

6

**CHEROKEE COUNCIL HOUSE  
CHEROKEE, NORTH CAROLINA**

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

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

WHEREAS, the Tribal Gaming Commission (TGC) has three members who are appointed and serve pursuant to Cherokee Code (C.C.) § 16-2.01; and

WHEREAS, C.C. § 16-2.01(d) states that each TGC commissioner shall serve a term of five years, which conflicts with the requirement in subsection (e) that the terms shall be staggered and each commissioner's term shall expire every year beginning December 31, 2008; and

WHEREAS, the requirement to stagger the terms expressed in subsection (e) became law as part of Ordinance No. 710 (2005). The conflict presented in subsections (d) and (e) will require an amendment to the Tribal law by separate ordinance; and

WHEREAS, appointments to the TGC are made by resolution, and appointments after the passage of Ordinance No. 710 (2005) did not fix the problem; and

WHEREAS, Principal Chief Hicks and Tribal Council attempted to fix the problem in 2010 with Resolution No. 482 (2010), which was passed by Tribal Council and ratified by Chief Hicks; and

WHEREAS, Resolution No. 482 (2010) attempted to stagger the commissioners' terms by appointing Robert M. (Birdie) Saunooke to a term to expire on 12/31/11, Don Rose to a term to expire on 12/31/12, and Sheila Davis to a term to expire on 12/31/13; and

WHEREAS, Resolution No. 482 (2010) was wrong and should have stated that the term of Robert M. (Birdie) Saunooke would expire on 12/31/13, the term of Don Rose would expire on 12/31/14, and the term of Sheila Davis would expire on 12/31/15; and

WHEREAS, Resolution No. 482 (2010) is here amended to provide a paper trail and guidance regarding the start and end dates of TGC appointments.

NOW THEREFORE BE IT RESOLVED by the Tribal Council of the Eastern Band of Cherokee Indians assembled, at which a quorum is present, that Resolution No. 482 (2010) is hereby amended as follows:

1. Robert M. Saunooke, term to expire 12/31/13
2. Don Rose, term to expire on 12/31/14

1                   3. Sheila Davis, term to expire 12/31/15  
2  
3

4 BE IT FURTHER RESOLVED that this amendment is for the record only, and to provide  
5                   guidance in the future. Nothing in this resolution creates any rights by the  
6                   persons named herein in the appointments, or to back pay or any other benefit.  
7

8 BE IT FINALLY RESOLVED that all resolutions that are inconsistent with this resolution are  
9                   rescinded, and that this resolution shall become effective when ratified by the  
10                  Principal Chief.  
11

12  
13     *Submitted by Michael W. McConnell, Interim Attorney General*