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CHEROKEE COUNCIL HOUSE
CHEROKEE, NORTH CAROLINA

DATE: _____

ORDINANCE NO. _____ (2026)

WHEREAS, the Eastern Band of Cherokee Indians established the Tribal Alcoholic Beverage Control Commission by Ordinance 768 on September 8, 2011, and

WHEREAS, the Tribal Alcoholic Beverage Control Commission was established as an independent entity of the Tribe to further promote the sovereignty of the Eastern Band of Cherokee Indians; and

WHEREAS, subsection (f) of Sec. 18B-200 states the TABCC "shall be and shall act independently and autonomously from the Principal Chief, Tribal Council, the Tribal Gaming Commission and the Tribal Casino Gaming Enterprise. No prior or subsequent review by the Principal Chief, Tribal Council, the Tribal Gaming Commission or the Tribal Casino Gaming Enterprise shall be required or permitted, except as otherwise explicitly provided in this chapter."; and

WHEREAS, it is necessary to amend Cherokee Code Chapter 18B by amending Cherokee Code Sec. 18B-205 section to ensure the separation of financial records and duties of the Tribal ABC Commission from the Tribe and to remove duplicative personnel language;

NOW THEREFORE BE IT ORDAINED by the Tribal Council of the Eastern Band of Cherokee Indians assembled, at which a quorum is present, that Cherokee Code Sec. 18B-205 is amended to read as follows:

"Sec. 18B-205. - Budget, accounts, reports and audits required.

- (a) *Accounts and reports.* The Commission shall be required to submit to Tribal Council and to the Principal Chief such reports as may be required by Tribal Council.
- (b) *Annual independent audit.* The Commission shall engage independent auditors for annual audits of its internal operations. Such independent audits must apply generally accepted accounting principles.
- (c) *Budget.* The Commission shall establish a budget for the support and operations of the ~~TABCC~~. ~~TABCC~~ pay salaries and other expenses, within the limit of funds available to it, which is to be included in budget requests submitted annually to Tribal Council and subject to Tribal Council approval. The Commission shall ~~use the Tribe's financial management software, currently identified as the Munis system, and shall adopt and follow the Tribe's a~~ Fiscal Management ~~Manual policy by modifying the Tribe's Fiscal Management Manual as a guide and implementing such policies and procedures to be effective for the needs of the TABCC.~~ Additionally, ~~the all~~ bank accounts and financial accounts of the TABCC shall be held and managed by the ~~Tribe~~ TABCC.

47 ~~(d) Application of the Tribe's personnel policy. It is the intent of the Commission that all~~
48 ~~hired staff, including the Director, shall have the benefits and protections of the personnel~~
49 ~~policy applicable to all Tribal employees, including procedures for corrective actions. In~~
50 ~~order to maintain a clear separation of duties and administration of the preference law,~~
51 ~~however, all staff serving the TERO shall be separate from the administrative authority of~~
52 ~~the Principal Chief, the Executive Committee, and Tribal Council. It shall be the~~
53 ~~responsibility of the Director, with the approval of the Commission Chairman, to modify~~
54 ~~such Tribal personnel policies and procedures, as needed, in order for such policies and~~
55 ~~procedures to be effective for the personnel needs of the TERO. The Commission~~
56 ~~Chairman shall have exclusive supervisory responsibility of the Director and the Director~~
57 ~~shall have supervisory and personnel responsibilities over all other TERO staff.~~

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59 BE IT FURTHER ORDAINED that this amendment shall be effective upon ratification
60 by the Principal Chief, and all prior ordinances and resolutions inconsistent with this ordinance
61 are rescinded.
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64 *Submitted By Tribal ABC Commission*
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