



EXECUTIVE COUNCIL OF THE
CENTRAL COUNCIL OF THE TLINGIT & HAIDA INDIAN TRIBES OF ALASKA

Resolution EC 26-75

Title: Limited Waiver of Sovereign Immunity for the Tlingit & Haida Foundation to Apply for State of Alaska Department of Health Rural Health Transformation Program

WHEREAS, the Central Council of Tlingit & Haida Indian Tribes of Alaska (Tlingit & Haida) is a federally recognized tribe with more than 38,000 citizens; and

WHEREAS, pursuant to 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 established the Tlingit & Haida Foundation, a non-profit corporation registered with the State of Alaska, with its principal place of business located in Juneau, Alaska, to solicit funds and provide financial support initiatives that uplift Tlingit & Haida citizens and communities through education, wellness, and self-determination; and

WHEREAS, the Tlingit & Haida Foundation, as an arm of the Tribe, seeks to apply for a grant with the State of Alaska Department of Health (DOH) to receive grant funds under the Rural Health Transformation Program in State Fiscal Year 2027 and such additional periods as may be indicated in the applicable application, but in no event longer than 3 years; and

WHEREAS, the Tlingit & Haida Foundation, as an arm of the Tribe, intends to apply for up to \$14,286,189 in funds from the DOH for a 5-year project, and such funding caps administrative costs at 3%, creating a \$2,142,928 shortfall; and

WHEREAS, such funds will be used to develop in-person behavioral health programs in Sitka, Alaska; will enable Tlingit & Haida to increase prevention and postvention services to communities throughout the region, as well as offer community-level work, including collaborative crisis response, prevention, education, and community healing events; will enable Tlingit & Haida to complete training and gain an understanding of the fee-for-service/value-based care model and the State of Alaska's Medicaid systems; and will ensure long-term fiscal stability for Tlingit & Haida's behavioral health services; and



WHEREAS, in order to apply for the grant, and for the Tlingit & Haida Foundation to receive funding, the DOH requires each applicant, pursuant to 7 AAC 78.030(e), to execute a resolution granting a limited waiver of sovereign immunity from suit with respect to claims by the State of Alaska arising out of the activities related to the grant; and

WHEREAS, Article V, Section 4(a)(2) of Tlingit & Haida's constitution states that waivers of sovereign immunity are "disfavored" and are only to be granted when it is "necessary to secure a substantial advantage or benefit to Tlingit & Haida;"

NOW THEREFORE BE IT RESOLVED, that the Executive Council of the Central Council of Tlingit & Haida Indian Tribes of Alaska finds that granting a limited waiver of sovereign immunity to the State of Alaska is necessary to apply for and receive funds from the State of Alaska Department of Health; and

BE IT FURTHER RESOLVED, Tlingit & Haida expressly, unequivocally, and irrevocably waives its sovereign immunity from suit ("Waiver") and will not raise sovereign immunity as a defense in a judicial action brought therein by the State of Alaska, subject to the following limitations:

1. Notwithstanding any applicable statute of limitations or other law, the Waiver shall be enforceable so long as any Grant Agreement, including any extension periods thereof not to exceed 3 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;
2. The Waiver applies solely with respect to claims or causes of action arising out of the Grant Agreement that are brought in accordance with the laws of the State of Alaska, including any cause of action or claim related to a demand for reimbursement of funds following an audit;
3. The Waiver is solely in favor of the State of Alaska and does not extend to any other person, company, or entity;
4. The Waiver does not waive the immunity of Tlingit & Haida's employees, officers, Community Councils, agents, and members;
5. This Waiver is not to be construed as a waiver of or consent to attachment, execution, levy, encumbrance, or other judicial process upon:
 - a. Any real property, or interest in real property, of Tlingit & Haida or its sub-entities, whether held in fee, in trust for the benefit of Tlingit & Haida or any tribal citizen by the United States, or as restricted fee simple land; or

- b. Any federal, state, or grant funds held, or to be received by, Tlingit & Haida, in trust or otherwise; or
 - c. Any equity interests in the Tribe's Operations; or
 - d. Any assets used primarily in connection with the provision of customary governmental services, such as those related to health, safety and welfare, by Tlingit & Haida or any of its sub-entities; or
 - e. Any other property against which recourse is prohibited by applicable state or federal law.
6. Before any action may be filed in a court of competent jurisdiction, Tlingit & Haida and the State shall meet and attempt to resolve any claim(s) through good faith negotiations; and

BE IT FINALLY RESOLVED, in the event that a Rural Health Transformation Program grant is awarded in State Fiscal Year 2027, and such additional periods as may be indicated in the applicable application, the Tribe hereby irrevocably 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 attorney fees) or claim filed by the State arising out of or related to the grant, to such claims or causes of action being governed by the laws of the State of Alaska and allowed in State of Alaska courts or administrative proceedings, unless otherwise required by law, 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 consistent with the scope of this Waiver.

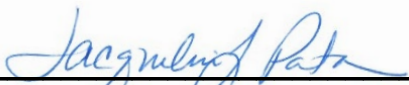
ADOPTED this 22nd day of June 2026, by the Executive Council of the Central Council of Tlingit & Haida Indian Tribes of Alaska, by a vote of 5 yeas, 0 nays, 0 abstentions and 1 absence.

CERTIFY



President Richard J. Peterson

ATTEST



Tribal Secretary Jacqueline L. Pata