

Cherokee Council House

Cherokee North Carolina

Date _____

Resolution No. _____

WHEREAS the Eastern Band of Cherokee Indian's Information Technology Strategic Working Group (ITSWG) has approved a project proposed by EBCI Broadband Utility to build or renovate six (6) or seven (7) towers across the boundary and in Snowbird, to build fiber from Robbinsville to Snowbird, and to build out fiber to the New Treatment Facility in Snowbird, and recommends that this Project will strengthen the surrounding communities through increased connectivity and improve the overall status of the tribe as a whole; and

WHEREAS the Project is fully set forth on the attached Exhibit; and

WHEREAS the Eastern Band of Cherokee Indians must maintain the fiber in accordance to Federal Law and subsequently the Bureau of Indian Affairs and HIPPA; and

WHEREAS this project will come from the ITSWG funding that is set aside for such new technologies, and

WHEREAS the fiber and tower builds will increase and improve the way of life for the Cherokee people and newly built facilities, and

WHEREAS The Tribe is requesting that Council grant a limited waiver of sovereign immunity for each Land Lease Agreement and for each Capital Contribution Agreement with Verizon Wireless which the Attorney General Office has reviewed.

NOW THEREFORE BE IT RESOLVED by the Tribal Council of the Eastern Band of Cherokee Indians in which a quorum is assembled that the \$6,030,200.00 for the attached Project will come from the ITSWG fund (the Technology Enhancement Fund).

BE IT FURTHER RESOLVED that Cellco d/b/a Verizon Wireless is hereby granted a limited waiver of sovereign immunity to be used in connection with each Land Lease Agreement and each Capital Contribution Agreement with Verizon Wireless, and the limited waiver of sovereign immunity shall be as set forth in the attachment to this resolution.

BE IT FURTHER RESOLVED that the Principal Chief of the Eastern Band of Cherokee Indians is authorized to carry out the intent of this resolution, which shall remain in effect until implemented or rescinded.

Submitted by: EBCI Information Technology Strategic Working Group (ITSWG)