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Cherokee Council House
Cherokee, Qualla Boundary (NC)

Date: JUN 06 2024

ORDINANCE NO. 205 (2024)

WHEREAS, The Eastern Band of Cherokee Indians established the Tribal Alcoholic Beverage Control Commission by Ordinance 768 on September 8, 2011, and

WHEREAS, The Tribal Alcoholic Beverage Commission was established as an independent entity of the Tribe to further promote the sovereignty of the Eastern Band of Cherokee Indians; and

WHEREAS, The State of North Carolina has passed S.L. 2015-287 and codified N.C.G.S. 1E-12 providing for the Tribe to establish a state recognized tribal alcohol law enforcement agency, independent from the Cherokee Police Department, in order to provide the Tribe with the State's recognition of a Tribal Alcohol Law Enforcement Division, within the Tribal Alcoholic Beverage Control Commission, with the authority to enforce state laws and have access to state courts for cases involving non-Indians; and

WHEREAS, It is necessary to amend Ordinance 903 (2009), as amended by Ordinance 26 (2011), and Ordinance 14 (2017) to allow the Eastern Band of Cherokee Indians to more fully exercise its tribal sovereignty by voting on an ordinance to modify the day-to-day supervision and oversight of the law enforcement agency that is primarily responsible for enforcing of the laws related to sales, consumption, purchase and possession of alcoholic beverages on Indian Lands under the exclusive control of the Eastern Band of Cherokee Indians;

NOW THEREFORE BE IT ORDAINED by the Tribal Council of the Eastern Band of Cherokee Indians assembled, at which a quorum is present, that Cherokee Code Section 18B-500 reads as rewritten:

"Sec. 18B-500. - Tribal alcohol law-enforcement agents.

- (a) *Appointment.* The Tribal Alcoholic Beverage Control Commission of the Eastern Band of Cherokee Indians shall appoint a Chief Tribal alcohol law-enforcement agent. The ~~Chair of the Tribal Alcoholic Beverage Commission or the Chair's designee~~ shall have the authority to supervise day-to-day activities of the Chief alcohol law-enforcement ~~agent or the Chair's designee agent.~~ The Chief Tribal alcohol-law enforcement agent may appoint, with the approval of the Tribal ABC Commission, Tribal alcohol law-enforcement agents and other

enforcement personnel. Tribal alcohol law-enforcement agents shall be designated as "Tribal alcohol law-enforcement agents."

- (b) *Subject matter jurisdiction.* After taking the oath prescribed for a peace officer, a Tribal alcohol law-enforcement agent shall have authority to arrest and take other investigatory and enforcement actions for any criminal offense arising from the enforcement of alcohol laws and regulations. The primary responsibility of an agent shall be enforcement of the Tribal ABC and controlled substance laws; however, an agent may perform any law-enforcement duty assigned by the Chief alcohol-law enforcement agent ~~or the Chair's designee~~ when coordinated with the Chief of Police as set forth in C.C. Chapter 4.
- (c) *Territorial jurisdiction.* A Tribal alcohol law-enforcement agent is a Tribal officer with jurisdiction throughout the lands of the Eastern Band of Cherokee Indians.
- (d) *Service of commission orders.* Tribal alcohol law-enforcement agents may serve and execute notices, orders, or demands issued by the Tribal Alcoholic Beverage Control Commission for the surrender of permits or relating to any administrative proceeding. While serving and executing such notices, orders, or demands, alcohol law-enforcement agents shall have all the power and authority possessed by law-enforcement officers when executing an arrest warrant.
- (e) *Authority of Cherokee Police Commission.* Tribal alcohol law-enforcement agents are law enforcement officers as defined in C.C. Chapter 120 governing the Cherokee Police Commission, and they are subject to certain actions of the Cherokee Police Commission, subject to limitations expressed in C.C. § 120-7."

BE IT FURTHER ORDAINED that this amendment shall be effective upon ratification by the Principal Chief, and all prior ordinances and resolutions inconsistent with this ordinance are rescinded.

Submitted By Tribal ABC Commission