

TABLED

Cherokee Council House
Cherokee, North Carolina

APR 01 2021

Date

Ordinance No. 427 (2021)

WHEREAS, the Eastern Band of Cherokee Indians established the Tribal Employment Rights Office, (hereinafter "TERO") under Cherokee Code Section 92-2, to promote growth and increase contracting opportunities for Native American owned businesses; and

WHEREAS, Cherokee Code Chapter Ch. 92 Sec. 92-6(2), Powers of the Commission, allows the Tribal Employment Rights Commission to suggest changes to Cherokee Code Chapter 92, Art. II, Sec. 92-5, Tribal Employment Rights Commission; and

WHEREAS, the Tribal Employment Rights Commission (hereinafter TERC) has determined that amendments must be made to Cherokee Code Section 92, Art. II, Sec. 92-5 to improve and update the Chapter; and

WHEREAS, current Vendor Liaison Commission seats have been vacant for several years and they are not paid, nor are they voting members per the Tribal Business Preference Law found in the Cherokee Code at Sec. 92-5(b)(4), 92-5(d)(3) and 92-5(f); and

WHEREAS, there is a need to amend Cherokee Code Section 92, Art. II, Sec. 92-5, Tribal Employment Rights Commission, to reduce the TERC from seven (7) Commissioners to five (5) Commissioners by eliminating the two Vendor Liaison Commissioner positions; and

THEREFORE, BE IT ORDAINED, by the Eastern Band of Cherokee Indians, in Tribal Council assembled, at which a quorum is present that Cherokee Code Ch.92, Art. II, Sec. 92-5, Tribal Employment Rights Commission, shall be amended to read 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BE IT STILL FURTHER ORDAINED that all ordinances or resolutions that are inconsistent with this ordinance are hereby rescinded.

BE IT FINALLY ORDAINED that this ordinance shall become effective upon ratification by the Principal Chief.

Submitted by the Tribal Employment Rights Commission (TERC)

Cherokee Code
Chapter 92 – Tribal Business Preference Law
Article II. TERO Commission and Office

Sec. 92-5. - Tribal Employment Rights Commission.

- (a) There is hereby created the Tribal Employment Rights Commission.
- (b) The Commission shall have ~~seven~~ five members, all of whom shall be members of the Tribe chosen to serve as follows:
- (1) Two members shall be appointed by the Principal Chief to serve four-year terms concurrently with the term of the Principal Chief who appoints them;
- (2) Two members shall be appointed by the Tribal Council to serve two-year terms;
- (3) One member shall be appointed by the Tribal Planning Board to serve three-year terms; and
- ~~(4) Two liaisons shall be elected by TERO certified economic entities under rules adopted by the Commission to serve three-year terms. These members shall serve as vendor liaisons and shall not vote.~~
- (c) Elected officials, Executive staff and Program Directors may not serve as Commissioners during their tenure in those offices.
- (d) (1) Commissioners may not serve more than two consecutive terms.
- (2) Commissioners shall serve until their terms expire and they are replaced by their appointing authority, until they resign, or if appointed as interim, by their appointing authority when a vacancy arises until replaced by their duly appointed successor. Commissioners may only be replaced by their appointing authority.
- (3) ~~Except for the vendor liaisons,~~ TERO certified economic entities are not eligible for appointment to the Board. If a Commissioner subsequently becomes a TERO certified economic entity that Commissioner is no long eligible to serve on the Board and must be replaced by the appointing authority. Commissioners in office at the effective date of this article are entitled to complete their current term despite their status as TERO certified economic entities.
- (e) The Commissioners shall, by majority vote, choose one of their own members to serve as chairperson.
- (f) Commissioners shall be paid a monthly amount to be established by the Principal Chief and Tribal Council in the annual budget process. ~~The vendor liaisons shall not be eligible for such payments.~~
- (g) The Commission shall meet at least once a month and minutes of each meeting shall be maintained.

- 40 (h) The Commission shall act by majority vote. A majority of the Commission constitutes
41 a quorum to transact business. If a commissioner leaves a meeting and his absence
42 destroys the quorum, then no business may be transacted until a quorum is re-
43 established. When a position on the Commission is vacant, the remaining members
44 may exercise the powers of the Commission until the vacancy is filled.
- 45 (i) Commission meetings shall be open to the public. However, the Commission may
46 meet in executive session if the Commission determines such a session is necessary to
47 protect the confidences of the parties or to serve the best interests of the Tribe.
- 48 (j) Commissioners may be removed for cause by their appointing authority. Cause
49 includes, but is not limited to, being absent for three consecutive meetings without
50 reasonable excuse.