

**TABLED**

Cherokee Council House  
Cherokee, North Carolina  
**NOV 12 2020**

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Date

Ordinance No. 333 (2020)

WHEREAS, the Charter and Governing Document authorizes and empowers the Eastern Band of Cherokee Indians (EBCI) Tribal Council to adopt laws and regulations for the general government of the Tribe. Charter and Governing Document, sect. 23 (Sept. 5, 1995) *see also* C.C. §117-10.

WHEREAS, Tribal Council created the Tribal Casino Gaming Enterprise (TCGE). C.C. §16A-1(a).

WHEREAS, when Tribal Council originally created the TCGE, all Board appointments were Tribal Council appoints.

WHEREAS, Tribal Council passed Resolution No. 209 (2020) which began an investigation into all TCGE's powers and duties as set forth in C.C. §16A-5.

WHEREAS, there is a need for Tribal Council to appoint two Board of Advisor members.

NOW THEREFORE BE IT ORDAINED in Council assembled at which a quorum is present that the Tribal Council amends Cherokee Code §16A-3(b) as follows in EXHIBIT A.

BE IT FURTHER ORDAINED the Ordinance provisions that amend or adopt new sections of the Cherokee Code shall be codified by the Department of Justice. The Department of Justice shall incorporate such amended provisions in the next codification of the Cherokee Code.

BE IT STILL FURTHER ORDAINED should any provision of this Ordinance be determined invalid by the Cherokee Supreme Court, or the Cherokee Court without appeal to the Cherokee Supreme Court, or any other court of competent jurisdiction, those portions of this Ordinance which are not determined invalid shall remain the law of the Eastern Band of Cherokee Indians

BE IT FINALLY ORDAINED that any other resolution or ordinance in conflict are rescinded and that this ordinance shall become effective when ratified.

*Submitted By: Albert Rose, Birdtown Representative*

Cherokee Code

Chapter 16A – TRIBAL CASINO GAMING ENTERPRISE

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Sec. 16A-3 – Board of Advisors; generally.

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b. Appointment of the Board: Members of the Board of Advisors shall be appointed as follows: by the Principal Chief, subject to the approval of the Tribal Council.

1. Tribal Council shall appoint two Board of Advisor members by resolution, whose terms end September 30, 2022 and 2024,

2. The Principal Chief shall appoint the remaining three Board of Advisor members, subject to Tribal Council approval.

Nominees to the Board of Advisors shall be selected on the basis of their business experience and ability to significantly contribute to the capabilities and functions of the gaming enterprise. At least one member of the Board of Advisors shall be an experienced auditor or certified public accountant, or shall have a Bachelors Degree and significant financial and management experience in prior employment.

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