

# TABLED

CHEROKEE COUNCIL HOUSE  
CHEROKEE, NORTH CAROLINA

Date: FEB 03 2022

ORDINANCE NO. 135 (2022)

WHEREAS, The eligible enrolled members of the Eastern Band of Cherokee Indians secured the right to receive per capita payments from the casino profits two times each year, and

WHEREAS, the original dates under the law specified that the semi-annual per capita payments were due on June 1 and December 1 of each year, and

WHEREAS, over the years the specific dates were removed from the Cherokee Code but the peoples' expectation of those dates has remained and when the checks are delayed this has led to some frustration and anger, and

WHEREAS, it makes more sense to set a time period that shall not be exceeded for the semi-annual payments to be made so that people can properly plan and also have the payment in time for two major holiday periods, Memorial Day weekend and Thanksgiving Day weekend.

NOW, THEREFORE, BE IT ORDAINED by the Eastern Band of Cherokee Indians in Annual Council assembled, at which a quorum is present that the Eastern Band of Cherokee Indians Tribal Council hereby amends Cherokee Code at Sec 16C-5(a) and (h) as follows:

## Sec. 16C-5. - Distribution to members.

- (a) Semi-annual distribution. Per Capita payments shall be made two times each year to all competent adult members eligible for the distribution as set forth in 16C-4. The first semi-annual per capita payment shall be delivered to each eligible member no later than the Tuesday before Memorial Day; and the second semi-annual per capita payment shall be made no later than the Tuesday before Thanksgiving Day. It shall be understood that these are "no later than" dates and the Per Capita payments may be made anytime prior to those days in accordance with section 16C-5 (h). Likewise, an appropriate share shall be set aside twice each year in the Minors Trust Fund on behalf of minor and incompetent members.
- (h) *Timing for distribution.* Distribution to members shall be ~~made-delivered~~ to them by the US Postal Service or direct deposit by electronic transfer of funds within ~~50 75~~ days of the following: March 31 and September 30 of each year. Any scheduled disbursements made in accordance with this Chapter shall be made within ~~50 75~~ days of the above referenced dates. Distributions shall only occur on regular business days. The Finance Office shall calculate and disburse

1 per capita to eligible members no later than ~~50~~ 75 days following the first  
2 disbursement closure date and again at the close of the fiscal year. In  
3 calculating disbursement, the Finance Office shall use financial data provided  
4 by the TBE and TCGE operations for the first semi-annual disbursement and  
5 the second semi-annual disbursement, which shall be reconciled to a certified  
6 audit. Tribal Management shall make appropriate allocations and transfers to  
7 and insure that per capita distributions are made no later than ~~50~~ 75 days after  
8 the end of the first disbursement closure date and again at the end of fiscal  
9 year.

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11 BE IT FURTHER ORDAINED that the Department of Treasury shall carry out these ordinance  
12 amendments to be effective in time for the next Per Capita payment due on or before the  
13 Tuesday prior to Memorial Day weekend in May 2022, with all planning necessary to account  
14 and allow for any potential delays in the proper accounting, printing of checks or with the US  
15 Postal Service or any other unplanned and unforeseen delays.

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17 BE IT FINALLY ORDAINED that this ordinance shall become effective when ratified by the  
18 Principal Chief.

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21 *Submitted by:*

22 *Cyndi Lambert, Nannie Taylor, Dianna Marie Valentine, Onita W. Bush, Codi Swayney, Vick*  
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