

880 8/21/12



MUSCOGEE (CREEK) NATIONAL COUNCIL
Creek Capital Complex - Hwy 75 at Loop 56
P.O. Box 158
(918) 758-1410 Fax (918) 756-6812

Speaker: Sam Alexander

Second Speaker: Robert Hufft

August 21, 2012

Thomas Yahola, Chairperson
Land, Natural Resource & Cultural Preservation Committee
Muscogee (Creek) National Council

Dear Chairperson:

NCA 12-176 (attached) is being assigned to your Committee for review and consideration.

NCA 12-176 A LAW OF THE MUSCOGEE (CREEK) NATION AMENDING NCA 12-076 (A LAW OF THE MUSCOGEE (CREEK) NATION AUTHORIZING A DONATION TO THE RURAL WATER, SEWER, SOLID WASTE MANAGEMENT DISTRICT #3, SEMINOLE COUNTY)

If you have any questions regarding this legislation, please contact this office.

Sincerely,

Sam Alexander, Speaker
Muscogee (Creek) National Council

Attachments

cc: Office of the Principal Chief

BILL NUMBER NCA 12-176

TO BE INTRODUCED INTO THE MUSCOGEE (CREEK) NATIONAL COUNCIL

August 21, 2012
(DATE OF INTRODUCTION)

INTRODUCED BY: Lena Wind

SPONSOR(S): Lena Wind

COMMITTEE ON: Land, Natural Resources & Cultural Preservation

CLASSIFICATION: 35-Social Services/Public Assistance/Donations

1 **A LAW OF THE MUSCOGEE (CREEK) NATION AMENDING NCA 12-076 (A LAW**
2 **OF THE MUSCOGEE (CREEK) NATION AUTHORIZING A DONATION TO THE**
3 **RURAL WATER, SEWER, SOLID WASTE MANAGEMENT DISTRICT #3, SEMINOLE**
4 **COUNTY)**

5
6 **Be it enacted by the National Council of the Muscogee (Creek) Nation:**

7
8 **SECTION ONE. AMENDMENT. NCA 12-076 is hereby amended to read as follows:**

9
10 Section 1-101. Findings. The National Council finds that:

11
12 A. ~~ATwo~~ Two water towers just east of the ~~Butner School in~~ north and south of
13 Cromwell, OK needs to be replaced due to corrosion and contamination. The Rural
14 Water District #3 Water Board ("Board") has decided to upgrade both towers inquired
15 ~~about repairing it, but the damage is so extensive repairs may not be possible and the~~
16 ~~expense of repairs would be too costly.~~

17
18 B. Without ~~theis~~ water towers in operation, it will be very difficult for the
19 school to be in session because of the need to have good water pressure for the toilet
20 flushing and drinking water and will also affect the water supply to the Fire Department.

21
22 C. There are several Muscogee (Creek) families as well as traditional
23 churches and a ceremonial ground located in the Cromwell area.

24
25 D. The total cost of ~~replacing~~ upgrading the water towers is
26 \$333,045.00~~283,944.35~~. The Board has sought grants for this endeavor, but funding is
27 currently unavailable. However, the Board recently approved an appropriation in the
28 amount of \$80,000.00. The Town of Cromwell and the Rural Water District #3 Water
29 Board are requesting financial assistance for the remaining costs associated with the
30 ~~purchase~~upgrading of the water towers in the amount of \$203,944.35.

31

1 E. Per MCNCA Title 35 §12-103. F., the Rural Water, Sewer, Solid Waste
2 Management District #3, Seminole County, is eligible for \$5,000.00. Therefore, a waiver
3 will be required to appropriate the requested amount.
4

5 SECTION TWO. PURPOSE. The purpose of this Act is to authorize a donation to
6 the Rural Water, Sewer, Solid Waste Management District #3, Seminole County.
7

8 SECTION THREE. APPROPRIATION. The sum of Two Hundred Three Thousand,
9 Nine Hundred Forty-Four and 35/100 Dollars (\$203,944.35) is hereby appropriated from
10 the Interest on Permanent Fund Account for the implementation of this Act. All
11 unexpended funds appropriated by implementation of this Act shall be returned to the
12 Tribal Treasury and shall be available for future appropriation by the National Council.
13

14 SECTION FOUR. AUTHORIZATION. The National Council hereby authorizes the
15 Principal Chief or his designee to expend the sum of Two Hundred Three Thousand,
16 Nine Hundred Forty-Four and 35/100 Dollars (\$203,944.35) from the Interest on
17 Permanent Fund Account to the Rural Water, Sewer, Solid Waste Management District
18 #3, Seminole County, PO Box 142, Cromwell, OK 74837. The Muscogee (Creek)
19 Nation Seal shall appear on the Tower.
20

21 SECTION FIVE. ACCOUNTABILITY. The Rural Water, Sewer, Solid Waste
22 Management District #3, Seminole County, shall be accountable for the funds allocated
23 by submitting to the Office of Controller receipts for all funds expended within thirty (30)
24 days after both water towers have been upgraded purchased. Failure to comply
25 may require full restitution of any and all funds received and Payee may be prohibited
26 from receiving any future funds.
27

28 SECTION SIX. WAIVER. The National Council, with a two-thirds (2/3) vote of the
29 full council, hereby waives the requirement in MCNCA Title 35 Section 12-103, F.
30

31 SECTION TWO. EFFECTIVE DATE. This Act shall become effective immediately
32 upon proper approval and execution in accordance with the requirements of the
33 Muscogee (Creek) Nation Constitution.

August 13, 2012

Seminole County Rural Water, Sewer & SWM District #3
PO Box 142
Cromwell, Oklahoma 74837
405.944.5952

Muscogee (Creek) Nation,
National Council
Speaker S. Alexander
Rep. L. Wind
PO Box 580
Okmulgee, Oklahoma 74447

Dear Speaker Alexander & Rep. Wind,

As you know, the Muscogee National Council passed NCA 12-076, that appropriated Two Hundred Three Thousand Nine Hundred Forty Four Dollars and Eighty Five Cents (\$203,944.85) to the Rural Water District #3 in Cromwell to construct a new city water tower. The Water Board however, confronts an issue that requires your approval before continuing the project.

While in the process of satisfying the construction contract, Landmark Engineering & Expectations informed us that the cost did not include other related costs (see enclosed Fixed Price Construction Contract also see added cost faxed May 31 and emailed June 29, 2012). This event required us to explore other options before proceeding. Therefore we are requesting the National Council to authorize us to redirect the appropriated funds to accommodate the proposed spending plan (see attached Budget). Upon your authorization, any receipts for expenditures related to this project shall be submitted to the Muscogee (Creek) Nation Controller's office for your records.

If you require any additional information or have any questions please contact Cromwell Water Office RWD #3, Jennifer Mack, Manager 405 944-5352 or cell 740 816-0054.

Sincerely,

Steve Johnson,
Chairman, RWD #3

Boyce Allensworth,
Secretary, Treasurer, RWD #3

Amendment

Time Line of Events

We received the contracts from Landmark on May 3rd. The board had questions regarding the DEQ and Engineering. Landmark did not send a representative to answer the questions. May 31st we received the additional funding needed for the tower from the Creek Nation. Also on the 31st we received a fax from Landmark for additional work, removal of old tank, mixing system, logo, and cathodic protection totaling \$61,705.00. The contracts were valid until the 3rd of June. Between receiving the funds from Creek Nation and the 3rd of June the board could not have a meeting to sign the contracts due to members being out of town and the unanswered questions regarding ODEQ and Engineering. The board did have a special meeting on June 4th and Landmark sent Doug to answer questions. Doug could not answer the questions to the board's satisfaction. On June 29th we received an email stating that there were additional costs for permits, engineering and ODEQ tower requirements that were not included in the original bid that could total an additional \$55,000.00. These costs could bring the additional added cost up to \$116,705.00. The contracts Landmark sent were no longer valid, and we did not have the funds for the additional costs. At this time we began exploring other options.

We contacted Caldwell Tanks, the other company that put in a bid. They sent Bill Bailey to attend our July 12th special meeting. During our conversation with Bill on replacing the tower he presented another option, much cheaper option, refurbishing the tower for \$164,000.00. At that time he also presented a maintenance program option that would ensure the towers reliability and safety for a lifetime.

We then began exploring this refurbishing option. Three companies came out and put in bids. Caldwell Tanks came out and took samples for lead tests and did a U.T scan. The U.T scan proved that the tank was in good enough condition to be refurbished. The lead test came back positive which is why their bid for the south tower was so much higher than the bid for the north tower. All of this has brought us back to you, requesting that you to amend the appropriation for the funding you graciously donated to us to replace the south tower; so that now we may refurbish both the north and south towers, pump station #2 and move forward on acquiring an automated meter reading system (see attached budget exhibits 1, 2 and 3). Both towers will proudly display the Muscogee Creek Nation Emblem. Due to the urgency of the needed repairs on the south tower, Caldwell can begin construction the first of September. We have already ordered the pumps and VFD upgrades for pump station #2.

Water System Upgrade Project: Budget Proposal Summary

Pump Station #2	\$ 15,715.00
South Tower	\$182,805.00
North Tower	\$ 84,525.00
Automated Meter Reading System	\$ 50,000.00
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Total Budget Summary	\$333,045.00
<hr/>	

#2

Water System Major Upgrade Project: Budget Proposal

Pump Station #2:

Pump & VFD Upgrade	\$ 15,715.00
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South Tower:

Tower Rehab	\$164,000.00
Tower Telemetry System	\$ 8,525.00
Maintenance Program, 2 @ \$5140	\$ 10,280.00

North Tower:

Tower Rehab	\$ 76,000.00
Tower Telemetry System	\$ 8,525.00

Automated Meter Reading System:

Meter Reading System	\$ 50,000.00
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Total Project Budget	\$333,045.00
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Please note that Pump Station #2 requires bigger pumps and VFDs to maintain pressure to the town of Cromwell while the south tower is offline for repairs. The VFDs and telemetry systems will allow us to use technology to cut down on labor and energy costs, and better serve our customers. We would like to use the remaining money to further our technology upgrades. We are currently looking into Automated Meter Reading systems. That will allow us to get the meter readings without physically going and reading the meter. These systems also have added features that will alert us of unusual water usage, enable us to find any water leaks faster and notify customer of potential leak on their side. Which will again cut labor and energy costs and serve our customers better potentially saving them hundreds of dollars. This system will save us approximately \$1000.00 a month in labor and vehicle costs.

Fund Location for Major Upgrade Project:

Improvement Fund:

RWD #3	\$ 97,408.15
Creek Nation	\$203,944.85
Operating Account:	\$ 31,692.00

Total	\$333,045.00
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