

RESOLUTION NO. 45-20

COUNCIL OF THE CHEROKEE NATION

**A RESOLUTION AUTHORIZING A LIMITED WAIVER OF SOVEREIGN
IMMUNITY FOR THE USE OF TECHNOLOGY PRODUCTS AND SERVICES
OFFERED BY OOKLA, LLC**

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 to execute waivers of its immunity necessary for such agreements;

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

WHEREAS, the Cherokee Nation seeks to enter into contract with Ookla, LLC, for use of its products for measuring internet performance, communications infrastructure mapping and network diagnostics;

WHEREAS, in order for the Cherokee Nation to utilize Ookla’s products it must agree to the terms of Ookla’s Master License Agreement and thereby submit itself to the jurisdiction of the federal courts of Oklahoma for the limited purpose of obtaining non-monetary, injunctive relief;

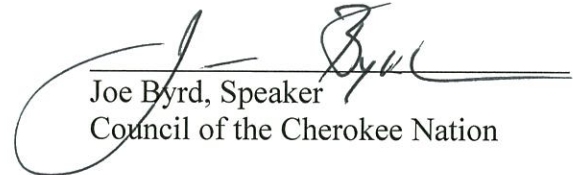
BE IT RESOLVED BY THE CHEROKEE NATION that the Principal Chief and/or his designee are hereby authorized to execute any and all documents necessary for the Cherokee Nation to utilize Ookla’s products and services, including any provision submitting the Cherokee Nation to the jurisdiction of the federal courts of Oklahoma for the limited purpose of obtaining non-monetary, injunctive relief;

PROVIDED, nothing contained herein shall be construed as a waiver of the sovereign immunity of the Cherokee Nation other than for the limited purpose of the granting non-monetary, injunctive relief in the federal courts of Oklahoma stemming from the Nation’s use of Ookla’s products and services;


THE CHEROKEE NATION EXPRESSLY DECLINES TO WAIVE ITS SOVEREIGN IMMUNITY against any claim for damages, attorney fees or other equitable relief and reserves the right to raise any and all claims or defenses available to it under federal, state and tribal law.

CERTIFICATION


The foregoing resolution was adopted by the Council of the Cherokee Nation at a duly called meeting on the 16th day of November, 2020, 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:


James Taylor, Secretary
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 18 day of November, 2020


Chuck Hoskin, Jr., Principal Chief
Cherokee Nation

ATTEST:


Tina Glory Jordan, Secretary of State
Cherokee Nation

**ADMINISTRATIVE
CLEARANCE**

Dept/Program:

Signature/Initial Date

Executive Director:

Signature/Initial Date

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

Signature/Initial Date

Government Relations:

Signature/Initial Date

Administration Approval:

Signature/Initial Date

LEGISLATIVE CLEARANCE:

Legal & Legislative Coordinator:

Shobe 10/14/20

Signature/Initial Date

Standing Committee & Date:

Rules 10/29/20

Chairperson:

Signature/Initial Date

**Cherokee Nation
Act/Resolution Proposal Form**

Act Resolution

TITLE:

**A RESOLUTION AUTHORIZING A LIMITED
WAIVER OF SOVEREIGN IMMUNITY FOR THE
USE OF TECHNOLOGY PRODUCTS AND
SERVICES OFFERED BY OOKLA, LLC**

DEPARTMENT CONTACT: Chuck Hoskin Jr.

RESOLUTION PRESENTER: Travis Noland

COUNCIL SPONSOR: Janees Taylor, Canaan Duncan, Daryl Legg

Mike Shambaugh

NARRATIVE:

the Cherokee Nation seeks to enter into contract with Ookla, LLC, for use of its products for measuring internet performance, communications infrastructure mapping and network diagnostics

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