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CHEROKEE COUNCIL HOUSE  
CHEROKEE, NORTH CAROLINA

OCT 29 2020

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

## ORDINANCE NO. 217 (2020)

*Creating a new C.C. § 117-19A to apply procurement requirements from the Tribe's Fiscal Management Manual, including RFPs when appropriate, to commercial for-profit leases of property owned by the Tribe.*

WHEREAS, the Eastern Band of Cherokee Indians has the sovereign authority to make laws for the general governance of the Tribe and this authority is expressed in Sec. 23 of the Charter and Governing Document and in Cherokee Code Sec. 117-10; and

WHEREAS, as part of its economic growth and diversification, the Tribe has purchased, and may purchase in the future, real property that the Tribe will want to lease to others for commercial development on a for-profit basis, to increase the Tribe's revenues and better provide for its people; and

WHEREAS, the commercial leases will be Tribal assets which should be procured in a fiscally responsible manner consistent with Tribal requirements for procuring goods and services generally, so the Tribe gets the best deal it can consistent with the long-term goal of the project; and

WHEREAS, when the Tribe seeks to develop or operate Tribally-owned property for commercial purposes to return a profit to the Tribe by leasing the property to a third party, the Tribe should apply the procurement requirements contained in the Fiscal Management Manual including, when appropriate, the requirement to obtain multiple proposals from which the Tribe can select the best response.

NOW THEREFORE BE IT ORDAINED by the Tribal Council of the Eastern Band of Cherokee Indians in Council assembled, at which a quorum is present, that there shall be added to the Cherokee Code a new section, identified as C.C. § 117-19A, which shall read as follows:

### Sec. 117-19A. – Commercial Leases on Tribally-Owned Deeded Property.

- (a) Whenever the Tribe desires to lease to a third-party real property owned by the Tribe and the purpose of the lease is to develop or operate the property for commercial use to return a profit to the Tribe, the Tribe shall comply with Sec. 400 ("Procurement") of the Fiscal Management Manual (2019 edition) and when required by that section shall solicit Requests for Proposal (RFPs) from multiple third-parties.

1 (b) Responses obtained pursuant to subsection (a) shall be reviewed by the Business  
2 Committee, which shall select the best response or responses and report the same to Tribal  
3 Council.  
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5 (c) Commercial, for-profit leases of real property owned by the Tribe shall be approved by  
6 Tribal Council by resolution.

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8 BE IT FINALLY ORDAINED that this ordinance shall be effective upon ratification by the  
9 Principal Chief and all prior ordinances or portions thereof that are inconsistent  
10 with this ordinance are rescinded.  
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13 Submitted by: *Alan B. Ensley, Vice Chief*  
14 *Dike Sneed, Painttown Community Representative*