



CENTRAL COUNCIL  
*Tlingit and Haida Indian Tribes of Alaska*  
Edward K. Thomas Building  
9097 Glacier Highway • Juneau, Alaska 99801

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Executive Council of the Central Council  
TLINGIT AND HAIDA INDIAN TRIBES OF ALASKA

Resolution EC/ 16-15

Title: Waiver of Sovereign Immunity for the Rural Child Welfare Services Grant Application

WHEREAS, Central Council of Tlingit and Haida Indian Tribes of Alaska (Central Council) is a federally recognized tribe of more than 30,000 tribal citizens worldwide; and

WHEREAS, Central Council's Tribal Family and Youth Services Department has over the past seven years carried out a Rural Social Services Program designed to provide direct social services to children at risk for being removed by Office of Children Services; and

WHEREAS, the Central Council is advised of the availability of continuation funds through the Department of Health and Human Services to continue this important program for 2015-2018 with full indirect.

WHEREAS, the Central Council, wishes to waive its sovereign immunity, and to enter into a Grant Agreement to receive grant funds under the Department of Health & Social Services program: Rural Child Welfare Services Program; in State Fiscal Year 2017; and

WHEREAS, the State of Alaska, Department of Health & Social Services requires under 7 AAC 78.030 (e), a resolution approved by the entity's governing body that waives the entity's sovereign immunity from suit with respect to claims by the state arising out of the activities related to the grant; and

THEREFORE, BE IT RESOLVED THAT, in the event that a Rural Child Welfare Services Grant is awarded in State Fiscal Year 2017, the Central Council hereby waives its sovereign immunity and consents to suit in Alaska State Courts or in a state administrative agency proceeding for any cause of action (including any allowable interest, costs and attorneys fees) or claim filed by the state arising out of or related to the grant, to enforcement of any court or agency order entered in such action or agency proceeding and to levy and execution of any judgment entered in any such lawsuit or agency proceeding against all property and funds of the Tribe, however held and wherever located. Suits relating to this agreement shall be governed by State law, and allowed solely in State courts or State administrative proceedings unless otherwise required by law.

BE IT FURTHER RESOLVED THAT: the President of Central Council is hereby authorized to negotiate, execute, and administer any and all documents and contracts required for granting funds to the Tribe and managing funds on behalf of this entity, including any subsequent amendments to said agreement, and including such additional periods as may be indicated in the Request for Proposals.

BE IT FURTHER RESOLVED THAT, this waiver shall remain in effect so long as the Grant Agreement, remains in effect, plus the longest records retention period applicable to the grant as set forth in the grant or state regulations, plus the expiration of the statute of limitations on any cause of action or claim arising out of or related to the Grant Agreement. The statute of limitations on any cause of action or claims shall begin to run from the end of the records retention period. This waiver includes, but is not limited to, any cause of action or claim related to a demand for reimbursement of funds following an audit.

ADOPTED this 15<sup>th</sup> day of April 2016, by the Executive Council of the Central Council of Tlingit and Haida Indian Tribes of Alaska, by a vote of 4 yeas, 0 nays, 1 abstentions and 1 absence(s).

**CERTIFY**

  
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President Richard J. Peterson

**ATTEST**

 for:  
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Tribal Secretary Jolene Edenshaw