

TABLED

PASSED

DEC 08 2022

CHEROKEE COUNCIL HOUSE
CHEROKEE, NORTH CAROLINA

NOV 15 2022

DATE

RESOLUTION NO. 443 (2022)

- WHEREAS, the Eastern Band of Cherokee Indians owns fifty-percent of Balsam West FiberNet with partner Drake Enterprises; and
- WHEREAS, the enterprise value and revenue generating capacity of Balsam West FibertNet has grown significantly in the last twenty-four months representing a valuable asset to its owners; and
- WHEREAS, there has been a significant increase in competition throughout the region with a growing number of providers attempting to make entrance to the market; and
- WHEREAS, Balsam West FiberNet has built a superior product, customer service model, and business operation serving commercial and residential customers across Western North Carolina; and
- WHEREAS, the Tribal Council of the Eastern Band of Cherokee Indians approved Resolution No. 100 (2020) authorizing a loan to Balsam West FiberNet in an amount not to exceed \$4,000,000 for a term of ten years at a rate of 5% interest contingent on our equity partner providing the same with parity in terms; and
- WHEREAS, in response to increased competition in the market Balsam West FiberNet has launched various programs aimed at improving market share and requires additional flexibility in the strategic deployment of capital to grow and maintain current operations which will be potentially slowed by repayment; and
- WHEREAS, the EBCI's equity partner Drake Enterprises has agreed to convert the loan to an equity contribution to the company should the Eastern Band of Cherokee Indians choose to do the same.
- NOW THEREFORE BE IT RESOLVED by the Tribal Council of the Eastern Band of Cherokee Indians in Council assembled, at which a quorum is present the loan not to exceed \$4,000,000 shall be converted and booked as an equity contribution to Balsam West FiberNet contingent on the EBCI's equity partner agreeing to the same with parity in terms.
- BE IT FURTHER RESOLVED this resolution shall serve to modify and cancel the original agreement under Section J. Modification of the Line of Credit Promissory Note between the Eastern Band of Cherokee Indians and Balsam West FiberNet dated April 1, 2021.
- BE IT FINALLY RESOLVED this resolution shall become effective upon ratification by the Principal Chief and shall remain in effect until implemented or rescinded.

Submitted by: Cory M. Blankenship, Chairman of the Board, Balsam West FiberNet

The attached Resolution/Ordinance No. 443 dated DECEMBER 8, 2022 was:

PASSED (☒)

KILLED ()

and ratified in open Council on DECEMBER 8, 2022 by 75 voting for the act
and 0 members voting against it as follows:

VOTE	FOR	AGAINST	ABSTAIN	ABSENT
Richard French	X			
Teresa McCoy				X
Boyd Owle	X			
Bucky Brown	X			
TW Saunooke	X			
David Wolfe	X			
Adam Wachacha	X			
Bo Crowe	X			
Bill Taylor				X
Albert Rose	X			
Dike Sneed	X			
Tommye Saunooke				X
	75	0	0	25



TRIBAL COUNCIL CHAIRMAN



ENGLISH CLERK



PRINCIPAL CHIEF

APPROVED (☒) VETOED ()

VETO UPHOLD () VETO DENIED ()

DATE: 12/15/22

I hereby certify that the foregoing act of the Council was duly:

PASSED ()

KILLED ()

and ratified in open Council after the same has been interpreted by the Official Interpreter and
has been fully and freely discussed.

INTERPRETED ()

OMITTED ()