



JUL 3 2001

Leon D. Jones, Principal Chief
Eastern Band of Cherokee Indians
P.O. Box 455
Cherokee, NC 28719

Re: Request for Approval of an Amendment to the Tribal Gaming Ordinance

Dear Chief Jones:

This letter responds to your request to the National Indian Gaming Commission (NIGC) to review and approve an amendment to the Eastern Band of Cherokee Indians Gaming Ordinance, which was submitted on April 30, 2001. The Tribal Council, by Ordinance No. 431 on October 25, 2000, adopted the amendment to the original ordinance that was approved by the Chairman of the NIGC on May 31, 1994, and subsequently amended on October 24, 1996, and on December 8, 1998.

This letter constitutes approval, under the Indian Gaming Regulatory Act, of the amendment set forth in Tribal Gaming Ordinance No. 431.

Thank you for submitting the amendment to the tribal gaming ordinance for review and approval.

Sincerely yours,

/s/ Montie R Deer

Montie R. Deer
Chairman

cc: Patrick Lambert, Tribal Gaming Commission
David Nash, Attorney General

**TABLED
AMENDED
PASSED**

OCT 11 2000

Cherokee Council House
Cherokee, Qualla Boundary (NC)

Date: SEP 07 2000

ORDINANCE NO. 431 (2000)

WHEREAS the Cherokee Tribal Gaming Commission is funded by a percentage of gaming revenues, up to a maximum amount; and

WHEREAS the Gaming Commission was originally funded at a rate of 0.33 percent with a cap of _____ but that was changed by Resolution No. 93 (1997) and by mutual agreement of Harrah's NC Casino Company, L.L.C. and the Eastern Band of Cherokee, with the approval of the National Indian Gaming Commission, to 0.66 percent with a cap of _____ and

WHEREAS the Cherokee Code needs to be amended to be consistent with that approved change.

NOW THEREFORE BE IT ORDAINED by the Tribal Council of the Eastern Band of Cherokee Indians in Council assembled, at which a quorum is present, that Section 16 -2.13 of the Cherokee Code is hereby amended as follows:

Sec. 16-2.13. Budget.

The Commission shall establish a budget for its operations. It shall acquire such furnishings, equipment, supplies, stationery, books and other items as it deems necessary or desirable to carry out its functions, and incur such other expenses, within the limit of funds available to it, as it deems necessary. Such Commission budget shall be funded as an operating expense of the gaming enterprise with ~~two-thirds~~ one-third of one percent of the gross gaming revenue (win) but not more than _____ in any 12-month period to be paid to the Commission. Any surplus remaining in the Commission's budget at the end of any budget year shall be refunded to the gaming enterprise. The Commission shall establish an internal budget which shall not exceed the cap earlier listed. If the Commission's budget needs exceed _____ for any year, Commission shall seek or obtain additional funds from the Council.

BE IT FURTHER ORDAINED THAT all prior resolutions and ordinances that are inconsistent with this ordinance are hereby rescinded.

**BE IT FURTHER ORDAINED THAT this ordinance shall be effective upon ratification by the
Principal Chief.**

Submitted by Office of the Attorney General

Amendment to Ordinance No. 431.(2000)

Add the following provisions:

WHEREAS a technical amendment to Cherokee Code Chapter 16, Article XIII, Sections 16-13.01 through 16-13.04 (UCC Ordinance For Tribal Casino Gaming Enterprise) is needed to bring the Code provisions into conformance with the original intent of the Tribal Council in enacting that law;

BE IT FURTHER ORDAINED that all references to “this chapter” in Sections 16-13.01 through 16-13.04 of the Cherokee Code shall be corrected to read “this article” in conformity with the intent of the original ordinance.

BE IT FINALLY ORDAINED that the citations to the enabling ordinance for Sections 16-13.01 through 16-13.04 shall be corrected to refer to Ordinance No. 387 (1996).

The attached Resolution/Ordinance No. 431 dated September 7, 2000 was:

PASSED (X)


KILLED ()

and ratified in open Council on October 11, 2000 by 81.5 voting for the act and 0 members voting against it as follows:

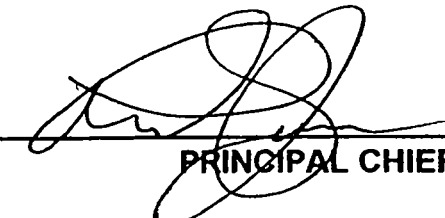
| VOTE | FOR | AGAINST | ABSTAIN | ABSENT |
|-----------------|------|---------|---------|--------|
| Teresa McCoy | X | | | |
| Mary Thompson | | | | X |
| Jim Owle | X | | | |
| Brenda Norville | X | | | |
| Bob Blankenship | X | | | |
| Alan Ensley | X | | | |
| Dan McCoy | X | | | |
| Glenda Sanders | X | | | |
| Larry Blythe | | | | X |
| Carroll Parker | X | | | |
| Marie Junaluska | X | | | |
| Tommye Saunooke | X | | | |
| TOTAL | 81.5 | 0 | 0 | 18.5 |



 TRIBAL COUNCIL CHAIRMAN



 ENGLISH CLERK



 PRINCIPAL CHIEF

APPROVED () VETOED ()

VETO UPHELD () VETO DENIED ()

DATE: 10-25-00

I hereby certify that the foregoing act of the Council was duly:

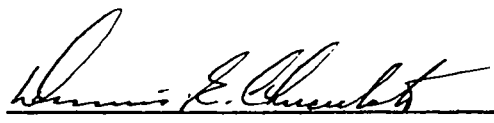
PASSED ()

KILLED ()

and ratified in open Council after the same has been interpreted by the Official Interpreter and has been fully and freely discussed.

In testimony, whereof, I have hereunto set my hand and affixed the seal of the said Band of Indians. Superintendent, Cherokee Indian Agency.

 INTERPRETED ()



 OMITTED ()