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OPINION OF THE CHEROKEE NATION ATTORNEY GENERAL

Question Submitted by: Lacey Horn, Cherokee Nation Treasurer

Opinion Number: 2012-CNAG-03

Date Decided: June 25, 2012

This office has been asked for an opinion answering the following:

Does Cherokee Nation LA-01-07 allow for expenditures for inventory, appraisal, and preservation of the art collection of the Cherokee Nation?

For the reasons below, we believe that the cost to inventory, appraise, and preserve the art collection of the Cherokee Nation are expenditures allowed under LA-01-07.

ANALYSIS

The Executive Branch is working to create an inventory system for the existing Cherokee Nation owned artwork and future procurements, as required by Cherokee Nation Legislative Act 01-08. In accomplishing this, the artwork will be appraised and a preservation process will be implemented. Lacey Horn asked this office whether the cost to inventory, appraise and preserve the art collection of the Cherokee Nation would be an allowable expenditure under Cherokee Nation Legislative Act 01-07.

Cherokee Nation LA-01-08 provides that “[t]he Principal Chief shall cause to be published an inventory of all Indian art owned by the Cherokee Nation, and such listing shall be accessible to the public.” Although there is a partial inventory available, it is not a complete list. A more thorough current inventory and inventory system is necessary. In addition, the artwork needs to be appraised and a preservation process needs to be created.

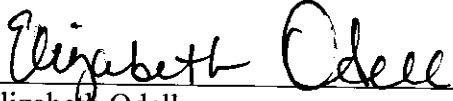
Cherokee Nation LA-01-07 (See attachment A - amending LA 25-05) requires For any construction or renovation to an existing Cherokee Nation facility or property, or any facility or property in which the Cherokee Nation is the sole or majority shareholder, the budget of such project shall set aside one (1) per cent of the total cost of construction or renovation for artwork that is historically or culturally appropriate for the facility and provided that the artwork is designed and created by Cherokee Nation citizens.

Although the act is for the procurement of the artwork, it allows for other expenditures as well. "Expenditures under this act may include the cost of the appropriate display and installation of said art work." This is a permissive provision and does not limit these expenditures to only the listed expenses. The display and installation are necessary expenses for ownership of artwork, as are inventorying, appraising, and preserving the artwork. Therefore, these other necessary expenses could be included as expenditures allowable under this provision.

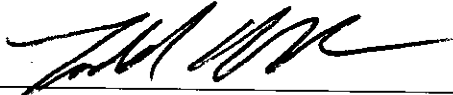
IT IS, THEREFORE, THE OFFICIAL OPINION OF THE ATTORNEY GENERAL THAT:

Cherokee Nation LA-01-07 does allow for expenditures for inventorying, appraising and preserving the art owned by the Cherokee Nation.

Respectfully submitted by:



Elizabeth Odell
Assistant Attorney General



M. Todd Hembree
Attorney General of the Cherokee Nation