

AGNES GONZALEZ
TRIBAL CHAIRPERSON

MORNING STAR GALI
TRIBAL VICE-CHAIRPERSON

JOLIE GEORGE
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PIT RIVER TRIBE
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ELEVEN AUTONOMOUS BANDS

RESOLUTION NO: 23-07-03

DATE APPROVED: JULY 29, 2023

SUBJECT: Resolution of the Voting Membership to Delegate Authority to Pit River Tribal Council to Grant Limited Waivers of Sovereign Immunity For a Period of Five (5) Years

WHEREAS: The Pit River Tribe is a federally recognized Indian Tribe located in Shasta, Siskiyou, Modoc, and Lassen Counties in the State of California, established pursuant to the Indian Reorganization Act of 1934, and is a recognized Tribal Government as defined by the Indian Self-Determination and Education Assistance Act (Public Law 93-638); and

WHEREAS: The Pit River Tribe is a federally recognized Tribe (“Tribe”) composed of Eleven Autonomous Bands located in Northeastern California since time immemorial; and

WHEREAS: The Pit River Tribal Council is empowered by Article VII, Section 1 (a) of the Constitution to negotiate, consult and contract with Federal, State and Tribal Governments, private enterprises, individuals, and other organizations; and

WHEREAS: The Pit River Tribal Council is empowered by Article VII, Section 1(s) of the Constitution to enact all ordinances and resolutions which shall be necessary and proper for carrying into effect the Council’s powers and responsibility; and

WHEREAS: The Pit River Voting Membership has retained the power to waive sovereign immunity, subject to a majority vote of the registered voters voting thereon at a meeting duly called, notices and convened for that express purpose pursuant to Article VII, Section 3(a) of the Constitution; and

WHEREAS: The Tribe possesses the same inherent sovereignty and sovereign authority as other nations; and

WHEREAS: Tribal sovereign immunity exists both on and off reservation, and extends to the Tribe itself, to agencies, arms, entities, and enterprises of the Tribe as well as to

ATWAMSINI

ATSUGEWI

ASTARIWI

APORIGE

AJUMAWI

HEWISEDAWI

HEWISEDAWI

ILLMAWI

ITSATAWI

KOSEALEKTE

employees, officers, agents acting on behalf of the Tribe and within the scope of their authority; and

WHEREAS: The principle of tribal sovereign immunity is well established and long recognized in federal policy and in federal judicial decisions, legislative enactments, and in administrative regulations, policies and decisions; and

WHEREAS: Under the principle of tribal sovereign immunity, the Tribe, its agencies, arms, entities and enterprises and its employees, officers and agents cannot be sued in any court without the Tribe's express consent, or if the Congress of the United States has enacted specific legislation expressly waiving the sovereign immunity of Indian tribes in certain instances; and

WHEREAS: Waiver of the Tribe's sovereign immunity for specific transactions is an exercise of the Tribe's sovereign authority because only sovereign nations possess the authority to waive their sovereign immunity; and

WHEREAS: All waivers of the Tribe's sovereign immunity must be in writing and properly approved by the appropriate body, agency, entity, arm or enterprise of the Tribe to be valid and effective; and

WHEREAS: A quorum of the Tribal Council, at a meeting duly called for this purpose, has determined that it was in the best interest of the Tribe to call a Special Meeting of registered voters of the Pit River Tribe to discuss and approve a resolution to delegate the power to grant a limited waiver of tribal sovereign immunity to the Tribal Council **for a period of 5 years from the date of enactment;** and

WHEREAS: That the Pit River Tribe Voting Membership was provided a copy of Tribal Council Resolution number 23-07-03, pursuant to Article VII, Section 3(a) of the Constitution (Referendum), which included a copy of this resolution for review and approval; and

WHEREAS: That the Pit River Tribe Voting Membership held a duly called, noticed and convened meeting on July 29, 2023, for the express purpose of voting upon this Resolution pursuant to Article VII, Section 3(a) of the Constitution (Referendum); and

NOW THEREFORE BE IT RESOLVED: That the Voting Membership hereby approves this resolution to delegate the power to grant a limited waiver of tribal sovereign immunity to the Tribal Council **for a period of 5 years from the date of enactment.**

NOW THEREFORE BE IT FURTHER RESOLVED: That the Voting Membership authorizes the Tribal Chairperson, or his/her designee, as having authority to sign agreements which contain a limited waiver of tribal sovereign immunity consistent with this Resolution.

C-E-R-T-I-F-I-C-A-T-I-O-N

I, the undersigned Tribal Chairperson, Agnes Gonzalez, of the Pit River Tribe, do hereby certify that the Pit River Voting Membership is composed of eligible Voting Members of eleven autonomous bands of which _____ were present, constituting a quorum as a specially called, noticed, convened, and held meeting on July 29, 2023, and the resolution was adopted by a vote of ____ FOR, ____ AGAINST, and ____ ABSTAINING, and that said resolution has not been rescinded in any way.

_____ Date
Agnes Gonzalez, Tribal Chairperson

_____ Date
Jolie George, Tribal Secretary

Tribal Council Member Signatures:

Ajumawi: _____ Date: _____

Aporige: _____ Date: _____

Astarawi: _____ Date: _____

Atsugewi: _____ Date: _____

Atwamsini: _____ Date: _____

Hammawi: _____ Date: _____

Hewisedawi: _____ Date: _____

Illmawi: _____ Date: _____

Itsatawi: _____ Date: _____

Kosealekte: _____ Date: _____

Madesi: _____ Date: _____