



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Cherokee Agency
Cherokee, North Carolina 28719

IN REPLY REFER TO,

Michell Hicks, Principal Chief
Eastern Band of Cherokee Indians
P.O. Box 455
88 Council House Loop Cherokee, NC 28719

Dear Chief Hicks:

Attached is signed Tribal Council Resolution/Ordinance No. 90 introduced on January 12, 2011 and **Passed** on January 12, 2012. Should you have any questions regarding this matter please contact me at (828) 497-9131 extension 227.

Sincerely,

Superintendent

PASSED

Cherokee Council House
Cherokee, Qualla Boundary (NC)

Date: JAN 12 2012

RESOLUTION NO. 90 (2012)

WHEREAS, the Eastern Band of Cherokee Indians (Eastern Band 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, DONALD DEE GOSNELL, DOB: 3/20/1972, SSN#: 247-33-2278, is not a member of the Eastern Band of Cherokee Indians and is currently entering or residing on Tribal lands; and

WHEREAS, DONALD DEE GOSNELL threatens law and order on Tribal lands and the welfare of enrolled members by engaging in certain conduct, examples of which are attached to this Resolution as exhibit A; and

WHEREAS, DONALD DEE GOSNELL'S actions have resulted in the reasonable belief that he poses a threat to the law, order, and integrity of the Tribe and to its enrolled members if he is allowed to enter or remain on lands owned by or held in trust for the Eastern Band of Cherokee Indians.

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 with good cause shown, that DONALD DEE GOSNELL's ten day notice be waived and he be immediately, permanently excluded from Eastern Band Tribal lands; and

THEREFORE, BE IT FURTHER RESOLVED, that DONALD DEE GOSNELL is hereby notified and ordered to VACATE ALL TRIBAL LANDS and to remove himself and his personal property from Tribal lands within 48 hours from the date this resolution is ratified. Any personal property remaining on Tribal lands after that period shall become the property of the Tribe. This exclusion prohibits DONALD DEE GOSNELL from entering or being present on Tribal lands for any purpose EXCEPT AS REQUIRED BY A SUBPOENA issued by the Cherokee Tribal Court, Cherokee Tribal Council or an officer of the Tribe with authority to issue subpoenas.

BE IT FURTHER RESOLVED that if DONALD DEE GOSNELL is found on Tribal lands at any time after being excluded, he shall be in violation of Tribal law and of a lawful order of Tribal Council resulting in law enforcement

personnel's ability to arrest him and take other appropriate legal action against him.

BE IT FINALLY RESOLVED that this resolution shall be effective upon ratification by the Principal Chief.

Submitted by: Jason Smith, Tribal Prosecutor

The attached Resolution/Ordinance No. 90 dated January 12, 2012 was:

PASSED (X)

KILLED ()

and ratified in open Council on January 12, 2012 by 86 voting for the act and 0 members voting against it as follows:

VOTE	FOR	AGAINST	ABSTAIN	ABSENT	TABLE
Bo Taylor				X	
Perry Shell	X				
Gene Crowe	X				
Mike Parker	X				
David Wolfe				X	
Bill Taylor	X				
Jim Owle	X				
Diamond Brown	X				
Adam Wachacha	X				
Alan Ensley	X				
Terri Henry	X				
Tommye Saunooke	X				
Total:	86	0	0	14	0

TRIBAL COUNCIL CHAIRMAN

CLERK

PRINCIPAL CHIEF

APPROVED ()

VETOED ()

VETO UPHeld () VETO DENIED ()

DATE: 1-28-12

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

PASSED (X)

KILLED ()

and ratified by Council Chairperson, Clerk, and Principal Chief of the Eastern Band of Cherokee Indians.

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 ()