

# TABLED

CHEROKEE COUNCIL HOUSE  
CHEROKEE, NORTH CAROLINA

Date: DEC 04 2025

## ORDINANCE NO. 76 (2025)

*An ordinance to amend C.C. Section 16-2.01 governing the terms of the members of the Tribal Gaming Commission, and C.C. Section 16A-3 governing the terms of the members of the Board of Advisors of the Tribal Casino Gaming Enterprise.*

WHEREAS, Cherokee Code (C.C.) Section 16-2.01 establishes the Tribal Gaming Commission (TGC) and governs the make-up of the Commission and the terms of its members; and

WHEREAS, C.C. Section 16A-3 establishes the Board of Advisors of the Tribal Casino Gaming Enterprise (TCGE) and governs the make-up of the Board and the terms of its members; and

WHEREAS, although the TGC and the TCGE Board of Advisors have different roles and responsibilities, and work separately, the ordinances governing the TGC and the TCGE Board would be improved by making the terms of the members on each governing body consistent between them, to express the requirement for confirmation of appointees by Tribal Council, and to state that appointees may serve until their replacement is appointed.

NOW THEREFORE BE IT ORDAINED by the Eastern Band of Cherokee Indians in Tribal Council assembled, at which a quorum is present, that C.C. Section 16-2.01 and C.C. Section 16A-3 shall be amended to read as follows:

### **Sec. 16-2.01. Establishment.**

- (a) Composition of the Commission: The Tribal Gaming Commission shall be composed of three enrolled members of the Eastern Band of Cherokee Indians who must have clearly demonstrated their business acumen through past business or career successes.
- (b) Appointment of Commissioners: Commissioners shall be appointed by the Principal Chief, subject to the approval of the Tribal Council. Nominees to the Commission shall be selected on the basis of their business experience and ability to significantly contribute to the capabilities and functions of the Commission. A Commission appointment shall not create a property interest.
- (c) Commissioners may hold other positions of employment and may engage in business; provided, however, that they shall not engage in any business regulated pursuant to the provisions of this chapter.

- (d) Except as provided in subsection (e), each Commissioner shall serve a term of ~~three~~ five years, subject to removal, with cause, by a majority of the Tribal Council. There shall be a six-month probationary period for each new appointee to be reviewed by the Principal Chief and the Tribal Council. A member of the Commission may continue to serve on the Commission after the expiration of their five year term until their replacement is appointed and confirmed.
- (e) To ensure continuity in the Commission and rotation of appointments, the existing Commissioners shall continue to serve, but their terms shall be adjusted so that they serve staggered terms. The three year terms shall continue as follows: Seat A's term shall expire 12/31/2018; Seat B's term shall expire 12/31/2019; and Seat C's term shall expire 12/31/2020 for future new, renewal or replacement appointments shall specify which seat is being considered.
- (1) Term limits: No individual shall serve on the Commission more than two terms.
- (f) No Commissioner shall be finally approved until he or she has completed a background investigation pursuant to section 16-2.03.
- (g) Before assuming office, each Commissioner shall take the oath of office administered to Tribal officers.
- (h) Resignation: A Commissioner may resign at any time by providing the Principal Chief and Tribal Council with written notice of his or her intention to resign on a date certain. The resignation shall become effective on the date stated and need not be accepted by the Principal Chief or Tribal Council to be effective.
- (i) Vacancies: A nomination to fill a vacancy in the Commission shall be made by the Principal Chief within 30 days after the date on which the vacancy becomes effective. The Principal Chief shall then submit the nominee's resume to the Tribal Council for their approval. Action by the Tribal Council shall occur within 30 days after receipt of the nomination from the Principal Chief.
- (j) The Commission shall select annually, from its membership, a Commission Chair.

### **Sec. 16A-3. Board of Advisors; generally.**

- (a) Composition of the Board: The Board of Advisors shall be composed of five enrolled members of the Eastern Band of Cherokee Indians who must have clearly demonstrated their business acumen through past business or career successes.
- (b) Appointment of the Board: Members of the Board of Advisors shall be appointed by the Principal Chief, subject to the ~~approval of~~ confirmation by the Tribal Council. Nominees to the Board of Advisors shall be selected on the basis of their business experience and ability to significantly contribute to the capabilities and functions of the gaming enterprise. At least one member of the Board of Advisors shall be an experienced auditor or certified public accountant, or shall have a Bachelor's Degree and significant financial and management experience in prior employment.
- (c) Members of the Board of Advisors shall not engage in any business regulated pursuant to the provisions of this chapter or chapter 16 of this Code, and shall refrain from outside

1 employment which creates a conflict or the appearance of a conflict with their duties as  
2 members of the Board of Advisors.

3 (d) Except as provided in subsection (e), each member of the Board of Advisors shall serve a  
4 term of five years, subject to removal, with cause, by a majority of the Tribal Council.  
5 There shall be a six-month probationary period for each new appointee to be reviewed by  
6 the Tribal Council. A member of the Board of Advisors may continue to serve on the Board  
7 after the expiration of their five year term until their replacement is appointed and  
8 confirmed.

9 (e) To ensure continuity in the Board and rotation of appointments, the initial Board members'  
10 terms shall be adjusted so that they serve staggered terms. Upon the effective date of this  
11 amendment, the Principal Chief shall assign first term expiration dates for each current  
12 Board member, such that one member's term expires each year beginning September 30,  
13 2000. The established rotation shall continue for each Board position for future new,  
14 renewal, or replacement appointments.

15 (1) Term limits: No individual shall serve on the Board more than twice.

16 (f) No member of the Board of Advisors shall be finally approved until he or she has  
17 successfully completed a primary management official background investigation conducted  
18 by the Tribal Gaming Commission as provided in chapter 16 of this Code.

19 (g) Members of the Board of Advisors must complete a multijurisdictional background check  
20 conducted by the regulatory authorities of each jurisdiction where an operation exists, is  
21 licensed, or as identified by this Board or Tribal Council, and be licensed prior to the  
22 conclusion of their six-month probationary period. Failure to obtain and maintain any  
23 licensure in any jurisdiction or for any venture assigned to the Board of Advisors shall  
24 require removal from the Board.

25 (h) Before assuming office, each member of the Board of Advisors shall take the oath of office  
26 administered to Tribal officers.

27 (i) Resignation from the Board of Advisors: A member of the Board of Advisors may resign at  
28 any time by providing the Principal Chief and Tribal Council with written notice of his or  
29 her intention to resign on a date certain. The resignation shall become effective on the date  
30 stated and need not be accepted by Principal Chief or the Tribal Council to be effective.

31 (j) Filling of vacancies in the Board of Advisors: A nomination to fill a vacancy in the Board of  
32 Advisors shall be made by the Principal Chief within 30 days after the date on which the  
33 vacancy becomes effective. The Principal Chief shall then submit the nominee's resume to  
34 the Tribal Council for their approval. Action by the Tribal Council shall occur within 30  
35 days after receipt of the nomination from the Principal Chief. When a term of a member on  
36 the Board of Advisors expires, a Board member shall continue to serve until a replacement  
37 is named or the member is otherwise expressly removed from the Board.

38 BE IT FINALLY ORDAINED that all ordinances that are inconsistent with this ordinance are  
39 rescinded, and that this ordinance shall become effective when ratified by the  
40 Principal Chief.

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42 *Submitted by Michael McConnell, Attorney General.*