

Committee: Rules Committee
Date: 11-29-23 Committee Date: 12-11-23

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RESOLUTION NO. 44-23

COUNCIL OF THE CHEROKEE NATION

A RESOLUTION REPEALING AND REPLACING RESOLUTION 67-21 (December 13, 2021) IN SUPPORT OF CERTAIN HEALTH CARE CAPITAL PROJECTS UNDER THE RESPOND, RECOVER AND REBUILD PLAN

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 Cherokee Nation received pandemic response funding under the American Rescue Plan Act (ARPA);

WHEREAS, the Cherokee Nation’s prudent management of its financial resources has made substantial general fund revenue, including revenue generated by third party billing within Cherokee Nation’s Health System, available for investment into Cherokee Nation health capital projects and services;

WHEREAS, the Council of the Cherokee Nation previously approved a broad framework for spending ARPA funds in specified categories under the Cherokee Nation Respond, Recover and Rebuild plan, retaining all relevant constitutional and statutory appropriation and oversight authority, by [Resolution 26-21](#) enacted May 27, 2021 as amended by [Resolution 16-22](#) enacted March 31, 2022 and [Resolution 33-23](#) enacted September 28, 2023;

WHEREAS, among the categories specified under the aforementioned ARPA frameworks were healthcare infrastructure and community partnership opportunities;

WHEREAS, the Council enacted [Resolution 67-21](#) on December 13, 2021, in support of, among other things, various Cherokee Nation Health capital projects to replace the W.W. Hastings Hospital and the Salina A-Mo Health Center.

WHEREAS, the cost of construction of the aforementioned W.W. Hastings and Salina Health Center projects has increased and the need for flexibility in funding sources is present in order to achieve the highest and best use of Cherokee Nation funds;

WHEREAS, the Principal Chief has advised the Council of a partnership opportunity with the University of Oklahoma and a partnership opportunity with Mercy Hospital Ft. Smith to expand Cherokee Nation patient access to cancer treatment and other health services and to support the construction of a cancer treatment facility in Tulsa by the University of Oklahoma and a cancer treatment facility in Ft. Smith by Mercy Health Systems;

WHEREAS, the Council supports, subject to all relevant constitutional and statutory appropriation and oversight authority, the following projects proposed by the Administration under the ARPA-funded Cherokee Nation Respond, Recover Rebuild Plan or Dividends received from those governmental entities in which Cherokee Nation is the sole or majority shareholder, loan proceeds, with such available general fund revenue (including but not limited to eligible revenue generated from Cherokee Nation Health third party billing sources) as may be the highest and best use of those various funding sources:

- **Replacement W.W. Hastings Hospital**, previously supported by Resolution 67-21, at an estimated cost of \$ 470 million.
- **Replacement of the A-Mo Health Center**, previous supported by Resolution 67-21, at estimated cost of \$ 85 million.
- **The authority of the Principal Chief to enter into agreements with the following entities meeting the interests of Cherokee Nation described below, on or before December 31, 2024:**
 - **Mercy Health System / Mercy Hospital Ft. Smith**
 - A donation from Cherokee Nation not to exceed \$8 million for the purposes of supporting construction of a cancer treatment center in Ft. Smith, Arkansas
 - Increased access to cancer treatment and other health care services for Cherokee Nation Health System patients utilizing Mercy Health System.
 - The most favorable fees available for Cherokee Nation citizens utilizing the Mercy Health System, to the extent allowed by law and to the extent not in conflict with existing contractual agreements by either party.
 - Advisory status for Cherokee Nation as to the operations of Mercy Hospital, Ft. Smith, cancer treatment center, once operational
 - Collaboration between the parties on cancer research.
 - Collaboration between the parties on healthcare workforce development.
 - **University of Oklahoma**
 - A donation from Cherokee Nation not to exceed \$8 million for the purposes of supporting construction of a cancer treatment center in the Tulsa, Oklahoma, metropolitan area.
 - Increased access to cancer treatment and other health care services for Cherokee Nation Health System patients utilizing University of Oklahoma health programs and services.
 - The most favorable fees available for Cherokee Nation citizens utilizing the University of Oklahoma health programs and services, to the extent allowed by law and to the extent not in conflict with existing contractual agreements by either party.

- Advisory status for Cherokee Nation as to the operations of the University of Oklahoma's cancer treatment center in Tulsa, OK, once operational.
- Collaboration between the parties on cancer research.
- Collaboration between the parties on healthcare workforce development.

WHEREAS, nothing herein limits the further development or funding of future health care infrastructure projects or limits the Council of the Cherokee Nation's appropriation or oversight authority with respect to the projects identified herein;

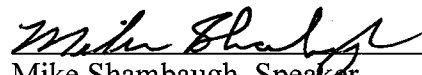
WHEREAS, the Council of the Cherokee Nation encourages the administration to explore further health care infrastructure needs across the reservation and to bring such future potential projects and funding sources to Council for review.

BE IT RESOLVED BY THE CHEROKEE NATION that the Council of the Cherokee Nation supports the amendment and expansion of previous support of health care capital and health care related community partnerships, previously expressed in Resolution 67-21, at an estimated total of \$482,000,000.00 under the Respond, Recover and Rebuild Plan using ARPA or Dividends received from those governmental entities in which Cherokee Nation is the sole or majority shareholder, loan proceeds, with such available general fund revenue (including but not limited to eligible revenue generated from Cherokee Nation Health third party billing sources) as may by the highest and best use of those various funding sources


BE IT FURTHER RESOLVED BY THE CHEROKEE NATION that Resolution 67-21 is hereby, to the extent inconsistent with this resolution, repealed and replaced.

CERTIFICATION

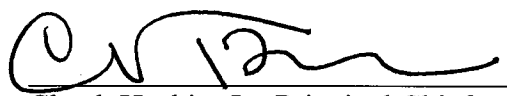
The foregoing resolution was adopted by the Council of the Cherokee Nation at a duly called meeting on the 11th day of December, 2023, having 17 members present, constituting a quorum, by the vote of 17 yea; 0 nay; 0 abstaining.


Mike Shambaugh, Speaker
Council of the Cherokee Nation

ATTEST:


Dora Patzkowski, Secretary
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 11th day of December, 2023.



Chuck Hoskin, Jr., Principal Chief
Cherokee Nation

ATTEST:



Shella Bowlin, Secretary of State
Cherokee Nation