



Legislation Text

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AN ACT AMENDING THE EMERGENCY ASSISTANCE AND COMMUNITY SUPPORT PROJECTS ACT AS AMENDED; AND DECLARING AN EMERGENCY BE IT ENACTED BY THE CHEROKEE NATION:

Section 1. Title and Codification

This Legislative Act shall be titled as the "Community Assistance Act of 2012" and codified under Title _____, Chapter _____, Sections _____ of the Cherokee Nation Code Annotated ("CNCA").

Section 2. Purpose and Findings

The Council finds it is necessary to enhance the health, education and welfare of Cherokee Citizens for 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 the periodic distribution of funds to community organizations and schools impacting the health, welfare and education of Cherokee citizens as provided in Section 5 of this Act.

Section 3. Legislative History

LA-43-03
LA-02-06
LA-25-09
LA-13-10

1. Article X § 7 of the Cherokee Nation Constitution states:

"The credit of the Cherokee Nation shall not be given, pledged, or loaned to any individual, firm, company, corporation, or association without the approval of the Council. The Cherokee Nation shall not make any donations by gift, bonus, or otherwise, to any individual, firm, company, corporation, or association without the approval of the Council."

Section 4. Definitions

- 1. "Community Organization"** shall mean any entity whose primary purpose is to serve the public on a non-profit basis.
- 2. "School"** shall mean a public or private educational school or institute of higher education located within the jurisdictional boundaries of the Cherokee Nation, including any Indian Education Program or committee serving said school.
- 3. "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.

Section 5. Substantive Provisions

1. Authorized Purpose of Community Assistance Funds: Disbursement of funds under this Act shall be made only

- a. For the purpose of supporting community organizations which:
 - i. Are governed by individuals a majority of whom are citizens of the Cherokee Nation;
 - ii. Serve a constituency or membership of which majority are citizens of the Cherokee Nation; or
 - iii. Engage in activities that substantially impact the health, welfare or education of Cherokee citizens.
- b. For the purpose of supporting schools, county governments or municipal governments, for activities which substantially impact the health, welfare or education of Cherokee citizens.**

c. For the purpose of addressing Hardships.

2. Procedures for Approving Funding: The Council may appropriate funds from time to time for disbursement pursuant to this Act, at its direction, as follows:

- a. Funding shall be allocated by Council seat on an equitable basis, except that individual Councilor 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.
- b. The Speaker of the Council shall create and make copies available to each council member 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.
- c. The Council, at its Executive and Finance Committee, shall consider for approval requests for disbursement of funds under this Act to eligible community organization or school, 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.
- d. Funds shall be distributed under this Act only after receipt by the Speaker of the

Council an appropriate application form from the applicant, as set forth in Section 2 (b) of this Act, and approval of the disbursement as set forth in Section 2(c) of this Act.

- e. 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.
- f. Records relating to applications for funding, disbursement of funds, expenditure of funds 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.
- g. The Speaker of the Council is authorized to develop policies and procedures consistent with this Act, including those relating to the accounting disbursed funds by community organizations, schools, county and municipal governments, or in connection with hardships receiving funds under this Act.

Section 6. Provisions as Cumulative

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

Section 7. 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 8. Emergency Declared

It being immediately necessary for the welfare of the Cherokee Nation, the Council hereby declares that an emergency exists, by reason whereof this act shall take effect and be in full force after its passage and approval.