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Cherokee Council House
Cherokee, Qualla Boundary (NC)

Date: JUN 06 2024

ORDINANCE NO. 206 (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, In compliance with the Tribe's mission to generate revenue from the sale and consumption of alcoholic beverages at ABC permitted establishments the Commission has expanded its operations to include the operation of a full-service ABC Store, a full-service warehouse, and oversees the enforcement of ABC laws on Indian lands through the Tribal Alcohol Law Enforcement Division; and

WHEREAS, The Tribal ABC Commission wishes to increase efficiencies with the Tribal ABC Commission by streamlining management and supervision through a central employee to hold the position of Executive Director; and

WHEREAS, It is necessary to amend Chapter 18B of the Cherokee Code by adding new sections to provide for the management authority of the Executive Director position;

NOW THEREFORE BE IT ORDAINED by the Tribal Council of the Eastern Band of Cherokee Indians assembled, at which a quorum is present, that Chapter 18B of the Cherokee Code is amended by amending C.C. 18B-200(e) to read as follows:

“(e) Employees. ~~The Chairman~~ **Executive Director** is authorized to employ, discharge, and otherwise supervise subordinate personnel of the Commission.”

BE IT FURTHER ORDAINED by the Tribal Council of the Eastern Band of Cherokee Indians assembled, at which a quorum is present, that Chapter 18B of the Cherokee Code is amended by adding two new sections to read as follows:

“§18B-206. - Executive Director.

(a) The Commission shall have the authority to employ an Executive Director.

(b) No person actively holding any Tribal elective office, and no sitting judicial official is eligible to serve as Executive Director.

- (c) The Executive Director must have at least seven years of responsible administrative experience in Alcoholic Beverage Control administration or other commensurate experience.
- (d) The Executive Director shall serve in a full-time capacity.
- (e) The Executive Director shall be subject to the same restrictions as imposed on Commissioners in §18B-201 of the Cherokee Code.
- (f) The Executive Director shall be compensated consistent with the salary structure adopted by the Tribal Council from time to time for Tribal employees.
- (g) The Executive Director shall have such authority as delegated by the Commission.
- (h) The Executive Director may be terminated for cause by a majority vote of the Commission.

§ 18B-207. - Other Commission staff.

The Executive Director shall have the authority, subject to budget approval by the Commission, to employ and fix the salaries of, or contract for the services of, such professional, technical, and operational personnel and consultants as the execution of the Commission's duties may require. The Commission staff shall be compensated consistent with the salary structure adopted by the Tribal Council from time to time for Tribal employees. Professional, technical and operational personnel and consultants shall be compensated in a manner consistent with any contract for services approved by the Executive Director.”

BE IT FINALLY 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