

ORDINANCE NO. 410 (2013)

WHEREAS, the Office of the Attorney General was created in the late 1990's for the purpose of providing in-house legal advice for the Tribe; and

WHEREAS, the Office of the Attorney General has provided legal advice to both the Executive Branch and the Legislative Branch of the Tribe, including advice to the various Tribal Council Committees; and

WHEREAS, the Tribal Council, in to fulfill its responsibilities under Sec. 16 of the Charter and Governing Document which authorizes the the Tribal Council to direct the management and control of all tribal property; and

WHEREAS, the Tribal Council requires legal and professional support in the exercise of its legislative authority, including among other things, legal research and preparation of legal documents; and

WHEREAS, Tribal Council has held recent discussion with the Attorney General concerning the Tribal Council's confidence in the Attorney General's Office; and

WHEREAS, Tribal Council has also expressed its intent to implement the proposed position of Legislative Counsel passed in Resolution No. 658 (2011) that would provide legal counsel to Tribal Council; and

WHEREAS, the Attorney General has indicated that when Tribal Council obtains its own counsel the Attorney General's Office will no longer provide attorneys to the Tribal Council Committee work; and

WHEREAS, if staff attorneys will no longer be provided to the Tribal Council and its committees, then the work of these bodies will be left unsupported in the areas of research support, preparation of briefing materials, resolution and ordinance development, attendance and consultation at Council committee and other meetings, and to advise Tribal Council.

NOW THEREFORE BE IT ORDAINED, by the Eastern Band of Cherokee Indians in Council assembled, at which a quorum is present that the Tribal Council authorizes the establishment of the Office of Legislative Counsel for Tribal Council.

BE IT FURTHER ORDAINED, that said Legislative Counsel will supervise and oversee the Tribal Operations Program, and provide research and legal analysis and

support of the tribal council's mission at the direction of the of and under the legislative authority of the Tribal Council.

BE IT FURTHER ORDAINED, that three (3) staff positions currently provided for in the budget for the Office of the Attorney General shall be transferred to create and staff the Office of Legislative Counsel.

BE IT FURTHER ORDAINED, that the mission and responsibilities of the Office of Legislative Counsel will be to support Tribal Council in the areas of research, preparation of briefing materials, resolution and ordinance development, attendance and consultation at Council committees and other meetings, and to advise Tribal Council.

BE IT FURTHER ORDAINED, that all other ordinances or resolutions in conflict with this ordinance are hereby rescinded.

BE IT FINALLY ORDAINED that this ordinance shall be effective upon ratification by the Principal Chief.

*Submitted by the Tribal Council*