



NCA 11-112

CLASSIFICATION: #17. ECONOMIC DEVELOPMENT

A LAW OF THE MUSCOGEE (CREEK) NATION AMENDING MCNCA TITLE 17, CHAPTER 7 ENTITLED "Muscogee (Creek) Nation Economic Development Committee"

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

SECTION ONE. 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 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, Chapter 7 is hereby amended to read as follows:

**TITLE 17. ECONOMIC DEVELOPMENT
CHAPTER 7. MUSCOGEE (CREEK) NATION ECONOMIC
DEVELOPMENT COMMITTEE**

§7-101 Short Title. This Act shall be entitled "Muscogee (Creek) Nation Economic Development Committee" and shall be codified as Chapter 7 in Title 17, "Economic Development," of the Code of Laws of the Muscogee (Creek) Nation.

§7-102. Findings. The National Council finds that:

A. There is a need to create a team of tribal leadership that shall be charged with oversight of the Nation's Economic Development Plan.

B. The Nation has recently received a Business Structure Recommendation and One-Year and Five-Year Diversification Plans that will require significant changes to the Nation's current business operations.

C. In order to ensure that the Business Structure Recommendation and One-Year and Five-Year Diversification Plans are implemented, a committee of tribal leadership needs to be established.

D. The Economic Development Committee will provide the Nation with oversight and direction on Muscogee (Creek) Nation business and economic development-related issues.

§7-103. Purpose. The purpose of this Act is to establish the Muscogee (Creek) Nation Economic Development Committee to provide direction and policy on Muscogee (Creek) Nation business and economic development-related issues.

§7-104. Establishment of the Economic Development Committee. The Economic Development Committee is hereby established. The Economic Development Committee shall focus on oversight and direction to the Muscogee (Creek) Nation on business and economic development-related issues. The Economic Development Committee shall consist of the following individuals:

1. The Secretary of the Nation.
2. The Attorney General or representative of the Attorney General's Office.
3. A member of the Business & Governmental Committee.
4. In-House Counsel for the National Council or Designated Outside Counsel.
5. The Director of the Muscogee Nation Business Enterprise. (Temporary)
6. A member of the Gaming Operations Authority Board. (Temporary)

Upon approval of the *Business Structure Recommendation*, the Director of MNBE shall be replaced with the CEO of the MNBE and TTCA Holding Company and the member of the GOAB shall be replaced with the CEO of the Gaming Operations Corporation.

§7-105. Authority of the Economic Development Committee. The Economic Development Committee is hereby authorized to do the following:

1. Review and adopt the *Muscogee (Creek) Nation Economic Development and Diversification Strategy*,
2. Review and adopt Performance Reporting and Accountability Standards;
3. Review and adopt Business Planning Standards;

4. Review and adopt Due Diligence Standards;
5. Provide oversight and recommendations for implementing the Nation's One-Year and Five-Year Diversification Plans;
6. Provide oversight and recommendations for implementing the Restructuring of the Nation's Business Enterprises;
7. Employ consultants, attorneys, advisors, planners and any other experts, as deemed necessary, by written contract in accordance with tribal and federal law; and
8. Address any other issues related to the Nation's *Economic Development and Diversification Strategy*.

§1-106. 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 following above individuals 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.

SECTION THREE. 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 **18th** day of **June 2011**.

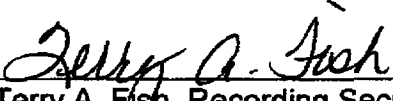
IN WITNESS WHEREOF, the Speaker of the Muscogee (Creek) National Council has hereto attached his signature.



Roger Barnett, Speaker
National Council
Muscogee (Creek) Nation

CERTIFICATION

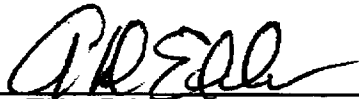
I, the undersigned, certify that the foregoing is a true extract from the minutes of the Muscogee (Creek) National Council comprised of twenty-six members with **Nineteen** members attending this meeting on the **18th day of June, 2011** and that the above is in conformity with the provisions therein adopted by a vote of **17** in favor, **1** against, **0** abstention, 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.



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

APPROVAL

I, the Principal Chief of the Muscogee (Creek) Nation, hereby affix my signature this 1 day of July, 2011, to the above Law, **NCA 11-112** authorizing it to become a Law under Article VI., Section VI., of the Constitution of the Muscogee (Creek) Nation.



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

