

CHEROKEE COUNCIL HOUSE
CHEROKEE, NORTH CAROLINA

Date

RESOLUTION NO. _____ (2023)

WHEREAS, Chapter 18B of the Cherokee Code, also known as the Tribal ABC Law, governs the manufacturing, sale, consumption, possession, and transportation of alcoholic beverages on Indian lands under the exclusive control of the Eastern Band of Cherokee Indians; and

WHEREAS, Cherokee Code § 18B-112 authorizes the Tribe to hold lawful elections, as set out proscribed by Tribal law, to authorize the sale of alcoholic beverages on Tribal lands; and

WHEREAS, Tribal law authorizes the use of referendum elections and the development of the question to be presented in a Tribal referendum election is governed by Cherokee Code § 161-9(c)(5); and

WHEREAS, The Tribe held a lawful ABC election on September 2, 2020, regarding whether to expand alcohol sales on Indian lands under the exclusive control of the Eastern Band of Cherokee Indians and the referendum questions passed pursuant to Cherokee Code § 161-9(c)(8);

NOW THEREFORE BE IT RESOLVED by the Tribal Council of the Eastern Band of Cherokee Council assembled, at which a quorum is present, that a special election referendum shall be conducted according to the laws of the Tribe to answer the following question:

1. Do you support allowing the Tribal ABC Commission to issue mixed beverage permits for the sale of mixed beverages on tribal lands to qualified establishments including but not limited to restaurants, hotels, convention centers, and nonprofit organizations?

BE IT FINALLY RESOLVED that all resolutions that are inconsistent with this resolution are rescinded, and that this resolution shall become effective when ratified by the Principal Chief, and that the Cherokee Board of Elections, the Office of the Attorney General and the Principal Chief are authorized to carry out the intent of this resolution.

Submitted by: Tribal Council Vice Chair Albert D. Rose and Tribal Council members Boyd Owle and TW Saunooke.