

TABLED PASSED

DEC 05 2019

CHEROKEE COUNCIL HOUSE
CHEROKEE, NORTH CAROLINA

Date: OCT 17 2019

RESOLUTION NO.: 24 (2019)

WHEREAS, the Charter and Governing Document authorizes and empowers the Tribal Council of the Eastern Band of Cherokee Indians to adopt laws for the general government of the Tribe. Charter and Governing Document Section 23 (Sept. 5, 1995) and Cherokee Code Section 117-10; and

WHEREAS, it is in the Tribe's best interests to promote a diversified and robust economy in a responsible and sustainable manner; and

WHEREAS, the Tribal Council previously passed resolutions to investigate and evaluate the possibility of a hemp-based industry for the Tribe (Res. #241 (2016), Res. #635 (2017), and Res. #401 (2018)); and

WHEREAS, hemp is not medical marijuana or recreational marijuana; and

WHEREAS, the Tribal Council finds the production of hemp, hemp extracts, and hemp products to be economically advantageous and in promotion of public health and the general welfare of the Tribe (*Hemp as a Feasible Commodity*, Hempleton Investment Group & The Kight Law Firm, June 29, 2019); and

WHEREAS, multiple other tribes and over 30 states have legalized hemp and/or cannabidiol products and the federal government also recognized the health and economic viability of hemp by passing the Farm Bill of 2014 and the Farm Bill of 2018; and

WHEREAS, the U.S. Farm Bill of 2018 permits tribes to submit hemp regulatory plans to the United States Department of Agriculture (USDA) in order to become the primary regulator of hemp within their respective jurisdictions; and

WHEREAS, the submission and implementation of such a hemp regulatory plan will require the work of a Cannabis Commission, whose primary responsibility will be to develop the hemp regulatory plan, aid in its submission to the USDA, and thereafter assist in plan implementation after USDA approval; and

WHEREAS, it is in the Tribe's best interest to establish a Cannabis Commission to begin work on the hemp regulatory plan, which will thereafter further set out the powers and responsibilities of the hemp regulatory agency which will replace and supersede this resolution; and

47 NOW THEREFORE BE IT RESOLVED, by the Tribal Council of the Eastern Band of Cherokee
48 Indians, in council assembled, at which a quorum is present, that the Cannabis
49 Commission is hereby established.
50

51 BE IT FURTHER RESOLVED, the Cannabis Commission shall exist from October 17, 2019 to
52 October 31, 2020, but may be dissolved at any time by resolution of Tribal Council.
53 The purpose of the commission shall be to: (a) develop an EBCI Hemp Regulation
54 Plan for submission to the USDA; (b) research, draft, and submit to Tribal Council
55 for its review and approval any necessary amendments to the Cherokee Code to
56 support the Tribe's conduct of lawful activities in the hemp industry and
57 development of economic opportunities for the Tribe in that industry and related
58 industries; (c) develop a long-range plan for the Cannabis Commission or other hemp
59 regulatory entity for the Tribe; (d) develop necessary administrative rules for review
60 and approval under Tribal law; and (e) develop a long-term economic plan for the
61 Tribe regarding the hemp industry.
62

63 BE IT FURTHER RESOLVED, the Cannabis Commission shall be funded at an amount not to
64 exceed \$162,000.00, to be drawn from the Business and Economic Development
65 Fund for the following expenses:
66

| | |
|---------------------------------------|---------------------|
| CONTRACTS | \$140,000.00 |
| LEGAL ASSISTANCE | \$60,000.00 |
| SUBJECT MATTER EXPERTISE | \$40,000.00 |
| USDA HEMP PLAN ASSISTANCE | \$40,000.00 |
| TRAINING & TRAVEL | \$20,000.00 |
| OFFICE SUPPLIES & PRINTING | \$2,000.00 |
| TOTAL BUDGET | \$162,000.00 |

67
68
69 BE IT FURTHER RESOLVED, the Cannabis Commission shall establish and adopt standards of
70 operations including the following: (a) quorum; (b) meeting days, times, and
71 locations; (c) record keeping; (d) Commission officers; (e) notice provisions; (f)
72 reporting, including that the Commission shall submit quarterly reports to Tribal
73 Council regarding the Commission's work and progress consistent with the purposes
74 of the Commission, including submission to Tribal Council of a final report
75 expressing findings and recommendations, which final report shall be delivered to
76 Tribal Council on or before by October 31, 2020; and (g) other applicable provisions
77 for the lawful and orderly conduct of Commission business;
78

79 BE IT FURTHER RESOLVED, the following persons are hereby appointed to serve as the initial
80 members of the Cannabis Commission, subject to confirmation by Tribal Council as
81 provided hereby through passage of this resolution. Members are appointed for
82 terms not to exceed one year in duration; provided, however, that subsequent and
83 consecutive terms are allowed, subject to re-appointment by Tribal Council through
84 resolution:
85

- 1) Principal Chief, or his designee
- 2) Secretary of Agriculture and Natural Resources, or his designee
- 3) Secretary of the Treasury, or his designee
- 4) CEO of Cherokee Indian Hospital Authority, or his designee
- 5) Grants and Contracts Compliance Officer, or his designee

BE IT FURTHER RESOLVED, the Principal Chief is authorized to carry out this resolution during such time that it is effective.

BE IT FINALLY RESOLVED, all resolutions inconsistent with this resolution are rescinded, and this resolution shall become effective upon ratification by the Principal Chief.

Submitted by Jeremy Wilson, Governmental Affairs Liaison

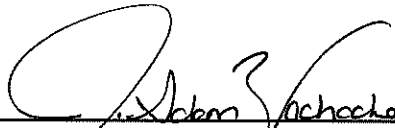
The attached Resolution/Ordinance No. 24 dated OCTOBER 17, 2019 was

PASSED (X)

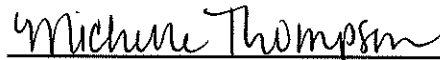
KILLED ()

and ratified in open Council on DECEMBER 05, 2019 by v69oting for the act
and 12 members voting against it as follows:

| VOTE | FOR | AGAINST | ABSTAIN | ABSENT |
|------------------|-----|---------|---------|--------|
| Richard French | | | | X |
| Perry Shell | X | | | |
| Boyd Owle | | | | X |
| Bucky Brown | X | | | |
| Tom Wahnetah | X | | | |
| David Wolfe | X | | | |
| Adam Wachacha | X | | | |
| Bo Crowe | | X | | |
| Chelsea Saunooke | X | | | |
| Albert Rose | X | | | |
| Dike Sneed | X | | | |
| Tommye Saunooke | X | | | |
| | 69 | 12 | 0 | 19 |



TRIBAL COUNCIL CHAIRMAN



ENGLISH CLERK


PRINCIPAL CHIEF

APPROVED () VETOED ()

VETO UPHELD () VETO DENIED ()

DATE: _____

I hereby certify that the foregoing act of the Council was duly:

PASSED ()

KILLED ()

and ratified in open Council after the same has been interpreted by the Official Interpreter and
has been fully and freely discussed.

INTERPRETED ()

OMITTED ()