



Council of the Cherokee Nation

Cherokee Nation Tribal
Council
17763 S. Muskogee Ave.
Tahlequah, OK 74464

Legislation Details (With Text)

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Sponsors:	Shawn Crittenden, Canaan Duncan, E. O. "JR." Smith, Mike Shambaugh, Mike Dobbins, Janees Taylor, Joe Deere, Keith Austin, Victoria Vazquez, Rex Jordan, Dora Patzkowski, Daryl Legg, Harley Buzzard				
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4/14/2021	2	OFFICE OF THE CHIEF	Signed	
4/12/2021	2	TRIBAL COUNCIL	Approved	Pass
3/25/2021	2	RULES COMMITTEE	Approved and Forwarded to Council	Pass

WILMA P. MANKILLER AND CHARLIE SOAP WATER ACT

Section 1. Title and Codification

This legislative act shall be titled and codified as the **“Wilma P Mankiller and Charlie Soap Water Act” or alternatively the "Mankiller / Soap Water Act"**.

Section 2. Findings

The Council of the Cherokee Nation finds that despite a substantial annual expenditure of federal funds and general funds on improving water system, barriers to reliable water supply and wastewater disposal for some Cherokee citizens remain. The Council further finds that many community water systems across the reservation receive, in any given year, a substantial amount of resources from Cherokee Nation, yet many such systems remain infrastructure deficient. These deficiencies negatively impact the health, safety and overall quality of life of Cherokee citizens. The Council and the Principal Chief, on an ongoing basis, require data and expert recommendations to address these issues. The Council further finds that former Principal Chief Wilma P. Mankiller and former Executive Director of Community Service Charlie Soap left a legacy of service to the Cherokee people, which includes ~~her~~ their effort to create and improve water systems in Cherokee communities. Such efforts included ~~Chief Mankiller's~~ their work in communities now serviced by the Cherry Tree Rural Water District, which includes the historic Bell water line, planning for which ~~she began as a community organizer they began under the Administration of Principal Chief Ross Swimmer~~ in 1981. Legislation is warranted to provide for substantive long-term progress by Cherokee Nation on these issues. Finally, the Council acknowledges that the Principal Chief renamed the Department of Community Services to the Department of Transportation and Infrastructure by executive action of March 5, 2021, to better align the department with its core functions.

Section 3. Purpose

The purpose of this Act is to conduct studies on barriers to Cherokee citizens within Cherokee Nation accessing adequate water systems, to develop expert recommendations, and to remedy such conditions and authorize additional expenditures to act on those recommendations. It shall be the policy of the Cherokee Nation to

ensure access to quality water systems for all Cherokee citizens residing in the Cherokee Nation.

Section 4. Substantive Provisions

§ 1. Definitions.

- A. Water System: Systems of delivering potable water and providing sanitary wastewater disposal on an individual household basis or a community basis (municipal or rural systems) throughout the Cherokee Nation reservation.
- B. Executive Director: Executive Director of the Department of Transportation and Infrastructure, formerly known as the Department of Community Services.

§ 3. Studies and Reports by Department of Transportation and Infrastructure

- A. Commencing with Fiscal Year 2022 the Department shall conduct a biennial study and issue a written report relating to barriers to adequate water systems within Cherokee Nation, and more specifically:
 - a. Conduct, to the greatest extent possible and respecting the privacy interest of individual Cherokee citizens, a census of Cherokee citizens who lack access to water systems, utilizing all available forms of information and public outreach.
 - b. Develop a plan of action to provide access for each such Cherokee citizen identified in Section 4 §3.A(a) to water systems.
 - c. Identify the number of Cherokee citizens, per county within the Cherokee Nation reservation, whose access to water is limited to a well water supply and develop long-term strategies to bring rural water supply to as many such citizens as is practical.
 - d. Identify the most infrastructure-deficient public water systems within Cherokee Nation based on criteria to be determined by the Executive Director.
 - e. Said biennial study and report shall encompass the subjects set forth in Section 4 §3.A (a)-(d) and shall be delivered to the Principal Chief and Speaker of the Council within 60 days following the end of the final fiscal year covered by the study and report, absent written extension granted by the Principal Chief not to exceed 30 days.
 - f. Said study and report shall first cover fiscal year 2021 and thereafter cover succeeding fiscal years on a biennial basis.
- B. Commencing in Fiscal Year 2021, the Department shall conduct a comprehensive infrastructure analysis of the Cherry Tree Rural Water District, including recommendations and cost estimates for necessary improvements, with said report delivered to the Principal Chief and the Speaker of the Council upon its completion.

§ 4. Amounts Authorized; Parameters of Expenditures

- A. Beginning in Fiscal Year 2022, and every fiscal year thereafter, the Council authorizes funds to effectuate all purposes and policies of this Act in an amount no less than \$2 million above general fund appropriations to improve water systems budgeted for Fiscal Year 2021 as of October 1, 2020.
- B. Expenditures of said funds for water systems for individual households shall be prioritized based on policies, rules and/or regulations as recommended by the Executive Director and approved by the Principal Chief, provided:
- a. said policies, rules and/or regulations, and any changes thereto, shall be reported to the Council and made accessible for public inspection;
 - b. expenditures for funds for individual household water system projects prioritize low-income applicants;
 - c. no applicant for water system installation or repairs will be denied on the basis of land ownership, land title or probate issues unless the Director has made a substantial effort to resolve those issues in coordination with other Cherokee Nation departments; and
 - d. the Department coordinates with the Housing Authority of the Cherokee Nation or any other Cherokee Nation department, as warranted, to perform work on individual household water systems.
- C. Expenditures of said funds for community water systems shall be prioritized based on policies, rules and/or regulations based as recommended by the Executive Director and approved by the Principal Chief, provided:
- a. Said policies, rules and/or regulations, and any changes thereto, shall be reported to the Council and made accessible for public inspection.
 - b. Expenditures for funds for community water system projects prioritize infrastructure deficient water systems.
- D. The funding source for expenditures under this Act may include dividends received from those for-profit corporations in which Cherokee Nation is the sole or majority shareholder, and that are incorporated under Cherokee Nation law. Other sources of funding, such as grants, miscellaneous sources and contributions, revenues of enterprises, taxes, and special and general fund sources, may be used to supplement this funding in order to maximize the beneficial impact through a cohesive strategy to achieve the Purpose as identified herein.
- E. All funding authorized herein is subject to the Council appropriations process.
- F. Hereafter any water system projects for which at least ten percent of funds are derived from funds authorized under this Act, or derived from any other general fund sources shall, be designated as “Made Possible by the ~~Wilma P.~~ Mankiller/Soap Water Act.”

Section 5. Provisions as cumulative

The provisions of this act shall be cumulative to existing law.

Section 6. Severability

The provisions of this act are severable and if any part of 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 immediately upon its approval and signatures.