

Eastern Band of Cherokee Indians

PO Box 455
Cherokee, NC 28719



Meeting Agenda - Final

Thursday, May 2, 2019

8:30 AM

Council Chambers

Tribal Council

I. Call to Order - Chairman

8:30 AM

II. Prayer**III. Roll Call****IV. Orders of the Day**

- 1.) [2019-2690](#) New Ordinance-Amending Cherokee Code Section 16-2.01 Tribal Gaming Commission (Item No. 1)
Attachments: [New Ord. Amending Cherokee code section 16-2.01 Tribal Gaming Commissior PaperStream Capture](#)
- 2.) [2019-2691](#) New Ordinance-Sec. 117-52-Executive Orders (Item No. 2)
Attachments: [Amending Cherokee code section 117-52- Executive orders](#)
- 3.) [2019-2692](#) New Ordinance-Amendment to Cherokee Code Sect 18B-804 to delete TABCC tax, markup or surcharge on alcoholic beverages (Item No. 3)
Attachments: [Amendment to Cherokee Code sect. 18B-804 to delete TABCC tax, markup or s](#)
- 4.) [2019-2693](#) New Ordinance-Addition to the Cherokee Code August 22nd recognized as a Tribal Holiday-Cherokee Elders Day (Item No. 4)
Attachments: [Addition to Cherokee code August 22nd recognized as a Tribal holiday-Cheroke](#)

V. Reports and Announcements

- [2019-2694](#) Principal Chief Sneed, Smokey Mountain Middle School Basketball team-9:00 a.m.
9:00 a.m.
- [2019-2695](#) Cherokee Cancer Support-Report from Cancer Support Group-9:10 a.m.
9:10 a.m.
- [2019-2696](#) Cherokee IT-Report on fiber backbone progress, cell tower on boundary and ODAS in Snowbird-9:20 a.m.
9:20 a.m.
- [2019-2697](#) Recognition of Harold & Nancy Long-NC A&T Small Farmer of the year - 9:30 a.m.
9:30 a.m.
- [2019-2698](#) Principal Chief Sneed, Smokey Mountain Middle School Basketball Teams - 9:40 a.m.
9:40 a.m.

- 5.) [2019-2699](#) Resolution requesting to make Will Poolaw an honorary member of the EBCI (Item No. 5) - 9:50 a.m.
Attachments: [Resolution requesting to make Will Poolaw an honorary member of the EBCI](#)
9:50 a.m.
- 6.) [2019-2642](#) Tabled Ord.No.515(2019) Amendment to Cherokee Code Chapter 92, Tribal Business Preference Law
Attachments: [T.Ord.No.515\(2019\)](#)
10:00 a.m.
- 7.) [2019-2643](#) Tabled Ord.No.516(2019) Section 55B-8 -- Mergers and Conversions added to Cherokee Code Chapter 55B (EBCI LLC)
Attachments: [T.Ord.No.516\(2019\)](#)
10:20 a.m.
- 8.) [2019-2644](#) Tabled Ord.No.517(2019) Addition to Chapter 117C to the Cherokee Code express the organization of executive branch divisions and to clarify authority to change the organizational structure
Attachments: [T.Ord.No.517\(2019\)](#)
10:30 a.m.
- 9.) [2019-2645](#) Tabled Ord.No.518(2019) Amendment to Cherokee Code Section 117-7 (Vacancies in Chief's Office) and Cherokee Code Section 115-9 (Vacancies in School Board)
Attachments: [T.Ord.No.518\(2019\)](#)
10:40 a.m.
- 10.) [2019-2646](#) Tabled Ord.No.519(2019) - Cherokee Code Chapter 28 - Inheritance Laws of North Carolina
Attachments: [T.Ord.No.519\(2019\)](#)
10:50 a.m.
- 11.) [2019-2647](#) Tabled Ord.No.520(2019) Cherokee Code Section 14-34.17 amended, Possession of firearms etc.by felon prohibited
Attachments: [T.Ord.No.520\(2019\)](#)
11:00 a.m.
- 12.) [2019-2648](#) Tabled Ord.No.521(2019) Cherokee Code Chapter 47A amended Grants Administration Office to Tribal Planning Office
Attachments: [T.Ord.No.521\(2019\)](#)
11:10 a.m.
- 13.) [2019-2649](#) Tabled Ord.No.522(2019) - Cherokee Code Chapter 117 amended Council Sessions and Public Notice
Attachments: [T.Ord.No.522\(2019\)](#)
11:20 a.m.

- 14.) [2019-2650](#) Tabled Ord.No.523(2019) - Cherokee Code Chapter 95 be amended, Tribal Employment Rights Committee
Attachments: [T.Ord.No.523\(2019\)](#)
11:30 a.m.
- 15.) [2019-2677](#) Tabled Ord. No. 551(2019) - Amendments to Cherokee Code Sect. 14-70.46 - Unlawful conduct related to campaigns and elections
Attachments: [Tabled Ord.551\(2019\)](#)
11:40 a.m.
- 16.) [2677](#) Tabled Ord. No. 552(2019) - Ordinance to amend Cherokee Code Chapters 16C and 55B to clarify the management and regulation of special purposes LLC
Attachments: [Tabled Ord.552\(2019\)](#)
[Tabled Ord.552\(2019\) Pt.2](#)
11:50 a.m.

Lunch

- 17.) [2019-2679](#) Tabled Ord. No. 553(2019) - Ordinance amendment to change the term of future HIP Agreements from 12 years to 15 years due to the rising cost of building homes
Attachments: [Tabled Ord.553\(2019\)](#)
1:10 p.m.
- 18.) [2019-2700](#) Resolution to name lower Oconaluftee Island Park Bridge in memory of Susie Jones (Item No. 18) - 1:20 p.m.
Attachments: [Resolution to name lower Oconaluftee Island Park Bridge in memory of Sussie](#) ,
1:20 p.m.
- 19.) [2019-2701](#) Tribal Council authorizes the Principal Chief, on behalf of the Tribe, to enter into a contract for the purchase of Wolfstown Community Parcels consisting of 145.051 acres for \$1,087,882.50 (Item No. 19) - 1:30 p.m.
Attachments: [Tribal Council authorizes Principal Chief, on behalf of the Tribe, to enter into a cc](#)
back up part 1 TC auth Principal Chief on behalf of Tribe to enter into a contract
Back up part 2 TC auth Principal Chief on behalf of Tribe to purchase Wolfstown
1:30 p.m.
- 20.) [2019-2702](#) Tribal Council authorizes the Principal Chief, on behalf of the Tribe, to enter into a contract for the purchase of 3.0 acres more or less in Graham County for the purchase price of \$70,000.00 (Item No. 20) 1:40 p.m.
Attachments: [Tribal Council auth Principal Chief on behalf of the Tribe to enter into a contract](#)
Back up for purchase of 3.0 acres in Graham County for the purchase price of \$
1:40 p.m.

- 21.) [2019-2703](#) Tribal Council authorizes the expenditure of \$107,000.00 to Bentley Systems for Fiber Network Design and Management Software and the expenditure of \$157,000 for Eaton Corporation UPS Uninterrupted Power Systems from the Technology Enhancement Fund (Item No. 21) 1:50 p.m.
Attachments: [Tribal Council authorizes the expenditure of \\$107,000 to Bentley Systems for Fiber Network Design and Management Software and the expenditure of \\$157,000 for Eaton Corporation UPS Uninterrupted Power Systems from the Technology Enhancement Fund \(Item No. 21\)](#)
Backup for Tribal Council authorizes the expenditure of \$107,000 to Bentley Systems for Fiber Network Design and Management Software and the expenditure of \$157,000 for Eaton Corporation UPS Uninterrupted Power Systems from the Technology Enhancement Fund (Item No. 21)
1:50 p.m.
- 22.) [2019-2704](#) Amendment to the EBCI Supplemental Retirement Plan for Elected Officials and Tribal Council Members (Item No. 22) 2:00 p.m.
Attachments: [Amendment to the EBCI Supplemental Retirement Plan for Elected Officials and Tribal Council Members \(Item No. 22\)](#)
Backup to the amendment EBCI supplemental Retirement plan for elected officials and Tribal Council Members (Item No. 22)
2:00 p.m.
- 23.) [2019-2705](#) Treasury Division is authorized through internal financing mechanisms to finance the amount of remodeling of the former Cherokee Indian Hospital and Crisis Stabilization Unit Project to finance up to an amount not to exceed \$45,000,000.00 with repayment to come from receipts from Indian Health Services for use of Tribal facilities (Item No. 23) 2:10 p.m.
Attachments: [Treasury Division is authorized through internal financing mechanisms to finance the amount of remodeling of the former Cherokee Indian Hospital and Crisis Stabilization Unit Project to finance up to an amount not to exceed \\$45,000,000.00 with repayment to come from receipts from Indian Health Services for use of Tribal facilities \(Item No. 23\)](#)
Backup Treasury Division is authorized through internal financing mechanisms to finance the amount of remodeling of the former Cherokee Indian Hospital and Crisis Stabilization Unit Project to finance up to an amount not to exceed \$45,000,000.00 with repayment to come from receipts from Indian Health Services for use of Tribal facilities (Item No. 23)
2:10 p.m.
- 24.) [2019-2706](#) Tribal Council instructs the Housing and Community Development Secretary of the Housing Board of Commissioners to re-assess the feasibility of maintaining an eighteen month construction requirement (Item No. 24) 2:20 p.m.
Attachments: [Tribal Council instructs the Housing and Community Development Secretary of the Housing Board of Commissioners to re-assess the feasibility of maintaining an eighteen month construction requirement \(Item No. 24\)](#)
Backup for Tribal Council instructs the Housing and Community Development Secretary of the Housing Board of Commissioners to re-assess the feasibility of maintaining an eighteen month construction requirement (Item No. 24)
2:20 p.m.
- 25.) [2019-2707](#) Office of Attorney General shall write and present to Tribal Council an EBCI Arts and Crafts Act to require truth-in-advertising for items represented as Indian Arts and Crafts on the Qualla Boundary (Item No. 25) 2:30 p.m.
Attachments: [Office of the Attorney General shall write and present to Tribal Council an EBCI Arts and Crafts Act to require truth-in-advertising for items represented as Indian Arts and Crafts on the Qualla Boundary \(Item No. 25\)](#)
2:30 p.m.
- 26.) [2019-2708](#) Budget Amendment-Health Delivery Administration FY19 (Adjusting grants to actual) (Item No. 26) 2:40 p.m.
Attachments: [Budget Amd. Health Delivery Administration FY19 \(Adjusting grants to actual\)](#)
Backup budget amd Health Delivery Admin FY19 (adjusting grants to actual)
2:40 p.m.
- 27.) [2019-2709](#) Budget Amendment-Domestic Violence FY19 (Adding a new grant) (Item No. 27) 2:40 p.m.
Attachments: [Budget Amd Domestic Violence FY19 \(adding a new grant\)](#)
Backup budget amd Domestic Violence FY19 (adding a new grant)

- 28.) [2019-2710](#) Budget Amendment-Head Start Education & Early Head Start Education FY19 (Adjusting grants to actual) (Item No. 28) 2:40 p.m.
Attachments: [Budget Amd. Head Start Education & Early Head Start Education FY19 \(adjusti](#)
Back up Head Start Education & Early Head Start Education FY19 (Adjusting gr
- 29.) [2019-2711](#) Budget Amendment-Qualla Public Library FY19 (adding a new grant) (Item No.29) 2:40 p.m.
Attachments: [Back up budget amd. Qualla Public library FY19 \(adding a new grant\)](#)
Back up budget amd. Qualla Public library FY19 (adding a new grant)
- 30.) [2019-2711](#) Budget Amendment-Qualla Public Library FY19 (adding a new grant) (Item No.29) 2:40 p.m.
Attachments: [Back up budget amd. Qualla Public library FY19 \(adding a new grant\)](#)
Back up budget amd. Qualla Public library FY19 (adding a new grant)
- 31.) [2019-2713](#) Budget Amendment-Tribal Construction FY19 (Adjusting grant revenue to actual) (Item No. 31) 2:40 p.m.
Attachments: [Budget Amd. Tribal Construction FY19 \(adjusting grant revenue to actual\)](#)
Back up Tribal Construction FY19 (adjusting grant revenue to actual)
- 32.) [2019-2714](#) Budget Amendment-Enterprise Development FY19 (Adding a new grant) (Item No. 32) 2:40 p.m.
Attachments: [Budget amd. Enterprise Development FY19 \(adding a new grant\)](#)
Back up budget amd Enterprise Development FY19 (adding a new grant)
- 33.) [2019-2715](#) Budget Amendment-Tribal Court FY19 (Adding a new grant) (Item No. 33) 2:40 p.m.
Attachments: [Budget amd. Tribal Court FY19 \(adding a new grant\)](#)
Back up budget amd. Tribal Court FY19 (adding a new grant)
- 34.) [2019-2716](#) Budget Amendment-Project Management (increasing fundraising revenue) (Item No. 34) 2:40 p.m.
Attachments: [Budget amd. Project Management \(increasing fundraising revenue\)](#)
Back up budget amd. Project Management (increasing fundraising revenue)
- 35.) [2019-2717](#) Budget Amendment-Criminal Law (adding a new position using grant funds from Civil Law Dept.) (Item No. 35) 2:40 p.m.
Attachments: [Budget amd. Criminal Law \(adding a new position using grant funds from Civil L](#)
Back up budget amd. Criminal Law (adding a new position using grant funds fro
- 36.) [2019-2718](#) Family Safety Program be authorized to apply and accept funds from DHHS, ACF, CB Kinship program in the amount of \$34,672.00 for FY19-20 (Item No. 36) 3:00 p.m.
Attachments: [Family Safety Program be authorized to apply and accept funds from DHHS, AC](#)
Back up Family Safety Prog be authorized to apply and accept funds from DHH!
3:00 p.m.

- 37.) [2019-2719](#) OENR be authorized to apply and accept funds from the United States Forest Service (USFS) and receive funds up to \$25,000 for the period of 5/1/19 - 4/30/2021 (Item No. 37) 3:10 p.m.
Attachments: [OENR be authorized to apply and accept funds from the United States Forest S](#)
Back up OENR be authorized to apply and accept funds part 1
Back up OENR be authorized to apply and accept funds from he United States I
3:10 p.m.
- 38.) [2019-2720](#) Senior Citizens Program be authorized to apply and receive funds to the North Carolina Dept. of Health and Human Services (NC-DHHS) Division of Aging, and Adult Services (Item No. 38) 3:10 p.m.
Attachments: [Senior Citizens Prog be authorized to apply and receive funds to the NCDHHS c](#)
Back up Senior Citizens Prog be auth to apply and receive funds to the NCDHH
Back up Senior Citizens Prog be auth to apply and receive funds to the NCDHH
3:20 p.m.
- 39.) [2019-2721](#) Cherokee Transit Program be authorized to apply and accept funds from the Federal Transit Administration and receive up to \$540,197.00 for budget period 10/01/2019-9/30/2021 (Item No. 39) 3:20 p.m.
Attachments: [Cherokee Transit Prog be authorized to apply and accept funds from the Feder](#)
Back up Cherokee Transit Program be auth to apply and accept funds from the
3:30 p.m.
- 40.) [2019-2722](#) Cherokee Fire and Rescue Program be authorized to apply and accept funds from the Duke Energy Foundation and receive up to \$29,451.00 for budget period FY19-FY20 (Item No. 40) 3:30 p.m.
Attachments: [Cherokee Fire and Rescue Prog be authorized to apply and accept funds from t](#)
Back up Cherokee Fire and Rescue Prog be auth to apply and accept funds from
3:40 p.m.
- 41.) [2019-2723](#) Natural Resources Program be authorized to continue to apply and accept funds from USDA USDA-Animal and Plant Health Inspection Service in the amount of \$10,000.00 (Item No. 41) 3:40 p.m.
Attachments: [Natural Resources Prog be authorized to continue to apply and accept funds fro](#)
Back up Natural Resources prog be auth to continue to apply and accept funds
3:50 p.m.
- 42.) [2019-2724](#) Donation resolution for the month of May (3 total) (Item No. 42) 3:50 p.m.
Attachments: [Donation Resolution for the month of May \(3 total\)](#)
4:00 p.m.

- 43.) [2019-2725](#) Tribal Council authorizes the purchase of Birdtown Parcel No. 391-A (Part of Parcel No. 391) 0.403 acres more or less plus all improvements, at the agreed upon price of \$140,000.00 to address the housing needs of the enrolled members of the Tribe (Item No. 43) 4:00 p.m.
Attachments: [Tribal Council auth the purchase of Birdtown Parcel no. 391-A\(Part of Parcel no](#)
Back up Tribal Council authorizes the purchase of BIRDtown Parcel No. 391-A 0.
4:10 p.m.
- 44.) [2019-2726](#) Last will and testament of Charles James Hornbuckle (d) (Item No. 44) 4:10 p.m.
Attachments: [Last will and testament of Charles James Hornbuckle \(d\)](#)
back up last will and testament Charles James Hornbuckle (d)
4:20 p.m.
- 45.) [2019-2727](#) Recognition of heirs of Gwendolyn Faye Ross Locust (d) (Item No. 45) 4:20 p.m.
Attachments: [Recognition of heirs of Gwendolyn Faye Ross Locust \(d\)](#)
Back up Recognition of heirs of Gwendolyn Faye Ross Locust (d)
4:30 p.m.
- 46.) [2019-2728](#) Council instructs Housing and Development Secretary to re-evaluate Warren Crowe III's application and report back to QHA Board in June 2019 meeting (Item No. 46) 4:30 p.m.
Attachments: [Council instructs Housing and Development Secretary to re-evaluate Warren Cr](#)
4:40 p.m.
- 47.) [2019-2655](#) Tribal Council approves establishment of a working committee as requested in the intent of Resolution No.378(2018) to explore and develop the Historic Education, Culture, and Language Division for the FY2020 Budget (Item No.17)
Attachments: [New Res Item #17](#)
New Res Item #17 backup
4:50 p.m.

Emergency Resolutions

Banishment Items if Necessary

V. Recessed