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CHEROKEE COUNCIL HOUSE
CHEROKEE, NORTH CAROLINA

Date: NOV 03 2025

ORDINANCE NO.: 39 (2025)

An ordinance to...

WHEREAS, the Eastern Band of Cherokee Indians is a federally recognized Indian Tribe with inherent powers of self-government and self-determination; and

WHEREAS, the Eastern Band of Cherokee Indians Tribal Council has general lawmaking authority to establish laws for the Tribe in order to promote the Tribe's health, safety, and welfare; and

WHEREAS, the Eastern Band of Cherokee Indians Fire and Rescue Department is the sole provider of fire suppression and technical rescue operations within the borders of the Qualla Boundary; and

WHEREAS, fire and rescue departments are based on service to the community in order to meet the needs of the people in order to save lives and protect property; and

WHEREAS, there is a need to connect the community with the Eastern Band of Cherokee Indians Fire and Rescue Department in order for the community to have a voice that ensures that their needs are being met; and

WHEREAS, the culture of fire and rescue departments are a unique environment that need guidance and direction from those who are knowledgeable of fire and rescue operations, as well as having experience in the field of fire and rescue; and

WHEREAS, the establishment of a Fire and Rescue Commission will provide the community with a resource that allows the people the opportunity to voice their questions, concerns, and opinions; and

WHEREAS, a Fire and Rescue Commission will provide knowledgeable and experienced oversight of the current Eastern Band of Cherokee Indians Fire and Rescue Department; and

WHEREAS, in order to clarify the Cherokee Code to establish and reflect the policy of the Eastern Band of Cherokee Indians Fire and Rescue Commission, the Cherokee Code should be amended.

NOW THEREFORE BE IT ORDAINED, by the Tribal Council of the Eastern Band of Cherokee Indians, in council assembled at which a quorum is present, that in order establish

1 the Eastern Band of Cherokee Indians Fire and Rescue Commission and its
2 policies, the Cherokee Code is hereby amended as follows:
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4 Chapter --- CHEROKEE FIRE AND RESCUE COMMISSION
5

6 Sec. ----1. Establishment.

7 The Cherokee Fire and Rescue Commission (CFRC) is hereby established as a fire and rescue
8 oversight and authoritative component of the Tribe appointed according to C.C. Section -----.
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11 Sec. ----2. Purpose.

12 The purpose of the Commission is to provide performance and regulatory oversight of the Tribal
13 Fire and Rescue agency and to act as the liaison between the community, fire and rescue agency,
14 and the Executive and Legislative branches of Tribal government providing transparency,
15 advice, advocacy, and enforcement for effective policies and protocols that will help reduce fire
16 loss and increase safety on Tribal trust lands.
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18 Sec. ----3. Definition

19 The following words, terms and phrases as used in this chapter, shall be defined as follows:

20 (a) Commission shall mean the Cherokee Fire and Rescue Commission (CFRC).

21 (b) Commissioner and/or member shall mean an authorized member of the Cherokee Fire
22 and Rescue Commission.

23 (c) Chair shall mean the Chairperson of the Cherokee Fire and Rescue Commission.

24 (d) Vice Chair shall mean the Vice-Chairperson of the Cherokee Fire and Rescue
25 Commission.

26 (e) Fire and rescue agency shall mean the agency responsible for firefighting and rescue
27 operations, fire prevention, and fire code enforcement of the Eastern Band of Cherokee Indians,
28 including but not limited to: Cherokee Fire and Rescue (CF&R) and the Cherokee Volunteer Fire
29 Department (CVFD).

30 (f) Firefighter or Fire and Rescue Official shall mean any authorized personnel delegated
31 authority to provide fire suppression, rescue operations, and enforce the fire and life safety code
32 as adopted by the Eastern Band of Cherokee Indians.

33 (g) Oversight shall mean the authority and responsibility to request, synthesize and analyze
34 any information from the fire and rescue agency in a manner that will assist the Commission in
35 carrying out its purpose and the authorities in this chapter in order to have a data informed view
36 of quantity, quality and effectiveness of the agencies and shall include the authority to directly
37 supervise, manage or direct any fire and rescue officials or agencies.

38 (h) Report, when used as provided in C.C. Section ----- to describe the duty of an employee
39 to report to the Commission, shall mean that the employee shall provide information to and be
40 responsive to the inquiries, requests and proceedings of the Cherokee Fire Commission.
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43 Sec. ----4. Commission membership.

44 (a) Nominations to serve on the Cherokee Fire and Rescue Commission are made by the
45 Principal Chief. Tribal Council approves membership appointments and the Commission's
46 annual work plan. The Commission shall consist of ten members with experience working in

1 fire, rescue, police, emergency medical services, or other related field, two of whom shall be
2 retired Cherokee Fire and Rescue members, six members to represent the six Tribal townships of
3 the Eastern Band of Cherokee Indians, the other two representing one "at large" male and one "at
4 large" female who may be excluded from emergency services experience as deemed necessary.
5 All members of the commission shall be an enrolled member of the Eastern Band of Cherokee
6 Indians.

7 (b) Unless a shorter term is expressed in the appointing resolution, a Commissioner's term
8 shall be ---- years. Successive and multiple terms are allowed but in no case shall a
9 Commissioner serve more than ---- years on the Commission. Vacancies shall be filled within 90
10 days of the event causing the vacancy and vacancies shall be filled in the same manner as
11 original appointments are made. To the extent possible, appointments shall be made to stagger
12 the terms of the Commissioner. Commissioners may be removed from office by the nominating
13 authority for just cause, as recommended by a majority vote of the Fire Commissioners.

14
15 Sec. ----5. Authority.

16 The Cherokee Fire and Rescue Commission is hereby vested with the following authority:

17 (a) Oversight of the Tribal Fire and Rescue agency. The Fire Chief and other Fire and
18 Rescue Managers shall manage the daily operations of their respective program, and the
19 commission shall ensure that the implementation of applicable policies, standards, regulations,
20 and law are being achieved by firefighters and fire officials. The Fire Chief and Fire and Rescue
21 Managers shall provide monthly reports to the Commission for its execution of the authorities
22 expressed in this section;

23 (b) Review and make recommendations as needed regarding the agency policy and
24 procedure manuals, handbooks, guidelines, mutual aid agreements, or memorandums of
25 understanding used by each agency. Such recommendations shall be made in writing to the
26 Executive Committee;

27 (c) Formation of a system to receive, review, and monitor public complaints and concerns
28 regarding fire and rescue to ensure the fire and rescue agency and firefighters are meeting the
29 needs of the community;

30 (d) Review and make recommendations for the annual budgets and year-to-date actuals
31 prepared by Fire and Rescue Program Managers and the Fire Chief providing advocacy and
32 support for budgets before submitting formal recommendations in writing to the Executive and
33 Legislative branches of Tribal government;

34 (e) Review and make recommendations in writing to the Executive Committee for the
35 qualifications for each rank and grade in the fire and rescue field and make recommendations as
36 necessary to ensure consistency within the tribal fire and rescue agency;

37 (f) Review and make recommendations in writing to the Executive Committee for the
38 purchase and use of effective and necessary equipment used by or in connection with the
39 operation of fire and rescue departments or programs;

40 (g) Monitor the complaints made to the fire and rescue agency for firefighter misconduct to
41 ensure the Fire Chief and other Fire and Rescue Managers have responded to and taken
42 appropriate action consistent with policy on fire and rescue ethics and misconduct, and to
43 provide an annual report in writing to the Executive and Legislative branches of Tribal
44 government regarding complaints, resolutions, and potential training needs for firefighters;

45 (h) Submit an annual report in writing to the Executive and Legislative branches of Tribal
46 government containing quantitative and qualitative (performance) measures that illustrate the

1 volume and types of fires, rescues, medical incidents, fire investigations, risk reduction activities,
2 fire code enforcement activities, and all other activities that involve fire and rescue personnel to
3 measure how efficiently and effectively fire and rescue is contributing to the safety and well-
4 being of the community.

5 (i) All Commissioners shall have the authority to vote on issues coming before the
6 Commission;

7 (j) To draft, approve, and implement protocols for the administration of duties placed upon
8 the Cherokee Fire Commission;

9 (k) To share relevant information and perspectives from other community groups,
10 organizations, or constituencies with the Commission;

11 (l) To represent the Commission at public events and other organizational meetings;

12 (m) Serve on temporary committees or task groups that address specific work plan items;

13 (n) Investigative subpoena power;

14 (o) Authority to review, in report form, all personnel actions taken by the fire and rescue
15 agency in the course of its daily operations to ensure proper oversight of the quality and quantity
16 of agency operations. Reports of personnel actions shall comply with Tribal law and the
17 Personnel Policy regarding confidentiality of personal identifying information. The fire and
18 rescue agency, including the firefighters and other employees therein, are subject to the Tribe's
19 Personnel Policy and Procedures, and the authority to take personnel actions on firefighters and
20 other employees is vested in the fire and rescue agency under the guidance of the Commission;
21 and

22 (p) Serve as an outreach entity for citizens to submit fire and rescue recommendations,
23 complaints and/or commendations.

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25 Sec. 120-6. Recommendations of the Commission.

26 The Commission shall consult with the fire and rescue agency and their leadership prior to
27 recommending new policy in writing to the Executive Committee. The Commission shall
28 provide the fire and rescue agency a copy of any and all reports that the Commission may
29 present annually or otherwise.

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33 BE IT FINALLY ORDAINED, that this ordinance shall become effective upon ratification by the
34 Principal Chief.

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37 *Submitted by John Reed, Big Y Community*