



### RECONSIDERATION OF NCA 11-076 AFTER VETO

I, the undersigned, certify that the foregoing "Reconsideration of NCA 11-076" is a true extract from the April 30, 2011, Quarterly Session Journal of the Muscogee (Creek) National Council.

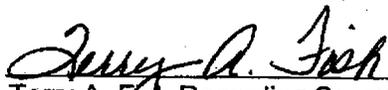
**AND THAT,** NCA 11-076 entitled, A LAW OF THE MUSCOGEE (CREEK) NATION AMENDING MCNCA TITLE 17, ENTITLED "Muscogee (Creek) Nation Economic Development Committee" AT §7-106, ENTITLED "Meetings of the Committee; Open Meeting Requirments" ESTABLISHED BY NCA 10-201 was presented to the National Council acting as a Council as a Whole and was approved in Quarterly Session on April 30, 2011, National Council by a vote of 10 in favor, 9 against, 0 abstention;

**AND THAT,** Said legislation was returned as a Veto with objections by the Principal Chief on May 12, 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 to reconsider the Bill to let the veto stand at the Regular Session on May 21, 2011;

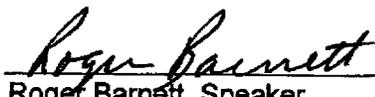
**AND THAT,** The record of vote reflects there were Twenty-four present with a vote of 20 in favor, 3 against;

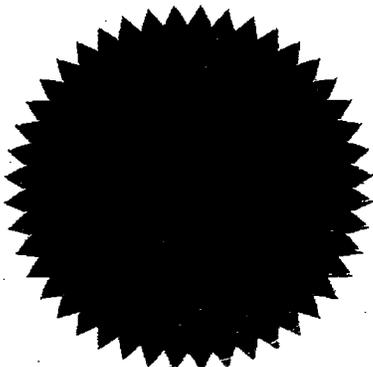
**THEREFORE, BE IT KNOWN,** under Article VI., Section 6. (a) of the Muscogee (Creek) Nation Constitution, NCA 11-076 is hereby recorded as a "VETO" on this 23rd day of May 2011.

  
\_\_\_\_\_  
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 23rd day of May 2011.

  
\_\_\_\_\_  
Roger Barnett, Speaker  
National Council  
Muscogee (Creek) Nation



# VETO



NCA 11-076

**CLASSIFICATION: #17 ECONOMIC DEVELOPMENT**

**A LAW OF THE MUSCOGEE (CREEK) NATION AMENDING MCNCA TITLE 17, ENTITLED "Economic Development" AT CHAPTER 7, ENTITLED "Muscogee (Creek) Nation Economic Development Committee" AT §7-106, ENTITLED "Meetings of the Committee; Open Meeting Requirments" ESTABLISHED BY NCA 10-201**

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

**SECTION ONE. FINDINGS. The National Council finds that:**

A. The composition of the Economic Development Committee as established by NCA 10-201 was written to include the Attorney General of the Muscogee (Creek) Nation and In-house Counsel for the National Council.

B. Since August of 2010, there has not been an Attorney General confirmed by the National Council and the legislation does not provide for an alternate or substitute for the Attorney General to act as a member of the Committee.

C. In addition, the National Council does not have In-house Counsel presently, and the legislation does not provide for an alternate or substitute for In-house Counsel to act as a member of the Committee.

D. There is a need to delay these meetings and begin their commencement next year when the new administration takes office because the Economic Development Committee members will change due to new assignment of members. The new Economic Development Committee will be more stable as they will begin during a new administration rather than at the end of the current one.

**SECTION TWO. AMENDMENT. This amendment shall be codified in Title 17, Chapter 7, 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 2003 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 17, §7-106 is hereby amended to read as follows:

**§7-106. Meetings of the Committee; Open Meeting Requirements.**

A. **Regular Meetings.** Regular meetings of the Committee shall occur monthly. The date and time of such regular meetings shall be set by the Chairperson, provided that proper notice is given according to the provisions herein. The Committee shall adopt procedures not inconsistent with this subsection governing its meetings, which shall address, among other matters, the election of a Chairperson, Vice-Chairperson and Secretary.

B. **Notice of Meetings.** The Chairperson (or in his/her absence, the Vice-Chairperson) shall give notice of the time and place of any regular monthly meeting of the Committee in writing to each Committee Member, the Principal Chief and the Speaker of the National Council, at least five (5) days before such meeting. Service of said notice may be effected by first class U.S. Mail, facsimile or hand-delivery, and shall be effective on the date of delivery to the official entitled to such notice or to the office of said official's regular place of business in the case of hand-delivery or facsimile transmission; or, in the case of notice sent by U.S. mail, 2 days after the notice, in a properly addressed envelope with sufficient postage thereon, is deposited in the U.S. Mail. The date of the postmark on such envelope shall be conclusive evidence of its date of deposit in the U.S. mail. In addition, such notice of the regular monthly meeting shall be posted at the Administration Building of the Capital Complex in at least 2 prominent places and on 2 exterior doors of the Mound Building.

C. **Special Meetings.** Special Meetings may be held when circumstances require such a meeting. Special Meetings may be called (1) by the Chairperson or (2) by a majority of the Committee. Notice of Special Meetings shall be in writing and served on each Committee Member, Principal Chief, and Speaker of the National Council at least forty-eight (48) hours before such meeting. Service of such notices shall be effected by hand-delivery or facsimile and shall be effective upon the date of delivery to the official offices of the Committee, the Administration Building of the Capital Complex in at least two (2) prominent places and on two (2) exterior doors of the Mound Building at least forty-eight (48) hours before such Special Meeting.

D. **Emergency Meetings.** Emergency Meetings may only be held in the most extraordinary circumstances. Emergency meetings may be called by giving telephone or facsimile notice to each Committee Member, the Principal Chief and the Speaker of the National Council, provided that no action in an emergency meeting shall have any

valid or binding effect unless ratified at the next regular or special meeting of the Committee.

E. Quorum. All meetings of the Committee shall require a majority of the Committee Members to be present to constitute a quorum and conduct business, which shall require the physical presence of at least three (3) Committee 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.

F. Meetings. All meetings of the Committee shall be public meetings; therefore, open to the public, except for executive sessions. The Committee may exclude any person from an executive session except the Principal Chief, Second Chief, Speaker, Second Speaker, any National Council Representative or a representative from the Attorney General's Office; however, the Committee may exclude any of the above individuals listed if said individual is related to an employee or an individual who shall be discussed in the executive session. The Committee may go into executive session only (1) to discuss personnel issues and matters of confidentiality that relate to one or more specific employees, or (2) to meet and consult on confidential legal matters. All other matters shall be discussed audibly to all persons in the room in open session. Executive sessions may only be held after they have been posted as an item on the agenda for the meeting in which the executive session is held. The general subject of the executive session must be described in the posted agenda, and no action by the Committee may occur in executive session. It shall be unlawful for any person present in a meeting held in executive session to make public, or otherwise disclose or describe to any person not so present, any discussion or statements made during such executive session.

G. Meeting Agenda. Notice of meetings of the Board, either regular or special, shall contain an agenda which describes each item of business to be conducted.

H. Minutes. Minutes of all meetings of the Committee, other than meetings or portions thereof held in executive session, shall be kept by a Recording Secretary. In addition thereto, an audio recording of all meetings shall be made, except for that part of the meeting in Executive Session.

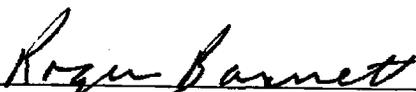
I. Commencement of Meetings. Meetings of the Committee shall commence in January, 2012.

**SECTION FOUR. PRIOR ACTIONS OF COMMITTEE.** Upon commencement of the Committee meetings, prior actions taken by the Committee before the enactment of this Amendment shall be fully considered by the Committee.

**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.

**ENACTED** by the Muscogee (Creek) National Council on this **30th** day of **April 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

**CERTIFICATION**

I, the undersigned, certify that the foregoing is a true extract from the minutes of the Muscogee (Creek) National Council comprised of twenty-six members with **Nineteen** members attending this meeting on the **30th day of April, 2011** and that the above is in conformity with the provisions therein adopted by a vote of **10** in favor, **9** against, **0** abstentions, 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.

  
\_\_\_\_\_  
ShaRee Edmondson, Acting Recording Secretary  
Muscogee (Creek) National Council

**APPROVAL**

I, the Principal Chief of the Muscogee (Creek) Nation, hereby affix my signature this \_\_\_\_\_ day of \_\_\_\_\_, 2011, to the above Law, **NCA 11-076** authorizing it to become a Law under Article VI., Section VI., of the Constitution of the Muscogee (Creek) Nation.

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