



## NCA 14-133

**CLASSIFICATION: #17. ECONOMIC DEVELOPMENT**

### **A LAW OF THE MUSCOGEE (CREEK) NATION AMENDING MCNCA TITLE 17 § 6-107, ENTITLED "Board of Directors and officers"**

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

**SECTION ONE. AMENDMENT.** This amendment shall be codified in Title 17 § 6-107., 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 Codification Committee 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 17 § 6-107 is hereby amended to read as follows:

#### **§ 6-107. Board of Directors and officers**

A. The Business Enterprise shall be governed by a ~~three~~five member Board of Directors consisting of:

1. Duly elected Second Chief who shall be Chairman Two members of the Board shall be selected by the Principal Chief and two members to be selected by the National Council with no requirement of confirmation to be by Tribal Resolution. The fifth member of the Board will be selected by the other four members. Any member of the Board may be subject to removal for any reason applicable to a Civil Officer as defined in Title 31, Section 1-104 of the Nation's Code or for any violation of the Nation's laws or Constitution. Any Board Member shall be subject to removal by Tribal Resolution.
2. At least the majority of the Board Members shall be citizens of the Nation in order to protect the interests of the Nation and to insure compliance with SBA 8(a) business development

requirements that Company business operations are owned/controlled/managed by the Nation.

~~The best qualified candidate who shall be appointed by the Principal Chief and confirmed by the National Council by Tribal Resolution, and who shall have a reputation of good character and honesty and shall have demonstrated experience, education, skill or training in business or economic development and who shall serve as the Vice Chairman of the Board during his or her term of office. The confirmed nominee shall serve a term of office of two years, commencing on the date of confirmation by Tribal Resolution, and shall receive a stipend of four hundred dollars (\$400.00) for each meeting of the Board that he or she attends. Indian preference shall be given.~~

3. The term of the Board members shall be three years and shall have no holdover. The Board terms shall be staggered to guarantee Board continuity.

~~The best qualified candidate who shall be appointed by the Business, Finance, and Justice Committee of the National Council and confirmed by the National Council by Tribal Resolution, and who shall have a reputation of good character and honesty and shall have demonstrated experience, education, skill or training in business or economic development and who, if confirmed, shall serve as the Secretary/Treasurer of the Board during his or her term of office. The confirmed nominee shall serve a term of office of two (2) years, commencing on the date of confirmation by Tribal resolution, and shall receive a stipend of four hundred dollars (\$400.00) for each meeting of the Board that he or she attends. Indian preference shall be given.~~

4. To be eligible to serve on the Board, a person must possess the minimum following experience:

- a. A Bachelor's Degree plus five field years of business management experience; or
- b. Five years executive management experience including, but not limited to, CFO, CEO and COO management experience; or
- c. An advanced degree plus years of business management experience equal to nine years.

B. ~~Term.~~ All appointees shall serve a term of two years, commencing on the date of confirmation and shall holdover in office until a new appointee is confirmed.

**BC.** Ex-Officio Member. There shall be an ex-officio member on the Muscogee Nation Business Enterprise Board of Directors who shall be a member of the Business, Finance & Justice Committee of the National Council and selected by said Committee. The ex-officio member shall have no voting rights, nor be counted for the purpose of establishing quorum. The ex-officio shall act only as a liaison between the Muscogee Nation Enterprise Board of Directors and the National Council.

**CD.** Compensation. The Board of Directors, with the exception of the ex-officio member and ~~Second Chief~~, shall receive a stipend of \$400.00 for each meeting of the Board that he or she attends, plus telephone and mileage reimbursement.

**SECTION THREE. AMENDMENT.** MCNCA Title 17 § 6-108. is hereby amended to change language in paragraph K. and add a new paragraph L. to read as follows:

**K. The Board shall not do business, engage in any business activities, or enter into any contracts with any entity or individual in which a Muscogee Nation Enterprise Board Member or Officer serves as an Officer, Director, Trustee, Partner, Employee or has a vested interest in any such entities.**

**L.** Perform any other actions required of the Board under this Act.

**SECTION FOUR. AMENDMENT.** MCNCA Title 17 § 6-109. A. and C. shall be amended to read as follows:

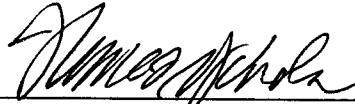
**A.** The Board shall have one regular meeting each month, on a date and at a time which shall be fixed by the Board at its first monthly meeting which shall be held on a date and time, to be set by the chairman, not more than 30 days after **December 31, 2014**~~the adoption of this Act~~. The date and time for the regular monthly meeting may be changed by the Board from time to time but only by way of written resolution adopted at any regular or special meeting of the Board.

**C.** No business shall be transacted by the Board except at a regular monthly or duly called special meeting at which a quorum has been established, which shall require the presence of at least ~~two~~**three** Board members. If a quorum is established at the beginning of any meeting but is lost during the course of a meeting, no action taken during the period when less than a quorum is present shall be valid.

**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 and shall have a complete Board of Directors no later than December 31, 2014.

**ENACTED** by the Muscogee (Creek) National Council on this **23<sup>rd</sup>** day of **August, 2014.**


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



\_\_\_\_\_  
Thomas Yahola, Speaker  
National Council  
Muscogee (Creek) Nation

**CERTIFICATION**

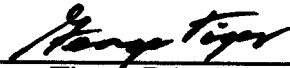
I, the undersigned, certify that the foregoing is a true extract from the minutes of the Muscogee (Creek) National Council comprised of Sixteen members with **Sixteen** members attending this meeting on the **23<sup>rd</sup>** day of **August, 2014** and that the above is in conformity with the provisions 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 2nd day of Sept, 2014 to the above Law, **NCA 14-133** authorizing it to become a Law under Article VI., Section VI., of the Constitution of the Muscogee (Creek) Nation.



\_\_\_\_\_  
George Tiger, Principal Chief  
Muscogee (Creek) Nation





## NCA 14-133

**CLASSIFICATION: #17. ECONOMIC DEVELOPMENT**

**A LAW OF THE MUSCOGEE (CREEK) NATION AMENDING MCNCA TITLE 17 § 6-107, ENTITLED "Board of Directors and officers"**

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

**SECTION ONE. AMENDMENT.** This amendment shall be codified in Title 17 § 6-107., 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 Codification Committee 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 17 § 6-107 is hereby amended to read as follows:

**§ 6-107. Board of Directors and officers**

A. The Business Enterprise shall be governed by a five member Board of Directors consisting of:

1. Two members of the Board shall be selected by the Principal Chief and two members to be selected by the National Council with no requirement of confirmation to be by Tribal Resolution. The fifth member of the Board will be selected by the other four members. Any member of the Board may be subject to removal for any reason applicable to a Civil Officer as defined in Title 31, Section 1-104 of the Nation's Code or for any violation of the Nation's laws or Constitution. Any Board Member shall be subject to removal by Tribal Resolution.
2. At least the majority of the Board Members shall be citizens of the Nation in order to protect the interests of the Nation and to insure compliance with SBA 8(a) business development requirements that Company business operations are owned/controlled/managed by the Nation.

3. The term of the Board members shall be three years and shall have no holdover. The Board terms shall be staggered to guarantee Board continuity.
4. To be eligible to serve on the Board, a person must possess the minimum following experience:
  - a. A Bachelor's Degree plus five field years of business management experience; or
  - b. Five years executive management experience including, but not limited to, CFO, CEO and COO management experience; or
  - c. An advanced degree plus years of business management experience equal to nine years.

B. Ex-Officio Member. There shall be an ex-officio member on the Muscogee Nation Business Enterprise Board of Directors who shall be a member of the Business, Finance & Justice Committee of the National Council and selected by said Committee. The ex-officio member shall have no voting rights, nor be counted for the purpose of establishing quorum. The ex-officio shall act only as a liaison between the Muscogee Nation Enterprise Board of Directors and the National Council.

C. Compensation. The Board of Directors, with the exception of the ex-officio member, shall receive a stipend of \$400.00 for each meeting of the Board that he or she attends, plus telephone and mileage reimbursement.

**SECTION THREE. AMENDMENT.** MCNCA Title 17 § 6-108. is hereby amended to change language in paragraph K. and add a new paragraph L. to read as follows:

K. The Board shall not do business, engage in any business activities, or enter into any contracts with any entity or individual in which a Muscogee Nation Enterprise Board Member or Officer serves as an Officer, Director, Trustee, Partner, Employee or has a vested interest in any such entities.

L. Perform any other actions required of the Board under this Act.

**SECTION FOUR. AMENDMENT.** MCNCA Title 17 § 6-109. A. and C. shall be amended to read as follows:

A. The Board shall have one regular meeting each month, on a date and at a time which shall be fixed by the Board at its first monthly meeting which shall be held on a date and time, to be set by the chairman, not more than 30 days after December 31, 2014. The date and time for the regular monthly meeting may be changed by the Board from time to time but only by way of written resolution adopted at any regular or special meeting of the Board.

C. No business shall be transacted by the Board except at a regular monthly or duly called special meeting at which a quorum has been established, which shall require the presence of at least three Board members. If a quorum is established at the beginning of any meeting but is lost during the course of a meeting, no action taken during the period when less than a quorum is present shall be valid.

**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 and shall have a complete Board of Directors no later than December 31, 2014.

**ENACTED** by the Muscogee (Creek) National Council on this **23<sup>rd</sup>** day of **August, 2014.**

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

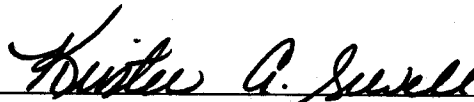


---

Thomas Yahola, 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 **23<sup>rd</sup>** day of **August, 2014** 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.

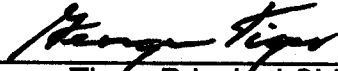


---

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 2nd day of Sept, 2014 to the above Law, **NCA 14-133** authorizing it to become a Law under Article VI., Section VI., of the Constitution of the Muscogee (Creek) Nation.



---

George Tiger, Principal Chief  
Muscogee (Creek) Nation

