

CHEROKEE COUNCIL HOUSE
CHEROKEE, NORTH CAROLINA

Date: AUG 01 2019

RESOLUTION NO. 699(2019)

WHEREAS, the Tribe's "Dangerous Buildings Ordinance" expressed at Cherokee Code Chapter 143, Article IV, gives authority to the Tribe to require repair or demolition of, among other things, dangerous buildings so long as the process provided in the ordinance is followed; and

WHEREAS, the process requires participation by the Tribe's building inspector and a hearings officer; and

WHEREAS, C.C. § 143-64(a) states: "The Hearing Officer shall be appointed by the Tribal Council to serve at their pleasure. The Hearing Officer shall be a person who has expertise in housing matters, including, but not limited to, an engineer, architect, building contractor, building inspector, or member of a community housing organization. An employee of the enforcing agency shall not be appointed as a Hearing Officer."; and

WHEREAS, C.C. § 143-61 defines "enforcing agency" to mean "the Tribal Building Inspector's Office and/or such other official(s) or agency as may be designated by the Tribal Council to enforce this article."; and

WHEREAS, the Tribe has not previously exercised its authority under the Dangerous Buildings Ordinance and the Tribal Council has never appointed a hearing officer. The need exists to appoint a hearing officer; and

WHEREAS, Tribal Council hereby appoints the person designated in this resolution to serve as the hearing officer for the purposes provided in the Dangerous Buildings Ordinance.

NOW THEREFORE BE IT RESOLVED by the Eastern Band of Cherokee Indians in Tribal Council assembled, at which a quorum is present, that the person identified herein shall serve as the hearing officer as provided in Cherokee Code Chapter 143, Article IV, the Dangerous Buildings Ordinance:

Name: _____

BE IT FURTHER RESOLVED, the hearing officer shall serve at the pleasure of Tribal Council.

BE IT FINALLY RESOLVED that all resolutions that are inconsistent with this resolution are hereby rescinded, and that this resolution shall become effective when ratified by the Principal Chief.

Submitted by Michael W. McConnell, Interim Attorney General