

AMENDED
PASSED

CHEROKEE COUNCIL HOUSE
CHEROKEE, NORTH CAROLINA

FEB 02 2017

DATE

RESOLUTION NO. 502 (2017)

WHEREAS, the Eastern Band of Cherokee Indians (EBCI) Tribal Council possesses the authority to impeach any EBCI officer who violates his oath of office, or is guilty of any offense making him ineligible to hold said office by a two-thirds vote of Tribal Council. Charter of Governing Document of the Eastern Band of Cherokee Indians, sect. 22 (Oct. 8, 1986), *see also* sect. 1 outlining EBCI officers.

WHEREAS, the EBCI Tribal Council is vested with full power to enforce obedience to such laws and regulations as may be enacted. *Id.* at sect. 23.

WHEREAS, on January 18, 2016, the Office of Internal Audit completed Tribal Council's requested investigation and submitted the findings to the EBCI Tribal Council.

WHEREAS, the Office of Internal Audit determined that Patrick H. Lambert solely operated the EBCI's day to day duties by solely executing personnel actions requiring Executive Committee approval without the knowledge or input of the Vice-Chief, by failing to conduct a formal interview and reference check requirements, authorizing a salary before budget approval, assigning an interim manager while manager position remained filled, pay raises authorized without documented justification, and changing the organizational structure without Tribal Council approval. OFFICE OF INTERNAL AUDIT, HUMAN RESOURCES ACTIONS INVESTIGATION (2017).

WHEREAS, the Office of Internal Audit found Patrick H. Lambert's actions or inactions violated the Charter and Governing Document and the Personnel Policies and Procedures for the Eastern Band of Cherokee Indians adopted by EBCI Tribal Council Ordinance 154 (May 3, 2012) and codified in the Cherokee Code Chapter 96. *Id.*

WHEREAS, the Office of Internal Audit also determined Patrick H. Lambert executed contracts without Business Committee approval and allowed contract expenditures to exceed contract value. OFFICE OF INTERNAL AUDIT, TRIBAL CONTRACTS INVESTIGATION (2017).

WHEREAS, the Office of Internal Audit found Patrick H. Lambert's actions violated the Cherokee Code §117-19, EBCI Fiscal Management Policies and Procedures, and the Office of the Attorney General Contract Policies and Procedures. *Id.*

~~WHEREAS, the EBCI Tribal Council possesses sole authority to direct the management and control of all property, either real or personal, belonging to the EBCI including EBCI finances. Charter and Governing Document sects. 16 and 20.~~

~~WHEREAS, in order to prevent further Charter and Code violations, and to protect the assets and property, both real and personal, belonging to the EBCI, Patrick H. Lambert needs to be restricted on his authority and access to EBCI resources, including all real and personal property, and the ability to bind the EBCI to any agreements during the impeachment process.~~

~~WHEREAS, suspending Patrick H. Lambert from office pending impeachment proceedings to insure no further Charter and Code violations and to protect EBCI property both real and person is in the best interest of the EBCI and the EBCI members.~~

NOW THEREFORE BE IT RESOLVED by the Eastern Band of Cherokee Indians, in Council assembled, at which a quorum is present, the EBCI Tribal Council directs Articles of Impeachment for Patrick H. Lambert be prepared and submitted for approval.

BE IT FURTHER RESOLVED the EBCI Tribal Council shall retain a Special Impeachment Prosecutor to present evidence of charges contained in the Articles of Impeachment.

BE IT FURTHER RESOLVED that Patrick H. Lambert shall be permitted to retain legal counsel at his own expense to present any defense and answers to the charges contained in the Articles of Impeachment at a time designated by the EBCI Tribal Council.

~~BE IT FURTHER RESOLVED that Patrick H. Lambert is suspended from office pending the conclusion of the Articles of Impeachment hearing and that the duly elected Vice-Chief Richard Sneed shall act as Principal Chief.~~

~~BE IT FURTHER RESOLVED that Patrick H. Lambert shall return all EBCI property to the Vice Chief pending the outcome of the Impeachment proceedings.~~

BE IT FURTHER RESOLVED the EBCI Tribal Council shall hold a future hearing pursuant to Eastern Band of Cherokee Indians, Tribal Council Resolution No. 1095 (2002).

BE IT FURTHER RESOLVED that because Patrick H. Lambert has a conflict of interest in this matter, the Vice-Chief is authorized to ratify this resolution and signature authority on behalf of the EBCI for any other documents related to this resolution as may be required.

BE IT FINALLY RESOLVED that all resolutions in conflict with this resolution are rescinded and that the Vice Chief shall carry out the intent of this resolution.

Submitted by: Vice-Chairman Jones

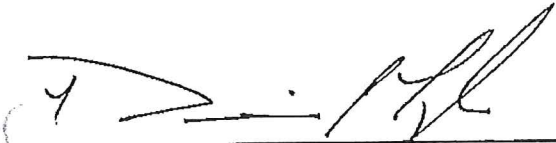
The attached Resolution/Ordinance No. 502 dated FEBRUARY 2, 2017 was:

PASSED (X)

KILLED ()

ratified in open Council on FEBRUARY 2, 2017 by 80 voting for the act and 20 members voting against it as follows:

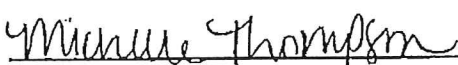
VOTE	FOR	AGAINST	ABSTAIN	ABSENT
Teresa McCoy		X		
Richard French		X		
Travis Smith	X			
B Ensley	X			
Anita Lossiah	X			
Brandon Jones	X			
Bill Taylor	X			
Bo Crowe	X			
Adam Wachacha	X			
Albert Rose	X			
Marie Junaluska	X			
Tommye Saunooke		X		
	80	20	0	0




 TRIBAL COUNCIL CHAIRMAN

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 PRINCIPAL CHIEF
 VETO UPHELD () VETO DENIED ()



 ENGLISH CLERK

 APPROVED () VETOED ()

DATE: ~~Feb 2, 2017~~
Feb. 21, 2017
PHS

I hereby certify that the foregoing act of the Council was duly:

PASSED ()

KILLED ()

and ratified in open Council after the same has been interpreted by the Official Interpreter and has been fully and freely discussed.

 INTERPRETED ()

 OMITTED ()