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CHEROKEE COUNCIL HOUSE
CHEROKEE, NORTH CAROLINA

Date: _____

RESOLUTION NO. _____ (2025)

A resolution authorizing the Tribe to grant a limited waiver of sovereign immunity in a contract with FCCI Insurance Group for the purchase of a performance and indemnity bond required by the NC Department of Transportation for encroachment onto the state right of way on Acquoni Road.

WHEREAS, as a federally-recognized Indian tribe, the Eastern Band of Cherokee Indians has the right to exercise self-determination and to assert or waive its sovereign immunity, as circumstances may require; and

WHEREAS, the Tribe recognizes that to do business and take care of its members the Tribe must sometimes grant a limited waiver of the Tribe's sovereign immunity by clearly expressing the terms of the waiver in a contract; and

WHEREAS, the Tribe requires limited waivers of sovereign immunity to be reviewed and approved by resolution of Tribal Council unless such authority is delegated in an ordinance; and

WHEREAS, the Cherokee Water and Sewer Department is undertaking a project on Acquoni Road in Cherokee which requires archeological investigations and an encroachment into the right of way claimed by the North Carolina Department of Transportation (NCDOT); and

WHEREAS, NCDOT is requiring the Tribe to enter an encroachment agreement and provide performance and indemnity bond with a value of \$500,000 to allow this work to move forward; and

WHEREAS, the Tribe desires to purchase the bond from FCCI Insurance Group for a price of approximately \$12,500.00, and that company requires the Tribe to waive its sovereign immunity in case that company has to take legal action against the Tribe regarding the bond; and

WHEREAS, by this resolution, the Tribe is granting a limited waiver of sovereign immunity for the purposes of purchasing the bond from FCCI Insurance Group.

NOW THEREFORE BE IT RESOLVED by the Tribal Council of the Eastern Band of Cherokee Indians, in Council assembled, at which a quorum is present, that the Tribe hereby grants a limited waiver of sovereign immunity, limited as provided in the attached Exhibit A, for the purpose of allowing the Tribe to purchase the requisite bond from FCCI Insurance Company, which bond is required by the North Carolina

1 Department of Transportation per the attached NCDOT Encroachment Agreement
2 bearing Encroachment Number E142-087-25-00197.
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4 BE IT FURTHER RESOLVED, that the Principal Chief is authorized to execute the attached
5 documents provided by the NCDOT and FCCI Insurance Group as necessary to
6 effectuate the intent of this resolution and to purchase the necessary bond, and is
7 authorized with the Budget and Finance Office and the Office of the Attorney
8 General to suggest to FCCI amendments to its required documents so they
9 properly identify the Tribe as a sovereign Tribal government.
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11 BE IT FINALLY RESOLVED that all resolutions that are inconsistent with this resolution are
12 rescinded, and that this resolution shall become effective when ratified by the
13 Principal Chief.
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16 *Submitted by Michael McConnell, Attorney General.*
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