

RESOLUTION NO. 24-08

Rescinded by R-34-08

COUNCIL OF THE CHEROKEE NATION

**A RESOLUTION FOR THE COMMISSION OF A COMPREHENSIVE AND
INDEPENDENT ENVIRONMENTAL STUDY OF THE CHEROKEE NATION
LANDFILL IN ADAIR COUNTY**

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

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; and,

WHEREAS, the Cherokee Nation has operated a Landfill in Adair County for several years; and,

WHEREAS, said Landfill is at capacity and will require expansion in order for continued operation; and,

WHEREAS, it would be beneficial to the Cherokee citizens of Adair County and the Cherokee Nation as a whole if there is comprehensive and independent study concerning the effects of the landfill has had or the environment prior to any decision on the expansion of the Landfill is to be made.

WHEREAS, such comprehensive and independent study would enable the Cherokee Nation to render decisions that would be in the best interest of the Cherokee People and their environment.

BE IT RESOLVED BY THE CHEROKEE NATION, that a comprehensive environmental study be commissioned to study all aspects of the environmental impact of the Cherokee Nation Landfill located in Adair County Oklahoma.

BE IT FURTHER RESOLVED BY THE CHEROKEE NATION that the Request for Proposal (RFP) for the environmental study be created by Cherokee Nation Businesses (CNB) and approved by the Cherokee Nation Tribal Council. In addition that the Cherokee Nation Resource Committee of the Tribal Council create a sub-committee under the direction of the Speaker of the Council, that may make recommendations as to the scope of the environmental study.


BE IT FURTHER RESOLVED BY THE CHEROKEE NATION that the RFP include an economic feasibility study related to recycling efforts to be conducted on site of the Adair County landfill.

BE IT FURTHER RESOLVED BY THE CHEROKEE NATION that the environmental study shall be conducted by an independent firm or organization selected jointly by Cherokee Nation Businesses and the Speaker of the Council as the Council representative, with high qualifications and without prior business relationship with the Cherokee Nation or its entities.


BE IT FINALLY RESOLVED BY THE CHEROKEE NATION that the Cherokee Nation Landfill located in Adair County retain it's current level of operation until such time that the independent and comprehensive environmental study be complete and findings are published.

CERTIFICATION

The foregoing Resolution was adopted by the Council of the Cherokee Nation at a duly called meeting thereof on the 14th day of April 2008, having 17 members present, constituting a quorum, by a vote of 17 yea 0 nay; and 0 abstaining.


Meredith Frailey, Speaker
Council of the Cherokee Nation

ATTEST:


Don Garvin, Secretary
Council of the Cherokee Nation

Approved and signed by the Principal Chief this _____ day of _____, 2008.

Chadwick Smith, Principal Chief
Cherokee Nation

ATTEST:


Melanie Knight, Secretary of State
Cherokee Nation

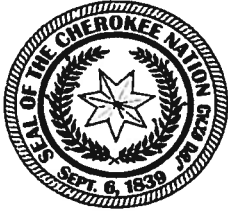


Memorandum

To: Cherokee Nation Tribal Council Members
From: Meredith Frailey, Speaker
Date: March 23, 2010
Re: R-24-08 "A Resolution for the Commission of a Comprehensive and Independent Environmental Study of the Cherokee Nation Landfill in Adair County."

In accordance with Article VI Section 10 of the Cherokee Nation Constitution, this resolution having been returned, unsigned, becomes law after the fifth (5th) day of which it was presented to the Principal Chief (Sundays and holidays excepted). Therefore, this resolution is valid and enforceable.


Meredith Frailey, Speaker
Council of the Cherokee Nation



CHEROKEE NATION®

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Chad "Cornassel" Smith
Principal Chief

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Joe Grayson, Jr.
Deputy Principal Chief

April 18, 2008

Meredith A. Frailey, Speaker
Cara Cowan Watts, Deputy Speaker
Council of the Cherokee Nation
Tahlequah, Oklahoma

Dear Speaker Frailey and Council Members:

I am returning the enactments passed by the Tribal Council at the regular meeting held on April 14, 2007 as required by our Constitution. The Cherokee Constitution (Article V, Section 11) requires that every enactment approved by the majority of the Council be presented to the Principal Chief before it becomes effective. I have carefully considered each enactment and I have approved all of them as follows.

APPROVED RESOLUTIONS

1. Resolution No. 24-08, A Resolution for the Commission of a Comprehensive and Independent Environmental Study of the Cherokee Nation Landfill in Adair County. *Note: Pursuant to agreement made in the Resources Sub-Committee meeting on the Landfill on April 18, 2008, I have not vetoed this resolution, nor have I signed it; it is automatically approved after the five-day Constitutional limit. In return, there was consensus in the Sub-Committee to rescind Resolution #24-08 at the next Council meeting and replace it with a resolution that supports an independent environmental study, but does not unduly restrict Cherokee Nation Businesses from addressing serious compliance issues at the Landfill.*
2. Resolution No. 25-08, A Resolution Confirming the Nomination of Pamela Bickford as a Board Member of the Economic Development Trust Authority Board of Directors.
3. Resolution No. 26-08, A Resolution Confirming the Nomination of Fredia Vann as a Board Member of Cherokee Nation Community Association Corporation.
4. Resolution No. 27-08, A Resolution Confirming the Nomination of Patsy Edgar as a Board Member of Cherokee Nation Community Association Corporation.
5. Resolution No. 28-08, A Resolution Confirming the Nomination of Jim Ketcher as a Board Member of Cherokee Nation Community Association Corporation.
6. Resolution No. 29-08, A Resolution Consenting to the Annexation of Cherokee Nation Property to the Boundaries of the City of Collinsville.
7. Resolution No. 30-08, A Resolution Invoking Section 16 of the Cherokee Nation and State of


Oklahoma Tobacco Compact of 2004.

8. Resolution No. 31-08, A Resolution Authorizing Certain Lending Transactions Involving Cherokee Nation Businesses, a Cherokee Nation Tribal Limited Liability Company and Authorizing a Limited Waiver of Sovereign Immunity.
9. Resolution No. 32-08, A Resolution Authorizing Cherokee Nation to Submit Formal Grant Applications to the United States Department of Health and Human Services for Tribal Self-Governance Program Planning/Negotiation Cooperative Agreements.
10. Resolution No. 33-08, A Resolution Authorizing Cherokee Nation Enterprises, LLC, or Cherokee Nation Businesses, LLC, to Submit a Grant Application to the United States Department of Energy.

APPROVED LEGISLATIVE ACTS

1. Legislative Act No. 05-08, A Legislative Act Amending LA#01-01 "A Legislative Act Entitled the Cherokee Nation Motor Vehicle Licensing and Tax Code"; as Amended by LA#27-01, 34-01, 34-02, 25-04, 29-04, 7-06, 12-06, 17-06, and 8-07.
2. Legislative Act No. 06-08, A Legislative Act Amending LA#31-04; Amending Title 63 Chapter 3, Article 2 § 101 of the Cherokee Nation Code Annotated, the Environmental Quality Code; and Declaring an Emergency.
3. Legislative Act No. 07-08, An Act Amending Legislative Act #37-07 Authorizing the Comprehensive Budget for Fiscal Year 2008 – Mod. 6; and Declaring an Emergency.

Sincerely,



Chadwick Smith
Principal Chief

cc: Legal and Legislative Coordinator, Council of the Cherokee Nation
Councilors (17), Council of the Cherokee Nation
Melanie Knight, Secretary of State
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