

PASSED

CHEROKEE COUNCIL HOUSE
CHEROKEE, QUALLA BOUNDARY, NC

APR 07 2022

Date: _____

RESOLUTION NO. 244 (2022)

*A resolution to exclude Boris Pesikan 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 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, 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, BORIS PESIKAN (date of birth 6/6/1989) is not a member of the Eastern Band of Cherokee Indians, and has been known to reside in Georgia; and

WHEREAS, on March 22, 2022, BORIS PESIKAN was arrested by Cherokee Indian Police Department officers on Adams Creek and was alleged to be in Possession of Methamphetamine and Drug Paraphernalia, in violation of state and tribal law; and

WHEREAS, BORIS PESIKAN was taken to the Swain County Detention Center and charged in case number 22-CR-50151; and

WHEREAS, BORIS PESIKAN is a convicted felon who served active time from an Armed Robbery conviction in Gwinnett County Superior Court, Georgia; and

WHEREAS, due to the nature of these charges, the Tribal Council has good reason to believe that BORIS PESIKAN is a threat to the integrity, law and order of Eastern Band of Cherokee Indians 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, BORIS PESIKAN 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 BORIS PESIKAN 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 BORIS PESIKAN is found improperly on Tribal lands at any time after the effective date of this resolution 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BE IT FINALLY RESOLVED that all resolutions inconsistent with this resolution are rescinded, and that this resolution shall become effective when ratified by the Principal Chief.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 Chief of Police of the Cherokee Indian Police Department pursuant to Cherokee Code Chapter 2.

The attached Resolution/Ordinance No. 244 dated APRIL 7, 2022 was:

PASSED (X)

KILLED ()

and ratified in open Council on APRIL 7, 2022 by 80 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			
	80	0	0	20

Richard French

TRIBAL COUNCIL CHAIRMAN

Michelle Thompson

ENGLISH CLERK

[Signature]
PRINCIPAL CHIEF

APPROVED (✓) VETOED ()

VETO UPHELD () VETO DENIED ()

DATE: 4/19/22

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 ()