

TABLED

Cherokee Council House
Cherokee, North Carolina
FEB 06 2020

Date

Ordinance No. 122 (2020)

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, in 2002, the Tribe established the Audit Committee with the current nonvoting participants listed. Ordinance No. 464 (2002).

WHEREAS, since 2002, the Tribal Council expanded the Legislative Branch which included, but not limited to, the Legislative Council/TOP Director. C.C. §117-10.1 (2019).

WHEREAS, the Legislative Branch needs a representative on the Committee since Tribal Council authorizes the Annual Budget. Charter and Governing Document sec. 20.

WHEREAS, there is also a need to remove the Secretary of Treasury or their nominee because there is a possible conflict.

NOW THEREFORE BE IT ORDAINED in Annual Council assembled at which a quorum is present that the Tribal Council amends Cherokee Code §117-109, as follows in EXHIBIT A.

BE IT FURTHER ORDAINED the Ordinance provisions that 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 no prior resolutions and ordinances are inconsistent and that this ordinance shall become effective when ratified by the Principal Chief or Vice-Chief. Charter and Governing Document, sect. 12 (Oct. 8, 1986).

*Submitted By: Albert Rose, Birdtown Representative
Bo Crowe, Wolfstown/Big Y Representative
Chelsea Saunooke, Wolfstown/Big Y Representative
Thomas Wahnetah, Yellowhill Representative
Dike Sneed, Painttown Representative
Richard French, Big Cove Representative*

Cherokee Code

Chapter 117 – TRIBAL GOVERNMENT

ARTICLE V. – SPECIFIC TRIBAL PROGRAMS

Sec. 117-109. – Audit and Ethics Committee.

(5) The Audit and Ethics Committee shall be comprised of:

a. Five voting members.

1. One member of an independent CPA firm selected by the Tribal Council.
2. One community member not employed by the Tribe or its component units or its enterprises, selected by the Tribal Council;
3. Two additional persons selected by the Executive Committee from nominations sent by all component units or enterprises of the Tribe.
4. One industry expert not employed by the Tribe or its component units or its enterprises selected by the other members of the Audit and Ethics Committee.

b. ~~Four~~ Four Nonvoting participants.

1. Representative of the independent CPA firm contracted by the Tribe and its entities for their respective annual audits (by invitation of the Executive Committee);
2. Tribal Attorney General or his/her nominee;
3. ~~Secretary of Treasury or his/her nominee;~~
4. ~~The Internal Audit and Ethics Administrative Assistant shall serve as Committee Secretary and Treasurer.~~

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Legislative Council/TOP Director or their nominee;

5. The Internal Audit and Ethics Administrative Assistant shall serve
as Committee Secretary and Treasurer.
