

PASSED

CHEROKEE COUNCIL HOUSE
CHEROKEE, QUALLA BOUNDARY, NC

Date: NOV 07 2024

RESOLUTION NO. 352 (2024)

A resolution to exclude Anayeli Vargus-Duran 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, ANAYELI VARGUS-DURAN (Date of Birth: 07/11/1994) is not a member of the Eastern Band of Cherokee Indians, but is residing at 31 Enoch Sampson Rd. within the Qualla Boundary, with, among others, minor child H.H. (DOB 10/23/2017); and

WHEREAS, Cherokee Indian Police Detective Ashley Cromer had received numerous family safety reports concerning minor child H.H. and Detective Cromer began an investigation on 2/6/2024; and

WHEREAS, after the investigation began, Detective Cromer discovered numerous alarming facts associated with how ANAYELI VARGUS-DURAN and other household members would maltreat H.H.; and

WHEREAS, this maltreatment was corroborated by examinations and interviews by medical personnel; and

WHEREAS, a more detailed recitation of the facts will be provided by testimony and supporting documentation; and

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, ANAYELI VARGUS-DURAN 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
ANAYELI VARGUS-DURAN 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 ANAYELI VARGUS-DURAN 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BE IT FINALLY RESOLVED that all resolutions inconsistent with this resolution are rescinded,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 352 dated NOVEMBER 7, 2024 was:

PASSED (X)


KILLED ()

and ratified in open Council on NOVEMBER 7, 2024 by 76 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
	76	0	0	24



TRIBAL COUNCIL CHAIRMAN



ENGLISH CLERK



PRINCIPAL CHIEF

APPROVED () VETOED ()

VETO UPHeld () VETO DENIED ()

DATE: 11-10-24

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 ()