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Cherokee Council House
Cherokee, North Carolina

JUN 07 2018

Date

Ordinance No. 234 (2018)

WHEREAS, Cherokee Code Chapter 92, creates the Tribal Employment Rights Commission and the Tribal Employment Rights Office, authorizes and outlines the practice of Indian Preference in Business;

WHEREAS, Cherokee Code Chapter 95, also creates the Tribal Employment Rights Commission and the Tribal Employment Rights Office, authorizes and outlines the practice of Indian Employment Preference, establishes employment rights for non-Tribal employees;

WHEREAS, Cherokee Code Chapter 92, lacks necessary language to effectively and precisely determine applicability to many business entities within the territory of the Eastern Band;

WHEREAS, Cherokee Code Chapter 92, lacks the necessary language to effectively form a fully functional seven-member Commission;

WHEREAS, Cherokee Code Chapter 92, also lacks the necessary legislative safeguards to ensure the autonomy of the Tribal Employment Rights Office and the Commission;

WHEREAS, Cherokee Code Chapter 95, has several provisions in conflict with Cherokee Code Chapter 92;

WHEREAS, Cherokee Code Chapter 95, lacks comprehensive protection from employment discrimination and retaliation for both enrolled-members and non-members;

WHEREAS, to improve the clarity and consistency of the Cherokee Code and to improve the enforcement of Indian preference and employment rights in within the territory of the Eastern Band, Cherokee Code Chapter 95, shall be repealed in its entirety, and Cherokee Code Chapter 92, shall be amended with relevant provisions from Cherokee Code Chapter 95, to create one combined uniform chapter; and

WHEREAS, to further improve the enforcement of employment rights and Indian preference within the territory of the Eastern Band, Cherokee Code Chapter 92, should be amended to add the suggested changes in order to allow for a more efficient, effective, and fair enforcement of Tribal preference and employment laws.

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 Cherokee Code Chapter 92, shall be amended to read as follows in EXHIBIT A.

BE IT FURTHER ORDAINED by the Tribal Council of the Eastern Band of Cherokee Indians, in council assembled, at which a quorum is present, that Cherokee Code Chapter 95, shall be repealed, in its entirety, as follows in EXHIBIT B.

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

Submitted by the Tribal Employment Rights Office.