

# Eastern Band of Cherokee Indians

PO Box 455  
Cherokee, NC 28719



## Meeting Agenda - Final-revised

Thursday, May 6, 2021

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.) [2021 -3361](#) Amendment to Chapter 117 - Tribal Government Article III-A - Appointment confirmation rules

**Attachments:** [Item 1 5.06.21](#)

*New Ordinance*

- 2.) [2021 -3362](#) Amendment to Chapter 117 - Tribal Government Article I - Executive Branch

**Attachments:** [Item 2 5.06.21](#)

*(New Ordinance)*

**V. Reports and Announcements**

- [2021 -3363](#) Recognition of Blythe Winchester for being awarded CIHA Employee of the Year

*8:50 a.m.*

- 3.) [2020 -3155](#) Tabled Ord. No. 259 (2020) - Amendment to Chapter 117 - Tribal Government Sect. 117-47 Boards and Committees

**Attachments:** [Tabled ord.259\(20\)](#)

*9:00 a.m.*

**Legislative History**

10/5/20 Tribal Council tabled

10/5/20 Tribal Council amended and tabled

*This ordinance was amended and tabled*

- 4.) [2021 -3285](#) Tabled Ord. 380(21) - An ordinance decriminalizing small amounts of marijuana

**Attachments:** [Tabled Ord. 380\(21\)](#)

[Amendment for T.Ord.380\(21\)](#)

*9:10 a.m.*

- 5.) [2021 -3301](#) Tabled Ord. No. 390(21) - Amendment to Cherokee Code, Section 18B-203 - Regulation of alcoholic beverages (Powers and Duties of the Commission)

**Attachments:** [Tabled Ord. 390\(21\)](#)

*9:20 a.m.*

- 6.) [2021 -3302](#) Tabled Ord. 391(21) - An ordinance amending Chapter 122 Mental Health Law  
**Attachments:** [Tabled Ord.391\(21\)](#)  
9:30 a.m.
- 7.) [2021 -3303](#) Tabled Ord. No. 392 - An ordinance amending Chapter 18B-204 Allocation of Revenues  
**Attachments:** [Auto-Color0224](#)  
9:40 a.m.
- 8.) [2021 -3304](#) Tabled Ord. 393(21) - An ordinance to clarify Cherokee law regarding the capacity of criminal defendants to proceed to trial in the Cherokee Court  
**Attachments:** [Tabled Ord. 393\(21\)](#)  
9:50 a.m.
- 9.) [2021 -3305](#) Tabled Ord. 394(21) - An ordinance to amend Cherokee Code Section 96-12 governing employment decisions  
**Attachments:** [Tabled Ord. 394\(21\)](#)  
10:00 a.m.
- 10.) [2021 -3306](#) Tabled Ord. 395(21) - Amendment to Cherokee Code 16C-10 Cherokee Endowment and Investment Opportunities  
**Attachments:** [Tabled Ord.395\(21\)](#)  
10:10 a.m.
- 11.) [2021 -3335](#) Tabled Ord. No. 427(21) - Amendment to Cherokee Code Chapter 19-TRIBAL BUSINESS PREFERENCE LAW  
**Attachments:** [Tabled Ord. 427\(21\)](#)  
10:20 a.m.
- 12.) [2021 -3345](#) Tabled Res. No. 433(21) - Appointment to Police Commission representing Snowbird and Cherokee County  
**Attachments:** [Tabled Res.433\(21\)](#)  
10:30 a.m.
- 13.) [2021 -3364](#) Resolution to bestow the title of Beloved Woman to Carmalita Littlejohn Monteith  
**Attachments:** [Item 13 5.06.21](#)  
Backup Item13 5.06.21  
10:40 a.m.
- 14.) [2021 -3365](#) Resolution asking that Council direct the Tribal Employee Benefits Committee and Principal Chief to amend the EBCI Governmental Retirement Plan  
**Attachments:** [Item 14 5.06.21](#)  
Backup Item14 5.06.21  
10:50 a.m.

- 15.) [2021 -3366](#) Resolution asking that Council approve a CPA for the Legislative Branch  
**Attachments:** [Item 15 5.06.21](#)  
[Backup Item 15 5.06.21](#)  
*11:00 a.m.*
- 16.) [2021 -3367](#) Resolution asking for the transfer of Training Program Specialist (FTE) WIOA-Youth Trainees, WIOA-Adult Participants and New Work Experience Participants be added to the TERO Organizational Chart and shall report to the TERO Director  
**Attachments:** [Item16 5.06.21](#)  
Backup Item16 5.06.21  
*11:10 a.m.*
- 17.) [2021 -3368](#) Resolution asking Council to direct the investigations, Tim Klud, and John Glavin, Board of Elections, and Agent Gang, FBI to give a full report and any and all investigations done through Res. No. 133  
**Attachments:** [Item 17 5.06.21](#)  
[Backup Item 17 5.06.21](#)  
*11:20 a.m.*
- 18.) [2021 -3369](#) Resolution asking Council to approve a 16x16 allotment be allowed at Kituwah Property to be used as a garden Memory Garden for Ms. Becky Walker  
**Attachments:** [Item 18 5.06.21](#)  
*11:30 a.m.*
- 19.) [2021 -3370](#) A resolution directing the HIP Committee to amend the HIP policy and related program documents to delete the marijuana testing requirement for HIP Applicants and to allow the policy and related documents to follow potential future changes in Tribal Law as to marijuana  
**Attachments:** [Item 19 5.06.21](#)  
*11:40 a.m.*
- 20.) [2021 -3371](#) A resolution asking Council to transfer usage rights of Painttown Parcel No. 864 containing 4.0 acres, to the TCGE for continued development of the casino and hotel operations  
**Attachments:** [Item20 5.06.21](#)  
*11:50 a.m.*
- Lunch**
- 12:00 p.m.*
- 21.) [2021 -3372](#) A resolution to draft standards of conduct for Tribal Council representatives for activities in the Tribal Council House and in other places where public business is performed  
**Attachments:** [Item 21 5.06.21](#)  
*1:00 p.m.*

- 22.) [2021 -3373](#) A resolution authorizing pursuit of commercial gaming opportunities through "Project Commonwealth" and the communication of the necessary proposal to the partner company  
**Attachments:** [Item 22 5.06.21](#)  
*1:10 p.m.*  
*1:10 p.m.*
- 23.) [2021 -3374](#) A resolution asking that the Secretary of the Interior is hereby requested to accept the real property as described in Book 376, Page 145, Graham County Register of Deeds consisting of 794.04 acres more or less to be held in trust for the benefit of the EBCI  
**Attachments:** [Item 23 5.06.21](#)  
Backup Item 23 5.06.21  
*1:20 p.m.*
- 24.) [2021 -3375](#) A resolution asking that the Secretary of the Interior is hereby requested to accept the real property described in exhibit A (land into trust Cherokee County) plus a railroad crossing easement to be held in trust for the benefit of the EBCI  
**Attachments:** [Item 24 5.06.21](#)  
Backup Item 24 5.06.21  
*1:30 p.m.*
- 25.) [2021 -3376](#) A resolution requesting the transfer of Wolftown Community Parcel No. 471 from Minda and Jacqueline Pheasant to Nancy Pheasant be approved without the signature of Jacqueline Pheasant  
**Attachments:** [Item 25 5.06.21](#)  
Backup Item25 5.06.21  
*1:40 p.m.*
- 26.) [2021 -3377](#) A resolution requesting that the approval of division of Wolftown Community Parcel No. 34 voted upon by Lands Committee without the signature of Brandi Johnson  
**Attachments:** [Item 26 5.06.21](#)  
Backup Item26 5.06.21  
*1:50 p.m.*
- 27.) [2021 -3378](#) Resolution requesting that Tribal Council authorizes the purchase of Painttown Community Parcels 536-A, Parcel 537, Parcel 538, Parcel 23-N, Parcel 23Q, Parcel 23R from Ralph Louis Cooper and Kathie Whitetree and Greg Whitetree for a purchase of \$585,000.00 from the principal and interest investment account for the Qualla Housing Authority  
**Attachments:** [Item27 5.06.21](#)  
Backup Item27 5.06.21  
*2:00 p.m.*

- 28.) [2021 -3379](#) Resolution requesting that Tribal Council authorizes the purchase of Painttown Community Parcel 258-A, and 259, from James Lloyd Long Bigwitch and Mary Jane Long Ferguson to the Housing Division for a purchase of \$1,100,000 from the Principal and interest investment account for the Qualla Housing Authority  
**Attachments:** [Item28 5.06.21](#)  
Backup Item28 5.06.21  
*2:10 p.m.*
- 29.) [2021 -3380](#) Last Will and Testament for Nancy Edwina Jumper Poncho (d)  
**Attachments:** [Item29 5.06.21](#)  
Backup item29 5.06.21  
*2:20 p.m.*
- 30.) [2021 -3381](#) Last Will and Testament of Bessie Jean Bird Welch (d)  
**Attachments:** [Item30 5.06.21](#)  
Backup Item30 5.06.21  
*2:30 p.m.*
- 31.) [2021 -3382](#) Last Will and Testament of Doris West Catt (d)  
**Attachments:** [Item 31 5.06.21](#)  
Backup Item31 5.06.21  
*2:40 p.m.*
- 32.) [2021 -3383](#) Recognition of heirs of Solomon Dan Bradley (d)  
**Attachments:** [Item32 5.06.21](#)  
Backup Item32 5.06.21  
*2:50 p.m.*
- 33.) [2021 -3384](#) Transfers of possessory interest between the Richard (Yogi) Crowe heirs without the signature of Tamelia Lynn Crowe  
**Attachments:** [Item33 5.06.21](#)  
Backup Item 33 5.06.21  
*3:00 p.m.*
- 34.) [2021 -3346](#) Recognition of heirs of Linda Sue Reid Chiltoskie (d)  
**Attachments:** [Item14 4.01.21](#)  
Backup Item14 4.01.21  
*3:10 p.m.*

- 35.) [2021 -3385](#) Principal Chief and EBCI Partners are authorized to execute the land purchase agreement and expend up to \$2,025,000.00 of EBCI Funds in conjunction with funds provided by EBCI Partners for the purchase or property in question to provide the necessary time for full and complete due diligence of the project to be completed for Tribal Council consideration

**Attachments:** [Item 35 5.06.21](#)

Backup Item35 5.06.21

3:20 p.m.

### ***Emergency Resolutions***

### ***Banishment Items if Necessary***

- 36.) [2021 -3386](#) Banishment - Katrina Cook

**Attachments:** [Item 36 5.06.21](#)

### **V. Recessed**