

TABLED

CHEROKEE COUNCIL HOUSE
CHEROKEE, NORTH CAROLINA
OCT 24 2022

DATE

ORDINANCE NO. 422 (2022)

WHEREAS, the Eastern Band of Cherokee Indians (EBCI) Tribal Government serves the entire community of the Eastern Band of Cherokee Indians, and,

WHEREAS, the community of the Eastern Band of Cherokee Indians is entitled to fully know the actions of the government to the extent allowable, excepting information that would potentially negatively impact the health, safety and prosperity of the Tribal Community, and,

WHEREAS, the Office of Internal Audit and Ethics Committee are charged with investigations of fiduciary and ethical behavior of officials of the Eastern Band of Cherokee Indians, and,

WHEREAS, the final reports on these investigations are reflective of the official's positive or negative impact on health, safety, and prosperity of the Tribal Community, and,

WHEREAS, the Section 117-107 does not include provisions to allow for the distribution of final audit and investigative reports to the community

NOW THEREFORE BE IT ORDAINED by the Tribal Council of the Eastern Band of Cherokee Indians in Council assembled at which a quorum is present that the Eastern Band of Cherokee Indians does hereby amend the Cherokee Code as follows;

Section 117-107. Reports.

(a) Audit Reports

(1) A written report shall be prepared and issued by the Chief Audit and Ethics Executive or designee following the conclusion of each audit. The report will be addressed to appropriate management. Copies of the report will be distributed to the Principal Chief, Vice Chief, Tribal Council and appropriate management. The appropriate director and/or manager of the division, program or entity receiving the report shall respond to the Office of Internal Audit and Ethics indicating within 30 days what actions were taken or will be taken in response to specific report findings and recommendations.

(2) The director and/or manager receiving the report shall monitor to determine whether progress is made toward correcting any unsatisfactory conditions. When requested the director/or manager shall provide to the Office of Internal Audit and Ethics a report on the status of corrective actions. The Office of Internal Audit and Ethics shall determine whether the action taken is adequate to resolve audit findings.

1 (3) If the action is not adequate, the Office of Internal Audit and Ethics will inform the
2 Executive Committee of the potential risk and exposure in allowing the unsatisfactory
3 conditions to continue. The Audit and Ethics Committee will be informed if the
4 Executive Committee is the audited party. If appropriate action is not taken within an
5 acceptable timeframe, the Audit and Ethics Committee will be informed and allowed
6 to exercise their authority as stated in Section 117-109(13)
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8 (b) Investigative Reports

9 (1) A written report shall be prepared and issued by the Chief Audit and Ethics Executive
10 or designee following the conclusion of each investigation. ~~The report may be~~
11 ~~deemed confidential and will be addressed and distributed to only appropriate parties.~~
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13 (c) Reporting to the public

14 (1) All completed and final audit and investigative reports will be deemed public record
15 and will be provided immediately upon completion to the Tribal Media for
16 distribution to the public.
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18 (2) Reports may be redacted or deemed confidential only by the approval of Attorney
19 General prior to being provided to the Tribal Media for public distribution. The
20 approval must be sought within 30 days of the completion of the report, or the entire
21 report becomes public record immediately and will be immediately made available to
22 the public at the end of the 30-day period. The Attorney General will redact and
23 make the report available within five business days of receipt.
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25 (Ord. No. 464, 9-26-2002; Ord. No. 956, 9-4-2003; Ord. No. 81, 1-25-2010; Ord No. 290, 9-21-
26 2012; Ord. No. 205, 7-7-2014; Ord. No. 522, 4-21-2017)
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29 BE IT FINALLY ORDAINED that all resolutions and ordinances inconsistent with this
30 ordinance are rescinded and this ordinance shall become effective upon ratification of the
31 Principal Chief
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34 Submitted by: The Cherokee One Feather Editorial Board; Robert Jumper, Scott Brings-Plenty,
35 Sally Davis, Jonah Lossiah, Breanna Lucas, Dawn Arneach, Christian Siewers, Jr.