

Committee: Rules

Date: 05/10/2021

Committee Date 05/27/2021

Author: Taralee Montgomery

Sponsor: Janees Taylor, Dora Patzkowski,

Canaan Duncan, Mike Shambaugh

RESOLUTION NO. 27-21

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 2021-2022 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;

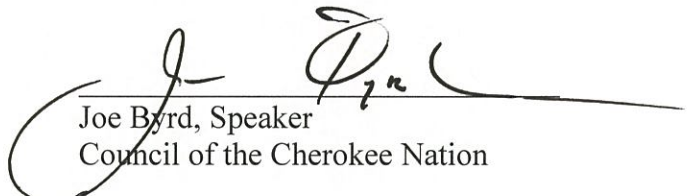
WHEREAS, the Principal Chief and/or his designee have determined that it is necessary for Sequoyah High School to enter into this Agreement and Terms of Use in order for it to comply with OSSAA requirements;

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 2021-2022 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 2021-2022 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 14th day of June, 2021, 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:


James Taylor, Secretary
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 18th day of June, 2021.


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:

James E. W. 5/12/2021
Signature/Initial Date

LEGISLATIVE CLEARANCE:

Legal & Legislative Coordinator:

Stoke 5/12/21
Signature/Initial Date

Standing Committee & Date:

Rules 5/27/21

Chairperson:

Beyd
Signature/Initial Date

**Cherokee Nation
Act/Resolution Proposal Form**

Act Resolution

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**

DEPARTMENT CONTACT: Corey Bunch

RESOLUTION PRESENTER: Taralee Montgomery

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

NARRATIVE:

The Cherokee Nation is authorized to renew their use of Rank One Sports Website for health tracking at Sequoyah High School during the 2021-2022 school year.

MAY 12 '21 PM 12:36