

TABLED

CHEROKEE COUNCIL HOUSE
CHEROKEE, NORTH CAROLINA

Date: MAY 02 2024

ORDINANCE NO. 186 (2024)

An ordinance amending C.C. Sections 117-43.1 through 117-43.8 to grant more review authority to the Housing Committee over policies, procedures, rules, regulations, and contracts concerning all Housing related matters within the Tribe.

WHEREAS, the Tribal Housing Committee is established in Cherokee Code Section 117-43.1, with the authority to review and provide recommendations for policies and regulations for all Housing related matters within the Tribe; and

WHEREAS, there have been incidents regarding Housing budgetary items and Housing related construction contracts that would have benefited from first being vetted and reviewed by the Housing Committee; and

WHEREAS, the ordinance governing the Housing Committee should be amended to clarify the role of the Committee, to grant it the authority to provide recommendations to Tribal Council for budgetary related Housing items, and authority to review all Housing related construction contracts and development projects before they are submitted for final approval

NOW THEREFORE BE IT ORDAINED by the Eastern Band of Cherokee Indians in Tribal Council assembled, at which a quorum is present, that Cherokee Code Chapter 117 is hereby amended as follows:

Sec. 117-43.1. Housing Committee; generally.

(a) The Housing Committee shall be composed of the following:

- (1) The Chairman ~~and Vice Chairman of Tribal Council~~ shall appoint six seated Tribal Council members to the Housing Committee, with each Tribal Council member being a representative of each community.
- (2) The Principal Chief shall appoint one person to the Housing Committee.

(b) No person shall be barred from serving on the Housing Committee because he or she is a tenant or homebuyer in a house or housing project of the Tribe except as provided in this section and Section 117-43.4. Housing Committee members shall be entitled to fully participate in all meetings concerning matters that affect all the tenants or homebuyers, even though such matters affect him or her as well. However, no such Housing Committee member shall be entitled or permitted to participate in or be present at any meeting (except in his or her capacity as a tenant or homebuyer) or to be counted or treated as a Housing Committee member, concerning any matter involving his, or any member of his immediate family, individual rights, obligations, or status as of tenant or homebuyer.

(c) In all matters, members of the Housing Committee shall remain neutral and unbiased in its decision making; and shall pursue the uniform application and interpretation of the Tribe's

1 housing laws and programs. Each Housing Committee member who has an actual or potential
2 perceived conflict of interest with a matter being considered by the Committee should remove
3 himself or herself from the room during discussion of the matter and shall recuse himself or
4 herself from any decision or vote on the matter.

5
6 **Sec. 117-43.2. Housing Committee officers.**

- 7 (a) The Housing Committee shall select from among its members a chairman, vice-chairman, and
8 a secretary. A Housing Committee member can be both the vice-chairman and the secretary.
9 The Housing Committee officers shall serve a two-year term.
10 (b) In the event the chairman resigns, dies, or is otherwise unable to complete his term, the Housing
11 Committee shall ~~re~~appoint a new chairman to complete the vacated term.
12 (c) In the chairman's absence, the vice-chairman shall preside; and in the absence of both the
13 chairman and the vice-Chairman, the Housing Committee secretary shall preside.

14
15 **Sec. 117-43.3. Housing Committee—Removal of members.**

- 16 (a) A Housing Committee member may be removed by the appointing power official for a Code
17 of Ethics violation pursuant to C.C. §117-45. If removed, a new Housing Committee member
18 shall be appointed pursuant to C.C. § 117-43.1 above.

19
20 **Sec. 117-43.4. Housing Committee eligibility.**

21 No person shall be eligible or qualified to serve or continue to serve as a member of the Housing
22 Committee who:

- 23 (a) Has a history of three or more payment delinquencies within the previous three years
24 before being appointed to the Housing Committee, or during their tenure on the Housing
25 Committee;
26 (b) Has been convicted of a felony or any other criminal offense involving moral turpitude.
27 For purposes of this section, a crime of moral turpitude means a criminal offense involving
28 dishonesty, fraud, or deceit; or
29 (c) Is an employee of the Cherokee Housing Division.

30
31 **Sec. 117-43.5. Housing Committee compensation.**

32 Housing Committee members shall be compensated as provided in C.C. §117-29 ("Committee
33 pay").

34
35 **Sec. 117-43.6. Housing Committee meetings.**

- 36 (a) Housing Committee meetings shall be held at regular intervals as the policies and procedures
37 of the Committee may provide. The Housing Committee Chairman may call and hold
38 Emergency meetings. ~~may be held on 24 hours.~~ Business may be transacted only if a quorum
39 of members exists at the meeting at which the action is to be taken.
40 (b) A majority of the full Housing Committee (i.e., notwithstanding the existence of any vacancies)
41 shall constitute a quorum for the transaction of business, but no action shall be taken unless
42 there is a majority agreement among the members present.

1 (c) The Housing Committee secretary or their designee shall keep complete and accurate records
2 of all Housing Committee meetings and actions taken.
3

4 **Sec. 117-43.7. Housing Committee powers and duties.**

5 The Housing Committee ~~shall be~~ is a legislative oversight committee. The Housing Committee
6 shall have authority to make recommendations to the Secretary of Housing, Tribal Council, and to
7 the Principal Chief and Vice Chief for all Housing related matters within the Tribe. The Housing
8 Committee shall have the following authority:

- 9 (a) To ~~ensure~~ observe that housing programs are administered consistent with Tribal law,
10 policy, and procedures.
11 (b) To review and provide recommendations for Housing's policies, procedures, rules, and
12 other measures to ensure the proper and lawful provision of housing opportunities and
13 compliance with applicable laws, rules, regulations, grants, and loans. ~~To review and~~
14 approve the Cherokee Housing Division's policies and procedures to manage effectively
15 and deliver housing.
16 (c) To recommend to Tribal Council resolutions, ~~and~~ ordinances, and amendments ~~thereto,~~
17 governing housing and housing-related subjects, as well as all budgetary related Housing
18 matters.
19 (d) To approve proposed land purchases for housing with final approval being with Tribal
20 Council.
21 (e) To review all Housing construction contracts over \$50,000.00 and Housing development
22 projects prior to their execution and approval. ~~To provide for the transfer of possessory~~
23 holdings and improvements from and to the Tribe and Tribal members and their families
24 as authorized by Tribal Council.
25 (f) To review and recommend to Tribal Council the Cherokee Housing Division's annual
26 budget.
27 (g) To review and approve the Cherokee Housing Division's long-term plan and the Indian
28 Housing Plan which is submitted to Secretary of Housing and Urban Development.
29 ~~(h) To review, recommend and approve policies, procedures, rules and other measures to~~
30 ~~ensure the proper and lawful provision of housing opportunities and compliance with~~
31 ~~applicable laws, rules, regulations, grants and loans.~~
32 ~~(i) To review and approve requests for additional work and cost that may exceed the dollar~~
33 ~~limit imposed by Tribal law or policy for the Tribe's Infrastructure and Paving program.~~

34
35 **Sec. 117-43.8. Legislative oversight.**

36 The Housing Committee oversight shall be limited to resolution consideration and policy
37 decisions and shall not involve program administration.

38
39 BE IT FINALLY ORDAINED that all ordinances that are inconsistent with this ordinance are
40 rescinded, and that this ordinance shall become effective when ratified by the
41 Principal Chief.
42

43 *Submitted by Tribal Housing Committee*