

# Eastern Band of Cherokee Indians

PO Box 455  
Cherokee, NC 28719



## Meeting Agenda - Final

Thursday, September 12, 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****V. Reports and Announcements**

- 1.) [2017-2112](#) Tabled Res. No. 13 (2017) - Heirs of Charles I Hornbuckle request old Painttown Gym be returned to family  
**Attachments:** [Painttown Gym](#)  
9:00 a.m.
- 2.) [2017-2126](#) Tabled Res. No. 50 (2017) Request that the Benefits Committee and the Tribe's Attorney are directed to make the necessary changes to the EBCI defined benefit pension plan to provide that employment service of 20 years shall constitute full retirement  
**Attachments:** [Tabled Res. No. 50](#)  
9:10 a.m.
- 3.) [2018 -2286](#) Tabled Res.184(2018) - Tribal Council will adhere to the Charter Section 19 as soon as practical after following an actual census being completed and until its possible for Charter Section 19 to be adhered to that Tribal Council votes shall be counted as traditionally and historically done on the basis of one man, one vote based solely on Tribal Council Members being equal to one vote and each community having two votes one from each two Council Members (Item No.3)  
**Attachments:** [Tabled Res.184\(2018\)](#)  
9:20 a.m.
- 4.) [2018 -2378](#) Tabled Res.269(2018) - Herbert Wachacha desires Tribal Council to instruct Realty Department and Legal Office to assist him with land dispute (Item No.4)  
**Attachments:** [Tabled Res.269\(2018\)](#)  
Backup Tabled Res.269(2018)  
Backup Pt.2 Tabled Res.269(2018)  
Backup Pt.3 Tabled Res.269(2018)  
9:30 a.m.
- 5.) [2018 -2530](#) Tabled Res.No.387(2018) Higher Education Guidelines be amended (Item No. 5)  
**Attachments:** [Res.No.387\(2018\)](#)  
9:40 a.m.

- 6.) [2018 -2548](#) Tabled Ord. No. 433 (2019) - Operational Changes to Housing (Item No.4)  
**Attachments:** [Tabled Ord. No. 433 \(2018\)](#)  
9:50 a.m.
- 7.) [2018 -2552](#) Tabled Res. No. 440 - Tribal Council does hereby grant a 20' Access Road Right of Way and Right of Way for all utilities to access Painttown Community Parcels known as Parcel No. 795 and Parcel No. 796 and crossing Painttown Community Parcels known as No. 129-B and 129-E held by Tammy Wynette Queen, Parcel No. 373-D held by Sylvester Crowe Parcel No. 372-C held by Stuart Dwight Crowe and Parcel No. 730-K held by William Tramper (Item No. 14)  
**Attachments:** [RES.440\(2018\)](#)  
10:10 a.m.
- 8.) [2019-2642](#) Tabled Ord.No.515(2019) Amendment to Cherokee Code Chapter 92, Tribal Business Preference Law  
**Attachments:** [Tabled Ord.515\(2019\)](#)  
10:10 a.m.
- 9.) [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\(2019\)](#)  
10:20 a.m.
- 10.) [2019-2646](#) Tabled Ord.No.519(2019) - Cherokee Code Chapter 28 - Inheritance Laws of North Carolina  
**Attachments:** [T.Ord.No.519\(2019\)](#)  
10:30 a.m.
- 11.) [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\(2019\)](#)  
10:40 a.m.
- 12.) [2019-2782](#) Tabled Res.642(2019) - Resolution approving the FY2020 Tribal Budget  
**Attachments:** [Tabled Res.642\(2019\)](#)  
10:50 a.m.
- 13.) [2019-2781](#) Tabled Ordinance No.655(2019) - Amendment to Cherokee Code Chapter 114-Department of Justice and Attorney General  
**Attachments:** [Tabled Ord.655\(2019\)](#)  
11:00 a.m.

- 14.) [2019-2810](#) Tabled Ordinance No.656(2019) - Financial Accountability  
*Attachments:* [Tabled Ord.656\(2019\)](#)  
11:10 a.m.
- 15.) [2019-2784](#) Tabled Ordinance No.657(2019) - Amendment to Cherokee Code Chapter 35A, Subchapter II, Article IV (Incompetency and Guardians)  
*Attachments:* [Tabled Ord.657\(2019\)](#)  
[Tabled Ord.657\(2019\) Pt.2](#)  
11:20 a.m.
- 16.) [2019-2790](#) Tabled Ordinance No.658(2019) - Amendment to Cherokee Code Chapter 106-Cherokee Arts and Crafts Act  
*Attachments:* [Tabled Ord.658\(2019\)](#)  
11:30 a.m.
- 17.) [2019-2792](#) Tabled Ordinance No.659(2019) - Amendment to Cherokee Code section 20-1 Motor Vehicle Traffic Laws  
*Attachments:* [Tabled Ord.659\(2019\)](#)  
11:40 a.m.
- 18.) [2019-2794](#) Tabled Ordinance No.660(2019) - Amendment to Cherokee Code Sec. 120-5 Police Commission  
*Attachments:* [Tabled Ord.660\(2019\)](#)  
11:50 a.m.

### **Lunch**

- 19.) [2019-2804](#) Tabled Res.664(2019) - Tribal Council grants right-of-way to Jill Cherie Lossiah, to Upper Community Parcel No. 139-N, via a route to be constructed coming off of Grassy Branch and passing through Upper Cherokee Community Parcel No. 199-B and 139-J, without the signatures of William Lawson Smith and Stanley Harold Ross  
*Attachments:* [Tabled Res.664\(2019\)](#)  
Backup Tabled Res.664(2019)  
1:10 p.m.
- 20.) [2019-2827](#) Tabled Ord. No.686(2019) - Amendment to Cherokee Code Sect. 14-95.3 Criminal Law (Controlled Substances)  
*Attachments:* [Tabled Ord.686\(2019\)](#)  
1:20 p.m.
- 21.) [2019-2828](#) Tabled Ord. No.687(2019) - Amendment to Cherokee Code Sect. 7A-4 and Sect. 7A-38 governing retention of jurisdiction in juvenile cases  
*Attachments:* [Tabled Ord.687\(2019\)](#)  
1:30 p.m.

- 22.) [2019-2829](#) Tabled Ord. No.688(2019) - Amendment to Cherokee Code Chapter 96-Tribal Employees (Reduction in Force)  
**Attachments:** [Tabled Ord.688\(2019\)](#)  
1:40 p.m.
- 23.) [2019-2830](#) Tabled Ord. No.689(2019) - Amendment to Cherokee Code Chapter 14, Article IX, Crimes of Bodily Injury (Death by Distribution of certain controlled substances)  
**Attachments:** [Tabled Ord.689\(2019\)](#)  
1:50 p.m.
- 24.) [2019-2831](#) Tabled Ord. No.690(2019) - Amendment to Cherokee Code Sect. 130-Public Health Laws  
**Attachments:** [Amd. to Cherokee code sect. 130-public health laws pt.1](#)  
[Amd. to Cherokee code sect. 130-public health laws pt.2](#)  
[Amd. to Cherokee Code Sect. 130-Public Health Laws pt.3](#)  
[Amd. to Cherokee Code sect. 130-public health laws pt.4](#)  
[Amd. to Cherokee Code sect. 130-public health laws pt.5](#)  
[Amd. to Cherokee code sect. 130-public health laws pt.6](#)  
[Amd. to Cherokee code sect. 130-public health laws pt.7](#)  
[Amd. to Cherokee Code sect. 130-public health laws pt.8](#)  
[Amd. to Cherokee Code sect. 130-public health laws pt.9](#)  
[Amd. to Cherokee Code sect. 130-public health laws pt.10](#)  
[Amd. to Cherokee Code Sect. 130-Public health laws pt.11](#)  
[Amd. to Cherokee Code Sect. 130-public health laws pt.12](#)  
[Tabled Ord.690\(2019\)](#)  
2:00 p.m.
- 25.) [2019-2839](#) Tabled Ord. No.699(2019) - Hearings Officer (Dangerous Buildings Ordinance) (Item No.25) 2:10 p.m.  
**Attachments:** [TABLED RES.699\(2019\)](#)  
2:10 p.m.
- 26.) [2019-2872](#) Tribal Council replaces Bo Taylor with Yvonne Bushyhead for the Historic Education, Culture and Language Division (Item No. 26) - 2:20 p.m.  
**Attachments:** [Tribal Council replaces Bo Taylor with Yvonne Bushyhead for the Historic Educ](#)  
2:20 p.m.
- 27.) [2019-2873](#) Tribal Council approves and appoints Anita Welch Lossiah to the Museum Board of Directors, for a five year term December 1, 2018 through November 30, 2023 (Item No. 27) - 2:30 p.m.  
**Attachments:** [Tribal Council approves and appoints Anita Welch Lossiah to the Museum Boar](#)  
2:30 p.m.

- 28.) [2019-2874](#) Resolution establishing Cannabis Commission (Item No. 28) - 2:40 p.m.  
**Attachments:** [Resolution establishing Cannabis Commission](#)  
2:40 p.m.
- 29.) [2019-2875](#) Resolution for the nomination and appointment of Mara Nelson to the TABCC for term beginning July 31, 2019 and to expire on July 30, 2023 (Item No. 29) - 2:50 p.m.  
**Attachments:** [Resolution for the nomination and appointment of Mara Nelson to the TABCC fo](#)  
2:50 p.m.
- 30.) [2019-2876](#) Tribal Council re-appoints Robert C. Hunter to the position of Associate Justice on the Cherokee Supreme Court for another four year term beginning on April 9, 2019 and expiring on April 8, 2023 (Item No. 30) - 3:00 p.m.  
**Attachments:** [Tribal Council re-appoints Robert C. Hunter to the position of Associate Justice](#)  
3:00 p.m.
- 31.) [2019-2877](#) Tribal Council instructs the Executive Committee to submit, written monthly reports to Tribal Council regarding the progress of passed resolutions (Item No. 31) - 3:10 p.m.  
**Attachments:** [Tribal Council instructs the Executive Committee to submit, written monthly repc](#)  
3:10 p.m.
- 32.) [2019-2878](#) Tribal Council instructs the Attorney General's Office and the Director of Human Resources to amend the EBCI Personnel Policies and Procedures as follows; Sec. 5.01 Submission of applications-Drives license requirements with the recommendation of the manager, the Division Secretary will have the discretion to waive the drivers license requirement (Item No. 32) - 3:20 p.m.  
**Attachments:** [Tribal Council instructs the AG's Office and the Director of HR to amend the EB](#)  
3:20 a.m.
- 33.) [2019-2879](#) Resolution granting Adam Hoffman permission to carry out the "Trinity College Indian Industrial School" and carry out all follow-up and reporting as required by the EBCI CIRB (Item No. 33) - 3:30 p.m.  
**Attachments:** [Resolution granting Adam Hoffman permission to carry out the Trinity College Ir](#)  
3:30 a.m.
- 34.) [2019-2880](#) Recognition of heirs of Timothy Lane Hill (d) (Item No. 34) - 3:40 p.m.  
**Attachments:** [Recognition of heirs of Timothy Lane Hill \(d\)](#)  
Back up recognition of heirs of Timothy Lane Hill (d)  
3:40 p.m.
- 35.) [2019-2881](#) Recognition of heirs of Cynthia Marie Sampson Kersey (d) (Item No. 35) - 3:50 p.m.  
**Attachments:** [Recognition of heirs of Cynthia Marie Sampson Kersey \(d\)](#)  
Back up recognition of heirs of Cynthia Marie Sampson Kersey (d)  
3:50 p.m.

- 36.) [2019-2882](#) Last Will and Testament of Louisa Wachacha Grindstaff (d) (Item No. 36) - 4:00 p.m.  
**Attachments:** [Last will and testament of Louisa Wachacha Grindstaff \(d\)](#)  
Back up last will and testament of Louisa Wachacha Grindstaff (d)  
4:00 p.m.
- 37.) [2019-2883](#) Recognition of heirs of Sherry Jeanette Taylor (d) (Item No. 37) - 4:10 p.m.  
**Attachments:** [Recognition of heirs of Sherry Jeanette Taylor \(d\)](#)  
back up of recognition of heirs of Sherry Jeanette Taylor (d)  
4:10 p.m.
- 38.) [2019-2884](#) Council approves the moving and re-allocating the positions described requisite changes to the respective and appropriate Tribal Government Organizational Charts and Budgets (Two to Headstart and Two to Snowbird/Cherokee County) (Item No. 38 - 4:20 p.m.)  
**Attachments:** [Council approves the moving and re-allocating the positions described requisite](#)  
4:20 p.m.
- 39.) [2019-2885](#) Resolution asking Council to agree to an organizational chart change to move Administrative Specialist and an Administrative Assistant to Human Resources Training and Development Department (Item No. 39) - 4:30 p.m.  
**Attachments:** [Resolution asking Council to agree to an organizational chart change to move A](#)  
Back up resolution asking Council to agree to an organizational chart change  
4:30 p.m.
- 40.) [2019-2886](#) Resolution asking Council to approve vacant GIS Land Record Clerk recertified to become Realty Land Records Manager and vacant position surveyor I to become Tribal Survey Manager (Item No. 40) - 4:40 p.m.  
**Attachments:** [Resolution asking Council to approve vacant GIS land record clerk recertified to](#)  
back up for Resolution asking Council to app vacant GIS Land Record Clerk rec  
4:40 p.m.

### **Lunch**

### **Emergency Resolutions**

### **Banishment Items if Necessary**

- 41.) [2019-2887](#) Resolution to permanently exclude Jeffrey Cotton (Item No. 41) - 4:50 p.m.  
**Attachments:** [Resolution to permanently exclude Jeffrey Cotton](#)  
4:50 p.m.

### **V. Recessed**