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Cherokee Council House
Cherokee, Qualla Boundary (NC)

Date: OCT 14 2015

ORDINANCE NO. 29 (2015)

WHEREAS, The Eastern Band of Cherokee Indians has inherent authority as a self-governing political body to make its own laws to protect the health and welfare of its membership and promote a safe community;

WHEREAS, In March 2012 the Tribal Council and Principal Chief authorized a working group to explore the feasibility of building and funding a tribal social services and child protection program that would allow the Eastern Band Cherokee Indians to exercise its own jurisdiction over child protection, foster care, adoption and other services meant to promote child welfare on tribal trust lands;

WHEREAS, In Resolution 489 (2013) the Tribal Council and the Principal Chief authorized the planning and development of a tribal comprehensive child welfare system utilizing federal grant funds;

WHEREAS, In preparation for the administration of a comprehensive child welfare system within an expanded and coordinated service system focused on community wellbeing, the Tribes Health and Medical Division re-organized and expanded to become a tribal Public Health and Human Services Division (PHHS);

WHEREAS, In furtherance of implementation of the reorganized PHHS, Ordinance 524 (2015) established the laws necessary to authorize and support tribal public health and human services administration of comprehensive social and child welfare services;

WHEREAS, Included in Ordinance 524 (2015) is Cherokee Code Chapter 130A, Article II which sets forth the Public Health and Child Wellbeing Advisory Board and which was reserved for future codification;

WHEREAS, The language establishing the PHHS Family Safety Advisory Board has since been created as set out in this ordinance;

NOW THEREFORE, BE IT ORDAINED by the Tribal Council of the Eastern Band of Cherokee Indians in annual council assembled, at which a quorum is present that Chapter 130A, Article II of the Cherokee Code shall be amended as set forth below.

Chapter 130A

Article II. Public Health and Child Wellbeing EBCI Public Health and Human Services Family Safety Advisory Board—Reserved for future codification.

Sec. 130A-7. EBCI Public Health and Human Services (“PHHS”) Family Safety Advisory Board

(a) Powers and duties. The EBCI PHHS Family Safety Advisory Board shall be charged with the following duties and is authorized to undertake any and all actions necessary and appropriate for the execution of such duties consistent with the purposes for which it is established. These duties shall include but are not limited to:

- (1) Reviewing and making recommendation on the Public Health and Human Services Family Safety Policies and Procedures.
- (2) Serving as a public forum for receiving community feedback with regard to PHHS Family Safety program performance, gaps in services, budget priorities and community needs.
- (3) Supporting the implementation of community education efforts designed to insure that Tribal Members have a full understanding of and access to the PHHS Family Safety Tribal Program.
- (4) Reviewing administrative and service delivery dashboards and quality management reports resulting from the Tribe’s Family Safety Program.
- (5) Engaging with PHHS Family Safety staff in the annual update of the Strategic Plan and the production of a Human Services Annual Report.
- (6) Contributing ideas and expressing community input into PHHS Family Safety program initiatives.
- (7) Additional responsibilities as requested by the Tribal Chief or the leadership of the Public Health and Human Services Family Safety Program.

(b) Purpose.

- (1) To interest itself in all matters pertaining to the Family Safety Programs of the EBCI Public Health and Human Services Division;
- (2) To provide advisement on public assistance and social services programs by the EBCI Division of Public Health and Human Services;
- (3) To meet monthly for the purpose of making recommendations on policy matters concerning the Family Safety Program of the EBCI PHHS Division;

Sec. 130A-8. Advisory Board – membership; selection; duration; compensation.

(a) **Membership.** The EBCI PHHS Advisory Board shall be composed of persons who have clearly demonstrated their commitment to the goal of safe, stable, and nurturing families through personal or career successes.

- (1) At least three members of the Board shall have documented experience in the human services/social services field; at least one member of the Board shall have experience in the field of public health; at least one member of the Board shall have a background and documented practice in the field of behavioral health; and at least two members of the Board shall be community representatives.
- (2) The EBCI Deputy Health Officer and the PHHS Human Services Director shall serve as a non-voting members of the Advisory Board by reason of his/her employment position.
- (3) Members of the Board may hold other positions of employment with the Eastern Band and may engage in business; provided, however, that such outside activities do not interfere with the Board member's duties.
- (4) Each member of the Advisory Board shall serve a term of four years, except as provided below. Nothing in this chapter shall be construed to preclude a member of the Advisory Board from serving successive terms. Board members shall be subject to removal for good cause, including but not limited to misconduct or neglect of duty.

(b) **Eligibility.** No person shall be eligible or qualified to serve or continue to serve as a member of the Governing Board who:

- (1) Is an elected official of the Tribe;
- (2) Has been convicted of a felony or any other criminal offense involving moral turpitude;
- (3) Has not attained the appropriate degree or an applicable license required for practicing his/her profession;
- (4) Is an employee of PHHS, except for those members of the Board identified in the Board Membership section of this document; or
- (5) Is currently serving on any other Tribal board.

(c) **Selection.**

- (1) The Principal Chief shall appoint seven members of the Advisory Board, subject to approval by the Tribal Council. Except for the initially appointed Board members, in selecting a nominee to fill a vacancy or renew the expiring term of a Board member, the Principal Chief shall select from a panel of two or more

potential nominees recommended by the current Advisory Board. Nominees to the PHHS Advisory Board shall be selected on the basis of their experience and ability to contribute significantly to quality human services delivery. To the greatest extent feasible, the Board members shall be enrolled members of the Eastern Band representing a variety of communities, whenever an enrolled member is minimally qualified for the position.

- (2) No member of the Advisory Board shall be finally selected until he or she has completed a background investigation conducted by the Eastern Band.
- (3) The Principal Chief shall nominate a person to fill a vacancy in the Board within 30 days after the date on which the vacancy becomes effective. The Principal Chief shall then submit the nominee's resume to the Tribal Council for their approval. Action by the Tribal Council shall occur within 30 days after receipt of the nomination from the Principal Chief and if no action is taken by Tribal Council within 30 days, the appointment shall become effective.

(d) Duration.

- (1) The members of the Board who serve based on their employment positions shall continue in office until they resign or are removed from those employment positions, or are removed for cause from the Board.
- (2) A member of the Advisory Board may resign at any time by providing the Principal Chief and the Board Chair with written notice of his or her intention to resign on a date certain. The resignation shall become effective on the date stated and need not be accepted by the Principal Chief or Advisory Board to be effective.

(e) Compensation. Board members will receive no compensation for their service on the board except for reimbursement of expenses associated with the Board.

Sec. 130A-9. Advisory Board – officers; procedures.

(a) Positions and selection. From among the Board members, the Board shall elect the following Officers of the PHHS Family Safety Advisory Board: a Chairperson, a Vice-Chairperson, and Secretary.

(b) Terms of office. The Board shall elect its Officers at each annual meeting of the Board in the first week of October and shall be elected by majority vote.

(c) Powers and duties.

- (1) Chairperson. The Chairperson shall preside over all Board meetings.

- (2) Vice-Chairperson. The Vice-Chairperson shall exercise the powers and perform the duties of Chairperson when the Chairperson is absent or disabled.
- (3) Secretary. The Secretary shall issue notices for all Board meetings; keep minutes of all meetings; and submit all minutes to the Human Services Director or appointee for maintenance and distribution.
- (4) When necessary due to a vacancy on the Board or disability of a Board member, the Board may temporarily delegate an Officer's powers or duties to another Board member, until the Board member is no longer disabled or until the Principal Chief and Tribal Council fill the vacancy.

(d) Procedures.

- (1) The Board shall meet and decide all matters by majority vote of the full Board. The Chairperson shall vote on all issues. A majority vote shall be binding on the Board. The Chairperson, or the Vice-Chairperson in the Chairperson's absence, shall preside at each meeting.
- (2) Five members of the Board shall constitute a quorum, unless because of vacancies there are fewer than five voting board members, in which case the total number of voting board members shall constitute a quorum.
- (3) No member of the Board shall vote or participate in the discussion of any matter in which the Board member, or a member of his/her immediate family, has a personal interest.
- (4) The Advisory Board shall establish regular meetings, not less than monthly.
- (5) Notice of each meeting of the Board shall be mailed to each member, not less than five nor more than 20 days from the day on which the meeting is to be held, or notice may be delivered to such member personally not less than two days before the day on which the meeting is to be held.
- (6) The Advisory Board may call emergency meetings upon 24 hours' notice to Board members, specifying the time and place of such meeting and the business to be transacted at such meeting. Any business conducted in an emergency session shall be approved by not less than a majority of the full Advisory Board.
- (7) Members of the Advisory Board shall endeavor to attend all meetings. The Advisory Board shall decide whether absences of a Board member are excused or unexcused. Three consecutive unexcused absences of a Board member shall be reported to the Advisory Board and shall be considered cause for removal.
- (8) The time and place of each meeting shall be advertised at least a week prior to the meeting and be available at the office the Human Services Director. Meeting agendas must be sent out at least 24 hours in advance of the scheduled meeting.

Special meetings of the Advisory Board for any purpose may be held on the call of the Chair or by request of three (3) members by giving notice to all members. Notice may be delivered by telephone, electronic mail or personal delivery. Advisory Board members may participate in regular or special called meetings via teleconference.

- (9) Advisory Board meeting shall be open to the public and the agendas and approved minutes of its proceedings will be kept on file in the Office the Human Services Division Director.
- (10) The Human Services Division shall provide appropriate staff support to the functioning of the Advisory Board.
- (11) Advisory Board members are required to sign a conflict of interest statement attesting that they have no personal or financial conflicts, are not currently involved in the placement of a foster child or receiving services from the Family Safety Program that will inhibit the effective discharge of their duties.
- (12) Each Advisory Board member will have one vote. Proxy votes will not be permitted.
- (13) New Advisory Board members shall receive an orientation that includes information on the roles and responsibilities of the Advisory Board and policies of the Family Safety Program.

BE IT FINALLY ORDAINED that this ordinance shall be effective upon ratification by the Principal Chief and that all prior ordinances and resolutions that are inconsistent with this ordinance are rescinded.

Submitted by Office of the Attorney General at the request of the EBCI Division of Public Health and Human Services