

TABLED

Cherokee Council House
Cherokee, North Carolina

JAN 03 2013

Date

ORDINANCE NO. 408(2013)

WHEREAS, Cherokee Code Chapter 117, Article III regulates Boards and Committees within the tribal government of the Eastern Band of Cherokee Indians; and

WHEREAS, Chapter 117 needs to be amended to eliminate the tribal statutory requirement that includes the Bureau of Indian Affairs (BIA) Agency Superintendent as a Business Committee member; and

WHEREAS, the Agency Superintendent's duties do not extent to tribal Business Committee decisions and such a committee position conflicts with BIA responsibilities.

NOW THEREFORE, BE IT ORDAINED by the Tribal Council of the Eastern Band of Cherokee Indians assembled, at which a quorum is present, that Cherokee Code Chapter 117 is amended, to read as follows:

Sec. 117-33. - Business Committee.

(a)

The Committee shall approve all sales of improvements among Tribal members together with any transfers of ownership or occupancy of any Tribal lands. The Committee shall negotiate and execute in behalf of the Tribe all leases or permits for both assigned and unassigned Tribal lands in compliance with existing Tribal law and federal law and regulations appertaining thereto and based upon the merits of each application.

(b)

The Committee shall approve leasehold estate mortgages by nonmembers when such mortgage will secure a loan to construct a business on leased premises or improve and upgrade an existing business on leased premises. Only mortgages to secure loans from licensed and accredited state or federal lending agencies shall be approved. A material factor in approving such mortgages shall be the financial statements, character and credit references of the applicant, and the Committee

shall ensure that the applicant is of good character, has the ability and experience to operate the business enterprise successfully and has sufficient capital to conduct the enterprise on a sound financial basis.

(c)

The Committee shall be composed of the Principal Chief, the Vice-Chief, the Chairman of the Tribal Council, and the Vice-Chairman of Tribal Council ~~and the Agency Superintendent in his capacity as Secretary ex-officio for the Tribe.~~

BE IT FINALLY ORDAINED that all ordinances inconsistent with this ordinance are rescinded, and that this ordinance shall become effective when ratified by the Principal Chief.

Submitted by: Office of the Attorney General