Eastern Band of Cherokee Indians

PO Box 455
Cherokee, NC 28719

Meeting Agenda - Final

Thursday, May 2, 2019

8:30 AM

Council Chambers

Tribal Council

I. Call to Order - Chairman

8:30 AM

II. Prayer

III. Roll Call

IV. Orders of the Day

1.) 2019-2690 New Ordinance-Amending Cherokee Code Section 16-2.01 Tribal Gaming Commission (Item No. 1)

Attachments: New Ord. Amending Cherokee code section 16-2.01 Tribal Gaming Commissior
PaperStream Capture

2.) 2019-2691 New Ordinance-Sec. 117-52-Executive Orders (Item No. 2)

Attachments: Amending Cherokee code section 117-52- Executive orders

3.) 2019-2692 New Ordinance-Amendment to Cherokee Code Sect 18B-804 to delete TABCC tax, markup or surcharge on alcoholic beverages (Item No. 3)

Attachments: Amendment to Cherokee Code sect. 18B-804 to delete TABCC tax, markup or s

4.) 2019-2693 New Ordinance-Addition to the Cherokee Code August 22nd recognized as a Tribal Holiday-Cherokee Elders Day (Item No. 4)

Attachments: Addition to Cherokee code August 22nd recognized as a Tribal holiday-Cheroke

V. Reports and Announcements

2019-2694 Principal Chief Sneed, Smokey Mountain Middle School Basketball team-9:00 a.m.

9:00 a.m.

2019-2695 Cherokee Cancer Support-Report from Cancer Support Group-9:10 a.m.

9:10 a.m.

2019-2696 Cherokee IT-Report on fiber backbone progress, cell tower on boundary and ODAS in Snowbird-9:20 a.m.

9:20 a.m.

2019-2697 Recognition of Harold & Nancy Long-NC A&T Small Farmer of the year - 9:30 a.m.

9:30 a.m.

2019-2698 Principal Chief Sneed, Smokey Mountain Middle School Basketball Teams - 9:40 a.m.

9:40 a.m.

5.) 2019-2699

Resolution requesting to make Will Poolaw an honorary member of the EBCI (Item No. 5) - 9:50 a.m.

Attachments: Resolution requesting to make Will Poolaw an honorary member of the EBCI

9:50 a.m.

6.) 2019-2642

Tabled Ord.No.515(2019) Amendment to Cherokee Code Chapter 92, Tribal Business Preference Law

Attachments: T.Ord.No.515(2019)

10:00 a.m.

7.) 2019-2643

Tabled Ord.No.516(2019) Section 55B-8 -- Mergers and Conversions added to Cherokee Code Chapter 55B (EBCI LLC)

Attachments: T.Ord.No.516(2019)

10:20 a.m.

8.) 2019-2644

Tabled Ord.No.517(2019) Addition to Chapter 117C to the Cherokee Code express the organization of executive branch divisions and to clarify authority to change the organizational structure

Attachments: T.Ord.No.517(2019)

10:30 a.m.

9.) 2019-2645

Tabled Ord.No.518(2019) Amendment to Cherokee Code Section 117-7 (Vacancies in Chief's Office) and Cherokee Code Section 115-9 (Vacancies in School Board)

Attachments: T.Ord.No.518(2019)

10:40 a.m.

10.) 2019-2646

Tabled Ord.No.519(2019) - Cherokee Code Chapter 28 - Inheritance Laws of North Carolina

Attachments: T.Ord.No.519(2019)

10:50 a.m.

11.) 2019-2647

Tabled Ord.No.520(2019) Cherokee Code Section 14-34.17 amended, Possession of firearms etc.by felon prohibited

Attachments: T.Ord.No.520(2019)

11:00 a.m.

12.) 2019-2648

Tabled Ord.No.521(2019) Cherokee Code Chapter 47A amended Grants Administration Office to Tribal Planning Office

Attachments: T.Ord.No.521(2019)

11:10 a.m.

13.) 2019-2649

Tabled Ord.No.522(2019) - Cherokee Code Chapter 117 amended Council Sessions and Public Notice

Attachments: T.Ord.No.522(2019)

11:20 a.m.

14.) 2019-2650 Tabled Ord.No.523(2019) - Cherokee Code Chapter 95 be amended, Tribal Employment RIghts Committee

Attachments: T.Ord.No.523(2019)

11:30 a.m.

15.) 2019-2677 Tabled Ord. No. 551(2019) - Amendments to Cherokee Code Sect. 14-70.46 - Unlawful conduct related to campaigns and elections

Attachments: Tabled Ord.551(2019)

11:40 a.m.

16.) 2677 Tabled Ord. No. 552(2019) - Ordinance to amend Cherokee Code Chapters 16C and 55B to clarify the management and regulation of special purposes LLC

Attachments: Tabled Ord.552(2019)

Tabled Ord.552(2019) Pt.2

11:50 a.m.

Lunch

17.) 2019-2679 Tabled Ord. No. 553(2019) - Ordinance amendment to change the term of future HIP Agreements from 12 years to 15 years due to the rising cost of building homes

Attachments: Tabled Ord.553(2019)

1:10 p.m.

18.) 2019-2700 Resolution to name lower Oconaluftee Island Park Bridge in memory of Susie Jones (Item No. 18) - 1:20 p.m.

Attachments: Resolution to name lower Oconaluftee Island Park Bridge in memory of Sussie ,

1:20 p.m.

19.) 2019-2701 Tribal Council authorizes the Principal Chief, on behalf of the Tribe, to enter into a contract for the purchasse of Wolftown Community Parcels consisting of 145.051 acres for $1,087,882.50 (Item No. 19) - 1:30 p.m.

Attachments: Tribal Council authorizes Principal Chief,on behalf of the Tribe, to enter into a cc

back up part 1 TC auth Principal Chief on behalf of Tribe to enter into a contract

Back up part 2 TC auth Principal Chief on behalf of Tribe to purchase Wolftown

1:30 p.m.

20.) 2019-2702 Tribal Council authorizes the Principal Chief, on behalf of the Tribe, to enter into a contract for the purchase of 3.0 acres more or less in GrahamCounty for the purchase price of $70,000.00 (Item No. 20) 1:40 p.m.

Attachments: Tribal Council auth Principal Chief on behalf of the Tribe to enter into a contract

Back up for purchase of 3.0 acres in Graham County for the purchase price of $

1:40 p.m.

21.) 2019-2703 Tribal Council authorizes the expenditure of $107,000.00 to Bentley Systems for Fiber Network Design and Management Software and the expenditure of $157,000 for Eaton Corporation UPS Uninterrupted Power Systems from the Technology Enhancement Fund (Item No. 21) 1:50 p.m.

Attachments: Tribal Council authorizes the expenditure of $107,000 to Bentley Systems for Fil

Backup for Tribal Council authorizes the expenditure of $107,000 to Bentley Sys

1:50 p.m.

22.) 2019-2704 Amendment to the EBCI Supplemental Retirement Plan for Elected Officials and Tribal Council Members (Item No. 22) 2:00 p.m.

Attachments: Amendment to the EBCI Supplemental Retirement Plan for Elected Officials and

Back up to the amendment EBCI supplemental Retirement plan for elected offic

2:00 p.m.

23.) 2019-2705 Treasury Division is authorized through internal financing mechanisms to finance the amount of remodeling of the former Cherokee Indian Hospital and Crisis Stabliization Unit Project to finance up to an amount not to exceed $45,000,000.00 with repayment to come from receipts from Indian Health Services for use of Tribal facilities (Item No. 23) 2:10 p.m.

Attachments: Treasury Division is authorized through internal financing mechanisms to financ

Back up Treasury Division is authorized through internal financing mechanisms

2:10 p.m.

24.) 2019-2706 Tribal Council instructs the Housing and Community Development Secretary of the Housing Board of Commissioners to re-assess the feasibility of maintaining an eighteen month construction requirement (Item No. 24) 2:20 p.m.

Attachments: Tribal Council instructs the Housing and Community Development Secretary of t

Back up for Tribal Council instructs the Housing and Comm Development Secre

2:20 p.m.

25.) 2019-2707 Office of Attorney General shall write and present to Tribal Council an EBCI Arts and Crafts Act to require truth-in-advertising for items represented as Indian Arts and Crafts on the Qualla Boundary (Item No. 25) 2:30 p.m.

Attachments: Office of the Attorney General shall write and present to Tribal Council an EBCI

2:30 p.m.

26.) 2019-2708 Budget Amendment-Health Delivery Administration FY19 (Adjusting grants to actual) (Item No. 26) 2:40 p.m.

Attachments: Budget Amd. Health Delivery Adminstration FY19 (Adjusting grants to actual)

Back up budget amd Health Delivery Admin FY19 (adjusting grants to actual)

2:40 p.m.

27.) 2019-2709 Budget Amendment-Domestic Violence FY19 (Adding a new grant) (Item No. 27) 2:40 p.m.

Attachments: Budget Amd Domestic Violence FY19 (adding a new grant)

Back up budget amd Domestic Violence FY19 (adding a new grant)

28.) 2019-2710 Budget Amendment-Head Start Education & Early Head Start Education FY19 (Adjusting grants to actual) (Item No. 28) 2:40 p.m.

Attachments: Budget Amd. Head Start Education & Early Head Start Education FY19 (adjusti

Back up Head Start Education & Early Head Start Education FY19 (Adjusting gr

29.) 2019-2711 Budget Amendment-Qualla Public Library FY19 (adding a new grant) (Item No.29) 2:40 p.m.

Attachments: Back up budget amd. Qualla Public library FY19 (adding a new grant)

Back up budget amd. Qualla Public library FY19 (adding a new grant)

30.) 2019-2711 Budget Amendment-Qualla Public Library FY19 (adding a new grant) (Item No.29) 2:40 p.m.

Attachments: Back up budget amd. Qualla Public library FY19 (adding a new grant)

Back up budget amd. Qualla Public library FY19 (adding a new grant)

31.) 2019-2713 Budget Amendment-Tribal Construction FY19 (Adjusting grant revenue to actual) (Item No. 31) 2:40 p.m.

Attachments: Budget Amd. Tribal Construction FY19 (adjusting grant revenue to actual)

Back up Tribal Construction FY19 (adjusting grant revenue to actual)

32.) 2019-2714 Budget Amendment-Enterprise Development FY19 (Adding a new grant) (Item No. 32) 2:40 p.m.

Attachments: Budget amd. Enterprise Development FY19 (adding a new grant)

Back up budget amd Enterprise Development FY19 (adding a new grant)

33.) 2019-2715 Budget Amendment-Tribal Court FY19 (Adding a new grant) (Item No. 33) 2:40 p.m.

Attachments: Budget amd. Tribal Court FY19 (adding a new grant)

Back up budget amd. Tribal Court FY19 (adding a new grant)

34.) 2019-2716 Budget Amendment-Project Management (increasing fundraising revenue) (Item No. 34) 2:40 p.m.

Attachments: Budget amd. Project Management (increasing fundraising revenue)

Back up budget amd. Project Management (increasing fundraising revenue)

35.) 2019-2717 Budget Amendment-Criminal Law (adding a new position using grant funds from Civil Law Dept.) (Item No. 35) 2:40 p.m.

Attachments: Budget amd. Criminal Law (adding a new position using grant funds from Civil L

Back up budget amd. Criminal Law (adding a new position using grant funds fro

36.) 2019-2718 Family Safety Program be authorized to apply and accept funds from DHHS, ACF, CB Kinship program in the amount of $34,672.00 for FY19-20 (Item No. 36) 3:00 p.m.

Attachments: Family Safety Program be authorized to apply and accept funds from DHHS, AC

Back up Family Safety Prog be authorized to apply and accept funds from DHH

3:00 p.m.

37.) 2019-2719 OENR be authorized to apply and accept funds from the United States Forest Service (USFS) and receive funds up to $25,000 for the period of 5/1/19 - 4/30/2021 (Item No. 37) 3:10 p.m.

Attachments: OENR be authorized to apply and accept funds from the United States Forest S

Back up OENR be authorized to apply and accept funds part 1

Back up OENR be authorized to apply and accept funds from he United States F

3:10 p.m.

38.) 2019-2720 Senior Citizens Program be authorized to apply and receive funds to the North Carolina Dept. of Health and Human Services (NC-DHHS) Division of Aging, and Adult Services (Item No. 38) 3:10 p.m.

Attachments: Senior Citizens Prog be authorized to apply and receive funds to the NCDHHS c

Back up Senior Citizens Prog be auth to apply and receive funds to the NCDHH

Back yp Senior Citizens Prog be auth to apply and receive funds to the NCDHH

3:20 p.m.

39.) 2019-2721 Cherokee Transit Program be authorized to apply and accept funds from the Federal Transit Administration and receive up to $540,197.00 for budget period 10/01/2019-9/30/2021 (Item No. 39) 3:20 p.m.

Attachments: Cherokee Transit Prog be authorized to apply and accept funds from the Federa

Back up Cherokee Transit Program be auth to apply and accept funds from the

3:30 p.m.

40.) 2019-2722 Cherokee Fire and Rescue Program be authorized to apply and accept funds from the Duke Energy Foundation and receive up to $29,451.00 for budget period FY19-FY20 (Item No. 40) 3:30 p.m.

Attachments: Cherokee Fire and Rescue Prog be authorized to apply and accept funds from t

Back up Cherokee Fire and Rescue Prog be auth to apply and accept funds fror

3:40 p.m.

41.) 2019-2723 Natural Resources Program be authorized to continue to apply and accept funds from USDA USDA-Animal and Plant Health Inspection Service in the amount of $10,000.00 (Item No. 41) 3:40 p.m.

Attachments: Natural Resources Prog be authorized to continue to apply and accept funds fro

Back up Natural Resources prog be auth to continue to apply and accept funds

3:50 p.m.

42.) 2019-2724 Donation resolution for the month of May (3 total) (Item No. 42) 3:50 p.m.

Attachments: Donation Resolution for the month of May (3 total)

4:00 p.m.

43.) 2019-2725 Tribal Council authorizes the purchase of Birdtown Parcel No. 391-A (Part of Parcel No. 391) 0.403 acres more or less plus all improvements, at the agreed upon price of $140,000.00 to address the housing needs of the enrolled members of the Tribe (Item No. 43) 4:00 p.m.

Attachments: Tribal Council auth the purchase of Birdtown Parcel no. 391-A(Part of Parcel no

Back up Tribal Council authorizes the purchase of BIrdtown Parcel No. 391-A 0.

4:10 p.m.

44.) 2019-2726 Last will and testament of Charles James Hornbuckle (d) (Item No. 44) 4:10 p.m.

Attachments: Last will and testament of Charles James Hornbuckle (d)

back up last will and testament Charles James Hornbuckle (d)

4:20 p.m.

45.) 2019-2727 Recognition of heirs of Gwendolyn Faye Ross Locust (d) (Item No. 45) 4:20 p.m.

Attachments: Recognition of heirs of Gwendolyn Faye Ross Locust (d)

Back up Recognition of heirs of Gwendolyn Faye Ross Locust (d)

4:30 p.m.

46.) 2019-2728 Council instructs Housing and Development Secretary to re-evaluate Warren Crowe III's application and report back to QHA Board in June 2019 meeting (Item No. 46) 4:30 p.m.

Attachments: Council instructs Housing and Development Secretary to re-evaluate Warren Cr

4:40 p.m.

47.) 2019-2655 Tribal Council approves establishment of a working committee as requested in the intent of Resolution No.378(2018) to explore and develop the Historic Education, Culture, and Language Division for the FY2020 Budget (Item No.17)

Attachments: New Res Item #17

New Res Item #17 backup

4:50 p.m.

Emergency Resolutions

Banishment Items if Necessary

V. Recessed