

TABLED PASSED

FEB 06 2025

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CHEROKEE COUNCIL HOUSE
CHEROKEE, NORTH CAROLINA

Date: JAN 09 2025

ORDINANCE NO.: 291 (2024)

An ordinance to require revenue generating entities of the Tribe to provide certain financial information each fiscal year and to require distributions to the Tribe relative to the fiscal health of the entity.

WHEREAS, the Tribe's Balanced Budget Act, expressed in C.C. Sec. 117-47, requires the Tribe to adopt a budget each year in which expenditures do not exceed projected revenues; and

WHEREAS, a balanced budget is not only required by law, it is a cornerstone of good government; and

WHEREAS, to develop a balanced budget, the Tribe needs accurate and timely information about expenses and revenues, including projected distributions of net revenues, from Tribal entities that generate revenue for the Tribe; and

WHEREAS, currently, Tribal law and the internal operating documents of the entities sometimes express a formula for such distributions but in some cases do not; and

WHEREAS, Tribal law should be amended to express that distributions from revenue generating entities to the Tribe, calculated in relation to net revenues of the entities, shall be required but will be contingent on the fiscal realities encountered by the entities each year.

NOW, THEREFORE, BE IT ORDAINED the Eastern Band of Cherokee Indians Tribal Council, in Council assembled, at which a quorum is present, that C.C. Chapter 117 shall be amended by adding thereto a new section, identified as Sec. 117-46.2, to read as follows:

Sec. 117-46.2. Distributions to the Tribe by revenue generating entities.

(a) For purposes of this section, the following entities shall be known as revenue generating entities, due to their potential to provide distributions to the Tribe:

- 1) Tribal Casino Gaming Enterprise (TCGE)
- 2) Tribal Bingo Enterprise (TBE)

- 1 3) Tribal Alcoholic Beverage Control Commission (TABCC)
- 2 4) Sequoyah National Golf Club
- 3 5) Balsam West
- 4 6) EBCI Holdings, LLC
- 5 7) Kituwah, LLC
- 6 8) Kituwah Global Government Group, LLC (KG3)
- 7 9) Qualla Enterprises, LLC
- 8 10) Any other entities determined by the Financial Reporting Team
- 9 11) Subsidiaries and sub-entities of the entities enumerated in this list

- 11 (b) All revenue generating entities shall have expressed in the Cherokee Code or by Tribal
12 Council resolution the formulas and/or percentages that will be used to determine
13 distributions to the Tribe, and the regular intervals at which distributions shall be made.
- 15 (c) All revenue generating entities shall send to the Tribe's Financial Reporting Team, by
16 email, shared file, or other electronic means acceptable to the Tribe, annual distribution
17 reports for the upcoming fiscal year. The reports for the upcoming fiscal year shall be
18 sent to the Financial Reporting Team by March 31 of each year. At a minimum, the
19 reports shall contain the following information:
 - 20 (1) formulas and/or percentages that will be used to determine distributions to the
21 Tribe for the upcoming fiscal year; and
 - 22 (2) projected distributions to the Tribe and associated calculations for the upcoming
23 fiscal year; and
 - 24 (3) the schedule expressing regular intervals at which distributions to the Tribe will
25 be made for the upcoming fiscal year.
- 27 (d) The Financial Reporting Team shall review the annual distribution reports. If the
28 Financial Reporting Team, Tribal Council, or Executive Committee has any additional
29 distribution reporting requests, revenue generating entities must provide the requested
30 information within five business days of receipt of the request from the Financial
31 Reporting Team. The Financial Reporting Team shall compile the information and
32 submit it to Tribal Council and the Executive Committee for their review. The finalized
33 projected distributions and calculation methodology shall be included in the annual
34 budget presented to Tribal Council for approval via resolution.
- 36 (e) An entity that fails to comply with this section shall be required to explain its non-
37 compliance to Tribal Council. A non-complying entity may be subject to financial
38 and/or budgetary restrictions imposed by Tribal Council, and or a fine to be imposed by
39 Tribal Council by resolution, and/or board member(s) discipline or removal performed
40 by Tribal Council by resolution per the ordinance governing the board of that entity and
41 discipline or removal therefrom.

1 (f) The following revenue generating entities have expressed in the Cherokee Code the
2 formulas that will be used to determine distributions to the Tribe:

3 (1) Tribal Casino Gaming Enterprise (TCGE) and Tribal Bingo Enterprise (TBE)
4 expressed in Sec. 16-1
5 (2) Tribal Alcoholic Beverage Control Commission (TABCC) expressed in Sec.
6 18B-204.

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9 **BE IT FINALLY ORDAINED** that all ordinances which are inconsistent with this ordinance are
10 rescinded, and that this ordinance shall become effective upon ratification by the Principal
11 Chief.

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13 *Submitted by Michell Hicks, Principal Chief; and Alan B. Ensley, Vice Chief.*

The attached Resolution/Ordinance 291 dated SEPTEMBER 5, 2024 was:

PASSED ()

KILLED ()

and ratified in open Council on FEBRUARY 6, 2025 by 100 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 Wahnetah	X			
David Wolfe	X			
Adam Wachacha	X			
Mike Parker	X			
Bo Crowe	X			
Jim Owle	X			
Dike Sneed	X			
Michael Stamper	X			
	100	0	0	0

Mike Parker

TRIBAL COUNCIL CHAIRMAN

Michael Thompson

ENGLISH CLERK

Miller A. Jr.

PRINCIPAL CHIEF

APPROVED () VETOED ()

VETO UPHELD () VETO DENIED ()

DATE: 2-12-25

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 ()