

CHEROKEE COUNCIL HOUSE  
CHEROKEE, NORTH CAROLINA

Date: \_\_\_\_\_

RESOLUTION NO.: \_\_\_\_\_ (2019)

WHEREAS, Cherokee Code (C.C.) § 16-2.01 states that the Tribal Gaming Commission (TGC) shall consist of three enrolled members appointed by the Principal Chief subject to approval by Tribal Council; and

WHEREAS, C.C. § 16-2.01(d) states that each commissioner shall serve a term of five years, but C.C. § 16-2.01(e) requires the terms to be staggered to ensure continuity on the Commission; and

WHEREAS, subsection (e) further requires that the “established rotation shall continue for each Commission position for future, new, renewal or replacement appointments”; and

WHEREAS, the current TGC commissioners are Robert “Birdie” Saunooke, Walter “Dan” McCoy, and Bentley Tahquette; and

WHEREAS, Robert Saunooke was appointed by Resolution No. 5 (October 5, 2015), Walter “Dan” McCoy was appointed by Resolution No. 6 (October 5, 2015), and Bentley Tahquette was appointed by Resolution No. 127 (February 6, 2016). All of these appointments were made by Principal Chief Patrick H. Lambert and the appointments were approved by Tribal Council; and

WHEREAS, Saunooke, McCoy and Tahquette were appointed to fill the seats made vacant by the simultaneous removal of all three of the prior Commissioners (Robert Blankenship, Donald Rose and Shiela Brown) by Resolution No. 4 (October 5, 2015); and

WHEREAS, none of the resolutions that appointed Saunooke, McCoy and Tahquette expressed what seats they were filling or who they were replacing. Further, Resolution No. 5 (2015) (appointing Saunooke) and Resolution No. 6 (2015) (appointing McCoy) did not express a term length or an expiration date, and Resolution No. 127 (2016) (appointing Tahquette) stated only that his term would be for five years; and

WHEREAS, the terms of Saunooke, McCoy and Tahquette cannot be measured from the simultaneous removal of Blankenship, Rose and Brown on October 5, 2015, because to do so would ignore the requirement for staggered terms; and

WHEREAS, by tracing the respective seats back through their appointment history, it has been determined that the term of Robert “Birdie” Saunooke will expire on December 31, 2019; the term of Walter “Dan” McCoy expired on December 31, 2018; and the term of Bentley Tahquette expired on December 31, 2017; and

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2 WHEREAS, the persons named below are hereby appointed to fill the positions that Bentley  
3 Tahquette and Walter "Dan" McCoy currently occupy as "holdover" commissioners.  
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5 NOW THEREFORE BE IT RESOLVED, by the Tribal Council of the Eastern Band of Cherokee  
6 Indians, in Council assembled, at which a quorum is present, that the terms of the  
7 current commissioners of the Tribal Gaming Commission have expired or shall  
8 expire on the following dates:  
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- 10 1. The term for Bentley Tahquette expired on December 31, 2017.
  - 11 2. The term for Walter "Dan" McCoy expired on December 31, 2018.
  - 12 3. The term for Robert "Birdie" Saunooke shall expire on December 31, 2019.
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14 BE IT FURTHER RESOLVED, that the following appointments are made by Principal Chief  
15 Richard G. Sneed, and are hereby approved by Tribal Council:  
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- 17 1. The position occupied by Bentley Tahquette shall be filled by  
18 \_\_\_\_\_, who shall serve for a five-year term  
19 which shall expire on December 31, 2022.  
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- 21 2. The position occupied by Walter "Dan" McCoy shall be filled by  
22 \_\_\_\_\_, who shall serve for a five-year term  
23 which shall expire on December 31, 2023.  
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- 25 3. Robert "Birdie" Saunooke, the current chairman of the Board, shall continue to  
26 serve until his term expires on December 31, 2019.  
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28 BE IT FURTHER RESOLVED, that all resolutions that are inconsistent with this resolution are  
29 rescinded and this resolution shall become effective upon ratification by the Principal  
30 Chief.  
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33 *Submitted by Principal Chief Richard G. Sneed*