

RESOLUTION NO. 27-20

COUNCIL OF THE CHEROKEE NATION

A RESOLUTION EXPRESSLY AGREEING TO JURISDICTION AND AUTHORIZING A LIMITED WAIVER OF SOVEREIGN IMMUNITY OF THE CHEROKEE NATION IN CONNECTION WITH THE ASSOCIATED PRESS IMAGES LICENSING AGREEMENT

WHEREAS, the Cherokee Nation (“Nation”) since time immemorial has exercised the sovereign rights of self-government on behalf of the Cherokee people;

WHEREAS, the Nation is a federally recognized Indian Nation with a historic and continual government to government relationship with the United States of America;

WHEREAS, the Nation enjoys sovereign immunity from suit under federal and state law;

WHEREAS, the Nation has inherent sovereign power by virtue of its constitution and tribal law to enter into contractual agreements and execute such waivers necessary for such agreements;

WHEREAS, waivers of sovereign immunity must be approved by the Cherokee Nation Tribal Council;

WHEREAS, the Free and Independent Press for the Cherokee Nation was created and authorized by Legislative Act 19-00;

WHEREAS, the Cherokee Phoenix publishes print, web, and social media content in furtherance of Legislative Act 19-00;

WHEREAS, the Associated Press operates the “AP Images Platform” through which content can be downloaded and utilized through a negotiated licensing agreement; grants licenses for editorial use of an internet certain content, including images;

WHEREAS, the Cherokee Phoenix wishes to enter into a licensing agreement to utilize certain content on the AP Images Platform for editorial purposes;

WHEREAS, the Cherokee Phoenix has negotiated a License Agreement and Terms with Associated Press which includes provisions for governing law, jurisdiction, and a limited waiver of sovereign immunity;

WHEREAS, the Principal Chief and/or his designee have determined that it is necessary for the Cherokee Phoenix to enter into this License Agreement and Terms in order for it to further its purpose under Legislative Act 19-00;

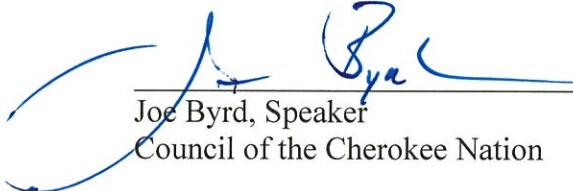
BE IT RESOLVED BY THE CHEROKEE NATION that the Principal Chief and/or his designee are hereby authorized and directed to execute all documents or transactions necessary for

the Cherokee Phoenix to utilize the AP Images Platform throughout the relevant term, including any provision relating to governing law, jurisdiction, or a limited waiver sovereign immunity.

PROVIDED, any waiver of the Cherokee Nation's sovereign immunity is hereby limited insofar as necessary to utilize the AP Images Platform for the relevant term. Absent express authorization by the Tribal Council, nothing contained herein shall be interpreted as creating any additional claim, cause of action or remedy against the Cherokee Nation. All other rights, privileges and incidences of the Cherokee Nation's sovereign immunity are hereby reserved.

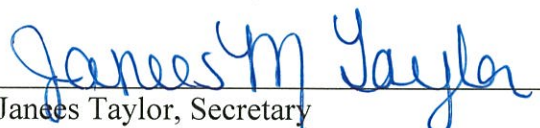
CERTIFICATION

The foregoing resolution was adopted by the Council of the Cherokee Nation at a duly called meeting on the 27th day of August, 2020, having 17 members present, constituting a quorum, by the vote of 17 yea; 0 nay; 0 abstaining.




Joe Byrd, Speaker
Council of the Cherokee Nation

ATTEST:




James Taylor, Secretary
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 31 day of August, 2020.



Chuck Hoskin, Jr., Principal Chief
Cherokee Nation

ATTEST:



Tina Glory Jordan, Secretary of State
Cherokee Nation

Cherokee Nation Act/Resolution Proposal Form

Act Resolution

<u>ADMINISTRATIVE CLEARANCE</u>	
Dept/Program:	
Signature/Initial	Date
Executive Director:	
Signature/Initial	Date
Treasurer (Required: Grants/Contracts/Budgets):	
Signature/Initial	Date
Government Relations:	
Signature/Initial	Date
Administration Approval:	
 Signature/Initial	8/10/2020 Date

TITLE:

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DEPARTMENT CONTACT: Chuck Hoskin Jr.

RESOLUTION PRESENTER: Todd Enlow

COUNCIL SPONSOR: Canaan Duncan *Joe Deere*

NARRATIVE:

The Cherokee Phoenix is requesting approval to enter into an agreement with Associated Press that will enhance what the Cherokee Phoenix is able to offer to Cherokee Nation citizens.

<u>LEGISLATIVE CLEARANCE:</u>	
Legal & Legislative Coordinator:	
 Signature/Initial	8/10/2020 Date
Standing Committee & Date:	
	
Chairperson:	
	

AUG 10 '20 PM 1:35