

TABLED

CHEROKEE COUNCIL HOUSE
CHEROKEE, NORTH CAROLINA

JAN 09 2020

(DATE)

ORDINANCE NO. 84 (2020)

WHEREAS, the Eastern Band of Cherokee Indians established the Tribal Employment Rights Office, (hereinafter "TERO") under Cherokee Code Section 92-2, to promote growth and increase contracting opportunities for Native American owned businesses; and

WHEREAS, it has been determined by the Tribal Employment Rights Commission (hereinafter TERC) that amendments must be made to Cherokee Code Chapter 92-12A, *Brokers Are Prohibited*, to enable TERO to provide Indian preference to all legitimate Native owned businesses; and

WHEREAS, current Cherokee Code Section 92-12A, broadly prevents brokers from obtaining TERO certification; and

WHEREAS, there is a need to amend Cherokee Code Section 92-12A to exclude real estate brokers from the meaning of the term "broker"; and

WHEREAS, the amendment will allow TERO to provide the Native American real estate brokers with increased contracting opportunities and the other benefits of TERO certification.

THEREFORE, BE IT ORDAINED, by the Eastern Band of Cherokee Indians, in Tribal Council assembled, at which a quorum is present, that Cherokee Code Chapter 92, Art. III, Sec. 92-12A, shall be amended to read as follows:

Sec. 92-12A. - Brokers are prohibited.

Brokers shall not be certified. In this Chapter, "broker" means one who solicits a manufacturer or marketer to prospective customers or engages in effecting transactions for the benefit of others and receives a commission from the transaction. Brokers do not purchase products, warehouse merchandise or resell merchandise but are mere representatives for other manufacturers or marketers. For the purposes of this chapter, the term "broker" shall not mean real estate agents.

BE IT FURTHER ORDAINED that all ordinances or resolutions that are inconsistent with this ordinance are hereby rescinded.

BE IT FINALLY ORDAINED that this ordinance shall become effective upon ratification by the Principal Chief.

Submitted by the Tribal Employment Rights Office (TERO)