



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 a signed Tribal Council Resolution/Ordinance No. 618 introduced on February 3, 2011 and **Passed** on February 3, 2011. Should you have any questions regarding this matter please contact me at (828) 497-9131 extension 227.

Sincerely,

Darlene Whitmore, Acting
Superintendent

AMENDED
PASSED

Cherokee Council House
Cherokee, Qualla Boundary (NC)

Date: FEB 03 2011

RESOLUTION NO. 618 (2011)

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, Charles Kyle Doalson is not a member of the Eastern Band of Cherokee Indians and is currently entering or residing on Tribal lands; and

WHEREAS, Charles Kyle Doalson threatens law and order on Tribal lands and the welfare of enrolled members; and

WHEREAS, Charles Kyle Doalson's behavior has resulted in the reasonable belief among members of the Eastern Band of Cherokee Indians that he poses a substantial threat of further injury to property and persons if he is allowed to remain; and

WHEREAS, Charles Kyle Doalson has been charged by the Cherokee Police for the following criminal acts:

- a. Cherokee Code 14-95.(a) Possession of a Schedule III controlled substance (Vicodin)
- b. Cherokee Code 14-95.5(b) Possession of Marijuana, less than one half ounce
- c. Cherokee Code 14-95.11(c) Possession of Drug paraphernalia
- d. Cherokee Code 14.95.22 Prior convictions

WHEREAS, Charles Kyle Doalson's continued presence and behavior constitutes a threat to the integrity and order of the lands and territory of the Eastern Band and to the welfare of its members; and

NOW THEREFORE, BE IT RESOLVED by the Tribal Council, in Council assembled, and with a quorum present, and by a three-fourths vote of the Tribal Council, that for good cause shown, that a hearing will be held before Tribal Council to determine whether Charles Kyle Doalson should be temporarily excluded from Tribal lands owned by or held in trust for this Tribe.

BE IT FURTHER RESOLVED that if after the exclusion hearing Tribal Council shall determine that exclusion is warranted, Charles Kyle Doalson shall be given notice to vacate and shall remove himself and his personal property from all Tribal lands within the time specified by Tribal Council.

BE IT FURTHER RESOLVED that written notice of the exclusion hearing shall be provided to Charles Kyle Doalson.

BE IT FURTHER RESOLVED that if Charles Kyle Doalson is found on Cherokee lands at any time after being excluded, he shall be treated as a trespasser and law enforcement personnel shall 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: the Office of the Attorney General on behalf of Cherokee Police Officers:
Robert Sneed and John Taylor, Jr..*

- Amendment: In the “NOW, THEREFORE BE IT RESOLVED” paragraph, strike the word “temporarily” and replace with “permanently.”

The attached Resolution/Ordinance No. 618 dated February 3, 2011 was:

PASSED (☒)

KILLED (☐)

and ratified in open Council on February 3, 2011 by 100 voting for the act
and 0 members voting against it as follows:

VOTE	FOR	AGAINST	ABSTAIN	ABSENT	TABLE
Teresa McCoy	X				
Perry Shell	X				
Gene Crowe	X				
Mike Parker	X				
David Wolfe	X				
Alan Ensley	X				
Jim Owle	X				
Diamond Brown	X				
Adam Wachacha	X				
Bill Taylor	X				
Terri Henry	X				
Tommye Saunooke	X				
Total:	100	0	0	0	0


TRIBAL COUNCIL CHAIRMAN


CLERK


PRINCIPAL CHIEF

APPROVED (☒)

VETOED (☐)

VETO UPHeld (☐) VETO DENIED (☐)

DATE: 2-17-11

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 (☐)