



# Council of the Cherokee Nation

Cherokee Nation Tribal  
Council  
17763 S. Muskogee Ave.  
Tahlequah, OK 74464

## Legislation Details (With Text)

**File #:** 09-156      **Version:** 1      **Name:** N/A  
**Type:** Resolution      **Status:** Passed  
**File created:** 10/14/2009      **In control:** Community Services Committee  
**On agenda:** 10/19/2009      **Final action:** 11/16/2009  
**Enactment date:** 11/16/2009      **Enactment #:** R-127-09  
**Title:** A RESOLUTION RATIFYING AN AGREEMENT WITH THE UNITED STATES OF AMERICA, DEPARTMENT OF TRANSPORTATION, INDIAN RESERVATION AND ROADS PROGRAM  
**Sponsors:** Harley Buzzard  
**Indexes:** Department of Transportation, INDIAN RESERVATION ROAD, Ratifying  
**Code sections:** N/A - Not Applicable  
**Attachments:** 1. R-127-09

Date	Ver.	Action By	Action	Result
11/24/2009	1	OFFICE OF THE CHIEF	Signed	
11/16/2009	1	TRIBAL COUNCIL	Approved	Pass
10/19/2009	1	COMMUNITY SERVICES COMMITTEE	Approved and Forwarded to Council	Pass

### **A RESOLUTION RATIFYING AN AGREEMENT WITH THE UNITED STATES OF AMERICA, DEPARTMENT OF TRANSPORTATION, INDIAN RESERVATION AND ROADS PROGRAM**

**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**, the U.S. Congress has found that the tribal right of self-government flows from the inherent sovereignty of Indian tribes and nations; and that the United States recognizes a special government-to-government relationship with Indian tribes, including the right of the Indian tribes to self-governance, as reflected in the Constitution, treaties, Federal statues, and the course of dealings of the United States with Indian tribes;

**WHEREAS**, self-governance has authorized the Nation to plan, conduct, consolidate, administer, and receive funding for all programs, services, functions and activities as authorized under the authority granted by section 202(d)5 of Chapter 2 of Title 23, United States Code, as amended by the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU);

**WHEREAS**, in 1993 the Cherokee Nation executed a Compact of Self-Governance and was one of the participants in the IRR Pilot Project in 1999 and has successfully operated its own roads program since that time;

**WHEREAS**, Resolution Number 21-90 approved on February 10, 1990 first authorized Principal Chief Wilma Mankiller to enter a self-governance annual funding agreement with the Secretary of the Interior under the

Indian Self-Determination and Education Assistance Act, P.L. 93-638 as amended;

**WHEREAS**, Legislative Act 15-01, approved on May 22, 2001 authorized the Principal Chief to execute Treaties, Memorandums of Agreement, Contracts, Compacts and Other Agreements on Behalf of the Nation; with ratification by the Council;

**WHEREAS**, the Principal Chief or his/her designee has negotiated and executed the Indian Reservation Roads Program Agreement entered into by the Administrator, Federal Highway Administration for and on behalf of the United States Department of Transportation;

**WHEREAS**, receiving funding directly from Federal Highway Administration is expected to be less cumbersome and result in timely payment to the Nation.

**BE IT RESOLVED BY THE CHEROKEE NATION**, that the Council of the Cherokee Nation hereby ratifies the Agreement with The United States Of America, Department Of Transportation, Indian Reservation and Roads Program entered into on August 25, 2009 for Indian Reservation Roads programs, services, functions, and activities and including all routine funding attachments to such agreement as they are negotiated from time-to-time.