



Council of the Cherokee Nation

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

Legislation Text

File #: 19-022, Version: 1

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 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.