

# PASSED

CHEROKEE COUNCIL HOUSE  
CHEROKEE, QUALLA BOUNDARY, NC

Date: FEB 01 2024

RESOLUTION NO. 101 (2024)

*A resolution to exclude Gustavo Ballesteros 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 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, GUSTAVO BALLESTEROS (Date of Birth: 10/10/1993) is not a member of the Eastern Band of Cherokee Indians, but is said to be residing in western North Carolina; and
- WHEREAS, on January 11, 2024, GUSTAVO BALLESTEROS was located on Cherokee Tribal trust lands at 1 Indian Valley Road and found to be in possession of a Controlled Substance believed to be Methamphetamine, resulting in the Cherokee Tribal Magistrate on duty issuing a Writ of Temporary Emergency Exclusion, which set a hearing before Tribal Council on January 30, 2024; and
- WHEREAS, GUSTAVO BALLESTEROS has pending charges involving the Possession of and Trafficking in Methamphetamine in both Jackson and Swain County Courts; and
- WHEREAS, due to the nature of the alleged on-going actions of GUSTAVO BALLESTEROS, Tribal Council has good reason to believe that GUSTAVO BALLESTEROS 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, GUSTAVO BALLESTEROS 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 GUSTAVO

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

BE IT FURTHER RESOLVED that if GUSTAVO BALLESTEROS 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 Chief of Police Carla Neadeau.*

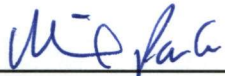
The attached Resolution/Ordinance No. 101 dated FEBRUARY 1, 2024 was:

PASSED ( X )

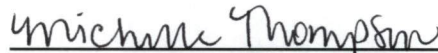
KILLED ( )

and ratified in open Council on FEBRUARY 1, 2024 by 100 voting for the act  
and 0 members voting against it as follows:

VOTE	FOR	AGAINST	ABSTAIN	ABSENT
Richard French	X			
Perry Shell	X			
Boyd Owle	X			
Bucky Brown	X			
Tom Wahnetah	X			
David Wolfe	X			
Adam Wachacha	X			
Mike Parker	X			
Bo Crowe	X			
Jim Owle	X			
Dike Sneed	X			
Michael Stamper	X			
	100	0	0	0



TRIBAL COUNCIL CHAIRMAN



ENGLISH CLERK



PRINCIPAL CHIEF

APPROVED (✓)

VETOED ( )

VETO UPHELD ( ) VETO DENIED ( )

DATE: 2-15-24

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 ( )