

PASSED

CHEROKEE COUNCIL HOUSE
CHEROKEE, QUALLA BOUNDARY, NC

Date: MAR 06 2025

RESOLUTION NO. 428 (2025)

*A resolution to exclude Yamil Montalvo Rivera 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, YAMIL MONTAVO RIVERA (Date of Birth: 12/07/2000) is not a member of the Eastern Band of Cherokee Indians, but is said to be residing in and around the Qualla Boundary; and
- WHEREAS, RIVERA is 24 years old with a lengthy criminal history that includes charges for Weapons Violations, Aggravated Assault, Disorderly Conduct, Terroristic Threats, Probation Violations and Domestic Violence; and
- WHEREAS, RIVERA was involved in an incident on the Qualla Boundary on 12/27/2024 where the victim, Jorge Rodriguez was stabbed almost 20 times in multiple places on his body by RIVERA and two other males; and
- WHEREAS, RIVERA does not appear to have any legitimate business upon the Qualla Boundary and poses a threat to the health, welfare, and safety to the members of the Eastern Band of Cherokee Indians and the EBC in its entirety; 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, YAMIL MONTAVO RIVERA 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
YAMIL MONTAVO RIVERA 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 YAMIL MONTAVO RIVERA 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BE IT FINALLY RESOLVED that all resolutions inconsistent with this resolution are rescinded, and that this resolution shall become effective when ratified by the Principal Chief.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 ____428____ dated _MARCH 6, 2025__ was:

PASSED (X)

KILLED ()

and ratified in open Council on MARCH 6, 2025 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	6	0	0



TRIBAL COUNCIL CHAIRMAN


ENGLISH CLERK

PRINCIPAL CHIEF

APPROVED (X) VETOED ()

VETO UPHeld () VETO DENIED ()

DATE: 3-18-25

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 ()