Committee: Rules

Date: 2/6/2023 Committee Date: 2/23/2023

Author: Chuck Hoskin Jr.

Sponsor: <u>Keith Austin, Melvina Shotpouch, Mike Shambaugh, Victoria Vazquez, Dora Patzkowski, Julia Coates, Rex Jordan & Candessa Tehee</u>

RESOLUTION NO. 05-23

COUNCIL OF THE CHEROKEE NATION

A RESOLUTION AUTHORIZING A LIMITED CONSENT TO SUIT RELATED TO THE PURCHASE OF PROPERTY FROM THE OKLAHOMA HISTORICAL SOCIETY

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 an historic and continual government to government relationship with the United States of America; and

WHEREAS, the Nation is immune from suit under federal, state and tribal law; and

WHEREAS, the Nation has inherent sovereign power by virtue of its constitution and tribal law to

enter into contractual agreements and execute such consents to suit as may be necessary for such agreements; and

WHEREAS, the Nation cannot be sued unless the Council of the Cherokee Nation expressly consents to such suit; and

WHEREAS, Cherokee Nation wishes to purchase the Will Rogers Birthplace historic property in

Oologah, Oklahoma, consisting of approximately 162 acres of real property and specifically including all improvements thereon, from the Oklahoma Historical Society; and

WHEREAS, the proposed Real Estate Sale Contract contains provisions that would allow the Nation to be sued consistent with the following limitations in scope: the suit can relate only to the Will Rogers birthplace property and the Nation's obligations under the Contract.

BE IT RESOLVED BY THE CHEROKEE NATION, that the Council of the Cherokee Nation hereby authorizes the Principal Chief and/ or his designee to execute all documents necessary for the Cherokee Nation to purchase such real property from the Oklahoma Historical Society, specifically including a limited consent to suit.

CERTIFICATION

The foregoing resolution was adopted by the Council of the Cherokee Nation at a duly called meeting on the $\underline{13^{th}}$ day of \underline{March} , 2023, having $\underline{17}$ members present, constituting a quorum, by the vote of $\underline{17}$ yea; $\underline{0}$ nay; $\underline{0}$ abstaining.

Mike Shambaugh, Speaker

Mike Shambaugh, Speaker Council of the Cherokee Nation

ATTEST:

Dora Patzkowski, Secretary

Council of the Cherokee Nation

Approved and signed by the Principal Chief this 22" d

Chuck Hoskin, Jr., Principal Chie

Cherokee Nation

ATTEST:

Tina Glory Jordan, Secretary of State

Cherokee Nation

<u>ADMINISTRATIVE</u> **CLEARANCE** Dept/Program: Signature/Initial Date **Executive Director:** Signature/Initial Date Treasurer: (Required: Grants/Contracts/Budgets) Signature/Initial Date **Government Resources:** Signature/Initial Date Administration Approval: LEGISLATIVE CLEARANCE: egal & Legislative Coordinator: Signature/Initial Standing Committee & Date:

Returned to Presenter:

Date

Cherokee Nation Act/Resolution Proposal Form

	☐ Act	□ Resolution
TITLE: A RESOLUTION AUTHORIZING A LIMITED CONSENT TO SUIT FOR THE PURCHASE OF PROPERTY FROM THE OKLAHOMA HISTORICAL SOCIETY		
DEPARTMENT CON	ITACT:	Chuck Hoskin Jr.
RESOLUTION PRES	SENTER: _	Taralee Montgomery
COUNCIL SPONSOR: Keith Austin, Melvina Shotpouch, Mike Shambaugh, Victoria Vazquez, Dora Patzkowski		

NARRATIVE:

The Principal Chief and/ or his designee are hereby authorized to execute all documents necessary for the Cherokee Nation to purchase the Will Rogers Birthplace real property in Oologah, Oklahoma from the Oklahoma Historical Society, specifically including a limited waiver of Sovereign Immunity strictly limited in scope to apply only to the property and the Nation's obligations under the Contract.

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