



Legislation Text

File #: 20-055, Version: 1

CHEROKEE HERITAGE CENTER ACT OF 2020 **BE IT ENACTED BY THE CHEROKEE NATION:**

Section 1. Title and Codification

This legislative Act shall be titled and codified as the “**Cherokee Heritage Center Act of 2020**”, and shall be codified at Title 32, Historical Societies and Associations, Chapter 1, of the Cherokee Nation Code.

Section 2. Findings

The Council of the Cherokee Nation finds that

- A. The property, buildings and archival holdings housed at the Cherokee Heritage Center are precious and irreplaceable resources for the Cherokee Nation and the Cherokee people, with such property described as:

East 230.0 feet of E/2 of NE/4 of NW/4, less and except the South 205.20 feet thereof, in Section 15, Township 16 North, Range 22 E.I.M, Cherokee County, State of Oklahoma, containing 6.00 acres, more or less,

and

S/2 of NW/4 of NE/4 and NE/4 of SW/4 of NE/4 and the S. 400.0 feet of SW/2 of NE/4 of NE/4 and W/2 of NW/4 of SE/4 of NE/4, and a tract of land described to wit: Beginning at a point of 200.0 feet E. of the NE corner of W/2 of SW/4 of SE/4 of NE/4; thence S. 200.0 feet; thence W. 1115.0 feet, to a point 200.0 feet S. and 75.0 feet E. of the NW corner of the SE/4 of SW/4 of NE/4; thence NW on a direct line to the NW corner of said SE/4 of SW/4 of NE/4; thence E. 1190.0 feet, more or less to the point of beginning; in Section 15, Township 16N, Range 22 I.B.&M., Cherokee County, State of Oklahoma, containing 44 acres, more or less.

- B. A state of emergency exists concerning the safe storage of the Nation's archival records held at Cherokee Heritage Center due to insufficient storage facilities at Cherokee Heritage Center, requiring immediate action;
- C. Since 1963, the Cherokee National Historical Society (CNHS) has served an indispensable role in the preservation and management of the Cherokee Heritage Center and its archival holdings, particularly during periods of time in which the Cherokee Nation lacked sufficient resources to perform such functions directly;
- D. Legislative Act 15-85, making the Cherokee Heritage Center the repository of Cherokee Nation's archives, likewise served the critical objective of preserving and protecting Cherokee Nation's archives, particularly during periods of time in which the Cherokee Nation lacked

sufficient resources to perform such functions directly; and

- E. Cherokee Nation's growth, financial resources and expertise in historic preservation and museum management, warrants a transition towards its direct control and ownership of the Cherokee Heritage Center, all while preserving a vital role for a reconstituted Cherokee National Historical Society.

Section 3. Purpose

The purpose of this Act is to facilitate the transfer of Cherokee archives and collections of the Cherokee Heritage Center to Cherokee Nation. To establish a new Cherokee National Historical Society organized under the laws of the Cherokee Nation as a successor to the Cherokee National Historical Society, Inc., organized under the laws of the State of Oklahoma in 1963. To authorize Council appropriations and relevant executive branch memoranda of agreement consistent with the purposes and policies of this Act.

Section 4. Substantive Provisions

§ 1001. Establishment of Successor Cherokee National Historical Society: The Principal Chief is authorized to file articles of incorporation to establish the Cherokee National Historical Society (hereinafter "CNHS (2020)"), under the laws of the Cherokee Nation, upon the earliest of:

- A. Receiving written notice that Cherokee National Historical Society, Inc, established in 1963 under the laws of the State of Oklahoma (hereafter "CNHS (1963)"), has dissolved; or
- B. Confirming that CNHS (1963) has transferred ownership of all land, buildings, equipment, assets, collections and historic documents to the Cherokee Nation; or
- C. 30 days of enactment of this Act.

§ 1002. Structure of CNHS (2020): CNHS (2020) shall be governed by a Board of Directors, (hereafter "Board)", which shall be subject to the following requirements:

- A. The Board shall be composed of no more than seven (7) members, all of whom must be citizens of the Cherokee Nation and appointed as follows:
 - a. One appointed by the Principal Chief, Seat 1, for an initial 7 year term, and succeeding 5 year terms thereafter;
 - b. One appointed by the Council of the Cherokee Nation, Seat 2, for an initial 6 year term, and succeeding five year terms thereafter;
 - c. One appointed by the Supreme Court of the Cherokee Nation, Seat 3, for a five year term and succeeding 5 year terms thereafter; and
 - d. Four additional members shall be appointed by the aforementioned initial board members (Seats 1-3) as follows:
 - i. Seat 4, for an initial term of 4 years and succeeding 5 year terms thereafter;
 - ii. Seat 5, for an initial term of 3 years and succeeding 5 year terms thereafter;
 - iii. Seat 6, for an initial term of 2 years and succeeding 5 year terms thereafter; and
 - iv. Seat 7, for an initial term of 1 year and succeeding 5 year terms thereafter.
- B. No member of the Board shall be an elected official of the Cherokee Nation, nor be a spouse or relative within the first degree of consanguinity of an elected official of the Cherokee Nation.

- C. The Board may create such additional non-governing auxiliary bodies as it deems appropriate to support fundraising, public outreach, or to provide subject matter expertise and support.
- D. The Board may establish membership criteria for the purpose of fundraising and public engagement.
- E. The Principal Chief, Deputy Principal Chief, Speaker of the Council of the Cherokee Nation and Chief Justice of the Supreme Court of the Cherokee Nation shall serve as non-voting ex-officio members of CNHS (2020).
- F. The CNHS (2020) Board shall adopt bylaws, rules, procedures and other policies consistent with this Act, a copy of which shall be provided to the Principal Chief and the Council of the Cherokee Nation.
- G. CNHS (2020) Board members shall be entitled to any lawful reimbursement of expenses in connection with their board service and may receive compensation for said service should any such compensation be provided through the Cherokee Nation appropriation process or through such other enactment of the Council of the Cherokee Nation.

§ 1003. Express Authority: CNHS (2020) shall have the authority to:

- A. Raise funds in support of endowments and capital projects, in consultation with Cherokee Nation.
- B. Advise Cherokee Nation generally on programming, archival holdings, transfer efforts, budgetary needs, maintenance of physical plant and capital improvements.
- C. Appoint members of its Board or auxiliary bodies to search committees for the positions of Executive Director, Archivist and Collections Manager or comparable positions.
- D. Draft, review and provide comment to Cherokee Nation on job descriptions, prerequisites and compensation levels for the positions of Executive Director, Archivist and Collections Manager or comparable positions.
- E. Conduct, via executive session, confidential written annual reviews of CHC Executive Director and Archivist, to be provided to the Executive Director's, Archivists' and Collections Manager's (or comparable positions) immediate supervisors. Said annual review shall be made a part of the Executive Director and Archivists personnel file and shall not be subject to disclosure under Cherokee Nation's FOIA or Government Records Act.
- F. Develop strategic plans in consultation with Cherokee Nation.
- G. Produce a written annual report to the Principal Chief and the Council of the Cherokee Nation on the state of the entity's affairs by the conclusion of each fiscal year, including recommendations for actions to be taken in the succeeding fiscal year.
- H. Occupy reasonable office space in such Cherokee Nation facilities as the Cherokee Nation shall provide for CNHS (2020) operations.

§ 1004. Express Limitations of Authority: CNHS (2020) is expressly prohibited from:

- A. Purchasing real property.
- B. Renting or leasing real property or office space, except for property or space provided by the Cherokee Nation under an agreement made in accordance with this Act.
- C. Directly employing staff.

§ 1005. Reversion in Event of Dissolution of CNHS (2020): Upon dissolution of CNHS (2020) its assets and obligations shall revert to Cherokee Nation.

§ 1006. Archival Repository: Legislative Act 15-85 is hereby amended and Cherokee Nation shall be its own repository for the records and archives of the Cherokee Nation.

§ 1007. Strategic Operating and Capital Plan for Cherokee Heritage Center: By April 30, 2021, CNHS (2020) shall deliver to the Principal Chief and Council of the Cherokee Nation a proposed strategic plan for review and approval by the Principal Chief, following a review and comment period by the Council of the Cherokee Nation of no less than 30 days.

§ 1008. Actions Required of CNHS (1963): Within 60 days of enactment of this Act, or for such additional period of time authorized by the Principal Chief not to exceed an additional 60 days, CNHS (1963) shall:

- A. Deliver to the Principal Chief a report on the timeline for its dissolution or a report setting forth why continuation of CNHS (1963) is required to meet some legal or fiduciary obligation that cannot be met by CNHS (2020); and
- B. Cause and otherwise facilitate the transfer of all real and personal property, holdings and archives to meet the purposes and policies of this Act.

Section 5. Coordination: The Principal Chief is authorized to execute agreements or such memoranda of understanding with Cherokee Nation Businesses and other entities including but not limited to CHHS (1963) and CNHS (2020) to effectuate the purposes, obligations and policies of 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 immediately upon its approval and signatures.