

# TABLED

Cherokee Council House

Cherokee, NC

MAR 14 2019

Ordinance No. 522 (2019)

WHEREAS, The Eastern Band of Cherokee Indians' cultural values of equality and respect should be reflected and balanced in all government acts including how and when members of the community are invited to participate in tribal government; and

WHEREAS, as a modern Tribal government in the 21<sup>st</sup> Century, public access to proposed legislation can and should be available to the public to foster proactive as opposed to reactive community input and participation; and

WHEREAS, Chapter 117 of the Cherokee Code reflects the legal structure around the Legislative Branch of tribal government and should be amended to include the practice of proactive public participation in tribal affairs.

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, the Tribal Council hereby amends Chapter 117 as follows.

Sec. 117-13. - Council sessions and public notice.

(a) The Tribal Council shall meet at least one day in each month in the Tribal Council Chambers with the regularly scheduled date to be the first Thursday of each month. The Tribal Council Community Reports and Requests For Time shall be the Wednesday immediately preceding the Tribal Council session on the first Thursday of each month. The Tribal Council Budget session shall be the Tuesday immediately preceding the Tribal Council session on the first Thursday of each month. Nothing prohibits Tribal Council from calling additional Tribal Council sessions.

1. Each Council member shall be provided with a written agenda and copies of proposed legislation and all referenced and related documents pertaining to both the Budget session and Tribal Council session five business days (excluding holidays) before the Thursday session of Tribal Council convenes. The agenda and copies of the proposed legislation shall be available to the public at the Tribal Operations Program and by electronic means on the Tribal Council's website. The agenda shall be prepared before the Council session by the Chairman of Council and the Manager of the Tribal Operations Program. Council shall normally convene at 8:30 a.m. and recess at 5:00 p.m. Each Committee Chair shall report to the Council on all activities of the committee(s) which s/he chairs. All official sessions of the Tribal Council shall be conducted in the Tribal Council House at Cherokee, Qualla Boundary, North Carolina. The Tribal Council may consider requests to hold informal sessions or

hearings at other locations but no official legislation may be adopted during these sessions or hearings.

- (b) The Tribal Council is authorized to hold executive sessions closed to the public only for the purpose of discussing issues in which privacy or confidentiality concerns may arise, upon request of one of the involved parties, personnel actions involving Tribal employees, or issues requiring confidentiality to discuss negotiations incident to proposed contractual arrangements, and proposed sale or purchase of property; the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim, or other matters covered by the attorney-client privilege, settlement of legal claims, or the position of the Tribe or Tribal agency in other adversary situations involving the assertion against the Tribe or Tribal agency of a claim; discussion regarding the development of security, personnel, or devices; sovereignty issues; investigative proceedings regarding allegations of criminal misconduct; discussion of matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries or other businesses in the area served by the Tribe. No final action may be approved or taken by the Council while in executive session. Council may hold an executive session closed to the public only upon a motion duly made and adopted during an open session. Every motion to close a meeting shall cite one or more of the permissible purposes.
- (c) The Tribal Council may discuss issues in open session without public broadcast over the Tribal television system or other broadcast system if it determines that prohibiting the broadcast is in the best interest of the Tribe or an individual member of the Tribe.

**Sec. 117-30.1. – Public comment.**

(a). There shall be opportunity provided to community members to voice their opinions on actions contemplated by the Tribal Council. The balance between community participation, respectful debate on the merits of a contemplated government action and the need for efficient but fair processes is consistent with Cherokee culture and values. Public comments shall adhere to the rules of debate in section 117-(a) and (b). The Chairman of Tribal Council shall ensure that above all, all comment and debate between elected officials and members of the community reflect the highest and traditional standards of decorum and respectfulness expected of and modeled to our future generation of Cherokee leaders.

(b). Public comment shall be allowed on all actions contemplated by the Tribal Council that are not ministerial in nature such as regular budgetary transactions of the Executive Branch's divisions, departments, and programs or of other Tribal entities in the regular course of daily operations. Therefore, when preparing the agendas for the Budget Council the Tribal Council Chairman shall ensure that resolutions falling outside the scope of regular budgetary transactions necessary for efficient daily operations of the Tribe are not placed upon the Budget Council agenda in order to afford members of the community an opportunity to request time on the Wednesday Tribal Council Agenda to voice their opinions on a matters of public policy.

**BE IT FINALLY ORDAINED that this Ordinance shall be effective upon ratification by the Principal Chief.**

Submitted by: Becky Walker, Tribal Member of the Birdtown Community