

**SUPPLEMENTAL OPERATING AGREEMENT FOR DETENTION SERVICES  
BETWEEN CHEROKEE NATION AND MUSKOGEE COUNTY  
AMENDMENT # 01**

This Amendment is made and entered into this 29 day of April, 2024, by and between the Cherokee Nation (hereinafter referred to as the "NATION"), and the Board of County Commissioners of Muskogee County ("hereinafter referred to as the "BOCC").

WHEREAS, the NATION previously entered into an agreement with BOCC on March 12, 2021, (hereinafter referred to as "Existing Agreement"), for the Muskogee County Sheriff to provide Detention Services of the Nation's Tribal Inmates in the Muskogee County Jail, and

WHEREAS, it is the desire of the NATION and the BOCC to amend or modify said Existing Agreement, as follows:

ARTICLE 2, SECTION 2.10 of the Existing Agreement is deleted in its entirety and replaced with the following:

2.10 Fees for Housing and Transporting of Tribal Inmates. For the housing of its Tribal Inmates, Nation agrees to pay the County a daily rate per inmate of sixty-four dollars (\$64.00) per day/per inmate (the "Daily Rate"). Said Daily Rate shall be paid for every whole day and for any period of time less than a whole day (known as a "Partial Day") spent by a Tribal Inmate in the Jail, commencing upon the Tribal Inmate's booking/intake at the Jail and terminating upon the Tribal Inmate's release from the Jail. Whole days shall consist of twenty-four hour time periods. For transportation required or requested outside of the jail, Nation agrees to pay County the hourly rate of \$30.00 per officer for regular hours, and the hourly rate of \$45.00 per guard for overtime hours, plus mileage reimbursement at the General Services Administration (GSA) Federal Travel Regulation Mileage Rate. Other than for emergency medical services, County will, when feasible, coordinate transportation responsibilities with the Cherokee Nation Marshal Service. This agreement shall not obligate the County to transport a Tribal Inmate for anything other than emergency medical services.

The Jail Operator shall provide Nation with an invoice showing the name of each Tribal Inmate included in the invoice, day, and time such inmate was incarcerated at the Jail, day and time such inmate was released from the Jail, and number of days charged to the Nation for such Tribal Inmate. Nation shall pay the full invoice amount within forty-five (45) days after it is delivered to the Nation, provided however, in the event that the Nation disputes the amount of the invoice Nation shall pay that amount of the invoice not disputed by Nation and notify the County in writing within forty-five (45) days after the invoice is received of the amounts and basis for the dispute pursuant to the Notice provisions in Section 5.3. Other than invoice amounts disputed by Nation pursuant to the foregoing process, delinquent invoice amounts will accrue interest at the rate of one and one-half

percent (1½%) per month or eighteen percent (18%) per annum.

The Jail Operator will transmit a daily list of Tribal Detainees being held on Nation charges to the Cherokee Nation Office of the Attorney General via email CNAG-Criminal@cherokee.org and Justice Services via email Justice-Services@cherokee.org. The list shall include the name, date of birth, and charge on which the Tribal Detainee is being held. The Nation will not be responsible for charges for detainees who are not included on the daily list.

WHEREAS, both parties agree that all other terms and conditions of the Existing Agreement entered into on October 12, 2021, shall remain in effect and unchanged.

WHEREOF, the Parties hereto have caused this Amendment to be executed as of the date first written above.

CHEROKEE NATION

\_\_\_\_\_  
Shannon Buhl, Director,  
Marshal Service Date

\_\_\_\_\_  
Chuck Hoskin, Jr. Date  
Principal Chief

AMENDMENT is approved and accepted this \_\_\_\_\_ day of \_\_\_\_\_, 2024, by:

BOARD OF COUNTY COMMISSIONERS OF  
MUSKOGEE COUNTY, STATE OF OKLAHOMA

\_\_\_\_\_  
Keith Hystope, Chairman Date  
Ken Doke

\_\_\_\_\_  
Andy Simmons, Sheriff Date

ATTEST:

\_\_\_\_\_  
Polly Irving, County Clerk

Approved as to Form:  
\_\_\_\_\_  
Larry Edwards, Muskogee County District Attorney  
John Nlar Hamman  
General Counsel

\_\_\_\_\_  
29<sup>th</sup> day of April 20 24  
Chairman \_\_\_\_\_  
Member \_\_\_\_\_  
Member \_\_\_\_\_  
Attest \_\_\_\_\_  
County Clerk

