

PASSED

CHEROKEE COUNCIL HOUSE
CHEROKEE, QUALLA BOUNDARY, NC

Date: MAY 05 2022

RESOLUTION NO. 279 (2022)

A resolution to exclude Autumn Lynn McCoy 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, AUTUMN LYNN MCCOY (date of birth 06/21/1989) is not a member of the Eastern Band of Cherokee Indians, but has been known to reside on the Cherokee Indian Reservation at 323 Kate Lambert Road; and

WHEREAS, on April 4, 2022, AUTUMN LYNN MCCOY was arrested by Cherokee Indian Police Department officers at the intersection of US Highway 19 and Goose Creek Road and was alleged to be in Possession of Methamphetamine (1.3 grams), in violation of Cherokee Tribal and North Carolina state law; and

WHEREAS, AUTUMN LYNN MCCOY was charged in Swain County District Court with Possession of Methamphetamine, Harboring/Aiding Certain Persons, and Assault on a Government Official, along with other misdemeanor charges in cases 22-CR-50187 and 50188, which charges remain pending in court;

WHEREAS, AUTUMN LYNN MCCOY has had numerous prior contacts with the Cherokee Indian Police Department, many of which have resulted in arrests and criminal charges; and

WHEREAS, due to the nature of these charges, the Tribal Council has good reason to believe that AUTUMN LYNN MCCOY 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, AUTUMN LYNN MCCOY 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 AUTUMN LYNN MCCOY from entering on or being present on Tribal lands for any purpose except as required by Tribal Council or as allowed pursuant to Tribal Court order.

BE IT FURTHER RESOLVED that if AUTUMN LYNN MCCOY 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 Chief of Police of the Cherokee Indian Police Department pursuant to Cherokee Code Chapter 2.

The attached Resolution/Ordinance No. 279 dated MAY 5, 2022 was:

PASSED (X)

KILLED ()

and ratified in open Council on MAY 5, 2022 by 100 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			
	100	0	0	0

Richard French

TRIBAL COUNCIL CHAIRMAN

Michelle Thompson

ENGLISH CLERK

[Signature]

PRINCIPAL CHIEF

APPROVED (✓) VETOED ()

VETO UPHELD () VETO DENIED ()

DATE: 5/16/22

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 ()