

TABLED  
PASSED

JUL 09 2020

VETOED

JUL 20 2020

UPHELD  
AUG 06 2020

Cherokee Council House  
Cherokee, North Carolina  
FEB 06 2020

Date

Ordinance No. 122 (2020)

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, in 2002, the Tribe established the Audit Committee with the current nonvoting participants listed. Ordinance No. 464 (2002).

WHEREAS, since 2002, the Tribal Council expanded the Legislative Branch which included, but not limited to, the Legislative Council/TOP Director. C.C. §117-10.1 (2019).

WHEREAS, the Legislative Branch needs a representative on the Committee since Tribal Council authorizes the Annual Budget. Charter and Governing Document sec. 20.

WHEREAS, there is also a need to remove the Secretary of Treasury or their nominee because there is a possible conflict.

NOW THEREFORE BE IT ORDAINED in Annual Council assembled at which a quorum is present that the Tribal Council amends Cherokee Code §117-109, as follows in EXHIBIT A.

BE IT FURTHER ORDAINED the Ordinance provisions that 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 STILL 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 no prior resolutions and ordinances are inconsistent 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: Albert Rose, Birdtown Representative  
Bo Crowe, Wolfstown/Big Y Representative  
Chelsea Saunooke, Wolfstown/Big Y Representative  
Thomas Wahneta, Yellowhill Representative  
Dike Sneed, Painttown Representative  
Richard French, Big Cove Representative*

Cherokee Code

Chapter 117 – TRIBAL GOVERNMENT

ARTICLE V. – SPECIFIC TRIBAL PROGRAMS

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Sec. 117-109. – Audit and Ethics Committee.

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(5) The Audit and Ethics Committee shall be comprised of:

a. Five voting members.

1. One member of an independent CPA firm selected by the Tribal Council.
2. One community member not employed by the Tribe or its component units or its enterprises, selected by the Tribal Council;
3. Two additional persons selected by the Executive Committee from nominations sent by all component units or enterprises of the Tribe.
4. One industry expert not employed by the Tribe or its component units or its enterprises selected by the other members of the Audit and Ethics Committee.

b. ~~Four~~ Nonvoting participants.

1. Representative of the independent CPA firm contracted by the Tribe and its entities for their respective annual audits (by invitation of the Executive Committee);
2. Tribal Attorney General or his/her nominee;
3. ~~Secretary of Treasury or his/her nominee;~~
4. ~~The Internal Audit and Ethics Administrative Assistant shall serve as Committee Secretary and Treasurer.~~

Legislative Council/TOP Director or their nominee;

5. The Internal Audit and Ethics Administrative Assistant shall serve  
as Committee Secretary and Treasurer.

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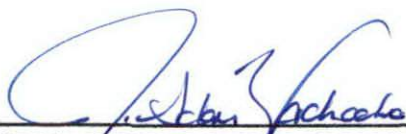
The attached Resolution/Ordinance No. 122 dated February 6, 2020 was:

**PASSED ( X )**

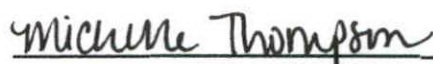
**KILLED ( )**

and ratified in open Council on July 9, 2020 by 76 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 Wahneetah	X			
David Wolfe	X			
Adam Wachacha	X			
Bo Crowe	X			
Chelsea Saunooke	X			
Albert Rose				X
Dike Sneed	X			
Tommye Saunooke	X			
	76	0	0	24



TRIBAL COUNCIL CHAIRMAN



ENGLISH CLERK



PRINCIPAL CHIEF

APPROVED ( )

VETOED ( ☒ )

VETO UPHeld ( ) VETO DENIED ( )

DATE:

7/20/2020

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 ( )



# The Eastern Band of Cherokee Indians

Principal Chief Richard G. Sneed

Vice Chief Alan B. Ensley

July 20, 2020

Adam Wachacha  
Chairman  
Snowbird &  
Cherokee Co. Township

Adam Wachacha, Chairman  
Eastern Band of Cherokee Indians  
PO Box 455  
Cherokee, NC. 28719

David Wolfe  
Vice-Chairman  
Yellowhill Township

Honorable Chairman Wachacha,

## Tribal Council Members

Tom Wahnetah  
Yellowhill Township

Bucky Brown  
Snowbird &  
Cherokee Co. Township

Richard French  
Big Cove Township

Perry Shell  
Big Cove Township

Bo Crowe  
Wolfstown Township

Chelsea Saunooke  
Wolfstown Township

Tommye Saunooke  
Painttown Township

Dike Sneed  
Painttown Township

Albert D. Rose  
Birdtown Township

Boyd Owle  
Birdtown Township

Please accept this letter as official notice that I have vetoed Ordinance # 122 (2020) regarding the Audit Committee. My reason for issuing the veto is that there was a substitute draft of the ordinance language that was submitted to the Tribal Operations Office. The substitute language was not what was voted on and instead the original draft language was attached to the ordinance and subsequently voted on by Tribal Council.

Thank you for your attention to this letter. Please contact my office at (828) 359-7002 with questions or concerns.

Sincerely,

Richard Sneed, Principal Chief  
Eastern Band of Cherokee Indians

John



The attached ORDINANCE NO. 122 dated JULY 07, 2020\_ was: VETOED and

UPHELD ( X )

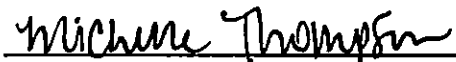
OVERRIDE ( )

in open Council on AUGUST 06, 2020 by 100 WEIGHTED VOTES to uphold the veto  
and 0 WEIGHTED VOTES to override the veto

VOTE	UPHOLD	OVERRIDE	ABSTAIN	ABSENT
Teresa McCoy	X			
Richard French	X			
Travis Smith	X			
B Ensley	X			
Anita Lossiah	X			
Brandon Jones	X			
Bill Taylor	X			
Bo Crowe	X			
Adam Wachacha	X			
Albert Rose	X			
Marie Junaluska	X			
Tommye Saunooke	X			
	100	0	0	0



TRIBAL COUNCIL CHAIRMAN



ENGLISH CLERK

VETO UPHELD ( X ) VETO DENIED ( )

DATE: AUGUST 6, 2020