Cherokee Nation Code Annotated
Title 62: Public Finance
Chapter 3: Deposit and Investment of Public Funds
§ 25. Responsibility and Authority for Investment Activity
Cite as: 62 CNCA § 25

A. Investment activity for the Cherokee Nation's Short-Term, Intermediate-Term and Long-Term Investment Pools shall be the responsibility of the Treasurer and is to be implemented in accordance with this statute, with guidance from the Investment Oversight Committee as provided in subsection C below. The Treasurer may delegate to other officers and/or employees of the Cherokee Nation, the authority to act in place of the Treasurer in the Investment and reinvestment of Cherokee Nation Public Funds; provided however, that the Treasurer may not delegate responsibility and/or authority for Cherokee Nation's Investment activities to any outside firm or consultant. This does not, however, prohibit the Treasurer from retaining an outside Investment Advisor with expertise and experience in the field of Investment of Public Funds.

B. In the administration of the powers to make and retain Investments, and to delegate Investment authority, the Treasurer or his/her designee shall exercise ordinary business care and prudence under the facts and circumstances prevailing at the time of the action or decision. In exercising said ordinary business care and prudence, the Treasurer or his/her designee shall consider the Long-Term, Intermediate-Term and Short-Term needs of the Cherokee Nation in carrying out its purposes. Other factors, such as expected total return on its Investments, price level trends, general economic conditions, and the safety of Principal values and Investment return, shall be considered in the Investment decision process.

C. The Treasurer shall establish an Investment Oversight Committee to be made up of three (3) people, which will include: (1) the Controller (2) the Executive Director of Financial Oversight, (3) the Attorney General or a representative from the Attorney General's Office. The Controller shall be the Chairperson of the Investment Oversight Committee. This is not a public body under the meaning of 67 CNCA § 103(B). It will be the responsibility of the Investment Oversight Committee to:

i. Recommend an Investment Policy Statement that is consistent with this statute, and that may be updated from time to time.

ii. Establish a reporting schedule to the Tribal Council.

D. The placement of Investments may be accomplished through either direct ownership, participation in pools such as mutual funds, funds managed by external Investment Managers or a combination thereof. The Treasurer or his/her designee shall have the authority to approve the retention of a new Investment Manager, fund or other Investment and/or the replacement of an existing Investment Manager, fund, or other Investment as long as they are allowed under this statute.

E. Although the Cherokee Nation cannot dictate policy to pooled/mutual fund Investment Managers, the Cherokee Nation's intent is to select and retain pooled/mutual funds with policies that are similar to this statute.

Historical Data

LA 13–85, eff. August 10, 1985. Amended LA 14–15, eff. September 15, 2015. Amended LA 32-21, eff. June 18, 2021.