

Committee: Rules Committee

Author: Jennifer Pigeon

Date: 04-11-17

Committee Date: 04-27-17

Sponsor: Keith Austin

**RESOLUTION NO. 35-17**

**COUNCIL OF THE CHEROKEE NATION**

**A RESOLUTION EXPRESSLY AGREEING TO CHOICE OF LAW AND VENUE AND  
AUTHORIZING A WAIVER OF SOVEREIGN IMMUNITY OF THE CHEROKEE  
NATION IN CONNECTION WITH A SOFTWARE AGREEMENT  
WITH MUNICIPAL ACCOUNTING SYSTEMS, INC.**

**WHEREAS**, the Cherokee Nation (“Nation”) since time immemorial has exercised the sovereign rights of self-government in behalf of the Cherokee people;

**WHEREAS**, the 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 governmental immunity from suit under federal and state law;

**WHEREAS**, the Nation has through inherent sovereign authority and by constitution and tribal law, the authority to enter into contractual agreements and execute such waivers, pledges, etc. necessary for such agreements;

**WHEREAS**, waivers of sovereign immunity must be approved the Cherokee Nation Tribal Council;

**WHEREAS**, the Tsunadeloquasdi Cherokee Immersion Charter School (“Charter School”) is owned and operated by the Cherokee Nation;

**WHEREAS**, the Charter School must report certain financial information to the State of Oklahoma in the required Oklahoma Cost Accounting System (“OCAS”);

**WHEREAS**, the Charter School wishes to enter into a contractual agreement with Municipal Accounting Systems, Inc. for certain computer software that will transmit the necessary financial information to the OCAS;

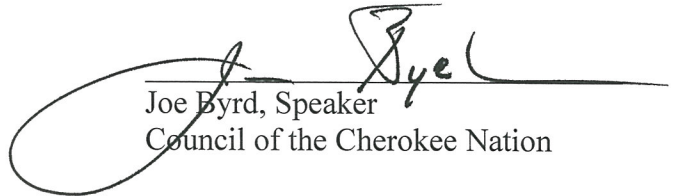
**WHEREAS**, the Principal Chief and/or his designee has determined that it would be fiscally advantageous to contract with Municipal Accounting Systems, Inc. and has negotiated the terms of the Software Services Order Agreement and Privacy Policy and Terms of Service, which include both choice of law and venue provisions, along with a waiver of the Nation’s sovereign immunity.

**BE IT RESOLVED BY THE CHEROKEE NATION**, that the Principal Chief and/or his designee is hereby authorized and directed to execute all documents relating to the choice of law, venue and waiver of the Cherokee Nation’s sovereign immunity for the Software Services Order Agreement and Privacy Policy Terms of Service and any other obligations and transaction

documents authorized or required pursuant to the provisions of the choice of law, venue and waiver agreement.


### CERTIFICATION

The foregoing resolution was adopted by the Council of the Cherokee Nation at a duly called meeting on the 15<sup>th</sup> day of May, 2017, having 17 members present, constituting a quorum, by the vote of 17 yea; 0 nay; 0 abstaining.



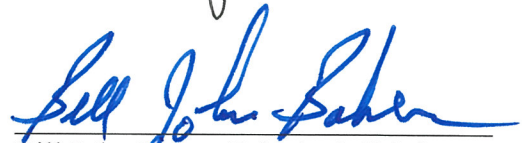
Joe Byrd, Speaker  
Council of the Cherokee Nation

**ATTEST:**




Frankie Hargis, Secretary  
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 19<sup>th</sup> day of May, 2017.



Bill John Baker, Principal Chief  
Cherokee Nation

**ATTEST:**



Chuck Hoskin, Jr., Secretary of State  
Cherokee Nation

# Cherokee Nation Act/Resolution Proposal Form

Act       Resolution

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 CHOICE OF LAW AND VENUE AND  
 AUTHORIZING A WAIVER OF SOVEREIGN  
 IMMUNITY OF THE CHEROKEE NATION IN  
 CONNECTION WITH A SOFTWARE AGREEMENT**  
**TITLE: WITH MUNICIPAL ACCOUNTING SYSTEMS, INC.**

DEPARTMENT CONTACT: Jennifer Pigeon

RESOLUTION PRESENTER: \_\_\_\_\_

COUNCIL SPONSOR: Keith Austin

**NARRATIVE:**

04-11-17A09:30 RCVD

<b><u>ADMINISTRATIVE CLEARANCE</u></b>	
Dept/Program:	
Signature/Initial	Date
<b>Executive Director:</b>	
Signature/Initial	Date
<b>Treasurer: (Required: Grants/Contracts/Budgets)</b>	
Signature/Initial	Date
<b>Government Relations:</b>	
Signature/Initial	Date
<b>Administration Approval:</b>	
 Signature/Initial	Date <u>4-11-17</u>
<b><u>LEGISLATIVE CLEARANCE:</u></b>	
<b>Legal &amp; Legislative Coordinator:</b>	
 Signature/Initial	Date <u>4/11/17</u>
<b>Standing Committee &amp; Date:</b>	
<u>Rules 4/27/17</u>	
<b>Chairperson:</b>	
 Signature/Initial	Date
<b>Returned to Presenter:</b>	
Date	