

TABLED

CHEROKEE COUNCIL HOUSE
CHEROKEE, NORTH CAROLINA

Date: JUL 13 2023

ORDINANCE NO. 077 (2023)

An ordinance to amend C.C. Sec. 105-5 to allow a portion of Tribal Levy revenues to be allocated to economic development.

WHEREAS, C.C. Sec. 105-5 governs the deposit, allocation and use of Tribal Levy funds collected by the Tribe; and

WHEREAS, Sec. 105-5 authorizes the use of Tribal Levy funds for multiple public services such as law enforcement, fire protection, outdoor lighting in communities, sanitation, and to provide financial assistance to the Cherokee Historical Association and the Museum of the Cherokee Indians; and

WHEREAS, Sec. 105-5 should be amended to add economic development as one of the authorized uses of Tribal Levy revenues, subject to needs-based budget requirements.

NOW THEREFORE BE IT ORDAINED by the Eastern Band of Cherokee Indians Tribal Council, in Council assembled at which a quorum is present, that C.C. Sec. 105-5 shall be amended to read as follows:

Sec. 105-5. Use of Tribal Levy funds.

- (a) All funds collected by the Eastern Band pursuant to this article shall be deposited promptly into a special bank account in the name of the Eastern Band in a bank designated by the Executive Committee, with the funds insured by the Federal Deposit Insurance Corporation.
- (b) Tribal Levy revenues approved for the use of the Fire Department and Police Department, as determined in a needs-based budget approach, shall be deposited in a fund or funds designated for the use of those departments. These funds shall be disbursed in accordance with an annual budget and approved by Tribal Council and shall be limited to the following uses:
 - (1) To pay necessary expenses of administering and enforcing this Ordinance, including compensation for the Chief, Vice-Chief, and other Tribal employees responsible for administering and enforcing the Tribal Levy Ordinance;
 - (2) To provide law enforcement and promote public safety on the lands of the Eastern Band of the Cherokee Indian, including compensation for law enforcement officers;
 - (3) To provide and maintain fire protection services on the lands of the Eastern Band of the Cherokee Indian;
 - (4) To provide street lighting for the Village of Cherokee and in other Reservation communities as may be designated by the Community Services Committee;

- 1 (c) A portion of Tribal Levy revenues as determined in a needs-based budget approach shall be
2 allocated to the General Fund as recommended by the Finance Committee and approved by
3 the Tribal Council in the adoption of an annual budget.
- 4 (d) A portion of Tribal Levy revenues as determined in a needs-based budget approach shall be
5 allocated to Sanitation providing for garbage collection and disposal systems, as well as
6 providing sanitation facilities and services to foster and protect public health as
7 recommended by the Community Services Committee and approved by the Tribal Council
8 in the adoption of an annual budget.
- 9 (e) A portion of Tribal Levy revenues as determined in a needs-based budget approach shall be
10 allocated to the Tribal Marketing and Promotions Fund as approved by the Tribal Council in
11 the adoption of an annual budget.
- 12 (f) A portion of Tribal Levy revenues as determined in a needs-based budget approach shall be
13 allocated to the Tribal Education Program as recommended by the Tribal Education
14 Committee and approved by the Tribal Council in the adoption of an annual budget.
- 15 (g) A portion of Tribal Levy revenues as determined in a needs-based budget approach shall be
16 allocated to the Tribal Reserve Fund to be utilized only by specific Tribal Council
17 authorization and only in the event of an emergency presented by shortage in Tribal
18 operating funds. The term "emergency" shall not be interpreted to mean shortfalls that could
19 have or should have been reasonably foreseen.
- 20 (h) A portion of Tribal Levy revenues as determined in a needs-based budget approach shall be
21 allocated to a Greenway's Maintenance Fund for the purpose of maintaining the Tribal
22 Greenways systems as approved by Tribal Council in the adoption of an annual budget.
- 23 (i) A portion of Tribal Levy revenues as determined in a needs-based budget approach shall be
24 allocated to the Cherokee Historical Association to provide the non-profit with operational
25 support in the perpetuation and preservation of Cherokee history and culture as approved by
26 Tribal Council in the adoption of an annual budget.
- 27 (j) A portion of Tribal Levy revenues as determined in a needs-based budget approach shall be
28 allocated to the Acquoni Expo Center, also known as the "old high school property," for the
29 purposes of maintaining the facility as approved by the Tribal Council in the adoption of an
30 annual budget.
- 31 (k) A portion of Tribal Levy revenues as determined in a needs-based budget approach shall be
32 allocation to the Museum of the Cherokee Indian to provide the non-profit with operational
33 support in the perpetuation and preservation of Cherokee history and culture as approved by
34 the Tribal Council in the adoption of an annual budget.
- 35 (l) A portion of Tribal Levy revenues as determined in a needs-based budget approach shall be
36 allocated to economic development.

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

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43 *Submitted by David Forester, Legislative Executive Finance Director.*