



Council of the Cherokee Nation

Cherokee Nation Tribal
Council
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Tahlequah, OK 74464

Legislation Text

File #: CNCA-62, Version: 2

TITLE 62 PUBLIC FINANCE (INCLUDES 2016 POCKET PART)

1. Financial Records and Reports
2. Claims Against Cherokee Nation
3. Emergency Assistance
4. Donations and Contributions
5. Community Assistance

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.

Section

1. Fiscal year

§ 1. Fiscal year

CHAPTER 1 GENERAL PROVISIONS

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 210. Westlaw Topic No. 209.
C.J.S. Indians §§ 57 to 59, 66 to 72.

Section

CHAPTER 2 OFFICE OF THE CONTROLLER

11. Establishment-Purpose
12. Powers and duties generally

§ 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 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;

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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.

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

History

Indians 210. Westlaw Topic No. 209.
C.J.S. Indians §§ 57 to 59, 66 to 72.

Library References

CHAPTER 3 DEPOSIT OF FUNDS

Section

- 20. Definitions
- 21. Requirements
- 22. Financial institutions
- 23. Determination of financial institutions
- 24. Control of funds
- 25. Protection of invested funds
- 26. Term of investments of funds
- 27. Investment of judgment funds and trust funds
- 28. Specific rights reserved

§ 20. Definitions

A. **“Cherokee Nation”** shall mean the government, including all commissions, boards, and committees.

B. **“Donations”** shall be any monies, assets, property, contributions, gifts, bequests, endowments and/or other donations made to or given to the Cherokee Nation, upon acceptance by the Treasurer.

C. **“Financial Institution”** shall be an entity or depository whose primary business and function focuses on dealing with financial services and transactions, such as investments, loans and deposits. A financial institution shall include Federal Deposit Insurance Corporation (FDIC) insured banks. National Credit Union Association (NCUA) insured credit unions and other financial institutions whose activities are controlled or regulated by federal law and/or federal regulations or regulators, including but not limited to the U.S. Securities and Exchange Commission.

D. **“Financial Instrument”** shall be any negotiable asset or instrument with monetary value. Allowable financial instruments shall include, but not be limited to, Demand Deposits, Certificates of Deposit, Certificates of Deposit Account Registry (CDARS), Insured Cash Sweeps (ICS), Savings Accounts, repurchase/reverse repurchase agreements, U.S. Treasuries and U.S. government securities and those issued by its agencies and instrumentalities, and Institutional Money Market Funds whereby those funds are comprised of a majority of allowable Financial Instruments as described above.

E. **“Funds”** shall include all funds of the Cherokee Nation, including grants, donations, dividends, and any other funds held by the Cherokee Nation for the operation of the government.

F. **“Invest”** shall mean to place Cherokee Nation funds in a financial instrument held by a Financial Institution on behalf of the Cherokee Nation for the purpose of safekeeping.

Source. LA 14-15, eff. September 15, 2015.

History

DEPOSIT OF FUNDS

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§ 21. Requirements

A. Any funds in the custody of the Cherokee Nation shall be invested only in allowable financial instruments safe kept in a financial institution, except for funds kept on hand for operation, such as petty

cash funds and change funds. There shall be as many financial institutions as may be necessary for the efficient management of tribal business.

B. Investments shall be made with judgment and care, under circumstances then prevailing, not for speculation, but for investment, considering the probable safety of the capital as well as the probable fees to be incurred and/or income to be derived.

C. Donations may be invested in separate accounts as directed or allowed.

History

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

Amended. LA 14-15, eff. September 15, 2015.

Library References

Indians 141(2). Westlaw Topic No. 209.

§ 22. Financial institutions

The Cherokee Nation Treasurer shall notify the Executive and Finance Committee of the Tribal Council and the Principal Chief on at least a quarterly basis of all financial institutions utilized by the Cherokee Nation.

History

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

Amended. LA 14-15, eff. September 15, 2015.

Library References

Indians 141(2). Westlaw Topic No. 209.

§ 23. Determination of financial institutions

Financial institutions for funds held by the Cherokee Nation may be determined by competitive bidding and/or other qualifying factors. If bid, said bidding and selection process of financial institutions shall be conducted by the Controller, under the review of the Treasurer. The following criteria may be used in the determination of financial institutions:

1. The institution's ability to best protect the Cherokee Nation's funds;
2. The institution offering the highest interest rate on the funds; and/or,
3. The institution's ability to reduce the cost to the Cherokee Nation for investing the funds.
4. The size of the financial institution is adequate for the amount of funds to be invested.
5. The financial institution's ability to allow electronic access to all transaction and portfolio reports.

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

History

Amended. LA 14-15, eff. September 15, 2015.

Library References

Indians 141(2). Westlaw Topic No. 209.

§ 24. Control of funds

Any funds invested by the Cherokee Nation shall be under the control of the Treasurer who may, at his or her discretion, delegate fiduciary responsibilities to the Controller of the Cherokee Nation. The Council may from time to time establish laws governing said funds.

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

History

Amended. LA 14-15, eff. September 15, 2015.

Library References

Indians 141(2). Westlaw Topic No. 209.

§ 25. Protection of invested funds

A. No funds under the control of the Cherokee Nation shall be invested with any financial institution unless the financial institution is insured by the Federal Deposit Insurance Corporation (FDIC), the National Credit Union Association (NCUA) and/or the financial institution's activities are controlled or regulated by federal law and/or federal regulations or regulators, including but not limited to the U.S. Securities and Exchange Commission.

B. Collateralization. No funds in excess of current FDIC or NCUA insurance maximums shall be invested in a single financial institution unless said funds are collateralized either by and/or invested directly into obligations and/or bonds which contain an investment grade rating as rated from a nationally recognized rating firm, such as Standard and Poor's, Moody's or Fitch, or local, state, U.S. Government securities, and those issued by its agencies and instrumentalities, and Cherokee Nation securities. Collateralized funds shall be secured and pledged to the Cherokee Nation via joint custody receipts for the full amount of said funds. Nothing herein shall prevent direct investment held in allowable financial instruments.

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

History

Amended. LA 14-15, eff. September 15, 2015.

Library References

Indians 141(2). Westlaw Topic No. 209.

§ 26. Term of investments of funds

Funds invested pursuant to this Act, excluding demand deposits, shall be for a period not to exceed five (5) years, provided that funds may be invested for a

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longer term upon consent of the longer term by the Executive and Finance Committee of the Council.

Source. LA 14-15, eff. September 15, 2015.

History

Indians 141(2). Westlaw Topic No. 209.

Library References

§ 27. Investment of judgment funds and trust funds

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

Source. LA 14-15, eff. September 15, 2015.

History

Code of Federal Regulations

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

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 141(2). Westlaw Topic No. 209.

§ 28. Specific rights reserved

The Treasurer of the Cherokee Nation shall be authorized to provide to the Secretary of the Interior the investment direction of the judgment funds and trust funds.

Source. LA 14-15, eff. September 15, 2015.

History

Indians 141(2). Westlaw Topic No. 209.

Library References

Section

CHAPTER 4 APPROPRIATIONS

- 31. Requirements for appropriations of funds generally
- 32. Annual 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.

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

History

Indians 210. Westlaw Topic No. 209.
C.J.S. Indians §§ 57 to 59, 66 to 72.

Library References

§ 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 budget- ed 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.

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

History

Indians 210. Westlaw Topic No. 209.
C.J.S. Indians §§ 57 to 59, 66 to 72.

Library References

Section

CHAPTER 5 INVESTMENTS [REPEALED]

41-46. Repealed and reserved for future use

§ 41-46. Repealed and reserved for future use

History

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

Repealed. LA 14-15, eff. September 15, 2015.

Section

CHAPTER 6 BONDS

51. Officers required to furnish surety bond-Conditions of and payment for bonds

52. Amount of bonds

53. Bonding company

§ 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.

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

History

Indians 216. Westlaw Topic No. 209.
C.J.S. Indians § 59.

§ 52. Amount of bonds

Library References

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

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

History

Library References

Indians 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.

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

History

62 CNCA § 53

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Indians 216. Westlaw Topic No. 209.
C.J.S. Indians § 59.

Library References

Section

CHAPTER 7 PLEDGES OF CREDIT

- 61. Requirements for pledges of credit of Cherokee Nation generally
- 62. Pledges of credit requiring waiver of sovereign immunity

§ 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.

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

History

Indians 210. Westlaw Topic No. 209.
C.J.S. Indians §§ 57 to 59, 66 to 72.

Library References

§ 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.

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

History

Library References

Indians 210, 405. Westlaw Topic No. 209.
C.J.S. Indians §§ 57 to 59, 66 to 72, 151 to 179.

Section

CHAPTER 8

FINANCIAL RECORDS AND REPORTS

- 71. Governing accounting standards
- 72. Combined financial statement reports
- 73. Annual audit statements and reports
- 74. Retention of records

§ 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 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.

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

History

Indians 210. Westlaw Topic No. 209.
C.J.S. Indians §§ 57 to 59, 66 to 72.

Library References

§ 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.

FINANCIAL RECORDS & REPORTS

62 CNCA § 74

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

History

Indians 210. Westlaw Topic No. 209.
C.J.S. Indians §§ 57 to 59, 66 to 72.

§ 74. Retention of records

Library References

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 210. Westlaw Topic No. 209.
C.J.S. Indians §§ 57 to 59, 66 to 72.

Section

CHAPTER 9

CLAIMS AGAINST CHEROKEE NATION

- 81. Verification and approval of claims
- 82. Development and maintenance of policies and procedures governing processing of claims

§ 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.

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

History

Indians 210. Westlaw Topic No. 209.
C.J.S. Indians §§ 57 to 59, 66 to 72.

Library References

§ 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.

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

History

Indians 210. Westlaw Topic No. 209.
C.J.S. Indians §§ 57 to 59, 66 to 72.

Library References

CHAPTER 10 EMERGENCY ASSISTANCE

Section

- 101. Short title
- 102. Purpose and findings
- 103. Definitions
- 104. Authorized disbursements
- 105. Duplication of services prohibited
- 106. Expedited payment
- 107. Policies and procedures for emergency assistance and community support project awards
- 108. Policies and procedures for self-help emergency housing repairs, housing accessibility and emergency education assistance programs
- 109. Requests or referrals
- 110. Appropriations
- 111. Reports

§ 101. Short title

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

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

History

Indians 139. Westlaw Topic No. 209.
C.J.S. Indians §§ 54 to 55.

Library References

§ 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).

62 CNCA § 102

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

History

Indians 139. Westlaw Topic No. 209.
C.J.S. Indians §§ 54 to 55.

§ 103. Definitions

Library References

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.

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

History

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.

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62 CNCA § 106

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 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 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.

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

History

Indians 139. Westlaw Topic No. 209.
C.J.S. Indians §§ 54 to 55.

Library References

62 CNCA § 107

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§ 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 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 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

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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 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.

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

History

Indians 139. Westlaw Topic No. 209.
C.J.S. Indians §§ 54 to 55.

Library References

CHAPTER 11 DONATIONS AND CONTRIBUTIONS

Section

- 201. Short title
- 202. Purpose
- 203. Appropriations
- 204. Subcommittee establishment
- 205. Coordination of requests
- 206. Recommendations for award
- 207. Unanimous consent
- 208. Unfunded requests
- 209. Donations and contributions awarded by district
- 210. Limitation on awards
- 211. Notice of award

§ 201. Short title

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

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

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

History

Indians 139. Westlaw Topic No. 209.

C.J.S. Indians §§ 54 to 55.

§ 202. Purpose

Library References

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.

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

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

History

Indians 139. Westlaw Topic No. 209.

C.J.S. Indians §§ 54 to 55.

§ 203. Appropriations

Library References

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.

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62 CNCA § 206

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

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

History

Indians 139. Westlaw Topic No. 209.

C.J.S. Indians §§ 54 to 55.

Library References

§ 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.

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

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

History

Indians 139, 210. Westlaw Topic No. 209.

Library References

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 re- search 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.

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

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

History

Indians 139. Westlaw Topic No. 209.

C.J.S. Indians §§ 54 to 55.

Library References

§ 206. Recommendations for award

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

History

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

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

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Indians 139, 216. Westlaw Topic No. 209.

C.J.S. Indians §§ 54 to 55, 59.

§ 207. Unanimous consent

Library References

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 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 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.

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

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

History

Indians 139. Westlaw Topic No. 209.

C.J.S. Indians §§ 54 to 55.

Library References

§ 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.

DONATIONS AND CONTRIBUTIONS

62 CNCA § 211

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

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

History

Indians 139. Westlaw Topic No. 209.

C.J.S. Indians §§ 54 to 55.

§ 211. Notice of award

Library References

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 139. Westlaw Topic No. 209.

C.J.S. Indians §§ 54 to 55.

CHAPTER 12 COMMUNITY

ASSISTANCE

Section

- 301. Short title
- 302. Purpose and findings
- 303. Definitions
- 304. Authorized purposes of community assistance funds
- 305. Procedures for approving funding

§ 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 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.

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

History

COMMUNITY ASSISTANCE

62 CNCA § 305

§ 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 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

62 CNCA § 305

PUBLIC FINANCE

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.

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

History

Indians 139, 140. Westlaw Topic No. 209.
C.J.S. Indians §§ 54 to 56.

