

TABLED

CHEROKEE COUNCIL HOUSE
CHEROKEE, NORTH CAROLINA

Date: NOV 15 2022

ORDINANCE NO. 437 (2022)

WHEREAS, the Eastern Band of Cherokee Indians is a federally-recognized Indian tribe with sovereign powers of self-government, including the authority to adopt laws and regulations for the general government of the Tribe, and to enforce obedience to those laws. (EBCI Charter and Governing Document § 23); and

WHEREAS, in Ordinance No. 539 (2021), Tribal Council created C.C. Chapter 17, which provides a legal framework for the regulation of medical marijuana, including a regulatory board called the Cannabis Control Board; and

WHEREAS, C.C. Section 17-21 states that the Cannabis Control Board shall have five members who are appointed to the Board by nomination by the Principal Chief and confirmation by Tribal Council; and

WHEREAS, C.C. Section 17-21 states that at least three members of the Board shall be enrolled members of the EBCI or another federally-recognized Indian tribe; and

WHEREAS, the law should be changed to require all five members of the Cannabis Control Board to be enrolled members of the EBCI.

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. § 17-21 shall be amended to read as follows:

Sec. 17-21. Members of the Board.

- (a) There shall be five members of the Board. The members of the Board are appointed by nomination by the Principal Chief and confirmation by Tribal Council.
- (b) ~~At least three~~ All five members of the Board shall be enrolled members of the Eastern Band of Cherokee Indians ~~or another federally-recognized Tribe.~~
- (c) It is the intention of Tribal Council that the Board be made up of the most qualified persons. At least one member of the Board shall:
 - (1) be selected with special reference to his or her knowledge, skill, and experience in general accounting and have a comprehensive knowledge of the principles and practices of corporate finance and auditing, general finance, or economics.
 - (2) be selected with special reference to his or her training and experience in the fields of investigation, financial auditing, or corporate compliance.

- (3) be a selected with special reference to his or her knowledge, skill, and experience in law or regulatory compliance.
 - (4) be selected with special reference to his or her knowledge, skill, and experience in the cannabis industry.
 - (5) be a selected with special reference to his or her knowledge, skill, and experience in the area of medicine, public health, mental health, or be a clinical professional counselor, alcohol and drug counselor, or social worker with knowledge, skill, and experience in the area of education and prevention of abuse relating to cannabis."
- (d) In addition to any other requirements imposed by this section, the member who is designated as Chair of the Board must have at least five years of leadership experience in his or her field.

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 Brenda Norville.