

PASSED

VETOED
JUL 20 2020

UPHELD

AUG 06 2020

CHEROKEE COUNCIL HOUSE
CHEROKEE, NORTH CAROLINA

Date: JUL 07 2020

RESOLUTION NO. 198 (2020)

WHEREAS, The Offices of the Principal Chief and Vice Chief, and the Tribal Council of The Eastern Band of Cherokee Indians have consistently expressed the need and desire to create readily available housing opportunities, both on and off the reservation, for enrolled members and community workforce;

WHEREAS, Kituwah, LLC, the Tribe's economic development entity pursuant to a previous Memorandum of Agreement and Understanding, has purchased the assets of Cardinal Homes, a modular home company that would allow for an expedited development of home sites and housing units;

WHEREAS, Kituwah, LLC needs land to place model homes so that Tribal Members can view and more easily purchase homes at cost; and

WHEREAS, Kituwah, LLC and/or subsidiaries have agreed to sell said homes to tribal members at fully burdened cost, and therefore will not be earning a profit on said sales.

NOW THEREFOR BE IT RESOLVED, by Tribal Council of the Eastern Band of Cherokee Indians in council assembled, at which a quorum is present, The Principal Chief is hereby authorized to act on behalf of the Tribe, to enter into the Memorandum of Agreement and Understanding as follows on Exhibit A.

BE IT FURTHER RESOLVED, that all resolutions that are inconsistent with this resolution are rescinded, and that this resolution shall become effective when ratified by the Principal Chief.

Submitted by Kituwah, LLC

EXHIBIT A

**MEMORANDUM OF AGREEMENT AND UNDERSTANDING
BY AND BETWEEN
THE EASTERN BAND OF CHEROKEE INDIANS
and
KITUWAH, LLC**

This is a Memorandum of Agreement and Understanding between the Eastern Band of Cherokee Indians (EBCI)(Tribe) and Kituwah, LLC (Kituwah) concerning the Tribe's intent to enter into a Guaranteed Buy Agreement for the purchase of modular homes to be utilized for enrolled member and workforce housing.

1. The Tribe agrees to acquire such lands as may be necessary or convenient in 2 higher traffic locations to allow the placement of six model homes on each site, and to lease such lands to Kituwah, LLC for \$1 per year.
2. In the event that such acceptable lands cannot be identified or made available, the Tribe agrees that Kituwah, LLC can purchase such lands as it may deem reasonable to accomplish the goal of providing tribal members convenient locations to tour such models and make purchases, and bill the Tribe for such acquisition and necessary improvements provided:
 - a. Kituwah, LLC shall obtain 2 independent appraisals of such properties and not pay more than the lowest of the 2 appraisals.
 - b. Kituwah, LLC may place 6 models on each parcel(s) and bill the Tribe for the models; and
 - c. The purchase of said models will be credited to the Tribe's guaranteed buy from Cardinal Homes.
3. Upon approval and execution of this Memorandum of Agreement and Understanding, and in advance of the finalization of the Guaranteed Buy Agreement, The Tribe will make a deposit (credited to the purchase price) payment to Kituwah, LLC in the amount of two million dollars.

Dated this _____ Day of May, 2020.

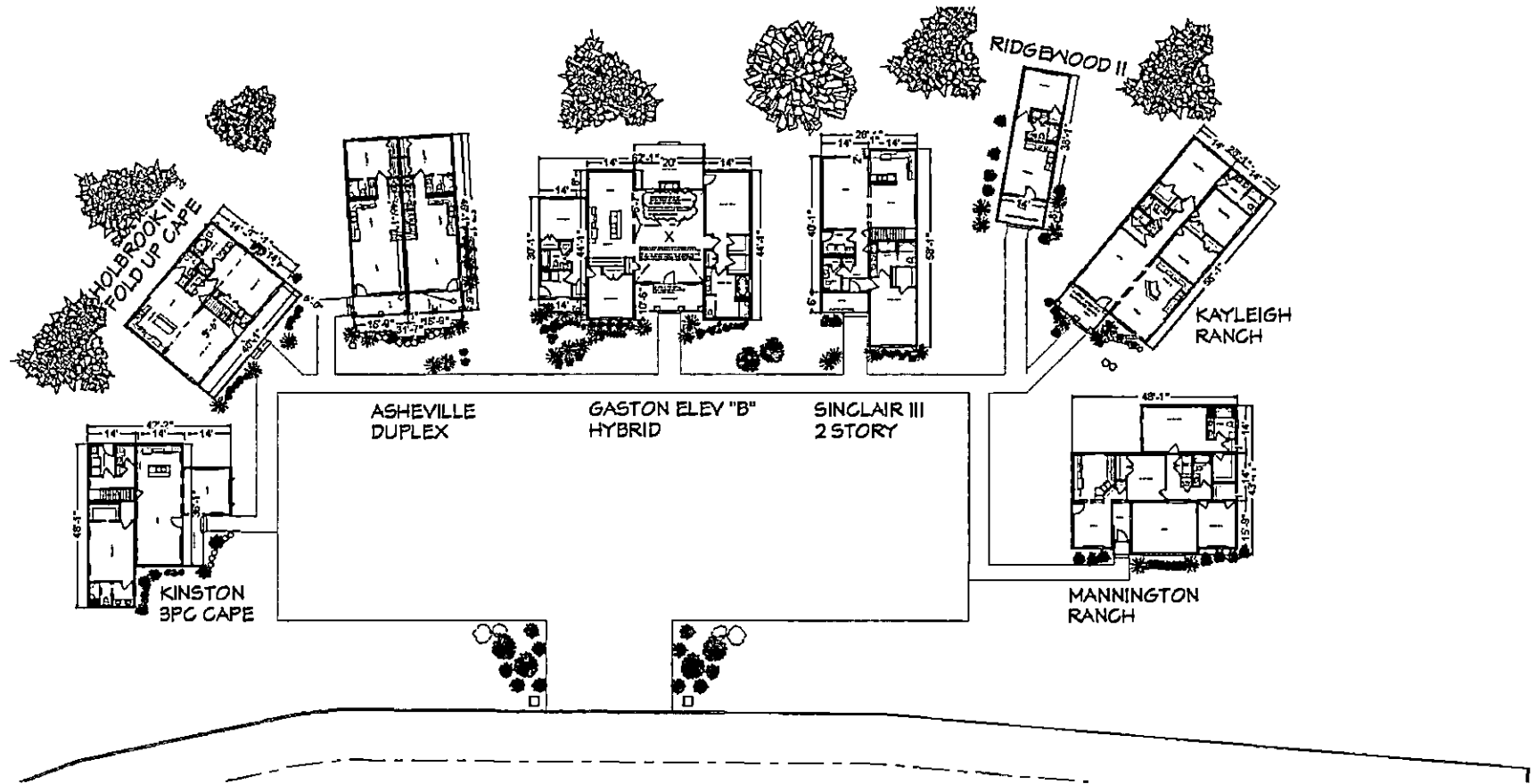
EBCI

By: _____
Chief Richard G. Sneed

Kituwah, LLC

By: _____
Christina Arch, Chair, KEDB





The attached Resolution/Ordinance No. 198 dated JULY 07, 2020 was:

PASSED (X)

KILLED ()

and ratified in open Council on JULY 07, 2020 by 76 voting for the act
and 0 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			
	76	0	0	24


TRIBAL COUNCIL CHAIRMAN


ENGLISH CLERK


PRINCIPAL CHIEF

APPROVED () VETOED (✓)

VETO UPHELD () VETO DENIED ()

DATE: 7/20/2020

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 ()

100

The attached RESOLUTION 198 dated JULY 07, 2020_ was: VETOED and

UPHELD (X)

OVERRIDE ()

in open Council on AUGUST 06, 2020 by 100 WEIGHTED VOTES to uphold the veto
and 0 WEIGHTED VOTES to override the veto

VOTE	UPHOLD	OVERRIDE	ABSTAIN	ABSENT
Teresa McCoy	X			
Richard French	X			
Travis Smith	X			
B Ensley	X			
Anita Lossiah	X			
Brandon Jones	X			
Bill Taylor	X			
Bo Crowe	X			
Adam Wachacha	X			
Albert Rose	X			
Marie Junaluska	X			
Tommye Saunooke	X			
	100	0	0	0


TRIBAL COUNCIL CHAIRMAN


ENGLISH CLERK

VETO UPHELD (X) VETO DENIED ()

DATE: AUGUST 6, 2020