

PASSED

CHEROKEE COUNCIL HOUSE
CHEROKEE, QUALLA BOUNDARY, NC

Date: JAN 11 2022

RESOLUTION NO. 110 (2022)

A resolution to exclude Tiffany Marie Ward from the lands of the Eastern Band of Cherokee Indians.

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 the lands, and the welfare of Tribal members; 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, TIFFANY MARIE WARD (Date of Birth: 05/01/1989) is not a member of the Eastern Band of Cherokee Indians, and has been residing in Swain County, North Carolina, and at various times has resided on the trust lands of the Tribe; and

WHEREAS, on October 22, 2021, TIFFANY MARIE WARD was arrested at the intersection of Rec Park Road and Goose Creek Road on Tribal trust lands and was charged with Trafficking Opium or Heroin, in violation of N.C.G.S. § 90-95(H)(4), Possession of Heroin, in violation of N.C.G.S. § 90-95(D)(1), and Possession of Schedule II Controlled Substance (Fentanyl), in violation of N.C.G.S. § 90-95(D)(1);

WHEREAS, on November 9, 2021, TIFFANY MARIE WARD was served with a Writ of Emergency Temporary Exclusion, which was issued by a Cherokee Court magistrate;

WHEREAS, on the evening hours of November 24, 2021, TIFFANY MARIE WARD was arrested at the Chestnut Tree Inn on Tribal lands, after being issued a Writ of Emergency Temporary Exclusion, and was charged with Second Degree Trespass, in Swain County District Court, where she was set a secured bond and given a future court date; and

WHEREAS, TIFFANY MARIE WARD is currently facing the following pending charges in Swain, Jackson, and Haywood counties:

Swain

Possession of Schedule II Controlled Substance

Second Degree Trespass

Second Degree Trespass

Second Degree Trespass
Second Degree Trespass
Possession of Schedule II Controlled Substance

Jackson

Possession of Marijuana
Possession of Marijuana Paraphernalia
Trafficking Opium or Heroin
Trafficking Opium or Heroin
Possession of Marijuana
Possession with Intent to Manufacture, Sell or Deliver Heroin
Felony Maintaining a Dwelling

Haywood

Trafficking Opium or Heroin
Trafficking Opium or Heroin
Felony Maintaining a Dwelling; and

WHEREAS, TIFFANY MARIE WARD has faced additional prior charges related to illegal use of controlled substances; and

WHEREAS, dating back to 2010, TIFFANY MARIE WARD has over 63 total involvements with the Cherokee Indian Police Department; and

WHEREAS, due to the nature of the alleged criminal actions by TIFFANY MARIE WARD and based on her residing on or near Tribal trust lands, the Tribal Council has good reason to believe that TIFFANY MARIE WARD 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, TIFFANY MARIE WARD 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 TIFFANY MARIE WARD 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 TIFFANY MARIE WARD is found improperly on Tribal lands at any time after the effective date of this resolution, she shall be treated as a trespasser and appropriate legal action shall be taken against her.

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 Attorney General's Office on behalf of the Chief of Police as provided in Cherokee Code Chapter 2.

The attached Resolution/Ordinance No. 110 dated JANUARY 11, 2022 was:

PASSED (X)

KILLED ()

and ratified in open Council on JANUARY 11, 2022 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



TRIBAL COUNCIL CHAIRMAN



ENGLISH CLERK



PRINCIPAL CHIEF

APPROVED (✓) VETOED ()

VETO UPHeld () VETO DENIED ()

DATE: 1-12-22

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 ()