



The Eastern Band of Cherokee Indians

Principal Chief Patrick H. Lambert

Vice-Chief Richard G. Sneed

February 6, 2016

Bill Taylor

Chairman

Wolfstown Township

Bill Taylor

Chairman of Tribal Council

Eastern Band of Cherokee Indians

Cherokee, NC 28719

Brandon Jones

Vice-Chairman

Snowbird &

Cherokee Co. Township

Chairman Taylor:

Tribal Council Members

Richard French

Big Cove Township

Teresa McCoy

Big Cove Township

Travis Smith

Birdtown Township

Albert Rose

Birdtown Township

Tommye Saunooke

Painttown Township

Marie Junaluska

Painttown Township

Adam Wachacha

Snowbird &

Cherokee Co. Township

Bo Crowe

Wolfstown Township

Anita Lossiah

Yellowhill Township

Alan B. Ensley

Yellowhill Township

Cherokee Code, Sec. 117-40., entitled "Protest and rehearing of tribal council decisions" reads as follows:

(a) "Any interested party who disagrees with a decision of the Tribal Council, or one of its appointed committees, shall have the right to one protest of the decision."

(b) "The protest must be submitted, in writing, to the Tribal Council Chairman before the next monthly session of the Council following the decision, or within 10 days of the decision, whichever is later."

(c) "Protests shall be accompanied by a written resolution stating the action or amendment sought from Council by the protesting party. Protests shall not serve to delay the implementation of legislation passed by Council."

(d) "If a decision affects the interests of multiple parties, then a protest of that decision shall not be heard or decided until a hearing is scheduled and all interested parties are provided reasonable notice of that hearing."

As provided by the above-mentioned sections, I am officially protesting Res. No. 502, passed by the Tribal Council on February 2, 2017.

As outlined by the law cited above:

Per (a) – I am an interested party disagreeing with the Council's decision, and therefore have the right to one protest.

Per (b) – I am submitting my protest to you, Chairman Taylor, within ten days of the Council decision as required.

Per (c) – Attached is a written resolution stating my requested actions/amendments from the Tribal Council.

Per (d) – Since the Principal Chief of the Eastern Band of Cherokee Indians represents each and every enrolled member, regardless of age or residence, and each and every enrolled member is “an interested” party, these enrolled members shall be provided reasonable notice of said protest hearing.

I look forward to your prompt attention to this request, and your fulfillment per the Cherokee Code.

Sincerely,

A handwritten signature in cursive script, reading "Teresa McCoy". The signature is written in dark ink and is positioned to the right of the typed name "Teresa McCoy".

Teresa McCoy

Big Cove Council Representative

Eastern Band of Cherokee Indians

CHEROKEE COUNCIL HOUSE
CHEROKEE, NORTH CAROLINA

(DATE)

RESOLUTION NO. _____ (2017)

WHEREAS, the Tribal Council of the Eastern Band of Cherokee Indians amended and passed Resolution No. 502 on February 2, 2017, which "RESOLVED" the following:

"NOW THEREFORE BE IT RESOLVED by the Eastern Band of Cherokee Indians, in Council assembled, at which a quorum is present, the EBCI Tribal Council directs Articles of Impeachment for Patrick H. Lambert be prepared and submitted for approval"; and

WHEREAS, Rules of Impeachment Proceedings were established by Res. No. 1095, passed on September 12, 2003, and these rules were based on procedures used during previous impeachment hearings; and

WHEREAS, the original version of Res. No. 502 (17) which was submitted by Vice Chairman Jones on February 2, 2017 violated the established Rules of Impeachment Proceedings passed on September 12, 2003; and

WHEREAS, even though Res. No. 502 (17) was later amended to strike certain portions of said resolution, the intent to violate the due process of Principal Chief Patrick H. Lambert remains in Res. No. 502 (17) as the proof of unfair and biased intentions by Vice Chairman Jones and other Tribal Council members; and

WHEREAS, there is evidence in the actual original Res. No. 502 (17) which proves that some members of the Tribal Council intended to use politically expedient pieces of Res. No. 1095 (03) to further the agenda of immediately impeaching Principal Chief Patrick H. Lambert without allowing him the opportunity of a fair hearing and due process, and were acting with the intention of immediately usurping executive duties from his purview; and

WHEREAS, during the morning session of the February 2, 2017 Tribal Council session, Chairman Bill Taylor told the Tribal Council that:

"... the only thing that can even be done would just be a resolution to start the process";

"You cannot draft articles without a vote of Tribal Council to move forward. That would be the only thing that I would accept today would be a resolution just to start the process. I mean, there – I mean, you can't move forward without the vote of the Tribal Council. So, that would be the only thing that I would accept"; and

WHEREAS, the actual resolution submitted on the afternoon of February 2, 2017 included the suspension of Patrick H. Lambert from his official capacity as Principal Chief of the Eastern Band of Cherokee Indians, which was not even a feasible action for consideration as a hearing had not even been scheduled; and

WHEREAS, this was a bold and blatant disregard for Principal Chief Patrick H. Lambert's right to due process, and further evidence of a conspiracy of certain Council members to remove Principal Chief Patrick H. Lambert from office at any cost; and

WHEREAS, Vice Chief Richie Sneed has publicly admitted that he also signed one of the documents being used in the impeachment proceedings against Principal Chief Patrick H. Lambert, but he has not been served Articles of Impeachment; and

WHEREAS, it is only logical that if Principal Chief Patrick H. Lambert is being investigated for this instance, Vice Chief Richie Sneed should be as well; however, this impeachment process has been tainted with unfair and biased actions since its beginning; and

WHEREAS, during the Tribal Council meeting held on February 2nd, 2017, many enrolled members were denied the opportunity to speak, violating Ord. No. 152 (16), Sec. 117-45.3 – Code of Ethics, (d) (4) which clearly provides that "Tribal Officials of the EBCI shall provide every enrolled member a time to be heard in a formal setting on a tribal issue"; and

WHEREAS, there is an extremely serious, ongoing federal investigation into corruption and criminal wrongdoing at Qualla Housing Authority (QHA), as outlined by the Department of Justice correspondence received in October of 2016; and

WHEREAS, on Thursday, February 2, 2017, the Federal Bureau of Investigations (FBI) conducted a raid on Qualla Housing Authority (QHA) and seized metal filing cabinets, numerous boxes of documents, computer files, and many other items which were then loaded into a U-Haul truck and confiscated; and

WHEREAS, there are Council members prepared to participate in the Impeachment Hearing of Principal Chief Patrick H. Lambert; however, these same Council members are a

part of the FBI investigation of Qualla Housing Authority as Commission members; and

WHEREAS, Principal Chief Patrick H. Lambert submitted emergency Res. No. 504 (17) on February 2, 2017 regarding the direction of Qualla Housing Authority, and several Council members (who are also members of the Qualla Housing Board of Commissioners) voted to table said legislation; and

WHEREAS, by voting to table Res. No. 504 (17), the Council members/QHA Board Members blatantly violated the Code of Ethics established by Ord. No. 152 (16), Sec. 117-45.3 – Code of Ethics (d) (14) which reads as follows: *“No Tribal Officials of the EBCI shall take any official action or participate in a decision with respect to a matter if it will have a direct and predictable effect on the financial interest, personal interest, or present a conflict of interest for the official or employee or his or her immediate family member. Any official in such situation shall recuse himself or herself from participating in a discussion and/or vote on the matter giving rise to such conflict”*; and

WHEREAS, during a recent meeting of Qualla Housing Authority, an individual Tribal Council member who is not a member of the Board of Commissioners made a move for the Tribe to pay for the legal fees incurred by an employee at Qualla Housing Authority who is part of the ongoing FBI investigation at QHA; and

WHEREAS, not only was this “move” out of order, as this individual was not a QHA Board member, the introduction and attempt to enact such a move does violate Ord. No. 152, Standards of Ethical Conduct, as follows:

Sec. 117-45.3, Code of Ethics (d)(3); “Tribal Officials of the EBCI shall protect and conserve Tribal Resources and ensure the appropriate use of Tribal Resources falling under the scope of the office of the Tribal Office”;

Sec. 117-45.3, Code of Ethics (d)(4); “Tribal Officials of the EBCI shall not use prestige of the office to advance personal interests of others or themselves”; and

Sec. 117-45.3, Code of Ethics (d)(11); “Tribal Officials of the EBCI shall not offer, solicit or accept, directly or indirectly, anything of value if the gift could reasonably be expected to influence the vote, official actions, or judgment of, or for, the official or could reasonably be considered a reward for any official action or inaction”; and

Sec. 117-45.3, Code of Ethics (d)(12); “Tribal Officials shall not make public policy statements that could reasonably be understood to reflect the sentiments or

intention of the EBCI as a whole without obtaining approval through appropriate procedures or mechanisms”; and

WHEREAS, as stated by Vice Chairman Brandon Jones on February 2, 2017, “... *Cherokee people deserve good leadership by both the Executive and Legislative Branch, and it’s our duties to hold each other accountable;*” and

WHEREAS, On February 2, 2017 Vice Chairman Brandon Jones also stated:

- *“I think we need to hold all of ourselves accountable...”;*
- *“... and I think it’s time Cherokee people start abiding by the law.”;*
- *“It’s time to hold Chief, Council, and everybody accountable...”;*
- *“You know, and I said that Tuesday in here. I said if you want to be angry at somebody, don’t be angry at the Chief. Don’t be angry at the Vice Chief, you know. This Council allowed this stuff to happen by not enforcing the laws. By not putting the right legislation in play in time. We’ve been lax over the years.”*

NOW, THEREFORE BE IT RESOLVED by the Eastern Band of Cherokee Indians in Council assembled, at which a quorum is present, Res. No. 502 (17) is hereby rescinded in its entirety as this is the expressed desire of the Cherokee people at community club meetings, phone calls, and community discussions.

BE IT FURTHER RESOLVED that a formal investigation be conducted on the following issues:

1. Attempt by Vice Chairman Brandon Jones to violate Res. No. 1095 (03) regarding impeachment procedures.
2. The blatant discrepancy committed by some Tribal Council members by not including Vice Chief Richie Sneed on impeachment resolution.
3. Chairman Bill Taylor’s violation of Ord. No. 152 (16), Sec. 117-45.3, Code of Ethics (d)(4), denying enrolled members the opportunity to speak on February 2nd, 2017.
4. Tribal Council members/Qualla Housing Board members that did not recuse themselves from participating and voting on Res. No. 504 (17) pertaining to the direction of Qualla Housing Authority, thus violating Ord. No. 152 (16), Sec. 117-45.3, Standards of Ethical Conduct, (d)(14).
5. Specific Council member attempted to pay for legal fees of QHA employees who are involved in the legal process with the FBI investigation, violating Ord. No. 152 (16), Sec. 117-45 (d)(3)(4)(11) and (12).

BE IT FURTHER RESOLVED funds for this investigation shall be appropriated from the _____ line item, and that an outside reputable entity conduct said investigation.

BE IT FINALLY RESOLVED depending on the results of the investigation, the Council members that are ethically allowed shall take appropriate action upon the investigation findings.

Submitted by: Teresa McCoy, Big Cove Council Representative

Attachments:

- 1. Charter & Governing Document of the EBCI**
- 2. Cherokee Code, Sec. 117-40. – Protest and rehearing of tribal council decisions**
- 3. Res. No. 502 – Resolution to Impeach Patrick H. Lambert - Amended/Passed – Feb. 2, 2017**
- 4. Res. No. 1095 – Impeachment Guidelines - Amended/Passed – Sept. 12, 2003**
- 5. Ord. No. 152 – Standards of Ethical Conduct – Passed – July 7, 2016**
- 6. Cherokee Code, Chapter 44 - Housing**
- 7. Res. No. 504 – Emergency Resolution to Address Qualla Housing Authority - Tabled – Feb. 2, 2017**
- 8. Statements made by Vice Chairman Brandon Jones and Chairman Bill Taylor, February 2, 2017**

1.

PART I - CHARTER AND GOVERNING DOCUMENT OF THE EASTERN BAND OF CHEROKEE INDIANS

Enacted and adopted May 8, 1986, by the Tribal Council of the Eastern Band of Cherokee Indians, Cherokee Council House, Cherokee, North Carolina, by Resolution No. 132 (1986), and amended by Tribal Referendum conducted October 8, 1986.

Section 1. The officers of the Tribe shall consist of a Principal Chief, Vice-Chief and twelve members of Council as follows: From Yellowhill Township two members; from Big Cove Township two members; from Birdtown Township two members; from Wolfetown Township two members; from Painttown Township two members; from Cherokee and Graham Counties, constituting one Township, two members.

Section 2. The Principal Chief or Vice-Chief and members of Council shall be elected to their respective offices by the enrolled members of the Eastern Band of Cherokee Indians, who have attained the age of eighteen (18) years. All officers elected by the Council shall hold office until the first annual council held after the next tribal election and all officers shall hold office until their successors are duly qualified.

Section 3. The election for Principal Chief and Vice Chief and Tribal Council shall be held on the first Thursday in September, 1987, and every two (2) years thereafter, under such rules and regulations as may be adopted by the council.

Section 4. There shall be an Executive Committee, which shall consist of the Principal Chief and Vice-Chief. The committee shall execute and carry out tribal laws and administer the daily operations of the Tribe.

Section 5. The representatives elected to the Tribal Council shall hold office for terms of two years. The Principal Chief and Vice Chief shall hold office for terms of four years.

Section 6. The Tribal Council shall establish a Board of Elections and enact election rules and regulations for the conduct of tribal elections. Election for Principal Chief and Vice-Chief must be by a majority of at-large votes cast by eligible voters.

Section 7. The Principal Chief shall receive as compensation for his services such sum as shall be appropriated by the Tribal Council, not to exceed one pay raise per annum. The Vice-Chief shall receive such sum as shall be fixed by the Tribal Council, not to exceed one pay raise per annum. Both the Principal Chief and Vice-Chief shall receive such traveling expenses as may be authorized by the Tribal Council. The members of the Tribal Council shall receive such

compensation as shall be appropriated by the Tribal Council, with no pay raise to take effect until the next council is seated. All other officers and employees of the Tribe shall receive compensation for their services as shall be provided by the Tribal Council.

Section 8. The seat of government of the Eastern Band of Cherokee Indians shall be centrally located within the Qualla Boundary, North Carolina.

Section 9. In order to run for or serve as Principal Chief, Vice-Chief or Tribal Council member, a candidate must be an enrolled member of the Eastern Band. For the offices of Chief and Vice-Chief a candidate must also be at least thirty-five years of age by the date of the election and have resided on Cherokee trust lands continuously for at least two years immediately preceding the date of the election. For the Tribal Council a candidate must be at least eighteen years of age by the date of election and have resided in the township which he is to represent for at least ninety days immediately preceding the date of the election.

Section 10. There shall be an Annual Council held on the first Monday in October of every year, and in cases of emergency the Principal Chief may call a Special Council, but no business can be transacted in either Annual or Special Council unless a quorum of the members shall be present, with a quorum consisting of a majority of the members of Council elected at the last preceding election. The Principal Chief shall have the right to call a Grand Council of all enrolled members to attend and he shall preside over such meeting.

Section 11. At the convening of the Annual Council a new chairman, vice-chairman and clerk shall be elected by its members and hold office until the next Annual Council; provided, that all officers elected or appointed by the Council shall serve during the pleasure of the Council and for failure to perform their duties may be removed by said Council and others elected in their stead.

Section 12. All acts of Council shall be signed by the chairman and the clerks, and countersigned by the Principal Chief or Vice-Chief.

Section 13. The Principal Chief shall have the power to veto all acts of Council but his veto shall not prevail against a two-thirds vote of Council. All acts neither ratified nor vetoed by the Principal Chief within thirty (30) days shall be deemed valid legislation.

Section 14. In the case of death, resignation or disability of the Principal Chief, the Vice-Chief shall become the Principal Chief and shall serve the balance of the elected term of office until removal or disability or his successor is elected. In case of death, resignation or disability of the Vice-Chief, the Council may elect a successor who shall serve until removal or disability or his

successor is elected. In the event the offices of both Principal Chief and Vice-Chief become vacant simultaneously, the Chairman of the Council shall become Principal Chief and shall serve the balance of the elected term of office and the Council shall elect a Vice-Chief who shall serve the balance of the elected term. If the Chairman does not meet the qualifications for the office of Principal Chief, the vacancy shall be filled by an election under rules established by the Council.

Section 15. In case of death, resignation or disability of any member of Council a new member shall be elected by the Township under such rules and regulations as may be prescribed by Council or election rules.

Section 16. The Council of the Eastern Band of Cherokee Indians shall direct the management and control of all property, either real or personal, belonging to the Tribe, but no person shall be entitled to the enjoyment of any lands belonging to the Eastern Band of Cherokee Indians as a tribe, or any profits accruing therefrom, or any monies which may belong to the Tribe, unless such person shall be an enrolled member of the Tribe, and in case any money, derived from any source whatsoever, belonging to the Eastern Band of Cherokees, shall be distributed among the members thereof, the same shall be distributed per capita among the members entitled thereto.

The first generation of an enrolled member of the Eastern Band of Cherokee Indians shall enjoy all property, both real and personal, that is held in said enrolled member's possession at their death. First generation shall include all children born to or adopted by an enrolled member.

Section 17. No person shall ever be eligible for office or appointment of honor, profit, or trust who shall have aided, abetted, counselled, or encouraged any person or persons guilty of defrauding the Eastern Band of Cherokee Indians, or themselves have defrauded the Tribe, or who may hereafter aid or abet, counsel or encourage anyone in defrauding the Eastern Band of Cherokee Indians. Neither shall any person be eligible to such office, who has been convicted of a felony.

Section 18. The Principal Chief, Vice-Chief and members of Council before entering on the duties of office shall take the following oath before some officer authorized to administer oaths: "I do solemnly swear (or affirm) that I will faithfully execute the duties of the office of _____ of the Eastern Band of Cherokees and will to the best of my ability, preserve, protect and defend the charter and governing document and laws confirmed and ratified by the enrolled members of the Eastern Band of Cherokee Indians. I do solemnly swear (or affirm) that I have not obtained my

election or appointment to Tribal office by bribery or any undue or unlawful means or fraud, and that in all measures which may come before me I will so conduct myself as in my judgment shall appear most conducive to the interest and prosperity of the Eastern Band of Cherokees."

Section 19. In order to provide equal representation to all members of the Eastern Band, the members of the Tribal Council shall, in their deliberations, cast votes on a weighted basis, with the weight of each vote determined by each Council member.

A tribal census, for the purposes of determining the weight of the votes to be cast by each Tribal Council member, shall be conducted prior to the 1981 tribal election and prior to the election each ten years thereafter to determine the number of enrolled tribal members residing in each township.

After the regular 1981 tribal election and each ten years thereafter, the Tribal Council, at its first regular meeting, shall determine the total number of votes to be cast in the Tribal Council and shall allot a voting authority to each Council member. The voting weight allotted to each Council member shall be determined by computing the mathematical ratio, fraction or proportion that exists between the number of enrolled tribal members residing in each township and the total number of enrolled tribal members. All Council members, including the Chairman, shall be entitled to vote on all issues.

Section 20. No money shall be paid out except upon warrant of the Principal Chief as authorized by an act of the Council.

Section 21. The Executive Committee shall present a proposed budget to Tribal Council no later than July 1 of each year.

Section 22. Any officer of the Eastern Band of Cherokee Indians who violates his oath of office, or is guilty of any offense making him ineligible to hold said office may be impeached by a two-thirds vote of council.

Section 23. The Tribal Council is hereby fully authorized and empowered to adopt laws and regulations for the general government of the Tribe, govern the management of real and personal property held by the Tribe, and direct and assign among its members thereof, homes in the Qualla Boundary and other land held by them as a Tribe, and is hereby vested with full power to enforce obedience to such laws and regulations as may be enacted.

Section 24. Whenever it may become necessary, in the opinion of the council to appropriate to public purposes for the benefit of the Tribe any of the lands owned by the Eastern Band of Cherokee Indians, and occupied by any individual Indian or Indians of the Tribe, the Council may condemn such land for the aforesaid purposes only by paying to the occupant of such land the value of such improvements and betterments as he may have placed or caused to be placed thereon, and the value of such improvements or betterments shall be assessed by a jury of not less than six competent persons, who are members of the Tribe, under such laws and regulations as may be prescribed by the Council. The Eastern Band of Cherokee Indians will not use eminent domain under this section or any other Tribal or Federal laws to take an individual Tribal member's possessory holding except for bridges, roads, power lines, schools, hospitals, or sewer and water lines. Each Tribal member shall receive proper notice, proper hearings, and proper compensation for their lands.

(Amended by Res. No. 480, 6-8-95; approved by Referendum 9-5-1995)

2.

Sec. 117-40. - Protest and rehearing of tribal council decisions.

- (a) Any interested party who disagrees with a decision of the Tribal Council, or one of its appointed committees, shall have the right to one protest of the decision.
- (b) The protest must be submitted, in writing, to the Tribal Council Chairman before the next monthly session of the Council following the decision, or within 10 days of the decision, whichever is later. If no protest is received within this time, then the decision of the Tribal Council or committee shall be final, except for rehearing permitted in subsection (e).
- (c) Protests shall be accompanied by a written resolution stating the action or amendment sought from Council by the protesting party. Protests shall not serve to delay the implementation of legislation passed by Council.
- (d) If a decision affects the interests of multiple parties, then a protest of that decision shall not be heard or decided until a hearing is scheduled and all interested parties are provided reasonable notice of that hearing. Notice to private parties of matters involving personal or property interest shall be accomplished by mail, telephone, or personal service at least ten days before the scheduled hearing. Notice to the public of matters involving general legislation shall be accomplished by the usual publication of the Tribal Council agenda.
- (e) If a protest to modify a Tribal Council or committee decision involving private property rights is received after the deadlines set forth in subsection (b), or if an interested party files another protest to such a decision after one protest has already been heard, then the Tribal Council shall not hear that matter unless:
 - (1) The interested party provides significant new evidence that the Tribal Council Chairman determines was not available and could not have been reasonably obtained at the time of the prior hearing; or
 - (2) The interested party demonstrates that there has been a substantial change of circumstances that the Tribal Council Chairman determines justifies a modification of the prior decision and that the modification will not constitute a taking of private property; or
- (f) Nothing in this section shall prohibit any person from proposing an amendment to general legislation of the Tribe, other than a decision involving specific private property rights.

(Ord. No. 175, 9-26-2002)

3.

AMENDED
PASSED

CHEROKEE COUNCIL HOUSE
CHEROKEE, NORTH CAROLINA

FEB 02 2017

DATE

RESOLUTION NO. 502 (2017)

WHEREAS, the Eastern Band of Cherokee Indians (EBCI) Tribal Council possesses the authority to impeach any EBCI officer who violates his oath of office, or is guilty of any offense making him ineligible to hold said office by a two-thirds vote of Tribal Council. Charter of Governing Document of the Eastern Band of Cherokee Indians, sect. 22 (Oct. 8, 1986), *see also* sect. 1 outlining EBCI officers.

WHEREAS, the EBCI Tribal Council is vested with full power to enforce obedience to such laws and regulations as may be enacted. *Id.* at sect. 23.

WHEREAS, on January 18, 2016, the Office of Internal Audit completed Tribal Council's requested investigation and submitted the findings to the EBCI Tribal Council.

WHEREAS, the Office of Internal Audit determined that Patrick H. Lambert solely operated the EBCI's day to day duties by solely executing personnel actions requiring Executive Committee approval without the knowledge or input of the Vice-Chief, by failing to conduct a formal interview and reference check requirements, authorizing a salary before budget approval, assigning an interim manager while manager position remained filled, pay raises authorized without documented justification, and changing the organizational structure without Tribal Council approval. OFFICE OF INTERNAL AUDIT, HUMAN RESOURCES ACTIONS INVESTIGATION (2017).

WHEREAS, the Office of Internal Audit found Patrick H. Lambert's actions or inactions violated the Charter and Governing Document and the Personnel Policies and Procedures for the Eastern Band of Cherokee Indians adopted by EBCI Tribal Council Ordinance 154 (May 3, 2012) and codified in the Cherokee Code Chapter 96. *Id.*

WHEREAS, the Office of Internal Audit also determined Patrick H. Lambert executed contracts without Business Committee approval and allowed contract expenditures to exceed contract value. OFFICE OF INTERNAL AUDIT, TRIBAL CONTRACTS INVESTIGATION (2017).

WHEREAS, the Office of Internal Audit found Patrick H. Lambert's actions violated the Cherokee Code §117-19, EBCI Fiscal Management Policies and Procedures, and the Office of the Attorney General Contract Policies and Procedures. *Id.*

~~WHEREAS, the EBCI Tribal Council possesses sole authority to direct the management and control of all property, either real or personal, belonging to the EBCI including EBCI finances. Charter and Governing Document sects. 16 and 20.~~

~~WHEREAS, in order to prevent further Charter and Code violations, and to protect the assets and property, both real and personal, belonging to the EBCI, Patrick H. Lambert needs to be restricted on his authority and access to EBCI resources, including all real and personal property, and the ability to bind the EBCI to any agreements during the impeachment process.~~

~~WHEREAS, suspending Patrick H. Lambert from office pending impeachment proceedings to insure no further Charter and Code violations and to protect EBCI property both real and person is in the best interest of the EBCI and the EBCI members.~~

NOW THEREFORE BE IT RESOLVED by the Eastern Band of Cherokee Indians, in Council assembled, at which a quorum is present, the EBCI Tribal Council directs Articles of Impeachment for Patrick H. Lambert be prepared and submitted for approval.

BE IT FURTHER RESOLVED the EBCI Tribal Council shall retain a Special Impeachment Prosecutor to present evidence of charges contained in the Articles of Impeachment.

BE IT FURTHER RESOLVED that Patrick H. Lambert shall be permitted to retain legal counsel at his own expense to present any defense and answers to the charges contained in the Articles of Impeachment at a time designated by the EBCI Tribal Council.

~~BE IT FURTHER RESOLVED that Patrick H. Lambert is suspended from office pending the conclusion of the Articles of Impeachment hearing and that the duly elected Vice-Chief Richard Sneed shall act as Principal Chief.~~

~~BE IT FURTHER RESOLVED that Patrick H. Lambert shall return all EBCI property to the Vice Chief pending the outcome of the Impeachment proceedings.~~

BE IT FURTHER RESOLVED the EBCI Tribal Council shall hold a future hearing pursuant to Eastern Band of Cherokee Indians, Tribal Council Resolution No. 1095 (2002).

BE IT FURTHER RESOLVED that because Patrick H. Lambert has a conflict of interest in this matter, the Vice-Chief is authorized to ratify this resolution and signature authority on behalf of the EBCI for any other documents related to this resolution as may be required.

BE IT FINALLY RESOLVED that all resolutions in conflict with this resolution are rescinded
and that the Vice Chief shall carry out the intent of this resolution.

Submitted by: Vice-Chairman Jones

The attached Resolution/Ordinance No. 502 dated FEBRUARY 2, 2017 was:

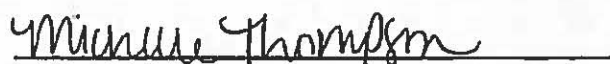
PASSED (X)


KILLED ()

 ratified in open Council on FEBRUARY 2, 2017 by 80 voting for the act and 20 members voting against it as follows:

VOTE	FOR	AGAINST	ABSTAIN	ABSENT
Teresa McGoy		X		
Richard French		X		
Travis Smith	X			
B Ensley	X			
Anita Lossiah	X			
Brandon Jones	X			
Bill Taylor	X			
Bo Crowe	X			
Adam Wachacha	X			
Albert Rose	X			
Marie Junaluska	X			
Tommye Saunooke		X		
	80	20	0	0


TRIBAL COUNCIL CHAIRMAN


ENGLISH CLERK


PRINCIPAL CHIEF
VETO UPHELD () VETO DENIED ()

APPROVED (✓) VETOED ()

DATE: Feb 2, 2017

I hereby certify that the foregoing act of the Council was duly:

PASSED ()

KILLED ()

and ratified in open Council after the same has been interpreted by the Official Interpreter and has been fully and freely discussed.


INTERPRETED ()


OMITTED ()

4.



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Cherokee Agency
Cherokee, North Carolina 28719

IN REPLY REFER TO:

Administration

November 7, 2003

Mr. Michell Hicks, Principal Chief
Eastern Band of Cherokee Indians
P.O. Box 455
Cherokee, N.C. 28719

Dear Chief Hicks:

We are returning for your permanent files a copy of the Resolution No. 1095 (2002), which was Passed by the Tribal Council of the Eastern Band of Cherokee Indians on September 12, 2003 and has subsequently been properly ratified.

Resolution No. 1095 (2002) states that the attached Rules of Impeachment Proceedings are hereby adopted.

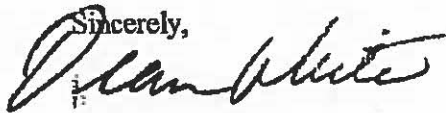
Alycia LaCounte of the law firm of Brown & LaCounte is selected as the Special Impeachment Prosecutor and a budget of \$47,000.00 for contract expenses of the Special Impeachment Prosecutor is established in the Tribal Council budget with funding to be taken from the _____ line item.

The Vice Chief is authorized to carry out the intent of this resolution.

Amendment:

- Fill in the blank of the resolution with "Tribal match reserve".
- Amend No. 2 on the "Rules of Impeachment Proceedings as follows:
"Impeachment proceedings shall commence upon approval of Articles of Impeachment by the Tribal Council by a majority vote of Tribal Council.

This resolution shall become effective upon ratification by the Principal Chief.

Sincerely,

Superintendent

cc: Tribal Attorney w/copy of resolution
Tribal Operations w/copy of resolution

**AMENDED
PASSED**

Cherokee Council House
Cherokee, Qualla Boundary (NC)

Date: SEP 12 2003

RESOLUTION NO. 1095(2003)

WHEREAS the Charter and Governing Document provides that any officer of the Eastern Band of Cherokee Indians who violates his oath of office, or is guilty of any offense making him ineligible to hold said office, may be impeached by a two-thirds vote of the Tribal Council; and

WHEREAS the Tribal Council has discussed possible impeachment of Principal Chief Leon D. Jones and Tribal Council Member Bob Blankenship based on recent events; and

WHEREAS the Rules of Impeachment Proceedings attached to this Resolution have been developed based on the procedures used during a prior impeachment proceeding in 1995; and

WHEREAS the Tribal Council has published a request for proposals for Special Impeachment Prosecutor to prepare Articles of Impeachment, and if those articles are approved by the Tribal Council, to prosecute the impeachment hearings for a final decision on whether these officials should be removed from office; and

WHEREAS consistent with the procedures followed in the 1995 impeachment proceeding, the Vice Chief should be authorized to ratify and carry out this action because the Principal Chief has a conflict of interest.

NOW THEREFORE BE IT RESOLVED by the Cherokee Tribal Council in annual council assembled at which a quorum is present that the attached Rules of Impeachment Proceedings are hereby adopted.

BE IT FURTHER RESOLVED that Alycia LaCounte of the law firm of Brown & LaCounte is selected as the Special Impeachment Prosecutor, and a budget of \$47,000.00 for contract expenses of the Special Impeachment Prosecutor is established in the Tribal Council budget with funding to be taken from the _____ line item.

BE IT FURTHER RESOLVED that because the Principal Chief has a conflict of interest in this matter, the Vice Chief is authorized to ratify this resolution and sign on

behalf of the Tribe any other documents related to this resolution as may be required.

BE IT FINALLY RESOLVED that all resolutions in conflict with this resolution are hereby rescinded and that the Vice Chief is authorized to carry out the intent of this resolution.

Submitted by Albert Crowe, Tribal Council Chairman

RULES OF IMPEACHMENT PROCEEDINGS
September 11, 2003

1. The chairman of the Tribal Council shall preside over the impeachment proceedings and shall be eligible to vote on the impeachment.
2. Impeachment proceedings shall commence upon approval of Articles of Impeachment by the Tribal Council.
3. Nine Tribal Council members shall constitute a quorum for impeachment proceedings.
4. Tribal Council shall retain a Special Impeachment Prosecutor to present evidence of charges raised by the Articles of Impeachment.
5. The Articles of Impeachment may not be amended once the impeachment hearing has convened.
6. The Defendant may submit written response to the Articles of Impeachment and may appear and answer the Articles either in person or by attorney.
7. The Tribal Council shall fix a time and place for the impeachment hearing and provide reasonable written notice to the Defendant or his attorney.
8. The Tribal Council may subpoena witnesses for the impeachment hearing in accordance with §117-17 of the Cherokee Code and shall issue subpoenas on behalf of the Defendant upon written request from the Defendant or his attorney.
9. All witnesses shall present their testimony to the Tribal Council at the impeachment hearing only after being administered an oath or affirmation by the Tribal Council.
10. Testimony of witnesses will be presented by the respective attorneys, who will conduct direct and cross examinations of witnesses. Upon completion of examinations by the attorneys, individual Council members may examine witnesses at the discretion of the Chairman. Individual Council members may not examine a witness after relinquishing the floor to the Chairman, who shall then recognize other Council members for questions to that particular witness.
11. The Special Impeachment Prosecutor and Defense Counsel shall file a written list of witnesses they intend to or may call to testify at the hearing. The list shall be filed with the Chairman and opposing counsel not less than forty-eight hours prior to commencement of the hearing. Attorneys may not present witnesses for testimony who are not included on their witness list.

12. The Special Impeachment Prosecutor and Defense Counsel may introduce evidence in the form of documents, photographs, memorandum, etc., which shall be admitted following the guidelines of the Federal Rules of Evidence. Attorneys may also object to the admission of evidence.
13. The Chairman shall rule on all questions and objections to evidence. The Chairman may confer with and seek a recommendation from the Tribal Attorney General before entering a ruling on any question of evidence, who shall offer an open recommendation to the Chairman on the questions or objections.
14. The Tribal Council, the Defendant or their respective attorneys may request the Tribal Attorney General to provide a written legal opinion concerning procedural matters germane to the impeachment process and questions involving tribal law or federal Indian law that may be relevant to the impeachment proceedings. All requests for legal opinions shall be addressed to the Chairman, who shall coordinate such requests with the Tribal Attorney General. Such legal opinion shall be provided by the Tribal Attorney General within a reasonable time as an independent, impartial legal opinion and shall be provided to the Tribal Council, the Defendant and the respective attorneys.
15. Following the impeachment hearing, the Tribal Council shall vote on whether to remove the defendant based on the charges listed in the Articles of Impeachment and shall announce its judgment by issuing a written order.
16. Removal by impeachment shall require an affirmative vote of two-thirds of the Tribal Council members voting.

Amendments.

- Fill in the blank of the resolution with "Tribal match reserve ."
- Amend No. 2 on the "Rules of Impeachment Proceedings" as follows:
"Impeachment proceedings shall commence upon approval of Articles of Impeachment by the Tribal Council *by a majority vote of Tribal Council*."

Purpose

Alysia E. LaCounte

To represent the Tribal Council of the Eastern Band of Cherokee Indians in Impeachment Actions.

Experience

1996 to present *Brown & LaCounte, LLP* *Madison, Wisconsin*
Partner

- Served as Special Counsel for the Ho-Chunk Tribe of Wisconsin for the removal of the President of the Tribe for the General Council. Successfully defended the removal in both trial and appellate courts. *Lonetree v. General Council of the Ho-Chunk Nation*, Ho-Chunk Tribal Court.
- Served as Defense Counsel for Chairman of the Turtle Mountain Band of Chippewa in two removal actions. Successfully defeated the first attempt at trial and appellate level. The Second attempted removal was settled by the newly elected Tribal Council after the same Chairman's re-election in the subsequent election. *LeNoir v. Monette and Monette v. LeNoir*, Turtle Mountain Band of Chippewa.
- Serve as a Special Prosecutor for the Lac du Flambeau Band of Lake Superior Chippewa for all necessary cases assigned.
- Serve as Special Counsel to the Grand Traverse Band of Ottawa and Chippewa when the Tribal Council sued the Court. The matter was resolved through a Memorandum of Understanding between the parties. *Tribal Council of Grand Traverse Band of Ottawa and Chippewa Indians v. Grand Traverse Court*.
- Serve as Counsel to Petitioners in an action against the BIA to force an election to revise a Tribal Constitution. Successfully received Order to force the Secretarial Election and did an Order to Compel the Petitioners. *King v. Norton*, E.D. of Michigan.
- Served as Special Counsel to the Oneida Tribe in an Investigation and Termination Actions of Assistant General Managers of the Enterprise Division of the Tribe and represented the General Manager. *Powless and Strong v. Gollnick*, Oneida Appeals Commission.
- Focus of the Entire Practice is Indian law.
- Attorney for Isleta Pueblo's Code project. Work is to develop extensive codes allowing the Court to function and the government to enforce its orders.
- Provides Litigation Counsel, employment law, administrative law against federal and state agencies, and program support for Tribes working with Federal and State funding.
- Primary Supervisor for all staff attorney work.
- Served as the Indian Law Section Newsletter Editor.
- Represent and have represented Tribes, Tribal Business, Tribal Colleges, and Indian-owned businesses in Wisconsin, Michigan,

Kansas, North Carolina, New Mexico, and North Dakota.

- Served as a hearing officer for Oglala Lakota College, as a Judge Pro-Tem for Ho-Chunk, and as a Board Member of the Indian Law Section of Wisconsin Bar.
- I am an enrolled member of the Turtle Mountain Band of Chippewa Indians. Brown & LaCounte, LLP is entirely owned by Indians enrolled in Federally recognized Indian Tribes.

1992 to 1996 *Wisconsin State Public Defender* Jefferson, Wisconsin
Staff Attorney

- General Criminal Defense work, extensive trial work, motion practice, and negotiations.
- Significant Civil Defense work in civil commitments and child protection cases.
- Served on State Bar Committee for Non-violence in the Judicial System.

1991 *Summer internship Portage County D.A.* Stevens Point, WI
Law Clerk

- Prosecution of criminal matters including trials, motion practice, and complaint drafting

Education

1989 to 1992 *University of Wisconsin* Madison, Wisconsin

- Juris Doctorate.
- Received the Olson Award for Outstanding Indian Student from the Faculty for 1992.
- Received the Multi-Cultural Award for service to the Minority Community for 1992.
- Served as the President of the Native American Law Student Association 1990-1991.
- Assisted the Faculty in the creation of the Great Lakes Indian Law Center.
- Volunteer for Unemployment Clinic.

1985 to 1989 *Concordia College* Moorhead, Minnesota
Bachelors of political science and French, cum laude.

Interests

Modern Indian Art, Traditional Indian Bead Work, Gardening, Competitive Sports, Coaching Youth Sports, and the Study of all Religions.

The attached Resolution/Ordinance No. 1095 dated September 12, 2003 was:

PASSED (☒)

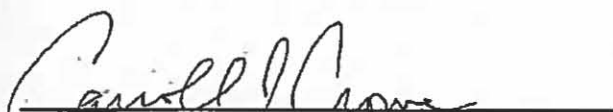
KILLED (☐)

and ratified in open Council on September 12, 2003 by 80 voting for the act
and 6 members voting against it as follows:

VOTE	FOR	AGAINST	ABSTAIN	ABSENT
Teresa McCoy	X			
Rich Panther				X
Jim Owle	X			
Brenda Norville	X			
Alan Ensley	X			
Larry Blythe	X			
Bob Blankenship				X
Glenda Sanders		X		
Albert Crowe	X			
Dwayne Jackson	X			
Marie Junaluska	X			
Tommye Saunooke	X			
TOTAL	80	6	0	14


TRIBAL COUNCIL CHAIRMAN


ENGLISH CLERK


PRINCIPAL CHIEF

APPROVED (☒) VETOED (☐)

VETO UPHOLD (☐) VETO DENIED (☐)

DATE: 9/18/03

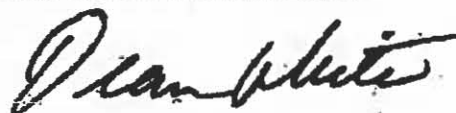
I hereby certify that the foregoing act of the Council was duly:

PASSED (☐)

KILLED (☐)

and ratified in open Council after the same has been interpreted by the Official Interpreter and
has been fully and freely discussed.

In testimony, whereof, I have hereunto set my hand and affixed the seal of the said Band
of Indians. Superintendent, Cherokee Indian Agency.



INTERPRETED (☐)

OMITTED (☐)

5.

PASSED
JUL 07 2016

CHEROKEE COUNCIL HOUSE
CHEROKEE, NORTH CAROLINA

Date: MAR 03 2016

ORDINANCE NO. 152 (2016)

- WHEREAS, Ordinance 558 (2015) was submitted in the May 2015 session of council to create and adopt a Code of Ethics for all elected officials; and
- WHEREAS, Ordinance 613 (2015) was submitted in the June 2015 session of council to establish a committee to draft a Code of Ethics with all necessary amendments to the Cherokee Code included; and
- WHEREAS, The Ethics Committee performed comprehensive studies and research resulting in amendments sections to Cherokee Code Chapter 117 which include a revised Code of Ethics; and

NOW THEREFORE BE IT ORDAINED, by the Eastern Band of Cherokee Indians in Tribal Council assembled, at which a quorum is present that in order to meet the highest standards of ethical conduct for all tribal elected officials and to provide a means whereby members of the EBCI may hold such officials accountable for their actions while performing their duties and responsibilities, Chapters 117 of the Cherokee Code be amended to include necessary changes as determined by the Ethics Committee as follows:

ARTICLE IV. - MISCELLANEOUS

~~Sec. 117-45. Code of conduct.~~

- ~~(a) No elected official, program director or executive staff employee of the Eastern Band of Cherokee Indians shall participate in the selection or in the award or administration of a contract or grant award of funds from any government agency, if a conflict of interest, real or apparent, shall be involved.~~
- ~~(b) A conflict of interest shall be deemed to arise for purposes of this section when the elected official, program director or executive staff employee or any member of their immediate family, or an organization or firm which employs such official, director, executive staff employee or family member has a financial or other interest in the firm or person selected for the contract or grant award.~~
- ~~(c) No elected official, program director, executive staff employee or any member of their immediate family shall solicit or accept gratuities, favors or anything of monetary value from contractors, potential contractors or subcontractors who are contracting to perform services or sell goods or property to the Tribe or a Tribal program.~~
- ~~(d) No elected official, program director or any member of their immediate family, shall enter into any contract for services or goods with any Tribal entity, enterprise or program for the purpose of either receiving or providing services or goods. This provision shall not apply to such persons qualifying for housing benefits from the Qualla Housing Authority or for medical benefits from the Indian Health Service or other programs available to all Tribal members.~~
- ~~(e) For purposes of this section, "immediate family" shall be defined as spouse, parent, child or brother or sister.~~

(f) Any elected official, program director, executive staff employee or member of their immediate family who violate this section shall be guilty of a misdemeanor and may be punished by the Cherokee Court of Indian Offenses, or any successor court, by a fine of no more than \$5,000.00 or 12 months' confinement, or both.

(Ord. No. 507, 9-11-1995)

Sec. 117-45. - Code of conduct. Standards of Ethical Conduct

Sec. 117 - 45.1 - Definitions.

(a) For purposes of this section, "immediate family" shall be defined as spouse, parent, child or brother or sister. the following terms have the meanings defined below:

(1) Tribal Officials. - Any individual serving in an office of the tribal government, including but not limited to any person:

- a. Holding an elective office, winning an election with a majority vote by enrolled members;
- b. Serving as a member of an authority, board, committee, commission, team or other similar body appointed by Tribal Council or the Executive Office; or
- c. Appointed by Tribal Council or the Executive Office to carry out actions, provide guidance, or assistance to the Tribal Council or the Executive Office.

(2) Tribal Resources. - Refers to instruments belonging to, held by, or received by the EBCI utilized for the economic, social, and political development of the EBCI as a community; and the tribal offices and programs of the EBCI. Such instruments may include but are not limited to the following:

- a. Land, Physical property, and services owned, provided, distributed, administered or allocated by Tribal Officials that have been paid for, subsidized, or otherwise acquired by the offices and agencies of the EBCI;
- b. Funds and other financial assets of the EBCI; and
- c. Other tribal materials made available to Tribal Officials while acting in an official capacity, which includes documentation, communications, and other records made available to a Tribal Official.

(3) Personal Interest. - Means any interest in which there exists a likelihood for direct or indirect gain of any kind, including, but not limited to, employment contracts, benefits, salaries, funding, or ownership or investment held by a Tribal Official, employee, or immediate family member of Tribal Officials.

(4) A conflict of interest shall be deemed to arise for purposes of this section when the elected or appointed official, or executive staff employee or any member of their immediate family, or an organization or firm which employs such official, executive staff employee or family member has a financial or other interest in the firm or person selected for the contract or grant award.

(5) Immediate family shall be defined as spouse, parent, child or brother or sister.

(6) EBCI - refers to the Eastern Band of Cherokee Indians and Tribe.

Sec. 117 - 45.2 - Purpose and Applicability

- (a) It is the policy of the Eastern Band of Cherokee Indians that high moral and ethical standards among the elected officials, appointed officials, and executive staff employees are necessary in order to eliminate conflicts of interest in Tribal offices, improve standards of Tribal service, preserve the sacred public trust, and promote and strengthen the faith and confidence of the members of the EBCI in their government. This Code of Ethics is to provide a mechanism whereby the Tribe may hold such officials accountable for their conduct in performing the duties and responsibilities of their tribal office.

Sec. 117 - 45.3 - Code of Ethics

- (a) ~~No elected Tribal Official, program director, or executive staff employee~~ of the Eastern Band of Cherokee Indians shall participate in the selection or in the award or administration of a contract or grant award of funds from any government agency, if a conflict of interest, real or apparent, shall be involved.
- (b) ~~No elected Tribal Official, program director, executive staff employee~~ or any member of their immediate family shall solicit or accept gratuities, favors or anything of monetary value from contractors, potential contractors or subcontractors who are contracting to perform services or sell goods or property to the Tribe or a Tribal program.
- (c) ~~No elected Tribal Official, program director or any member of their immediate family~~, shall enter into any contract for services or goods with any Tribal entity, enterprise, or program for the purpose of either receiving or providing services or goods. This provision shall not apply to such persons qualifying for housing benefits from the Qualla Housing Authority or for medical benefits from the Indian Health Service or other programs available to all Tribal members.
- (d) The following represents the very minimum standards of conduct on the part of Tribal Officials important to ensure ethical behavior and maintenance of public trust:
- (1) Tribal Officials of the EBCI shall treat service to the EBCI as a sacred public trust with fiduciary responsibility to the EBCI, which requires upholding and acting in accordance with the laws of the EBCI and engaging in the proper governance of the EBCI in a manner, which is placed above personal and private gain.
 - (2) Tribal Officials of the EBCI shall not allow financial interests to conflict with the Conscientious performance of obligations inherent in fulfilling the duties and responsibilities associated with their respective offices.
 - (3) Tribal Officials of the EBCI shall protect and conserve Tribal Resources and ensure the appropriate use of Tribal Resources falling under the scope of the office of the Tribal Official.
 - (4) Tribal Officials of the EBCI shall provide every enrolled member a time to be heard in a formal setting on a tribal issue.
 - (5) Tribal Officials of the EBCI shall not use prestige of the office to advance personal interests of others or themselves.

- (6) Tribal Officials of the EBCI shall disclose instances when they believe there has been fraud, waste, abuse, corruption, or violations of this Article to the Office of Internal Audit.
- (7) Tribal Officials of the EBCI shall respect and honor the customs and traditions of the EBCI.
- (8) Tribal Officials of the EBCI shall abide by the laws of any sovereign jurisdiction in which they are present. Tribal Officials of the EBCI shall disclose any charges and/or convictions that occur in any jurisdiction while in office to the Office of Internal Audit.
- (9) Any gift, donation, or contribution received or provided by a Tribal Official, irrespective of value, must be reported by the official who received or provided the gift, donation, or contribution to the Office of Internal Audit.
- (10) Tribal Officials of the EBCI shall not act individually, jointly or through another, threaten, intimidate, or discipline any person as reprisal for any legitimate action taken by the person.
- (11) Tribal Officials of the EBCI shall not offer, solicit or accept, directly or indirectly, anything of value if the gift could reasonably be expected to influence the vote, official actions, or judgment of, or for, the official or could reasonably be considered a reward for any official action or inaction.
- (12) Tribal Officials of the EBCI shall not make public policy statements that could reasonably be understood to reflect the sentiments or intention of the EBCI as a whole without obtaining approval through appropriate procedures and mechanisms.
- (13) Tribal Officials of the EBCI shall not withhold materials or information from the public pertaining to those items discussed in closed session unless such materials or information disclosed in closed session are deemed private in accordance with Chapter 132 of the Cherokee Code.
- (14) No Tribal Official of the EBCI shall take any official action or participate in a decision with respect to a matter if it will have a direct and predictable effect on the financial interest, personal interest, or present a conflict of interest for the official or employee or his or her immediate family member. Any official in such situation shall recuse himself or herself from participating in a discussion and/or vote on the matter giving rise to such conflict.
- (15) Tribal Officials of the EBCI may participate in private, public, civic, and/or charitable activities provided such activities do not detract from the dignity of the office or interfere with the performance of official duties.
- (16) Tribal Officials shall maintain or enhance the honesty and integrity of their respective offices; and safeguard the reputation of the EBCI as a whole.
- (17) Tribal Officials shall protect and enhance the environmental and cultural resources, whether natural or man-made, of the EBCI to ensure the security and prosperity of future generations.

- (e) Failure to meet the minimum requirements described in this Article may constitute a violation of this Code of Ethics as determined by the Office of Internal Audit as outlined below, until such time as the Office of Government Ethics is established.
- (f) Any violation of this Article will be considered a misdemeanor by the Cherokee Court, or any successor court.
- (g) Any Tribal Official, elected official, program director, executive staff employee or member of their immediate family who violates this section- Cherokee Code Article IV, Section 117.45 Code of Ethics, shall be guilty of a misdemeanor and may be punished by the Cherokee Court of Indian Offenses, or any successor court, by a fine of no more than \$5,000.00 or 12 months' confinement, or both.

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

Submitted by The Ethics Committee, established by Tribal Council

The attached Resolution/Ordinance No. 152 dated March 3, 2016 was:

PASSED (X)

KILLED ()

and ratified in open Council on JULY 7, 2016 by 69 voting for the act
and 0 members voting against it as follows:

VOTE	FOR	AGAINST	ABSTAIN	ABSENT
Teresa McCoy	X			
Richard French	X			
Travis Smith			X	
B Ensley				X
Anita Lossiah	X			
Brandon Jones	X			
Bill Taylor			X	
Bo Crowe	X			
Adam Wachacha	X			
Albert Rose	X			
Marie Junaluska	X			
Tommye Saunooke	X			
	69	0	24	7


TRIBAL COUNCIL CHAIRMAN


ENGLISH CLERK


PRINCIPAL CHIEF

APPROVED (✓) VETOED ()

VETO UPHELD () VETO DENIED ()

DATE: 7-28-16

I hereby certify that the foregoing act of the Council was duly:

PASSED ()

KILLED ()

and ratified in open Council after the same has been interpreted by the Official Interpreter and
has been fully and freely discussed.

INTERPRETED ()

OMITTED ()



EASTERN BAND OF CHEROKEE INDIANS
DISCLOSURE BY TRIBAL OFFICIALS
REPORT OF GIFTS, DONATIONS OR CONTRIBUTIONS
(Sec. 117-45.3(d)(9))

Filing Period: ☐ 1st Quarter (due January 15) ☐ 2nd Quarter (due April 15) ☐ 3rd Quarter (due July 15) ☐ 4th Quarter (due October 15)

Name of Tribal Official: _____

Office/Appointment Held: _____

☐ I have nothing to report

☐ I received the following gifts, donations, or contributions during this period:

Name of person/group giving	Description	Date Received	Amount/Value
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____

☐ I gave the following gifts, donations or contributions during this period.

Name of person/group receiving	Description	Date Given	Amount/Value
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____

Signature of Tribal Official: _____

Date: _____

Submit form to the Office of Internal Audit
738 Acquoni Road • P. 828-359-7030 • F. 828-359-0410 • E. ebci-ola@nc-chokeee.com
Form may be submitted by fax, email, hand delivery or Interoffice mail.
Attach additional pages if needed.

August 2016



OFFICE OF INTERNAL AUDIT
EASTERN BAND OF CHEROKEE INDIANS

738 Acquoni Road
PO Box 455
Cherokee, NC 28719

August 12, 2016

Executive Office
Tribal Council
Tribal Court
Eastern Band of Cherokee Indians
Cherokee, NC

We have established the processes outlined below for the reporting required by you and your appointments in accordance with Cherokee Code Sec.117-45.

•**Fraud, waste, corruption or ethical violations (117-45.3(d)(6))**

A hotline is available 24 hours 7 days a week. You can make reports by calling 1-800-455-9014 or on the web at ebci.alertline.com. You may also contact any internal audit staff.

•**Charges or convictions (117-45.3(d)(8))**

You must notify our office of any charges or convictions immediately or as soon as reasonably possible but not later than 24 hours. You can make reports by calling 828-359-7071. You must provide the charge/conviction, jurisdiction and date. If necessary you may leave a voice message with this information.

•**Gifts, donations or contributions (117-45.3(d)(9))**

You must report gifts, donations or contributions you receive or provide quarterly by the 15th day of the month following the quarter end as follows: Quarter 1 – January 15; Quarter 2 – April 15; Quarter 3 – July 15; and Quarter 4 – October 15.

Your first report is due October 15, 2016 for the 4th quarter. You must complete and sign the attached form *Disclosure by Tribal Officials: Report of Gifts, Donations or Contributions* even if you have nothing to report. You must submit the form to our office by the due date and may send by fax, email, hand delivery or interoffice mail. You should retain any receipts for your personal records.

Please contact me at 359-7071 if you have any questions or need clarification.

Regards,

Sharon Blankenship
Chief Audit Executive

cc: Other Tribal Officials

Phone: 828.359.7030
Fax: 828.359.0410
Hotline: 800.455.9014



Email: ويا@nc-chokeee.com
Website: www.ebci-ويا.com
Hotline Web: www.ebci.alertline.com



EASTERN BAND OF CHEROKEE INDIANS
DISCLOSURE BY TRIBAL OFFICIALS
REPORT OF GIFTS, DONATIONS OR CONTRIBUTIONS
(Sec. 117-45.3(d)(9))

Filing Period: ☐ 1st Quarter (due January 15) ☐ 2nd Quarter (due April 15) ☐ 3rd Quarter (due July 15) ☐ 4th Quarter (due October 15)

Name of Tribal Official: _____

Office/Appointment Held: _____

☐ I have nothing to report

☐ I received the following gifts, donations, or contributions during this period:

Name of person/group giving	Description	Date Received	Amount/Value
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____

☐ I gave the following gifts, donations or contributions during this period.

Name of person/group receiving	Description	Date Given	Amount/Value
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____

Signature of Tribal Official: _____

Date: _____

Submit form to the Office of Internal Audit
738 Acquotl Road • P. 828-359-7030 • F. 828-359-0410 • E. ebci-ola@nc-chokeee.com
Form may be submitted by fax, email, hand delivery or interoffice mail.
Attach additional pages if needed.

August 2016

6.

Chapter 44 - HOUSING⁽¹⁾*Footnotes:**--- (1) ---**Cross reference— Utilities, ch. 62; supplemental needs distribution, ch. 130B.*

Sec. 44-1. - Authority.

Pursuant to the Authority vested in the Eastern Band of Cherokee Indians of North Carolina (hereinafter referred to as the EBCI), by virtue of its inherent powers of self-government, and its authority to provide for the health, safety, morals and welfare of the EBCI, hereby establishes a public body known as the Qualla Housing Authority (hereinafter referred to as the "Authority"), and enacts this chapter which shall establish the purposes, powers and duties of the Authority.

(Ord. No. 573, 10-4-1993; Ord. No. 9, 11-21-1995)

Sec. 44-2. - Purpose.

- (a) In any suit, action or proceeding involving the validity or enforcement of or relating to any of its contracts, the Authority shall be conclusively deemed to have become established and authorized to transact business and exercise its powers upon proof of the adoption of this chapter.
- (b) A copy of the chapter, duly certified by the Secretary of the Tribal Council, shall be admissible in evidence in any suit, action or proceeding.
- (c) It is the purpose and intent of this chapter to authorize the Authority to do any and all things necessary or desirable to secure the financial aid or cooperation of the federal government in the undertaking, construction, maintenance or cooperation of any project by the Authority.

(Ord. No. 573, 10-4-1993; Ord. No. 9, 11-21-1995)

Sec. 44-3. - Declaration of need.

It is hereby declared:

- (a) There exist on the lands owned by the EBCI insanitary, unsafe, and overcrowded dwelling accommodations; that there is a shortage of decent, safe and sanitary dwelling accommodations available at rents or prices which persons of low income can afford; and that such shortage forces such persons to occupy insanitary, unsafe and overcrowded dwelling accommodations;

- (b) These conditions cause an increase in and spread of disease and crime and constitute a menace to health, safety, morals and welfare; and that these conditions necessitate excessive and disproportionate expenditures of public funds for crime prevention and punishment, public health and safety protection, fire and accident prevention, and other public services and facilities;
- (c) The shortage of decent, safe and sanitary dwellings for persons of low income cannot be relieved through the operation of private enterprises;
- (d) The providing of decent, safe and sanitary dwelling accommodations for persons of low income are public uses and purposes, for which money may be spent and private property acquired and are governmental functions of EBCI concern;
- (e) The residential construction activity and a supply of acceptable housing are important factors to general economic activity, and that the undertakings authorized by this chapter to aid the production of better housing and more desirable neighborhood and community development at lower costs will make possible a more stable and larger volume of residential construction and housing supply which will assist materially in achieving full employment; and
- (f) The necessity in the public interest for the provisions hereinafter enacted is hereby declared as a matter of legislative determination.

(Ord. No. 573, 10-4-1993; Ord. No. 9, 11-21-1995)

Sec. 44-4. - Duties.

- (a) Remedying unsafe and insanitary housing conditions that are injurious to the public health, safety and morals;
- (b) Alleviating the acute shortage of decent, safe and sanitary dwellings for persons of low income; and
- (c) Providing employment opportunities through the construction, reconstruction, improvement, extension, alteration or repair and operation of low income dwellings.

(Ord. No. 573, 10-4-1993; Ord. No. 9, 11-21-1995)

Sec. 44-5. - Definitions.

The following terms, wherever used or referred to in this chapter, shall have the following respective meanings, unless a different meaning clearly appears from the context:

- (a) *Area of operation* means all areas within the jurisdiction of the EBCI.
- (b) *Board* means Board of Commissioners of Qualla Housing Authority.
- (c) *EBCI Tribal Council* means the governing body of the Eastern Band of Cherokee Indians of North Carolina that is representative of the general membership. There are 12 Tribal Council members and they are the only people who can represent the wishes of, speak for, or contract for the Eastern Band of Cherokee Indians of North Carolina in any official capacity.
- (d) *Federal government* includes the United States of America, the Department of Housing and Urban Development, or any other agency or instrumentality, corporate or otherwise, of the United States of America.
- (e) *Homebuyer* means a person who has executed a lease-purchase agreement with the Authority, and who has not yet achieved home ownership.
- (f) *Housing project* or *project* means any work or undertaking to provide or assist in providing (by any suitable method, including but not limited to: rental, sale of individual units in single-family or multi-family structures under conventional condominium, or cooperative sales contracts or lease-purchase agreements; loans; or subsidizing of rentals or charges) decent, safe and sanitary dwellings, apartments, or other living accommodations for persons of low income. Such work or undertaking may include buildings, land, leaseholds, equipment, facilities, and other real or personal property for necessary, convenient, or desirable appurtenances, for streets, sewers, water service, utilities, parks, site preparation or landscaping, and for administrative, community, health, recreational, welfare, or other purposes. The term "housing project" or "project" also may be applied to the planning of the buildings and improvements, the acquisition of property or any interest therein, the demolition of existing structures, the construction, reconstruction, rehabilitation, alteration or repair of the improvements or other property and all other work in connection therewith, and the term shall include all other real and personal property and all tangible or intangible assets held or used in connection with the housing project.
- (g) *Obligations* means any notes, bonds, interim certificates, debentures, or other forms of obligation issued by the Authority pursuant to this chapter.
- (h) *Obligee* includes any holder of an obligation, agent or trustee for any holder of an obligation or lessor demising to the Authority property used in connection with a project, or any assignee or assignees of such lessor's interest or any part thereof, and the federal government when it is a party to any contract with the Authority in respect to a housing project.
- (i)

Persons of low income means persons or families who cannot afford to pay enough to cause private enterprise in their locality to build an adequate supply of decent, safe and sanitary dwellings for their use.

(j) *Representative Governing Body* means the EBCI Tribal Council.

(Ord. No. 573, 10-4-1993; Ord. No. 9, 11-21-1995)

Sec. 44-6. - Board of Commissioners.

- (a)
 - (1) The affairs of the Authority shall be managed by a Board of Commissioners composed of seven persons.
 - (2) The Board of Commissioners shall be appointed, and may be reappointed, by the Tribal Council. A certificate of the Secretary of the Council as to the appointment or reappointment of any Board of Commissioners member shall be conclusive evidence of the due and proper appointment of the member.
 - (3) A Board of Commissioners member must be a member of the EBCI, and may be a member or non-member of the Tribal Council.
 - (4) No person shall be barred from serving on the Board of Commissioners because he is a tenant or homebuyer in a housing project of the Authority. However, any homebuyer or tenant with a history of payment delinquencies shall not be eligible to serve on the Board. Such Board of Commissioners members shall be entitled to fully participate in all meetings concerning matters that affect all of the tenants or homebuyers, even though such matters affect him as well. However, no such Board of Commissioners member shall be entitled or permitted to participate in or be present at any meeting (except in his capacity as a tenant or homebuyer) or to be counted or treated as a member of the Board of Commissioners, concerning any matter involving his individual rights, obligations or status as a tenant or homebuyer.
- (b) The seven-member Board shall consist of six members of the Tribal Council, and the seventh member shall be appointed by the Principal Chief of the Eastern Band of Cherokee Indians.
- (c) The Board of Commissioners shall select one of its own members to serve as a Chairman of the Board. This Chairman shall serve for a two-year term. In the event the Chairman resigns, dies or is otherwise unable to complete his term, the Board of Commissioners shall reappoint a new Chairman to complete the vacated term. The Board of Commissioners shall also select from among its members a Vice-Chairman and a Secretary, and any member may hold two of these positions. In the absence of the Chairman, the Vice-Chairman shall preside; and in the absence of both the Chairman and the Vice-Chairman, the Secretary shall preside.

- (d) A member of the Board of Commissioners may be removed by the appointing power for serious inefficiency or neglect of duty, misconduct in office or for homebuyer delinquencies in excess of three consecutive months, but only after a hearing before the appointing power and duly after the member has been given a written notice of the specific charges against him at least ten days prior to the hearing. At any such hearing, the member shall have the opportunity to be heard in person or by counsel and to present witnesses in his behalf. In the event of removal of any Board of Commissioners member, a record of the proceedings, together with the charges and findings thereon, shall be filed with the appointing power, and a copy thereof sent to the appropriate office of the Department of Housing and Urban Development.
- (e) Except for the community member appointed by the Principal Chief, Board of Commissioners members shall not receive compensation for their services, but shall be entitled to compensation for their expenses, including travel expenses, incurred in the discharge of their duties. In addition to expenses, the community member appointed by the Principal Chief shall receive a stipend, as established by the Board of Commissioners, not to exceed \$100.00 per month. This amount will be paid by the Authority.
- (f) A majority of the full Board of Commissioners (i.e., notwithstanding the existence of any vacancies) shall constitute a quorum for the transaction of business, but no Board of Commissioners action shall be taken unless there is a majority agreement among the members present.
- (g) The Secretary shall keep complete and accurate records of all meetings and actions taken by the Board of Commissioners.
- (h) The Executive Director shall keep full and accurate financial records, submit periodic reports to the Board of Commissioners and the Tribal Council, and submit a complete annual report, in written form, to the Board, as required by section 44-9(a) of this chapter.

(Ord. No. 573, 10-4-1993; Ord. No. 9, 11-21-1995; Ord. No. 83, 1-13-2000; Ord. No. 265, 6-18-2002)

Sec. 44-7. - Meetings.

Meetings of the Board of Commissioners shall be held at regular intervals as provided in the bylaws. Emergency meetings may be held upon 24 hours' actual notice and business transacted, provided that at least a quorum exists.

(Ord. No. 573, 10-4-1993; Ord. No. 9, 11-21-1995)

Sec. 44-8. - Powers.

- (a) The Authority shall have perpetual succession in its corporate name.
- (b) The Tribal Council hereby consents to allow the Authority to agree by contract to waive any immunity from suit which it might otherwise have; provided, that to be effective, the Authority's waiver of immunity from suit must be clearly and unequivocally expressed by the Authority in the contract at issue, and the Eastern Band of Cherokee Indians shall not be liable for the debts or obligations of the Authority.
- (c) The Authority shall have the following powers which it may exercise consistent with the purpose for which it is established:
 - (1) To adopt and use a corporate seal.
 - (2) To enter into agreements, contracts and understandings with any governmental agency, federal, state or local (including the Representative Governing Body) or with any person, partnership, corporation or Indian Tribe; and to agree to any conditions attached to federal financial assistance.
 - (3) To agree, notwithstanding anything to the contrary contained in this chapter or in any other provision of law, to any conditions attached to federal financial assistance relating to the determination of prevailing salaries or wages or payment of not less than prevailing salaries or wages or compliance with labor standards, in the development or operation of projects; and the Authority may include in any contract let in connection with a project stipulations requiring that the contractor and any subcontractors comply with requirements as to maximum hours of labor, and comply with any conditions which the federal government may have attached to its financial aid to the project.
 - (4) To obligate itself, in any contract with the federal government for annual contributions to the Authority, to convey to the federal government possessions of or title to the project to which such contract relates, upon the occurrence of a substantial default (as defined in such contract) with respect to the covenants or conditions to which the Authority is subject and such contract may further provide that in case of such conveyance, the federal government may complete, operate, manage, lease, convey or otherwise deal with the project funds in accordance with the terms of such contract, provided: that the contract requires that, as soon as practicable, after the federal government is satisfied that all defaults with respect to the project have been cured and that the project will thereafter be operated in accordance with the terms of the contract the federal government shall reconvey to the Authority the project as then constituted.
 - (5) To lease property from the EBCI and others for such periods as are authorized by law,

and to hold and manage or to sublease the same.

- (6) To borrow or lend money, to issue temporary or long term evidence of indebtedness, and to repay the same. Obligations shall be issued and repaid in accordance with the provisions of section 44-8(a) of this chapter.
- (7) To pledge the assets and receipts of the Authority as security for debts; and to acquire, sell, lease, exchange, transfer or assign personal property or interests therein.
- (8) To purchase land or interest in land or take the same by gift: to lease land or interests in land.
- (9) To undertake and carry out studies and analyses of housing needs, to prepare housing needs, to execute the same, to operate projects and to provide for the construction, reconstruction, improvement, extensions, alteration or repair of any project or any part thereof.
- (10) With respect to any dwellings, accommodations, lands, buildings, or facilities embraced within any project (including individual cooperative or condominium units): To lease or rent, sell, enter into lease-purchase agreements or leases with option to purchase; to establish and revise rents or required monthly payments; to make rules and regulations concerning the selection of tenants or homebuyers, including the establishment of priorities, and concerning the occupancy, rental, care and management of housing units; and to make sure further rules and regulations as the Board of Commissioners may deem necessary and desirable to effectuate the powers granted by this chapter.
- (11) To finance the purchase of a home by an eligible homebuyer in accordance with regulations and requirements of the Department of Housing and Urban Development.
- (12) To terminate any lease or rental agreement or lease-purchase agreement when the tenant or homebuyer has violated the terms of such agreement, or failed to meet any of its obligations thereunder, or when such termination is otherwise authorized under the provisions of such agreement and to bring action for eviction against such tenant or homebuyer.
- (13) To establish income limits for admission that ensure that dwelling accommodations in a housing project shall be made available only to persons of low income.
- (14) To purchase insurance from any stock or mutual company for any property or against any risk or hazards.
- (15) To invest such funds as are not required for immediate disbursement.
- (16) To establish and maintain such bank accounts as may be necessary or convenient.

- (17) To employ an Executive Director, technical and maintenance personnel and such other officers and employees, permanent or temporary, as the Authority may require, and to delegate to such officers and employees such powers or duties as the Board of Commissioners shall deem proper.
- (18) To take such further actions as are commonly engaged in by public bodies of this character as the Board of Commissioners may deem necessary and desirable to effectuate the purposes of the Authority.
- (19) To join or cooperate with any other public housing agency or agencies operating under the laws or ordinances of a state or another Tribe in the exercise, either jointly or otherwise, of any or all the powers of the Authority and such other public housing agency or agencies for the purposes of financing (including, but not limited to, the issuance of notes or other obligations and giving security therefor), planning, undertaking, owning, constructing, operating or contracting with respect to a housing project or projects of the Authority or such other public housing agency or agencies, so joining or cooperating with the Authority, to act on the Authority's behalf with respect to any or all powers, as the Authority's agent or otherwise, in the name of the Authority or in the name of such agency or agencies.
- (20) To adopt such By-laws as the Board of Commissioners deems necessary and appropriate to ensure the development of policies to effectuate good management practices.

(Ord. No. 573, 10-4-1993; Ord. No. 9, 11-21-1995; Ord. No. 625, 2-1-2007)

Sec. 44-9. - Obligations.

- (a) The Authority may issue obligations from time to time in its discretion for any of its purposes and may also issue refunding obligations for the purpose of paying or retiring obligations previously issued by it. The Authority may issue such types of obligations as it may determine, including obligations on which the principal and interest are payable:
 - (1) Exclusively from the income and revenues of the project financed with the proceeds of such obligations, or with such income and revenues together with a grant from the federal government in aid of such project;
 - (2) Exclusively from the income and revenues of certain designated projects whether or not they were financed in whole or in part with the proceeds of such obligations; or
 - (3) From its revenues generally.

Any such obligation may be additionally secured by a pledge of any revenues of any project or other property of the Authority.

- (b) Neither the Board of Commissioners members of the Authority nor any person executing the obligations shall be liable personally on the obligations by reason of issuance thereof.
- (c) The notes and other obligations of the Authority shall not be a debt of the EBCI and the obligation shall so state on their face.
- (d) Obligations of the Authority are declared to be issued for an essential public and governmental purpose and to be public instrumentalities and, together with interest thereon and income therefrom, shall be exempt from taxes imposed by the EBCI. The tax exemption provisions of this chapter shall be considered part of the security for the repayment of obligations and shall constitute by virtue of this chapter and without necessity of being restated in the obligations, a contract between (1) the Authority and the EBCI, and (2) the holders of obligations and each of them, including all transferees of the obligations from time to time manner:
- (e) Obligations shall be issued and sold in the following manner:
 - (1) Obligations of the Authority shall be authorized by a resolution adopted by the Board of Commissioners and may be issued in one or more series.
 - (2) The obligations shall bear such dates, mature at such times, bear interest at such rates, be in such denominations, be in such form, either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment and at such places, and be subject to such terms of redemption, with or without premium, as such Agreement may provide.
 - (3) The obligations may be sold at public or private sale at not less than par.
 - (4) In case any of the Board of Commissioners members whose signatures appear on any obligations cease to be members before the delivery of such obligations, the signature shall nevertheless, be valid and sufficient for all purposes, the same as if the members had remained in office until delivery.
- (f) Obligations of the Authority shall be fully negotiable. In any suit action or proceeding involving the validity or enforceability of any obligation of the Authority or the security therefor, any such obligation reciting in substance that it has been issued by the Authority to aid in financing a project pursuant to this chapter shall be conclusively deemed to have been

issued for such purpose, and the project for which such obligation was issued shall be conclusively deemed to have been planned, located and carried out in accordance with the purpose and provisions of this chapter.

(g) In connection with the issuance of obligations or incurring of obligations under leases and to secure the payment of such obligations, the Authority, subject to the limitations in this chapter, may:

- (1) Pledge all or any part of its gross or net rents, fees or revenues to which its right then exists or may thereafter come into existence.
- (2) Provide for the powers and duties of obliges and limit their liabilities; and provide the terms and conditions on which such obliges may enforce any covenant or rights securing or relating to the obligations.
- (3) Covenant against pledging all or any part of its rents, fees and revenues or personal property to which its title or right then exists or may thereafter come into existence or permitting or suffering any lien on such revenues or property.
- (4) Covenant with respect to limitations on its right to sell, lease or otherwise dispose of any project or any part thereof.
- (5) Covenant as to the obligations to be issued and as to the issuance of such obligations in escrow or otherwise, and as to the use and disposition of the proceeds thereof.
- (6) Covenant as to what other or additional debts or obligations may be incurred by it.
- (7) Provide for the replacement of lost, destroyed or mutilated obligations.
- (8) Covenant against extending the time for the payment of its obligations or interest thereon.
- (9) Redeem the obligations and covenant for their redemption and provide the terms and conditions thereof.
- (10) Covenant concerning the rents and fees to be charged in the operations of a project or projects, the amount to be raised each year or other period of time by rents, fees and other revenues, and as to the use and disposition to be made thereof.
- (11) Create or authorize the creation of special funds for monies held for construction or operating costs, debt service, reserves or other purposes, and covenant as to the use and disposition of the monies held in such funds.
- (12)

Prescribe the procedure, if any, by which the terms of any contract with holders of obligations may be amended or abrogated, the proportion of outstanding obligations the holders or which must consent thereto, and the manner in which such consent may be given.

- (13) Covenant as to the use, maintenance and replacement of its real or personal property, the insurance to be carried thereon and the use and disposition of insurance monies.
- (14) Covenant as to the rights, liabilities, powers and duties arising upon the breach by it of any covenant, condition or obligation.
- (15) Covenant and prescribe as to events of default and terms and conditions upon which any or all of its obligations become or may be declared due before maturity, and as to the terms and conditions upon which such declaration and its consequences may be waived.
- (16) Vest in any obligees or any proportion of them the right to enforce the payment of the obligations or any covenants securing or relating to the obligations.
- (17) Exercise all or any part or combination of the powers granted in this section.
- (18) Make covenants other than and in addition to the covenants expressly authorized in this section, of like or different character.
- (19) Make any covenants and do any acts and things necessary or convenient or desirable in order to secure its obligations, or, in the absolute discretion of the Authority, tending to make the obligations more marketable although the covenants, acts or things are not enumerated in this section.

(Ord. No. 573, 10-4-1993; Ord. No. 9, 11-21-1995)

Sec. 44-10. - Reporting requirement.

- (a) The Authority shall submit an annual report, prepared by the Executive Director and signed by the Chairman of the Board, to the Tribal Council showing (1) a summary of the year's activities, (2) the financial condition of the Authority, (3) the condition of the properties, (4) the number of units and vacancies, (5) any significant problems and accomplishments, (6) plans for the future, and (7) such other information as the Authority shall deem pertinent.
- (b) During his or her tenure and for one year thereafter, no Board of Commissioners member, officer or employee of the Authority, or any member of the governing body of the EBCI, or any other public official who exercises any responsibilities or functions with regard to the project, shall voluntarily acquire any interest, direct or indirect, in any project or in any

property included or planned to be included in any project, or in any contract or proposed contract relating to any project, unless prior to such acquisition, he discloses his interest in writing to the Authority and such disclosure is entered upon the minutes of the Authority, and the Board of Commissioners member, officer, or employee shall not participate in any action by the Authority relating to the property or contract in which he has any such interest. If any Board of Commissioners member, officer, or employee of the Authority involuntarily acquires any such interest, or voluntarily or involuntarily acquired any such interest prior to appointment or employment as a Board of Commissioners member, officer, or employee the Board of Commissioners member, officer or employee, in any such event, shall immediately disclose his interest in writing to the Authority; and such disclosure shall be entered upon the minutes of the Authority, and the Board of Commissioners member, officer, or employee shall not participate in any action by the Authority relating to the property or contract in which he has any such interest. Any violation of the foregoing provisions of this section shall constitute misconduct in office. This section shall not be applicable to the acquisition of any interest in obligations of the Authority issued in connection with any project, or to the execution of agreements by banking institutions for the deposit or handling of funds in connection with a project or to act as trustee under any trust indenture, or to utility services the rates for which are fixed or controlled by a governmental agency, or to membership on the Board of Commissioners as provided in section 44-8(a). (The original text of the ordinance references a section which does not exist.)

- (c) Each project developed or operated under a contract providing for federal financial assistance shall be developed and operated in compliance with all requirements of such contract and applicable federal legislation, and with all regulations and requirements prescribed from time to time by the federal government in connection with such assistance.
- (d) The Authority shall obtain or provide for the obtaining of adequate fidelity bond handling cash, or authorize issuance of checks or certify vouchers.
- (e) The Authority shall not construct or operate any project for profit.
- (f) The property of the Authority is declared to be public property used for essential public and governmental purposes and such property and the Authority are exempt from all taxes and special assessments of the EBCI.
- (g) All property including funds acquired or held by the Authority pursuant to this chapter shall be exempt from levy and sale by virtue of an execution, and no execution or other judicial process shall issue against the same nor shall any judgement against the Authority be a charge or lien upon such property. However, the provisions of this section shall not apply to

or limit the right of obligees to pursue any remedies for the enforcement of any pledge or lien given by the Authority on its rents, fees or revenues, or the right of the federal government to pursue any remedies conferred upon it pursuant to the provisions of this chapter or the right of the Authority to bring eviction actions in accordance with section 44-7 (c).

(Ord. No. 573, 10-4-1993; Ord. No. 9, 11-21-1995)

Sec. 44-11. - Cooperation with Tribal government.

- (a) For the purpose of aiding and cooperating in the planning, undertaking, construction or operation of projects, the EBCI hereby agrees that:
- (1) It will not levy or impose any real or personal property taxes or special assessments upon the Authority or any project of the Authority.
 - (2) It will furnish or cause to be furnished to the Authority and the occupants of the projects all services and facilities of the same character and to the same extent, as the EBCI furnishes from time to time without cost or charge to other dwellings and inhabitants.
 - (3) Insofar as it may lawfully do so, it will grant such deviations from any present or future building or housing codes of the EBCI, as are reasonable and necessary, to promote economy and efficiency in the development and operation of any project, and at the same time safeguard health and safety, and make such changes in any zoning of the site and surrounding territory of any project as are reasonable and necessary for the development of such project, and the surrounding territory.
 - (4) It will do any and all things, within its lawful powers, necessary or convenient to aid and cooperate in the planning, undertaking, construction or operation of projects.
 - (5) The EBCI Government hereby declares that its powers shall be vigorously utilized to enforce eviction of a tenant or homebuyer for nonpayment or other contract violations including action through the appropriate courts.
 - (6) The Tribal Courts of the State of North Carolina shall have jurisdiction to hear and determine an action for eviction of a tenant or homebuyer. The EBCI Government hereby declares that the powers of the State of North Carolina Tribal Courts shall be vigorously utilized to enforce eviction of a tenant or homebuyer for nonpayment or other contract violations.
- (b)

The provisions of this chapter shall remain in effect with respect to any project, and said provisions shall not be abrogated, changed or modified without the consent of the Department of Housing and Urban Development, so long as (1) the project is owned by a public body or governmental agency and is used for low income housing purposes, (2) and contract between the Authority and the Department of Housing and Urban Development for loans or annual contributions, or both in connection with such project remains in force and effect, or (3) any obligations issued in connection with such project or any monies due to the Department of Housing and Urban Development in connection with such project remain unpaid, whichever period ends the latest.

- (c) If at any time title to, or possession of, any project is held by any public body or governmental agency authorized by law to engage in the development or operation of low income housing including the federal government, the provisions of this section shall inure to the benefit of and be enforced by such public body or governmental agency.

(Ord. No. 573, 10-4-1993; Ord. No. 9, 11-21-1995)

Sec. 44-12. - Secretarial approval.

With respect to any financial assistance contract between the Authority and the federal government, the Authority shall obtain the approval of the Secretary of the Interior of the United States of America or his designee.

(Ord. No. 573, 10-4-1993; Ord. No. 9, 11-21-1995)

Sec. 44-13. - Autonomy.

No ordinance or other enactment of the EBCI with respect to the acquisition, operation, or disposition of EBCI property shall be applicable to the Authority in its operations pursuant to this chapter.

(Ord. No. 573, 10-4-1993; Ord. No. 9, 11-21-1995)

Sec. 44-14. - Interpretation.

The provisions of this chapter, being necessary for the benefit of the EBCI and its members, shall be liberally construed to effect the purpose and objectives thereof.

(Ord. No. 573, 10-4-1993; Ord. No. 9, 11-21-1995)

Sec. 44-15. - Effective date.

This chapter is effective upon enactment.

(Ord. No. 573, 10-4-1993; Ord. No. 9, 11-21-1995)

Sec. 44-16. - Enforcement.

This chapter shall be enforced by the Governing Body of the Eastern Band of Cherokee Indians of North Carolina.

(Ord. No. 573, 10-4-1993; Ord. No. 9, 11-21-1995)

7.



Eastern Band of Cherokee Indians
Office of Principal Chief
Patrick H. Lambert



February 2, 2017

Chairman Bill Taylor
Tribal Council, EBCI
Cherokee, North Carolina 28719

Dear Chairman Taylor:

Attached you will find an emergency resolution pertaining to Qualla Housing Authority. Due to the urgent nature of the circumstances surrounding Qualla Housing Authority, and the fact that this resolution does meet the criteria for the submission of an emergency resolution as it pertains to "... a program in financial jeopardy" (Res. No. 112 - 98), this legislation is eligible for consideration by the Tribal Council.

In the best interests of the enrolled members of the Eastern Band of Cherokee Indians I submit this legislation for immediate Council attention.

Best regards,

Patrick H. Lambert
Principal Chief
Eastern Band of Cherokee Indians

TABLED

Cherokee Council House
Cherokee, Qualla Boundary (NC)

Date: February __, 2017

FEB 02 2017

RESOLUTION NO. 504 (2017)

WHEREAS, Chapter 44 of the Cherokee Code establishes a public body known as Qualla Housing Authority; and

WHEREAS, the purpose of Qualla Housing Authority is to do all things necessary or desirable to secure the financial aid or cooperation of the federal government in the undertaking, construction, maintenance or cooperation of any project by the authority; and

WHEREAS, when Qualla Housing Authority was established, and currently, there was and is a shortage of decent, safe, and sanitary dwellings for Tribal members of modest income persons that cannot be relieved through the operation of private enterprise; and

WHEREAS, the provision of decent, safe and sanitary dwellings for persons of low income are public uses, are proper governmental functions of the Tribe; and

WHEREAS, at present, there is a seven- member Board of Commissioners that manages Qualla Housing Authority and that Board is made up of six members of Tribal Council and one member appointed by the Principal Chief; and

WHEREAS, the powers of Qualla Housing Authority are set forth in Cherokee Code Section 44-8; and

WHEREAS, Qualla Housing Authority at present receives approximately 3.2 million dollars annually from the United States Department of Housing and Urban Development to provide adequate housing for the Eastern Band of Cherokee Indians; and

WHEREAS, pursuant to Cherokee Code Section 117-24, the Eastern Band of Cherokee Indians Housing and Community Development program administers the housing funds described in Cherokee Code Section 16C of the Gaming Revenue Allocation Plan, including the revolving loan fund, rehabilitation loan fund, and the down payment assistance fund; and the program provides lease/purchase opportunities and makes home mortgage loans to purchase, construct or improve a home; and

WHEREAS, Tribal Council Resolution No. 563 passed in 2008, authorized the Principal Chief to unify the Tribe's housing efforts into a single program administered by the Secretary of Housing and Community Development; and

WHEREAS, Principal Chief Patrick Lambert after assuming office in 2015, directed that a forensic audit be conducted of Qualla Housing Authority, which has been completed, as well as an audit by the Tribe's Office of Internal Audit; and

WHEREAS, both audits uncovered accounting discrepancies, mismanagement and potential criminal conduct; and

WHEREAS, in the spring of 2016, the results of the forensic audit were turned over to the United States Attorney's Office for the Western District of North Carolina, and as a result, the Federal Bureau of Investigation is now conducting criminal investigations; and

WHEREAS, on approximately October 6, 2016, Ms. Charlene Owle, the executive director of Qualla Housing Authority received a letter from the U.S. Attorney's Office for the Western District of North Carolina, dated October 4, 2016 notifying her that the U. S. Department of Justice was conducting a criminal investigation of Qualla Housing and that all relevant documents and information should be preserved and protected; and

WHEREAS, since October 6, 2016, there have been at least three reports of documents being shredded by employees of Qualla Housing, the most recent being approximately January 17, 2017; and

WHEREAS, on February 2, 2017, search warrants were served on Qualla Housing Authority by Special Agents of the Federal Bureau of Investigation to seize files, documents and any other items and information relevant to the investigations; and

WHEREAS, the result is that Qualla Housing Authority is a non-functioning entity and is not able, practically or legally, to provide any services to Tribal members; and

WHEREAS, it is therefore necessary for the Principal Chief to take immediate action to protect the files, documents and other information at Qualla Housing Authority not only for the continuing criminal investigation but also to protect the integrity and reputation of the Tribe, and to protect the Tribe's housing efforts and ensure that all federal monies and Tribal gaming revenues are properly administered.

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 Principal Chief shall take the following actions concerning Qualla Housing Authority:

1. Direct that the Tribe's Secretary of Housing and Community Development assume immediate control of all Qualla Housing Authority functions; take immediate possession and control of all real and personal property of Qualla Housing Authority, including but not limited to, any and all files and documents either paper or digital, all monies, bank

accounts, equipment and or any other property of whatever nature presently under the control of Qualla Housing; and that the Secretary of Housing and Community Development shall be granted and assumes all powers of Qualla Housing set forth under Cherokee Code Section 44-8.

2. That the Secretary of Housing and Community Development upon taking control shall immediately inventory all property of Qualla Housing Authority and take all measures necessary to preserve and protect that property as instructed in the letter from the United States Attorney's Office dated October 4, 2016.

3. That all locks be changed or replaced in every building or structure owned or possessed by Qualla Housing Authority.

4. That the Secretary of Housing and Community Development immediately assume all management responsibilities for Qualla Housing Authority including supervision of all Qualla Housing employees.

5. That the Attorney General for the Eastern Band of Cherokee Indians immediately begin the process of dissolving Qualla Housing Authority and begin drafting all necessary documents and ordinances to dissolve Qualla Housing Authority and merge it with Housing and Community Development.

6. That the Attorney General and the Tribe's Secretary of the Treasury and the Tribe's Secretary of Housing and Community Development shall prepare and forward any and all necessary documents to the United States Department of Housing and Urban Development/Native Americans Housing and Urban Development to ensure all future distributions of funds from these agencies be forwarded to the Secretary of the Treasury to be used for Tribal housing purposes as set forth by Cherokee Code Section 44-8 and applicable federal law and regulations.

BE IT FURTHER RESOLVED THAT all present employees of Qualla Housing, Qualla Housing Authority Board of Commissioners members and any other agencies or entities necessary to carry out the intent of this resolution fully cooperate with the Principal Chief's office, the Attorney General's Office, the Secretary of the Treasury and the Secretary of Housing and Community Development:

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

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

Submitted by: Principal Chief Patrick H. Lambert

8.

1 Thursday

2 February 2, 2017

3 Tribal Council - Impeachment Discussion

4 Morning Session

5 **Brandon** – Another thing, too, that's really been bothering me, and I woke up this morning,
6 read my scripture, and I've just got to get this off my chest. And I may be alone on this, and
7 that's okay. But with the findings of the audit, you know, it went to the community club and I
8 could – seen some division there. Some for, some against. It's ugly. It doesn't give Council any
9 rest. It doesn't give the Chief and his family any rest. It's not fair to all of us that are involved.
10 We asked for that investigation, we got those findings. I think it's time to move on. Chief, for
11 any hard feelings that I've put toward your family, I ask for forgiveness in that sense, you know.
12 But I think the only way we can truly put this past us, because I still feel like some laws have
13 been violated and I've talked to our attorney and, you know, I've gotten her opinion on things,
14 and I really feel like the only way we can get through that is to have a hearing. In order to get
15 to a hearing we have to have a resolution to decide whether or not Council wants to hear it or
16 not. But we need to squash it once and for all; good, bad, or indifferent, and move on. So with
17 that, Mr. Chairman, I'd ask for this to be a move on the floor that our attorney draft up a
18 resolution that we can hear by the end of the day to get this win, lose, or draw and move on for
19 the Tribe. You know, I've got employees still calling saying they're terrified to come to work.
20 They're scared to speak out, they've been targeted on social media. They've been locked out of
21 their offices for doing their jobs and complying with the investigation that we put on them.
22 And for that, I apologize to all of those employees. But we had to do it to get to the bottom of
23 it. I spoke to numerous employees who have opted out for the early retirement buyout, not
24 even knowing much about it cause they feel like if they don't they won't have gainful
25 employment much longer and they won't get that opportunity later. The Tribe's divided. It's
26 not fair, like I said, to the Chief or this Council to keep dragging it out. I think we're going to get
27 questioned as to whether or not it was law or not law. He's going to get questions whether it
28 was law or not law. I think the only way we can move forward as a nation is to bring in a
29 legislation today to address that and vote it up or down. And at that point if we vote it up to
30 move forward, we move forward. If we vote it down, then you won't hear from me anymore.
31 I'll be quiet and I'll say things are good and we'll move on. But **Cherokee people deserve good**
32 **leadership by both the Executive and Legislative Branch, and it's our duties to hold each other**
33 **accountable.** You know, turning our heads because of the rhetoric that other administrations
34 have done, it's not acceptable. You know, this administration said they'd be different, follow
35 the rules set forth in Cherokee Code, and lead us in a new direction, and I feel like that has not
36 happened. In some ways it has, some ways it's been good. But, you know, I question the
37 direction of the current leadership; ours included. And I question the ability to get us where we
38 need to be while still following the laws set forth in the Charter and Cherokee Code. These are
39 not just policies and procedures for the previous Chiefs as was recently mentioned. A

1 personnel policy has been codified to give employees protections and our people have no
2 recourse, there's no right to recall. Tribal Council has to decide if the actions and in—or
3 inactions found in the internal audit investigation are worthy of a hearing, and we should vote
4 on that today so we can move forward. Either way, if Council chooses the findings are just
5 policies I'll apologize and you won't hear another word from me. So Mr. Chairman, at this time
6 I make a move on the floor that we reduce this to writing for a vote of Council by the end of the
7 agenda today. I would ask that you get Carolyn to draft us a resolution that we can hear today,
8 and it would be in the best interests of everyone involved. I'd ask that three things be included,
9 and it be based on the findings of Internal Audit and other information that could possibly
10 warrant the proceedings hearing. Any new violations of Code that we need to include also, or
11 any information that's not in the internal audit hearing that may be pertinent to this. We also
12 need to include that we hire an outside legal counsel and set a price limit for that counsel, and
13 determine what line item that should come from. I think we have an outside contracts line
14 item. Draft it so that the Vice Chief can carry out the intent of the resolution, and we need to
15 bring it back today and vote it up or down and get closure on the issue. If Council feels it's not
16 necessary, then I'll stand alone and I'll apologize to Chief Lambert. That's my move.

17 **Bill – For the record, Vice Chairman – for the record, the only thing that can even be done**
18 **would be just a resolution to start the process.**

19 **Brandon – Right.**

20 **Bill – You cannot draft articles without a vote of Tribal Council to move forward. That would be**
21 **the only thing that I would accept today would be a resolution just to start the process. I mean,**
22 **there – I mean, you can't move forward without the vote of the Tribal Council. So, that would**
23 **be the only thing that I would accept.**

24 **Travis – I'll second that.**

25 **Bill – And we've got a move by Brandon, and a second by Travis. Chief, you had your hand up.**

26 **Chief – Mr. Chairman, I think the people have already spoken on this and, you know, if we're**
27 **going to go down this road, then by the end of the day long – as a piece of sister legislation to**
28 **that, I would ask that we also entertain a motion to impeach each of the Council members from**
29 **last Council session that voted themselves a pay raise in clear violation of the law. Also, I will be**
30 **presenting evidence to do the same in a procedural and policy manner along with the Vice**
31 **Chief because I have evidence that he's also broke the Cherokee Code and law as well. If we're**
32 **going to go down this road, then I think we need to be fair across the board. This is just a**
33 **political attack toward me. I told you all that I was going to be strong, I was going to stand up,**
34 **and I was going to fight for clear violations of criminal law, and I think the FBI's going to answer**
35 **that for us very soon. They're over there right now taking out boxes, there's also other forensic**
36 **audits that's being produced. So if we're going to go down this road, then that's fine. You**
37 **know, I mean, I think the people have a lot to say about that. But a point of order. Is – there's**
38 **only two ways to my knowledge that we can get something heard in that manner, and that is**

1 for me to bring in emergency legislation under my cover letter since the agenda's established.
2 It's been accepted here in this Council, or for me to call a Special Session. Neither of those
3 things have happened.

4 Brandon – Mr. Chairman, can I comment?

5 Bill – Go ahead.

6 Brandon – It's my understanding that we're in session, so it doesn't have to be a Special
7 Session.

8 Chief – There's an agenda established.

9 Brandon – Well, we control the agenda so if it's a vote of Council to change that agenda or
10 amend that agenda we can do that. The way I read the code is that process that's in there is so
11 that the Chief, who is not part of this body, wants to bring in a piece of legislation, that's his
12 avenue through the – what do you call it, emergency process.

13 Bill – We can – I can look at it as well, or I'll have Carolyn look at it. But I too I think have the
14 opportunity to call a Special Session. I can reconvene Council at any time. But we'll put it to a
15 vote of Council whether they want to move forward with it or not. I mean, that's ...

16 Chief – Mr. Chairman, on my behalf and getting the floor for comments, I want to invite David
17 Jumper up to speak. He asked that he be allowed to make a few comments.

18 Bill – All right. Dave, just remind you he's – there's – I'll give you a little extra...

19 Dave Jumper – That's fine.

20 Bill – I'll give you a little extra time.

21 Dave Jumper – That's fine, sir. That's fine.

22 Teresa – He can have the rest of mine.

23 Bill – You don't have any left, Teresa.

24 Dave Jumper – I just got a few comments and things, you know. Us people, you guys sitting
25 here pushing back and forth, back and forth. Just a minute ago somebody mentioned Trump.
26 You're sitting here pushing back and forth. You're worried about Trump. All these people
27 sitting in here, you're not worried about on the play of power play. "Oh, I'm going to get you
28 here. I'm going to get you there." I'm going tell you something. We're not going nowhere as a
29 people, and whose fault is that? You're voted in these chairs to be leaders. You're voted in this
30 position to be a leader. This position. And what are you doing? You might as well go back and
31 sit up there and be student council representatives, plain and simple. You want to sit up here
32 and play, then you go home and play. You play here, you're playing with 30,000 lives, guys.
33 You're putting us out there. You're hanging us out to dry, not just you. "Let's investigate this,

1 let's impeach that." Come on, grow up. People out here are tired of this. This is not what this
2 Chamber's for. It's not. I mean, you hear all these accusations, and I hate it. I hate it because
3 you're my people just like they are, but you put yourself in these positions and if you can't work
4 that position then you don't need to be in here. Excuse yourself. Just like you did, I'm proud of
5 you. Takes a man to do that, a real man. Just like Council the other day when you'uns was in
6 Snowbird. All the women, all the women down here this way; somebody could have stood up
7 and said – one of you men could have stood up and said, "Hey, look, that's enough. Stop."
8 Because I'm going to tell you something, you've got everybody out here divided. Divided. It's
9 called divide and conquer, and it's been done that way for 12 – the past 12 years. Because
10 none of us could get ahead, and then a lot of us that do come up here and sit and try to speak
11 to you and talk to you, "Oh, you're the troublemaker. You're the rebel." You know, "Gah, you
12 just squall about everything." And it ain't about everything, it's about us. This is what pertains
13 to us here in this Tribe. You talk about Tribe, then let's be a Tribe. You want to be a people, be
14 a people. But we ain't going to go nowhere as long as you sit here – be adults, grow up. That's
15 all it comes down to. The decisions you make, if you go to a community club and there's ten
16 people in there, guess what? Preach to ten people. And then if you can't do that, then get out
17 here in the community. That's your job, that's why you sit in these seats. Don't be afraid to
18 come to the ballgame. All – some of these people needs this, that way you get an idea of what
19 needs to go on and how you can help. That's a big thing. And then bring it back in here
20 because that's what this is for, that's what this place is for. Help, understanding, giving
21 knowledge. I mean, you've got all these young people out here. And this is another thing.
22 Everybody screams, "Young people, young people." Tomorrow's the future. Why can't you use
23 a lot of these cats out here now? But I just wanted to make my comments clear, that you know
24 what? Grow up. That's a big thing. Grow up. Quit throwing these power plays out here like
25 you'uns -- you don't own nothing. We don't own nothing here. And if you'uns are going to
26 worry about Trump, you better start worrying about what you need to do here before you
27 worry about up there.

28 Bill – All right. Dave, thank you for your comments.

29 Brandon – Can I just say something to Dave? Dave? Morning, Dave. I respect you and I love
30 you, man, and I do appreciate your comments here today. I think you're spot on, I really do. I
31 think we need to hold all of ourselves accountable, and I'm tired of not being able to sleep and
32 not being able to eat, worried about -- people out here in the communities are worried – they –
33 they're afraid to go to work.

34 Dave Jumper – Exactly, and it shouldn't be.

35 Brandon – And it's true that – and it shouldn't be that way. They've got babies to feed.

36 Dave Jumper – Uh-huh.

37 Brandon – You know, they've been bullied and they've been pushed around, and I'm not going
38 to say that previous administration did or didn't do it cause I wasn't here then. I was here at

1 the end of that administration, and I think things had calmed down a little bit cause he was on
2 his way out.

3 Dave Jumper – Uh-huh.

4 Brandon – I can't speak for him, and I won't speak for him.

5 Dave Jumper – Exactly.

6 Brandon – I've heard other people that worked for him that said things were different, you
7 know, similar to this, and that breaks my heart. But at some point it's got to stop.

8 Dave Jumper – Exactly.

9 Brandon – And I think it needs to stop now, and if that means me going home for something I'll
10 proudly walk away and I'll put it in good people's hands. We've got some brilliant young minds
11 out here that are wanting to do this job. But I thank you for your words, and I think you're spot
12 on, and I think it's time Cherokee people start abiding by the law. I mean, they're not policies
13 and procedures for previous Chiefs. They're not policies and procedures for employees that
14 we can just overlook, you know. It's time to hold Chief, Council, everybody accountable cause
15 we cannot heal until we do.

16 Dave Jumper – Uh-huh. We can't move.

17 Brandon – And right now we're so divided, Brother.

18 Dave Jumper – Yes.

19 Brandon – We are so divided. And I walk down the street and I want to say hello to somebody
20 and give them a hug, and sometimes I get a hug, sometimes I get a cold shoulder cause they see
21 what's going.

22 Dave Jumper – Uh-huh.

23 Brandon – And you know, when I walk away from Council I'm going to back and revisit them
24 people because I still love them even though they're mad at me.

25 Dave Jumper – Exactly.

26 Brandon - They have a right to be mad at me. They do. You know it.

27 Dave Jumper – Uh-huh. Uh-huh.

28 Brandon – You know, and I said that Tuesday in here. I said if you want to be angry at
29 somebody, don't be angry at the Chief. Don't be angry at Vice Chief, you know. This Council
30 allowed this stuff to happen by not enforcing the laws. By not putting the right legislation in
31 play in time. We've been lax over the years.

1 Dave Jumper – And I think, too, not only that, but – not only that, but I think too us as a people
2 out here need to start coming in here more. Quit being so dern scared cause you – we have
3 just as much right as you guys do having to sit here, because we come here for that answer.
4 And the thing of it is too, we may not like that answer but grow up and take it.

5 Brandon – One more comment to that. That – you struck a nerve with me right there. The one
6 thing that bothers me the most is anytime there's a big issue within the Rez, I get six calls. I've
7 got six dedicated people from my community that call me. They want to know what's going on.
8 Six calls. The level of apathy that we've shown toward each other, toward the Tribe, it's almost
9 like we've lost interest and that's a shame.

10 Dave Jumper – Uh-huh. And that's not just on you guys, either. That's on all of us. That's every
11 one of us.

12 Brandon – I know. I know.

13 Bill – All right. Well...

14 Dave Jumper – You know, and step up and start doing.

15 Brandon – Thank you, man.

16 Bill – We need to move on. We're ...

17 Dave Jumper – Well, thank you.

18 Bill – All right. I had a – I want to thank you for everybody's comments this morning. I mean,
19 they were spot on, so. I've got a move and a second, and then I will follow up on the process. If
20 it can't be heard today, then we won't hear it today. I mean – Chief?

21 Chief – Mr. Chairman, I also want – if anybody will indulge me to give a move on the floor to
22 also bring impeachment charges on those members of Tribal Council that violated the law last
23 fall.

24 Bill – Well, we've got a move on the floor.

25 Chief – Well, now's the time. Now's the time to do it if we're going to move forward with this
26 type of proceedings.

27 Bill – We've got – I've got a move on the floor right now by Brandon and second by Travis.

28 Chief – Travis, you weren't in Tribal Council whenever that happened. You want to put that
29 move on the floor as well?

30 Travis – (Inaudible comment)

1 Bill – Hey, we’re going to – I’m going to get this meeting in order. Chief, if you will, we’re going
2 to take a vote on this. I’ve got a move and a second to draft a resolution to start the process or
3 continue the – (inaudible comment) ...

4 Brandon – To see if we want to start the process.

5 Bill – To see if we want to process and hear it today if possible. If not, if it’s – if that’s – if it
6 can’t be done, then we’ll re – reconvene and handle it some other time. But I’ll follow up with
7 Carolyn afterwards. So all those in favor of the move to draft that resolution, raise your hands.

8 (Vote)

9 Bill – Marie, did you for it? Marie voted for it. Any opposed?

10 (Vote)

11 (Move Carried)

12 Bill – All right. Bo?

13 Bo – Yeah, I just need to make a comment, too. You know, the phone calls I’ve been getting,
14 you know. I’ve said out to everybody, if anybody’s done wrong in this Tribe it needs to be took
15 care of. So, you know, I’d like to make a move, you know, maybe over the past ten years any
16 wrongdoings of this Tribe to anybody, on anybody. I mean, it don’t matter Council, Vice Chief,
17 Chief, whoever, I’d like to make a move at this time we need to go back the past ten years – or
18 whatever the law is that we can go back on. And just like Dave said, we’re not going to be able
19 to move forward until all this comes out and it’s all took care of. So that’s a move I want to
20 make right now.

21 Teresa – Second it.

22 Albert– I’ll second it.

23 Bill – And I guess your move will be to do an invest ...

24 Bo – Just add that with ...

25 Bill - ... start an investigation on the last ten years or twelve years?

26 Bo – And that will be on the Chief, Councils, for the past ten years. And that’s just something
27 that I think that needs to be done. And, you know, I’m not trying to point fingers at nobody,
28 but what right’s right. What’s right for one person’s right for all, so.

29 Bill – All right. We’ve got a move by ...

30 Bo – And I’d like to have that drafted up today also and brought to the floor and voted up or
31 down, too.

32 Bill – To start an investigation looking backwards. Is that right?

1 Bo – Yeah.

2 Bill – Got a move and a second by Bo and Albert. Bo made the move, Albert made a second. All
3 those in favor of that move, raise your hands.

4 (Vote)

5 Bill – It's unanimous.

6 (Move carried)

7 Bill – All right.

8 Bo – And then after that, I wish – let's get back to doing what our job is; you know, taking care
9 of the people. You know, we've got – just like mentioned earlier, you know, with Trump. You
10 know, back of this we voted for \$250-million-dollar hotel. We've got a President in there right
11 now that don't like Indians, he don't like Indian gaming, and we brought this up on our people
12 again. You know, so I think that we need to step back and look at what we start doing here.

13 Bill – All right. Thank you, Bo.

14 Chief – Mr. Chairman, I've got one last comment. I want to just state for the record, you know,
15 this paper that you all have been, you know, proud to put up on Facebook, I'm going to also go
16 ahead and publish the past internal audit investigations that's happened for this Tribe over the
17 past ten years. That's within my power to do that. I'll go ahead and put those out. But at the
18 same time, I want to make just a note of what Brandon seems to keep wanting, putting out
19 there as if it's fact. I mean, there's probably a couple of people that he's told – that's told him
20 that maybe they are worried about coming to work. But I'd like to know who that is and if I've
21 ever said anything to anyone to make them fearful for their job, because I know that's false. I
22 have never done that. And if they are fearful it's only because they are perhaps doing wrong on
23 their own and are scared that they're going to eventually get caught at that. You know, I mean
24 I've only asked people to do their job. I've only asked people to move forward and be
25 accountable. If they're upset about what's going on it's only because they are being
26 accountable now. I mean, maybe they're not showing up to work on time or something like
27 that. You get an honest day's pay. All we expect, and each of you should expect the same I
28 would guess, is an honest day's worth of work. I'm not asking for nothing that ain't right, you
29 know. So if – and I've never threatened anyone, ever, with their job. So I don't know where
30 that comes from, I mean, but to make that statement, put it out there as if it's fact is just
31 wrong, Brandon. I mean, you know, I'm – you know, I'm sorry about that but I – so I don't know
32 where you're coming from on that. And you know, I just want to make sure that I get that out
33 there so it's not left as if it's truth.

34 Brandon – Yeah, and that's a fair statement, Chief. And what I want to say is they feel
35 threatened. I never said that you went and threatened those people and, you know, I don't
36 have ...

1 Chief – I can't control people's feelings. I mean, I – you know...

2 Brandon – I know, but the things that have happened – and that's why we asked for that audit
3 in the first place, raised some really serious concerns as to the policies, the procedures, people
4 losing their employment. And now people are seeing the fallout of that, and like I said ...

5 Chief – You know something? I

6 Brandon - ... I didn't see you threaten them, but ...

7 Chief – You know, I mean, we're not here to debate the issues right now.

8 Brandon – You're right.

9 Chief - I understand that.

10 Brandon – You're right. And the only way we can get past it is to vote it up or down and move
11 on.

12 Bill – Yeah. Let's just ...

13 Brandon – And so that's ...

14 Bill – Let's move on, guys. I – can I make my announcements?

15 Bo – No.

16 Chief – But...

17 Bill – Chief, I'm going to move on cause we're way behind schedule now.

18 Chief – Okay.

19 Thursday

20 February 2, 2017

21 Tribal Council - Impeachment Discussion

22 Afternoon Session

23 Bill – All right, Council, that was the last item on the agenda. We had some discussion this
24 morning, a move was made and a second to draft a resolution. Talked to Carolyn and the –
25 Carolyn advised us that we could amend the agenda, but it's going to take a vote of Council to
26 bring that resolution to the floor. And that was the resolution that Brandon had made the
27 move to on the hearing piece. And I've got a move and a second to hear the resolution, add it
28 to the agenda. All those in favor, raise your hands.

29 (Vote)

30 Bill – Any opposed?