



# Muscogee (Creek) Nation

*George P. Tiger*  
Principal Chief

*Executive Office*  
**Status Report**

*Roger Barnett*  
Second Chief

**Ninety Day Plan**  
**April 28, 2012**

**Presented to**  
**Members of the Muscogee (Creek) National Council**

## **Introduction**

This Status Report regarding the Ninety Day Plan that was submitted to the National Council during my first meeting with the National Council was prepared by my office to provide an overall and update of the accomplishments of my administration during the first quarter of the fiscal year.

As the members of the National Council are aware, several challenges were presented to this administration, however, this administration embraced these challenges with a spirit of improving the status and conditions of the Muscogee (Creek) Nation for the Muscogee people.

The following is a brief summary of progress made during this reporting quarter.

## **JUDICIARY**

### **1. Objective - Implement the three (3) Trial Court divisions.**

The Administration submitted legislation to re-organize the District Court into three (3) Trial Court divisions and submitted it to the National Council for approval. This legislation was approved by the National Council. Judge Greg Bigler is currently serving as one of the three judges. Currently, resumes for Judges are being considered for the other two appointments.

### **2. Objective - Appoint a Special Judge to the District Court.**

This administration submitted a name to the National Council for approval. This appointment was approved and Greg Bigler was confirmed to serve as the Special Judge to the District Court. *(Upon implementation of the Three Trial Courts Legislation – a Special Judge was no longer needed)*

### **3. Objective - Supreme Court Nominations**

I appointed Justice Andrew Adams (January) and Richard Lerblanc (February) to the Muscogee (Creek) Nation Supreme Court, and the National Council confirmed the nominations.

4. **Objective – Audit**

On March 15, 2012 under the authority of MCNCA Title 26 §5-109, I directed the Controller to conduct an audit of the Judiciary. Sartain & Fischbein has been selected to complete the audit and an engagement letter has been executed. Key officials and Tom Goekler from Sartain & Fischbein have met to determine the scope and documents that are being requested from the Courts.

5. **Objective - At-Large Council Representation**

I have prepared legislation for a constitutional amendment that would reduce at-large representation that will be presented to the National Council in May.

6. **Objective - Legal Review Commission**

Legislation is being drafted and is 50% complete to establish a Legal Review Commission. The Commission will receive and investigate allegations of judicial misconduct and when appropriate can recommend intervention or discipline by the Supreme Court or the removal or mandatory recusal of a judge by the Court on the Judiciary. The Commission will have jurisdiction to investigate the conduct of all persons subject to the Muscogee (Creek) Nation Judicial Rules of Conduct.

**COMMUNITIES**

1. **Objective - Community Meeting**

On March 23, 2012, I met with the leadership and members of all Muscogee (Creek) Communities to solicit their input into needed reforms and to listen to community concerns. Other meetings are being scheduled to facilitate the facility use agreements in a timely manner.

2. **Objective - Department of Community Development**

Jerry Wilson, Executive Director is working on a draft on departmental policies and procedures for the Department of Community Research and Development to utilize with the goal of providing technical support and guidance to the Communities. This draft will be finalized after review and recommendations from the new Director of Community Services when completed.

3. **Objective - Community Lawsuits**

In the outstanding Community lawsuit, *Ellis v. Eufaula Community Partners, Inc.*, a motion to vacate the Temporary Restraining Order entered on October 29, 2010 was granted and the Temporary Restraining Order was vacated. The Chief, employee, agents and the Controller were removed from Eufaula Community Partners bank accounts.

**4. Objective - Title 11 Facility Use Agreements**

The Attorney General's Office is working on drafts of revamped agreements that are favorable both to the Nation and the Communities. The Agreements are being tailored specifically for each Community and it's needs rather than a blanket agreement for all of the Communities. A meeting is scheduled on Thursday, May 3, 2012 with certain communities and their lawyers for negotiations of the Facility Use Agreements. Other meetings will be scheduled to follow.

**TOBACCO COMPACTS**

**1. Objective – Negotiate a Tobacco Compact with the State of Oklahoma**

The Tax Commissioner, Attorney General, In-House Legal Counsel, and I have consistently negotiated with the State of Oklahoma for a favorable compact. I have a meeting with the Governor's office on Tuesday, May 1, 2012 in Oklahoma City.

**CONTROLLER'S OFFICE**

**1. Objective - Customer Service Orientation**

James Pratt, Acting Controller has implemented a policy that all employees of the Office of Treasury practice good customer service by treating all individuals with respect regardless of their position or the individual's position as an employee or non-employee of the Nation. This policy includes going the extra mile to find answers and solutions to all requests.

**2. Objective - Management Decisions**

The Controller's Office has streamlined all management decisions to run an efficient office with timely operations. Managers and Supervisors have been hired or re-trained to accomplish the goals of the new administration.

**3. Objective - Training**

Training was held on March 22, 2012 for 2CFR Part 225 Allowable Costs (formerly known as OMB Circular A-87), with approximately 135 people in attendance. On March 23, 2012 training was held for OMB Circular 133, the Single Audit Act, with approximately 110 people in attendance. The last training was held on April 25, 2012 for Budget Planning and Submission, with 53 people in attendance. Upcoming training that is being planned with the date to be announced includes Federal Travel Regulations and Procurement Policies and Procedures.

## **BUDGETS**

### **1. Objective – Budget Call Fiscal Year 2013**

The Budget call was issued on April 12, 2012 (Executive Order 12-04) and the Budgets are due to the Office of Management and Budgets on May 15, 2012 which will be presented to the National Council no later than June 1, 2012. Training on budgets was completed on April 15, 2012

## **ENTERPRISES/ECONOMIC DEVELOPMENT**

### **1. Objective - Corporate Charters**

The corporate charters are under the auspices of the Economic Development Committee. I have appointed my designee to the Committee and have asked him to spearhead this issue and to suggest to the Committee that legal counsel be hired to complete the bylaws for the Charters and the applications.

### **2. Objective - Small Business Development Center**

Legislation has been drafted for a small business development center. However, a further study of how the development center will be funded is being completed.

### **3. Objective - Review of Banking Services**

We have interviewed approximately 10 banks thus far and we have communicated the overall financial needs of the Muscogee (Creek) Nation with regard to a comprehensive banking relationship. Additional meetings are anticipated but one important aspect of this process - the financing of the \$250 million expansion - should be completed by early summer.

### **4. Objective - Permanent Fund**

This task is closely related to the Review of Banking Services. We have met with not only commercial banks, but also with large and medium sized investment fund Management companies. We have communicated our investment goals and investment evaluation criteria to these banks and firms. Additional meetings are anticipated.

### **5. Objective - Business Models**

J.D. Colbert, Economic development Committee Chair is working with the Economic Development Committee on a draft of a business model for MNBE to further enhance our economic opportunities and goals, etc. Trade & Commerce Authority legislation to dissolve the Authority is drafted but is being further reviewed because of outstanding litigation. The corporate charters are also related to the business models and are being evaluated through the Economic Development Committee.

6. **Objective - New Business Ventures**

**THE NATION BOUGHT RIVERWALK!** Thank you to the National Council for making this happen. I will be presenting legislation next week for appropriation of the rest of the funds needed to purchase Riverwalk. *(Earlier legislation only authorized the Nation to pay 10% of the winning bid.)*

Other Business ventures are being considered and will be presented to the Economic Development Committee.

Mackey Sand Bar Property – Met with key individuals, banks, and Speaker Alexander regarding Additional development of the Mackey Sand Bar Property.

**THREE PERSON GAMING COMMISSION**

1. **Objective – Establish a Three Person Gaming Commission**

The National Council submitted proposed legislation for a three person gaming commission in April. After the April BF&J Committee meeting, I have asked Legal Counsel to prepare comments by the first week of May to Speaker Alexander and GOAB Ex-Officio Hufft regarding the current proposed three person gaming commission. I agree with the legislation; however I would like to offer a few suggestions. Upon receipt, I will forward to the Speaker and Representative Hufft.

**2<sup>nd</sup> CHIEF ROLE**

1. **Objective – Expand the responsibilities of 2<sup>nd</sup> Chief's role**

Second Chief, Roger Barnett has been given the responsibility of liaison to the Controller's office, Supervisory role over Director of Tribal Affairs with an emphasis on Tribal Construction, and the lead over the developments of the Muscogee (Creek) Nation Omniplex dome since its closure.

**HEALTH**

1. **Objective - Appoint New Health Administrator**

I have selected Seneca Smith as a top candidate for Director of Health. I will be naming Mr. Smith as Acting Director of Health starting June 1, 2012 and will be submitting his name to the National Council after a sixty day probationary period.

2. **Objective - Appoint New Advisory Board**

Upon Mr. Smith's appointment, I will work with him on creating the Advisory Board for the objective of an improved Muscogee (Creek) Nation Health Division for the Citizens of the Nation.

3. **Objective - Update Health Improvement Plan**

The Department of Health is currently working on the Health Improvement Plan, and I met with managers and supervisors this past week to discuss the improvements and continued improvements for the health care of our citizens.

**HOUSING**

1. **Objective - Expedited Application Process**

An independent consulting firm has been hired to guide Division of Housing through a Three (3) Phase process that will result in a streamlined application process as well as a thorough overhaul of our Housing policies and procedures. Phase I - The mapping of our existing work flow processes for our Four (4) core services has been completed. We have now begun Phase II - the identification and implementation of a streamlined process.

2. **Objective - Additional Funding for Housing**

We are working with the Nation's leading New Market Tax Credits firm, Baker Tilly, in regard to using New Market Tax Credits for the Okemah hospital project. Baker Tilly will assist the Nation in organizing our own Certified Development Entities so the Nation can directly apply for New Market Tax Credits.

The **New Markets Tax Credit (NMTC) Program** was established in 2000 as part of the *Community Renewal Tax Relief Act* 2000. The goal of the program is to spur revitalization efforts of low-income and impoverished communities across the United States and Territories. The NMTC Program provides tax credit incentives to investors for equity investments in certified Community Development Entities, which invest in low-income communities.

**Community Development Entities (CDEs)** apply to the CDFI Fund each year not for tax credits directly, but for an award of "allocation authority"--that is, the authority to raise a certain amount of capital, or Qualified Equity Investments (QEIs) from investors.

3. **Objective - Emergency Services**

We are reviewing this area to determine if it should be organized under Social Services.

## **HIGHER EDUCATION**

### **1. Objective – Establish a Higher Education Foundation**

Initial research into the development of a Higher Education Foundation has helped to identify what is required in order to establish an educational exempt organization under Section 501 (c) (3) of the Internal Revenue Code. The development of draft documents includes a Creek Nation Foundation Scholarship resolution, foundation handbook, and foundation brochure. A foundation internet site will be developed for easy access to the documents.

### **2. Objective - Implementing a more expedient system for scholarship funds**

Review of current policies and procedures is underway. A new document identifying and incorporating changes is being developed. Discussion with all stakeholders is on-going between Wayne Johnson, Bo Colbert and appropriate staff to determine the most expedient way to transfer funds from the Nation straight to the college and available when the students arrive.

Respectfully submitted on this 28<sup>th</sup> day of April, 2012.

  
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George Tiger, Principal Chief