



## NCA 16-018

### CLASSIFICATION: #11. COMMUNITIES

**A LAW OF THE MUSCOGEE (CREEK) NATION REPEALING TITLE 11, CHAPTER 3, ENTITLED "GRANT FUNDS FOR ECONOMIC DEVELOPMENT AND SOCIAL SERVICE PROGRAMS" AND REPLACING IT WITH A NEW 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. NCA 91-44 originally authorized an annual appropriation to the Chartered Communities to be divided by shares dependent on the economic status of the Community.

B. The current amount of the Community Development Block Grant funds is not enough to fund many of the activities and services the Chartered Communities wish to provide.

C. There is a need to repeal the Community Development Block Grant, Christmas appropriations, and van appropriations to the Chartered Communities and establish a set, uniform amount of funding for all Chartered Communities.

**SECTION TWO. REPEALER. MCNCA Title 11, Chapter 3, ENTITLED "Grant Funds for Economic Development and Social Service Programs" is hereby repealed.**

**SECTION THREE. NEW LAW. The following new law 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 new law and its inclusion in pocket parts for the Code of Laws of the Muscogee (Creek) Nation, the Codification Committee 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 of 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, without further National Council approval:**

**TITLE 11. COMMUNITIES**

**CHAPTER 3. ANNUAL FUNDS FOR OPERATIONAL COSTS, ECONOMIC  
DEVELOPMENT, AND SOCIAL SERVICE PROGRAMS 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 AND DEVELOPMENT FUND**

**§ 3-201. COD Fund**

A. There is hereby created the Community Operation and Development Fund ("COD 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, education, youth/senior activities and other projects that would benefit the Communities. Funds may be used for operating costs. Any citizen living within the Chartered Community's boundaries will benefit from these tribal funds, community member or not. Use of COD 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; personal mileage; personal rent or mortgage; personal loans; purchase of vehicle(s); per capita payments; board meals; or mobile phones.

C. The COD 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

**Page 3 of 6**  
**NCA 16-018**

**§ 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. COD 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 COD fund provided they comply with the following:

A. The application and all documents listed below requesting the COD 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 COD 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).

**§ 3-204. Compliance for Distribution of COD Funds**

**Page 4 of 6**  
**NCA 16-018**

A. A financial report, accompanied by copies of checks and receipts detailing the expenditure of COD funds shall be forwarded to the Community Finance Officer on a quarterly basis in order to be eligible for distributions of COD 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 COD 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. Any discrepancies, non-compliance, or misuse of funds determined by Community Finance Officer shall be reported to the Principal Chief, National Council, and the Controller's office.

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 COD funds in the previous year, they shall submit documentation from the last year they did receive COD 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 COD fund yearly application.

B. Communities do not have to receive all three disbursements of the COD 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 COD 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 FOUR. APPROPRIATION.** The sum of Six Hundred Twenty Five Thousand No/100 Dollars (\$625,000.00) is hereby appropriated from the Interest on Permanent Fund Account for FY 2016. All unexpended funds appropriated by implementation of this Act shall be returned to the Tribal Treasury and shall be available for future appropriation by the National Council.

**SECTION FIVE. AUTHORIZATION.** The National Council hereby authorizes the Principal Chief or his designee to expend the sum of Six Hundred Twenty Five Thousand No/100 Dollars (\$625,000.00) from the Interest on Permanent Fund Account.

**SECTION SIX. EFFECTIVE DATE.** This Act shall become effective April 1, 2016 upon proper approval and execution in accordance with the requirements of the Muscogee (Creek) Nation Constitution.

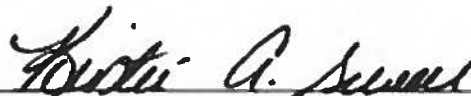
**ENACTED** by the Muscogee (Creek) National Council on this 27<sup>th</sup> day of February, 2016.

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

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

**CERTIFICATION**

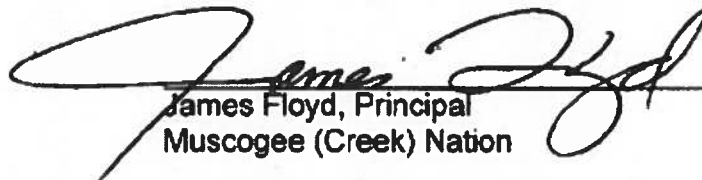
I, the undersigned, certify that the foregoing is a true extract from the minutes of the Muscogee (Creek) National Council comprised of Sixteen members with Sixteen members attending this meeting on the 27<sup>th</sup> day of February, 2016 and that the above is in conformity with the provisions therein 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. Sewell, Recording Secretary  
Muscogee (Creek) National Council

**APPROVAL**

I, the Principal Chief of the Muscogee (Creek) Nation, hereby affix my signature on this 4<sup>th</sup> day of March, 2016 to the above Law, NCA 16-018 authorizing it to become a Law under Article VI., Section VI., of the Constitution of the Muscogee (Creek) Nation.



James Floyd, Principal  
Muscogee (Creek) Nation

