

TABLED

CHEROKEE COUNCIL HOUSE
CHEROKEE, NORTH CAROLINA

Date: MAY 04 2023

ORDINANCE NO. 595 (2023)

An ordinance to amend C.C. Chapter 16 to allow the conduct of community bingo games.

WHEREAS, Tribal law requires Class II and Class III gaming conducted on Tribal trust lands to be regulated and licensed by the Tribal Gaming Commission (TGC); and

WHEREAS, Class I games are not regulated and licensed by the TGC and include "social games solely for prizes of minimal value or traditional forms of Indian gaming engaged in by individuals as a part of, or in connection with, tribal ceremonies or celebrations" (C.C. § 16-1(f)); and

WHEREAS, bingo is, by default, treated under federal law and Tribal law as a Class II game and organized bingo conducted by the Tribe through the Tribal Bingo Enterprise (TBE) was regulated and licensed by the TGC when the TBE was conducting such games; and

WHEREAS, EBCI community clubs, enrolled members, and Tribal officials have long conducted community or charitable bingo games to promote community goodwill or to raise funds to donate to a social organization or a Cherokee family in need; and

WHEREAS, community bingo community bingo games are not currently addressed in Tribal law; and

WHEREAS, Tribal law should be amended so that community bingo games may be lawfully conducted for their traditional purposes.

NOW THEREFORE BE IT ORDAINED by the Eastern Band of Cherokee Indians in Tribal Council assembled, at which a quorum is present, that C.C. § 16-1(g) shall be amended to read as follows, and C.C. Chapter 16 shall be amended by adding thereto a new section, identified as C.C. § 16-1.05B, to read as follows:

Sec. 16-1. - Definitions.

Unless a different meaning is set forth below, the terms used in this chapter shall have the same meaning as defined in the Indian Gaming Regulatory Act, Public Law 100-497, 102 Stat. 2467 (Oct. 17, 1988), 25 U.S.C. 2701 et seq. (IGRA).

...

1 (g) *Class II Gaming* means Class II Gaming as defined at 25 U.S.C. 2703(7)(A), and
2 any regulations promulgated thereunder but shall not include "community bingo"
3 as that term is defined in Cherokee Code Sec. 16-1.05B. - Community bingo.

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5 **Sec. 16-1.05B. - Community bingo.**

6 (a) Nothing in this Chapter shall apply to "community bingo" games as defined in this
7 section.

8 (b) "Community bingo" means bingo games periodically conducted by EBCI community
9 clubs officially recognized by the Tribal government, EBCI government offices or
10 government officials, or EBCI enrolled members, to promote community cohesion and
11 goodwill or for charitable purposes such as to raise money to donate to community
12 members or community organizations in need, and for which the prizes have minimal
13 value. When applied to community bingo games, "minimal value" means an individual
14 prize has a value no greater than two-hundred fifty dollars (\$250.00), and no community
15 bingo game may offer a cash prize; provided, however, that gift cards for goods or
16 services may be offered as prizes so long as such gift cards do not exceed a value of two-
17 hundred fifty dollars (\$250.00).

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21 BE IT FINALLY RESOLVED that all ordinances that are inconsistent with this ordinance are
22 rescinded, and that this ordinance shall become effective when ratified by the
23 Principal Chief.

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26 *Submitted by the Office of the Attorney General.*