

Committee: Rules
Date Received: 11/3/2020 Committee Date: 11/17/2020

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Sponsor: Janees Taylor, Canaan Duncan, Keith Austin,
Dora Patzkowski, Joe Deere, Mike Shambaugh,
Victoria Vazquez, Daryl Legg

RESOLUTION NO. 48-20

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 SAC AND FOX JUVENILE DETENTION FACILITY**

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, in light of the *McGirt* case, the Cherokee Nation must expand access to juvenile detention facilities;

WHEREAS, the Sac and Fox Nation operates a juvenile detention facility that Cherokee Nation wishes to contract with;

WHEREAS, in order to enter a contract with the Sac and Fox Nation for juvenile detention, the Cherokee Nation must agree to an express waiver of sovereign immunity and consent to the jurisdiction of the courts of the Sac and Fox Nation for any litigation arising from the juvenile detention contract;

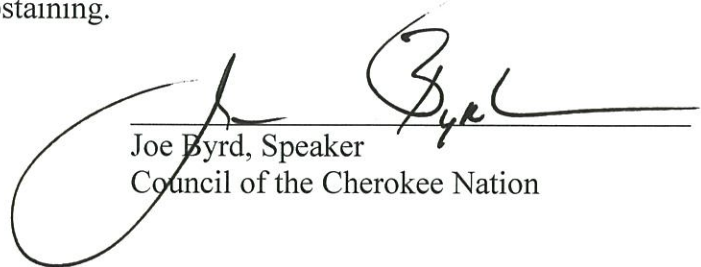
WHEREAS, the Principal Chief, the Attorney General, and the Marshal have determined that it is necessary for the Cherokee Nation to enter into this contract;

BE IT RESOLVED BY THE CHEROKEE NATION that the Marshal is hereby authorized and directed to execute all documents or transactions necessary for the Cherokee Nation to enter into a juvenile detention agreement with Sac and Fox Nation, including any provision relating to governing law, jurisdiction, or a waiver sovereign immunity.

PROVIDED, any waiver of the Cherokee Nation's sovereign immunity is hereby limited insofar as necessary to enter the contract with Sac and Fox Nation. 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.

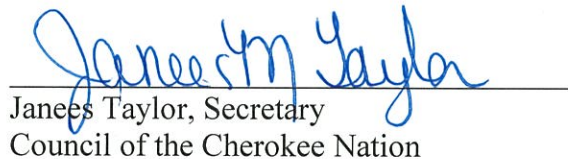
CERTIFICATION

The foregoing resolution was adopted by the Council of the Cherokee Nation at a duly called meeting on the 14th day of December, 2020, having 16 members present, constituting a quorum, by the vote of 16 yea; 0 nay; 0 abstaining.



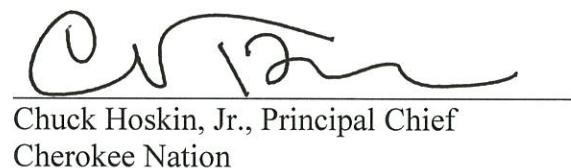
Joe Byrd, Speaker
Council of the Cherokee Nation

ATTEST:



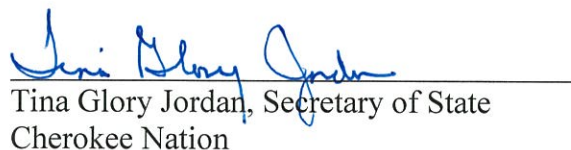
Janees Taylor, Secretary
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 14th day of Dec., 2020.



Chuck Hoskin, Jr., Principal Chief
Cherokee Nation

ATTEST:



Tina Glory Jordan, Secretary of State
Cherokee Nation

**ADMINISTRATIVE
CLEARANCE**

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 Date

LEGISLATIVE CLEARANCE:

Legal & Legislative Coordinator:

Signature/Initial Date

Standing Committee & Date:

Chairperson:

Signature/Initial Date

**Cherokee Nation
Act/Resolution Proposal Form**

Act Resolution

TITLE:

**A RESOLUTION EXPRESSLY AGREEING TO
JURISDICTION AND AUTHORIZING A LIMITED
WAIVER OF SOVEREIGN IMMUNITY OF THE
CHEROKEE NATION IN CONNECTION WITH
THE SAC AND FOX JUVNEILE DETENTION
FACILITY**

DEPARTMENT CONTACT: Sara Hill

RESOLUTION PRESENTER: Chrissi Nimmo

COUNCIL SPONSOR: Janees Taylor, Canaan Duncan, Keith Austin

NARRATIVE:

The Sac and Fox Nation operates a juvenile detention facility that the Cherokee Nation wishes to contract with, in light of McGirt and Cherokee Nation's need to expand access to juvenile detention facilities.

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