

**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") has determined that it is in the best interest of the Nation to enter into a Master Agreement, as amended in writing from time to time (the "Agreement") with Micros Fidelio Worldwide, LLC ("Oracle") substantially similar to Exhibit A, for the purchase of certain software and services (collectively, the "Products"); and

WHEREAS, Oracle requested a limited waiver of sovereign immunity from the Nation, giving Oracle the right to enforce the terms of the Agreement against the Nation; and

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

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 Oracle.

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 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, and no waiver of immunity is provided with respect to such parties.

BE IT FURTHER ENACTED, by the Tribal Council of the Choctaw Nation of Oklahoma that this Council Bill be cited as approval and authority that the Chief of the Nation, or his designee, be authorized to prepare, execute, deliver and file the Agreement, in such form and with such terms and provisions as the Chief of the Nation, or his designee, may approve, and to take such other action as he or she may deem proper or appropriate, to carry out the intent and purposes of the foregoing enactments.

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 June 10, 2017. I further certify that the foregoing Council Bill CB- 95 -17 was adopted at such meeting by the affirmative vote of eleven (11) members, zero (0) negative votes, and zero (0) abstaining.



Ronald Perry, Secretary
Choctaw Nation Tribal Council



Delton Cox, Speaker
Choctaw Nation Tribal Council



Gary Battos, Chief
Choctaw Nation of Oklahoma

Date 6-13-17