

# TABLED

Cherokee Council House  
Cherokee, North Carolina

**AUG 06 2020**

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Date

ORDINANCE NO. 232 (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, the EBCI Tribal Council constitutes the Eastern Band of Cherokee Indian's Legislative Branch of government. C.C. §117-10.

WHEREAS, the EBCI Tribal Council created the Enrollment Committee to review all enrollment applications and determine qualified applicants. C.C. §49-4.

WHEREAS, the Enrollment Committee shall also authorize access to the Tribe's membership roll. C.C. §49-8(b).

WHEREAS, the Enrollment Committee became aware that a department did not seek the Enrollment Committee's approval for a membership roll but instead asked IT to gain membership roll access through Enrollment's database; and,

WHEREAS, the Enrollment Committee feels the need to make clear any and all access to the Tribe's membership roll must be approved by the Enrollment Committee.

NOW, THEREFORE, BE IT ORDAINED by the Eastern Band of Cherokee Indians in Council assembled, at which a quorum is present that the Eastern Band of Cherokee Indians Tribal Council amends the Cherokee Code Ch. 49, 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. Charter and Governing Document, sect. 12 (Oct. 8, 1986).

*Submitted by: Chelsea Saunooke, Wolfstown/Big Y Representative*

**Cherokee Code**  
**Chapter 49 – ENROLLMENT**

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**Sec. 49-8. – Recordkeeping.**

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(b) *Confidentiality and access to records and roll.*

(1) *Confidentiality.* Information in a tribal member's individual folder is considered confidential. It shall not be available to anyone except:

- a. The individual member (or his/her guardian or legal representative);
- b. To enrollment staff, Tribal Enrollment Committee members and Tribal Council members when such examination is necessary in considering enrollment decisions;
- c. To the Office of Internal Audit when examination is necessary to verify adherence to Tribal law, policies and procedures; and
- d. To a person or group commissioned by the Tribal Council for the purpose of conducting inspections, audits and verification of current and past membership.

(2) *Access to roll.* The Tribe's membership roll may be viewed only by authorized personnel of the enrollment office and others authorized by the Enrollment Committee. Neither the roll nor any portion thereof may be copied or distributed to any person or organization except by permission granted by the Eastern Band of Cherokee Enrollment Committee. The Enrollment Committee shall use its discretion in using or releasing information from the roll for the benefit of Tribal programs. No program, department, division, or branch shall gain access to the Tribe's membership roll through the Enrollment's database without the Enrollment Committee's express written consent.

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