

TABLED
WITHDRAWN
DEC 03 2020

Cherokee Council House
Cherokee, NC

JAN 09 2020

Ordinance No. 81 (2019)

WHEREAS, Cherokee Indian Hospital Authority (hospital) desires to have the authority to enter written contracts that provide for a limited waiver of tribal sovereign immunity similar to the authority granted to the Tribal Gaming Commission Enterprise in Cherokee Code; and

WHEREAS, the grant of the authority to enter contracts that provide a limited waiver of the Tribe's sovereign immunity can and must also limit the assets that the limited waiver of immunity applies to.

NOW THEREFORE BE IT ORDAINED in Tribal Council assembled where a quorum is present that Cherokee Code Chapter 130B shall be amended as follows:

130B-21. Limited Waiver of Sovereign Immunity For Hospital Contracts

The CIHA, as an unincorporated component unit of the Tribe, retains all of the Tribe's rights, privileges, and immunities, including sovereign immunity from suit. The CIHA, by and through its Governing Board, shall have the power to waive the right of the CIHA to exercise sovereign immunity in contracts to which the CIHA is a party, provided that the limited waiver of the defense of sovereign immunity in claims for breach of contract shall extend only, solely and limitedly to the financial assets of the CIHA and excluding all real property assets.

BE IT FINALLY ORDAINED that this Ordinance shall be effective upon ratification by the Principal Chief.

Submitted by: The Cherokee Indian Hospital Authority