

ATTACHMENT XX

SPECIAL TERMS AND CONDITIONS FOR CALIFORNIA NATIVE AMERICAN TRIBES WITH SOVEREIGN IMMUNITY

1. Limited Waiver of Sovereign Immunity

The [Insert name of Tribe] has waived its sovereign immunity, to the extent that any such sovereign immunity exists, for any and all claims by the California Energy Commission that may arise relating to this Agreement and any remedies therefore under the laws of the state of California and the laws of the United States of America; and has provided a copy of a resolution or other authorizing document executing such waiver; and

2. Consent to Jurisdiction

The [Insert name of Tribe] has consented to personal jurisdiction and venue in any court of the State of California and any federal court sitting in the State of California; and waives any and all claim that it may have, including without limitation that such court is an inconvenient forum, for the purposes of any proceeding related to this Agreement; and, with respect to a proceeding in a court of the State of California or a federal court sitting in the State of California, any requirement that tribal remedies must be exhausted; and has provided a copy of a resolution or other authorizing document executing such consent; and

3. Authority

The [Insert name of Tribe], has authorized this Agreement, including Limited Waiver of Sovereign Immunity and Consent to Jurisdiction, and has provided a copy of a resolution or other authorizing document stating so.