

Committee: Rules

Date: 02/24/23

Committee Date: 03/13/2023

Author: Taralee Montgomery

Sponsor: Mike Shambaugh, Dora Patzkowski, Victoria Vazquez, Rex Jordan, Candessa Tehee

**RESOLUTION NO. 12-23**

## **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 2023-2024, 2024-2025 and 2025-2026 school years.

**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 2023-2024,

2024-2025 and 2025-2026 school years, 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 2023-2024, 2024-2025 and 2025-2026 school years. 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 10<sup>th</sup> day of April, 2023, having 16 members present, constituting a quorum, by the vote of 16 yea; 0 nay; 0 abstaining.

  
Mike Shambaugh, Speaker  
Council of the Cherokee Nation

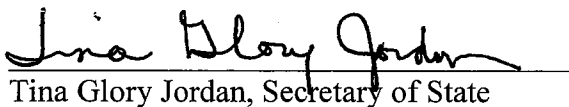
ATTEST:

  
Dora Patzkowski, Secretary  
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 13<sup>th</sup> day of April, 2023.

  
Chuck Hoskin, Jr., Principal Chief  
Cherokee Nation

ATTEST:

  
Tina Glory Jordan, Secretary of State  
Cherokee Nation

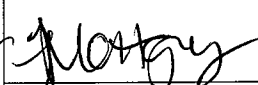
# Cherokee Nation Act/Resolution Proposal Form



Act



Resolution

<b><u>ADMINISTRATIVE CLEARANCE</u></b>	
<b>Dept/Program:</b>	
Signature/Initial	Date
<b>Executive Director:</b>	
Signature/Initial	Date
<b>Treasurer: (Required: Grants/Contracts/Budgets)</b>	
Signature/Initial	Date
<b>Government Resources:</b>	
Signature/Initial	Date
<b>Administration Approval:</b>	
	2/28/23
Signature/Initial	Date

**TITLE:**

DEPARTMENT CONTACT: Chuck Hoskin Jr.

RESOLUTION PRESENTER: Taralee Montgomery

COUNCIL SPONSOR: Mike Shambaugh, Dora Patzkowski, Victoria Vazquez, Rex Jordan, Candessa Tehee

**NARRATIVE:**

**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**

<b><u>LEGISLATIVE CLEARANCE:</u></b>	
<b>Legal &amp; Legislative Coordinator:</b>	
	2/28/23
Signature/Initial	Date
<b>Standing Committee &amp; Date:</b>	
Rules	3/13/23
<b>Chairperson:</b>	
	Date
Signature/Initial	Date
<b>Returned to Presenter:</b>	
Date	Date

FEB 28 '23 PM 4:59