

**RESOLUTION NO. 03-09**

**COUNCIL OF THE CHEROKEE NATION**

**A RESOLUTION RATIFYING FILING LITIGATION IN THE UNITED STATES  
DISTRICT COURT FOR THE DISTRICT OF COLORADO FOR CLAIMS PURSUANT  
TO THE NATIVE AMERICAN HOUSING ASSISTANCE AND SELF-  
DETERMINATION ACT**

**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**, Legislative Act 07-01 provides that litigation brought on behalf of Cherokee Nation and involving substantial assets or sovereignty of the Nation be authorized by the Principal Chief and ratified by the Council;

**WHEREAS**, the Cherokee Nation receives funding for housing as authorized by the Native American Housing Assistance and Self-Determination Act (“NAHASDA”) through a funding formula administered by the U.S. Department of Housing and Urban development for housing needs and maintenance and operation of Low Rent and Mutual Help units developed under the 1937 U.S. Housing Act;

**WHEREAS**, the U.S. District Court for the District of Colorado has issued a ruling (under appeal) which nullifies some regulations which changes the funding formula in regard to “1937 Act” units;

**WHEREAS**, the recently enacted NAHASDA Reauthorization, P.L. 110-411, established a time, 45 days from October 14, 2008, to file a claim related to the subject matter of the court ruling;

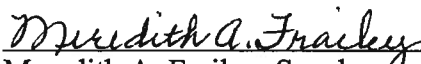
**WHEREAS**, the Cherokee Nation’s allocation of housing block grant funds under NAHASDA may be severely impacted due to the cited district court ruling (if it is not overturned) and the subsequent federal legislation;

**WHEREAS**, the risk of not filing a claim to offset potential losses in funding though the formula may lead to a significant negative impact on the Cherokee Nation’s future funding.


**BE IT RESOLVED BY THE CHEROKEE NATION**, that filing a claim under P.L. 110-411 against the U.S. Department of Housing and Urban Development in the U.S. District Court for the District of Colorado is necessary, and that the Principal Chief is authorized to take such action as necessary to pursue such claim and ensure that the Nation’s interests are fully represented in the subject litigation.

## CERTIFICATION


The foregoing resolution was adopted by the Council of the Cherokee Nation at a duly called meeting on the 12<sup>th</sup> day of January, 2009, having 17 members present, constituting a quorum, by the vote of 17 yea; 0 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 16th day of January, 2009.

  
Chadwick Smith, Principal Chief  
Cherokee Nation

### ATTEST:

  
Melanie Knight, Secretary of State  
Cherokee Nation

# Cherokee Nation Act/Resolution Proposal Form

Act       Resolution

<b><u>ADMINISTRATIVE CLEARANCE</u></b>	
<b>Program/Project Manager:</b>	
Signature/Initial	Date
<b>Department Director:</b>	
Signature/Initial	Date
<b>Group Leader:</b>	
Signature/Initial	Date
<b>Government Resources:</b>	
<i>Jeta May</i>	<i>12/8/08</i>
Signature/Initial	Date
<b>Administration Approval:</b>	
<i>Melinda</i>	
Signature/Initial	Date
<b><u>LEGISLATIVE CLEARANCE:</u></b>	
<b>Legal &amp; Legislative Coordinator:</b>	
<i>Shelli Britain</i>	<i>12/8/08</i>
Signature/Initial	Date
<b>Standing Committee &amp; Date:</b>	
<i>Rules</i>	<i>12/10/08</i>
<b>Chairperson:</b>	
<i>Frailey</i>	
Signature/Initial	Date
<b>Returned to Presenter:</b>	
	Date

**TITLE:** "A Resolution Ratifying Litigation in the United States District Court for the District of Colorado for Claims Pursuant to the Native American Housing Assistance and Self-Determination Act"

**DEPARTMENT CONTACT:** Melanie Knight, Secretary of State

**RESOLUTION PRESENTER:** Melanie Knight, Secretary of State

**COUNCIL SPONSOR:** Meredith Frailey

**NARRATIVE:**

To authorize litigation to for a claim against the U.S. Department of Housing and Urban Development under the Native American Housing Assistance and Self-Determination Act in regard to the housing funding formula and the number of Low Rent and Mutual Help units included and counted for funding purposes.

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