

TABLED

Cherokee Council House
Cherokee, North Carolina

JUN 01 2021

Date

ORDINANCE NO. 477 (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, in the past, several Tribal Council resolutions have not been followed up, no status updates given to Council, or implemented; and,

WHEREAS, the Charter and Governing Document specifically states the Executive Committee shall execute and carry out tribal laws. Charter and Governing Document, sect. 4 (Sept. 5, 1995).

WHEREAS, there is no specific directive on executing and carrying out resolutions passed by Tribal Council; and,

WHEREAS, adding accountability regarding resolution implementation is in the EBCI's best interest.

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. 117 Art. I, 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, Wolftown/Big Y Representative

Cherokee Code

Chapter 117 – TRIBAL GOVERNMENT

ARTICLE I. – EXECUTIVE BRANCH

Sec. 117-2. – Duties.

The Executive Committee shall have the following duties:

- (a) Execute and carry out tribal laws;
- (b) Execute and carry out Tribal Council resolutions;
- (c) Administer the daily operations of the Tribe; and
- (d) Represent and defend the rights, interests, lands and funds of the Tribe before any legislative committee or body of the federal or state governments.

~~The Principal Chief and the Vice-Chief are authorized to represent and defend the rights, interests, lands and funds of the Tribe before any legislative committee or body of the federal or state governments.~~