

Substitute

CHEROKEE COUNCIL HOUSE
CHEROKEE, NORTH CAROLINA

Date: _____

ORDINANCE NO. 157 (2026)

An ordinance to amend CC Chapter 55D to provide for the uniform allocation by the Tribe of revenues distributed to the Tribe by EBCI Holdings, LLC.

WHEREAS, the Eastern Band of Cherokee Indians is the owner and sole member of EBCI Holdings, LLC (the "Company"), which was formed to pursue commercial gaming and hospitality opportunities for the Tribe; and

WHEREAS, currently, EBCI Holdings, LLC owns or has an interest in, and obtains revenue from, three commercial gaming facilities known as Caesars Southern Indiana, Sandy's Racing and Gaming, and Caesars Virginia; and

WHEREAS, Cherokee Code (CC) Chapter 55D provides that revenues distributed to the Tribe by EBCI Holdings, LLC, from the three facilities identified in this resolution shall be allocated in certain percentages to specific Tribal funds and Tribal purposes; and

WHEREAS, the revenue allocation plan expressed in CC Chapter 55D should be amended to adjust the percentages of the allocations and to make the allocations uniform regardless of which facility from which the revenues were derived; and

WHEREAS, these amendments will increase the resiliency of the Tribal government and its ability to fund and provide services to its members.

NOW, THEREFORE, BE IT ORDAINED by the Eastern Band of Cherokee Indians in Tribal Council assembled, at which a quorum is present, that the Cherokee Code Chapter 55D, governing the commercial gaming and hospitality revenue allocation plan, shall be amended to read as follows:

**Chapter 55D - COMMERCIAL GAMING AND HOSPITALITY REVENUE
ALLOCATION PLAN**

Sec. 55D-1. Purpose and applicability.

Whenever the commercial gaming and hospitality entity formed by the Tribe and known as EBCI Holdings, LLC, obtains net revenues that qualify for distribution to the Tribe pursuant to the EBCI Holdings operating agreement, the operating agreement provides that such revenues received by the Tribe shall be allocated to the Tribal funds according to consistent with the allocations described in this section Chapter and the Tribe shall use such revenues for the purposes expressed in Tribal law for the identified funds.

Effective October 1, 2023, distributable net revenue shall be distributed to fund per capita distributions, tribal government operations, and the general welfare funds under this Chapter as follows:

Sec. 55D-2. Caesars Southern Indiana Casino, Sandy's Racing and Gaming, Caesars Virginia Casino.

~~(a) Debt Service Sinking Fund established in C.C. § 16C-14 shall be allocated 25 percent of annual proceeds.~~

~~(b) Endowment Fund No. 1 established in C.C. § 16C-10 shall be allocated 25 percent of annual proceeds.~~

~~(c) Higher Education Endowment established in C.C. § 16C-16 shall be allocated 20 percent of annual proceeds.~~

~~(d) Cherokee Indian Hospital Reserve Account established in C.C. § 130B-13 shall be allocated 20 percent of annual proceeds.~~

~~(e) Housing Fund established in C.C. § 16C-15 shall be allocated 10 percent of annual proceeds.~~

(a) Fifty percent (50%) to the Tribal General Fund for the General Welfare of the Eastern Band of Cherokee Indians.

(b) Thirty four percent (34%) to the Tribe's Debt Service Sinking Fund established in C.C. § 16C-14.

(c) Sixteen percent (16%) to the Tribal General Fund to support Tribal program operating expenses.

~~Sec. 55D-3. Sandys Racing and Gaming.~~

~~(a) General Fund for the General Welfare of the Eastern Band of Cherokee Indians of 50 percent of annual proceeds.~~

~~(b) Debt Service Sinking Fund established in C.C. § 16C-14 shall be allocated 50 percent of annual proceeds.~~

~~Sec. 55D-4. Caesars Virginia Casino.~~

~~(a) General Fund for the General Welfare of the Eastern Band of Cherokee Indians of 50 percent of annual proceeds.~~

~~(EBC) Operating agreement (Section 55C-6 Approval of Operating agreement).~~

~~(b) Debt Service Sinking Fund established in C.C. § 16C-14 shall be allocated 50 percent of annual proceeds.~~

BE IT FINALLY RESOLVED that this ordinance shall be effective upon ratification by the Principal Chief and all prior ordinances or portions thereof that conflict with this ordinance are rescinded to the extent necessary to resolve the conflict.

Submitted by Michael McConnell, Attorney General; and Brandi Claxton, Secretary of the Treasury.