

TABLED  
AMENDED  
PASSED  
JAN 09 2020

Cherokee Council House  
Cherokee, North Carolina

DEC 05 2019

Date

ORDINANCE NO. 63 (2019)

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 EBCI Tribal Council constitutes the Eastern Band of Cherokee Indian's Legislative Branch of government. C.C. §117-10.

WHEREAS, commission, board, committee, or any other appointments by the Principal Chief or Tribal Council were not meant to be careers.

WHEREAS, over time, several tribal members obtain their degrees and work experience who can offer new prospective.

WHEREAS, term limits for commission, board, committee, or any other appointments by the Principal Chief or Tribal Council are in the best interest of the Tribe.

NOW, THEREFORE, BE IT ORDAINED by the Eastern Band of Cherokee Indians in Tribal Council assembled, at which a quorum is present that the Tribal Council of the Eastern Band of Cherokee Indians amends Cherokee Code, Ch. 16 and 16A, 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 FURTHER ORDAINED should any provisions 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BE IT FINALLY ORDAINED that all ordinances inconsistent with this ordinance are rescinded, and that this ordinance shall become effective when ratified by the Principal Chief or Vice-Chief. Charter and Governing Document, sect. 12 (Oct. 8, 1986).

*Submitted by: Boyd Owle, Birdtown Representative*

Cherokee Code

Chapter 16 – TRIBAL GAMING

ARTICLE II. – TRIBAL GAMING COMMISSION

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Sec. 16-2.01. – Establishment.

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- (e) To ensure continuity in the Commission and rotation of appointments, the existing Commissioners shall continue to serve, but their terms shall be adjusted so that they serve staggered terms. The three year terms shall continue as follows: Seat A's term shall expire 12/31/2018; Seat B's term shall expire 12/31/2019; and Seat C's term shall expire 12/31/2020 for future new, renewal or replacement appointments shall specify which seat is being considered.

(1) Term Limits: No individual shall serve on the Commission more than twice; or

(2) An individual who served as a Commissioner for more than eighteen (18) months of a term shall be appointed to only one additional term.

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Cherokee Code

Chapter 16A – TRIBAL CASINO GAMING ENTERPRISE

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**Sec. 16A-3. – Board of Advisors; generally.**

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(d) Except as provided in subsection (e), each member of the Board of Advisors shall serve a term of five years, subject to removal, with cause, by a majority of the Tribal Council. ~~Nothing in this chapter shall be construed to preclude a member of the Board of Advisors from serving successive terms.~~ There shall be a six-month probationary period for each new appointee to be reviewed by the Tribal Council.

(e) To ensure continuity in the Board and rotation of appointments, the initial Board members' terms shall be adjusted so that they serve staggered terms. Upon the effective date of this amendment, the Principal Chief shall assign first term expiration dates for each current Board member, such that one member's term expires each year beginning September 30, 2000. The established rotation shall continue for each Board position for future new, renewal, or replacement appointments.

(1) Term Limits: No individual shall serve on the Board more than twice; or

(2) An individual who served as a Board member for more than two and a half years of a term shall be appointed to only one additional term.

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CHEROKEE COUNCIL HOUSE  
CHEROKEE, NORTH CAROLINA

\_\_\_\_ January 9, 2020 \_\_\_\_  
DATE

AMENDMENT TO ORDINANCE NO. 63 (2019)

- On page 1 of 1. Term limits: “No individual shall serve on the Commission more than twice,” or” strike, “more than twice,” and insert, “more than two terms”
- Strike No. 2 on pages 1 and 2. Strike, “An individual who served as a Commissioner for more than eighteen (18) months of a term shall be appointed to only one additional term” and strike, “An individual who served as a Board member for more than two and a half years of a term shall be appointed to only one additional term.”

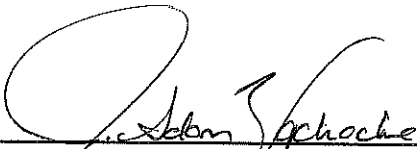
The attached Resolution/Ordinance No. 63 dated DECEMBER 5, 2019 was

**PASSED ( X )**

**KILLED ( )**

and ratified in open Council on JANUARY 9, 2020 by 100 voting for the act  
and 0 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			
	100	0	0	0

  
\_\_\_\_\_  
TRIBAL COUNCIL CHAIRMAN

  
\_\_\_\_\_  
ENGLISH CLERK

  
\_\_\_\_\_  
PRINCIPAL CHIEF

APPROVED ( ✓ ) VETOED ( )

VETO UPHELD ( ) VETO DENIED ( )

DATE: 1/30/2020

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 ( )