



CENTRAL COUNCIL
Tlingit and Haida Indian Tribes of Alaska
Office of the President • Edward K. Thomas Building
9097 Glacier Highway • Juneau, Alaska 99801

Executive Council of the Central Council
TLINGIT & HAIDA INDIAN TRIBES OF ALASKA

Resolution EC 21-07

Title: Authorization for a Limited Waiver of Sovereign Immunity to Enter into a Grant Agreement to Receive State of Alaska Recovery Housing Program Funds

WHEREAS, the Central Council of Tlingit & Haida Indian Tribes of Alaska (Tlingit & Haida) is a federally recognized tribe with more than 32,000 citizens; and

WHEREAS, under Article X of the Tlingit & Haida Constitution, the Executive Council is the governing body of Tlingit & Haida when the Tribal Assembly is not in session; and

WHEREAS, the Tribal Assembly is not in session; and

WHEREAS, Tlingit & Haida has identified it as a priority to develop reentry programs and services to address the needs of citizens returning to the community from incarceration; and

WHEREAS, the State of Alaska, Department of Health and Social Services, Division of Behavioral Health, has announced FY2021 funding is available and is seeking proposals from eligible applicants to provide services through the Recovery Housing Program; and

WHEREAS, Tlingit & Haida, a federally recognized tribe, wishes to waive its sovereign immunity, and to enter into a Grant Agreement to receive grant funds under the Department of Health & Social Services program: Recovery Housing Program; in State Fiscal Year 2021 and such additional periods as may be indicated in the applicable Request for Proposals, but in no event longer than 2 years; and

WHEREAS, the State of Alaska, Department of Health & Social Services requires under 7 AAC 78.030 (e), a resolution approved by Tlingit & Haida that waives the Tribe's sovereign immunity from suit with respect to claims by the state arising out of the activities related to the grant;

NOW THEREFORE BE IT RESOLVED, in the event that a Recovery Housing Grant is awarded in State Fiscal Year 2021 and such additional periods as may be indicated in the applicable Request for Proposals, Tlingit & Haida hereby waives its sovereign immunity and consents to suit in Alaska State Courts or in a state administrative agency proceeding for any cause of action (including any allowable interest, costs and attorneys fees) or claim filed by the state arising out of or related to the grant, to enforcement of any court or agency order entered in such action or agency proceeding and to levy and execution of any judgment entered in any such lawsuit or agency proceeding against all property and funds of the Tribe, however held and wherever located; suits relating to this agreement shall be governed by State law, and allowed solely in State courts or State administrative proceedings unless otherwise required by law; and

BE IT FURTHER RESOLVED, this waiver shall remain in effect so long as the Grant Agreement, and any extension periods thereof not to exceed 2 years, remains in effect, plus the longest records retention period applicable to the grant as set forth in the grant or state regulations, plus the expiration of the statute of limitations on any cause of action or claim arising out of or related to the Grant Agreement; the statute of limitations on any cause of action or claims shall begin to run from the end of the records retention period; this waiver includes, but is not limited to, any cause of action or claim related to a demand for reimbursement of funds following an audit; and

BE IT FINALLY RESOLVED, that the Executive Council of the Central Council of Tlingit & Haida Indian Tribes of Alaska hereby authorizes the Tlingit & Haida President, or designee, to submit, negotiate, execute, and administer any and all documents, including any subsequent amendments, that are required by the State of Alaska, Department of Health and Social Services, Division of Behavioral Health for granting funds to Tlingit & Haida including such additional period as may be indicated in the Requests for Proposals for Recovery Housing Grant; and for managing such funds.


ADOPTED this 19th day of February 2021, by the Executive Council of the Central Council of Tlingit & Haida Indian Tribes of Alaska, by a vote of 5 yeas, 0 nays, 0 abstentions and 1 absence.

CERTIFY



President Richard J. Peterson

ATTEST



Tribal Secretary Ralph Wolfe