

Committee: Rules Committee

Author: Jennifer Pigeon

Date: 03/12/2019

Committee Date: 03/28/2019

Sponsor: Mike Shambaugh

RESOLUTION NO. 19-19

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 SPORT'S 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, AllPlayers 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 remainder of the 2018-2019 school year (through June 30, 2019) and the through 2019-2020 school year (by renewal on or about July 1, 2019);

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;

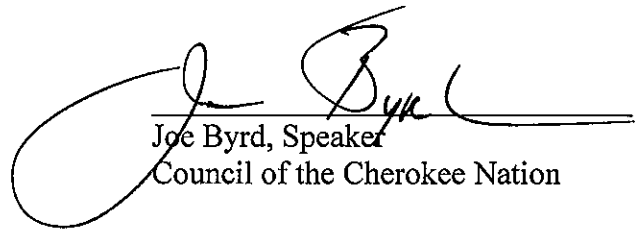
BE IT RESOLVED BY THE CHEROKEE NATION that the Principal Chief and/or his designee are hereby authorized and directed to execute all documents or transactions necessary

for Sequoyah High School to utilize the Rank One Sport's website through completion of the 2019-2020 school year, including any provision relating to the choice of law, binding arbitration or a limited waiver sovereign immunity.

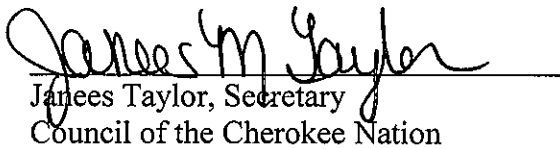
PROVIDED, any waiver of the Cherokee Nation's sovereign immunity is hereby limited insofar as necessary to utilize the Rank One Sport website through completion of the 2019-2020 school year. Absent express authorization by the Tribal Council, nothing contained herein shall be interpreted as creating 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

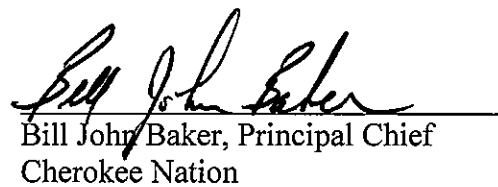
The foregoing resolution was adopted by the Council of the Cherokee Nation at a duly called meeting on the 15th day of April, 2019, having 16 members present, constituting a quorum, by the vote of 16 yea; 0 nay; 0 abstaining.


Joe Byrd, Speaker
Council of the Cherokee Nation

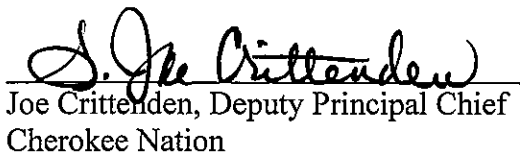
ATTEST:


Janees Taylor, Secretary
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 18th day of April, 2019.


Bill John Baker, Principal Chief
Cherokee Nation

ATTEST:


Joe Crittenden, Deputy Principal Chief
Cherokee Nation

ADMINISTRATIVE CLEARANCE

Dept/Program:

Education/Sequoyah High School

Dept/Program Name

Executive Director:

Ron Etheridge

Signature/Initial

Date

Finance: (Required: Grants/Contracts/Budgets)

[Signature]

3-13-19

Signature/Initial

Date

Government Relations Approval:

[Signature]

5/13/19

Signature/Initial

Date

Administration Approval:

Signature/Initial

Date

[Handwritten notes]
Mike
3/13/19
Rules 3/28/19
Byrd

Cherokee Nation Act/Resolution Proposal Form

Act

Resolution

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 SPORT'S WEBSITE

TITLE:

DEPARTMENT CONTACT: Jennifer Pigeon x5367

RESOLUTION PRESENTER: Jennifer Pigeon x5367

COUNCIL SPONSOR: Mike Shambaugh

NARRATIVE:

Sequoyah High School (SHS) is Bureau of Indian Education institution and operated by agreement with the Cherokee Nation. SHS wishes to enter into a contractual agreement with Rank One Sport for certain computer software that will collect data to transmit to the Oklahoma Secondary School Activities Association ("OSSAA"); the software's online platform is for administrators, parents and students to complete a variety of forms needed to compete in the school's athletics program; this includes student eligibility documents required by the OSSAA and other forms related physicals, concussions, cardiac events and other health matters. Tribal Council approval and authorization of the agreement is necessary because of the Agreement and Terms of Use include choice of law, binding arbitration and a limited waiver of the Nation's sovereign immunity.

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