

RESOLUTION NO. 32-21

COUNCIL OF THE CHEROKEE NATION

**A RESOLUTION EXPRESSLY AGREEING TO JURISDICTION, VENUE,
CHOICE OF LAW, AND LIMITED CONSENT TO SUIT IN CONNECTION
WITH JAIL AGREEMENTS**

WHEREAS, the Cherokee Nation since time immemorial has exercised the sovereign rights of self-government on 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 Nation enjoys sovereign immunity from suit under tribal, 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, the Cherokee Nation Marshal and Attorney General have negotiated detention contracts with County and Municipal Jails within the Cherokee Nation Reservation for detention of individuals on Cherokee Nation criminal law violations;

WHEREAS, these contracts contain consent to jurisdiction, venue, choice of law, dispute resolution, and a limited consent to suit for "claims for monies owed" pursuant to the contract.

WHEREAS, the Principal Chief, the Marshal, and the Attorney General have determined that it is necessary for Cherokee Nation to enter these contracts in order to ensure public safety on the Reservation;

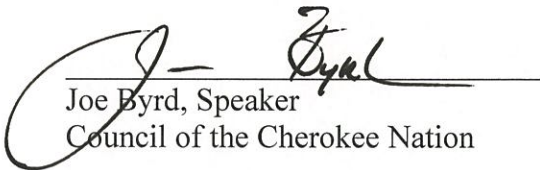
BE IT RESOLVED BY THE CHEROKEE NATION, that the Principal Chief and/or his designee is hereby authorized to execute all documents or transactions necessary for Cherokee Nation to enter detention contracts with County or Municipal Jails, including any provision relating to jurisdiction, venue, choice of law, binding dispute resolution, and/or a limited consent to suit.

PROVIDED, any waiver of the Cherokee Nation's sovereign immunity is hereby limited insofar as necessary to execute detention contracts. 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 12th day of July, 2021, having 17 members present, constituting a quorum, by the vote of 17 yea; 0 nay; 0 abstaining.


Joe Byrd, Speaker
Council of the Cherokee Nation

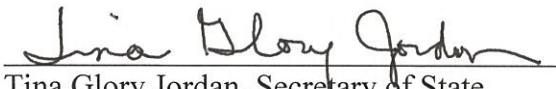
ATTEST:


Janes Taylor, Secretary
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 15th day of July, 2021.


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:

Chuck Hoskin Jr.

06/08/21

Signature/Initial Date

LEGISLATIVE CLEARANCE:

Legal & Legislative Coordinator:

Signature/Initial Date

**Cherokee Nation
Act/Resolution Proposal Form**

☐ Act ☒ Resolution

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DEPARTMENT CONTACT: Chuck Hoskin Jr.

RESOLUTION PRESENTER: Chrissi Nimmo

COUNCIL SPONSOR: Mike Shambaugh, Victoria Vazquez

NARRATIVE:

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