

RESOLUTION NO. 79-11

COUNCIL OF THE CHEROKEE NATION

**A RESOLUTION AUTHORIZING THE SALE OF THE TAHLEQUAH FCC
CONSTRUCTION PERMIT**

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 Cherokee Nation is the holder of a Federal Communications Commission (“FCC”) construction permit for a new FM radio station to serve the community of Tahlequah, Oklahoma (Facility ID No. 174140, File No. BNPED-20071018ASS) (the “Tahlequah Permit”).

WHEREAS, the Cherokee Nation has determined that it is appropriate to sell to John Brown University, or its designee, the Tahlequah Permit and any intangible property or property rights of the Cherokee Nation related to the Tahlequah Permit;

WHEREAS, Cherokee Nation Businesses, LLC (“CNB”), is a for-profit limited liability company organized under the laws of the Cherokee Nation and is wholly owned by the Cherokee Nation;

WHEREAS, the legal fees and all other expenses incurred in connection with obtaining the Permit have been borne by CNB, and the Cherokee Nation has determined all proceeds will be retained by the Cherokee Nation with one-half of the cost incurred to be reimbursed to CNB by the Cherokee Nation; and


WHEREAS, the Cherokee Nation has determined that it is appropriate to authorize the Principal Chief to negotiate and execute agreements on behalf of the Cherokee Nation for the sale of the Permit.

BE IT RESOLVED BY THE CHEROKEE NATION, that the Council hereby authorizes the Principal Chief to sell, assign, transfer, convey and deliver on behalf of the Cherokee Nation the Tahlequah Permit, and any intangible property or property rights of the Cherokee Nation related to the Tahlequah Permit, to John Brown University, or its designee, on such terms as the Principal Chief considers to be commercially reasonable.

BE IT FINALLY RESOLVED BY THE CHEROKEE NATION, that the Council hereby authorizes that all proceeds will be retained by the Cherokee Nation with one-half of the cost incurred to be reimbursed to CNB by the Cherokee Nation.

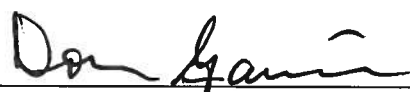
CERTIFICATION

The foregoing resolution was adopted by the Council of the Cherokee Nation at a duly called meeting on the 10th day of October, 2011, having 15 members present, constituting a quorum, by the vote of 13 yea; 2 nay; 0 abstaining.



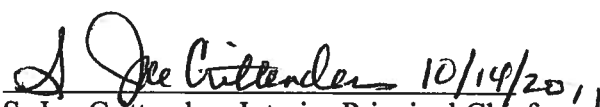
Cara Cowan Watts, Acting Speaker
Council of the Cherokee Nation

ATTEST:




Don Garvin, Secretary
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 14th day of OCTOBER, 2011.



S. Joe Crittenden, Interim Principal Chief
Cherokee Nation

ATTEST:



Melanie Knight, Secretary of State
Cherokee Nation

09-13-11P02:00 RCVD

ADMINISTRATIVE CLEARANCE

Dept/Program:

CNB MDM

Signature/Initial Date

GL/Executive:

Signature/Initial Date

Finance (if needed):

Signature/Initial Date

Government Resources:

Signature/Initial Date

Administration Approval:

W. B. Anglen 9/13

Signature/Initial Date

LEGISLATIVE CLEARANCE:

Legal & Legislative Coordinator:

B. Brittain 9/13/11

Signature/Initial Date

Standing Committee & Date:

Rules 9/29/11

Chairperson:

B. Anglen

Signature/Initial Date

Returned to Presenter:

Date

Cherokee Nation Act/Resolution Proposal Form

Act Resolution

TITLE: A RESOLUTION AUTHORIZING THE SALE OF FCC CONSTRUCTION PERMITS

DEPARTMENT CONTACT: _____

RESOLUTION PRESENTER: David Stewart

COUNCIL SPONSOR: Buel Anglen

NARRATIVE:

In 2007, the Cherokee Nation began the process of applying for licenses for non-commercial radio broadcast licenses for the communities of Tahlequah, Murphy and Marble City, which, combined, would cover most of Cherokee Nation's jurisdiction. Cherokee Nation was successful in winning those applications and was awarded construction permits, but in the past four years the Nation has decided it would rather not invest several hundred thousand dollars to construct these stations and bring them to operational capacity. CNB pursued the licenses on behalf of the Cherokee Nation, incurring over \$110,000 in costs over this period of time. Now, the Cherokee Nation has the opportunity to sell the Tahlequah construction permit and perhaps the Murphy permit (the Marble City permit has expired) for an amount that would allow CNB to recoup its investment, including internal costs incurred and the costs of the transaction. Otherwise, the two remaining construction permits will expire.