

RESOLUTION NO. 72-09

COUNCIL OF THE CHEROKEE NATION

**A RESOLUTION ADOPTING A MAINTENENCE AND OPERATING POLICY FOR
THE HUD ICDBG APPLICATION FOR THE NOWATA FOOD
DISTRIBUTION/ELDERLY NUTRITION BUILDING**

WHEREAS, Cherokee Nation since time immemorial has exercised the sovereign rights of self government in behalf of the Cherokee people;

WHEREAS, Cherokee Nation is a federally recognized Indian Nation with a historic and continual government to government relationship with the United Sates of American;

WHEREAS, Cherokee Nation has a responsibility to promote the well being of tribal members;

WHEREAS, Cherokee Nation seeks to better serve tribal members who are geographically inhibited from receiving certain services;

WHEREAS, Cherokee Nation has identified a population of tribal members whose needs could be met more appropriately if the tribe had proper local facilities to do so;

WHEREAS, HUD through the ICDBG program has available competitive monies for community facilities that would allow low and moderate income Cherokees to receive services and strengthen communities;


WHEREAS, HUD requires assurance that operational and maintenance plans are in place and that funds exist to cover expenses thereof;

WHEREAS, HUD requires the adoption of a Maintenance and Operation policy that acts to assure it that Cherokee Nation has the means, intent, plan and verifiable history of providing necessary maintenance and operations to all tribal facilities, including the one proposed by the grant request.

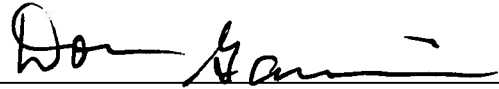
BE IT RESOLVED BY THE CHEROKEE NATION, that the Council does hereby adopt the Maintenance and Operation Policy attached and incorporated by reference herein. Further, the Council certifies that it has and will continue to supply contingency funds annually for this and all buildings under the control of the tribe and will revise the amounts as needed to insure that all items specified in the ICDBG NOFA as well as other items specified by the tribe are repaired or replaced as needed. The tribe further certifies that the amount legislated for 2009 is \$6,118,556.

CERTIFICATION

The foregoing resolution was adopted by the Council of the Cherokee Nation at a duly called meeting on the 13th day of July, 2009, having 14 members present, constituting a quorum, by the vote of 14 yea; 0 nay; 0 abstaining.


Meredith A. Frailey, Speaker
Council of the Cherokee Nation

ATTEST:



Don Garvin, Secretary
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 17th day of July, 2009.



Chadwick Smith, Principal Chief
Cherokee Nation

ATTEST:


Melanie Knight, Secretary of State
Cherokee Nation

06-09-09P04:46 RCVD

ADMINISTRATIVE CLEARANCE:

Program/Project Manager:

[Signature] 5.9.09
Signature Date

Department Director:

Signature Date

Group Leader:

[Signature] 6/9/09
Signature Date

Finance Approval (if needed):

Signature Date

Government Resources Group:

[Signature] 6/9/09
Signature Date

Administration Approval:

[Signature] 6/9/09
Signature Date

LEGISLATIVE CLEARANCE

Legislative Aide:

[Signature] 6/9/09
Signature/Initial Date

Standing Committee:

Community Service

6-16-09

Next Meeting Date

Chairperson:

[Signature]
Signature/Initial Date

Returned to Presenter: _____

Date

**Cherokee Nation
Act/Resolution Proposal Form**

Act

Resolution

TITLE: A RESOLUTION ADOPTING A MAINTENENCE AND OPERATING POLICY FOR THE HUD ICDBG APPLICATION FOR THE NOWATA FOOD DISTRIBUTION/ELDERLY NUTRITION BUILDING

Department Contact: Jerry Snell

Resolution Presenter: Norma Merriman

Council Sponsor: Chuck Hoskins, Jr., Bradley Codd

NARRATIVE:

(See Attached Outline for Information Needed)

The purpose of this resolution is to allow Cherokee Nation to apply for a grant from HUD, specifically ICDBG, to construct a facility in Nowata to serve as a Food Distribution Site as well as a Senior Nutrition Site, as well as potentially serving as a location for other social service programs.

**ICDBG
OPERATION AND MAINTENANCE PLAN
2009**

I. Responsibilities

The responsibility for operation and maintenance of the facility to be constructed with funds for which application is made hereon is held by the Cherokee Nation (Tribe).

The responsibilities of the Tribe shall be: 1) To maintain a contingency fund in the amount of \$20,000 to provide construction oversight and meet other unforeseen problems like the failure of a water system, elimination of roots or other such work that threatens the safe operation of the facilities; 2) Provide the cost of general liability insurance or see that such insurance is provided for each year that a facility constructed under the grant is operated; 3) Insure that utilities remain operational including heat, water and electricity for the term required by HUD to insure low income access and service; 4) inspect properties for health and sanitation compliance.

Additionally, the Tribe is responsible for the following: 1) Upkeep of buildings in accordance with the "Schedule of Maintenance"; 2) Designation of a scheduler with posting of a phone number on and in the building; 3) Payment of monthly utilities; 4) Collection of fees and deposits for individual and group event use, if applicable; 5) prompt correction of deficiencies noted in Tribal sanitation inspections; 6) Regular cleaning of building in accordance with "Schedule Maintenance"; 7) Maintenance and upkeep of grounds in providing safe ingress and egress as well as health use by children and families.

II. Schedule of Maintenance

The following are the minimum standards for maintenance:

- Cleaning and disinfection of kitchen after each use
- Cleaning and disinfection of restrooms after each function or day in which Use occurs
- Where tile or linoleum is used, mopping at least weekly and after each major event; or where carpeting is used, vacuuming weekly and after each major event as well as shampooing whenever soiling is present
- Prevention and treatment for rodents, roaches and other pests
- Regular mowing (at least weekly in the summer) or treatment (i.e. gravel beds) of grounds within a thirty foot radius of the building to insure that glass, trash, or other potentially dangerous items are not hidden as well as to keep down insect populations
- Contain solid waste in closed containers and remove promptly. If burning is used for trash, insure that appropriate safety precautions are taken
- Insure that cleaning supplies are always available including kitchen

cleaners, floor cleaners, bathroom cleaners, brooms, mops

- Insure that refrigerators have thermometers and function to keep food at the minimum accepted standard for food storage

III. Source of Funding

- A. The tribal source of funding for payment for utilities, maintenance and operation shall be the Facilities Management Budget which is funded annually by the Council. The budget for Facilities Management in 2009 is \$6,118,556. The source of Facilities Management may be indirect cost pool, interior self-governance agreement and/or other tribal revenues as budgeted by the Council each year.

IV. Covered items

The items covered in the plan include, but may not be limited to:

1. Water
2. Electricity
3. Heat (if not electric)
4. Refuse removal
5. Cleaning supplies and maintenance
6. Replacement
7. Interior maintenance
8. Exterior maintenance