

**TO APPROVE A LIMITED WAIVER  
OF SOVEREIGN IMMUNITY IN FAVOR OF SA AMERICAN DREAM VACATIONS, LLC**

**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 in favor of SA American Dream Vacations, LLC in order to provide motor homes to the Choctaw Nation of Oklahoma at the Annual Choctaw Nation Labor Day Festival.

**WHEREAS**, in accordance with Article IX, Section 4 of the Constitution of the Choctaw Nation of Oklahoma, the Tribal Council shall enact legislation, rules, and regulations not inconsistent with the Constitution for the general good of the Choctaw Nation and for the administration and regulation of the affairs of the Choctaw Nation;

**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 Vacations, LLC ("American Dream"), a Texas Limited Liability Company, has been selected as the provider of motor homes for the Festival;

**WHEREAS**, the Nation has negotiated an agreement with American Dream (the "American Dream Agreement") setting forth the terms and conditions under which American Dream will provide motor homes to the Nation for the Festival;

**WHEREAS**, the American Dream Agreement contains a limited waiver of sovereign immunity from suit in favor of American Dream and 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 Dream solely to the extent of, and in accordance with, the terms of the American Dream Agreement.

**THEREFORE BE IT ENACTED** by the Tribal Council of the Choctaw Nation of Oklahoma that this 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 Dream Vacations, LLC, and in accordance with the terms of the agreement between the Choctaw Nation of Oklahoma and SA American Dream Vacations, LLC.

**BE IT FURTHER ENACTED** by the Tribal Council of the Choctaw Nation of Oklahoma that this 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 Dream Vacation, LLC.

**BE IT FURTHER ENACTED** by the Tribal Council of the Choctaw Nation of Oklahoma that this 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 of the Choctaw Nation of Oklahoma that this 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.

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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 twelve (12) members answered roll call and that a quorum was present at the Regular Session of the Tribal Council at Tuskahoma, Oklahoma on August 12, 2023. I further certify that the foregoing Council Bill CB- 95 -23 was adopted at such meeting by the affirmative vote of twelve ( 12 ) members, zero (0 ) negative votes, and zero ( 0 ) abstaining.

  
\_\_\_\_\_  
Ronald Perry, Secretary  
Choctaw Nation Tribal Council

  
\_\_\_\_\_  
Thomas Williston, Speaker  
Choctaw Nation Tribal Council

  
\_\_\_\_\_  
Gary Batton, Chief  
Choctaw Nation of Oklahoma

Date 8-15-23

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**Purpose/Need of Council Bill:** This Bill requests a limited waiver of sovereign immunity in favor of SA American Dream Vacations, LLC. American Dream has been selected to provide Motor Homes to employees of the Nation that work at the Annual Labor Day 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 allow the Nation to provide plenty of employees to help with the Festival while promoting safety by keeping hundreds of employees off the road, especially at night. This legislation meets the Nation's strategic goal of protecting and promoting Choctaw culture by facilitating Festival activities in a safe manner.

**Title of Council Bill: TO APPROVE A LIMITED WAIVER OF SOVEREIGN IMMUNITY IN FAVOR OF SA AMERICAN DREAM VACATIONS, LLC**

**Agency:** Tribal Events

**Budget:** NA

**Match Required:** NA

**Request by Project Director:** Tracy Horst, Director of Environmental Compliance; Brian Danker, Senior Executive Officer, Legal & Compliance

# Blanket Rental Agreement

## Choctaw Nation of Oklahoma

This agreement is made between SA American Dream Vacations LLC, dba American Dream Vacations located at 28840 IH 10 West, Boerne, TX 78006 and the Choctaw Nation of Oklahoma (the "Nation")

Whereas, the Nation has contracted to rent multiple recreational vehicles from American Dream Vacations for an event being held in Tuskahoma, Oklahoma, this agreement will act as a blanket agreement between both parties covering all vehicles rented by the Nation.

The purpose of this agreement is to keep the Nation from having to sign and agree to each individual rental contract and the terms and conditions of rental associated with each contract.

It is understood by both parties that this agreement will pertain to each rented vehicle for the duration of the rental including all days necessary for transport to and from the event.

A copy of a complete list of all rental vehicles and the Terms and Conditions of Rental are an integral part of this agreement and are incorporated herein by this reference and attached as Attachment A

It is understood by both parties that the list of rental vehicles can change between now and the delivery date. Such changes could be made by the Nation based on the Nations needs or by American Dream Vacations based on one or more listed vehicles being mechanically unfit for rental at the time. Should any vehicle become unfit for rental, American Dream Vacations will substitute a suitable vehicle in it's place.

The Nation has the right to adjust the number of vehicles it needs up to the 23rd of August, 2023 without penalty or fees.

On August 21, 2023, the final list of vehicles will be made and delivered via mail or email to the Nation and will become an integral part of this agreement. All rental fees will be due in full based on delivery of the final list of rented vehicles.

American Dream Vacations agrees to deliver all rented vehicles to the event site in Tuskahoma, OK on or before August 29, 2023 and will provide a service technician on site. All repairs made due to any system failure will be at the expense of American Dream Vacations. Any repairs made due to negligence of the occupants of the vehicle will be charged to the Nation at the normal retail repair rate.

The Choctaw Nation expressly waives any claim of sovereign immunity from suit to the extent and in accordance with the terms of this Agreement. Each signatory hereto warrants and represents that he has authority to bind the party in whose behalf he executes this document.

The Agreement shall become effective upon the later of (a) the execution by the parties hereto and (b) the passage of the limited waiver of sovereign immunity by the Choctaw Nation Tribal Council.

Signed and agreed to on this the \_\_\_\_ day of \_\_\_\_\_, 2023.

American Dream Vacations

Choctaw Nation of Oklahoma

By \_\_\_\_\_

By \_\_\_\_\_

Name: Anthony W. Franklin

Name: