

TABLED PASSED

JUN 06 2024

CHEROKEE COUNCIL HOUSE
CHEROKEE, NORTH CAROLINA

Date: MAR 07 2024

ORDINANCE NO.: 126 (2024)

An ordinance amending C.C. Sec. 117-31 and establishing a new Sec. C.C. Sec. 117-38 to allow Planning Board review of capital projects that require a Tribal expenditure of \$50,000 or more, adding members to Planning Board, and adding a requirement for regular project reporting.

WHEREAS, Cherokee Code (C.C.) Sec. 117-31 governs the Planning Board, which has authority to review and approve capital projects "with respect to the Cherokee Indian Reservation"; and

WHEREAS, the Tribe funds and pursues capital projects on and off Tribal trust land, in North Carolina and other states, and these projects have a significant impact on the Tribe's budget; and

WHEREAS, C.C. Sec. 117-31 should be amended to expand the authority of the Planning Board to include projects off of the reservation, and to allow projects having a certain value be reviewed by the Planning Board to better inform Tribal Council and the Executive Committee of the project's implications; and

WHEREAS, the Cherokee Code should be amended by adding thereto a new section, identified as Sec. 117-38.1, to allow Tribal Council to refer capital project funding resolutions of a certain value to the Planning Board for review before Tribal Council votes to approve or reject the resolution, and to allow review by the Office of Budget and Finance and the production of a Fiscal Note assessing the impact on the Tribe's budget and compliance with the Tribe's financial requirements.

NOW, THEREFORE, BE IT ORDAINED the Eastern Band of Cherokee Indians Tribal Council, in Council assembled, at which a quorum is present, that C.C. Sec. 117-31 shall be amended to read as follows, and a new Sec. 117-38.1 shall be established, as follows:

1 **Sec. 117-31. Planning Board.**

2 (a) The ~~p~~Planning ~~b~~Board is created with members consisting of the following persons:

3 (1) Six Tribal Council Members appointed by Tribal Council to serve a term of two years,
4 which shall be concurrent with the ~~Council m~~Member's term of office.

5 (2) The Principal Chief ~~, or his or her proxy given to the Vice Chief, to~~ and Vice Chief, to
6 serve a term of four years, which shall be concurrent with the executive term of office.

7 (3) Secretary of Finance~~;~~ ~~and~~ Secretary of Commerce~~;~~ and Secretary of Operations

8 (4) ~~One~~ Two enrolled members ~~who is also an~~ are owners ~~s~~ or operators ~~s~~ of a business within
9 the Tribe's business community and within the Tribe's jurisdiction, to serve a term of
10 two years, which shall be concurrent with the council member's term of office, and
11 appointed by the Principal Chief.

12 (5) ~~An~~ Two enrolled members ~~who is an~~ are elders, of a least 59½ years of age, appointed
13 by the Chief and Tribal Council to serve a term of two years, which shall be concurrent
14 with the Council Member's term of office.

15 (6) The Director of the Tribal Employment Rights Office (TERO)

16 (b) The Board shall elect from its members a Chairman, Vice-Chairman, a Secretary and such
17 other officers as it may desire.

18 (c) The appointing authority may remove any member of the Board for cause.

19 (d) The members of the Planning Board shall not receive compensation for their services, but
20 shall be entitled to compensation for expenses, including traveling expenses incurred in the
21 discharge of their duties.

22 (e) Eight members of the Planning Board shall constitute a quorum for the transaction of
23 business, notwithstanding the existence of any vacancies.

24 (f) The Planning Board shall have all the power, authority, discretion and duties with respect to
25 the Cherokee Indian Reservation as are granted to Planning Boards which are created by the
26 State of North Carolina.

27 (g) The Board shall be required to meet ~~quarterly~~ not less than once a month, to keep minutes of
28 all such meetings and report to ~~the Tribal~~ Council at the next Council meeting following
29 ~~each the last~~ Board meeting of each month.

1 **Sec. 117-38. Capital projects and fiscal notes.**

2
3 (a) Any resolution submitted to Tribal Council that requests funding of a capital project in an
4 amount of fifty-thousand dollars (\$50,000) or more shall be referred by Tribal Council to the
5 Planning Board for preliminary review, before Tribal Council shall vote to approve or reject
6 the funding request presented in the resolution. For good cause, Tribal Council may vote to
7 approve or reject a funding request greater than \$50,000 without referring the matter to
8 Planning Board. For purposes of Section 117-38, capital projects shall be defined as a project
9 to build or improve an EBCI capital asset, such as buildings and infrastructure.

10 (b) Any resolution for a capital project in an amount of fifty-thousand dollars (\$50,000) or more
11 that is referred to Planning Board shall be reviewed by the Office of Budget and Finance to
12 produce a Fical Note that includes the impact on the Tribe's budget and compliance with the
13 Tribe's financial requirements. The Fiscal Note shall accompany the resolution if it is voted
14 on by Tribal Council.

15 (c) The Office of Budget and Finance in conjunction with Project Management and EBCI
16 program leadership shall provide Planning Board and Tribal Council with a detail project
17 report on a quarterly basis and a financial summary project report on a monthly basis.

18 (d) This section shall not apply to financial contributions to Tribal entities.

19
20 **BE IT FINALLY ORDAINED** that all ordinances which are inconsistent with this ordinance
21 are rescinded, and that this ordinance shall become effective upon ratification by the
22 Principal Chief.

23
24 *Submitted by Brandi Claxton, Finance Director, and Michael McConnell, Attorney General.*
25

The attached Resolution/Ordinance ____126____ dated _MARCH 7, 2024_ was:

PASSED (X)


KILLED ()

and ratified in open Council on _June 06, 2024_ by _94_ voting for the act
and _0_ members voting against it as follows:

VOTE	FOR	AGAINST	ABSTAIN	ABSENT
Richard French	X			
Perry Shell	X			
Boyd Owle	X			
Bucky Brown	X			
Tom Wahnetah	X			
David Wolfe	X			
Adam Wachacha				X
Mike Parker	X			
Bo Crowe	X			
Jim Owle	X			
Dike Sneed	X			
Michael Stamper	X			
	94	0	0	6



TRIBAL COUNCIL CHAIRMAN



ENGLISH CLERK



PRINCIPAL CHIEF

APPROVED (✓) VETOED ()

VETO UPHELD () VETO DENIED ()

DATE: 6-25-24

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 ()