

DocumentID : 443

CABINET #: TRIBAL OPERATIONS

DRAWER #: TRIBAL OPERATIONS

FOLDER #: TRIBAL OPERATIONS

MONTH: SEPTEMBER

YEAR: 2009

RESOLUTION #: 1026

ORDINANCE #: 1026

STATUS: PASSED

COMMENTS: TEMP. EXCLUS. OF JUSTIN DENIG EXCEPT BY SUB

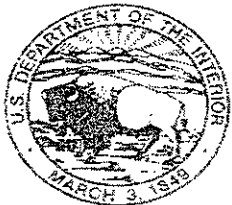
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LIBRARY: RESOLUTIONS



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 No 1026 dated September 10, 2009
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: SEP 10 2009

RESOLUTION NO. 1026 (2009)

WHEREAS, the Eastern Band of Cherokee Indians has the sovereign authority to lawfully exclude persons from lands of the Eastern Band in order to protect the integrity, law and order on Tribal lands and territory or 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 Two of the Cherokee Code; and

WHEREAS, on August 6, 2009, Tribal Council passed Resolution No. 969 (2009), extending the temporary banishment of JUSTIN EDWARD DENIG, who is a non-enrolled member of the Eastern Band of Cherokee Indians from currently entering or residing on tribal lands; and

WHEREAS, Tribal Council had good reason to believe that JUSTIN EDWARD DENIG is a threat to the law and order on Tribal lands and a threat to the welfare of enrolled members by engaging in certain conducts on tribal lands; and

WHEREAS, JUSTIN EDWARD DENIG has not been duly served by the Cherokee Police for the Permanent Banishment Resolution that is needed; and

WHEREAS, JUSTIN EDWARD DENIG has the opportunity to defend his actions that were led to the Temporary Banishment that was previously passed.

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, that JUSTIN EDWARD DENIG, who is a non-enrolled member of the Eastern Band of Cherokee Indians, and whom is temporarily excluded from all lands owned by or held in trust for the Eastern Band of Cherokee Indians, continue to be temporarily banished until he is duly served with the permanent banishment resolution.

BE IT FURTHER RESOLVED that JUSTIN EDWARD DENIG remains prohibited from entering on or being present on Tribal lands for any purpose EXCEPT AS REQUIRED BY A SUBPOENA issued by the Cherokee Tribal Court or an officer of the Tribe with authority to issue subpoenas.

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

Submitted by: the Office of the Attorney General pursuant to Cherokee Code §2-1(b).

The attached Resolution/Ordinance No. 1026 dated September 10, 2009 was:

PASSED ()

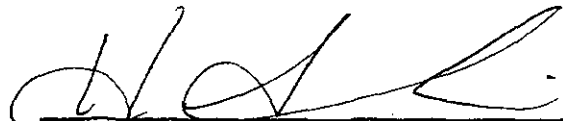
KILLED ()

and ratified in open Council on September 10, 2009 by 76 voting for the act and 0 members voting against it as follows:

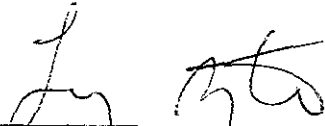
VOTE	FOR	AGAINST	ABSTAIN	ABSENT	TABLE
Stephen Watty	X				
Perry Shell	X				
Butch Goings	X				
Alan Ensley	X				
David Wolfe	X				
Jim Owle				X	
Mike Parker	X				
Angie Kephart	X				
Abe Wachacha	X				
Susan Toineeta				X	
Marie Junaluska	X				
Tommye Saunooke	X				
TOTAL	76	0	0	24	0



 TRIBAL COUNCIL CHAIRMAN



 CLERK



 PRINCIPAL CHIEF

APPROVED

VETOED ()

VETO UPHELD () VETO DENIED ()

DATE: 9/25/09

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


PASSED ()

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 ()