

CHEROKEE COUNCIL HOUSE
CHEROKEE, NORTH CAROLINA

Date: _____

RESOLUTION NO. _____ (2025)

A resolution to authorize the Tribe and Qualla Enterprises, LLC to amend the Promissory Note between them to provide for payments thereunder to be allocated to per capita and GenWell, as well as for other purposes identified by the Tribe.

WHEREAS, taken together, Resolution No. 7 (2023) and Resolution No. 29 (2023) established that the Tribe loaned \$50 million to Qualla Enterprises, LLC which was to be paid back according to the terms of the Promissory Note entered by and between the LLC and the Tribe; and

WHEREAS, the Promissory Note was dated December 1, 2023, executed by both parties, an amortization schedule supplied, and payment requirements imposed; and

WHEREAS, the Promissory Note provided for interest to accrue in the first year, with no payments required, and payments to begin on January 1, 2025; and

WHEREAS, in the interim between December 1, 2023 and January 1, 2025, Qualla Enterprises has opened to the public and has begun to earn significant revenue which it must allocate to several purposes, including payment of the Note, distributions for per capita, capital improvements, and other needs and obligations; and

WHEREAS, Qualla Enterprises cannot satisfy all of these needs and obligations at once; and

WHEREAS, the Tribe established Qualla Enterprises to help diversify the Tribe's revenue sources and to return money to Tribal members in the form of per capita or GenWell distributions; and

WHEREAS, the Tribe should authorize amendments to the Promissory Note and other necessary documents to allow Qualla Enterprises to make, and to allow the Tribe to accept, payments to the Tribe which the Tribe may allocate and apply first to per capita and GenWell distributions and, if the payments are large enough, to also pay down the debt represented by the Promissory Note.

NOW THEREFORE BE IT RESOLVED, the Eastern Band of Cherokee Indians Tribal Council, in Council assembled, at which a quorum is present, that the Tribe is hereby authorized to amend the Promissory Note and other necessary documents, to allow Qualla Enterprises to make, and to allow the Tribe to accept, payments to the Tribe which the Tribe may allocate and apply first to per capita and GenWell distributions and, if the payments are large enough, to also pay down the debt represented by the Promissory Note, and for other needs identified by the Tribe.

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.

Submitted by Mitchell Hicks, Principal Chief.