

TABLED

CHEROKEE COUNCIL HOUSE
CHEROKEE, NORTH CAROLINA

Date: MAY 01 2025

ORDINANCE NO.: 451 (2025)

*An ordinance to amend C.C. Section 130B-3 governing how
nominations for appointments to the CIHA governing board are made.*

WHEREAS, Cherokee Code (C.C.) Section 130B-3 governs how qualified individuals are nominated and appointed to the Governing Board of the Cherokee Indian Hospital Authority (CIHA); and

WHEREAS, Section 130B-3 states that the Governing Board shall have 11 voting members. Eight members are appointed by the Principal Chief and three members serve by reason of their employment position; and

WHEREAS, subsection 3(b) requires the Principal Chief to make his or her appointments from "a panel of two or more potential nominees recommended by the current Governing Board"; and

WHEREAS, Chapter 130B and the CIHA were first established by Ordinance No. 410 (2002), and the language requiring the Chief to make his or her appointments from a panel of two or more nominees recommended by the current Governing Board has not changed since 2002; and

WHEREAS, the CIHA and the Tribe now have 23 years of experience navigating Tribal healthcare needs and governance by the CIHA; and

WHEREAS, subsection 3(b) should be amended to expand the pool of potential nominees for appointment by deleting the restriction that appointments may only be made from a panel that is created by the current CIHA Governing Board.

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 C.C. Section 130B-3 shall be amended to read as follows:

Sec. 130B-3. Governing board; generally.

- (a) The CIHA Governing Board shall be composed of persons who have clearly demonstrated their commitment to the delivery or administration of health care through business or career successes. There shall be eleven voting members.

- 1 (b) The Principal Chief shall appoint ~~eight~~ ten members of the Governing Board, subject to
2 approval confirmation by the Tribal Council. Except for the initially appointed Board
3 members, in selecting a nominee to fill a vacancy or renew the expiring term of a Board
4 member, the Principal Chief shall ~~select from a panel of two or more potential nominees~~
5 ~~recommended by the current Governing Board~~ solicit applications and resumes by public
6 notice of the opportunity. Nominees to the Governing Board shall be selected by the
7 Principal Chief on the basis of their experience and ability to contribute significantly to
8 quality health care delivery. Nominations and appointments shall be made so that any one
9 time a majority of members of the Governing Board are health care professionals currently
10 licensed and in good standing with the appropriate licensing body and who have practiced
11 and earned their primary income under that license for not less than 5 years. Retired health
12 care professionals, who were licensed and in good standing when they retired, may also be
13 nominated and appointed. When possible, nominations and appointments should be made so
14 that the Governing Board includes in its membership a physician, a dentist, an attorney, and
15 an auditor or certified public accountant. At least one member of the Board shall be a
16 physician; at least one member of the Board shall be a dentist; at least one member of the
17 Board shall be an attorney; at least one member of the Board shall have extensive
18 experience in health services administration; at least one member of the Board shall be an
19 auditor or certified public accountant; and at At least three members of the Board shall be
20 patient community representatives. The Principal Chief may consult with the current
21 Governing Board and other entities and persons to evaluate the qualifications and suitability
22 of any potential nominee. To the greatest extent feasible, the Board members shall be
23 enrolled members of the Eastern Band representing a variety of communities, whenever an
24 enrolled member is the most qualified candidate for the position.
- 25 (c) The ~~Chief Executive Officer, Clinical Services Director and the~~ senior public health official
26 for the EBCI, or ~~their~~ that person's designee, shall serve as a voting member of the
27 Governing Board by reason of his/her employment position and shall perform such duties
28 without additional compensation as a part of his/her job duties. Neither the Chief Executive
29 Officer or the Clinical Services Director may serve as the designee of the senior public
30 health official for the EBCI.
- 31 (d) Members of the Board may hold other positions of employment with the Eastern Band and
32 may engage in business; provided, however, that such outside activities do not interfere with
33 the Board member's duties to the CIHA.
- 34 (e) Each member of the Governing Board shall serve a term of four years, except as provided
35 below. Nothing in this chapter shall be construed to preclude a member of the Governing
36 Board from serving successive terms. However, no member may serve serving as a patient
37 community representative/enrolled members may serve more than three successive terms on
38 the Governing Board after the adoption of this section. There shall be no limit to the number
39 of non-consecutive terms a member may serve. Board members shall be subject to removal
40 for good cause, including but not limited to misconduct or neglect of duty, by the Tribal
41 Council. There shall be a six-month probationary period for each new appointee to be
42 reviewed by the Tribal Council, during which time the appointee may be removed with or
43 without cause.

- 1 (f) The initial appointed members of the Board shall serve terms of one, two, three, and four
2 years, respectively, to provide for continuity and rotating succession on the Board. The
3 Principal Chief shall state the term of each appointee nominated, subject to approval by the
4 Tribal Council. After the initial terms expire, all Board members shall serve terms of four
5 years, so that two Board members shall be reappointed or replaced each year.
- 6 (g) The members of the Board who serve based on their employment positions shall continue in
7 office until they resign or are removed from those employment positions, or are removed for
8 cause from the Board by the Tribal Council.
- 9 (h) No member of the Governing Board shall be finally selected until he or she has completed a
10 background investigation conducted by the Eastern Band.
- 11 (i) Before assuming office, each member of the Governing Board shall take the oath of office
12 administered to Tribal officers.
- 13 (j) A member of the Governing Board may resign at any time by providing the Principal Chief
14 and the Tribal Council with written notice of his or her intention to resign on a date certain.
15 The resignation shall become effective on the date stated and need not be accepted by the
16 Principal Chief or Tribal Council to be effective.
- 17 (k) The Principal Chief shall nominate a person to fill a vacancy in the Board within 30 days
18 after the date on which the vacancy becomes effective. The Principal Chief shall then
19 submit the nominee's resume to the Tribal Council for their approval. Action by the Tribal
20 Council shall occur within 30 days after receipt of the nomination from the Principal Chief.
- 21 (l) Except for those members of the Governing Board who serve based on their employment
22 positions, Board members shall be compensated for their services in an amount approved by
23 the Tribal Council. Members of the Board shall not be considered employees of the Tribe
24 for purposes of the Tribal Personnel Policy. Board Members shall be reimbursed from
25 CIHA funds for all reasonable and approved out-of-pocket expenses incurred while acting
26 on behalf of the CIHA.
- 27 (m) Upon termination from office, each Board member, employee and agent of CIHA shall turn
28 over to his or her successor or to the Chairperson, in a timely fashion and in good order, all
29 monies, books, records, minutes, documents contracts or other property of CIHA in his or
30 her custody. If such property is not turned over or is damaged or missing, the Board may
31 charge each Board member and any employee or agent a reasonable replacement fee.

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34 BE IT FINALLY ORDAINED, that all ordinances and resolutions inconsistent with this ordinance
35 are rescinded, and this ordinance shall become effective upon ratification by the
36 Principal Chief.
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39 *Submitted by Michell Hicks, Principal Chief.*