

# TABLED

Cherokee Council House  
Cherokee, North Carolina

SEP 03 2020

Date

Ordinance No. 259 (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, Tribal Council possesses the authority "to delegate its duties to committees formed from its membership..." C.C. § 117-10.

WHEREAS, the Cherokee Code mentions a Budget Committee in C.C. §117-46 and a Finance Committee in C.C. §105-5, and;

WHEREAS, these committees have been inactive for several years, and;

WHEREAS, there is a need to establish a Budget and Finance Committee to discuss financial issues prior to Budget Council.

NOW THEREFORE BE IT ORDAINED in Council assembled at which a quorum is present that the Tribal Council amends Cherokee Code § 117-37, 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 the prior C.C. §117-36, C.C. Ch. 120, Resolution No. 36 (1954) and Resolution No. 29 (1987) and any other resolution or ordinance in conflict are rescinded and that this ordinance shall become effective when ratified by the Principal Chief or Vice-Chief.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: Chelsea Saunooke, Wolfstown Representative*

Cherokee Code

Chapter 117 – TRIBAL GOVERNMENT

ARTICLE III. – BOARDS AND COMMITTEES

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**Sec. 117-37 – Manpower Committee Budget and Finance Committee.**

~~a. The Manpower Committee shall be composed of the members of the Executive Committee, the Chairman of the Tribal Council, and two members of the Tribal Council elected by the Council.~~

~~b. The duties and authority of the Manpower Committee shall be to oversee, select or approve all personnel actions for Tribal employees subject only to those specific powers and authority delegated by the Tribal Council to the Community Services Committee.~~

a. The Tribal Council establishes a Budget and Finance Committee.

b. The Budget and Finance Committee shall consist of all Tribal Council representatives.

c. The Committee shall exercise oversight authority including but not limited to budget, finance, investment, bonds, contracting, insurance, accounting, taxes, and loans for the following purposes:

1. To coordinate, oversee, and regulate the Eastern Band of Cherokee Indians' (EBCI) fiscal, financial, investment, and contracting policies;
2. To report to Tribal Council on the EBCI's fiscal and financial state;
3. To recommend to the Tribal Council the adoption of resolutions or ordinances designed to strengthen the fiscal and financial position of the EBCI and to promote the efficient use of the fiscal and financial resources;
4. To protect tribal resources through the prudent financial reserves management and the use of funds available for expenditure.

1 d. Powers. The Committee shall have the following authority and powers necessary  
2 and proper to carry to carry out the purpose set forth above:

- 3 1. To promulgate rules and regulations relative to contracting, investments,  
4 and financial matters.
- 5 2. To review and recommend to the Tribal Council the budgeting  
6 appropriation, investment and management of all tribal funds.
- 7 3. To review and recommend to the Tribal Council Tribal Levy revenue  
8 allocated to the General Fund. C.C. §105-5(c).
- 9 4. To reallocate appropriations within the overall budget. C.C. §117-46(a).
- 10 3. To recommend to the Tribal Council approved annual budget amendments  
11 by reallocating funds between branches with prior Executive Committee,  
12 Chairman, or Chief Justice approval.
- 13 4. To coordinate and review all fiscal, financial, and investment activities of  
14 the EBCI and its enterprises, as well as other agencies: federal, state,  
15 regional, and private expending or seeking to expend funds within the  
16 EBCI or for tribal member's benefit.
- 17 5. To require the presentation and submission of financial reports by any  
18 enterprise, authority, LLC, or entity chartered or approved by the EBCI.
- 19 6. To promote policies and regulations concerning wages, expenditure  
20 reimbursement, and fringe benefits for EBCI employees.
- 21 7. To require reports, financial performance, and end of the year audits from  
22 all offices, departments, divisions, enterprises, authorities, committees,  
23 boards, commissions, LLCs, or entities having control over financial  
24 matters or financial obligations to the EBCI.
- 25 8. To receive an annual audit of the EBCI accounts by certified public  
26 accountants and to present such audit to the Tribal Council.
- 27 9. To approve and recommend to Tribal Council the Fiscal Management  
28 Policy.

29 e. Staff. Division of Treasury staff shall assist the committee in executing their  
30 authority and shall provide necessary advice and clerical services.

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f. Meetings. All regular meetings shall be held each month on the first and third Monday.

g. Legislative oversight. Committee oversight shall be limited to resolution consideration and policy decisions and shall not involve program administration.