

**TO APPROVE A LIMITED WAIVER
OF SOVEREIGN IMMUNITY**

IN THE TRIBAL COUNCIL OF THE CHOCTAW NATION

RONALD PERRY INTRODUCED THE FOLLOWING COUNCIL BILL

A COUNCIL BILL

TO APPROVE a limited waiver of sovereign immunity.

WHEREAS, the Tribal Council (the “Council”) of the Choctaw Nation of Oklahoma (the “Nation”) has determined it is in the best interests of the Nation to provide Motor Homes for employees of the Nation who work at the annual Choctaw Nation Labor Day Festival (the “Festival”).

WHEREAS, SA American Dream Vacation, a Texas Limited Liability Company (“American Dreams”) selected as the provider of Motor Homes for the Festival;

WHEREAS, the Nation has entered an agreement, dated effective _____, with American Dreams (the “Agreement”) setting forth the terms and conditions under which American Dreams will provide Motor Homes for the Nation;

WHEREAS, the Agreement contains a limited waiver of sovereign immunity from suit in favor of American Dreams as limited under the terms of the Agreement; and

WHEREAS, the Tribal Council has determined that it is in the best interest of the Nation to grant such a limited waiver of sovereign immunity in favor of American Dreams solely to the extent of, and in accordance with, the terms of the Agreement.

THEREFORE, BE IT ENACTED, by the Tribal Council that this Council Bill be cited as approval and authority for the grant of a limited waiver of the sovereign immunity of the Nation in favor of SA American Dreams Vacation, LLC, and in accordance with the terms of the agreement between the Choctaw Nation of Oklahoma and SA American Dreams Vacations, LLC.


BE IT FURTHER ENACTED, by the Tribal Council that this Council Bill be cited as approval and authority that nothing contained herein is intended to, nor shall it be construed to, benefit any party other than SA American Dreams Vacation, LLC.

BE IT FURTHER ENACTED, by the Tribal Council that this Council Bill be cited as approval and authority that nothing contained herein is intended to, nor shall it be construed to, waive the sovereign immunity of the Nation or any of its affiliates or subsidiaries except as specifically set forth herein.


BE IT FURTHER ENACTED, by the Tribal Council that this Council Bill be cited as approval and authority that nothing contained herein is intended to, nor shall it be construed to, waive the sovereign immunity of any elected official, officer, or employee of the Nation or any of its affiliates or subsidiaries, and no waiver of immunity is provided with respect to such parties.

CERTIFICATION

I, the undersigned, as speaker of the Tribal Council of the Choctaw Nation of Oklahoma, do hereby certify that the Tribal Council is composed of twelve (12) seats. Eight (8) members must be present to constitute a quorum. I further certify that eleven (11) members answered roll call and that a quorum was present at the Regular Session of the Tribal Council at Tuskahoma, Oklahoma on August 10, 2019. I further certify that the foregoing Council Bill CB- 141 -19 was adopted at such meeting by the affirmative vote of ten (10) members, zero (0) negative votes, and one (1) abstaining.



Delton Cox, Speaker
Choctaw Nation Tribal Council



Ronald Perry, Secretary
Choctaw Nation Tribal Council



Gary Barton, Chief
Choctaw Nation of Oklahoma

Date 8-13-19_____

Purpose/Need of Council Bill: This bill request a limited waiver of sovereign immunity to SA American Dreams Vacation, LLC. American Dreams has been selected to provide Motor Homes to employees of the Nation that work at the annual Choctaw Nation Labor Day Festival (“Festival”). The Motor Homes allow employees to work at the Festival without commuting long hours back and forth at various hours of the day and night. The Motor Homes allows the Nation to ensure there is a sufficient number of employees to assist at the Festival and also promotes safety by keeping hundreds of employees off the road, especially at night.

Title of Council Bill: TO APPROVE A LIMITED WAIVER OF SOVEREIGN IMMUNITY

Agency: Tribal Events

Budget: NA

Match Required: NA

Request by Project Director: Tracy Horst, Director of Environmental Compliance