

TABLED

CHEROKEE COUNCIL HOUSE
CHEROKEE, NORTH CAROLINA

MAY 04 2023

Date

ORDINANCE NO. 592 (2023)

WHEREAS, Chapter 16 of the Cherokee Code, also known as the Tribal Gaming Code, governs all gaming on Indian lands under the exclusive control of the Eastern Band of Cherokee Indians; and

WHEREAS, Cherokee Code § 16-4.01 requires a gaming license to be issued to conduct gaming authorized by Chapter 16 of the Cherokee Code.

WHEREAS, Cherokee Code § 16-4.01 (a)(4) requires vendors to comply with fingerprinting requirements; however, the NIGC will no longer process fingerprints for such applications and are in conflict with NIGC regulations; and

WHEREAS, Cherokee Code § 16-4.08 authorizes the Tribal Gaming Commission to issue, suspend, and revoke gaming licenses; and

WHEREAS, Cherokee Code §16-4.08(a) requires all gaming licenses issued by the Tribal Gaming Commission to expire on December 31, two years after issuance of the license; and

WHEREAS, the expiration schedule creates a hardship on employees of the Tribal Casino Gaming Enterprise and the Tribal Gaming Commission in trying to reissue large numbers of gaming licenses within a short period of time; and

WHEREAS, the Tribal Gaming Commission wishes to streamline the application, issuance, and expiration process to ensure continued services and shorter wait times for issuance of gaming licenses in compliance with NIGC regulations;

NOW THEREFORE BE IT ORDAINED by the Tribal Council of the Eastern Band of Cherokee Council assembled, at which a quorum is present, that a Cherokee Code § 16-4.08(a) reads as rewritten:

“Sec. 16-4.08. - Term of license; license fees; parameters of license.

- (a) Licenses, except provisional licenses (see section 4.12 provisional license), shall ~~be for a term not to exceed two years, and shall expire on December 31 of each renewal year.~~ expire two years after the date of issuance and may be reissued up to 30 days before the expiration date.

....”

NOW THEREFORE BE IT FURTHER ORDAINED by the Tribal Council of the Eastern Band of Cherokee Council assembled, at which a quorum is present, that a Cherokee Code § 16-4.01(a)(4) reads as rewritten:

- “(4) Gaming vendors. Any person who is a gaming vendor as defined in Section 16-1 must comply with the ~~same~~ licensing requirements ~~as if such person were a primary management official, and if any supplier is a nonnatural person, such supplier shall be subject to management entity licensing procedures, established by the Commission,~~ provided that vendors who are not gaming vendors may be required to register with, provide basic information, and pay a nominal registration fee to the Commission; and”

BE IT FINALLY ORDAINED that all ordinances that are inconsistent with this ordinance are rescinded and that this ordinance shall become effective when ratified by the Principal Chief.

Submitted by: EBCI Tribal Gaming Commission