



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

Resolution EC 26-114

Title: Authorizing a Limited Waiver of Sovereign Immunity Solely for the Purposes of Entering into a Rural Health Transformation Program Grant Agreement with the State of Alaska

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, a federally recognized tribe (the Tribe) wishes to enter into a Grant Agreement to receive grant funds under the Department of Health program: 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 State of Alaska, Department of Health requires under 7 AAC 78.030 (e), a resolution approved by the entity's governing body that waives the entity's sovereign immunity from suit with respect to claims by the state arising out of the activities related to the grant; and

WHEREAS, the proposed waiver is narrowly tailored to apply only to legal claims arising out of or related to this Grant Agreement, and shall not be construed as a general waiver of sovereign immunity;



THEREFORE, BE IT RESOLVED, that in the event that a Rural Health Transformation Program grant is awarded in State Fiscal Year 2027 to Tlingit & Haida, the Tribe hereby issues a limited waiver of 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 Rule 82 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 not otherwise restricted for a particular purpose that is inconsistent with their use to pay such judgment, e.g., federal grant or program funds limited to a specific purpose, however held and wherever located, provided that such execution of judgment shall not exceed the program payment; and

BE IT FURTHER RESOLVED, that except as otherwise provided by Federal law, causes of actions or claims arising out of or related to the grant shall be governed by State law, and allowed solely in State courts or State administrative agencies unless otherwise required by law; and

BE IT FURTHER RESOLVED, that this limited waiver of sovereign immunity shall not be construed as an agreement or concession by Tlingit & Haida to limit, waive, or alter the coverage of the Federal Tort Claims Act for any claim to which such laws apply; and

BE IT FURTHER RESOLVED, that no personal assets of Tlingit & Haida officials or employees are subject to levy or execution, or other mechanisms to enforce a judgment; and

BE IT FURTHER 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 negotiate, execute, and administer any and all documents and contracts required for granting funds to the Tribe and managing funds on behalf of this entity, including any subsequent amendments to said agreement, and including such additional periods as may be indicated in the application; and

BE IT FURTHER RESOLVED, that this waiver shall remain in effect so long as the Grant Agreement, and any extension periods thereof not to exceed 3 years, remains in effect, plus the longest records retention period applicable to the grant. The statute of limitations on any cause of action or claims shall begin to run from any final reporting related to the grant is submitted; and

BE IT FURTHER RESOLVED, that no provision of this limited waiver of sovereign immunity shall be interpreted as granting the Tribe's consent for a suit to be brought directly against the Tribe by any party other than the State, nor shall any provision in this limited waiver be construed as creating in the public or any person a third-party benefit or to otherwise authorize any person not a party to the grant to maintain a suit for personal injury or other cause of action under the terms of this limited waiver or the Grant Agreement.

ADOPTED this 28th day of August 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