

CHEROKEE TRIBAL COURT
EASTERN BAND OF CHEROKEE INDIANS
CHEROKEE, NORTH CAROLINA
CASE NO. CV 15-475

EDCI
CHEROKEE TRIBAL COURT
CHEROKEE, N.C.
2015 OCT -3 PM 12:22

EASTERN BAND OF CHEROKEE)
INDIANS FOR JUSTICE & ACCOUNTABILITY,)
)
Plaintiffs)
)
v.)
)
TERRI HENRY, individually, BILL TAYLOR,)
individually, GENE CROWE, JR. individually,)
ALAN B. ENSLEY, individually, ALBERT R.)
ROSE, individually, VIRGINIA LEE BRADLEY)
SAUNOOKE, individually, PERRY SHELL,)
individually, ADAM WACHACHA, individually,)
DAVID WOLFE, individually, MICHELL HICKS,)
individually, LARRY BLYTHE, individually,)
DIAMOND BROWN, JAMES OWLE,)
MICHAEL PARKER, JAMES TAYLOR, and)
KIM PEONE, in her official capacity,)
)
Defendants)

FILED

COMPLAINT FOR
DECLARATORY JUDGMENT
AND INJUNCTIVE RELIEF

JURY TRIAL DEMANDED

NOW COMES Plaintiff, the Eastern Band of Cherokee Indians for Justice & Accountability, pursuant to Charter and Governing Document § 7, Cherokee Code § 117-15(a), and Rules 57 and 65 of the North Carolina Rules of Civil Procedure, complaining of the Defendants, Terri Henry, individually, Bill Taylor, individually, Gene Crowe, Jr., individually, Alan B. Ensley, individually, Albert Rose, individually, Virginia Lee Bradley Saunooke, individually, Perry Shell, individually, Adam Wachacha, individually, David Wolfe, individually, Michell Hicks, individually, Larry Blythe, individually, Diamond Brown, James Owle, Michael Parker, James Taylor, and Kim Peone, in her official capacity, allege and say as follows:

INTRODUCTION

1. This lawsuit is filed on behalf of the Eastern Band of Cherokee Indians for Justice & Accountability to challenge illegal pay raises Defendants named herein gave themselves by way of enacting Resolution No. 261 on October 14, 2014 in violation of the Charter and Governing Document § 7 and Cherokee Code § 117-15(a). The explicit terms of the Charter and Governing Document § 7 and Cherokee Code § 117-15(a) state in no uncertain terms: “no pay raise [shall] take effect until the next council is seated,” and “[p]ay increases for the Tribal Council members shall not exceed the amount appropriated in that fiscal year for tribal employees.” On October 14, 2014, Tribal Council passed Resolution Number 261 (hereinafter “Resolution No. 261”), which gave each current and former Tribal Council member an annual salary increase *retroactive to 2010*. Tribal Council members began to distribute illegal pay raises

to themselves in the middle of their terms, in or about October 2014. Likewise, former Tribal Council members received paychecks for retroactive pay increases long after their terms had ended. By enacting Resolution No. 261, Tribal Council unlawfully converted an estimated \$1 million in public funds for personal gain to the detriment of Plaintiff's constituent members. By law, a term on Tribal Council is a service *to* the Tribe, not an entitlement *from* it. This action seeks declaratory and injunctive relief to redress their blatantly illegal conduct.

PARTIES, JURISDICTION, AND VENUE

2. The Eastern Band of Cherokee Indians for Justice & Accountability (hereinafter "EBCIJA") is an organization of people who are concerned enrolled members of the Eastern Band of Cherokee Indians. Among EBCIJA membership are Tribal employees and members who fear retaliation, were they individually named as Plaintiffs to this action. The mission of the EBCIJA is to pursue economic and social justice for all enrolled members and to seek accountability and transparency in Tribal government. Each individual member of the EBCIJA would have standing to sue in their own right; the interests the EBCIJA seek to protect are germane to the organization's purpose; the organization seeks to protect individual members from retaliation; and neither the claims asserted nor the relief sought herein require the participation of individual members in this lawsuit.

3. Defendant, Terri Henry, is an enrolled member, former Chairwoman of the Tribal Council (2009-15), and resident of Painttown Township. Defendant Henry voted for the passage of Resolution No. 261. She is sued in her individual capacity.

4. Defendant, Vice Chairman Bill Taylor, is an enrolled member, former Vice Chairman of the Tribal Council (2009-present), and resident of Wolfetown Township. Defendant Taylor voted for the passage of Resolution No. 261. He is sued in his individual capacity.

5. Defendant, Gene Crowe, Jr., is an enrolled member, former member of the Tribal Council (2013-15), and resident of Birdtown Township. Defendant Crowe voted for the passage of Resolution No. 261. He is sued in his individual capacity.

6. Defendant, Alan B. Ensley, is an enrolled member, current and former member of the Tribal Council (1995-current), and resident of Yellowhill Township. Defendant Ensley voted for the passage of Resolution No. 261. He is sued in his individual capacity.

7. Defendant, Albert Rose, is an enrolled member, current and former member of the Tribal Council (2013-current), and resident of Birdtown Township. Defendant Rose voted for the passage of Resolution No. 261. He is sued in his individual capacity.

8. Defendant, Virginia Lee Bradley Saunooke, is an enrolled member, current and former member of the Tribal Council (1999-current), and resident of Painttown Township. Defendant Saunooke voted for the passage of Resolution No. 261. She is sued in her individual capacity.

9. Defendant, Perry Shell, is an enrolled member, former member of the Tribal Council (2003-15), and resident of Big Cove Township. Defendant Shell voted for the passage of Resolution No. 261. He is sued in his individual capacity.

10. Defendant, Adam Wachacha, is an enrolled member, current and former member of the Tribal Council (2009-current), and resident of Snowbird/Cherokee County Township. Defendant Wachacha voted for the passage of Resolution No. 261. He is sued in his individual capacity.

11. Defendant, David Wolfe, is an enrolled member, former member of the Tribal Council (2005-15), and resident of Yellowhill Township. Defendant Wolfe voted for the passage of Resolution No. 261. He is sued in his individual capacity.

12. Defendant, Michell Hicks, is an enrolled member, former Principal Chief (2003-15), and resident of Painttown Township. Defendant Hicks, in conjunction with Defendant Blythe, introduced Resolution No. 261, which included the illegal pay increases alleged herein as well as a pay increase for himself. He is sued in his individual capacity.

13. Defendant, Larry Blythe, is an enrolled member, former Vice Chief (2003-15), and resident of Snowbird Township. Defendant Blythe, in conjunction with Defendant Hicks, introduced Resolution No. 261, which included the illegal pay increases alleged herein as well as a pay increase for himself. He is sued in his individual capacity.

14. Defendant, Diamond Brown, is an enrolled member, former member of the Tribal Council (2009-13), and resident of Snowbird Township. Defendant Brown received a lump-sum payment as a result of the passage of Resolution No. 261. Defendant Brown is named as a Defendant herein to give him notice of this action.

15. Defendant, James Owle, is an enrolled member, former member of the Tribal Council (1999-2013), and resident of Birdtown Township. Defendant Owle received a lump-sum payment as a result of the passage of Resolution No. 261. Defendant Owle is named as a Defendant herein to give him notice of this action.

16. Defendant, Michael Parker, is an enrolled member, former member of the Tribal Council (2003-13), former representative of Wolftown Township, and current resident of Big Cove Township. Defendant Parker received a lump-sum payment as a result of the passage of Resolution No. 261. Defendant Parker is named as a Defendant herein to give him notice of this action.

17. Defendant, James Taylor, is an enrolled member, former member of the Tribal Council (2011-13), and resident of Big Cove Township. Defendant Taylor received a lump-sum payment as a result of the passage of Resolution No. 261. Defendant Taylor is named as a Defendant herein to give him notice of this action.

18. Defendant, Kim Peone, is the Deputy of Finance in the Eastern Band of Cherokee Indians Office of Budget & Finance. She is a resident of Cherokee, North Carolina. Defendant Peone is chiefly responsible for the administration and enforcement of Resolution No. 261. She is sued in her official capacity.

19. The Charter and Governing Document of the Eastern Band of Cherokee Indians, § 18, governs the oath of office for Tribal Council members. It states in relevant part:

"I do solemnly swear (or affirm) that I will faithfully execute the duties of the office of [Tribal Council] of the Eastern Band of Cherokees and will to the best of my ability, preserve, protect and defend the charter and governing document and laws confirmed and ratified by the enrolled members of the Eastern Band of Cherokee Indians. I do solemnly swear (or affirm) that I have not obtained my election or appointment to Tribal office by bribery or any undue or unlawful means or fraud, and that in all measures which may come before me I will so conduct myself as in my judgment shall appear most conducive to the interest and prosperity of the Eastern Band of Cherokees."

20. The *ultra vires* acts of the individual defendants named above and as described herein are blatantly and facially illegal in violation of the plain meaning and explicit terms of the Charter and Governing Document § 7, Cherokee Code § 117-15(a), and the oath of office cited above. The individually-named defendants exceeded the course and scope of their elected office by the unlawful conduct described herein and are thus barred from invoking the sovereign immunity granted exclusively to government officials acting within the scope of their official duties.

21. This Court has jurisdiction over the parties to this action.

22. This Court has jurisdiction over the subject matter of this action.

23. Venue is proper.

FACTS

24. The Charter and Governing Document of the Eastern Band of Cherokee Indians § 7 states in relevant part:

The members of the Tribal Council shall receive such compensation as shall be appropriated by Tribal Council, with no pay raise to take effect until the next council is seated.

25. The Cherokee Code § 117-15, states in relevant part:

(a) *Tribal Council pay.* Pay increases for Tribal Council members shall not exceed the amount appropriated in that fiscal year for Tribal employees. These pay increases shall not take effect until the next elected Tribal Council members are seated, per Charter and Governing Document of the Eastern Band of Cherokee Indians.

26. Cherokee Code § 117-15 codified Ordinance Number 352 (attached hereto as "Exhibit A")¹, passed on October 11, 2004. The legislative intent stated in Ordinance Number 352 is as follows:

¹ Plaintiff attaches hereto the version of Ordinance No. 352 (2004) that was produced by Interim Attorney General Hannah Smith in response to a public records request.

WHEREAS, Tribal employees are limited as to pay adjustment received;
and

WHEREAS, enrolled members feel Council members have not been fair in
the past with appropriating pay increases for Tribal Council; and

WHEREAS, in the past, Tribal Council members have received increments
in the amount of \$10,000 to \$12,000 for the incoming Council members;
and

WHEREAS, this amount far exceeds any amount allowed for Tribal
employees; and

WHEREAS, Tribal Council should set the example for curbing spending
and staying within reasonable budget constraints.

27. Pursuant to Section 21 of the Charter and Governing Document, the Executive Committee of the Eastern Band of Cherokee Indians presents a proposed budget to Tribal Council by July 1 of each year. Pursuant to Section 4 of the Charter & Governing Document, the Principal Chief and Vice-Chief constitute the Executive Committee.

28. On July 8, 2014, Defendants Hicks and Blythe introduced Resolution No. 261 (attached hereto as Exhibit B).² Resolution No. 261 is an annual operating budget for Fiscal Year 2015, beginning October 1, 2014 through September 30, 2015.

“Retroactive” Pay Increases to Former Tribal Council Members

29. The Fiscal Year 2015 budget contained in Resolution No. 261 introduced by Defendants Hicks and Blythe included so-called “retroactive salary increases” (a.k.a. “retro” pay increases) for former Tribal Council members for Fiscal Years 2010, 2011, 2012, 2013, and 2014, depending on years of service.

30. Upon information and belief, Defendant Peone distributed the following one-time, lump-sum payments to former Tribal Council members in or around October 2014 as follows: \$13,594 to Defendant Taylor; \$21,994 to Defendant Brown; \$23,565 to Defendant Owle; \$21,994 to Defendant Parker.

31. Barring a ruling by this Court rescinding Resolution No. 261, pursuant to Cherokee Code § 117-15(b)(1), Defendants Taylor, Brown, Owle, and Parker will or could receive increased retirement benefits due to the so-called retroactive pay increases, creating a lifelong benefit from these illegal acts.

² Plaintiff attaches hereto the version of Resolution No. 261 (2014) that was produced by Interim Attorney General Hannah Smith in response to a public records request.

42. Tribal Council is not empowered to enact legislation during a budget hearing, which is distinguished from an official session of Tribal Council, where Cherokee and English-speaking clerks take minutes and conduct administrative affairs pertaining to the session, roll is taken, a representative from the Bureau of Indian Affairs attends, and the Chairwoman calls the official session to order. None of these actions were taken during the budget hearing of October 14, 2014.

43. During the budget hearing of October 14, 2014, Tribal Council passed Resolution No. 261 without amendment. Defendants Shell, Crowe, Ensley, Wolfe, Taylor, Henry, Wachacha, Rose, and Saunooke voted for it. Councilman Bo Crowe voted against it. Councilwoman Teresa McCoy and Councilman Brandon Jones were absent.

44. On or around October 21, 2014, at an official session of Tribal Council, Teresa McCoy stated the following regarding Resolution No. 261: "There was never a discussion [about Tribal Council pay increases]. I'm telling the public, I was never included in any discussion to raise my pay ten-thousand-six or eight-hundred dollars. I was never included in that. Now, if there was a discussion, it didn't happen here on television in front of the public like everybody else's budget did. It happened somewhere else. And I know where."

45. On or around October 23, 2014, Councilwoman Teresa McCoy and Defendant Rose submitted protests of Resolution No. 261 to Defendant Henry. The protests sought to rescind Resolution No. 261 at the November 6, 2014 Tribal Council meeting, citing Charter & Governing Document §§ 7, 18.

46. At the November 4, 2014 meeting of Tribal Council, Defendant Rose stated: "I apologize to the people, to the community . . . If I'd have known then what I know now, I couldn't support [Resolution No. 261] and I won't support it. That's why I've got this protest in to rescind this increase."

47. Also at the November 4, 2014 official session of Tribal Council, Councilman Brandon Jones stated: "I've got a family right now [in Snowbird Community] that's got small kids at home with both parents working and they're without power and water right now because they fall through the cracks . . . there's just a lot of problems we've got to fix before I could ever justify asking for a pay increase." Plaintiff's constituent members include individuals, like those described by Councilman Jones, facing severe financial hardships that would be redressed by the adequate funding of Tribal programs.

48. Plaintiff's constituent members sought to address the illegal pay increases through public comment at the November 4, 2014 meeting. They were denied the opportunity to speak. When questioned, "Where do we go now?" Defendant Henry answered, "If you choose to bring a lawsuit against the Tribal Council, you have the right to do that and you can go to Tribal Court and do that if that's what you wish to do."

49. Upon information and belief, Defendants Henry, Taylor, Crowe, Ensley, Rose, Saunooke, Shell, Wachacha, and Wolfe began to receive the retroactive and prospective pay increases in or around October 2014. The next Tribal Council is not seated until on or about October 5, 2015.

50. Upon information and belief, several then-seated Tribal Council members refused to sign conversion sheets to receive the pay increases. Defendant Peone distributed the illegal pay increases to all twelve Tribal Council members anyway.

51. Defendants Brown, Owle, Parker, and Taylor received retroactive pay increases in the form of a lump-sum “retroactive pay increases” in or around October 2014. By definition, former Tribal Council members are no longer in office.

52. According to Tribal Council’s response to public record requests, the average Tribal employee pay raise was 1% of their salaries in 2013. Historically, pay increases have averaged 3% of each employee’s then-existing salary. Thus, Tribal Council pay raises far exceed “the amount appropriated in that fiscal year for Tribal employees” under Cherokee Code § 117-15(a).

53. In certain Fiscal Years between 2010 and 2014, Defendant Hicks imposed budget constraints that flatly barred pay increases for all Tribal employees, including Tribal employees who are members of the EBCIJA.

54. Upon information and belief, Plaintiff estimates the total amount of unlawfully converted funds inclusive of illegal retroactive pay increases, illegal ongoing and prospective pay increases, and prospective retirement benefits at approximately \$1 million.

FIRST CAUSE OF ACTION

***Defendants Henry, Taylor, Crowe, Ensley, Rose, Saunooke, Shell, Wachacha, Wolfe,
& Peone***

**Declaratory Judgment & Injunctive Relief
(Charter and Founding Document § 7, Cherokee Code § 117-15(a),
N.C. R. Civ. P. Rules 57, 65)**

55. Plaintiff restates and incorporates by reference the allegations contained in Paragraphs 1-54 of this Complaint as if fully set forth.

56. The Charter and Governing Document of the Eastern Band of Cherokee Indians § 7, states: “The members of the Tribal Council shall receive such compensation as shall be appropriated by Tribal Council, with no pay raise to take effect until the next council is seated.”

57. The Cherokee Code § 117-15(a), states: “Pay increases for Tribal Council members shall not exceed the amount appropriated in that fiscal year for Tribal employees. These pay increases shall not take effect until the next elected Tribal Council members are seated, per Charter and Governing Document of the Eastern Band of Cherokee Indians.”

58. The next Tribal Council will not be seated until on or about October 6, 2015. However, Tribal Council members began receiving pay increases pursuant to Resolution No. 261 in the middle of their own terms.

59. There is no legal authority for giving former Tribal Council members a “retroactive” pay raise. These individuals are no longer in office.

60. As alleged herein, Resolution No. 261 gives current and former Tribal Council members a midterm, retroactive pay increase which exceeds the amount appropriated in Fiscal Year 2015 for Tribal Employees, in violation of Charter and Governing Document § 7 and Cherokee Code § 117-15(a).

61. Moreover, Defendants were not in an official session of Tribal Council when Resolution No. 261 was voted on by the individually-named Tribal Council Defendants. Therefore, Resolution No. 261 is void *ab initio*.

62. There is an actual and existing controversy between Plaintiff and Defendants as to the validity of Resolution No. 261 pursuant to the Charter and Governing Document § 7 and Cherokee Code § 117-15(a).

63. Defendants have been unjustly enriched by the unlawful conduct alleged herein, to the detriment of Plaintiff's constituent members.

64. Pursuant to the Charter and Governing Document § 7, Cherokee Code § 117-15(a), and N.C. R. Civ. P. Rule 57, Plaintiffs are challenging the unlawful actions of the Defendants and are entitled to have the Court declare the validity or invalidity of Resolution No. 261.

65. This case presents an actual controversy because Defendants' present and ongoing unlawful conversion of Tribal funds subjects Plaintiff's constituent enrolled members and the Tribe as a whole to serious, immediate, irreparable, and ongoing harm warranting the issuance of both declaratory and injunctive relief.

66. Plaintiff seeks an injunction to avoid the continued unlawful conversion of Tribal funds delineated in this Complaint. A favorable decision enjoining Defendants from continuing to disburse illegal pay increases and ordering the return of funds already illegally disbursed would redress and prevent the irreparable injuries to Plaintiff identified herein, for which Plaintiff has no other adequate remedy at law.

67. The Defendants will incur little or no burden in respecting the Charter and Governing Document, upholding the Cherokee Code, and discharging their oaths of office. Any purported burden incurred by Defendants would be substantially outweighed by the interests of the Eastern Band of Cherokee Indians and the interests of justice. The balance of hardships weighs strongly in favor of Plaintiff.

68. Pursuant to the Charter and Governing Document § 7, Cherokee Code §§ 1-2(g), 7-2, 7-3, 7-4, 117-15(a), and N.C. R. Civ. P. Rules 57 and 65, Plaintiff is entitled to declaratory and injunctive relief enjoining all named Defendants from disbursing and converting the illegal pay raises described herein and ordering the return of unlawfully converted funds already received pursuant to Resolution No. 261.

SECOND CAUSE OF ACTION
Defendants Hicks & Blythe
Civil Conspiracy

69. Plaintiffs restate and incorporate by reference the allegations contained in Paragraphs 1-68 of this Complaint as if fully set forth.

70. Defendant Hicks and Blythe are bound by their oath of office contained in Section 18 of the Charter and Governing Document to “preserve, protect and defend the charter and governing document and laws confirmed and ratified by the enrolled members of the Eastern Band of Cherokee Indians.”

71. Pursuant to Section 4 of the Charter and Governing Document, Defendants Hicks and Blythe “shall execute and carry out tribal laws and administer the daily operations of the Tribe.”

72. Defendants Hicks and Blythe introduced a budget to Tribal Council that plainly violates Cherokee Code § 117-15(a) and Charter and Governing Document § 7, as stated herein.

73. Defendants Hicks and Blythe had an agreement between one another to introduce and sign into law a budget that plainly violates Cherokee Code § 117-15(a) and the Charter and Governing Document § 4, 7, and 18.

74. Upon information and belief, Defendants Hicks and Blythe also had an agreement with one or more other Defendants named herein, then serving on Tribal Council, to violate Cherokee Code § 117-15(a) and Charter and Governing Document § 7.

75. Defendants Hicks and Blythe committed an overt act in furtherance of the conspiracy by submitting Resolution No. 261, containing the illegal pay increases as alleged herein, to Tribal Council on or about July 8, 2014 and signing Resolution No. 261 into law on or about October 14, 2014.

76. Pursuant to Section 13 of the Charter and Governing Document, Defendant Hicks had the opportunity to veto the passage of Resolution No. 261 but failed to do so, another act in furtherance of the conspiracy.

77. Defendants Hicks and Blythe are jointly and severally liable for damages resulting from their unlawful acts.

WHEREFORE, Plaintiffs respectfully pray unto the Court:

1. For a trial by jury on all issues of fact;
2. That this Court declare that Resolution No. 261 violates Charter and Governing Document § 7, Cherokee Code § 117-15(a);
3. That this Court preliminarily and permanently enjoin the enforcement and application of Resolution No. 261.
4. That this Court hold all individually named Defendants jointly and severally liable for the return to the Tribal budget of all funds already distributed pursuant to Resolution No. 261 in violation of Charter and Governing Document § 7, Cherokee Code § 117-15(a);
5. That this Court Award Plaintiff reasonable costs expenses, and attorney fees; and

6. For such other relief as the Court may deem just, equitable, and proper.

THIS the 6th day of October, 2015.

Respectfully submitted,

BRAZIL & BURKE, P.A.



MEGHANN K. BURKE

N.C. State Bar. No. 42209

Attorney for Eastern Band of Cherokee

Indians for Justice & Accountability

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**TABLED
PASSED
OCT 11 2004**

CHEROKEE COUNCIL HOUSE
CHEROKEE, NORTH CAROLINA

AUG 05 2004

(DATE)

ORDINANCE NO. 352 (2004)

WHEREAS, Tribal employees are limited as to pay adjustments received; and

WHEREAS, enrolled members feel Council members have not been fair in the past with appropriating pay increases for Tribal Council; and

WHEREAS, in the past, Tribal Council members have received increments in the amount of \$10,000 to \$12,000 for the incoming Council members; and

WHEREAS, this amount far exceeds any amount allowed for Tribal employees; and

WHEREAS, Tribal Council should set the example for curbing spending and staying within reasonable budget constraints.

NOW, THEREFORE BE IT ORDAINED by the Eastern Band of Cherokee Indians in Council assembled, at which a quorum is present, the Tribal Council hereby enacts the following:

Pay increases for Tribal Council members shall not exceed ^{(the amount} appropriated in that fiscal year for Tribal employees. These pay increases shall not take effect until the next elected Tribal Council members are seated, per Charter and Governing Document of the Eastern Band of Cherokee Indians.

BE IT FURTHER RESOLVED this ordinance shall become effective upon ratification by the Principal Chief.

Submitted by: Stick Sturnooke

The attached Resolution/Ordinance No. 352 dated August 5, 2004 was:

PASSED ()

KILLED ()

and ratified in open Council on October 11, 2004 by 81 voting for the act and 0 members voting against it as follows:

VOTE	FOR	AGAINST	ABSTAIN	ABSENT
Bary Thompson	X			
Perry Shell	X			
Jim Gyle	X			
Bob Blankenship				
Alan Briley	X			X
Mike Parker	X			
Albert Cline	X			
Angie Kaphart	X			
Alva Westlichte				
Dwayne Jackson	X			X
Steve Jankoska				
Tonyne Sainooke	X			X
TOTAL	81	0	0	19



TRIBAL COUNCIL CHAIRMAN



ENGLISH CLERK



PRINCIPAL CHIEF

APPROVED () VETOED ()

VETO UPHELD () VETO DENIED ()

DATE: 10-28-04

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.

In testimony, whereof, I have hereunto set my hand and affixed the seal of the said Band of Indians, Superintendent, Cherokee Indian Agency.

INTERPRETED ()



OMITTED ()



**TABLED
PASSED
OCT 14 2014**

Cherokee Council House
Cherokee, North Carolina

JUL 08 2014

RESOLUTION NO. 261 (2014)

WHEREAS, the Principal Chief is required to submit an annual operating budget to the Tribal Council for approval; and,

WHEREAS, upon the receipt of the annual budget, the Budget Council will review and recommend approval by the Tribal Council of the annual operating budget for the Fiscal Year 2015, beginning October 1, 2014 through September 30, 2015; and,

THEREFORE BE IT RESOLVED by the Tribal Council of the Eastern Band of Cherokee Indians, in Annual Council assembled, at which a quorum is present that the Tribal Council does hereby approve the budgets submitted by the Principal Chief for the Fiscal Year 2015, beginning October 1, 2014 through September 30, 2015.

BE IT FINALLY RESOLVED that the Principal Chief is authorized to expend funds based on this approved annual operating budget for the Fiscal Year 2015, beginning October 1, 2014 through September 30, 2015.

Submitted by: Principal Chief Mitchell Hicks

The attached Resolution/Ordinance No. 261 dated July 8, 2014 was:

PASSED ()

KILLED ()

and ratified in open Council on October 14, 2014 by 75 voting for the act and 12 members voting against it as follows:

VOTE	FOR	AGAINST	ABSTAIN	ABSENT
Teresa McCoy				X
Perry Shell	X			
Tunney Crowe	X			
Alan B. Ensley	X			
David Wolfe	X			
Bill Taylor	X			
Terri Henry	X			
Brandon Jones				X
Adam Wachacha	X			
Bo Crowe		X		
Albert Rose	X			
Tommye Saunooke	X			
TOTAL	75	12	0	13

Doris Murray
TRIBAL COUNCIL CHAIRMAN

Michelle Thompson
ENGLISH CLERK

Michelle Hobbs
PRINCIPAL CHIEF

APPROVED VETOED ()

VETO UPHeld () VETO DENIED ()

DATE: 10-14-14

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.

In testimony, whereof, I have hereunto set my hand and affixed the seal of the said Band of Indians. Superintendent, Cherokee Indian Agency.

INTERPRETED ()

Darlene White
OMITTED ()



Eastern Band of Cherokee Indians

Approved 2015 Budget

Program# 075

Budget Name: Tribal Council

Account Number	Account Title	Revised FY14	Approved FY15
TYPE: 4			
075.75.075.9500.0000.000	INCOME - TRIBAL	-1,706,619	-2,210,827
<i>Summary for 'Type' = 4 (1 detail record)</i>		Sum	-1,706,619
TYPE: 5			
075.75.075.6110.0000.000	SALARY EXPENSE - BCO	889,100	1,017,600
075.75.075.6220.0000.000	FICA	105,183	171,885
075.75.075.6300.0000.000	INDIRECT COST	239,790	327,957
075.75.075.6420.0000.000	TRAVEL - NATIONAL	210,000	105,000
075.75.075.6500.0000.000	TRAINING	7,000	7,000
075.75.075.6611.0000.000	CONTRACT SERVICES - CONSULTANTS	41,976	167,000
075.75.075.6843.0000.000	PROFESSIONAL FEES - LEGAL	985	28,985
075.75.075.6900.0000.000	CONTRIBUTIONS	25,000	25,000
075.75.075.6955.0000.000	AWARDS AND SCHOLARSHIPS	18,200	20,000
075.75.075.7300.0000.000	EQUIPMENT PURCHASE	1,500	15,000
075.75.075.7305.0000.000	EQUIPMENT - COMPUTER	12,744	13,300
075.75.075.7350.0000.000	OFFICE FURNITURE	0	10,000
075.75.075.7808.0000.000	TRI COUNCIL	0	70,000
075.75.075.8100.0000.000	PUBLIC RELATIONS	103,000	67,000
075.75.075.8610.0000.000	VEHICLE MAINTENANCE	3,985	3,000
075.75.075.8815.0000.000	VEHICLE GAS & TIRES	1,800	1,800
075.75.075.8620.0000.000	EQUIPMENT MAINTENANCE	2,000	2,000
075.75.075.8710.0000.000	SUPPLIES EXPENSE	18,800	10,000
075.75.075.8803.0000.000	TELEPHONE EXPENSE	27,558	20,000
075.75.075.9175.0000.000	MERIT RESERVE	0	128,400
<i>Summary for 'Type' = 5 (20 detail records)</i>		Sum	1,706,619
BALANCE:		0	0



Eastern Band of Cherokee Indians

Approved Budget - Fiscal Year 2015

Program 075

Budget Name Tribal Council

Acct #	075.75.075.6110.0000.000	0.00 FTE	0.00 PT TEMP	0.00 PT PERM	4.00 PT TEMP	12.00 BRD/EO	
Position#	Position Description		Level	Hourly Rate	Factor	Revised FY14	Approved FY15
075-1100-001	TRIBAL COUNCIL MEMBER			41.54	2.080	75,000	86,400
075-1100-002	TRIBAL COUNCIL MEMBER			38.75	2,080	70,000	80,600
075-1100-003	TRIBAL COUNCIL MEMBER			40.14	2,080	72,500	83,500
075-1100-004	TRIBAL COUNCIL MEMBER			38.75	2,060	70,000	80,600
075-1100-005	TRIBAL COUNCIL MEMBER			38.75	2,080	70,000	80,600
075-1100-006	TRIBAL COUNCIL MEMBER			38.75	2,080	70,000	80,600
075-1100-007	TRIBAL COUNCIL MEMBER			38.75	2,080	70,000	80,600
075-1100-008	TRIBAL COUNCIL MEMBER			38.75	2,080	70,000	80,600
075-1100-009	TRIBAL COUNCIL MEMBER			38.75	2,080	70,000	80,600
075-1100-010	TRIBAL COUNCIL MEMBER			38.75	2,080	70,000	80,600
075-1100-011	TRIBAL COUNCIL MEMBER			38.75	2,080	70,000	80,600
075-1100-012	TRIBAL COUNCIL MEMBER			38.75	2,080	70,000	80,600
075-4200-001	ENGLISH CLERK-COUNCIL			10.00	1,040	10,400	10,400
075-4200-002	COUNCIL MESSENGER			10.00	1,040	10,400	10,400
075-4200-003	CHEROKEE LANG CLERK			10.00	1,040	10,400	10,400
075-4200-004	CHEROKEE LANG. CLERK COUNCIL			10.00	1,040	10,400	10,400
Total						889,100	1,017,600