

21

CHEROKEE COUNCIL HOUSE
CHEROKEE, NORTH CAROLINA
Date: _____

RESOLUTION NO. _____(2022)

WHEREAS, US Pharmacopeia (USP) regulates Pharmacy's, including but not limited to the sterile compounding of pharmaceuticals through chapter 797 and the safe handling of hazardous drugs through chapter 800 and,

WHEREAS, the Cherokee Indian Hospital Authority (CIHA) complies with USP requirements, and new revisions to these chapters will require the renovation and expansion of the CIHA pharmacy to be in compliance and,

WHEREAS, in fulfilling the mandate of these requirements CIHA wishes to retain the services of the Robins & Morton Group (Robins and Morton) as Construction Manager for the Pharmacy USP project that will be located at the CIHA Hospital and;

WHEREAS, the agreement between CIHA and Robins and Morton requires arbitration which constitutes a limited waiver of the Eastern Band of Cherokee Indians' sovereign immunity;

WHEREAS, Section 130B-5. of the EBCI Code of Ordinances authorizes CIHA's Governing Board to propose a waiver of sovereign immunity for approval by Tribal Council, provided such waiver of sovereign immunity is limited to such CIHA assets as Tribal Council determines are reasonably necessary to secure the rights of the party requesting the waiver; and

WHEREAS, the Governing Board of CIHA brings this Resolution before Tribal Council to request authorization to provide the Robins and Morton Group a right to arbitration under the provisions of CIHA 's agreement with the Robins and Morton Group.

NOW THEREFORE BE IT RESOLVED by the Tribal Council of the Eastern Band of Cherokee Indians assembled, at which a quorum is present, that the Cherokee Indian Hospital Authority is hereby authorized to provide the Robins and Morton Group with a right to arbitration in its agreement with the Robins and Morton Group for management of the construction of Phase 1 of the Long Term Care project.

BE IT FURTHER RESOLVED that nothing in the authorization given pursuant to this legislation shall obligate or authorize the payment or encumbrance of any real estate, funds or other assets of the Eastern Band of Cherokee Indians, the Tribal Casino Gaming Enterprise, or any other enterprise or entity of the EBCI, other than the property assets and revenues of CIHA.

BE IT FINALLY RESOLVED that all resolutions that are inconsistent with this resolution are rescinded, and that this resolution shall become effective when ratified by the Principal Chief.

Submitted by the Governing Board of the Cherokee Indian Hospital Authority