for such operations; and
3. To oversee and supervise the activities of the managers to assure said managers implement adopted policies, procedures, standards and goals established for the Tribal Utility Authority.
4. To meet such guidelines and oversight as required by the Registered Office and Agent of the Tribal Utility Authority.

B. The specific authority, powers and responsibilities of the Officer are:

1. Employ administrative staff to serve the Board in its discharge of power and responsibilities;
2. Employ administrators, managers, accountants, and professional staff, and other employees who shall be responsible for carrying out the day-to-day operations of the Tribal Utility Authority and subject to the control and oversight of the National Council. Without National Council approval through a written resolution, such personnel shall not:
 - a. Borrow money or pledge assets of the Tribal Authority;
 - b. Sell, lease, assign or convey personal property of the Authority;
 - c. Enter into any contract; or
 - d. Compromise any claim of or against the Authority.
3. Adopt and implement administrative policies and procedures for the Tribal Utility Authority staff and employees;
4. Adopt and implement personnel policies and procedures to be followed in the hiring, supervision, management, promotion, disciplining and/or termination of all employees, including provisions for employment appeals and grievances filed by a manager, staff or employee;
5. Adopt and implement procurement policies and procedures to be used in contracting for and/or purchasing goods, services and supplies, including rules prohibiting transactions and/or actions which would violate the Nation's laws;
6. Adopt and implement such other policies and procedures which the Principal Chief deems appropriate for the management and operation of the Nation's public and/or tribal utilities or which may be otherwise required by the Nation's law or federal law;
7. To contract with any person, corporation, partnership or other business entity for goods, supplies and services necessary and/or appropriate for the Nation's public and/or tribal utilities facilities or operations, and includes the power to enter into routine equipment leases. The Officer may designate its power to contract for goods, supplies and services to the director and/or managers by way of written resolution that shall include a specific dollar limitation on such expenditures and in accordance with the Nation's law;
8. The protection, maintenance and proper disposition of all funds, accounts and other property that come under its authority or control or that are used and/or maintained in connection with and pursuant to its authority, powers and responsibilities hereunder. In this connection, the Board shall:
 - a. Provide quarterly narratives and financial reports to the National Council and the Principal Chief;
 - b. Establish an internal auditing systems of operation in accordance with industry standards;

- c. Record and maintain a copy of the minutes of all meetings of the Board;
 - d. Promptly report any theft or misuse of funds or other property under the Board's control to the Lighthorse Police and the Attorney General of the Muscogee (Creek) Nation;
 - e. Cooperate in any criminal or civil investigation being conducted by the Attorney General and Lighthorse Police, including the furnishing of documents, papers or other evidence relevant to such investigation in accordance with applicable law.
9. Delegate such authority or responsibility to the director and/or manager(s) of the Tribal Utility Authority as the Board deems appropriate, subject to any limitations imposed by this Code or the Nation's law;
10. Approve contracts proposed by the Director and/or manager(s) for the engagement of consultants, advisors, planners and/or other experts which the Principal Chief deems necessary or appropriate to carry out the purposes of the Authority and shall be available for review upon request by the Principal Chief, National Council or the Attorney General; and
11. Perform all other actions necessary or appropriate to carry out its purposes of the Authority, subject to any requirements and/or limitations imposed on the Tribal Utility Authority under the provisions of this Code or the Nation's law.
12. To deal in inventions, copyrights and trademarks. The Officer shall have the authority to acquire by application, assignment, purchase, exchange, lease, hire or otherwise to hold, own, use, license, lease, and sell, either alone or in conjunction with others, the absolute, partial or qualified interest in and to inventions, improvements, letters patent and applications for patents, licenses, formulas, privileges, process, copyrights and applications for trademarks and trade names, and that title of all such acquisitions shall be taken in the name of the Authority.

C. Limitations on Officers Powers and Responsibilities

1. Without first obtaining approval by Tribal Resolution by the National Council, the Officer shall have no power to:
- a. Enter into contracts for the construction of buildings or any other improvements to real property or buildings thereon exceeding fifty thousand dollars (\$50,000.00);

- b. Borrow money or make, accept, endorse or issue bonds debentures, promissory notes, mortgages, or security agreements or any other instrument of indebtedness or guaranty;
- c. Make private or public donations of money or property;
- d. Waive the sovereign immunity of the Muscogee (Creek) Nation for any purpose whatsoever or sell, convey, assign or encumber any real personal property or other assets of the Muscogee (Creek) Nation; and
- e. Sue or be sued in any tribal, federal or state court.

§ 10-503. Tribal Utility Operational and Management Plan

The Secretary of the Nation shall be responsible for providing a Tribal Utility Authority Management and Operation Plan to the Office of the Principal Chief and the National Council for each fiscal year.

§ 10-504. Fiscal Responsibility

A. The Officer is responsible for the oversight and control of the financial and business affairs of the Tribal Utility Authority through the establishment and implementation in accordance with generally accepted accounting principles of an administrative system that shall include, but not be limited to controlling, accounting and reporting disbursements, payroll, cost management and investments and establishing and maintaining bank accounts in the name of the Muscogee (Creek) Nation Tribal Utility Authority in a financial institution whose deposits are insured by an agency of the United States government; provided that expenditures may be made only upon approval by the National Council.

B. The Controller of the Muscogee (Creek) Nation shall deliver all funds appropriated through the Muscogee (Creek) Nation, pursuant to the Nation's Comprehensive Budgets or special appropriations acts, to the Authority for its use in accordance with its fiscal management and policies that includes generally accepted accounting principles.

§ 10-505. Budget

The Authority shall prepare an annual budget. The Authority shall provide a copy of its annual budget to the Principal Chief and the National Council for informational purposes. If the Authority needs additional funds other than those funds generated from existing businesses and ventures, then the Authority shall submit a budget and seek the appropriation of those funds from the National Council through separate legislation.

§ 10-506. Annual Audit

The Authority shall maintain complete, accurate books and records of the financial affairs of the Tribal Utility Authority, and for each fiscal year shall furnish to the National Council an annual budget, annual balance sheet, annual income statement and complete annual report of the business and financial affairs of the Tribal Utility Authority and each of its businesses or ventures. The books and records of the Tribal Utility Authority shall be audited each year by an independent Certified Public Accountant in accordance with generally accepted auditing procedures.

§ 10-507. Financial Reports and Annual Report

A. The Officer shall make quarterly financial reports to the Principal Chief and the National Council.

B. The Officer shall submit an annual report by October 31st of each year on behalf of the Tribal Utility Authority. The report shall contain the following:

1. A summary of the year's activities;
2. The financial condition of the Tribal Utility Authority;
3. Any significant accomplishments and problems;
5. Future goals, objectives and activities; and
6. Any other information the Officer deems important.

**SUBCHAPTER SIX. BOARD OF COMMISSIONERS
(RESERVED)**

SUBCHAPTER SEVEN. MISCELLANEOUS

§ 10-701. Amendments

The Officer shall recommend amendments to this Act that he or she believes necessary to fulfill the powers and duties of the Authority. Such recommended amendments shall be presented to the National Council for approval.

§ 10-702. Insurance

The Tribal Utility Authority shall purchase general liability insurance for all activities on sites owned or operated by the Authority. Any and all buildings, improvements and contents owned by the Tribal Utility Authority shall be insured against loss by fire, theft, malicious mischief, and other casualty. The Authority shall provide adequate workers compensation insurance coverage for all employees. Furthermore, the Authority shall purchase other necessary insurance to meet the purpose of this Code and other tribal or federal law, rules or regulations.

§ 10-703. Bond

The Tribal Utility Authority shall provide for adequate fidelity bond coverage of its officers, agents or employees.

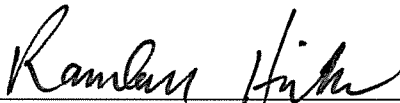
§ 10-704. Severability Clause

If any provisions of this Code or the application thereof to any person or circumstances shall be adjudged by any court of competent jurisdiction to be held invalid, such judgment shall not affect, impair or invalidate the remainder of the Code or its application to other persons and circumstances, but shall be confirmed in its operation to the provisions of this Code or the application thereof to the persons and circumstances directly involved in the action in which such judgment shall have been rendered and all other terms and provisions of the Code shall remain in full force and effect.

SECTION THREE. 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 **18TH** day of **December, 2021.**

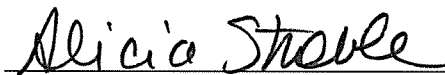
IN WITNESS WHEREOF, the Speaker of the Muscogee (Creek) National Council has hereto attached his signature.



Randall Hicks, Speaker
National Council
Muscogee (Creek) Nation

CERTIFICATION

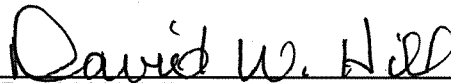
I, the undersigned, certify that the foregoing is a true extract from the minutes of the Muscogee (Creek) National Council comprised of Sixteen members with **Fifteen** members attending this meeting on the **18TH** day of **December, 2021** and that the above is in conformity with the provisions therein 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.



Alicia Stroble, Recording Secretary
Muscogee (Creek) National Council

APPROVAL

I, the Principal Chief of the Muscogee (Creek) Nation, hereby affix my signature on this **22nd** day of **December**, **2021** to the above Law, **NCA 21-159** 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

