

***EASTERN BAND OF CHEROKEE INDIANS  
BUDGET COUNCIL AGENDA  
Cherokee, North Carolina  
June 29, 2010  
8:30 A.M.***

- I. Call to Order - Chairman Jim Owle
- II. Prayer
- III. Roll Call
- IV. Orders of the Day

- 8:30 a.m. Tabled Res. No. 223 - Linda Lambert request for \$204,300 for right-of-way encroachment (Item No. 1)
- 8:40 a.m. Tabled Res. No. 238 - 3 % COLA for Tribal employees (Item No. 2)
- 8:50 a.m. Tabled Res. No. 287- Establishment of kidney bank program for enrolled members of the EBCI (Item No. 3)
- 9:00 a.m. Tabled Res. No. 335 - \$2 million authorized to address unmet need for specialty dental services to members of the EBCI (Item No. 4)
- 9:10 a.m. Tabled Res. No. 336 - \$2 million authorized to off set Cherokee Indian Hospital pharmaceutical loss for 2011 (Item No. 5)
- 9:20 a.m. Tabled Res. No. 337 - \$30,000 authorized to reconstruct a safe & suitable driveway to the residence of Kenneth Jumper (Item No. 6)
- 9:30 a.m. Tabled Res. No. 351 - Budget amendment # 1 for Housing - Projects (Item No. 7)

- 9:40 a.m. Tabled Res. No. 352 - Budget amendment # 2 for Housing - Projects (Item No. 8)
- 9:50 a.m. \$10,000 authorized to compensate Samuel Watty for property damages done by non-enrolled member to Big Cove Parcel No. 649-I (Item No. 9)
- 10:00 a.m. Stop spending Tribal funds to acquire land, cease all new economic development, monetary decisions and purchases have community input, future gaming activities be upon affirmation referendum vote (Item No. 10)
- 10:10 a.m. Melissa Kelley requests payment of missed per capita payments (Item No. 11)
- 10:20 a.m. Contract with Ella Charlene Smith Cabe for sale of Birdtown Community Parcel No. 16-L consisting of 8.725 acres (Item No. 12)
- 10:30 a.m. Cherokee Indian Police Department authorized to submit grant to US Dept. of Justice, Office of Community Oriented Policing Services' Community Policing Development seeking \$500,000 (Item No. 13)
- 10:40 a.m. Cherokee Indian Police Department authorized to submit grant to US Dept. of Justice, Office of Community Oriented Policing Services' Community Policing Development seeking \$200,000 (Item No. 14)
- 10:50 a.m. Fisheries & Wildlife Management department authorized to submit grant to Region IV US Fish & Wildlife Service seeking \$316,297 (Item No. 15)
- 11:00 a.m. Indian Health Service to fund Tribal Construction Scattered Sites Water & Sewer Project (Item No. 16)

11:10 a.m. Approval of the FY 2011 budget & 2% one time incentive for Tribal employees through the Tribe's Variable Pay Plan (Item No. 17)

11:20 a.m. Budget amendments:

# 6 for Youth Center - Cherokee (Item No. 18)

# 1 for Benefits & Compensation - Health Insurance (Item No. 19)

# 4 for Information Technology (Item No. 20)

# 2 for Economic Development - Administration (Item No. 21)

# 2 for Health Delivery - Analenisgi (Item No. 22)

# 5 for Tsali Care - Administrative & General (Item No. 23)

# 8 for CDOT - BIA Roads Maintenance (Item No. 24)

# 1 for CDOT - BIA Roads Construction - IRR (Item No. 25)

# 7 for EPA Planning (Item No. 26)

# 15 for Fisheries & Wildlife (Item No. 27)

# 6 for EMS (Item No. 28)

# 4 for Indirect (Item No. 29)

# 11 for General Fund (Item No. 30)

# 3 for Election Board (Item No. 31)

**Eastern Band of Cherokee Indians  
Budget Council - File Code Sheet  
Tuesday, June 29, 2010**

<b>Res./Ord. Number</b>	<b>Description of Resolution/Ordinance</b>	<b>Council Action</b>
Tabled Res. No. 223	Linda Lambert request for \$204,300 for right-of-way encroachment (Item No. 1)	
Tabled Res. No. 238	3 % COLA for Tribal employees (Item No. 2)	
Tabled Res. No. 287	Establishment of kidney bank program for enrolled members of the EBCI (Item No. 3)	
Tabled Res. No. 335	\$2 million authorized to address unmet need for specialty dental services to members of the EBCI (Item No. 4)	
Tabled Res. No. 336	\$2 million authorized to off set Cherokee Indian Hospital pharmaceutical loss for 2011 (Item No. 5)	
Tabled Res. No. 337	\$30,000 authorized to reconstruct a safe & suitable driveway to the residence of Kenneth Jumper (Item No. 6)	
Tabled Res. No. 351	Budget amendment # 1 for Housing - Projects (Item No. 7)	
Tabled Res. No. 352	Budget amendment # 2 for Housing - Projects (Item No. 8)	
	\$10,000 authorized to compensate Samuel Watty for property damages done by non-enrolled member to Big Cove Parcel No. 649-I (Item No. 9)	
	Stop spending Tribal funds to acquire land, cease all new economic development, monetary decisions and purchases have community input, future gaming activities be upon affirmation referendum vote (Item No. 10)	
	Melissa Kelley requests payment of missed per capita payments (Item No. 11)	

	Contract with Ella Charlene Smith Cabe for sale of Birdtown Community Parcel No. 16-L consisting of 8.725 acres (Item No. 12)	
	Cherokee Indian Police Department authorized to submit grant to US Dept. of Justice, Office of Community Oriented Policing Services' Community Policing Development seeking \$500,000 (Item No. 13)	
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	Budget amendments:	
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	# 1 for Benefits & Compensation - Health Insurance (Item No. 19)	
	# 4 for Information Technology (Item No. 20)	
	# 2 for Economic Development - Administration (Item No. 21)	
	# 2 for Health Delivery - Analenisgi (Item No. 22)	

	# 5 for Tsali Care - Administrative & General (Item No. 23)	
	# 8 for CDOT - BIA Roads Maintenance (Item No. 24)	
	# 1 for CDOT - BIA Roads Construction - IRR (Item No. 25)	
	# 7 for EPA Planning (Item No. 26)	
	# 15 for Fisheries & Wildlife (Item No. 27)	
	# 6 for EMS (Item No. 28)	
	# 4 for Indirect (Item No. 29)	
	# 11 for General Fund (Item No. 30)	
	# 3 for Election Board (Item No. 31)	

TABLED

CHEROKEE COUNCIL HOUSE  
CHEROKEE, NORTH CAROLINA

1.

APR 06 2010

(DATE)

RESOLUTION NO. 223 (2010)

WHEREAS, Linda Lambert is an enrolled member of the Eastern Band of Cherokee Indians and is the owner of Parcel No. 784 located in the Birdtown Community; and

WHEREAS, in 1987 the Tribe built and installed the Tribal sewer plant, and came across the property owned by Linda Lambert with sewer pipes and rip-rap; and

WHEREAS, a meeting was held in the office of the Vice Chief in October of 2009 with Linda Lambert, and Council Representatives Jim Owle and Tunney Crowe were present, as well as Attorney General Annette Tarnawsky and Robert Wilcox; and

WHEREAS, Robert Wilcox informed Linda Lambert during this meeting that a right-of-way violation had occurred on her property by the Tribe in the amount of 3,405 square feet; and

WHEREAS, at \$60 a square foot, this right-of-way encroachment totals \$204,300.

NOW, THEREFORE BE IT RESOLVED by the Eastern Band of Cherokee Indians in Council assembled, at which a quorum is present, the Tribal Council hereby appropriates the amount of \$204,300 to Linda Lambert for right-of-way encroachment on her property known as Parcel No. 784, Birdtown Community.

BE IT FURTHER RESOLVED these funds shall be taken from the EDA Sewer Grant Line Item.

BE IT FINALLY RESOLVED this resolution shall become effective upon ratification by the Principal Chief.

Submitted by: Linda Lambert

**TABLED**

2.

Cherokee Council House  
Cherokee, North Carolina

APR 06 2010

date

RESOLUTION NO. 238 (2010)

WHEREAS, Tribal employees have not received a 'cost-of-living increase,' otherwise known as a COLA; and,

WHEREAS, Tribal employees are dedicated and hard-working community members, and it is unfair that there have not been any COLA adjustments to account for increases in gas, groceries, and items that are necessary for daily life; and,

WHEREAS, the cost of living for citizens continue to increase, and it is necessary to adjust the Tribal budget to allow for an increase of 3%.

NOW THEREFORE BE IT RESOLVED by the Tribal Council of the Eastern Band of Cherokee Indians in Council assembled at which a quorum is present that the Tribal Council hereby appropriates monies for a 3% COLA increase for FY 10 Tribal employees.

BE IT FURTHER RESOLVED that funding in the amount of \_\_\_\_\_ for a 3% COLA increase shall come from the \_\_\_\_\_ line item.

BE IT FINALLY RESOLVED that this resolution shall become effective upon ratification by the Principal Chief.

Submitted by: Teresa McCoy



# AMENDED TABLED

Cherokee Council House  
Cherokee, North Carolina

3.

MAY 04 2010

Date

RESOLUTION NO. 287 (2010)

- Whereas, the EBCI has a total of 61 dialysis patients with the eldest at 79 years old and the youngest is 27 years old; and,
- Whereas, enrolled members needing a kidney are often put on a waiting list at medical facilities along with non-Indian patients needing kidneys; and,
- Whereas, Cherokee patients often die waiting and never receive a kidney; and,
- Whereas, it would be beneficial to the members of the Eastern Band of Cherokee Indians if they had their own kidney bank which would benefit only enrolled members of the EBCI; and,
- Whereas, the kidney bank office could also offer other services to these patients such as: help with phone calls for services, complaints, information for other kidneys such as the expanded kidney list; and,
- Whereas, this office can notify all other Tribes with such things as posters, flyers, and work with the enrollment office for family trees and getting relations of family who may have a match and advising family members and friends to donate kidneys while advising of life span etc.; and,
- Whereas, the manager and/or assistant can utilize the media by requesting assistance when in need of kidneys for this bank, utilize the computer/internet requesting donors, or use any other mean available or necessary to support the program; and,

Whereas, the EBCI will not be liable to any family member of anyone desiring to donate to the kidney bank and forms will be established by and made available from the Legal Department for this purpose; and,

Whereas, the Tribe will be responsible for travel expenses such as: air fare, transportation to and from destination, room, food; and in case of emergencies, the Tribe will also be responsible for other family members travel if necessary; and,

Whereas, the Principal Chief and Director of the IHS Hospital will be responsible for establishing this office in collaboration with the Dialysis Center with hopes of this office be housed at the Dialysis Center; and,

Whereas, the Program Manager will report to Tribal Council once a month on the progress of the kidney bank; and,

Whereas, the funds for this program will come from the Health Budget for a total of: \$\_\_\_\_\_; and,

Whereas, the kidney bank program budget will consist of two positions: a manager with a salary of \$55,000 to 65,000 per year and an assistant with a salary of \$35,000 to \$45,000 per year, travel at \$15,000, office supplies at \$10,000, and two computers at \$3,500; and,

Whereas, this program will be established upon ratification by the Principal Chief, and advertisements for the manager and assistant will be immediate.

NOW THEREFORE BE IT RESOLVED by the Tribal Council of the Eastern Band of Cherokee Indians in Council assembled at which a quorum present that a kidney bank program for enrolled members of the EBCI be established as stated above and funded through the funds sent to the IHS hospital through the EBCI for a total of \$\_\_\_\_\_.

BE IT FURTHER RESOLVED that Principal Chief Michell Hicks and Casey Cooper, Director for IHS will work with the staff of the Dialysis Center to set up operation in the Dialysis Center for this kidney bank program.

BE IT FINALLY RESOLVED that the manager and assistant positions will be advertised and hired upon ratified of this resolution by the Principal Chief or after the 30 day waiting period.

Submitted by: Marion Teesateskie

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AMENDMENT:

Change 'IHS Hospital' to Cherokee Indian Hospital Authority

In the BE IT FINALLY RESOLVED change 'ratified' to ratification

**TABLED**

4.

CHEROKEE COUNCIL HOUSE  
CHEROKEE, NORTH CAROLINA

JUN 01 2010

(DATE)

RESOLUTION NO. 335 (2010)

WHEREAS, Tribal leadership has consistently demonstrated a commitment to provide healthcare and dental services to members of the EBCI, and

WHEREAS, there is an identified unmet need for specialty dental services including but not limited to: root canals, crowns, and wisdom teeth extractions which the Cherokee Indian Hospital Dental program cannot provide nor fund, and

WHEREAS, Contract Health Service does not cover dental expenses and as of March 31, 2010 the CHS program had experienced negative net income of \$1.1 million, due to increased medical inflation and local demand, and

WHEREAS, the CIHA Dental Program estimates at least 3 encounters present each day with a need for specialty services at an approximate cost of \$2,000 per service, for an estimated annual expense of \$1.56 million, and

WHEREAS, Tribal Council and Executive passed legislation to secure \$25 million to construct a new Wal-Mart and Wal-Mart has chosen not to locate on the Qualla Boundary;

NOW, THEREFORE BE IT RESOLVED by the Tribal Council of the Eastern Band of Cherokee Indians in Council assembled, at which a quorum is present that the Council shall authorize an amount of \$2 million be taken from the aforementioned \$25 million line item to address this unmet need for specialty dental services;

NOW, THEREFORE LET IT BE FURTHER RESOLVED that this program is authorized until funds are expended and Tribal leadership will endeavor to sustain this program through an allocation of a recurring appropriation.

BE IT FINALLY RESOLVED this resolution shall become effective upon ratification by the Principal Chief.

Submitted by: Bill Taylor and Mike Parker, Wolfstown Council Representatives

TABLED

5.

CHEROKEE COUNCIL HOUSE  
CHEROKEE, NORTH CAROLINA

JUN 01 2010

(DATE)

RESOLUTION NO. 336 (2010)

WHEREAS, Tribal leadership has consistently demonstrated a commitment to provide healthcare and pharmacy services to members of the EBCI; and

WHEREAS, the Cherokee Indian Hospital Pharmaceutical and Therapeutics committee in collaboration with the EBCI Health and Medical Division have diligently worked to slow the growth of the annual pharmaceutical expense by actively managing the drug formulary and controlling the utilization of high cost medication; and

WHEREAS, due to medical inflation and increased utilization the Cherokee Indian Hospital Pharmaceutical Program is estimated to have a loss of \$1.7 million at the end of fiscal year 2010; and

WHEREAS, the attached five year financial forecast for the Cherokee Indian Hospital pharmaceutical program predicts the loss for 2011 to be approximately \$2 million; and

WHEREAS, continued losses will threaten the sustainability of the entire health system thereby necessitating further reductions to the pharmacy formulary; and

WHEREAS, Tribal Council and Executive passed legislation to secure \$25 million to construct a new Wal-Mart and Wal-Mart has chosen not to locate on the Qualla Boundary;

NOW, THEREFORE BE IT RESOLVED by the Tribal Council of the Eastern Band of Cherokee Indians in Council assembled, at which a quorum is present that the Council shall authorize an amount of \$2 million be taken from the \$25 million line item to off set the pharmaceutical loss for 2011.

BE IT FINALLY RESOLVED this resolution shall become effective upon ratification by the Principal Chief.

Submitted by: Bill Taylor and Mike Parker, Wolfstown Council Representatives

TABLED

Cherokee Council House  
Cherokee, North Carolina  
Date: JUN 01 2010

6.

Resolution # 337 (2010)

**WHEREAS:** Mr. Kenneth "Kenny" Jumper is an enrolled member of the Eastern Band of Cherokee Indians, and

**WHEREAS:** Mr. Jumper resided off of trust property near the Snowbird Community in Graham County, NC, and

**WHEREAS:** The Department of Social Services have granted custody of two foster children to Mr. Jumper and these children are enrolled members of the Eastern Band of Cherokee Indians, and

**WHEREAS:** The Dept. of Social Services have to have a safe and suitable means of access to the residence of Mr. Jumper, and

**WHEREAS:** The Dept. of Social Services cannot access the residence of Mr. Jumper due to the unsafe conditions of the Driveway and house site, and

**WHEREAS:** The Cherokee Dept. of Transportation (CDOT) & EBCI Engineering Department, as requested by the Tribal Roads Commission, have evaluated Mr. Jumper's driveway and come up with the attached estimation for repair.

**NOW THEREFORE LET IT BE RESOLVED:** by Tribal Council of the Eastern Band of Cherokee Indians in Annual Council assembled with a quorum present that up to **\$30,000** be appropriated to reconstruct a safe and suitable driveway to the residence of Mr. Kenneth Jumper on behalf of the enrolled member foster children residing with Mr. Jumper.

**BE IT FURTHER RESOLVED:** that Tribal Council considers these issues for enrolled members who have been granted custody of enrolled member foster children on a case by case situation in the future.

**BE IT FINALLY RESOLVED:** that the Principal Chief is directed to carry out the intent of this resolution.

Submitted by the Vice Chief Larry Blythe & Adam Wachacha, Snowbird/Cherokee County Council Representative & Tribal Roads Commission Member

Kenny Jumper driveway					
Repairs w/o paving					
Length approximately 765 feet					
grading to install ditches, flatten grade, repair fill slope					
Item	Quantity		material	installation	Amount
Mobilization @ 5% subtotal		ls			\$ 1,234.81
grading	200	cy	\$ 10.00		\$ 2,000.00
ABC	435	tons	\$ 15.75	\$ 10.00	\$ 11,201.25
Rip Rap	30	tons	\$ 19.00	\$ 19.00	\$ 1,140.00
Matting	1155	sy	\$ 0.50	\$ 4.50	\$ 5,775.00
Drainage	40	LF	\$ 10.00	\$ 17.00	\$ 1,080.00
Silt Fence	300	lf	\$ 2.00	\$ 3.00	\$ 1,500.00
Stilling Basins	2	lf		\$ 500.00	\$ 1,000.00
Seeding	1	ac	\$ 500.00	\$ 500.00	\$ 1,000.00
			subtotal		\$ 24,696.25
			10% contingencies		\$ 2,469.63
			Total		\$ 28,400.69
			Budget Estimate		\$ 29,000.00

On May 19, 2010 Barak Myers and myself inspected the house site and driveway for Kenny Jumper, located off of Mountain Creek Road in Graham County, outside of Robbinsville.

The house site is experiencing severe erosion of the fill slope in two locations, and minor erosion in all places. There does not appear to have been any efforts to control erosion during construction. No silt fence is visible except for a minor section along the driveway. The fill slopes do not appear to have been compacted. What ditching has been done is excessive and vertical walled, not sloped.

The driveway begins from an existing concreted driveway, the lower portions have no ditch and the water flows along the driveway. The middle portion has more of the same vertical walled, deep ditch. There is one cross pipe carrying drainage out thru a field adjacent to the driveway. There is a very steep section of driveway which is where the homeowner has rolled his vehicle. The driveway is narrow and needs additional stone.

Recommendations;

1. Re-grade driveway to eliminate the steepest grade and provide additional width.
2. Gravel driveway with additional ABC stone.
3. Grade ditches for the lower portion of driveway, install additional drainage pipes.
4. Install erosion control, mat and stone steep sections of ditch, install silt fence at bottom of all fills, Seed and mat steep slopes, both fill and cut, install stilling basins to minimize silt from reaching Mountain Creek.

A handwritten signature in black ink, appearing to be 'Barak Myers', located in the lower right quadrant of the page.



Beginning of driveway, note erosion of driving surface due to lack of



ditch.

Note continuing erosion due to lack of ditch, driveway is lower than adjacent



areas.

Picture showing location of single cross drainage



pipe.

Pictures showing vertical sided ditch along



driveway.



Pictures approaching steep section of



driveway.



Steep section of driveway from the



top.

Pictures showing erosion of ditches at top of



driveway.



Homeowners attempt to stop erosion.



**TABLED**

Cherokee Council House  
Cherokee, North Carolina

7.

JUN 01 2010

RESOLUTION NO. 351 (2010)

WHEREAS, there is a need to amend the FY 2010 Housing - Projects budget to set up a new project budget for The Hartness Project in Cherokee County. This will allow for the development of house sites; and,

THEREFORE BE IT RESOLVED by the Eastern Band of Cherokee Indians at which a quorum is present that the Housing - Projects FY 2010 budget amendment #1 is hereby approved as follows:

1. Addition of "Hartness Project – Cherokee County Project" as follows:
  - A. Addition of "Income – Use for Fund Balance" revenue \$340,000;
  - B. Addition of "Contracts – Hartness" expense \$340,000;

BE IT FINALLY RESOLVED that the intent of this resolution be carried out by the Budget Office

Submitted by: the Budget Office on behalf of Housing – Projects





Eastern Band of Cherokee Indians  
Unapproved Budget Transfer

Transfer No 562 - HOUSE:SET UP NEW BUDG-HARTN Area: 723 Next Area BOAP Pgm Name: HOUSING II PROJECTS

Account Number	Account Name	Current Balance	Current Budget	Amendment	Revised
723 80.723.9599.0000.923	INCOME - USE OF FUND BALANCE	\$0	\$0	(\$340,000)	(\$340,000)
723 80.723.6810.0000.923	CONTRACTS - HARTNESS	\$0	\$0	\$340,000	\$340,000
Balance of Amendment				\$0	

JUSTIFICATION: WHY IS THIS AMENDMENT BEING APPLIED?

To Set up a new project budget for the Hartness project in Cherokee County. /adding use of fund Balance.

BUDGET OFFICE USE ONLY

Log # 10-553 Amendment # 1 Approval # \_\_\_\_\_ Resolution # \_\_\_\_\_  
 Date Received 5/6/10 Date Approved \_\_\_\_\_ Processor S. Frankiewicz  
 Date Posted \_\_\_\_\_ Approval Level June Reviewed by S. Frankiewicz  
 Budget Officer Lisa Howell Date 5/18/2010  
 Executive \_\_\_\_\_ Date \_\_\_\_\_

# TABLED

Cherokee Council House  
Cherokee, North Carolina

8.

JUN 01 2010

RESOLUTION NO. 352 (2010)

WHEREAS, there is a need to amend the FY 10 Housing – Projects budget to add a new project budget for the Long – Lambert Project in Snowbird that will allow the area to be developed for house sites; and,

THEREFORE BE IT RESOLVED by the Eastern Band of Cherokee Indians at which a quorum is present that the Housing - Projects FY 2010 budget amendment #2 is hereby approved as follows:

1. Addition of “Long-Lambert Project” as follows:
  - A. Addition of “Income – Use of Fund Balance” revenue \$400,000;
  - B. Addition of “Contracts – Long Lambert” expense \$400,000;

BE IT FINALLY RESOLVED that the intent of this resolution be carried out by the Budget Office

Submitted by: the Budget Office on behalf of Housing – Projects



Eastern Band of Cherokee Indians  
Unapproved Budget Transfer

Transfer No 563 - HOUSE:USE FUND BAL LONGLAMB Area: 723 Next Area BOAP Pgm Name: HOUSING II PROJECTS

Account Number	Account Name	Current Balance	Current Budget	Amendment	Revised
700 80.723.9599.0000.924	INCOME - USE OF FUND BALANCE	\$0	\$0	(\$400,000)	(\$400,000)
80.723.6810.0000.924	CONTRACTS - LONG LAMBERT	\$0	\$0	\$400,000	\$400,000
Balance of Amendment				\$0	

JUSTIFICATION: WHY IS THIS AMENDMENT BEING APPLIED?

To set up a new project budget for the Long-Lambert Project in Snowbird.  
Adding use of fund balance

BUDGET OFFICE USE ONLY

Log # 10-554 Amendment # 2 Approval # \_\_\_\_\_ Resolution # \_\_\_\_\_  
 Date Received 5/6/10 Date Approved \_\_\_\_\_ Processor SG Frankiewicz  
 Date Posted \_\_\_\_\_ Approval Level June Reviewed by S Frankiewicz  
 Chief Officer Lisa Howell Date 5/18/2010  
 Executive \_\_\_\_\_ Date \_\_\_\_\_

9.

Cherokee Council House  
Cherokee, Qualla Boundary (NC)

Date: \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_ (2010)

WHEREAS, enrolled member Samuel Watty, possessory holder of Big Cove Parcel No. 649-I, has incurred damage to his property due to trespass by a non-enrolled person; and

WHEREAS, the Bureau of Indian Affairs Forestry Department completed a damage report for timber cut or damaged on said parcel in the amount of \$960.00; and

WHEREAS, Mr. Watty has incurred additional damages in excess of \$9,000.00 and requests that he be compensated for these losses while the Tribe pursues remedies against the non-enrolled person.

NOW, THEREFORE BE IT RESOLVED by the Eastern Band of Cherokee Indians in Council assembled, at which a quorum is present, that the Tribe compensate Mr. Samuel Watty in the amount of \$10,000.00 from \_\_\_\_\_ while it pursues legal remedies against the non-enrolled person for damages done to Big Cove Parcel No. 649-I.

BE IT FINALLY RESOLVED that this resolution shall become effective upon ratification by the Principal Chief.

Submitted by: Perry Shell, Big Cove Community Council member

## TIMBER DAMAGE REPORT

### SAMUEL WATTY

This is an ocular estimate of the timber cut or damaged on the Possessory Holding of Samuel Watty, Big Cove Community, Parcel No. 649-I, Containing .347 acres more or less. It is estimated that approximately three (3) Pickup loads of mixed hardwood firewood were cut on his holding. This estimated was made by using information gathered from the surrounding area. The local market average for a load of mixed hardwood firewood is \$80.00 a load.

Asset Value:

Fair Market Value: \$240.00

Treble Stumpage Value: \$720.00\* >

\* Total fair market value plus double value penalty.

\_\_\_\_\_  
Date

RESOLUTION NO. \_\_\_\_\_(2010)

WHEREAS, the Tribal Bingo Enterprise Board (TBE) and Tribal Gaming Commission Joint Class II Committee (hereinafter known as "Joint Class II Committee") was established by Resolution No. 470 (2008) to conduct a feasibility study concerning the development and initial phase implementation of Class II gaming in Cherokee County; and

WHEREAS, Lou Hardin and John Houser of the Joint Class II Committee submitted to Principal Chief Michell Hicks, which in turn submitted to Tribal Council an emergency resolution (Res. No. 190, 2010) which was voted on without input from the community; and

WHEREAS, as an elder of the Eastern Band of Cherokee Indians along with many others, I have experienced great disappointment with the transactions of Tribal Council in the purchase of land in Cherokee County for this Class II venture; and

WHEREAS, the concern of elders and others comes from the inaccuracy of information given regarding the purchasing of the property in Cherokee County; and

WHEREAS, the purchase of this land has placed the Eastern Band of Cherokee Indians in a grave financial position in regards to repayment of \$6.5 million for this property in Cherokee County; and

WHEREAS, several inaccuracies in Res. No. 190 (2010) regarding the feasibility study being conducted, and

WHEREAS, the truth, of Lou Harding's statement that members of the TBE/ TGC unanimously endorsed the action to implement Class II in Cherokee County is questionable, and

WHEREAS, a member of the TBE/TGC stated a feasibility study had not been presented to Tribal Council and another member had misgivings and had questions whether a unanimous decision was made by all voting members; and,

WHEREAS, according to Res. No. 190 (2010) a decision was made by Lou Harding, Steve Coleman, David Ritz, Annette Tarnawsky, Larry Blythe and Darlene Whitetree; and

WHEREAS, several member of the TBE/TGC did not participate in the decision to enter into a contractual purchase of land and securing of bank loans as stated in Res. No. 190 (2010).

NOW, THEREFORE BE IT RESOLVED by the Tribal Council of the Eastern Band of Cherokee Indians, in Council assembled at which a quorum is present that Tribal Council stop spending Tribal funds to acquire land. Cease all new economic development until certain that funding resources for present projects are adequate,

BE IT FURTHER RESOLVED that Tribal Council withdraw authorization from the Principal Chief and Legislative Branch to make monetary decisions and purchases without community input.

AND BE IT FURTHER RESOLVED that Tribal Council institute a mandatory "stop spending" in all budgetary items based on Principal Chief's Mandatory Cost Containment Memorandum of February 4, 2010 states, "the state of the economy has continued to create much concern for the tribe and its operations. Gaming and alcohol revenues are below initial projections provided by Harrah's Casino... We must decrease expenditures for FY 2010..." Such cost containments have caused interference with the ability of the tribe to provide much needed direct services for tribal members in health care and other services. If the Tribe must contain its expenditures for vital services to tribal members, then we cannot afford to go into more debt for the purchase of land and development of a game in Cherokee County.

BE IT FINALLY RESOLVED that Tribal Council recognize the wishes of the people that all future gaming activities should be upon affirmative referendum vote of the People.

*Submitted By:*  
*Amy Walker*

11.

**Cherokee Council House  
Cherokee, Qualla Boundary (NC)**

**Date:** \_\_\_\_\_

**RESOLUTION NO. \_\_\_\_\_ (2010)**

WHEREAS, Cherokee Code Section 16C-4(e) (as amended by Ordinance No. 532 (2002)) allows Tribal members who were enrolled as infants and then adopted away from the Tribe to make a claim for missed per capita distributions beyond the 60 day deadline normally imposed for the claims; and

WHEREAS, The ordinance requires the enrolled member to request a hearing with Tribal Council for examination of issues bearing on the member's eligibility to receive the missed distributions; and

WHEREAS, If the person proves certain facts to Tribal Council's satisfaction. Tribal Council may authorize payment of missed distributions to that person; and

WHEREAS, Melissa Kelley, EBCI Roll No. R06621 was born in 1976 to an enrolled member in Cherokee but was adopted away from the Tribe as an infant to a family in Greenville, South Carolina, and has only recently learned of her enrollment; and

WHEREAS, Melissa Kelley believes she satisfies the requirements expressed in the ordinance for her to request a hearing and be paid her missed per capita distributions; and

WHEREAS, Ms. Kelley asks that she be paid her missed distributions and as required in ordinance requests a hearing before Tribal Council to provide information and answer questions that Tribal Council may have on the issue.

NOW THEREFORE, BE IT RESOLVED by the Tribal Council of the Eastern Band of Cherokee Indians assembled, at which a quorum is present, that Tribal Council shall schedule a hearing with Melissa Kelley to examine her request as outlined in this resolution and shall give Ms. Kelley reasonable notice of the hearing so she may make travel arrangements to attend and provide information; or, in the alternative, that Tribal Council direct that the per capita distributions that went unclaimed by Ms. Young because she did not know she was enrolled be paid to her.

BE IT FURTHER RESOLVED that all resolutions that are inconsistent with this resolution are rescinded.

Submitted by Ms. Melissa Kelley, 20 Windemere Drive, Greenville, SC, 29615  
(864) 270-2133



12.

**Cherokee Council House  
Cherokee, Qualla Boundary (NC)**

**Date:** \_\_\_\_\_

**RESOLUTION NO. \_\_\_\_\_ (2010)**

WHEREAS, the Qualla Housing Authority purchased Birdtown Community Parcel No. 16-L, consisting of 8.725 acres, more or less, with all improvements thereon, from Bonnie Smart and now desires to sell said parcel, with all improvements, to Ella Charlene Smith Cabe for good and valuable consideration; and

WHEREAS, Ella Charlene Smith Cabe is an enrolled member of the Eastern Band of Cherokee Indians; and

WHEREAS, the QHA Board of Commissioners approved the sale of the above described property to Ms. Cabe at the regularly scheduled Board meeting on \_\_\_\_\_.

NOW THEREFORE BE IT RESOLVED by the Eastern Band of Cherokee Indians in Annual Council assembled, at which a quorum is present, the Tribal Council hereby authorizes the Principal Chief, on behalf of the Tribe, to enter into a contract with Ella Charlene Smith Cabe for the sale of the above described property and to execute all necessary documents to transfer said property to Ms. Cabe.

BE IT FURTHER RESOLVED, that the BIA Realty Office and the Qualla Housing Authority is authorized to carry out the intent of this resolution.

BE IT FINALLY RESOLVED that all resolutions that are inconsistent with this resolution are rescinded, and that this resolution shall become effective when ratified by the Principal Chief.

*Submitted by the Qualla Housing Authority*

13.

Cherokee Council House  
Cherokee, North Carolina  
Date \_\_\_\_\_

Resolution No. \_\_\_\_\_(2010)

WHEREAS: The Tribal Council of the Eastern Band of Cherokee Indians is committed to improving the safety of all of its members, and

WHEREAS: The US Department of Justice, Office of Community Oriented Policing Services (COPS) is soliciting applications for funding for the Community Policing Development, and

WHEREAS: The COPS Office was established as a result of the Violent Crime Control and Law Enforcement Act of 1994 to assist law enforcement agencies in enhancing public safety through the implementation of community policing strategies in jurisdictions of all sizes across the country , and

WHEREAS: COPS provides funding to state, local, and tribal law enforcement agencies and other public and private entities to hire and train community policing professionals, acquire and deploy cutting-edge crime-fighting technologies and develop and test innovative policing strategies, and

WHEREAS: The Community Policing Development (CPD) has funding opportunities for agencies up to \$500,000, and

WHEREAS: The Cherokee Indian Police Department has identified specific needs addressed in this solicitation, and

WHEREAS: The award is to be granted in fiscal year 2011 for a two year period, and

WHEREAS: There will be no Tribal contribution to cover costs associated with this project.

NOW THEREFORE BE IT RESOLVED by the Tribal Council of the Eastern Band of Cherokee Indians in Annual Council assembled at which a quorum is present that the Cherokee Indian Police Department is authorized to seek funding from the US Department of Justice, Office of Community Oriented Policing Services' Community Policing Development,

BE IT FINALLY RESOLVED that the Principal Chief of the Eastern Band of Cherokee Indians be authorized to carry out the intent of this resolution until implemented or rescinded.

Submitted By: The Cherokee Indian Police Department