

Cherokee Council House
Cherokee, North Carolina

Date

ORDINANCE NO. _____(2018)

WHEREAS, the Charter and Governing Document authorizes and empowers the Eastern Band of Cherokee Indians (EBCI) Tribal Council to adopt laws and regulations for the general government of the Tribe. Charter and Governing Document, sect. 23 (Sept. 5, 1995) *see also* C.C. §117-10.

WHEREAS, the Charter also empowers Tribal Council to enact election rules and regulations. Charter and Governing Document, sect. 3 and 6.

WHEREAS, the EBCI Tribal Council constitutes the Legislative Branch. C.C. §117-10.

WHEREAS, currently there are no term limits imposed on Tribal Council representatives.

WHEREAS, there is a need to impose term limits on Tribal Council representatives.

WHEREAS, the proposed term limit language will not affect the Tribal Council retirement plan because “terms of office do not have to be consecutive.” *See* C.C. §117-15 (b)(4)

NOW, THEREFORE, BE IT ORDAINED by the Eastern Band of Cherokee Indians in Council assembled, at which a quorum is present that the Eastern Band of Cherokee Indians Tribal Council amends the Cherokee Code sec. 161-2(b), as follows in EXHIBIT A.

BE IT FURTHER ORDAINED the provisions of the Ordinance which amend or adopt new sections of the Cherokee Code shall be codified by the Department of Justice. The Department of Justice shall incorporate such amended provisions in the next codification of the Cherokee Code.

BE IT STILL FURTHER ORDAINED should any provision of this Ordinance be determined invalid by the Cherokee Supreme Court, or the Cherokee Court without appeal to the Cherokee Supreme Court, or any other court of competent jurisdiction, those portions of this Ordinance which are not determined invalid shall remain the law of the Eastern Band of Cherokee Indians.

BE IT STILL FURTHER ORDAINED that C.C. 117-38(d)(5) does not apply to this amendment because this change only affects part of Ordinance No. 85 (2012) not the entire ordinance.

BE IT FINALLY ORDAINED that this ordinance shall become effective when ratified by the Principal Chief.

Submitted by: Jeremy Wilson, Wolfetown Representative