



Council of the Cherokee Nation

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

Legislation Text

File #: 21-060, Version: 2

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.