

# PASSED

Cherokee Council House  
Cherokee, Qualla Boundary (NC)

Date: APR 07 2016

## EMERGENCY RESOLUTION NO. 210 (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, the Tribal Council may waive the ten calendar day written notice requirement when good cause is shown under Cherokee Code Section 2-3(b); and
- WHEREAS, this emergency banishment resolution is being submitted pursuant to Resolution 112 (1998) and Resolution 843 (2001) due to the emergency health situation presented by the presence of DENNIS ALLEN MCGAHA on the Tribe; and
- WHEREAS, the Tribal Council may vote on either accepting or denying an emergency resolution; and
- WHEREAS, DENNIS ALLEN MCGAHA 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 2/17/2016 DENNIS ALLEN MCGAHA was convicted of Assault on a Female (DV) for violation of Cherokee Code Section 14-40.56.
- WHEREAS, due to this conviction in Cherokee Court and his criminal history in other jurisdictions which include a conviction for Assault on a Female and pending charges for Possession of Marijuana and Possession of Drug Paraphernalia, the Tribal Council has good reason to believe that DENNIS ALLEN MCGAHA 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 DENNIS ALLEN MCGAHA 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 DENNIS ALLEN MCGAHA 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 DENNIS ALLEN MCGAHA 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BE IT FINALLY RESOLVED that all resolutions inconsistent with this resolution are rescinded, and that this resolution shall become effective when ratified by the Principal Chief.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.*

The attached Resolution/Ordinance No. 210 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 ( 4 ) VETOED ( )

VETO UPHELD ( ) 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 ( )