

# PASSED

Cherokee Council House  
Cherokee, Qualla Boundary (NC)

Date: OCT 11 2016

RESOLUTION NO. 405 (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 (C.C.); and

WHEREAS, KENNETH THOMAS YORK, date of birth of 03/12/1996, is not a member of the Eastern Band of Cherokee Indians, and is currently residing on Tribal trust land; and

WHEREAS, most recently, on or about August 22, 2016, KENNETH THOMAS YORK was charged with four counts of Felony Third Degree Sexual Exploitation of a Minor in violation of N.C.G.S. § 14-190.17A, with other charges pending as the investigation progresses; and

WHEREAS, due to the nature of these charges and based on his residing on Tribal trust land, the Tribal Council has good reason to believe that KENNETH THOMAS YORK 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 Annual Council assembled with a quorum present and with the number of votes required by Tribal law, that upon release or transfer from the Cherokee Detention Center, KENNETH THOMAS YORK is hereby permanently excluded from all Tribal lands and is hereby notified and ordered to vacate all tribal lands upon such release or transfer.

BE IT FURTHER RESOLVED that this permanent exclusion prohibits KENNETH THOMAS YORK 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 KENNETH THOMAS YORK is found improperly on Tribal lands at any time after the effective date of this resolution or upon his release or transfer from the Cherokee Detention Center, whichever is later, 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BE IT FINALLY RESOLVED that all resolutions inconsistent with this resolution are rescinded, and that this resolution shall become effective when ratified by the Principal Chief.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. 405 dated OCTOBER 11, 2016 was:

**PASSED (X)**

**KILLED ( )**

and ratified in open Council on OCTOBER 11, 2016 by 69 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
	69	0	0	31

  
\_\_\_\_\_  
TRIBAL COUNCIL CHAIRMAN

  
\_\_\_\_\_  
ENGLISH CLERK

  
\_\_\_\_\_  
PRINCIPAL CHIEF

APPROVED ( 5 ) VETOED ( )

VETO UPHeld ( ) VETO DENIED ( )

DATE: 10-14-16

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 ( )