

TABLED

Cherokee Council House
Cherokee, North Carolina

AUG 13 2010

DATE

ORDINANCE NO. 431 (2010)

WHEREAS, the Tribal Gaming Commission (TGC) was established to regulate all forms of gaming on the Tribe's Indian lands; and

WHEREAS, the TGC's budget is partially funded by the Tribal Casino Gaming Enterprise as an operating expense, by the Tribal Bingo Enterprise for actual direct expenses related to the regulation of its gaming activities, and by licensing fees, regulatory fines or additional funding from the Tribal Council; and

WHEREAS, surplus funds remaining from such fees, fines or additional funding at the end of the fiscal year shall be distributed to the Tribe in accordance with Chapter 16C of the Cherokee Code; and

WHEREAS, as a Tribal commission, the TGC should be subject to the same financial accountability as Tribal divisions, programs, enterprises and other commissions; and

WHEREAS, the Cherokee Code Section 16-2.13 should be amended to require that the annual budget of TGC be included in the Executive Committee's proposed budget presented to the Tribal Council annually for approval.

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 Section 16-2.13 be amended to read as follows:

Sec. 16-2.13. Budget.

The Commission shall ~~establish~~ prepare a budget for its operations as necessary to pay salaries and other expenses, within the limit of funds available to it, ~~as it deems necessary and appropriate to carry out its functions. The Commission shall provide a detailed summary of the budget for the coming year to the Principal Chief and Tribal Council upon approval by the Commission. which is to be included in the Executive Committee's proposed budget submitted annually to Tribal Council for approval.~~ The budget shall be established within the following limits:

BE IT FURTHER ORDAINED that all other sections of Cherokee Code Chapter 16 – Tribal Gaming – shall remain in full force and effect and that all other ordinances inconsistent with this ordinance are rescinded.

BE IT STILL FURTHER ORDAINED that Cherokee Code Sec. 117-47 – Balanced Budget Act – be revised to reflect the above changes to Cherokee Code Section 16-2.13.

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