



**NCA 12-007**

**CLASSIFICATION: #24. HOUSING**

**A LAW OF THE MUSCOGEE (CREEK) NATION AMENDING MCNCA TITLE 24 ENTITLED "Housing" TO REPLACE LANGUAGE REGARDING STANDING COMMITTEE**

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

**SECTION ONE. AMENDMENT.** These amendments shall be codified in Title 24 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 24, Chapter 2, Muscogee (Creek) Nation Affordable Housing Activities, Subsection 102. D. is hereby amended to read as follows:

D. Signatory Authority. The Principal Chief and any person(s) designated by the Principal Chief in writing shall have the authority to approve contracts dealing with the day-to-day operations of the Division of Housing and for goods and services of the Division of Housing. The Principal Chief shall delegate said signatory authority in writing and provide a copy to the Health, Education & Welfare Committee and the Controller. All contracts with the exception of Real Property Acquisitions which are subject to CFR 49 Part 24 must be procured in accordance with the Muscogee (Creek) Nation Procurement Policies and Procedures for the Expenditure of HUD Funding. A contract for day-to-day operations or goods and services in excess of one hundred fifty thousand dollars (\$150,000.00) must be approved in writing by the Principal Chief and by Tribal Resolution of the National Council. Provided that, only the Principal Chief is authorized to execute a contract wherein a limited waiver of the Nation's sovereign immunity is contained in said document, provided further that said waiver has been specifically approved by the National Council under separate legislation.

For purposes of this sub-section, goods and services means tangible or moveable personal property other than money; ex. office equipment and supplies. Goods and services shall also be defined to mean all things, including specially manufactured goods, that are moveable at the time of identification to a contract for sale and future goods. The term does not include money in which the price is to be paid, the subject matter of foreign exchange transactions, documents, letters of credit, letter-of-credit rights, instruments, investment property, accounts, chattel paper, deposit accounts or general intangibles.

**SECTION THREE. AMENDMENT.** MCNCA Title 24, §5-103., D., Procedures for selection and hiring of NAHASDA Grant Compliance Officer, 3., 4., and 5 are hereby amended to read as follows:

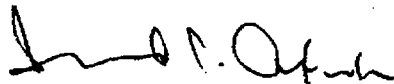
3. The Principal Chief shall select from the list of qualified candidates furnished by the Office of Personnel Services not less than three candidates, which he determines to be the most qualified for the position and shall forward their names and copies of their applications and evidence of qualifications to the Speaker of the National Council, who shall distribute copies of said materials to Chairperson of the Health, Education & Welfare Committee, who in turn shall place the matter on the agenda of the Committee's next meeting. No candidate shall be referred to the Council or otherwise considered for the position of NAHASDA Grant Compliance Officer, unless he or she meets the minimum qualifications set forth in Subsection B of this Section. If Personnel Services identifies and recommends less than three (3) qualified candidates, then the Principal Chief may forward the list of less than three (3) candidates, applications and qualifications to the Speaker or he may, instead, request the Office of Personnel Services to readvertise the position in accordance with paragraph 1 of this subsection in order to increase the number of qualified candidates.
4. At the next monthly or special meeting of the Health, Education, & Welfare Committee following the submission of a list of qualified candidates and supporting materials to the Committee, the Committee shall review the applications and evidence of qualifications of all candidates forwarded to it. The Committee may request any or all such candidates to appear before it at such meeting and respond to questions in order to verify that all candidates referred to the Committee meet the minimum qualifications set forth in subsection B of this section. The Committee may recommend any one candidate to the Principal Chief for employment but shall not be required to do so.

5. After the Health, Education & Welfare Committee has had an opportunity to review the qualifications of submitted candidates in accordance with the foregoing paragraphs, the Principal Chief shall select from the names submitted to the Committee the candidate who, in the Principal Chief's judgment, is the most qualified for the position, giving due regard and weight to the Committee's recommendation, if any; provided, however, that Indian preference shall be given and provided further that if any two (2) or more of the most qualified candidates are Indian and are equally qualified, and one (1) is a citizen, then preference in hiring shall be given to the citizen.

**SECTION FOUR. 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 28th day of January 2012.

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

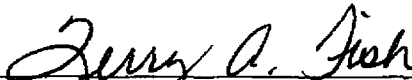


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Samuel S. Alexander, Speaker  
National Council  
Muscogee (Creek) Nation

**CERTIFICATION**

I, the undersigned, certify that the foregoing is a true extract from the minutes of the Muscogee (Creek) National Council comprised of Seventeen members with **Fourteen** members attending this meeting on the **28th day of January, 2012** and that the above is in conformity with the provisions therein adopted by a vote of 13 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.




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Terry A. Fish, Recording Secretary  
Muscogee (Creek) National Council

**APPROVAL**

I, the Principal Chief of the Muscogee (Creek) Nation, hereby affix my signature this Law day of Feb, 2012, to the above Law, NCA 12-007 authorizing it to become a Law under Article VI., Section VI., of the Constitution of the Muscogee (Creek) Nation.

  
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George Tiger, Principal Chief  
Muscogee (Creek) Nation

