

CHEROKEE COUNCIL HOUSE  
CHEROKEE, NORTH CAROLINA

Date: JUN 01 2021

ORDINANCE NO. 473 (2021)

*An ordinance amending C.C. § 117-16 and C.C. § 117-30.1 governing debate and public comments at Tribal Council proceedings.*

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 § 23. See also C.C. § 117-10.

WHEREAS, the Tribe has adopted laws expressing minimal parameters for engaging in debate and public comment in Tribal Council proceedings.

WHEREAS, the primary laws governing debate and public comment in Tribal Council proceedings are C.C. § 117-16 and C.C. § 117-30.1.

WHEREAS, these laws are intended to give people an opportunity to offer relevant and respectful debate and public comment while respecting the need of Tribal Council to be efficient and to hold proceedings that are efficient and respectful.

WHEREAS, these laws do not provide adequate guidance regarding what kinds of debate and comment are allowed and have proved ineffective to address offensive behavior.

WHEREAS, C.C. § 117-16 and C.C. § 117-30.1 should be amended to remedy these deficiencies.

NOW THEREFORE BE IT ORDAINED by the Eastern Band of Cherokee Indians in Tribal Council assembled, at which a quorum is present, that C.C. § 117-16 and C.C. § 117-30.1 shall be amended to read as follows:

**Sec. 117-16. - Debate.**

(a) Each Council member shall be limited to five minutes of debate or discussion on each resolution, ordinance or matter under consideration by the Council. Any Council members may yield all or a portion of his time on any matter to another Council member.

(b) ~~This~~ The time limits expressed in this section shall apply to all matters before the Council and to all sessions of Tribal Council, including work sessions, except when by majority vote ~~it~~ the Council shall suspend the time rule for a specific matter under consideration.

(c) Persons in the audience wishing to be recognized will must gain recognition from the Tribal Chairman and shall be limited to five minutes of debate or discussion on each resolution, ordinance or matter under consideration by the eCouncil, unless they are presenting a resolution or ordinance and if so presenting shall be limited to ten minutes.

**Sec. 117-3016.1. - Public comments.**

(a) There shall be opportunity provided to community members to voice their opinions on actions contemplated by the Tribal Council. The balance between community participation through respectful debate on the merits of a contemplated government action, and the need for efficient but fair processes, is consistent with Cherokee culture and values.

(b) Public comments shall adhere to the rules of debate in Section 117-16(a), (b), and (c). ~~The Chairman of Tribal Council shall ensure that above all, all comment and debate between elected officials and members of the community~~ Additionally, all comment and debate shall reflect the highest and traditional standards of decorum and respectfulness expected of and modeled to our future generations of Cherokee leaders. The Chairman of Tribal Council shall have the authority and responsibility to enforce compliance with Tribal law and Tribal Council rules governing debate and public comment.

(c) (1) Any person providing comment or debate to Tribal Council must conduct himself or herself in such a manner so as to bring honor and dignity to the Council chambers. A person is out of order and may lose the privilege of addressing Tribal Council if he or she:

(i) Offers remarks without first being recognized by the Chairman as having the floor and the privilege to speak.

(ii) Fails to confine their remarks to the merits of the ordinance or resolution at hand.

(iii) Engages in disruptive activity.

(iv) Interrupts or attempts to interrupt the person who has the floor.

(v) Speaks in a malicious and abusive manner.

(vi) Engages in personal attacks.

(vii) Conducts himself/herself in a less than respectful manner.

(viii) Knowingly makes false or untrue statements or comments during Council proceedings.

(2) Except as the Chairman may otherwise permit, any person who is not a Tribal Council member shall address Council only from the podium, and at all other times shall remain seated.

~~(b)~~ Written or public comment shall be allowed on all actions contemplated by the Tribal Council that are not ministerial in nature such as regular budgetary transactions of the Executive Branch's divisions departments, and programs or of other Tribal entities in the regular course of

daily operations. Therefore, when preparing the agendas for the Budget Council the Tribal Council Chairman shall ensure that resolutions falling outside the scope of regular budgetary transactions necessary for efficient daily operations of the Tribe are not placed upon the Budget Council agenda in order to afford members of the community an opportunity to request time on the Wednesday Tribal Council Agenda to voice their opinions on un-budgeted items.

(d) In this section and in C.C. § 117-16, references to the Tribal Council Chairman include the Vice Chairman who presides when the Chairman is absent.

**Sec. 117-30.1. - Reserved.**

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

*Submitted by Boyd Owle, Birdtown Tribal Council Representative*