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Cherokee Council House  
Cherokee, North Carolina

FEB 03 2022

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Date

ORDINANCE NO. 142 (2022)

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 July 2016, the Eastern Band of Cherokee Indians found that criminal fines and fees should serve as a deterrent to criminal activity and prohibited the Cherokee Court from garnishing criminal fines and fees. *See* Eastern Band of Cherokee Indians Tribal Council Ordinance No. 245 (2016).

WHEREAS, in February 2018, the Eastern Band of Cherokee Indians revisited the criminal fines and fees issue and allowed the Cherokee Court to garnish criminal fines and fees. *See* Eastern Band of Cherokee Indians Tribal Council Ordinance No. 20 (2017).

WHEREAS, Cherokee Court revenue is important; deterring criminal activity would benefit the tribal community.

WHEREAS, Cherokee Code §16C needs amending.

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. 16C, 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 by the Principal Chief or Vice-Chief. Charter and Governing Document, sect. 12 (Oct. 8, 1986).

*Submitted by: Bill Taylor, Wolfstown/Big Y Representative*