

TABLED

CHEROKEE COUNCIL HOUSE
CHEROKEE, NORTH CAROLINA

Date: SEP 05 2024

ORDINANCE NO.: 291 (2024)

An ordinance to require revenue-generating entities of the Tribe to distribute a portion of revenues back to the Tribe according to formulas or percentages developed with and approved by Tribal Council.

WHEREAS, C.C. Sec. 117-47 is the “Balanced Budget Act” and restricts the Tribe to adopting a Tribal government budget in which expenditures for the fiscal year in question do not exceed the projected revenues for that fiscal year; and

WHEREAS, to accurately develop a balanced budget, the Tribe needs to be able to make an informed prediction of the frequency and amount of distributions of net revenues from Tribal entities back to the Tribe, and Tribal law should impose a uniform requirement that distributions shall be made, but the actual amount and frequency of distributions shall be tailored to each particular entity.

WHEREAS, C.C. Chapter 117 should be amended by adding thereto a new section to address the requirement that revenue-generating entities of the Tribe shall be required to distribute a portion of net revenues back to the Tribe.

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) The entities enumerated in this section were created to make investments, develop businesses and undertake other actions that are intended to generate revenue in excess of expenses for the entity and the Tribe, to diversify the revenue stream by which the Tribe supports itself. The entities enumerated in this section shall be known as revenue-generating entities.

(1) Tribal Casino Gaming Enterprise (TCGE)

(2) Tribal Bingo Enterprise (TBE)

(3) Tribal Alcoholic Beverage Control Commission (TABCC)

1 (4) Cherokee Indian Hospital Association (CIHA)

2 (5) Sequoyah National Golf Club

3 (6) Balsam West

4 (7) Cherokee Cablevision

5 (8) EBCI Holdings, LLC

6 (9) Kituwah, LLC

7 (10) Qualla Enterprises, LLC

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9 (b) All revenue generating entities shall have expressed in the Cherokee Code, and in their
10 internal governing documents, the requirement that they shall distribute net revenues
11 back to the Tribe at regular intervals and according to definitions, and a formula or
12 percentage, approved by Tribal Council and expressed in an ordinance.

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14 (c) All revenue generating entities shall be operated for the primary purpose of supporting
15 the Tribe by returning to the Tribe value and revenue commensurate with or exceeding
16 the Tribe's financial investment therein.

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18 (d) Formulas or percentages used by entities and by which calculations of distribution of net
19 revenues back to the Tribe are made shall be tailored to the needs and realities of each
20 entity, and shall be developed in consultation with Tribal Council and approved by
21 Tribal Council.

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

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27 *Submitted by Mitchell Hicks, Principal Chief; and Alan B. Ensley, Vice Chief.*