

# TABLED

Cherokee Council House  
Cherokee, Qualla Boundary (NC)

Date: MAY 02 2019

## ORDINANCE NO. 565 (2019)

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9 WHEREAS, Cherokee Code (C.C.) Chapter 18B gives the Tribal Alcoholic Beverage  
10 Control Commission (TABCC) authority to regulate the sale, purchase,  
11 transportation, manufacture, consumption and possession of alcoholic  
12 beverages on EBCI trust lands; and  
13

14 WHEREAS, C.C. Sec. 18B-804 states that pricing for spirits sold to TABCC permittees  
15 and the public shall be the same uniform price as published by Sec. 18B-  
16 804 of the North Carolina General Statutes (N.C.G.S.); and  
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18 WHEREAS, N.C.G.S. Sec. 18B-804 requires uniform pricing for spirituous liquor sales  
19 in the state. The pricing is made up of multiple components, including an  
20 undefined markup for local boards; and  
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22 WHEREAS, C.C. Sec. 18B-804 states that the TABCC may “impose the same tax or  
23 markup as a Tribal tax or markup, where appropriate, and to utilize such  
24 tax or markup in operations of TABCC and profits after operation shall be  
25 distributed as determined by Tribal Council”; and  
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27 WHEREAS, the TABCC imposes a 30% tax or markup, which it also refers to as a  
28 surcharge; and  
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30 WHEREAS, the Tribal Casino Gaming Enterprise (TCGE) has contracted with  
31 Experientia Development Partners to bring new restaurants and other retail  
32 development to Cherokee in connection with the casino. Experientia has  
33 informed the TCGE that the 30% tax or markup or surcharge is too high in  
34 comparison to neighboring venues, such as Gatlinburg, Tennessee, puts  
35 Cherokee at a competitive disadvantage, and is limiting Experientia’s  
36 ability to recruit tenants to Cherokee; and  
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38 WHEREAS, C.C. Sec. 18B-804 should be amended to delete the tax or markup or  
39 surcharge imposed by TABCC so Cherokee can be competitive in the  
40 marketplace.  
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42 NOW THEREFORE BE IT ORDAINED by the Tribal Council of the Eastern Band of  
43 Cherokee Indians assembled, at which a quorum is present, that C.C. Sec.  
44 18B-804 is amended to read as follows:  
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1 Sec. 18B-804. - Alcoholic beverage pricing.  
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3 The uniform pricing of spirits sold to permittees and the public shall be the same  
4 uniform price as published by North Carolina General Statutes Sec. 18B-804,  
5 except that the price shall not include and the TABCC shall not impose any tax or  
6 markup or surcharge on alcoholic beverages (malt beverages, spiritous liquor,  
7 fortified wines and unfortified wines). ~~Where a tax or markup is imposed in this~~  
8 ~~section, the TABCC is authorized to impose the same tax or markup as a Tribal~~  
9 ~~tax or markup, where appropriate, and to utilize such tax or markup in operations~~  
10 ~~of TABCC and profits after operation shall be distributed as determined by Tribal~~  
11 ~~Council.~~  
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13 BE IT FURTHER ORDAINED that this amendment shall be effective upon ratification  
14 by the Principal Chief, and all prior ordinances and resolutions that are  
15 inconsistent with this ordinance are rescinded.  
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18 *Submitted by Principal Chief Richard G. Sneed*  
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