

**Cherokee Nation Code Annotated**  
**Title 56: Port Authorities**  
**Chapter 1: General Provisions**  
**§ 4. Cherokee Nation Port Authority**  
Cite as: 56 CNCA § 4

A. This act establishes an agency of Cherokee Nation that shall be known as the "Port Authority of Cherokee Nation." The Port Authority created in this act may combine to form joint port authorities by cooperative agreement executed by the governing bodies of any city or county or cities or counties or tribe or tribes or tribal agency. Such joint authorities formed by such cooperative agreement shall have all the powers and jurisdiction enumerated in this act. The joint port authority shall not transact any business or exercise its powers hereunder until or unless the respective governing bodies of the respective governmental entities pass appropriate legislation acknowledging the said creation. Acknowledgment by the city or town shall be by ordinance. County approval must be expressed by appropriate resolution. The tribe or Cherokee Nation approval must be expressed by the appropriate resolution. Each of these legislative actions must declare a need exists for an authority to function in the city, town, or county or tribal jurisdiction and acknowledge the merger with Cherokee Nation. No member of said authority shall serve who owns land in an area within five (5) miles of lands surveyed or examined for port locations. Any member of said authority that has any interests that will conflict with the interests of the authority shall be subject to removal. Any member of the authority owning lands or having lands under his control as agent or in a fiduciary capacity in an area surveyed or examined for port location shall be deemed to have a conflict of interest and subjected to removal. This limitation or membership and conflict of interest shall not apply where the site of a port has been presently engineered and designated by a port authority already organized under this act. A port authority created hereunder shall be a body corporate and politic, which may sue and be sued, and shall have the powers and jurisdiction enumerated in 56 CNCA §§ 1 to 16, inclusive.

The exercise of the powers conferred under this act by the Port Authority of Cherokee Nation shall be deemed to be an essential governmental function of Cherokee Nation. However, the Port Authority shall not be immune from liability due to it. The laws of Cherokee Nation shall govern all actions of the Port Authority formed under this act. All disputes that arise shall be heard in Cherokee District Court, unless by agreement of all parties another court of competent jurisdiction is so designated for venue.

The merger of the appropriate laws shall govern those port authorities created by joint resolution of multiple governmental entities. Joint port authorities shall not be immune

from liability due to their performance of essential governmental functions. All agreements shall state the court of competent jurisdiction that shall hear disputes arising within the jurisdiction of the created port authority.

B. A port authority established in accordance with this act may expend funds not otherwise appropriated to defray the expense of surveys and examinations incidental to the purposes of the port authority. The Council may appropriate to the Authority any available funds not otherwise appropriated for expenditure by the authority for any purpose authorized by this act.

C. Subject to making due provisions for payment and performance of its obligations, the Port Authority of Cherokee Nation may be dissolved by the Council of Cherokee Nation. In such event the properties of the port authority shall be transferred to Cherokee Nation. Obligations of the authority shall not be obligations of Cherokee Nation, unless said obligations are specifically accepted by a majority vote of the Council of Cherokee Nation.

#### Historical Data

LA 5-98, eff. February 9, 1998. Amended LA 12-04, eff. April 19, 2004.