

CHEROKEE COUNCIL HOUSE
CHEROKEE, NORTH CAROLINA
Date: _____

RESOLUTION NO. _____(2018)

WHEREAS, the Cherokee Indian Hospital Authority (CIHA) continues to develop a scope of expanded services, and the CHIA Governing Board has authorizing the Cherokee Indian Hospital to remodel the Procedure Suite to meet current codes and to allow the expansion of services;

WHEREAS, in fulfilling the mandate CIHA wishes to retain the services of the Robins and Morton Group (Robins and Morton) as Construction Manager for the Procedure Suite Remodel that will be located inside the current facility;

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 in Council 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 remodel of the Procedure Suite.

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BE IT FINALLY RESOLVED that all resolutions that are inconsistent with this resolution are rescinded, and that this resolution shall become effective when ratified by the Principal Chief.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