

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38

CHEROKEE COUNCIL HOUSE  
CHEROKEE, NORTH CAROLINA

Date: \_\_\_\_\_

ORDINANCE NO.: \_\_\_\_\_ (2024)

*An ordinance amending C.C. Sec. 117-31 and establishing a new Sec. C.C. Sec. 117-38.1, to require review by the Planning Board of capital projects that require an expenditure of \$50,000 or more, and requiring financial review and drafting of Fiscal Notes by the Office of Budget and Finance.*

WHEREAS, Cherokee Code (C.C.) Sec. 117-31 governs the Planning Board, which has authority to review and approve capital projects “with respect to the Cherokee Indian Reservation”; and

WHEREAS, the Tribe and its entities fund and pursue capital projects on and off Tribal trust land, in North Carolina and other states, and these projects have a significant impact on the Tribe’s budget; and

WHEREAS, C.C. Sec. 117-31 should be amended to expand the authority of the Planning Board to include projects off of the reservation, and to impose a requirement that projects having a certain value shall be reviewed by the Planning Board to better inform Tribal Council and the Executive Committee as to the financial impact of the projects on the budget, to promote informed decision making by those Tribal officials; and

WHEREAS, the Cherokee Code should be amended by adding thereto a new section, identified as Sec. 117-38.1, to require Tribal Council to refer funding resolutions of a certain value to the Planning Board for review before Tribal Council votes to approve or reject the resolution, and to require review by the Office of Budget and Finance and the production of a Fiscal Note assessing the impact on the Tribe’s budget.

NOW, THEREFORE, BE IT ORDAINED the Eastern Band of Cherokee Indians Tribal Council, in Council assembled, at which a quorum is present, that C.C. Sec. 117-31 shall be amended to read as follows, and a new Sec. 117-38.1 shall be established, as follows:

39 **Sec. 117-31. Planning Board.**

- 40 (a) The planning board is created with members consisting of the following persons:
- 41 (1) Six Tribal Council Members appointed by Tribal Council to serve a term of two years,
- 42 which shall be concurrent with the member's term of office.

- 1 (2) The Principal Chief ~~, or his or her proxy given to the Vice Chief, to~~ and Vice Chief  
2 shall also be members of the Planning Board, and shall serve a term of four years,  
3 which shall be concurrent with the executive term of office.
- 4 (3) Secretary of Finance; and Secretary of Commerce.
- 5 (4) One enrolled member who is also an owner or operator of a business within the Tribe's  
6 business community and within the Tribe's jurisdiction, to serve a term of two years,  
7 which shall be concurrent with the council member's term of office, and appointed by  
8 the Principal Chief.
- 9 (5) An enrolled member who is an elder, of a least 59½ years of age, appointed by the  
10 Chief and Tribal Council to serve a term of two years, which shall be concurrent with  
11 the Council Member's term of office.
- 12 (b) The Board shall elect from its members a Chairman, Vice-Chairman, a Secretary and such  
13 other officers as it may desire.
- 14 (c) The appointing authority may remove any member of the Board for cause.
- 15 (d) The members of the Planning Board shall not receive compensation for their services, but  
16 shall be entitled to compensation for expenses, including traveling expenses incurred in the  
17 discharge of their duties.
- 18 (e) Eight members of the Planning Board shall constitute a quorum for the transaction of  
19 business, notwithstanding the existence of any vacancies.
- 20 (f) The Planning Board shall have all the power, authority, discretion and duties with respect to  
21 the Cherokee Indian Reservation as are granted to Planning Boards which are created by the  
22 State of North Carolina.
- 23 (g) The Planning Board shall have the power, authority and discretion to review and approve or  
24 reject capital projects that require an expenditure of fifty-thousand dollars (\$50,000) or  
25 more. All such capital projects are required to be submitted to the Planning Board for  
26 review per this subsection, which review shall be completed in a timely fashion.
- 27 (g) The Board shall be required to meet ~~quarterly~~ not less than twice a month, to keep minutes  
28 of all such meetings and report to ~~the Tribal~~ Council at the next Council meeting following  
29 ~~each the last~~ Board meeting of each month.

30  
31 **Sec. 117-38. Capital projects and fiscal notes.**  
32

- 33 (a) Any resolution submitted to Tribal Council that requests funding of a capital project in an  
34 amount of fifty-thousand dollars (\$50,000) or more shall be referred by Tribal Council to  
35 the Planning Board for pre-liminary review, before Tribal Council shall vote to approve  
36 or reject the funding request presented in the resolution.
- 37 (b) Any resolution meeting the criteria expressed in subsection (a) shall be reviewed by the  
38 Office of Budget and Finance to determine the impact on the Tribe's budget and  
39 compliance with the Tribe's financial requirements. Such review shall be performed  
40 before the resolution may be subject to vote and approval by Tribal Council, and such  
41 Fiscal Note shall accompany the resolution when it is voted on by Tribal Council.

1  
2  
3  
4  
5  
6  
7

**BE IT FINALLY ORDAINED** that all ordinances which are inconsistent with this ordinance are rescinded, and that this ordinance shall become effective upon ratification by the Principal Chief.

*Submitted by the Brandi Claxton, Finance Director; and Michael McConnell, Attorney General.*