

TITLE 62

PUBLIC FINANCE

Code of Federal Regulations

Loans to Indians from the revolving loan fund, see 25 C.F.R. § 101.1 et seq.

United States Code

Financing economic development of Indians and Indian organizations, see 25 U.S.C. § 1451 et seq.

CHAPTER 1

GENERAL PROVISIONS

§ 1. Fiscal year

The fiscal year for Cherokee Nation shall commence on October 1 of each year and end on September 30 of the following year.

History

Source. LA 13–85, eff. August 10, 1985.

Library References

Indians <KEY>210.

Westlaw Topic No. 209.

C.J.S. Indians §§ 57 to 59, 66 to 72.

CHAPTER 2

OFFICE OF THE CONTROLLER

§ 11. Establishment—Purpose

A. There is established the Office of the Controller within the Executive Branch of Cherokee Nation.

B. The principal purpose of the Office of the Controller shall be to manage the accounting and finance functions of Cherokee Nation and to assure that all funds are properly accounted for in accordance with generally accepted or legally required accounting principles and methods.

History

Source. LA 13–85, eff. August 10, 1985.

Library References

Indians <KEY>210.

Westlaw Topic No. 209.

C.J.S. Indians §§ 57 to 59, 66 to 72.

§ 12. Powers and duties generally

Specifically, the Controller shall be responsible for:

1. Providing an accounting and reporting system that will accumulate and report appropriate revenues, expenses, assets, liabilities, and related quantitative information;
2. Assuring the integrity of financial information concerning Cherokee Nation's activities and resources;
3. Preparing financial reports based on generally accepted accounting principles, or other appropriate bases;
4. Quantifying and interpreting the effects on Cherokee Nation of planned transactions and other economic transactions;
5. Assuring protection of the assets of Cherokee Nation through internal control, internal auditing, and proper insurance coverage;
6. Supervising and coordinating the preparation and issuance of required reports for government agencies;
7. Maintaining banking arrangements, under the direction of or by delegation from the Treasurer, to receive and disburse the funds of Cherokee Nation and its programs;
8. Recommending the appointment of independent public accountants and the extent and scope of their audit work;
9. Establishing and supervising a sound program of cash management involving both receipts and disbursement of funds;
10. Forecasting fund and cash positions at future dates as a guide to their availability and need;
11. Overseeing the budgeting functions of Cherokee Nation and providing assistance as necessary

with various program budgets;

12. Informing program managers and department heads of the status of program funds and budgets;
13. Acting as advisor to the Executive and Finance Committee of the Council;
14. Supervising the preparation and issuance of employee payrolls;
15. Establishing and implementing a sound plan of organization for assigned functions;
16. Determining the necessary manpower for performing assigned functions;
17. Selecting and maintaining qualified personnel in subordinate positions and recommending compensation for the same;
18. Establishing and issuing plans, policies and procedures governing the performance of assigned activities;
19. Performing all functions at the lowest cost, consistent with effective performance;
20. Performing any additional functions as delegated by the Treasurer and the Principal Chief.

History

Source. LA 13–85, eff. August 10, 1985.

Library References

Indians <KEY>210.

Westlaw Topic No. 209.

C.J.S. Indians §§ 57 to 59, 66 to 72.

CHAPTER 3

DEPOSIT OF FUNDS

§ 21. Requirement for deposit of funds generally

Any funds in the custody of Cherokee Nation shall be deposited in an approved depository. There shall be one (1) principal depository, provided for by law, and as many subsidiary depositories as may be necessary for the efficient regulation and management of tribal business. Said subsidiary depositories shall be approved in accordance with 62 CNCA § 23.

History

Source. LA 13–85, eff. August 10, 1985.

Library References

Indians <KEY>210.

Westlaw Topic No. 209.

C.J.S. Indians §§ 57 to 59, 66 to 72.

§ 22. Principal depository

The principal depository for funds under the control of Cherokee Nation shall be the First National Bank of Tahlequah.

History

Source. LA 13–85, eff. August 10, 1985.

Library References

Indians <KEY>210.

Westlaw Topic No. 209.

C.J.S. Indians §§ 57 to 59, 66 to 72.

§ 23. Subsidiary depositories

A. Subsidiary depositories used for investment of Nation funds shall be determined by competitive bidding. The bidding and selection process on investment depositories shall be conducted by the Controller, under review of the Treasurer, on a regular basis.

B. Other subsidiary depositories may be designated for the purpose of efficient regulation and management of Nation business in a particular locale. Subsidiary depositories provided for under this subsection shall maintain a checking/general banking relationship with Cherokee Nation and shall be approved, upon recommendation of the Controller, by resolution from the Council. Said resolution shall contain the name of the financial institution, the purpose of the depository, and the names of those persons authorized to conduct transactions with the depository.

History

Source. LA 13–85, eff. August 10, 1985

Cross References

Investment of surplus funds, generally, see 62 CNCA § 43.

Library References

Indians <KEY>210.

Westlaw Topic No. 209.

C.J.S. Indians §§ 57 to 59, 66 to 72.

§ 24. Control of deposited funds

A. No funds under the control of Cherokee Nation shall be deposited in any financial institution unless the institution is insured by either the Federal Deposit Insurance Corporation (FDIC) or the Federal Savings and Loan Insurance Corporation (FSLIC).

B. No funds in excess of One Hundred Thousand Dollars (\$100,000.00) shall be deposited in a single financial institution unless such funds are collateralized either by bonds with a minimum of an AA rating, or local, state, U.S. Government and Cherokee Nation securities.

History

Source. LA 13–85, eff. August 10, 1985.

Cross References

Investment of surplus funds—Protection of invested funds, see 62 CNCA § 46.

Library References

Indians <KEY>210.

Westlaw Topic No. 209.

C.J.S. Indians §§ 57 to 59, 66 to 72.

CHAPTER 4

APPROPRIATIONS

§ 31. Requirements for appropriations of funds generally

A. All appropriations of funds shall be provided for by law. The appropriation bill shall include the source of funds, the amount of funds, and the purpose for which the funds are being appropriated.

B. Any appropriations law containing Nation trust funds shall, upon the enactment of the law, be transmitted to the Secretary of the Interior or his delegatee for approval.

C. Any funds received by Cherokee Nation, the use of which is determined by the granting or contracting agency, shall be used only for those purposes and under those conditions for which the funds are made available. The funds shall not be appropriated by the Council, but shall be subject to review by the Council.

History

Source. LA 13–85, eff. August 10, 1985.

Library References

Indians <KEY>210.

Westlaw Topic No. 209.

C.J.S. Indians §§ 57 to 59, 66 to 72.

§ 32. Annual appropriations

A. In July of each year the Executive and Finance Committee of the Council, upon direction of the Treasurer and with advisement from the Controller, shall formulate an annual appropriations bill. The bill shall contain the budgeted annual revenue and expenditures from the general fund, enterprise fund, and trust fund for the Executive, Legislative, and Judicial Branches of Government. Said bill shall identify the individual sources of revenue for each Branch of Government. The sources of revenue may be based upon estimates. The budgeted expenditures formulated as provided for in this subsection shall not exceed total estimated revenues.

B. Upon completion of the annual appropriations bill, the Treasurer, or his delegatee, shall present the bill to the full Council for consideration and passage.

C. The Executive and Finance Committee, upon direction of the Treasurer and with advisement from the Controller, shall be responsible for proposing amendments to the annual appropriations law based upon material changes in real or estimated revenues and expenditures that affect the total amounts budgeted. Any amendments provided for in this subsection shall be presented to the full Council for consideration and passage.

History

Source. LA 13–85, eff. August 10, 1985.

Library References

Indians <KEY>210.

Westlaw Topic No. 209.

C.J.S. Indians §§ 57 to 59, 66 to 72.

CHAPTER 5

INVESTMENTS

§ 41. Investment of judgment funds—Generally

Any investment of judgment funds shall be pursuant to 25 U.S.C. § 162a. The use or distribution of funds shall be in accordance with 25 C.F.R. § 87.1 et seq.

History

Source. LA 13–85, eff. August 10, 1985

Code of Federal Regulations

Use or distribution of Indian judgment funds, definitions, see 25 C.F.R. § 87.1.

United States Code

Deposit of tribal funds in banks; bond or collateral security; investments; collections from irrigation projects; affirmative action required, see 25 U.S.C. § 162a.

Library References

Indians <KEY>210.

Westlaw Topic No. 209.

C.J.S. Indians §§ 57 to 59, 66 to 72.

§ 42. Investment of judgment funds—Reservation of rights

The Council of Cherokee Nation reserves the right, within statutory authority and limitations, to recommend to the Secretary of the Interior preferred financial institutions for the investment of judgment funds.

History

Source. LA 13–85, eff. August 10, 1985.

Library References

Indians <KEY>210.

Westlaw Topic No. 209.

C.J.S. Indians §§ 57 to 59, 66 to 72.

§ 43. Investment of surplus funds—Generally

Surplus funds from Nation operations may be invested by the Controller, upon direction and with the consent of the Executive and Finance Committee of the Council, in accordance with 62 CNCA §§ 23, 45, and 46.

History

Source. LA 13–85, eff. August 10, 1985.

Library References

Indians <KEY>210.

Westlaw Topic No. 209.

C.J.S. Indians §§ 57 to 59, 66 to 72.

§ 44. Investment of surplus funds—Term of investments

Nation funds invested pursuant to 62 CNCA § 43 shall be for a period not to exceed one hundred twenty (120) days; provided that funds may be invested for a longer term upon approval of the Executive and Finance Committee of the Council.

History

Source. LA 13–85, eff. August 10, 1985.

Library References

Indians <KEY>210.

Westlaw Topic No. 209.

C.J.S. Indians §§ 57 to 59, 66 to 72.

§ 45. Investment of surplus funds—Selection of investment institution

A. The Controller shall, upon determination of the amount of surplus funds, solicit bids from financial institutions for the purpose of investing said funds.

B. The Controller shall use the following criteria in the determination of the successful bidding institution:

1. The institution offering the highest interest rate on the funds; and

2. In the event that one or more institutions offer the same highest rate of interest, the funds shall be equally distributed among those institutions; provided that if the amount of funds are not sufficient to distribute among several institutions, those institutions offering the highest rate of interest shall be selected by the earlier postmark.

History

Source. LA 13–85, eff. August 10, 1985.

Library References

Indians <KEY>210.

Westlaw Topic No. 209.

C.J.S. Indians §§ 57 to 59, 66 to 72.

§ 46. Investment of surplus funds—Protection of invested funds

In the event that the invested funds in a single institution amount to more than One Hundred Thousand Dollars (\$100,000.00), the funds shall be collateralized as provided for in 62 CNCA § 24(B), and provided further that the institution where the funds are invested shall secure and pledge to Cherokee Nation joint custody receipts for the full amount of the funds.

History

Source. LA 13–85, eff. August 10, 1985.

Library References

Indians <KEY>210.

Westlaw Topic No. 209.

C.J.S. Indians §§ 57 to 59, 66 to 72.

CHAPTER 6

BONDS

§ 51. Officers required to furnish surety bonds—Conditions of and payment for bonds

All officers, elected or appointed, who are authorized to a position of trust over any land, property, accounts or monies, shall execute an official surety bond. Said bonds shall inure to the benefit of and be paid for by Cherokee Nation.

History

Source. LA 13–85, eff. August 10, 1985.

Library References

Indians <KEY>216.

Westlaw Topic No. 209.

C.J.S. Indians § 59.

§ 52. Amount of bonds

The following officers of Cherokee Nation shall be bonded in the following amounts:

A.	Council Members	\$ 10,000.00
B.	Principal Chief	100,000.00
C.	Deputy Principal Chief	100,000.00
D.	Secretary of State	100,000.00
E.	Treasurer	100,000.00
F.	Controller	100,000.00
G.	Registrar	50,000.00
H.	Executive Directors	50,000.00

History

Source. LA 13–85, eff. August 10, 1985.

Library References

Indians <KEY>216.

Westlaw Topic No. 209.

C.J.S. Indians § 59.

§ 53. Bonding company

The bonding of officers as required in 62 CNCA § 51 shall be by a licensed insurance company, authorized to do business in the State of Oklahoma.

History

Source. LA 13–85, eff. August 10, 1985.

Library References

Indians <KEY>216.

Westlaw Topic No. 209.

C.J.S. Indians § 59.

CHAPTER 7

PLEDGES OF CREDIT

§ 61. Requirements for pledges of credit of Cherokee Nation generally

The credit of Cherokee Nation may be extended to any individual, company, corporation, or association by resolution of the Council. Said resolution shall contain the name of the entity Nation credit is being pledged to, the purpose of the credit, the amount of credit being pledged, and the length of time the pledge of credit is to be in effect.

History

Source. LA 13–85, eff. August 10, 1985.

Library References

Indians <KEY>210.

Westlaw Topic No. 209.

C.J.S. Indians §§ 57 to 59, 66 to 72.

§ 62. Pledges of credit requiring waiver of sovereign immunity

Any pledge of credit that requires the waiving of sovereignty of Cherokee Nation shall be effected by resolution of the Council and approved by the Principal Chief. Said resolution shall state the time the waiver is to be in effect, and such effective time shall rule past any change in the elected Council. Said resolution must contain the information required in 62 CNCA § 61.

History

Source. LA 13–85, eff. August 10, 1985.

Library References

Indians <KEY>210, 405.

Westlaw Topic No. 209.

C.J.S. Indians §§ 57 to 59, 66 to 72, 151 to 179.

CHAPTER 8

FINANCIAL RECORDS AND REPORTS

§ 71. Governing accounting standards

Generally accepted accounting principles (GAAP), established by the National Council on Governmental Accounting, The American Institute of CPA's, and the Financial Accounting Standards Board, shall be used in accounting and reporting for the financial activities of the various entities of Cherokee Nation, unless they conflict with applicable legal requirements.

History

Source. LA 13–85, eff. August 10, 1985.

Library References

Indians <KEY>210.

Westlaw Topic No. 209.

C.J.S. Indians §§ 57 to 59, 66 to 72.

§ 72. Combined financial statement reports

At each regular session of the Council, the Controller shall submit a combined financial statement. Said statement shall contain a combined balance sheet showing all fund and account groups, their assets, liabilities, and equity; a general fund statement of revenues and expenditures; a Nation enterprise statement of revenues and expenditures; a non-Nation grant expenditure statement; a statement of the Nation loan fund, showing changes in the fund balance; and a statement of the Nation judgment fund, showing changes in the fund balance.

History

Source. LA 13–85, eff. August 10, 1985.

Library References

Indians <KEY>210.

Westlaw Topic No. 209.

C.J.S. Indians §§ 57 to 59, 66 to 72.

§ 73. Annual audit statements and reports

Within one hundred twenty (120) days after the end of the Nation's fiscal year, the Controller shall submit to the Council audited financial statements and related reports developed in accordance with generally accepted auditing standards and applicable legal requirements.

History

Source. LA 13–85, eff. August 10, 1985.

Library References

Indians <KEY>210.

Westlaw Topic No. 209.

C.J.S. Indians §§ 57 to 59, 66 to 72.

§ 74. Retention of records

The Controller, under the direction of the Treasurer, shall develop and maintain a fiscal records retention program. Said records retention program shall identify the records to be retained, the length of time the records are to be retained, and the method of record destruction for those records not retained.

History

Source. LA 13–85, eff. August 10, 1985.

Library References

Indians <KEY>210.

Westlaw Topic No. 209.

C.J.S. Indians §§ 57 to 59, 66 to 72.

CHAPTER 9

CLAIMS AGAINST CHEROKEE NATION

§ 81. Verification and approval of claims

All appropriate claims against Cherokee Nation and against its funds shall be verified by the claimant and shall be approved by a Cherokee Nation representative who has personal knowledge of receipt of the goods or services before the same are paid.

History

Source. LA 13–85, eff. August 10, 1985.

Library References

Indians <KEY>210.

Westlaw Topic No. 209.

C.J.S. Indians §§ 57 to 59, 66 to 72.

§ 82. Development and maintenance of policies and procedures governing processing of claims

The policies and procedures covering the processing of claims against Cherokee Nation shall be developed and maintained by the Controller and the Director of Administrative Services.

History

Source. LA 13–85, eff. August 10, 1985.

Library References

Indians <KEY>210.

Westlaw Topic No. 209.

C.J.S. Indians §§ 57 to 59, 66 to 72.

CHAPTER 10

EMERGENCY ASSISTANCE

§ 101. Short title

This Act shall be known and may be cited as the Emergency Assistance and Community Support Projects Authorization Act of 2003.

History

Source. LA 43–03, eff. January 7, 2004.

Library References

Indians <KEY>139.

Westlaw Topic No. 209.

C.J.S. Indians §§ 54 to 55.

§ 102. Purpose and findings

The purpose of this act is to establish a program for the distribution of funds to Cherokee citizens in the time of imminent need or emergency and to authorize the Council of Cherokee Nation to consider and authorize funding of community projects as provided in 62 CNCA §§ 104 to 111, inclusive.

The Council finds that legislation is necessary to establish a program for Emergency Assistance, formerly called the General Assistance Program. The Supreme Court of Cherokee Nation held in JAT–03–15, dated November 14, 2003, that the current General Assistance Program is unconstitutional in its present form because there is no legislation establishing a program. Further, the Supreme Court advises that in crafting legislation, the subject areas of health, education and welfare, commerce and communications, which constitute cabinet positions, are not infringed upon and legislation be narrowly crafted to avoid duplication. Finally, the Supreme Court advises that attention be given to the constitutional requirement for Council approval of "any donations by gift, or otherwise, to any individual, firm, company, corporation or association." (Article X, § 7 of the Cherokee Constitution).

History

Source. LA 43–03, eff. January 7, 2004.

Library References

Indians <KEY>139.

Westlaw Topic No. 209.

C.J.S. Indians §§ 54 to 55.

§ 103. Definitions

For the purposes of this chapter:

1. "**Basic utilities**" means water, sewer, heating or cooling sources.
2. "**Cherokee citizen**" means any registered citizen of Cherokee Nation.
3. "**Council Member**" means any duly elected or appointed Member of the Cherokee Nation Council;
4. "**Emergency housing repair**" means necessary repair to a Cherokee citizen's home that would be required to keep the home safely habitable.
5. "**Major house damage**" means substantial damage to any part of a house that renders the house unsafe or uninhabitable.
6. "**Medical emergency**" means any medical condition that places an extreme emotional or financial burden on the Cherokee citizen.
7. Repealed by LA 25–09.

History

Source. LA 43–03, eff. January 7, 2004.

Amended. LA 25–09, eff. December 21, 2009.

Amended. LA 13–10, eff. April 19, 2010.

§ 104. Authorized disbursements

A. Authorized purposes. Disbursement of funds under this act shall only be made for the following purposes:

1. Emergency assistance to Cherokee citizens for the following:
 - a. Medical emergencies that are suffered such as transportation, medication or supplies;
 - b. Housing assistance to avoid eviction or shutting off basic utilities;
 - c. Emergency housing repairs or to obtain adequate emergency housing after major house damage;
 - d. Assistance for emergency meals or clothing when there is a finding of immediate jeopardy to health, safety or employment; or,

e. Other assistance for basic needs of an individual or family that if not addressed immediately, within 24 hours or less, may result in hunger, loss of shelter, medical peril, job loss or family breakdown.

2. Repealed by LA 25–09.

3. Self–help emergency housing repairs to pay Cherokee citizens for materials only. These materials must be used for dwelling repairs needed to alleviate or eliminate safety factors for occupants and repairs that prevent the immediate development of these conditions. Recipients will be responsible for securing labor to complete projects.

4. Housing accessibility to make renovations for handicapped or elder access for Cherokee citizens. These renovations may include accessibility ramps, structural modifications, and structural assistive devices for the elderly (citizens who are 62 years of age or older) and people with physical disabilities to allow them better mobility and use of their houses and/or to remedy health and safety concerns.

5. Emergency education assistance to Cherokee citizens as defined by published guidelines for program administration.

6. Delegations to pay for promotional items and nominal honorariums for visitors and awards to deserving individuals or groups.

History

Source. LA 43–03, eff. January 7, 2004.

Amended. LA 25–09, eff. December 21, 2009.

Amended. LA 13–10, eff. April 19, 2010.

Library References

Indians <KEY>139.

Westlaw Topic No. 209.

C.J.S. Indians §§ 54 to 55.

§ 105. Duplication of services prohibited

Assistance provided under this act shall not duplicate or replace assistance available under any other program. The intent of this legislation is to meet special needs not covered by other programs.

History

Source. LA 43–03, eff. January 7, 2004.

Library References

Indians <KEY>139.

Westlaw Topic No. 209.

C.J.S. Indians §§ 54 to 55.

§ 106. Expedited payment

The Controller of Cherokee Nation, whenever practicable, shall issue funds authorized in this act directly to the vendor or civic organization providing the needed service. After eligibility is determined, the Controller is responsible for developing appropriate procedures, as needed, for distributing funds within forty-eight (48) hours if not immediately, where emergencies and imminent needs exist, to insure timely receipt of such assistance.

History

Source. LA 43–03, eff. January 7, 2004.

Library References

Indians <KEY>139.

Westlaw Topic No. 209.

C.J.S. Indians §§ 54 to 55.

§ 107. Policies and procedures for emergency assistance and community support projects

A. Policies and procedures for emergency assistance. The Human Services Group Leader of Cherokee Nation shall designate an advocate/coordinator to ensure effective implementation and the Group Leader is hereby authorized and directed to develop such policies and procedures necessary to effectively implement the program, including but not limited to the specific types of services, 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 Council as well as the general public. Human Services shall coordinate with any other departments or groups of the Nation, such as Health or Community Services, as necessary to effectively carry out this act.

B. Policies and procedures for community support project awards. Individual Council Members may nominate worthy projects not to exceed the District's allocation to be funded from the Community Support Project fund, provided the Council of the Cherokee Nation approves by

enactment.

History

Source. LA 43–03, eff. January 7, 2004.

Library References

Indians <KEY>139.

Westlaw Topic No. 209.

C.J.S. Indians §§ 54 to 55.

§ 108. Policies and procedures for the self–help emergency housing repairs, housing accessibility and emergency education assistance programs

Policies and procedures shall be developed to implement these programs, including but not limited to the specific types of services, 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 Council as well as the general public. Executive officials shall conduct appropriate coordination with any other Departments or Groups of the Nation as necessary to effectively carry out this Act.

History

Source. LA 43–03, eff. January 7, 2004.

Library References

Indians <KEY>139.

Westlaw Topic No. 209.

C.J.S. Indians §§ 54 to 55.

§ 109. Requests or referrals

The Council of Cherokee Nation may, individually, or as a body, make requests or referrals to the designated Human Services staff for identified needs. Any requests or referrals denied under the Program will be reported to the Council Member making the initial referral. The tribal Council may consider for approval any emergency assistance application that has been denied by the Human Services Department of Cherokee Nation.

History

Source. LA 43–03, eff. January 7, 2004.

Amended. LA 02–06, eff. January 18, 2006.

Library References

Indians <KEY>139.

Westlaw Topic No. 209.

C.J.S. Indians §§ 54 to 55.

§ 110. Appropriations

The Council of Cherokee Nation may appropriate such sums as may be necessary to carry out the Emergency Assistance program requirements of this act.

History

Source. LA 43–03, eff. January 7, 2004.

§ 111. Reports

All expenditures for the Emergency Assistance Program shall be reported in the monthly Executive and Finance Committee of the Council. Further, a report regarding referrals not funded under the program will be made monthly in accordance with 62 CNCA § 107.

History

Source. LA 43–03, eff. January 7, 2004.

Library References

Indians <KEY>139.

Westlaw Topic No. 209.

C.J.S. Indians §§ 54 to 55.

CHAPTER 11

DONATIONS AND CONTRIBUTIONS

§ 201. Short title

This act shall be known and may be cited as the Donations and Contribution Act of 2010.

History

Source. LA 25–09, eff. December 21, 2009.

Amended. LA 13–10, eff. April 19, 2010.

Library References

Indians <KEY>139.

Westlaw Topic No. 209.

C.J.S. Indians §§ 54 to 55.

§ 202. Purpose

The purpose of this act is to set forth parameters for the Executive and Legislative Branches to collaboratively approve funding requests for donations and contributions. Donations and contributions from the Nation to third parties are made to improve the quality of life for Cherokee citizens and establish positive partnerships between the Nation and other governments and organizations that share common goals.

History

Source. LA 25–09, eff. December 21, 2009.

Amended. LA 13–10, eff. April 19, 2010.

Library References

Indians <KEY>139.

Westlaw Topic No. 209.

C.J.S. Indians §§ 54 to 55.

§ 203. Appropriations

The Council may appropriate from time to time, subject to the Cherokee Constitution, Article X, Section 7, an undesignated pool of funds for contributions and donations.

History

Source. LA 25–09, eff. December 21, 2009.

Amended. LA 13–10, eff. April 19, 2010.

Library References

Indians <KEY>139.

Westlaw Topic No. 209.

C.J.S. Indians §§ 54 to 55.

§ 204. Subcommittee established

The Council shall establish a Subcommittee of the Executive and Finance Committee to consider and consent to expenditure of funding requests for donations and contributions.

History

Source. LA 25–09, eff. December 21, 2009.

Amended. LA 13–10, eff. April 19, 2010.

Library References

Indians <KEY>139, 210.

Westlaw Topic No. 209.

C.J.S. Indians §§ 54 to 55, 57 to 59, 66 to 72.

§ 205. Coordination of requests

In order to expend enacted appropriations to the contributions and donations fund that are undesignated, Government Relations staff will collect and research requests for funding. Government Relations shall prepare a cover sheet with information about the organization, purpose of the funding, whether the request may be directed to any other existing programs, and amounts of assistance from the Nation or its entities received by the requestor over the last two (2) years.

History

Source. LA 25–09, eff. December 21, 2009.

Amended. LA 13–10, eff. April 19, 2010.

Library References

Indians <KEY>139.

Westlaw Topic No. 209.

C.J.S. Indians §§ 54 to 55.

§ 206. Recommendations for award

The Principal Chief shall make recommendations for expenditure after reviewing the requests and the information collected in 62 CNCA § 205. All requests, recommended and not recommended, will be forwarded to the Subcommittee.

History

Source. LA 25–09, eff. December 21, 2009.

Amended. LA 13–10, eff. April 19, 2010.

Library References

Indians <KEY>139, 216.

Westlaw Topic No. 209.

C.J.S. Indians §§ 54 to 55, 59.

§ 207. Unanimous consent

The Principal Chief will only make awards to recommended projects that have unanimous consent of the Subcommittee.

History

Source. LA 25–09, eff. December 21, 2009.

Amended. LA 13–10, eff. April 19, 2010.

Library References

Indians <KEY>139, 210, 216.

Westlaw Topic No. 209.

C.J.S. Indians §§ 54 to 55, 57 to 59, 66 to 72.

§ 208. Unfunded requests

If a request for funding is not recommended by the Principal Chief, or if any recommended projects fail to have unanimous consent of the Subcommittee, the funding request may be considered by the Council for an appropriation pursuant to the normal appropriation process.

History

Source. LA 25–09, eff. December 21, 2009.

Amended. LA 13–10, eff. April 19, 2010.

Library References

Indians <KEY>139, 210, 216.

Westlaw Topic No. 209.

C.J.S. Indians §§ 54 to 55, 57 to 59, 66 to 72.

§ 209. Donations and contributions awarded by district

Donations and contributions made under this act shall be awarded equitably by district. Awards that inure to the benefit of multiple districts or benefit organizations outside the jurisdiction will not be considered in the calculation for equity.

History

Source. LA 25–09, eff. December 21, 2009.

Amended. LA 13–10, eff. April 19, 2010.

Library References

Indians <KEY>139.

Westlaw Topic No. 209.

C.J.S. Indians §§ 54 to 55.

§ 210. Limitations on awards

Funds will not be provided for the primary benefit of one (1) individual. Any organization may only receive funds under this appropriation once per fiscal year.

History

Source. LA 25–09, eff. December 21, 2009.

Amended. LA 13–10, eff. April 19, 2010.

Library References

Indians <KEY>139.

Westlaw Topic No. 209.

C.J.S. Indians §§ 54 to 55.

§ 211. Notice of award

Administration shall develop a cover letter of award, which may be co-signed by the Tribal Council Members of the applicant's district.

History

Source. LA 25–09, eff. December 21, 2009.

Amended. LA 13–10, eff. April 19, 2010.

Library References

Indians <KEY>139.

Westlaw Topic No. 209.

C.J.S. Indians §§ 54 to 55.

CHAPTER 12

COMMUNITY ASSISTANCE

§ 301. Short title

This act shall be known and may be cited as the Community Assistance Act of 2012.

History

Source. LA 14–12, eff. April 18, 2012.

§ 302. Purpose and findings

The Council finds it is necessary to enhance the health, education and welfare of Cherokee citizens through the periodic distribution of funds to community organizations and schools for activities

which benefit Cherokee citizens, based on recommendations from Members of the Council.

The purpose of this act is to establish a program for such periodic distribution of funds to community organizations and schools impacting the health, welfare and education of Cherokee citizens.

History

Source. LA 14–12, eff. April 18, 2012.

Library References

Indians <KEY>139, 140.

Westlaw Topic No. 209.

C.J.S. Indians §§ 54 to 56.

§ 303. Definitions

A. "**Community organization**" shall mean any entity whose primary purpose is to serve the public on a non-profit basis.

B. "**Hardship**" shall mean an extraordinary circumstance impacting the health or welfare of a Cherokee citizen for which no existing Cherokee Nation program can provide assistance in a timely manner.

C. "**School**" shall mean a public or private educational school or institute of higher education located within the jurisdictional boundaries of Cherokee Nation, including any Indian Education Program or committee serving said school.

History

Source. LA 14–12, eff. April 18, 2012.

§ 304. Authorized purpose of community assistance funds

Disbursement of funds under this act shall be made only:

1. For the purpose of supporting community organizations that:
 - a. Are governed by individuals a majority of whom are citizens of Cherokee Nation;
 - b. Serve a constituency or membership of which a majority are citizens of Cherokee Nation; or
 - c. Engage in activities that substantially impact the health, welfare or education of Cherokee

citizens.

2. For the purpose of supporting schools, county governments or municipal governments, for activities which substantially impact the health, welfare or education of Cherokee citizens.

3. For the purpose of addressing hardships.

History

Source. LA 14–12, eff. April 18, 2012.

Library References

Indians <KEY>139, 140.

Westlaw Topic No. 209.

C.J.S. Indians §§ 54 to 56.

§ 305. Procedures for approving funding

The Council may appropriate funds from time to time for disbursement pursuant to this act, at its direction, as follows:

1. Funding shall be allocated by Council seat on an equitable basis, except that individual Council Member travel funds from a previous fiscal year may be carried over and added to each Councilor's respective community assistance funds each fiscal year at the Council's direction.

2. The Speaker of the Council shall create and make copies available to each Council Member of an application form on which eligible schools or community organizations may apply for assistance, which shall require a written attestation by the applicant and the sponsoring Council Member that the applicant meets the eligibility criteria set forth in this act.

3. The Council, at its Executive and Finance Committee, shall consider for approval requests for disbursement of funds under this act to eligible community organizations or schools, the disbursement of which has been recommended orally or in writing by any Member of the Committee. Said approval may be made even in the absence of a written application by the applicant. Approval by the Committee shall create the presumption that the community organization or school is eligible to receive funds under this act.

4. Funds shall be distributed under this act only after receipt by the Speaker of the Council of an appropriate application form from the applicant, as set forth in paragraph 2 of this section, and approval of the disbursement as set forth in paragraph 3 of this section.

5. Approved disbursement of funds under this act shall be reported at the regular Council meeting following Committee approval. No action of the Council at its regular meeting is required for

disbursement of funds under this act. Provided, the Council, at its regular meeting, may approve disbursement of funds to eligible applicants in extraordinary circumstances in which time is of the essence and approval of disbursement cannot reasonably wait until the next committee meeting.

6. Records relating to applications for funding, disbursement of funds to and expenditure of funds by community organizations and schools under this act shall be maintained by the Speaker of the Council and available for public inspection, subject to reasonable document retention policies developed by the Speaker of the Council.

7. The Speaker of the Council is authorized to develop for entities receiving funds under this act policies and procedures consistent with this act, including those relating to the accounting for disbursed funds by community organizations, schools, county and municipal governments, or in connection with hardships.

History

Source. LA 14–12, eff. April 18, 2012.

Library References

Indians <KEY>139, 140.

Westlaw Topic No. 209.

C.J.S. Indians §§ 54 to 56.