

RESOLUTION NO. 75-08

COUNCIL OF THE CHEROKEE NATION

**A RESOLUTION RATIFYING A SELF-GOVERNANCE COMPACT WITH THE
UNITED STATES OF AMERICA, HEALTH AND HUMAN SERVICES, INDIAN
HEALTH SERVICE**

WHEREAS, the Cherokee Nation since time immemorial has exercised the sovereign rights of self-government in behalf of the Cherokee people;

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

WHEREAS, the U.S. Congress has found that the tribal right of self-government flows from the inherent sovereignty of Indian tribes and nations; and that the United States recognizes a special government-to-government relationship with Indian tribes, including the right of the Indian tribes to self-governance, as reflected in the Constitution, treaties, Federal statutes, and the course of dealings of the United States with Indian tribes;

WHEREAS, self-governance has authorized the Nation to plan, conduct, consolidate, administer, and receive funding for all programs, services, functions and activities that were previously carried out by the Secretary of Health and Human Services on behalf of the Cherokee Nation;

WHEREAS, the Nation has found that self-governance is an efficient and effective means of achieving control and direction of the health and related services of the Indian Health Service, and considers the self-governance initiative highly successful;

WHEREAS, Resolution Number 11-93, approved on February 13, 1993, first authorized Principal Chief Wilma Mankiller to enter a self-governance compact and annual funding agreements with the Indian Health Service (IHS) under the Indian Self-Determination and Education Assistance Act, P.L. 93-638 as amended;

WHEREAS, Resolution Number 15-06, approved on March 13, 2006 reaffirmed the authorization for the Principal Chief to negotiate and execute IHS Self-Governance compacts and Funding Agreements;

WHEREAS, pursuant to these authorizations, the Principal Chief has negotiated and executed the most recent Compact of Self-Governance for IHS programs on March 3, 2006, and the most recent attached Funding Agreement on July 24, 2008;

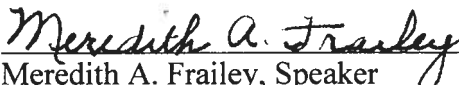
WHEREAS, each annual budget approved by the Council of the Cherokee Nation since Resolution Number 11-93 has included programs, services, functions and activities of the IHS and associated funding for self-governance programs which were included in funding agreements;

WHEREAS, Legislative Act 15-01 requires compacts to be ratified by the Council of the Cherokee Nation.


BE IT RESOLVED BY THE CHEROKEE NATION, that the Council of the Cherokee Nation hereby ratifies the Compact of Self-Governance entered into on March 6, 2006 for Indian Health Service programs, services, functions, and activities, including WW Hastings Indian Hospital, and including all routine funding attachments to such compact as they are negotiated from time-to-time, provided that any new or additional programs that may be assumed shall require Council approval.

CERTIFICATION


The foregoing resolution was adopted by the Council of the Cherokee Nation at a duly called meeting on the 28th day of August, 2008, having 17 members present, constituting a quorum, by the vote of 13 yea; 4 nay; 0 abstaining.


Meredith A. Frailey, Speaker
Council of the Cherokee Nation

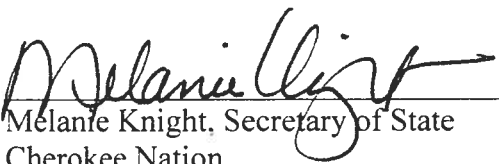
ATTEST:


Don Garvin, Secretary
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 30th day of August, 2008.


Chadwick Smith, Principal Chief
Cherokee Nation

ATTEST:


Melanie Knight, Secretary of State
Cherokee Nation

ADMINISTRATIVE CLEARANCE:

Program/Project Manager:

Signature _____ Date _____

Department Director:

Signature _____ Date _____

Group Leader:

Signature _____ Date _____

Finance Approval (if needed):

Signature _____ Date _____

Government Resources Group:

Rita May 8/1/08
Signature _____ Date _____

Administration Approval:

Melanie Knight 8/1/08
Signature _____ Date _____**LEGISLATIVE CLEARANCE**

Legislative Aide:

Shelli Brittain 8/1/08
Signature/Initial _____ Date _____

Standing Committee:

Health

8/12/08

Next Meeting Date

Chairperson:

Cobb
Signature/Initial _____ Date _____Returned to Presenter: _____
Date _____**Cherokee Nation
Act/Resolution Proposal Form**☐

Act

☒

Resolution

TITLE: A Resolution Ratifying a Self-Governance Compact with the United States of America, Health and Human Services, Indian Health ServiceDepartment Contact: Melanie KnightResolution Presenter: Melanie Knight, Melissa GowerCouncil Sponsor: Councilor Brad Cobb & Councilor Janelle Fullbright**NARRATIVE:**

(See Attached Outline for Information Needed)

The purpose of this resolution is to ratify the 2006 Compact of Self-Governance between the United States Indian Health Service and the Cherokee Nation, including all attachments to the compact, and a newly negotiated Funding Agreement for Fiscal Years 2008 through 2010 which includes the Nation's operation of the W.W. Hastings Hospital.

This is respectfully submitted for August Council Committee, as this will be the last opportunity for Committee passage prior to full Council in September.

Background: The Nation first compacted IHS programs under self-governance in 1993; developed a long-range Health Plan in 2001; began a planning process specific to the W.W. Hastings facility in January, 2008; reported the results of planning and entered negotiations in April, 2008; submitted a negotiated funding agreement and final report in July, 2008; and has reported in Committees of the Council monthly on the project as progress was made.

Also submitted for Council consideration during the 2009 appropriations process is a budget that includes the estimated revenues and expenditures for the W.W. Hastings Hospital operation. Budget hearings are currently scheduled for late August to consider this proposal.