

**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 Choctaw Nation of Oklahoma (the "Nation") is evaluating a relationship with Starbucks Corporation and/or certain of its subsidiaries and affiliates (collectively, "Starbucks") and, in connection with this evaluation, the Nation desires to enter into a Confidentiality and Non-Disclosure Agreement (Mutual) (the "NDA");

WHEREAS, the NDA contains a limited waiver of sovereign immunity from suit in favor of Starbucks as more particularly set forth in the terms of the NDA; 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 Starbucks solely to the extent of, and in accordance with, the terms of the NDA.

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 accordance with the terms of the NDA.


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 Starbucks.


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 November 9, 2019. I further certify that the foregoing Council Bill CB- 23 -20 was adopted at such meeting by the affirmative vote of eleven (11) members, zero (-0) negative votes, and eleven (11) abstaining.


Thomas Williston, Speaker
Choctaw Nation Tribal Council


Ronald Perry, Secretary
Choctaw Nation Tribal Council


Gary Patton, Chief
Choctaw Nation Tribal Council

Date: 11-14-19

Purpose/Need of Council Bill: Grant a limited waiver of sovereign immunity by the Nation in favor of Starbucks Corporation and its subsidiaries and affiliates in connection with a Confidentiality and Non-Disclosure Agreement (Mutual) (the "NDA") under which Starbucks may disclose certain proprietary or confidential information to the Nation. The Division of Commerce desires to enter into the NDA in order to evaluate whether the Nation should open one or more Starbucks locations.

Title of Council Bill: To Approve a Limited Waiver of Sovereign Immunity

Agency: Division of Commerce

Budget: None

Match Required: N/A

Request by/Project Director: Janie Dillard