

ORDINANCE NO. 366 (2021)

*An ordinance identifying the Tribal funds to which revenues received by the Tribe from commercial gaming and hospitality entities created by the Tribe will be allocated and thereby identifying the purposes for which the revenues may be used.*

10 WHEREAS, the Eastern Band of Cherokee Indians is a federally-recognized Indian tribe with  
11 sovereign authority to make its own laws and direct the management and control of  
12 all revenues that come into the Tribal treasury; and

13 WHEREAS, the Tribe has a long-standing goal of diversifying its revenue sources to build a  
14 more resilient Tribal economy to more securely support essential governmental  
15 services and benefits for Tribal members and their families; and

16 WHEREAS, through collaborative efforts of the Principal Chief, Vice Chief and Tribal  
17 Council, the Tribe has established a commercial gaming and hospitality entity as a  
18 critical component of a multi-faceted economic diversification strategy; and

19 WHEREAS, Tribal leadership has identified the priorities of health, education, housing, and  
20 long-term investment on behalf of the Tribe and its members with the goal of  
21 permanently endowing these services and benefits for future generations of  
22 Cherokee People; and

23 WHEREAS, this ordinance amends Tribal law to express that proceeds from the Tribe's  
24 commercial gaming and hospitality operations shall be allocated to these priorities  
25 to promote and sustain essential services and benefits to Tribal members.

26 NOW THEREFORE BE IT ORDAINED by the Tribal Council of the Eastern Band of  
27 Cherokee Indians in Council assembled, at which a quorum is present, that the  
28 Cherokee Code shall be amended by adding thereto a new Chapter, to be  
29 designated as Chapter 55D, to read as follows:

Chapter 55D

Commercial Gaming and Hospitality Revenue Plan

Sec. 55D-1. Purpose.

(a) The Eastern Band of Cherokee Indians ("Tribe") has a primary interest in:

- (1) Exercising its inherent sovereign authority to make laws that protects the interests of the Tribe and its members and to manage and control all monies that enter the Tribal treasury.

- 38           (2) Establishing and expanding business in the private sector to provide for economic  
39           diversification to permanently endow and support essential services to the Tribe and  
40           its members.  
41           (b) The purpose of this chapter is to identify the Tribal funds to which monies received  
42           from commercial gaming and hospitality will be allocated.

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44 Sec. 55D-2. Allocation of revenues from certain commercial gaming properties.

45           Whenever the commercial gaming and hospitality entity formed by the Tribe and known as  
46           EBCI Holdings, LLC, obtains net revenues that qualify for distribution to the Tribe pursuant to  
47           the EBCI Holdings operating agreement, the operating agreement provides that such revenues  
48           received by the Tribe shall be allocated to the Tribal funds according to the allocation described  
49           in this section and the Tribe shall use such revenues for the purposes expressed in Tribal law for  
50           the identified funds.

- 51           (a) Debt Service Sinking Fund established in C.C. § 16C-14 shall be allocated twenty-five  
52           percent (25%) of annual proceeds.  
53           (b) Endowment Fund No. 1 established in C.C. § 16C-10 shall be allocated twenty-five  
54           percent (25%) of annual proceeds.  
55           (c) Higher Education Endowment established in C.C. § 16C-16 shall be allocated twenty  
56           percent (20%) of annual proceeds.  
57           (d) Cherokee Indian Hospital Reserve Account established in C.C. § 130B-13 shall be  
58           allocated twenty percent (20%) of annual proceeds.  
59           (e) Housing Fund established in C.C. § 16C-15 shall be allocated ten percent (10%) of  
60           annual proceeds.

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62 BE IT FURTHER ORDAINED that any ordinance or resolution in conflict with this ordinance is  
63 hereby rescinded.

64 BE IT FINALLY ORDAINED this ordinance shall become effective upon ratification by the  
65 Principal Chief and shall remain in effect until implemented to rescinded.

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67 *Submitted by Richard G. Sneed, Principal Chief*