

TABLED

Cherokee Council House
Cherokee, North Carolina

SEP 03 2020

Date

ORDINANCE NO. 258 (2020)

WHEREAS, the Charter and Governing Document authorizes and empowers the Eastern Band of Cherokee Indians (EBCI) Tribal Council to adopt laws and regulations and to enforce obedience with the enacted laws. 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 and possesses the authority to conduct investigations and hearings into matters concerning the Tribe. C.C. §117-10.

WHEREAS, twice the individual sitting as the Principal Chief delayed Tribal Council investigations.

WHEREAS, in 2016, the Tribal Council saw the need to expand and strengthen the Legislative Branch by enacting Ordinance No. 53 (2016).

WHEREAS, to further strengthen the Legislative Branch, the Cherokee Code needs amending to allow the Tribal Council Chairman or Vice-Chairman signature authority on all Legislative Branch contracts.

WHEREAS, this Cherokee Code amendment will ensure there are no more delays with the Legislative Branch fulfilling their Charter and Code authority.

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 Chapter 117-19, EXHIBIT A.

BE IT FURTHER ORDAINED that the provisions of this Article are declared to be severable and if any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by the Cherokee Court, it shall not affect the remainder of the Article which shall continue in full force and effect.

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BE IT FINALLY ORDAINED that all ordinances inconsistent with this ordinance are rescinded, and that this ordinance shall become effective when ratified by the Principal Chief.

Submitted by: Albert Rose, Birdtown Representative

Cherokee Code

Chapter 117 – TRIBAL GOVERNMENT

ARTICLE II. – LEGISLATIVE BRANCH

Sec. 117-19. – Contracts with Tribe.

- a. Before a Contract with the Eastern Band of Cherokee Indians shall be valid and binding the following shall occur:
 - 1. A Contract in an amount less than \$50,000 which complies with all budget, financial, and legal requirements for ~~that program and the Tribe~~ the Branch, and is within the fiscal parameters of the Annual Budget approved by Tribal Council, may be executed ~~by the Principal Chief~~ according to the respective subsections below.
 - 2. A Contract in an amount of \$50,000 or more which complies with all budget, financial, and legal requirements for that program and the Tribe, and is within the fiscal parameters of the Annual Budget approved by Tribal Council, shall have the approval of the Business Committee before being executed by the Principal Chief except that no contract over \$50,000 from ~~the Tribal Operations Program~~ Legislative Branch shall require Business Committee approval.
- b. All Contracts shall bear the signature of the Principal Chief before they are valid and binding on the Eastern Band of Cherokee Indians Executive Branch.
- c. All contracts shall bear the signature of the Chairman or Vice-Chairman before they are valid and binding on the Eastern Band of Cherokee Indians Legislative Branch.
- d. All contracts shall bear the signature of the Chief Justice before they are valid and binding on the Eastern Band of Cherokee Indian Judicial Branch.