

CHEROKEE COUNCIL HOUSE  
CHEROKEE, NORTH CAROLINA

8.

October 24, 2011

**TABLED**

(DATE)

ORDINANCE NO. 26 (2011)

WHEREAS, Tribal Council passed Ord. No. 903 on August 6, 2009, entitled “Chapter 18B. Regulation of Alcoholic Beverages,” and

WHEREAS, Article 5., Sec. 18B-500 specifically pertains to Law Enforcement agents and the existing language directs that “(a) Appointment. The Attorney General of the Eastern Band of Cherokee Indians shall appoint alcohol law-enforcement agents and other enforcement personnel. Alcohol law-enforcement agents shall be designated as “alcohol law-enforcement agents”; and

WHEREAS, this section of the ordinance is not being adhered to, and the current law enforcement agent represents himself as “Chief” of the Alcoholic Law Enforcement Department; and

WHEREAS, the supervisory authority of the Alcoholic Law Enforcement Agent should rest with the Chief of Police, Cherokee Police Department, and not with the Attorney General of the EBCI, as this is a “Tribal officer” position as stated in the existing language, (c) Sec. 18B-500, which specifically reads “(c) Territorial Jurisdiction. – An alcohol law-enforcement agent is a Tribal officer with jurisdiction throughout the lands of the Eastern Band of Cherokee Indians.”

NOW, THEREFORE BE IT ORDAINED by the Eastern Band of Cherokee Indians in Annual Council assembled, at which a quorum is present, Chapter 18B. Regulation of Alcoholic Beverages, Article 5, Sec. 18B-500, shall be amended to strike the Attorney General from the following sections, and shall read as follows:

“(a) Appointment. *The Chief of Police, Cherokee Police Department, of the Eastern Band of Cherokee Indians* shall appoint alcohol law-enforcement agents and other enforcement personnel. Alcohol law-enforcement agents shall be designated as “alcohol law-enforcement agents.”

“(b) Subject Matter Jurisdiction”, the last sentence of the paragraph, replace “Attorney General” with “*Chief of Police, Cherokee Police Department.*” Sentence shall now read: “The primary responsibility of an agent shall be enforcement of the Tribal ABC laws; however, an agent may perform any law-enforcement duty assigned by the *Chief of Police, Cherokee Police Department.*”

BE IT FURTHER ORDAINED any prior resolution and/or ordinance inconsistent with this legislation is hereby rescinded.

BE IT FINALLY ORDAINED this legislation shall become effective upon ratification by the Principal Chief.

Submitted by: Tunney Crowe, Birdtown Council Representative