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CHEROKEE COUNCIL HOUSE
CHEROKEE, NORTH CAROLINA

FEB 03 2022

Date: _____

ORDINANCE NO. 134 (2021)

An ordinance to amend C.C. § 117-10.1 regarding the chain of command within the Tribal Operations Program (TOP).

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 and C.C. § 117-10; and

WHEREAS, Tribal Council is supported by the Tribal Operations Program (TOP) which is established in C.C. § 117-10.1 and that section expresses the chain of command for the Director and staff of the TOP; and

WHEREAS, C.C. § 117-10.1 should be amended to revise the chain of command within TOP.

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. § 117-10.1 is amended to read as follows:

Sec. 117-10.1. Tribal Operations Program.

(a) Establishment. There is hereby created an Tribal Operations Program for the purpose of supporting the administrative and operational needs of the Tribal Council, the Legislative Branch of the Eastern Band of Cherokee Indians. The staff employed by the Tribal Operations Program are not Tribal employees subject to the executive committee's hiring and daily management. Staff employed by the Tribal Operations Program and the responsibilities for the administration and operations of the Office shall be managed by the ~~Director for the Tribal Operations Program~~ Chairman of Tribal Council.

(b) Powers and duties. The Tribal Operations Program has the following powers and duties:

- (1) Pursuant to the direction of the Tribal Council, or of the Chairman, to make or cause to be made such studies of and investigations into governmental agencies and entities and matters of public policy as will aid the Tribal Council in performing its duties in the most efficient and effective manner.
- (2) To report to the Tribal Council the results of the studies made. The reports may be accompanied by recommendations and legislation suggested to effectuate the recommendations.
- (3) To administer and support the functions and purposes of Tribal Council.

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2 (c) Cooperation with the Tribal Operations Program. The Tribal Operations Program may
3 call upon any division, department, program, agency or entity, or officer of the Tribe or
4 of any political subdivision thereof for information and data as may be available or made
5 available, and these divisions, departments, agencies, entities, and officers shall
6 cooperate with the Tribal Operations Program to the fullest possible extent.
7
8 (d) ~~Director~~ Legislative Counsel and Staff. The ~~Director~~ Chairman of Tribal Council shall
9 be responsible for the administration of the Tribal Operations Program. The ~~Director~~
10 Legislative Counsel shall provide legal research and legal advice to Tribal Council and,
11 if requested by the Chairman, shall work closely with the Chairman of the Tribal
12 Council to write policies and procedures for Tribal Council and set goals, priorities and
13 initiatives for the Tribal Council, ~~and the Director~~ The Legislative Counsel shall hire and
14 manage ~~all Office staff and~~ contracted support. The Tribal Operations Program shall be
15 supported by the Tribe's established system for payroll, procurement of capital assets,
16 and other administrative processes as may be requested by the Tribal Council Chairman
17 in order to have the Tribal Operations Program function within existing administrative
18 and support resources.
19
20 (e) Application of the Tribe's personnel policy. It is the intent of Tribal Council that all hired
21 staff, including the Director, of the Tribal Operations Program shall have the benefits and
22 protections of the personnel policy applicable to all Tribal employees, including
23 procedures for corrective actions. In order to maintain a clear separation of duties and
24 administration of Legislative activities, however, all staff serving the Legislative Branch
25 shall be separate from the administrative authority of the Principal Chief and the
26 Executive Committee. It shall be the responsibility of the ~~Director, with the approval of~~
27 ~~the Tribal~~ Council Chairman, to modify such Tribal personnel policies and procedures, as
28 needed, in order for such policies and procedures to be effective for the personnel needs
29 of the Tribal Operations Program. The Tribal Council Chairman shall have exclusive
30 supervisory responsibility over the ~~Director, and the Director shall have supervisory~~
31 Legislative Counsel and personnel responsibilities over all other legislative Tribal
32 Operations Program staff.
33

34 BE IT FINALLY ORDAINED that all ordinances that are inconsistent with this ordinance are
35 rescinded, and that this ordinance shall become effective when ratified by the
36 Principal Chief.
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38

39 *Submitted by Richard French, Tribal Council Chairman.*