

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

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**IN THE TRIBAL COUNCIL OF THE CHOCTAW NATION**

**RONALD PERRY INTRODUCED THE FOLLOWING COUNCIL BILL**

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**A COUNCIL BILL**

**TO APPROVE** a limited waiver of sovereign immunity

**WHEREAS**, the Tribal Council (the “Tribal Council”) of the Choctaw Nation of Oklahoma (the “Nation”) has determined it is in the best interests of the Nation to expand its Durant Casino and Resort (the “Expansion”); and

**WHEREAS**, Tutor Perini Building Corp., an Arizona Corporation, (“Tutor Perini”), has been selected as the design-builder on the Expansion; and

**WHEREAS**, the Nation has entered a Design/Build Contract dated effective January 1, 2019, with Tutor Perini (the “Tutor Perini Contract”) setting forth the terms and conditions under which Tutor Perini shall be the design-builder of the Expansion; and

**WHEREAS**, the Tutor Perini Contract contains a limited waiver of sovereign immunity from suit in favor of Tutor Perini and as limited under the terms of the Tutor Perini Contract; 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 Tutor Perini solely to the extent of, and in accordance with, the terms of the Tutor Perini Contract.

**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 Tutor Perini and in accordance with the terms of the Tutor Perini Contract.

**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 Tutor Perini.

**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.

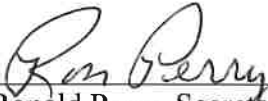
**BE IT FURTHER ENACTED**, by the Tribal Council that this Council Bill be cited as approval and authority that nothing contained herein is intended to, nor shall it be construed to, waive the sovereign immunity of any elected official, officer, or employee of the Nation or any of its affiliates or subsidiaries, 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 February 9, 2018. I further certify that the foregoing Council Bill CB- 76 -19 was adopted at such meeting by the affirmative vote of eleven (11) members, zero (0) negative votes, and zero (0) abstaining.*



Delton Cox, Speaker  
Choctaw Nation Tribal Council



Ronald Perry, Secretary  
Choctaw Nation Tribal Council



Gary Patton, Chief  
Choctaw Nation of Oklahoma

Date 2-12-19

Purpose/Need of Council Bill: Waiver of sovereign immunity by the Nation in favor of Tutor Perini Building Corp. in connection with the Design/Build Contract under which Tutor Perini Building Corp. will be the design-builder of the expansion of the Nation's Durant Casino and Resort

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

Agency: Division of Commerce

Budget: \$454,585,381 (Tutor Perini Building Corp. portion only)

Match Required: N/A

Request by/Project Director: Janie Dillard