

# TABLED

Cherokee Council House  
Cherokee, North Carolina

AUG 13 2010

DATE

ORDINANCE NO. 428 (2010)

WHEREAS, the Tribal Casino Gaming Enterprise (TCGE), the Tribal Gaming Commission (TGC) and the Tribal Bingo Enterprise (TBE) are now required, by ordinance, to include their budgets as part of the Executive Committee's proposed budget submitted annually to Tribal Council for approval; and

WHEREAS, Cherokee Code Sections 117-47(c)(d) and (g) should be amended to reflect the application of the Balanced Budget Act to the budgets of TCGE, TGC and TBE.

NOW THEREFORE, BE IT ORDAINED by the Tribal Council of the Eastern Band of Cherokee Indians assembled, at which a quorum is present, that Cherokee Code Sections 117-47(c)(d) and (g) be amended to read as follows:

**Sec. 117-47. Balanced budget act.**

(c) *Budgets based on need.* Tribal division ~~and~~ program, commission and enterprise budgets shall be based on justified need. Increases and decreases in the budgets shall be tailored to the needs of individual divisions ~~and~~ programs, commissions and enterprises. Across-the-board increases are prohibited. Increases shall not exceed five percent of the total General Fund gaming appropriations for the current fiscal year.

(d) *Executive director/chairman reports.* The executive directors/chairmen of each tribal division, commission and enterprise shall provide to the Principal Chief, orally and in writing, a report consisting of a budget-to-actual comparison of revenues and expenses within their division, commission or enterprise (including for each program). The report shall be presented every six months. For the six-month period ending March 31, reports are due on or before June 15. For the six-month period ending September 30, reports are due on or before January 15. Within 30 days of the date on which the reports are due, the Principal Chief shall present to Tribal Council a written summary for each division, commission and enterprise.

(g) *Annual budget and report.* As provided in section 21 of the Tribal Charter, the Executive Committee shall present to Tribal Council a proposed budget. Additionally, the Principal Chief shall present an oral summary of the proposal to the members of the Tribe and Council in a televised Council session within 30 days after submitting the proposed budget to Council. The

proposed budget shall be in the form of a detailed outline of the administration's policy and funding priorities, as well as a presentation of the Tribe's economic outlook for the coming fiscal year. The proposed budget shall estimate spending, revenue and borrowing levels, with input from Tribal divisions ~~and~~, programs, commissions and enterprises with funding broken down by budget and/or function categories.

BE IT FURTHER ORDAINED that all other subsections of Cherokee Code Section 117-47 – Balanced Budget Act – shall remain in full force and effect and that all other ordinances inconsistent with this ordinance are rescinded.

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

Submitted by: Perry Shell, Big Cove Community Tribal Council representative  
Alan B. Ensley, Yellowhill Community Tribal Council representative  
David Wolfe, Yellowhill Community Tribal Council representative