

TABLED

Cherokee Council House
Cherokee, North Carolina

JUL 11 2019

Date

ORDINANCE NO. 656(2019)

WHEREAS, the Charter and Governing Document authorizes and empowers the Eastern Band of Cherokee Indians (EBCI) Tribal Council to adopt laws and regulations for the general government of the Tribe. Charter and Governing Document, sect. 23 (Sept. 5, 1995) *see also* C.C. §117-10.

WHEREAS, Tribal Council is authorized and empowered to govern the management of personal property held by the Tribe. Charter and Governing Document, sect. 23.

WHEREAS, Tribal Council authorizes all Tribal money being paid out. Charter and Governing Document, sect. 20.

WHEREAS, the EBCI Tribal Council constitutes the Eastern Band of Cherokee Indian's Legislative Branch of government. C.C. §117-10.

WHEREAS, both Executive Committee members have their own Public Relations line item; and

WHEREAS, there is public concern regarding the lack of financial accountability regarding the public relations line item for the Executive Committee members; and

WHEREAS, Cherokee Code §117-46 needs to be amended.

NOW, THEREFORE, BE IT ORDAINED by the Eastern Band of Cherokee Indians in Annual Council assembled, at which a quorum is present that the Eastern Band of Cherokee Indians Tribal Council amends the Cherokee Code ch. 117, as follows in EXHIBIT A.

BE IT FURTHER ORDAINED the provisions of the Ordinance which amend or adopt new sections of the Cherokee Code shall be codified by the Department of Justice. The Department of Justice shall incorporate such amended provisions in the next codification of the Cherokee Code.

BE IT STILL FURTHER ORDAINED should any provision of this Ordinance be determined invalid by the Cherokee Supreme Court, or the Cherokee Court without appeal to the Cherokee Supreme Court, or any other court of competent jurisdiction, those portions of this Ordinance which are not determined invalid shall remain the law of the Eastern Band of Cherokee Indians

BE IT FINALLY ORDAINED that this ordinance shall become effective when ratified by the
Principal Chief.

Submitted by: Bo Crowe, Wolfstown Representative

Cherokee Code

Chapter 117 – TRIBAL GOVERNMENT

ARTICLE IV. - MISCELLANEOUS

Sec. 117-46. – Financial Accountability.

(c) Intentional or flagrant expenditures in excess of a budgeted amount shall constitute a criminal offense by the authorizing official against the Tribe. Punishment for violation of this section shall be a fine of not more or less than \$1,000.00, imprisonment for up to thirty (30) days and reimbursement to the Department of Treasury Tribal Finance Office.

(d) The Department of Treasury Tribal Finance Office shall not knowingly issue payments in excess of a budgeted amount.

(f) Office of Principal Chief and Office of Vice-Chief’s Public Relations Line Item.

(1) Office of Principal Chief and Office of Vice-Chief’s Public Relations line item shall only be used for the following:

(A) Youth programs involving youth seventeen (17) years old and younger who:

(aa) provides a fundraising activities list which will be use as matching funds, matching funds must be raised in the current fiscal year;

(bb) provides a participants list with enrollment numbers;

(cc) provides a description of how the public relations contribution will be used and provide the Department of

1 Treasury with receipts within five business day from the
2 event.

3 (dd) A youth program or individual youth shall only receive
4 assistance once per fiscal year.

5 (B) Parades,

6 (C) Luncheons,

7 (D) Constituent services, and

8 (E) Other uses may be added in accordance with C.C. §117-38.

9 (2) The Office of Principal Chief and Office of Vice-Chief's Public Relations
10 line item shall not be increased by a budget amendment or line-item
11 transfer. An increase may only occur during the yearly budget process.

12 (3) The Principal Chief and Vice-Chief shall provide Tribal Council an
13 itemized list on all public relations line item expenditures, as required by
14 C.C. §117-47(h).