



**RESOLUTION OF THE
WIYOT TRIBE**

RESOLUTION NO. 22-18

**Authorization Limited Waiver of Sovereign Immunity Pursuant to Agreement with
Humboldt County on Law Enforcement Services**

- Whereas:** The Wiyot Tribe is a federally recognized Indian tribe with inherent powers of self-government protected by federal law and the Tribe's Constitution; and
- Whereas:** The Wiyot Tribal Council is the governing body of the Wiyot Tribe under the authority of the Constitution of the Tribe; and
- Whereas:** Article VI, Section 1(b) of the Constitution of the Wiyot Tribe authorizes the Tribal Council to negotiate agreements and regulate relations with local governments, including agencies of counties; and
- Whereas:** Article VI, Section 1(d) of the Constitution of the Wiyot Tribe authorizes and directs the Tribal Council to "promote the health, education and general welfare of the Citizens of the Tribe"; and
- Whereas:** Article VI, Section 1(o) of the Constitution of the Wiyot Tribe authorizes the Tribal Council to waive the sovereign immunity of the Tribe "when it seems necessary to further the interests of the Tribe and its citizens"; and
- Whereas:** An agreement has been negotiated and finalized under which the Humboldt County Sheriff will provide law enforcement services to the Wiyot Tribe through June 30, 2023, according to a schedule for one deputy of four (4) days a week with ten (10) hours shifts, including regular check-ins at the Tribal Headquarters and random patrol checks of the Tribal Lands and Tribal residences in the Eel River Valley; and
- Whereas:** The agreement provides that in exchange for these services that the Wiyot Tribe will pay Humboldt County One Hundred Sixty Thousand Dollars (\$160,000), payable on a quarterly basis in the amount of Forty Thousand (\$40,000) each quarter; and

Whereas: The agreement provides that the Wiyot Tribe agrees to waive by resolution of its Tribal Council its immunity from unconsented suit for claims by the Sheriff that the Tribe has violated any provision of the agreement or that seeks to resolve any dispute concerning the interpretation, implementation or enforcement of the agreement, provided however, that such waiver does not include tort claims, claims for exemplary or punitive damages or any other claims not related to contract law, and that the waiver is limited to the remedy of specific performance only; and

Whereas: The Wiyot Tribal Council approved the agreement at a regularly scheduled meeting with a quorum present on August 8, 2022.

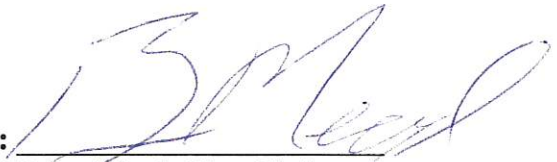
NOW THEREFORE, BE IT RESOLVED, that the Wiyot Tribal Council hereby waives the Wiyot Tribe's sovereign immunity from unconsented suit on the terms and conditions set forth in section 15, Limited Wavier of Sovereign Immunity, in the Agreement.

CERTIFICATION

This is to certify that this Resolution was approved by phone vote of the Wiyot Tribal Council on August 10, 2022, at which a quorum was present, and that this Resolution was adopted by a vote of 4 HI' (Yes) 0 GIYAWL (No), and 0 Abstentions. This Resolution has not been rescinded or amended in any way.



Ted Hernandez, Chairman
Wiyot Tribe

ATTEST: 

Brian Mead, Vice Chair
Wiyot Tribe