



RECONSIDERATION OF NCA 11-199 AFTER VETO

I, the undersigned, certify that the foregoing "Reconsideration of NCA 11-199 After Veto" is a true extract from the, November 19, 2011, Regular Session Journal of the Muscogee (Creek) National Council.

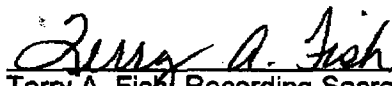
AND THAT, NCA 11-199 entitled, **A LAW OF THE MUSCOGEE (CREEK) NATION AMENDING MCNCA TITLE 16, CHAPTER 2, ENTITLED "Compensation"** was presented to the National Council acting as a Council as a Whole and was approved in Regular Session on November 19, 2011, by a vote of 12 in favor, 10 against.

AND THAT, Said legislation was returned as a Veto with objections by the Principal Chief on, December 5, 2011 and said objections have been entered at large in the Journal of the Muscogee (Creek) National Council;

AND THAT, The National Council taking action reconsider the Bill to **OVER-RIDE THE VETO** at the Regular Session on December 17, 2011, in accordance with the Constitution, Article VI, Section 6(a), requires a (2/3) vote of the full membership, which consists of Twenty-six members;

AND THAT, The record of vote reflects there were Twenty-five present with a vote of 19 in favor, 6 against;

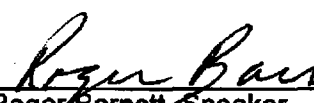
THEREFORE, BE IT KNOWN, under Article VI., Section 6. (a) of the Muscogee (Creek) Nation Constitution, **NCA 11-199** is hereby recorded as a "VETO OVER-RIDE" on this 17th day of December 2011.



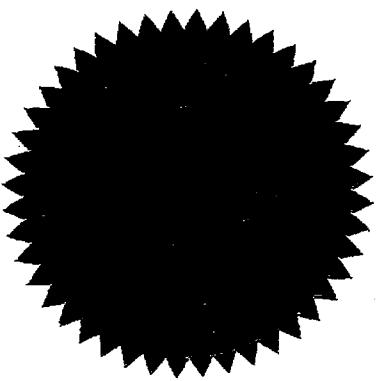
Terry A. Fish, Recording Secretary
National Council
Muscogee (Creek) Nation

CERTIFICATION OF APPROVAL

IN WITNESS WHEREOF, I, the Presiding Officer of the Muscogee (Creek) National Council have hereto attached my signature this 19th day of December 2011.



Roger Barnett, Speaker
National Council
Muscogee (Creek) Nation





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National Council Office

Muscogee (Creek) Nation

PRINCIPAL CHIEF

A.D. Ellis

SECOND CHIEF

Alfred Berryhill

OFFICE OF THE PRINCIPAL CHIEF

PO Box 580

(HWY 75, Loop 56)

Okmulgee, OK 74447

918.732.7600

December 5, 2011

Muscogee (Creek) National Council
Honorable Speaker Barnett

Dear Speaker Barnett:

In accordance with the Constitution of the Muscogee (Creek) Nation, I, A.D. Ellis, Principal Chief of the Muscogee (Creek) Nation, do hereby return NCA 11-199 entitled "**A LAW OF THE MUSCOGEE (CREEK) NATION AMENDING MCNCA TITLE 16, CHAPTER 2, ENTITLED "COMPENSATION"**" as a **VETO** with the following objections:

OBJECTION ONE NCA 11-199 raises the compensation of the Principal Chief and Second Chief at a time of economic hardship for the Nation and its citizens. Other employees of the Nation are losing their jobs and not receiving raises because of budget restrictions. Elected officials of the Nation should not be immune to the same economic realities faced by other citizens.

OBJECTION TWO If the National Council desired to raise the compensation levels of the Offices of Principal Chief and Second Chief, it could have done so at any time prior to the 2011 election. Instead, the National Council waited until two of its members were elected to pass a bill raising compensation. As a result, the timing of NCA 11-199 smacks of pandering and favoritism and sends a terrible message to the citizens of the Nation that compensation is being raised for specific individuals rather than the Offices of Principal Chief and Second Chief.

Sincerely,

A. D. Ellis, Principal Chief
Muscogee (Creek) Nation

DATED: December 5, 2011

VETO OVERRIDE



NCA 11-199

CLASSIFICATION: #16. EXECUTIVE BRANCH

A LAW OF THE MUSCOGEE (CREEK) NATION AMENDING MCNCA TITLE 16, CHAPTER 2, ENTITLED "Compensation"

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

SECTION ONE. FINDINGS. The National Council finds that:

A. There exists a need for review of compensation paid to both the Principal Chief and the Second Chief of the Muscogee (Creek) Nation every four years due to the constant change in the cost of living and consistent growth of the Nation.

B. The Principal Chief and Second Chief's compensation was raised \$35,000 and \$25,000, respectively, in 2003 and has remained the same without any legislative review, although the Nation has dramatically increased both in citizenship and in its responsibilities to its citizens.

C. The Nation's employees and employees of the Nations' entities get raises and cost of living increases, while the Principal Chief and Second Chief remain the same because of statutory limits.

D. The National Council has determined that the compensation for the Principal Chief and Second Chief should be more compatible to the range of responsibilities and duties of managing and leading one of the largest tribes in the United States.

SECTION TWO. AMENDMENT. This amendment shall be codified in Title 16, Chapter 2, 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 THREE. AMENDMENT. MCNCA Title 16, Chapter 2 is hereby amended to read as follows:

§2-101. Compensation of Principal Chief; fringe benefits

A. The fixed compensation of the Principal Chief shall be One Hundred **Fifty** Thousand and No/100 Dollars (**\$150,000.00**) per year during the period for which he/she shall be elected.

B. The Principal Chief shall be paid fringe benefits at the same rate as tribal employees in accordance with the personnel policy of the Muscogee (Creek) Nation.

§2-102. Compensation of Second Chief; fringe benefits

A. The fixed compensation of the Second Chief shall be **Ninety Sixty** Thousand and No/100 Dollars (**\$9060,000.00**) per year during the period for which he or she is elected.

B. The Second Chief shall be paid fringe benefits at the same rate as tribal employees in accordance with the personnel policy of the Muscogee (Creek) Nation.


§2-103 Evaluation committee

The salaries of the Principal Chief and Second Chief shall be evaluated every four years beginning on February 1, 2015 and every four years thereafter by a representative of the Executive Branch, Judicial Branch, Legislative Branch, and one Muscogee (Creek) citizen chosen by the Executive Branch and one Muscogee (Creek) citizen chosen by the Legislative Branch for a total of five representatives. The Representatives shall prepare a report and recommendations to be presented to the Business & Governmental Committee no later than April 1.

SECTION FOUR. EFFECTIVE DATE. This law shall become effective on January 1, 2012.

ENACTED by the Muscogee (Creek) National Council on this **19th** day of **November** **2011.**

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



Roger Barnett, Speaker
National Council
Muscogee (Creek) Nation

