

PASSED

CHEROKEE COUNCIL HOUSE
CHEROKEE, QUALLA BOUNDARY, NC

Date: NOV 04 2021

RESOLUTION NO. 54 (2021)

- WHEREAS, the Eastern Band of Cherokee Indians ("EBCI" or "Tribe") has the sovereign authority to exclude persons from lands of the Eastern Band in order to protect the integrity, law and order of those lands and the welfare of the members of the Tribe; and
- WHEREAS, the Tribal Council has codified its authority to exclude persons from the lands of the Eastern Band at Chapter 2 of the Cherokee Code; and
- WHEREAS, the power to exclude is an inherent and essential part of Tribal sovereignty that is indispensable to the Tribe's autonomy and self-governance; and
- WHEREAS, SETH EMERSON TAPP (date of birth 07/21/1999) is not a member of the Eastern Band of Cherokee Indians, and has been previously resided on Tribal trust land at 1553 Wolfetown Road; and
- WHEREAS, on October 12, 2021, SETH EMERSON TAPP was arrested Jenkins Crossing Bridge on the Qualla Boundary and charged with Possession of a Controlled Substance, Schedule II – Fentanyl (11.4 grams), in violation of Cherokee Code § 14-95.5(a); and
- WHEREAS, SETH EMERSON TAPP was also charged with Possession of a Controlled Substance, Schedule II – Methamphetamine (0.5 grams), in violation of the Cherokee Code; and
- WHEREAS, SETH EMERSON TAPP was taken before a Cherokee Court Magistrate on October 12, 2021, and a Writ of Emergency Temporary Exclusion was issued and served on him by hand delivering a copy of the Writ to him, and he was scheduled to appear before Tribal Council on November 4, 2021; and
- WHEREAS, SETH EMERSON TAPP has a prior criminal history including a conviction for Felony Burglary and other related theft crimes, charges of carrying a concealed weapon, and prior drug charges from other jurisdictions; and
- WHEREAS, due to the nature of these charges and based on his residing on Tribal trust land, the Tribal Council has good reason to believe that SETH EMERSON TAPP is a threat to the integrity, law and order of EBCI lands and the welfare of the members of the Tribe.

NOW THEREFORE, BE IT RESOLVED by the Tribal Council, in Council assembled with a quorum present and with the number of votes required by Tribal law,

SETH EMERSON TAPP is hereby permanently excluded from all Tribal lands and is hereby notified and ordered to vacate all tribal lands.

BE IT FURTHER RESOLVED that this permanent exclusion prohibits SETH EMERSON TAPP from entering on or being present on Tribal lands for any purpose except as required by Tribal Council or Tribal Court.

BE IT FURTHER RESOLVED that if SETH EMERSON TAPP is found improperly on Tribal lands at any time after the effective date of this resolution he shall be treated as a trespasser and appropriate legal action shall be taken against him.

BE IT FINALLY RESOLVED that all resolutions inconsistent with this resolution are rescinded, and that this resolution shall become effective when ratified by the Principal Chief.

Submitted by the Chief of Police of the Cherokee Indian Police Department pursuant to Cherokee Code Chapter 2.

The attached Resolution/Ordinance No. 54 dated NOVEMBER 04, 2021 was:

PASSED (X)

KILLED ()

and ratified in open Council on NOVEMBER 04, 2021 by 100 voting for the act and 0 members voting against it as follows:

VOTE	FOR	AGAINST	ABSTAIN	ABSENT
Richard French	X			
Teresa McCoy	X			
Boyd Owle	X			
Bucky Brown	X			
TW Saunooke	X			
David Wolfe	X			
Adam Wachacha	X			
Bo Crowe	X			
Bill Taylor	X			
Albert Rose	X			
Dike Sneed	X			
Tommye Saunooke	X			
	100	0	0	0

Richard French

TRIBAL COUNCIL CHAIRMAN

Michelle Thompson

ENGLISH CLERK

[Signature]

PRINCIPAL CHIEF

APPROVED () VETOED ()

VETO UPHeld () VETO DENIED ()

DATE: _____

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.

INTERPRETED ()

OMITTED ()