

An Act

Legislative Act 15-20

AN ACT AMENDING THE CHEROKEE NATION CEMETERIES PRESERVATION ACT OF 2017 TO PROVIDE FOR THE REPAIR AND RESTORATION OF UNMARKED AND DAMAGED HISTORICAL CHEROKEE GRAVES AND DELCARING AN EMERGENCY

BE IT ENACTED BY THE CHEROKEE NATION:

Section 1. Title and Codification

This act amends the Cherokee Nation Cemeteries Preservation Act of 2017 and shall be codified at Title 8, Section 4 of the Cherokee Nation Code Annotated.

Section 2. Purpose

The purpose of this Act is to amend Title 8 of the Cherokee Nation Code Annotated to provide for the restoration and repair of unmarked and/or damaged historical Cherokee graves.

Section 3. Legislative History

Article VI, Section 7 of the Cherokee Nation Constitution states that the Council shall have the power to establish laws which it shall deem necessary and proper for the good of the Nation.

LA 33-04, eff. August 11, 2004.

Amended. LA 02-07, eff. February 21, 2007.

Amended. LA 17-17, eff. June 19, 2017

Section 4. Substantive Provisions

§ 4. Appropriation—Advocate/coordinator—Policies and procedures

A. All monies appropriated for cemetery maintenance shall be used for preservation, repair, restoration and/or maintenance of traditional or historically significant Cherokee cemeteries, unmarked graves and/or damaged graves that are threatened by neglect and non-maintenance.

B. The funds are to be distributed to cemetery boards or individuals interested in the preservation of the cemetery, unmarked graves and/or damaged graves in question.

C. The Principal Chief shall designate an advocate/coordinator to ensure effective implementation of this act.

D. The Culture Committee of the Council is hereby authorized and directed to develop such

policies and procedures necessary to effectively implement the program, including but not limited to, determining eligibility, verification of circumstances, assuring that services are not duplicated, and conducting appropriate follow-up services and appeal rights in the event that assistance is denied. The policies and procedures will be published for review by the Tribal Council as well as the general public.

E. The Culture Committee of the Council shall review and approve requests or referrals for projects under this act, to be forwarded to the designated staff. Approvals or denials by the designated staff pursuant to the established policies and procedures will be reported to the Culture Committee of the Council.

F. All approved applications will be processed in accordance with this act and applicable policies and procedures.

G. Persons or organizations receiving funds shall give a written accounting with receipts detailing the supplies expended on the maintenance of cemeteries in question. This accounting shall be presented to the designated staff within one hundred and twenty (120) days from receipt of any funds.

H. The Motor Fuels Tax Funds shall be the source of funds appropriated in this act.

I. All proposals or applications demonstrating self-help by labor contribution and community involvement shall be given preference.

J. The advocate/coordinator shall develop and implement a program to repair/restore unmarked and/or damaged Cherokee graves subject to the following:

1. Total amount to be awarded for each headstone is not to exceed two hundred dollars (\$200.00);
2. Limit of one headstone per applicant;
3. Qualifying unmarked and/or damaged Cherokee graves beginning in 1839; and
4. Total expenditures under this program is limited to twenty-five percent (25%) of the total amounts appropriated for cemetery maintenance under this act.

Section 5. Provisions as Cumulative

The provisions of this act shall supersede any law to the contrary and be cumulative to existing law.

Section 6. Severability

The provisions of this act are severable and if any part or provision hereof shall be held void the decision of the Court so holding shall not affect or impair any of the remaining parts or provisions of this act.

Section 7. Effective Date/Emergency Declared

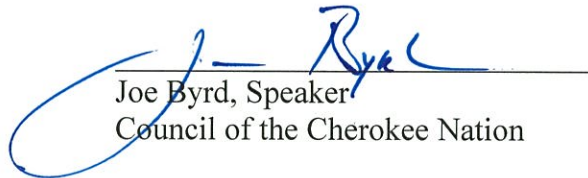
It being immediately necessary for the welfare of the Cherokee Nation, the Council hereby

declares that an emergency exists, by reason whereof this act shall take effect and be in full force after its passage and approval.

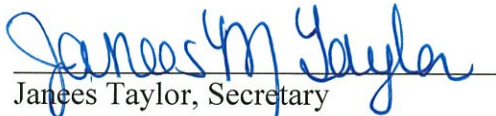
Section 8. Self-Help Contributions

To the extent that this Act involves programs or services to citizens of the Nation or others, self-help contributions shall be required, unless specifically prohibited by the funding agency, or a waiver is granted due to physical or mental incapacity of the participant to contribute.


Enacted by the Council of the Cherokee Nation on the 27th day of August, 2020.


Joe Byrd, Speaker
Council of the Cherokee Nation

ATTEST:


Janees Taylor, Secretary
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 31st day of August, 2020


Chuck Hoskin, Jr., Principal Chief
Cherokee Nation

ATTEST:


Tina Glory Jordan, Secretary of State
Cherokee Nation

YEAS AND NAYS AS RECORDED:

Rex Jordan	<u>Yea</u>	Harley Buzzard	<u>Yea</u>
Joe Byrd	<u>Yea</u>	Victoria Vazquez	<u>Yea</u>
Wes Nofire	<u>Yea</u>	Dora Smith Patzkowski	<u>Yea</u>
Mike Dobbins	<u>Yea</u>	Joe Deere	<u>Yea</u>
E. O. "Jr." Smith	<u>Yea</u>	Keith Austin	<u>Yea</u>
Daryl Legg	<u>Yea</u>	Janees Taylor	<u>Yea</u>
Canaan Duncan	<u>Yea</u>	Julia Coates	<u>Yea</u>
Shawn Crittenden	<u>Yea</u>	Mary Baker Shaw	<u>Yea</u>
Mike Shambaugh	<u>Yea</u>		



Cherokee Nation Community & Cultural Outreach

FY 20

Cemetery Preservation/Restoration

Assistance Program

*Thank you for your interest in the
Cherokee Nation Cemetery
Preservation/Restoration Assistance
Program.*

Policies, Procedures & Guidelines-

Description of Service:

The Cemetery Restoration Program will provide funds to Cherokee cemeteries within the (14) fourteen county Cherokee Nation jurisdiction/service area to be used for the preservation, restoration and maintenance of Cherokee Cemeteries.

(No funds will be provided to any government, city or county entities)

Eligibility:

Participants will be selected through an application process based on the following criteria:

- A. The request is for maintenance, repair, preservation or restoration of a Cherokee Cemetery
- B. Cemetery must be located within the Cherokee Nation jurisdictional area
- C. The cemetery is historically significant or contains gravesites of at least 51% percent Cherokee citizens (subject to verification).
- D. Applicant may apply for no more than (3) three cemeteries
- E. Reimbursements are allowed per "Appendix A".
- F. Receipts submitted must be after funding is received
- G. Cherokee Cemeteries are to be maintained year round
- H. An Applicant cannot use the cemetery funds as down payments on equipment
- I. If applying for more than one cemetery, funds cannot be combined
- J. Cemetery receipts with personal items will not be accepted
- K. All proposals or applications demonstrating self-help by labor contribution and community involvement shall be given preference

***Keep this page for your records**

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Selection:

Applications will be taken for a defined period of time **beginning February 1, 2020 and ending on August 31, 2020** and such availability will be publicized as necessary to achieve public awareness. Selection will be based on funds available, eligibility and past performance.

Funding Amounts:

If approved, the Applicant will be granted \$500.00 dollars. Each Cherokee Cemetery may be funded only once per fiscal year. **The Cherokee Cemetery receiving the funds must submit receipts for any amount expended by September 30, 2020.** The Applicant must provide the following in order for the project to be complete:

- A written account (balance sheet) of the use of the \$500.00 dollar funds
- A copy of receipts for purchases which should total \$500.00 dollars

Those Applicants that do not provide the required documentation by the deadline date of September 30, 2020 will not be eligible to receive further funding from the Cemetery Restoration Program until (1) submission of all required documentation is fulfilled and, (2) do not participate in the Cemetery Restoration Program for (1) one fiscal year.

Pilot Program for Headstone Replacement and Repair (For FY 21 and 22, Unless Reauthorized by Council)

For the pilot period of October 1, 2020 through September 30, 2022, applications will be received for a program to repair or replace headstones:

Eligibility:

- A. "Qualifying Headstone": Headstone replaced or repaired must be for a Cherokee citizen buried before January 1, 1970 beginning in 1839 in a qualifying cemetery. Supporting documents or affidavits must be provided verifying the foregoing.
- B. Funding is for any Qualifying Headstone any cemetery and for any applicant that would qualify under the Cemetery Preservation / Restoration program
- C. Limit of one headstone per applicant per fiscal year.
- D. Funding per applicant is limited to \$2500 per headstone
- E. Application / selection time frame and submission of receipts shall be the same as for the Cemetery Preservation / Restoration Program
- F. Funding for this pilot program is limited to 25% of the Cemetery Preservation fiscal year budget.

Removal and Termination:

An Applicant that fails to comply with the policy and procedures of the Cherokee Nation Cemetery Restoration Assistance Program may be ineligible for future participation in the program until (1) submission of all required documentation is fulfilled and, (2) does not participate in the Cemetery Restoration Program for (1) one fiscal year.

All funding not used must be returned to the Cherokee Nation

Applicant:

Throughout the length of this program if you have any additional questions or concerns, please contact Michael Hamlin at 918-453-5000 Ext. 4922 or by email at michael-hamlin@cherokee.org

Our mailing address is: Cherokee Nation – Cemetery Preservation/CCO- Attention: Michael Hamlin – PO Box 948 Tahlequah, Oklahoma 74465-0948

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**APPLICATION FOR CEMETERY
PRESERVATION/RESTORATION ASSISTANCE PROGRAM**

Please give the following information so that your organization may receive assistance in maintaining or restoring a traditional Cherokee Cemetery.

In order to qualify a cemetery must:

- 1) Contain gravesites of at least 51% percent Cherokee citizens, or;
- 2) Be historically significant

Awards are limited to \$500.00 dollars per FY and must be used to restore or maintain the cemetery. An alternate or additional award of up to \$2500 to repair or replace a Qualified Headstone under the Pilot Program for Headstone Replacement and Repair may be requested (please attach request).

(Please print all of the information below)

Name of Cemetery: _____

Name of Applicant: _____

Mailing address: _____

<u>Board Member Name/Caretakers</u>	<u>Address/City/State/Zip Code and Phone Number</u>
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1. _____	_____
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2. _____	_____
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3. _____	_____
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Federal EIN tax number or Social Security Number (of applicant) _____

Driving directions to Cemetery _____

Council District: # _____ Council Member: _____

Percentage of Cherokee Gravesites: _____% (please attach listing of names within the cemetery)

Please state why this Cherokee Cemetery in your opinion is historically significant:

Explain what the funds will be used for:

***Return this page to the CCO Office**

If awarded, the cemetery receiving the funds must present copies of receipts for the use of funds by September 30, 2020. Please contact Michael Hamlin at 918-453-5000 Ext. 4922 for any additional questions.

By signing your signature below, you agree to the terms /conditions.

Date: _____

Print name: _____ on behalf of _____ cemetery.

Signature: _____

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

Application checklist

_____ Application (with documents if required)

_____ W-9

Additional comments: _____

This portion below will be completed by Cherokee Nation Community & Cultural Outreach Department

Approved: YES or NO _____ Date approved _____ Michael Hamlin

Accounting Unit: 1010429 / 750000

Application complete: YES or NO

Reason denied:

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Appendix A.

Allowable purchases:

- Signage for Cemetery
- Fencing
- Repair and clean tombstones (source: Cultural Tourism)
- Gas purchases
- Weed-eater oil and line
- Weed-killer
- Topsoil for fill in of graves only
- Rakes, hoes, shovels, gas can
- Push mowers
- Equipment repairs: blades, belts, etc.
- Mowing services

Non-allowable purchases:

- Tractor/trailer riding mowers
- Trailers
- No construction such as cosmetic: benches, arbors, pavilion, concrete slabs
- No payment of any kind for funeral services
- Food or paper products for dinners
- Flower purchases
- No down payment on equipment

For any additional questions regarding what is or is not allowed---please contact our office.

***Return this form when your funds are spent.**

Additional comments or suggestions on how we might improve this program:

Name of cemetery: _____

Suggestions/Comments-

Cemetery name:

Date:

Your name:

Email address:

Phone number: