

PASSED

CHEROKEE COUNCIL HOUSE
CHEROKEE, QUALLA BOUNDARY, NC

Date: MAR 01 2022

RESOLUTION NO. 181 (2022)

A resolution to exclude Crystal M. Swayney from the lands of the Eastern Band of Cherokee Indians.

- WHEREAS, the Eastern Band of Cherokee Indians (“EBCI” 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 the lands, and the welfare of Tribal members; 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 power to exclude is an inherent and essential part of Tribal sovereignty that is indispensable to the Tribe's autonomy and self-governance; and
- WHEREAS, CRYSTAL M. SWAYNEY (Date of Birth: 05/29/1984) is not a member of the Eastern Band of Cherokee Indians, and has been residing on Tribal trust lands; and
- WHEREAS, on February 9, 2022, CRYSTAL M. SWAYNEY was found on Tribal trust lands allegedly while in possession of methamphetamine; and
- WHEREAS, a Jackson County magistrate found probable cause to charge CRYSTAL M. SWAYNEY with Felony Possession of a Schedule II Controlled Substance, in violation of N.C.G.S. § 90-95(A)(1); and
- WHEREAS, CRYSTAL M. SWAYNEY has faced previous drug and criminal charges in neighboring jurisdictions, including over 76 total involvements with the Cherokee Indian Police Department over the last 10 years; and
- WHEREAS, while in custody, on February 9, 2022, CRYSTAL M. SWAYNEY was served with a Writ of Emergency Temporary Exclusion issued by a Cherokee Court magistrate; and
- WHEREAS, due to the nature of the alleged criminal actions of CRYSTAL M. SWAYNEY and based on her residing on or near Tribal trust lands, the Tribal Council has good reason to believe that CRYSTAL M. SWAYNEY is a threat to the integrity, law and order of EBCI lands and the welfare of the members of the Tribe.
- 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,

CRYSTAL M. SWAYNEY. 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 CRYSTAL M. SWAYNEY from entering on or being present on Tribal lands for any purpose except as required by Tribal Council or Tribal Court.

BE IT FURTHER RESOLVED that if CRYSTAL M. SWAYNEY is found improperly on Tribal lands at any time after the effective date of this resolution, she shall be treated as a trespasser and appropriate legal action shall be taken against her.

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 Attorney General's Office on behalf of the Chief of Police as provided in Cherokee Code Chapter 2.

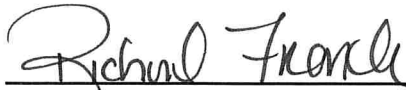
The attached Resolution/Ordinance No. 181 dated MARCH 1, 2022 was:

PASSED (X)

KILLED ()

and ratified in open Council on MARCH 1, 2022 by 94 voting for the act and 0 members voting against it as follows:

VOTE	FOR	AGAINST	ABSTAIN	ABSENT
Richard French	X			
Teresa McCoy	X			
Boyd Owle	X			
Bucky Brown	X			
TW Saunooke	X			
David Wolfe	X			
Adam Wachacha				X
Bo Crowe	X			
Bill Taylor	X			
Albert Rose	X			
Dike Sneed	X			
Tommye Saunooke	X			
	94	0	0	6



TRIBAL COUNCIL CHAIRMAN



ENGLISH CLERK



PRINCIPAL CHIEF

VETO UPHeld () VETO DENIED ()

APPROVED (✓) VETOED ()

DATE: 3/2/22

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 ()