

PASSED

CHEROKEE COUNCIL HOUSE
CHEROKEE, NORTH CAROLINA

JUL 09 2020

DATE

RESOLUTION NO. 209 (2020)

WHEREAS, the EBCI Tribal Council is vested with full power to enforce obedience to such laws and regulations as may be enacted. *Id.* at sect. 23.

WHEREAS, the EBCI Tribal Council possesses sole authority to direct the management and control of all property, either real or personal, belonging to the EBCI including EBCI finances. Charter and Governing Document sects. 16 and 20.

WHEREAS, the EBCI Tribal Council shall conduct investigations regarding Tribal matters. C.C. §§117-10 and 17.

WHEREAS, “*Distributable net revenue* shall mean all revenue distributed to the Tribe by a gaming operation, which shall be calculated as follows: gross revenue of the gaming operation less **(1) prizes and operating expenses, (2) payments owed to a management contractor, (3) debt service payments (including without limitation principal, interest, and related fees, costs, and expenses), and (4) contributions to duly authorized capital/expansion reserve funds.** Distributable net revenue shall include surplus regulatory funds distributed to the Tribe by the Tribal Gaming Commission.” C.C. §16C-2.

WHEREAS, The Tribal Casino Gaming Enterprise (TCGE) possesses budgetary and financial authority over (1) preparing an annual operating budget, capital and working capital budgets **(2) establish bank accounts for gaming operation and maintenance (3) establish, fund, and maintain capital/expansion reserve funds (4) authorize fund expenditure as necessary for operation and maintenance and debt service payments** (5) borrow money to repay debts (6) pledge assets and receipts as collateral for debts (7) provide distributable net revenue to the Tribe monthly (8) provide IRS reports. C.C. §16A-5(c).

WHEREAS, the EBCI Tribal Council possesses the authority to review all income and expenses of Tribal gaming operations each year. C.C. §16C-3.

WHEREAS, TCGE has the duty to “[m]aintain...all financial books and records, all minutes of Board meetings, and all other materials, books, records, documents, correspondence, and contracts. All such material shall be made available for

inspection and copying at any reasonable time during the usual business hours, to...Tribal Council or duly authorized representatives thereof..." C.C. §16A-5(g).

WHEREAS, in order to protect the assets and property, both real and personal, belonging to the EBCI, there is need to perform a forensic audit and investigation into all TCGE powers and duties described in C.C. §16A-5.

NOW THEREFORE BE IT RESOLVED by the Eastern Band of Cherokee Indians, in Council assembled, at which a quorum is present, the EBCI Tribal Council directs the Legislative Counsel to retain a firm to conduct a forensic audit and investigation into all TCGE powers and duties described in C.C. §16A-5.

BE IT FURTHER RESOLVED that the firm retained to perform the forensic audit and investigation shall be Tribal Council's duly authorized representative for purposes of C.C. 16A-5(g)(4)(A).

BE IT STILL FURTHER RESOLVED that the TCGE and their staff shall cooperate with firm the Tribal Council retains to perform the forensic audit and investigation pursuant to C.C. §16A-5(g)(4)(A).

BE IT FINALLY RESOLVED that this resolution shall become effective upon ratification.

Submitted by: Albert Rose, Birdtown Representative

The attached Resolution/Ordinance No. 209 dated July 9, 2020 was:

PASSED (X)

KILLED ()

and ratified in open Council on July 9, 2020 by 43 voting for the act
and 33 members voting against it as follows:

VOTE	FOR	AGAINST	ABSTAIN	ABSENT
Richard French	X			
Perry Shell		X		
Boyd Owle				X
Bucky Brown		X		
Tom Wahneetah		X		
David Wolfe		X		
Adam Wachacha		X		
Bo Crowe	X			
Chelsea Saunooke	X			
Albert Rose				X
Dike Sneed	X			
Tommye Saunooke	X			
	43	33	0	24


TRIBAL COUNCIL CHAIRMAN


ENGLISH CLERK


PRINCIPAL CHIEF

APPROVED ☒ VETOED ()

VETO UPHELD () VETO DENIED ()

DATE: 7/16/2020

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 ()