

TITLE 11. COMMUNITIES

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CHAPTER 1. COMMUNITY CHARTERS

Section
1-101. Approval of Constitutions.
1-102. Granting of charters.
1-103. Certificate of Charter.

Historical and Statutory Notes

NCA 83-11, § 101, provides:

“Findings: The National Council finds that:

“A. The quantity and quality of community services essential for desirable community development is presently lacking, and planning efforts by tribal citizens at the Community level have been at a minimum in recent months because of basic lack of organized activities and limitations on available resources.

“B. Over, the past five years, the Muscogee Nation has initiated, developed and partially implemented a community chartering process. This process succeeded in organizing twenty-seven (27) community groups in the Muscogee Nation. Several of these groups are still very active.

“C. Official charters are needed for each of the organizations, to give them a special status under tribal law, and to outline the formal relationship between the chartered communities and the tribal government.

“D. Chartered communities shall, under this ordinance, have the status of the Muscogee Nation as to all tax exemptions, sovereign immunities, and any other protections and powers as provided by tribal ordinance.

“E. In all aspects of tribal government, including the affairs of chartered communities, the Constitution of the Muscogee (Creek) Nation is the supreme law.

“F. The Executive Office of the Muscogee Nation shall provide technical assistance to the Communities in developing their constitutions.”

§ 1-101. Approval of Constitutions

A. Organized Communities of the Muscogee (Creek) Indians may apply in writing to the Principal Chief for approval of their Constitution.

B. The Principal Chief may deny approval of Community Constitutions by written objections within sixty (60) days after their submission, and these objections shall be made known to the applying Community.

C. The Principal Chief shall sign a certificate upon his approval of a Community Constitution.

[NCA 83-11, §§ 102 to 104, approved March 30, 1983.]

Library References

Indians ↻214.
Westlaw Topic No. 209.
C.J.S. Indians § 59.

§ 1-102. Granting of charters

Charters shall be granted within sixty (60) days after approval of the Community Constitution in Title 11, § 1-101.

[NCA 83-11, § 105, approved March 30, 1983.]

§ 1-103. Certificate of Charter

The form of the Certificate of Charter shall be:

OFFICE OF THE PRINCIPAL CHIEF
MUSCOGEE (CREEK) NATION
COMMUNITY CENTER

WHEREAS, _____ community has submitted its community Constitution to the Principal Chief of the Muscogee (Creek) Nation and that Constitution has been approved and found not to be inconsistent with or in violation of the Constitution of the Muscogee (Creek) Nation;

NOW THEREFORE, I the undersigned Principal Chief of the Muscogee (Creek) Nation, by virtue of the powers vested in me by the Muscogee (Creek) National Council, do hereby grant a Charter to:

(Name of Community)

to operate as a Community of the Muscogee (Creek) Nation with all the powers and privileges provided by Tribal law.

[NCA 83-11, § 106, approved March 30, 1983.]

CHAPTER 2. COMMUNITY DEVELOPMENT AND BUDGET STANDARDS ACT

Section

- 2-101. Provision of technical assistance and training.
- 2-102. Renumbered.
- 2-103. Repealed.

Historical and Statutory Notes

NCA 90-13, §§ 101, 102, as amended by NCA 95-84, § 2, provide:

“Section. 101. Findings: The National Council finds that:

“A. There is a need to establish standards for the provision of financial assistance to Creek Chartered Communities.

“B. There is a need for training/technical assistance for community development purposes.

“Section. 102. Purpose

“The purpose of this act is to establish standards for the provision of financial assistance to Creek Chartered Communities and to provide training and technical assistance to Creek Chartered Communities.”

§ 2-101. Provision of technical assistance and training

A. Training. The Muscogee (Creek) Nation Department of Community Development shall provide training quarterly to Chartered Creek Indian Communities in the following areas: accounting, personnel, policies and procedures, parliamentary procedure, feasibility studies, Muscogee (Creek) Nation laws and other areas of interest or need. The Department of Community Development may request assistance from other divisions of the Muscogee (Creek) Nation to provide training in these areas and may hire, subject to budget constraints, persons outside of the Nation with expertise in the designated areas to provide training.

B. Model forms. The Muscogee (Creek) Nation Department of Community Development shall develop model forms for use by the Chartered Creek Indian Communities for Personnel Policies and Procedures, Accounting System, Property Management System, Record-keeping System and Community Planning System.

[NCA 90-13, § 104, approved March 30, 1983; amended by NCA 95-84, § 102, approved Aug. 1, 1995; renumbered by NCA 04-033, § 8, approved March 4, 2004.]

Historical and Statutory Notes

Derivation:

Title 11, § 2-102, added by NCA 90-13, § 104; amended by NCA 95-84, § 102; and renumbered § 2-101 by NCA 04-033, § 8.

revenue sources, was added by NCA 90-13, § 103; amended by NCA 95-84, § 102; and repealed by NCA 04-033, § 7.

Former sections:

Former § 2-101, which provided standards for eligibility for financial assistance from tribal

Library References

- Indians ⇄210.
- Westlaw Topic No. 209.
- C.J.S. Indians §§ 57 to 59, 66 to 72.

Title 11, § 2-102
Renumbered

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§ 2-102. Renumbered as § 2-101 and amended by NCA 04-033, § 8, approved March 4, 2004

§ 2-103. Repealed by NCA 04-033, § 7, approved March 4, 2004

CHAPTER 3. GRANT FUNDS FOR ECONOMIC DEVELOPMENT AND SOCIAL SERVICE PROGRAMS

Subchapter

1. Grant Funds
2. Community Development Block Grants

SUBCHAPTER 1. GRANT FUNDS

Section

3-101. 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.

B. Chartered Communities Chairperson and Treasurer are authorized to receive and disburse funds received according to the grant proposal.

[NCA 91-44, §§ 102, 103, approved May 29, 1991.]

Library References

Indians ☞139, 210.
Westlaw Topic No. 209.
C.J.S. Indians §§ 54 to 55, 57 to 59, 66 to 72.

SUBCHAPTER 2. COMMUNITY DEVELOPMENT BLOCK GRANTS

Section

- 3-201. CDBG Fund.
3-202. Annual appropriation.
3-203. Requirements for distribution of funds.
3-204. Disbursement of funds.

§ 3-201. CDBG Fund

There is hereby created the Community Development Block Grant (“CDBG Fund”) for use by the Muscogee (Creek) Nation Chartered Indian Communities for the purpose of providing economic development, social services, education, youth activities and other projects that would benefit the Communities.

[Added by NCA 04-033, § 4, approved March 4, 2004.]

Library References

Indians ☞210.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57 to 59, 66 to 72.

§ 3–202. Annual appropriation

The sum of one hundred thirty-five thousand and no/100 dollars (\$135,000) shall be included in the Comprehensive Annual Budget each fiscal year for the implementation of this act.

[Added by NCA 04–033, § 3, approved March 4, 2004; amended by NCA 08–099, § 2, approved July 11, 2008.]

Library References

Indians ☞210.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57 to 59, 66 to 72.

§ 3–203. Requirements for distribution of funds

Every Muscogee (Creek) Nation Chartered Indian Community is eligible for an annual CDBG grant, provided they provide the following items:

1. Copy of valid and current Facility Use Agreement, for those Communities that utilize the Nation’s property;
2. Letter from the Community requesting a CDBG grant, signed by the duly elected Chairperson of the Community and accompanied by Board Resolution authorizing the request of funds;
3. Deposit slips from the Community bank account or ACH wiring instruction for the deposit of funds into the Community bank account; and
4. Letter from Community’s bank stating who has signature authority for the Community’s bank account;
5. A financial report, accompanied by copies of receipts, detailing the expenditure of funds, or the obligation of funds, from the previous CDBG received.

All items shall be submitted by certified mail or hand delivered to the Muscogee (Creek) Nation, Office of Community Development and received by 5:00 p.m. on March 31 of the fiscal year of the grant award. Provided that for the fiscal year 2004 only, the deadline to receive the above listed items shall be May 28, 2004. The Department of Community Development shall send verification of receipt of the above items to the Community within five (5) days of receipt of the same.

[Added by NCA 04–033, § 5, approved March 4, 2004; amended by NCA 04–081, § 1, approved April 30, 2004.]

Library References

Indians ☞210.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57 to 59, 66 to 72.

§ 3–204. Disbursement of funds

On April 15 of the fiscal year of the grant award, the Department of Community Development shall send a “Request for Distribution of CDBG Funds” to the Office of the Principal Chief requesting that funds be distributed to all Communities who have complied with § 3–203 of this Title and listing

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Title 11, § 3-204

those Communities. Provided that for fiscal year 2004 only, the “Request for Distribution of CDBG Funds” shall be sent to the Office of the Principal Chief by June 4, 2004. The Office of Principal Chief shall distribute the full grant amount, divided equally among all receiving Communities, to the Communities by September 30 of the fiscal year of the grant award.

Beginning in the 2009 fiscal year, ten (10) Chartered Communities who currently do not have economic development (list attached) shall each receive two (2) shares of Community Development Block Grant (CDBG) funds. Should the non-economic development Chartered Communities lose this status, and engage in an economic development venture, they shall revert back to one (1) share. Those chartered Communities where economic development currently exists shall continue to receive one (1) share. One hundred thirty-five thousand dollars (\$135,000.00) will be divided by the total number of grant shares approved to arrive at each Community’s monetary allocation. Eligibility for grant shares to the Chartered Communities will be determined by the Community Research & Development in accordance with the law. Based upon their recommendation, the Principal Chief shall then distribute the Community Development Block Grant (C.D.B.G.) funds.

Currently, ten (10) Chartered Communities who are without economic development are hereby identified as the following. These communities include Yardeka, Wilson, Dewar, Weleetka, Okfuskee, Cromwell, Dustin, Kellyville, Sapulpa, and the Oklahoma City Muscogee (Creek) Association Community.

[Added by NCA 04-033, § 5, approved March 4, 2004; amended by NCA 04-081, § 6, approved April 30, 2004; NCA 08-099, § 3, approved July 11, 2008.]

Library References

Indians ☞210.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57 to 59, 66 to 72.

CHAPTER 4. CHARTERED COMMUNITY USE OF TRIBAL LANDS AND BUILDINGS

Subchapter

1. Delegation of Authority
2. Use Agreements and Other Instruments Abolished
3. Minimum Requirements of Lease Agreements

Historical and Statutory Notes

NCA 92-169, §§ 101, 102, provide:

“Section. 101. Findings: The National Council finds that:

“A. Article VI, Section 7 (c) of the Constitution of the Muscogee (Creek) Nation vests the sole power to enter into facility use when Tribal lands are involved with the National Council.

“B. There exists twenty three (23) Chartered Creek Indian Communities and there is no limitation on the number of future charters to be granted.

“C. Eighteen (18) of the twenty three (23) chartered communities currently have access to and enjoy the use of tribal lands and buildings.

“D. There exists no uniform procedure to authorize chartered communities the use of tribal lands and buildings.

“Section. 102. Purpose

“The purpose of this Act is to establish the authority and procedure whereby facility use may be entered into by the Office of the Principal Chief with Chartered Creek Indian Communities for the purpose of conducting governmental operations and community development.”

Cross References

Permission for use of Tribal lands, see Title 28, § 4-101 et seq.

SUBCHAPTER 1. DELEGATION OF AUTHORITY

Section

4-101. Authorization.

4-102. Lease agreements.

§ 4-101. Authorization

By virtue of this chapter and the limited authority delegated to the Office of the Principal Chief, the Principal Chief is hereby authorized to negotiate Facility Use Agreements with the advice, consent and approval of the National Council, between the Muscogee (Creek) Nation and Chartered Creek Indian Communities for the enjoyment and use of Tribal lands and buildings for the purpose of furthering governmental operations and community development. The National Council shall approve by Tribal Resolution each and every Facility Use Agreement.

[NCA 92-169, § 110, approved Nov. 25, 1992; amended by NCA 09-042, § 2, veto override April 27, 2009.]

§ 4-102. Lease agreements

Limited authority of the Office of the Principal Chief shall be to research, prepare and negotiate lease agreements with each of the existing Creek Indian Chartered Communities that enjoy and use Tribal lands and buildings, and in the future with each of the Chartered Communities as Tribal land and buildings are made available for Chartered Communities to further governmental opera-

tions. Limited authority does not authorize the Office of the Principal Chief to re-enter Tribal land except for as conditions set forth in Section 4-302 of this chapter. Limited authority does not authorize the Office of the Principal Chief to re-enter lands upon the expiration of Facility Use Agreements.

[NCA 92-169, § 111, approved Nov. 25, 1992; NCA 09-031, § 3, veto override April 27, 2009.]

SUBCHAPTER 2. USE AGREEMENTS AND OTHER INSTRUMENTS ABOLISHED

Section

- 4-201. Revocation and cancellation.
- 4-202. Laws amended.

§ 4-201. Revocation and cancellation

All previous instruments, devices, use agreements and permits purporting to authorize the use of Tribal lands and buildings by Chartered Communities which are not approved by National Council Tribal Resolution are revoked, cancelled and hereby declared null and void.

[NCA 92-169, § 201, approved Nov. 25, 1992; NCA 09-042, § 4, veto override April 27, 2009.]

Library References

- Indians ⇄ 151, 210.
- Westlaw Topic No. 209.
- C.J.S. Indians §§ 57 to 59, 66 to 72.

§ 4-202. Laws amended

All previous National Council laws authorizing the use of Tribal lands and buildings are hereby amended to provide for the provisions and purpose of this chapter.

[NCA 92-169, § 202, approved Nov. 25, 1992.]

SUBCHAPTER 3. MINIMUM REQUIREMENTS OF LEASE AGREEMENTS

Section

- 4-301. Minimum conditions.
- 4-302. Right of re-entry.

§ 4-301. Minimum conditions

Facility use negotiated and entered into by the delegated authority of the Office of the Principal Chief, by and between the Muscogee (Creek) Nation, shall contain the following minimum conditions:

- A. Terms: a beginning and ending date of the lease agreement.
- B. Description: a legal description of the Tribal lands to be enjoyed and used by the Chartered Community; and indicating the size, type and general condition of any structures and appurtenances located on the described site.

C. Allowable activities: a description of the activities for which the Tribal lands and building are being let.

D. Consideration: the cause, motive, price or impelling influence which induces each of the parties to enter the lease agreement. For business enterprises such as retail tobacco sales and gaming, Tribal tobacco taxes and gaming profit splits paid to the Nation shall be appropriate consideration for use of the properties at issue.

E. Agreements: specificity on which party will be responsible for payment of insurance, utilities, maintenance and repairs.

F. Reserved clause: the Muscogee (Creek) Nation will reserve the right to restrict land and building usage to that specified pursuant to subsection C above and will provide for re-negotiation should the intended use change from that so specified.

G. Sublets: all sublets will be reviewed and approved by the Office of the Principal Chief, provided, that only sublets with the intended purpose of furthering government operations will be considered.

H. Applicability of law: all Tribal laws, statutes and codes, current to the date of enactment of this chapter, and all future Tribal laws, statutes and codes, will be applicable and enforceable.

I. By-laws: all Charters will submit by-laws for approval to the Office of the Principal Chief.

[NCA 92-169, § 301, approved Nov. 25, 1992; amended by NCA 09-067, § 3, veto override May 18, 2009.]

Library References

Indians ☞176, 210, 216.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57 to 59, 66 to 72, 109.

§ 4-302. Right of re-entry

A. The Muscogee (Creek) Nation retains the right to re-entry when findings discover circumstances involving endangerment of property, public safety or abandonment of the facilities leased by the Chartered Community. Findings for endangerment, public safety or abandonment may be made by the Office of the Principal Chief and shall be submitted to National Council for a Tribal Resolution authorizing re-entry forthwith.

B. When the Office of Principal Chief finds emergency circumstances warrant re-entry, he shall call an Extraordinary Session and present legislation requesting authorization for re-entry based on the emergency circumstances with concurrence of the National Council.

[NCA 92-169, § 302, approved Nov. 25, 1992; NCA 09-042, § 5, veto override April 27, 2009.]

Library References

Indians ☞210, 216.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57 to 59, 66 to 72.

CHAPTER 5. PROTECTION OF CHARTERED COMMUNITY BY-LAWS; PROHIBITION OF UNLAWFUL ASSEMBLY

Section

- 5-101. Effectiveness and enforcement of chapter.
- 5-102. Non-compliance with by-laws.
- 5-103. Unlawful assembly.

Historical and Statutory Notes

NCA 92-208, §§ 101, 102, provide:

“Section. 101. Findings: The National Council finds that:

“A. There are no present laws in the Nation to protect community by-laws and prohibiting unlawful assembly of Charter Communities.

“B. Community officers who try to abide by their Community and Creek Nation approved by-laws find it increasingly difficult to conduct business according to their by-laws due to revolting members and non-members.

“C. Community involvement is very important for economic, health, and education development in the Nation, but can only be attained with help and support from its people in communities.

“D. The offices of the Principal Chief, Attorney General and Council Members have been pulled into disputes because of communities not following their by-laws.

“E. Our tribal courts and officials time get consumed mediating community disputes because of communities not following their by-laws.

“Section. 102. Purpose:

“A need exists to create stability within communities of the Nation since communities have no enforcement power over its members to abide by its by-laws. Thus is also the tribes responsibility to provide protection to its Charter Communities since its the issuer of Charters and members in the Nation.”

§ 5-101. Effectiveness and enforcement of chapter

This chapter shall be effective and enforced until the passage and approval of legislation “exacting model governmental and development standards for Chartered Communities.”

[NCA 92-208, § 103, approved Dec. 30, 1992.]

§ 5-102. Non-compliance with by-laws

Non-compliance with a Chartered Community’s by-laws by its officers or members or by outside instigators is subject to fines, imprisonment, community service or any combination of the three, as provided under the penalty clause “Chapter 6, Section 1-602 of the Criminal Code”¹ and upon conviction in Tribal Court of the Muscogee (Creek) Nation.

[NCA 92-208, § 104, approved Dec. 30, 1992.]

¹ NCA 92-14, Chapter 6, § 1-602, superseded pursuant to NCA 99-04, § 105, provides: “Any Indian who shall willfully or knowingly by force or violence render physical abuse to a Policeman, Judge of the Muscogee Nation Tribal Courts, Member of the National Council, Chief, Vice-Chief, or Tribal Employee shall be guilty of an offense, and upon conviction thereof, shall be sentenced to community service for a period not to exceed 90 days (non-suspendible) or a fine of \$1,000.00 or both community services and a fine, with costs.”

Library References

- Indians ⇄ 214, 620.
- Westlaw Topic No. 209.
- C.J.S. Indians §§ 59, 151 to 179.

Title 11, § 5-103

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§ 5-103. Unlawful assembly

A. “Unlawful assembly” is hereby defined as a meeting of any group or groups of Chartered Community members who call that meeting an official Chartered Community meeting, knowing that it is contrary to the Chartered Community’s by-laws.

B. An unlawful assembly shall be subject to penalties under Title 11, § 5-102.

C. Any and all actions taken at unlawful assemblies shall be null and void.
[NCA 92-208, § 105, approved Dec. 30, 1992.]

Library References

Unlawful Assembly ⇐1.
Westlaw Topic No. 396.
C.J.S. Unlawful Assembly §§ 2 to 5, 9 to 13.

CHAPTER 6. FINANCIAL MANAGEMENT MINIMUM STANDARDS

Subchapter

1. Purpose
2. Standards
3. Compliance
4. Penalties
5. Miscellaneous

Historical and Statutory Notes

NCA 95–87, § 101, provides:

“Findings. The National Council finds that:

“A. The establishment of Muscogee Nation Chartered Communities is authorized by NCA 83–11.

“B. Muscogee Nation Chartered Communities are authorized to conduct revenue generating activities for the purpose of social and economic development.

“C. Muscogee Nation Chartered Communities are authorized by NCA 90–13 to provide evidence they are in the process of developing standards for the provision of receiving finan-

cial assistance for community development projects.

“D. Several Muscogee Nation Chartered Communities have encountered critical fiscal management problems resulting in its financial resources being susceptible to criminal divestiture fraud, embezzlement, or gross mismanagement.

“E. Some Muscogee Nation Chartered Communities have made financial per capita or head of household distributions to Chartered Community members.”

SUBCHAPTER 1. PURPOSE

Section

6–101. Purpose.

§ 6–101. Purpose

The purpose of this chapter is to establish minimum standards of accountability for the administration of financial and community assets of Muscogee Nation Chartered Communities.

[NCA 95–87, § 110, approved Sept. 5, 1995.]

Library References

Indians ⇄210.

Westlaw Topic No. 209.

C.J.S. Indians §§ 57 to 59, 66 to 72.

SUBCHAPTER 2. STANDARDS

Section

- 6–201. Financial reporting system.
- 6–202. Rules and regulations.
- 6–203. Property management and record-keeping system.
- 6–204. Personnel system.
- 6–205. Procurement system.

§ 6-201. Financial reporting system

Chartered Communities shall maintain financial books and records in accordance with generally accepted accounting principles. All Chartered Communities must comply with applicable state, federal and Muscogee (Creek) Nation payroll requirements.

[NCA 95-87, § 201, approved Sept. 5, 1995.]

§ 6-202. Rules and regulations

The Principal Chief or his designee shall promulgate regulations and rules governing the implementation of this chapter. A copy of each rule or regulation shall be sent to each Chartered Community so that each Community may have the opportunity to comment on the proposed rule. Each proposed rule or regulation shall state a minimum time period during which comments shall be accepted and specifically list the last day of the comment period. The minimum comment period shall be sixty (60) days. Within thirty (30) days of the end of the comment period, the Office of the Principal Chief shall issue the final rule or regulation. Attached to the final rule or regulation shall be a specific list of all comments received concerning the proposed rule or regulation and a detailed explanation as to how each comment was addressed.

[NCA 95-87, § 202, approved Sept. 5, 1995.]

Library References

Indians ↻216, 412.
Westlaw Topic No. 209.
C.J.S. Indians §§ 59, 151 to 179.

§ 6-203. Property management and record-keeping system

Chartered Communities shall maintain a satisfactory system for managing property and keeping records including but not limited to the minimum requirements as set forth:

A. All official/original Community records are the exclusive property of the Community and shall be maintained in the offices of the Community center or shall be entrusted under the direct supervision/responsibility of the elected Community officers and their successors.

B. Property records shall be maintained and provide for an accurate description and identification of the property.

[NCA 95-87, § 203, approved Sept. 5, 1995.]

§ 6-204. Personnel system

Subject to the Principal Chief's approval the Chartered Communities shall develop a personnel management handbook which shall include but not be limited to the following minimum requirements as set forth:

A. Conflict of interest. An elected official of a Muscogee (Creek) Nation Chartered Indian Community may not be employed in any capacity by the Community in which they are elected or in any of its Community enterprises; shall not individually contract or do business with the Community for private gain; and cannot own, partly own or be employed with any enterprise that

contracts or does business with the Community. For purposes of this chapter, employment shall mean any person receiving any wages for any time worked by the entity for whom the work was performed.

B. Due process regarding an employee grievance procedure.

C. Nepotism. No elected officer or management agent of a Muscogee (Creek) Nation Chartered Indian Community may consider, be privy to or participate in the hiring process of an individual who is a candidate for employment if that elected official or management agent is related to that candidate in any of the following manners: spouse, father, mother, brother, sister, son, daughter, grandfather, grandmother, grandson, granddaughter, niece, nephew, uncle, aunt, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, stepfather, stepmother, stepbrother, step-sister, stepdaughter or stepson.

[NCA 95-87, § 204, approved Sept. 5, 1995; amended by NCA 97-25, § 103, approved March 31, 1997.]

Library References

Indians ☞216, 224.
Westlaw Topic No. 209.
C.J.S. Indians § 59.

§ 6-205. Procurement system

A satisfactory system approved and monitored by the Principal Chief or his designee shall meet the minimum requirements as set forth:

A. Chartered Community elected officials, employees or agents shall insure adequate separation of duties exists to prevent fraud, waste or abuse in the purchase or procurement of goods and services and shall insure all purchases or procurements are justified.

B. Chartered Community elected officials, employees or agents shall not seek favors from or grant favors to contractors or vendors, nor be allowed to purchase or procure any product, material or services for personal use through the Chartered Community.

[NCA 95-87, § 205, approved Sept. 5, 1995.]

SUBCHAPTER 3. COMPLIANCE

Section

6-301. Implementation deadline.
6-302. Inspections.
6-303. Audits.
6-304. Distributions.
6-305. Bonding.

§ 6-301. Implementation deadline

Chartered Communities shall implement the standards identified in subchapter 2 of this chapter or shall be in the process of implementation by March 3, 1996.

[NCA 95-87, § 301, approved Sept. 5, 1995.]

§ 6-302. Inspections

The Muscogee (Creek) Nation Principal Chief or his designee shall have the responsibility to ensure the Chartered Communities comply with the provisions of this chapter.

[NCA 95-87, § 302, approved Sept. 5, 1995.]

Library References

Indians ⇄216.
Westlaw Topic No. 209.
C.J.S. Indians § 59.

§ 6-303. Audits

Muscogee (Creek) Nation Chartered Communities will have an audit annually of all financial resources of the Chartered Community for the reporting fiscal period. The Principal Chief or his designee shall promulgate audit reporting standards according to generally accepted accounting principles.

A. Except as provided in the following subsections of this section, each Chartered Community with revenue-generating enterprises shall have conducted an annual outside single audit of all enterprises and financial transactions and funds of the Community. The expense of such audit shall be the responsibility of the Community. The audit shall be completed within one hundred twenty (120) days after the end of the fiscal year audited. Approval of any audit extension requests shall be determined by standards established by the Principal Chief or his designee.

B. Any deviation from the above examination requirements shall be initiated by written request from the Chartered Community to the Muscogee (Creek) Nation Controller's Office. Review for approval by the above-designated office shall be made on a case by case basis.

C. A Chartered Community that has no revenue-generating enterprise shall not be required to have an outside single audit, provided the Community presents to the Principal Chief and National Council an annual summary report prepared in accordance with generally accepted accounting principles and certified by the Controller. The summary report shall demonstrate all funds of the Community including a balance sheet detailing assets, liabilities and fund balances, and revenue and expenditure reports for the fiscal year ending.

D. The National Council shall appropriate necessary funding for the Executive Administration to employ a Public Accountant to be assigned to the Controller's Office to provide technical assistance to the Chartered Communities and to facilitate the preparation and completion of the annual summary reports of the applicable Chartered Communities.

E. Each Community shall submit a copy of its annual summary or auditor's report to the National Council and Principal Chief within ten (10) days after its completion and shall make copy available to Chartered Community members for review during Community meetings or normal hours of business at the Community office or Community center. The Community shall provide copies to its members upon request.

[NCA 95-87, § 303, approved Sept. 5, 1995.]

§ 6-304. Distributions

Financial per capita payments or head of household distributions to Chartered Community members shall not be permitted unless approved by the National Council.

[NCA 95-87, § 304, approved Sept. 5, 1995.]

Library References

Indians ☞141(2).
Westlaw Topic No. 209.
C.J.S. Indians § 36.

§ 6-305. Bonding

All persons authorized to sign checks and/or handle money for the Community or its enterprises must be bonded.

[NCA 95-87, § 305, approved Sept. 5, 1995.]

SUBCHAPTER 4. PENALTIES**Section**

- 6-401. Applicability of Muscogee Nation law.
- 6-402. Violators; Chartered Communities.
- 6-403. Violators; individuals.
- 6-404. Violators; officers.

§ 6-401. Applicability of Muscogee (Creek) Nation law

All applicable criminal and civil laws, rules and regulations shall be applied when there has been determined to have occurred wilful fraud, embezzlement or gross mismanagement of Chartered Community financial or physical resources.

[NCA 95-87, § 401, approved Sept. 5, 1995.]

§ 6-402. Violators; Chartered Communities

A Chartered Community that fails to comply with this chapter shall be subject to denial of Tribal grants and/or having its Tribal Charter revoked and all its financial resources and assets confiscated by the Muscogee (Creek) Nation Tribal government.

[NCA 95-87, § 402, approved Sept. 5, 1995.]

§ 6-403. Violators; individuals

A. Funds. Any individual who, acting alone or in conjunction with another with malicious and criminal intent, having custody of Community funds and uses such funds for the private gain of any person or entity, shall be deemed guilty of embezzlement and upon conviction by a District Court of the Muscogee (Creek) Nation shall in addition to the punishment provided in the Criminal Code of the Muscogee (Creek) Nation make restitution for the amount unlawfully distributed, and shall not be allowed to hold any office in the Community.

B. Property. Any individual who, acting alone or in conjunction with another with malicious and criminal intent, having custody of Tribal or Community property and uses such property for the private gain of any person or entity, shall be deemed guilty of embezzlement, notwithstanding subsection C of this section, and upon conviction by a District Court of the Muscogee (Creek) Nation shall in addition to the punishment provided in the Criminal Code of the Muscogee (Creek) Nation make restitution for the value of the property's use, and shall not be allowed to hold any office in the Community.

C. Subsection B shall not restrict the use of Community Centers by churches, ceremonial grounds and other individuals or groups for educational activities, funerals and wakes, fundraising activities or other approved uses for Tribal citizens in accordance with Tribal laws and customs. The use of Community Centers for such purposes shall be subject to approval by the Community Board of Directors prior to such use in accordance with the terms and conditions established by the Community Board of Directors.

[NCA 95-87, § 403, approved Sept. 5, 1995; amended by NCA 09-031, § 2, approved March 2, 2009; NCA 09-165, § 2, approved Oct. 8, 2009.]

§ 6-404. Violators; officers

Any officer of a Chartered Community who knowingly violates his duties in complying with the auditing and reporting provisions of this chapter shall be guilty of a misdemeanor and upon conviction shall be subject to removal from his office by the appropriate District Court of the Muscogee (Creek) Nation and prohibited from holding an elective or appointed office for a period of ten (10) years.

[NCA 95-87, § 404, approved Sept. 5, 1995.]

Library References

Indians ⇄218.
Westlaw Topic No. 209.

SUBCHAPTER 5. MISCELLANEOUS

Section

6-501. Severability.
6-502. Conflicting laws amended.

§ 6-501. Severability

If any provision of this chapter or the applicability thereof to any person or circumstance is held invalid, the remainder of this chapter and the application of such provision to other persons or circumstances shall not be affected thereby.

[NCA 95-87, § 501, approved Sept. 5, 1995.]

§ 6-502. Conflicting laws amended

All laws and parts of laws of the Muscogee (Creek) Nation in conflict with the intended purpose in subchapter 1 of this chapter are hereby amended.

[NCA 95-87, § 502, approved Sept. 5, 1995.]

CHAPTER 7. TULSA SMOKE SHOP ACT

Section

7-101. Tulsa Creek Indian Community smoke shop.

Cross References

Cigarettes and tobacco products, see Title 36, § 5-101 et seq.

§ 7-101. Tulsa Creek Indian Community smoke shop

A. The Principal Chief is hereby authorized to enter into a land use agreement with the Tulsa Creek Indian Community for the purpose of developing and operating a community smoke shop. The land use agreement shall include the right to the Tulsa Creek Indian Community to use property owned by the Muscogee (Creek) Nation at a site known as “Mackey Sand Bar Site” and/or the Tulsa Bingo. The agreement shall not be amended or modified unless authorized by Tribal Resolution. The Principal Chief is further authorized to terminate the agreement prior to the expiration of the term of the agreement; provided that written notice of termination shall be delivered to the Tulsa Creek Indian Community ninety (90) days prior to the effective date of the termination. The National Council shall be informed of the intent to terminate, with justification.

B. The location of the community smoke shop shall be in the northernmost portion of the “Mackey Sand Bar Site,” as described as follows:

A tract of land in the South Half of Section 7, Township 18 North, Range 13 East, of the I.B.&M. Tulsa County, State of Oklahoma, being described as follows, to-wit: commencing at the Southwest Corner of Lot 1, Block 1, The Shoals, an addition to the City of Tulsa, State of Oklahoma, thence S88°53'30"W a distance of 423.31 feet to the point of beginning; thence N01°06'30"W a distance of 114.31 feet; thence S88°53'30"W a distance of 114.31 feet; thence S01°06'30"E a distance of 114.31 feet; thence N88°53'30"E a distance of 114.3 feet to the point of beginning. Containing 0.3 acres more or less.

C. The facility authorized shall have a suitable appearance compatible with the Creek Nation Bingo.

[NCA 92-95, § 103, approved July 28, 1992; amended by NCA 98-12, § 102, approved March 13, 1998; NCA 00-198, § 103, approved Jan. 15, 2001; NCA 01-65, approved May 25, 2001; NCA 06-237, § 6, approved Oct. 31, 2006.]

Library References

Indians ⇄210, 216, 227.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57 to 59, 66 to 72, 76.