



Legislation Text

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A LEGISLATIVE ACT RELATING TO THE ADMINISTERING OF INDIVIDUAL AND COMMUNITY ASSISTANCE PROGRAMS; AMENDING CERTAIN LEGISLATIVE ACTS; REPEALING LA#27-07; AND DECLARING AN EMERGENCY

BE IT ENACTED BY THE CHEROKEE NATION:

SECTION 1. TITLE AND CODIFICATION.

This Act shall be known as the “The Administration of Individual and Community Assistance Programs Act of 2007”, and shall be codified as Title _____, Section _____ of the Cherokee Nation Code Annotated.

SECTION 2. PURPOSE.

The purpose of this Act is to amend certain acts to transfer the administration of individual and community assistance programs from the Legislative Branch to the Executive Branch. No laws will be affected insofar as guidelines and regulations, however all funding will be administered by the affected program. The intent of this legislation is to eliminate duplication or replacement of assistance currently available and administered by the Executive Branch.

SECTION 3. LEGISLATIVE HISTORY.

Cemetery Assistance:

LA#33-04, as amended by LA#02-07;

Emergency Assistance & Community Support Projects:

LA#43-03, as amended by LA#02-06;

Emergency Housing:

LA#11-03;

Eyeglasses:

LA#27-07;

Law Enforcement and Highway Projects:

LA#34-02, as amended by LA#04-03 and LA#19-03;

Roads:

LA#22-99, as amended by LA#25-99, 20-00, 31-00, 35-00, 33-01, and 07-02;

Scholarships:

Non-Pell Trust: LA#08-00;

Graduate: LA#01-02, as amended by LA#23-02

Article VI Section 7 of the Cherokee Nation Constitution.

SECTION 4. DEFINITIONS.

For the purposes of this Title:

1. "Tribal Council member" means any duly elected or appointed member of the Cherokee Nation Tribal Council;
2. "Cherokee citizen" means any registered member of the Cherokee Nation;
3. "Medical Emergency" means any medical condition that places an extreme emotional or financial burden on the Cherokee citizen;
4. "Emergency Housing Repair" means necessary repair to a Cherokee citizen's home that would be required to keep the home safely habitable;
5. "Basic Utilities" means water, sewer, heating or cooling sources;
6. "Major House Damage" means substantial damage to any part of a house that renders the house unsafe or uninhabitable;
7. "Community Support Projects" means projects for civic organizations, clubs, or groups that are composed of Cherokee Nation Citizens of 50% or greater.
8. "Accounting" means to keep a record of expenditures, including receipts, made by the person or organization receiving funds in accordance with this Act.
9. "Traditional Cherokee Cemetery" means any cemetery that contains gravesites of over 50% Cherokee tribal citizens or is historically significant and located within the boundaries of the Cherokee Nation.
10. Request or Referrals: Means the application process a Cherokee citizen would go through with the Human Services Department of the Cherokee Nation to request emergency assistance

SECTION 5. AMENDMENTS.

Legislative Act LA #33-04 §5, as amended by LA#02-07, is hereby amended as follows:

- a. A total of \$40,000.00, to be divided equally among council members, shall be used for preservation and maintenance of traditional Cherokee Cemeteries that are threatened by neglect and non-maintenance.
- b. The funds are to be distributed to cemeteries boards or individuals interested in the preservation of the cemetery in question.
- c. The Principal Chief shall designate **the Community Services Group as the administrator of the program** an advocate/coordinator to ensure effective implementation of this Act.
- d. The **Community Services Group** Language and Culture Committee is hereby authorized and directed to develop such policies and procedures necessary to effectively implement the program, including but not

limited to, determining eligibility, verification of circumstances, [geographic distribution](#), 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 Tribal Council as well as the general public.

- e. The [Community Services Group](#) Language and Culture Committee of the Council shall review and approve requests or referrals for projects under this Act [and process the approved requests accordingly](#), to be forwarded to the designated staff. Approvals or denials by the designated staff pursuant to the established policies and procedures will be reported to the [Education](#) Language and Culture Committee of the Council [as requested](#).

Legislative Act #43-03 §5, as amended by LA#02-06, is hereby amended as follows:

- 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. Community support projects are authorized, provided that the Council of the Cherokee Nation authorizes such projects by enactment of the Council in any regular or Special called Council meeting, [as defined herein](#). [The Principal Chief or his/her designee shall develop policies and procedures to fairly and efficiently support and administer community projects as well as to provide for accountability of funds. The Council of the Cherokee Nation may, individually, or as a body make referrals for Communities seeking such assistance. A budget modification is hereby authorized to effectuate this and to be reported by the Treasurer in the next Executive and Finance Committee.](#)
 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 handicap 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.

- B. 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.
- C. Expedited Payment. The Controller of the 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 (48) hours if not immediately, where emergencies and imminent needs exist, to insure timely receipt of such assistance.
- D. Policies and Procedures for Emergency Assistance. The Human Services Group Leader of the 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 Tribal 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.

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 [Policies and procedures shall be developed for Community support projects, and will be published for review by the Tribal Council as well as the general public.](#)

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 Tribal 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.

- F. Requests or Referrals. The Council of the Cherokee Nation may, individually, or as a body, make requests or referrals to the designee 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 implication that has been denied by the Human Services Department of the Cherokee Nation.
- G. Appropriations. The Council of the Cherokee Nation may appropriate such sums as may be necessary to carry out the Emergency Assistance program requirements of this Act.
- H. (1) For Fiscal Year 2004, \$210,000 has been appropriated for General Assistance and this sum shall be made available for implementation of this enactment. The Emergency Assistance Program is hereby funded at a level of \$165,000 and the Community Assistance Support Projects is funded at a

level of \$45,000, respectively. For the Community Support Projects authorized herein, the sum of \$45,000 (\$3,000 per Council Member) is allocated by District representation. The Community Support Project fund may be used for financial assistance to support local communities as provided under Section 4 (8).

(2) Additional appropriations are authorized as needed and justified for:

- a) Self-Help Emergency Housing Repairs,
- b) Housing Accessibility,
- c) Emergency Education Assistance, allocated, and
- d) Delegations to pay for promotional items and nominal honorariums for visitors and awards to deserving individuals or groups.

The Emergency Education Assistance funding is authorized to be appropriated and shall be allocated proportionately to the Districts based on Council representation. Future appropriations for programs or expenditures under this section shall be justified and requested in the established budget processes of the Nation

(3) Any financial assistance provided under this Act is limited to such appropriations set forth in the annual comprehensive budget. Funding for this enactment for subsequent Fiscal Years shall be contingent on the availability of tribal funds and priorities of spending as provided in future comprehensive annual budgets of the Cherokee Nation.

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

Legislative Act #11-03 §4 is hereby amended as follows:

- B.** An increase in the **Motor Fuels Tax Fund** budget authority of **\$350,000** for Water and Sanitation in the amount of \$100,000, Dentures in the amount of \$100,000 and Emergency Housing in the amount of \$150,000. The Emergency Housing appropriation is to be administered by the Cherokee Nation Housing Rehab Program, and used only when it is deemed that federal funds cannot be utilized for an eligible recipient, or when the use of federal funds would delay the project significantly resulting in imminent risk to health or safety. pursuant to policies previously developed and adopted by the Community Services Committee and subsequent qualifying applications are to be presented to such committee for final approval.

Legislative Act #34-02 §105 (B), as amended by LA#04-03 and LA#19-03, is hereby amended as follows:

Distribution and Expenditure of Revenues.

- (3) The funds set aside under Section 105B(3) shall be allocated each year to governmental agencies or political subdivisions for expenditure on federally-and/or state-funded highway construction or maintenance projects within the Nation's Reservation Boundaries. The projects and their respective allocations hereunder shall be identified in the comprehensive annual budget approved by the Tribal

Council. These funds are to be distributed among the nine (9) Council districts located within the 14-county area. equally between Councilors for appropriation. Policies and procedures shall be developed by the Cherokee Nation Roads Department.

- (4) The funds set aside under Section 105B(4) shall be allocated among the counties and municipalities within the Nation's Reservation Boundaries and/or to the Marshal Service in accordance with and as appropriated in the comprehensive annual budget of the Cherokee Nation. These funds are to be distributed among the nine (9) Council districts located within the 14-county area. equally between Councilors for appropriation. Policies and procedures shall be developed by the Marshal Service.

Legislative Act #22-99 §3(A) , as amended by LA#25-99, 20-00, 31-00, 35-00, 33-01, and 07-02, is hereby amended as follows:

1. Policy and guidelines shall be developed by the Cherokee Nation Roads Department for the expenditure of these funds. Said policy and guidelines shall be in accordance with the Constitution of the Cherokee Nation and the Cherokee Nation Statutes and Codes.
2. Said monies are to be designated among the nine (9) Council districts located within the 14-county jurisdictional area equally between the members of the Tribal Council for projects throughout the Cherokee Nation which are deemed necessary and beneficial to the Cherokee people.
3. Up to ten percent (10%) of the funds for each approved project is hereby set aside for administration oversight by the Cherokee Nation Roads Department.
4. No funds shall be expended from these reserves without authorization from the Executive and Finance Committee.

Legislative Act #08-00 §4 is hereby amended as follows:

BE IT FURTHER ENACTED BY THE COUNCIL OF THE CHEROKEE NATION that the Education Trust Fund created by this Act will be administered by the Treasurer of the Cherokee Nation Tribal Council. The Treasurer Council shall report in regular session the status of the Education Trust Fund no fewer than on a quarterly basis.

Legislative Act #01-02 §4, as amended by LA#23-02, is hereby amended as follows:

The one time funding amount of four hundred thousand (\$400,000.00) authorized in Legislative Act 1-02 for the Cherokee Nation Graduate Scholarship Program shall be divided equally between the fifteen (15) Tribal Council Members representing the nine (9) Council Districts of the Cherokee Nation to be awarded to graduate students from those respective geographically dispersed between the Council districts according to the guidelines established by the Cherokee Nation Tribal Council Education Committee Services Group.

SECTION 6. ACCOUNTABILITY

For all assistance payments or donations from tribal sources of funds to individuals, families, organizations or other entities, the Nation, through its Treasurer, may require the recipient(s) to submit an accounting for funds received, as defined in this Act. Failure to submit such an accounting to the Treasurer within 30 days of request (or as extended by approval of the Treasurer) shall result in the future ineligibility of the recipient for future assistance.

SECTION 7. REPEALS

Legislative Act #27-07 is hereby repealed in its entirety. Such repealer shall not prohibit the continuance of the associated programs described thereunder.

SECTION 8. PROVISIONS AS CUMULATIVE.

The provisions of this act shall cumulative to existing law.

SECTION 9. SEVERABILITY.

The provisions of this Act are severable and if any part or 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 10. 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.

SECTION 11. SELF-HELP CONTRIBUTIONS.

To the extent that this Act involves programs or services to citizens of the Nation or others, self-help contributions shall be required, unless specifically prohibited by the funding agency, or a waiver is granted due to physical or mental incapacity of the participant to contribute.