

TABLED

Cherokee Council House
Cherokee, North Carolina

MAY 06 2021

Date

Ordinance No. 446 (2021)

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, traditionally, the Principal Chief, Vice Chief, and Tribal Council appoint individuals to specific positions within their respective governmental branch.

WHEREAS, Prior to C.C. §96-4(d), the only political appointee definition was found in the EBCI Personnel Policy.

WHEREAS, there is a need to codify political appointee and who may appoint.

NOW THEREFORE BE IT ORDAINED in Council assembled at which a quorum is present that the Tribal Council amends Cherokee Code Art. I, Executive Branch and Art. II, Legislative Branch 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BE IT FINALLY ORDAINED that any other resolution or ordinance in conflict are rescinded and that this ordinance shall become effective when ratified.

Submitted By: Albert Rose, Birdtown Community Representative

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Cherokee Code

Chapter 117 – TRIBAL GOVERNMENT

ARTICLE I. – EXECUTIVE BRANCH

Sec. 117-9.1 – Political appointees.

- a. The Principal Chief and the Vice Chief may appoint political appointees.
- b. Political appointees shall mean persons appointed by the Principal Chief and Vice Chief, and specifically includes the top administrator of any division within the organizational structure of the Tribe's executive branch of government commonly called the Secretary of a division for which the appointing authority hires and terminates under his/her/its sole discretion and also includes other appointments made by the Chief and Vice Chief under other legal authority, but does not include temporary or interim appointments.
- c. Salaried political appointees shall not receive any other compensation for their service on any tribally owned board, board of directors, committee, commission, company, entity, and enterprise.

Chapter 117 – TRIBAL GOVERNMENT

ARTICLE II. – LEGISLATIVE BRANCH

Sec. 117-30.2 – Political appointees.

- a. The Tribal Council may appoint political appointees.
- b. Political appointees shall mean persons appointed by the Tribal Council, and specifically includes the English Clerk-Council, Cherokee Language Clerk Cherokee Language Clerk Council, the Council Messenger and also includes

1 other appointments made by the Tribal Council under other legal authority, but
2 does not include temporary or interim appointments.

3 c. Salaried political appointees shall not receive any other compensation for their
4 service on any tribally owned board, board of directors, committee, commission,
5 company, entity, and enterprise.

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