



Council of the Cherokee Nation

Cherokee Nation Tribal Council
17763 S. Muskogee Ave.
Tahlequah, OK 74464

Legislation Details (With Text)

File #: 20-071 **Version:** 1 **Name:** N/A
Type: Resolution **Status:** Passed
File created: 10/14/2020 **In control:** TRIBAL COUNCIL
On agenda: 10/29/2020 **Final action:** 11/19/2020
Enactment date: 11/16/2020 **Enactment #:** R-045-20
Title: A RESOLUTION AUTHORIZING A LIMITED WAIVER OF SOVEREIGN IMMUNITY FOR THE USE OF TECHNOLOGY PRODUCTS AND SERVICES OFFERED BY OOKLA, LLC
Sponsors: Janees Taylor, Canaan Duncan, Daryl Legg, Mike Shambaugh
Indexes: Waiver of Sovereign Immunity
Code sections: N/A - Not Applicable
Attachments: 1. R-45-20.PDF

Date	Ver.	Action By	Action	Result
11/19/2020	1	OFFICE OF THE CHIEF	Signed	
11/16/2020	1	TRIBAL COUNCIL	Approved	Pass
10/29/2020	1	RULES COMMITTEE	Approved and Forwarded to Council	Pass

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.