

Committee: Rules

Date: 07/8/2020

Committee Date: 7/20/2020

Author: Taralee Montgomery

Sponsor: Janees Taylor, Dora Patzkowski, Mike Shambaugh,
Canaan Duncan, Joe Deere

RESOLUTION NO. 21-20

COUNCIL OF THE CHEROKEE NATION

**A RESOLUTION EXPRESSLY AGREEING TO CHOICE OF LAW AND BINDING
ARBITRATION AND AUTHORIZING A LIMITED WAIVER OF SOVEREIGN
IMMUNITY OF THE CHEROKEE NATION IN CONNECTION WITH THE USE OF
RANK ONE SPORTS WEBSITE**

WHEREAS, the Cherokee Nation (“Nation”) since time immemorial has exercised the sovereign rights of self-government on 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 sovereign immunity from suit under 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, Sequoyah High School is Bureau of Indian Education (“BIE”) school operated through an agreement with the Cherokee Nation;

WHEREAS, All Players Network, Inc. owns and operates Rank One Sport (www.rankonesport.com), a website for schools, parents and students to confidentially transmit forms required by the Oklahoma Secondary School Activities Association (“OSSAA”);

WHEREAS, Sequoyah High School wishes utilize the website for the 2020-2021 school year;

WHEREAS, Sequoyah High School has negotiated an Agreement and Terms of Use with Rank One Sport which includes provisions for choice of law, binding arbitration and a limited waiver of sovereign immunity;

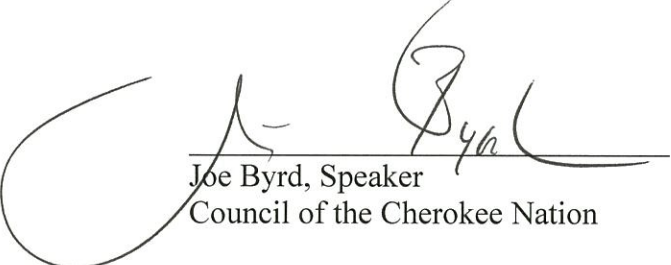
WHEREAS, the Principal Chief and/or his designee have determined that it is necessary for Sequoyah High School to enter into this Agreement and Terms of Use in order for it to comply with OSSAA requirements;

BE IT RESOLVED BY THE CHEROKEE NATION that the Principal Chief and/or his designee are hereby authorized and directed to execute all documents or transactions necessary for Sequoyah High School to utilize the Rank One Sport’s website for the 2020-2021 school year, including any provision relating to the choice of law, binding arbitration or a limited waiver sovereign immunity.

PROVIDED, any waiver of the Cherokee Nation's sovereign immunity is hereby limited insofar as necessary to utilize the Rank One Sport website for the 2020-2021 school year. 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.


CERTIFICATION

The foregoing resolution was adopted by the Council of the Cherokee Nation at a duly called meeting on the 20th day of July, 2020, 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:




Janees Taylor, Secretary
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 22nd day of July, 2020.



Chuck Hoskin, Jr., Principal Chief
Cherokee Nation

ATTEST:



Tina Glory Jordan, Secretary of State
Cherokee Nation

Cherokee Nation Act/Resolution Proposal Form

Act Resolution

**ADMINISTRATIVE
CLEARANCE**

Dept/Program:

TITLE:

**A RESOLUTION EXPRESSLY AGREEING TO
CHOICE OF LAW AND BINDING ARBRITRATION
AND AUTHORIZING A LIMITED WAIVER OF
SOVEREIGN IMMUNITY OF THE CHEROKEE
NATION IN CONNECTION WITH THE USE OF
RANK ONE SPORTS WEBSITE**

Signature/Initial _____ Date _____

Executive Director:

DEPARTMENT CONTACT: Corey Bunch

Signature/Initial _____ Date _____

**Treasurer (Required:
Grants/Contracts/Budgets):**

RESOLUTION PRESENTER: Jennifer Pigeon

COUNCIL SPONSOR: Janees Taylor, Mike Shambaugh, Canaan
Duncan, Dora Patzkowski

Signature/Initial _____ Date _____

Government Relations:

NARRATIVE:
The Cherokee Nation Education requests to renew their Rank One contract for Sequoyah High School.

Signature/Initial _____ Date _____

Administration Approval:

Janees Taylor 07/02/2020

Signature/Initial _____ Date _____

LEGISLATIVE CLEARANCE:

Legal & Legislative Coordinator:

Stoke 7/8/20

Signature/Initial _____ Date _____

Standing Committee & Date:

Rules 7/8/20

Chairperson:

Byrd