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Cherokee Council House
Cherokee, Qualla Boundary (NC)

MAR 11 2021

Date: _____

ORDINANCE NO. 392 (2021)

WHEREAS, The Eastern Band of Cherokee Indians established the Tribal Alcoholic Beverage Control Commission by Ordinance 768 on September 8, 2011, and

WHEREAS, The Tribal Alcoholic Beverage Commission was established as an independent entity of the Tribe to further promote the sovereignty of the Eastern Band of Cherokee Indians; and

WHEREAS, In compliance with the Tribe's mission to generate revenue from the sale and consumption of alcoholic beverages at ABC permitted establishments; and

WHEREAS, The Tribal ABC Commission wishes to provide receipts back to the Tribe for use towards Tribal programs; and

WHEREAS, It is necessary to amend Chapter 18B Cherokee Code by adding a new section to provide for the allocation of revenues returned to the Tribe on an annual basis;

NOW THEREFORE BE IT ORDAINED by the Tribal Council of the Eastern Band of Cherokee Indians assembled, at which a quorum is present, that Chapter 18B of the Cherokee Code is amended by adding a new section to read as follows:

“§ 18B-204. Allocation of Revenues.

(a) There is established within the Tribal ABC Commission a fund to be known as the ABC Fund. This fund shall be used to maintain sufficient funding for the annual operational costs of the Commission, to include personnel, contracts, and equipment costs.

(b) Any funds in excess of those needed to cover all operational expenses, a reserve for capital expenditures, and debt maintenance shall be returned to the tribe on an annual basis not later than September 30 of each fiscal year.

(c) That the excess funds shall be dedicated to tribal council to be allocated as part of the Tribe's General Fund at the discretion of Tribal Council.

BE IT FURTHER ORDAINED that this amendment shall be effective upon ratification by the Principal Chief, and all prior ordinances and resolutions inconsistent with this ordinance are rescinded.

Submitted by Tribal ABC Commission