

PASSED

Cherokee Council House
Cherokee, Qualla Boundary (NC)

Date: APR 07 2016

RESOLUTION NO. 208 (2016)

- WHEREAS, the Eastern Band of Cherokee Indians 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, TYLER LEE GIBBS is not a member of the Eastern Band of Cherokee Indians and is or has been entering or residing on Tribal lands; and
- WHEREAS, on 12/1/15 TYLER LEE GIBBS was arrested due to the probable cause of a violation of Cherokee Criminal Code for the following drug related offenses:
- a. Cherokee Code 14-95.5(a) Possessing a controlled substance classified in Schedules I-V, specifically for possession of Morphine 155 Liquid Units;
 - b. Cherokee Code 14-95.11(c) Using, possessing with intent to use drug paraphernalia;
 - c. Cherokee Code 14-95.22 Causing Cherokee Code 14-95.11(c) to be an aggravating factor based on prior convictions
- WHEREAS, due to his criminal history of which includes possessions of drugs TYLER LEE GIBBS, the Tribal Council has good reason to believe that TYLER LEE GIBBS is a threat to the law and order on Tribal lands and a threat to the welfare of enrolled members.
- NOW THEREFORE, BE IT RESOLVED by the Tribal Council, in Council assembled, with a quorum present that TYLER LEE GIBBS 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 TYLER LEE GIBBS from entering on or being present on Tribal lands for any purpose except as required by a subpoena issued by Tribal Council or Tribal Court.
- BE IT FURTHER RESOLVED that if TYLER LEE GIBBS 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- BE IT FINALLY RESOLVED that all resolutions inconsistent with this resolution are rescinded, and that this resolution shall become effective when ratified by the Principal Chief.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 Cherokee Indian Police Department Chief of Police pursuant to Cherokee Code Chapter 2-7(4).

The attached Resolution/Ordinance No. 208 dated APRIL 7, 2016 was:

PASSED (X)

KILLED ()

and ratified in open Council on April 7, 2016 by 81 voting for the act
and 0 members voting against it as follows:

VOTE	FOR	AGAINST	ABSTAIN	ABSENT
Teresa McCoy	X			
Richard French	X			
Travis Smith	X			
B Ensley				X
Anita Lossiah	X			
Brandon Jones	X			
Bill Taylor				X
Bo Crowe	X			
Adam Wachacha	X			
Albert Rose	X			
Marie Junaluska	X			
Tommye Saunooke	X			
	81	0	0	19



TRIBAL COUNCIL CHAIRMAN



ENGLISH CLERK



PRINCIPAL CHIEF

APPROVED () VETOED ()

VETO UPHOLD () VETO DENIED ()

DATE: 4-27-16

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 ()