

MISSISSIPPI BAND OF CHOCTAW INDIANS
101 Industrial Road
Choctaw, MS 39350

ORDINANCE NO. 16-YYYY

AN ORDINANCE TO AMEND TITLE II, RULE 4 OF THE CHOCTAW TRIBAL CODE,
CHOCTAW RULES OF CRIMINAL PROCEDURE

WHEREAS, Section 1, Subsection (k) of Article VIII of the Revised Constitution and Bylaws of the Mississippi Band of Choctaw Indians (“MBCI” or the “Tribe”) empowers the Tribal Council to promote and protect the health, peace, morals, education and general welfare of the Tribe and its members; and

WHEREAS, Section 1, Subsection (m) of Article VIII of the Revised Constitution and Bylaws of MBCI empowers the Tribal Council to establish and enforce ordinances governing the conduct of tribal members; providing for the maintenance of law, order, and the administration of justice; regulating wholesale, retail, commercial, or industrial activities on tribal lands; establishing a tribal court; and defining the powers and duties of that court; subject to the approval of the Secretary of the Interior where such approval is required by Federal law; and

WHEREAS, Section 1, Subsection (p) of Article VIII of the Revised Constitution and Bylaws of MBCI empowers the Tribal Council to pass any ordinances and resolutions necessary or incidental to the exercise of any of the foregoing powers and duties; and

WHEREAS, Title II of the Choctaw Tribal Code, sets out the *Choctaw Rules of Criminal Procedure*; and

WHEREAS, the Tribal Council is making a continuing effort to update the *Choctaw Tribal Code* to reflect the current conditions on the Choctaw Indian Reservation; and

WHEREAS, Title II, Rule 4, the *Complaint* requires amendment for the administration of justice; and

WHEREAS, specific revisions are proposed for Rule 4; and

WHEREAS, the Judicial Affairs and Law & Order Committee has reviewed the proposed revision to Title II, Rule 4, and recommends the amendment for approval by the Tribal Council; now therefore be it

ENACTED, that the Tribal Council does hereby amend Title II, Rule 4, as follows:

Rule 4 The Complaint

- (a) The complaint is a written statement of the essential facts constituting the offense charged. Formal criminal proceedings against the defendant are commenced by filing a criminal complaint with the Choctaw Tribal Court.
- (b) The complaint must include the following:
 - (1) the name of the person alleged to have committed an offense (hereinafter the “defendant”), if known, or if not known, then such a description of said person as is known, by which such defendant can be identified with reasonable certainty;
 - (2) the place where the alleged offense was committed;
 - (3) a short statement of the specific acts or omissions to act complained of;
 - (4) the date and approximate time of the commission of the offense, if known;
 - (5) the general name and the section number from the tribal code section, regulation, ordinance, or resolution; and
 - (6) the signature of the person filing the complaint, attesting under oath to the truth of the matters stated in the complaint.
- (c) Traffic citations, in a form approved by the Chief Criminal Judge of the Tribal Court, may be issued and will serve as the complaint in traffic offenses and certain other offenses as designated by applicable tribal codes, regulations, ordinances, or resolutions.

And be it further,

ENACTED, that the Office of the Attorney General shall ensure that the Tribal website has been updated to reflect these statutory changes; and be it further

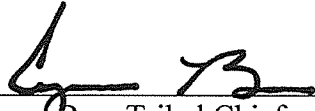
ENACTED, that these amendments shall take effect immediately upon passage by the Tribal Council.

CERTIFICATION

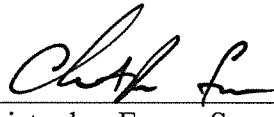
I, the undersigned, as Secretary-Treasurer of the Mississippi Band of Choctaw Indians, certify that the Tribal Council of said Band is composed of 17 members, 11 of whom, constituting a quorum were present at a Regular meeting duly called, noticed, convened and held this the 14th day of July, 2020; and that the foregoing Ordinance was duly Enacted by a vote of 11 members in favor, 0 opposed and 0 abstaining.

Dated this 14th day of July, 2020.

ATTEST:



Cyrus Ben, Tribal Chief



Christopher Eaves, Secretary-Treasurer

MISSISSIPPI BAND OF CHOCTAW INDIANS
101 Industrial Road
Choctaw, MS 39350

ORDINANCE NO. 16-ZZZZ

AN ORDINANCE TO AMEND §3-6-21 OF THE CHOCTAW TRIBAL CODE, TITLE III,
CRIMINAL OFFENSES

WHEREAS, Section 1, Subsection (k) of Article VIII of the Revised Constitution and Bylaws of the Mississippi Band of Choctaw Indians (“MBCI” or the “Tribe”) empowers the Tribal Council to promote and protect the health, peace, morals, education and general welfare of the Tribe and its members; and

WHEREAS, Section 1, Subsection (m) of Article VIII of the Revised Constitution and Bylaws of the Tribe empowers the Tribal Council to establish and enforce ordinances governing the conduct of tribal members; providing for the maintenance of law, order, and the administration of justice; regulating wholesale, retail, commercial, or industrial activities on tribal lands; establishing a tribal court; and defining the powers and duties of that court; subject to the approval of the Secretary of the Interior where such approval is required by Federal law; and

WHEREAS, Section 1, Subsection (p) of Article VIII of the Revised Constitution and Bylaws of the Tribe empowers the Tribal Council to pass any ordinances and resolutions necessary or incidental to the exercise of any of the foregoing powers and duties; and

WHEREAS, Title III of the Choctaw Tribal Code, sets out the criminal offenses and provisions relating to criminal sentencing and punishment; and

WHEREAS, the Tribal Council is making a continuing effort to update the *Choctaw Tribal Code* to reflect the current conditions on the Choctaw Indian Reservation; and

WHEREAS, Title III, Criminal Offenses, requires amendment to protect the health, safety, and welfare of the general public of MBCI; and

WHEREAS, specific revisions are proposed for §3-6-21, *Intoxication*, to amend the statute to §3-6-21, *Public Drunkenness or Impairment; Treatment for Repeat Offenses*; and

WHEREAS, the Judicial Affairs and Law & Order Committee has reviewed the proposed revision to Title III and is recommend for approval by the Tribal Council; now therefore be it

ENACTED, that the Tribal Council does hereby amend §3-6-21 from *Intoxication* to *Public Drunkenness or Impairment; Treatment for Repeat Offenses*, as follows:

§3-6-21 Public Drunkenness or Impairment; Treatment for Repeat Offenses

It shall be unlawful for any person to exhibit drunkenness or impairment in any public place on the reservation due to abuse of alcohol which causes impairment. Public place means any public property or any building, enclosure, roadway, sidewalk, restaurant, place of worship, entertainment venue, or place of instruction, where persons are generally allowed or invited to be in attendance.

Public drunkenness may be identified by observation of slurred speech; red glossy eyes; staggered walking; odor of alcoholic beverage coming from the breath or person of the individual; incapacitation; evidence of alcoholic beverages at the scene of arrest; or statements made by the person. Public drunkenness may be further determined by Field Sobriety Testing ("FST") procedures. Inability to complete FST's may present further evidence of drunkenness.

Public Drunkenness or Impairment is a Class C offense.

Any person charged with a second or subsequent offense of public drunkenness or impairment, may, upon a plea of guilty, nolo contendere (no contest) or conviction thereof, be required by the court to complete an intake at Choctaw Behavioral Health and to participate in and complete a prescribed course of treatment for alcohol or substance abuse and rehabilitation. Acceptance of treatment under this section shall not be considered a commitment.

And be it further,

ENACTED, that the Office of the Attorney General shall ensure that the Tribal website has been updated to reflect these statutory changes; and be it further

ENACTED, that these amendments shall take effect immediately upon passage by the Tribal Council.

CERTIFICATION


I, the undersigned, as Secretary-Treasurer of the Mississippi Band of Choctaw Indians, certify that the Tribal Council of said Band is composed of 17 members, 11 of whom, constituting a quorum were present at a Regular Call meeting duly called, noticed, convened and held this the 14th day of July, 2020; and that the foregoing Ordinance was duly Enacted by a vote of 11 members in favor, 0 opposed and 0 abstaining.

Dated this 14th day of July, 2020.

ATTEST:



Cyrus Ben, Tribal Chief



Christopher Eaves, Secretary-Treasurer

MISSISSIPPI BAND OF CHOCTAW INDIANS
101 Industrial Road
Choctaw, MS 39350

ORDINANCE NO. 16-AAAAA

AN ORDINANCE TO AMEND CHOCTAW TRIBAL CODE TITLE XXV, CHOCTAW
TORTS CLAIM ACT

WHEREAS, Section 1, Subsection (k) of Article VIII of the Revised Constitution and Bylaws of the Mississippi Band of Choctaw Indians (“MBCI” or the “Tribe”) empowers the Tribal Council to promote and protect the health, peace, morals, education and general welfare of the Tribe and its members; and

WHEREAS, Title XXV of the Tribal Code sets out the Choctaw Torts Claim Act including outlined exemptions, limitations and waivers; and

WHEREAS, on March 15, 2020, the Tribal Chief issued an *Executive Order and State of Emergency Proclamation* pursuant to Ordinance 50-A in regard to the COVID-19 pandemic; and

WHEREAS, COVID-19, a respiratory disease that can result in serious illness or death, can spread easily from person to person, which the U.S. Centers for Disease Control (“CDC”) has identified as a very high public health threat; and

WHEREAS, the exemptions listed in Section §25-1-5 include an exemption related to quarantine, but the Mississippi Band of Choctaw Indians wishes to clarify that exemption regarding claims related to communicable and infectious diseases; and

WHEREAS, the Judicial Affairs and Law & Order Committee has reviewed the proposed revisions to Title XXV and recommends the amendment for approval by the Tribal Council; now therefore be it

ENACTED, that the Tribal Council does hereby amend Title XXV as follows:

§25-1-5 Exemption From Liability

- (1) Neither the Tribe nor employees of the Tribe acting within the course and scope of their employment or duties shall be liable for any of the following types of claims, no matter when the claim or cause of action accrued, arose or is asserted:
 - (a) arising out of a legislative or judicial action or inaction, or administrative action or inaction of a legislative or judicial nature;
 - (b) arising out of any act or omission of an employee of the Tribe exercising ordinary care in reliance upon, or in the execution or performance of, or in the failure to

execute or perform, a statute, ordinance or regulation, whether or not the statute, ordinance or regulation be valid;

- (c) arising out of any act or omission of an employee of the Tribe engaged in the performance or execution of duties or activities relating to the police or fire protection unless the employee acted in reckless disregard of the safety and well being of any person not engaged in criminal activity at the time of injury;
- (d) based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of the Tribe or employee thereof, whether or not the discretion be abused;
- (e) arising out of an injury caused by adopting or failing to adopt a statute, ordinance or regulation;
- (f) which is limited or barred by the provisions of any other law;
- (g) arising out of the exercise of discretion in determining whether or not to seek or provide the resources necessary for the purchase of equipment, the construction or maintenance of facilities, the hiring of personnel and, in general, the provision of adequate governmental services;
- (h) arising out of the issuance, denial, suspension or revocation of, or the failure or refusal to issue, deny, suspend or revoke any privilege, ticket, pass, permit, license, certificate, approval, order or similar authorization where the governmental entity or its employee is authorized by law to determine whether or not such authorization should be issued, denied, suspended or revoked unless such issuance, denial, suspension or revocation, or failure or refusal thereof;
- (i) arising out the assessment or collection of any tax or fee;
- (j) arising out of the detention of any goods or merchandise by any law enforcement officer, unless such detention is of a malicious or arbitrary and capricious nature;
- (k)
 - (i) arising out of the imposition or establishment of, or the failure to impose or establish, a quarantine, whether such quarantine relates to persons or property, road or facilities closures, or social distancing, isolation, shelter-in-place orders, executive orders or rules, or any requirement or failure to require the wearing of masks or other personal protective equipment by employees, customers, visitors or guests in connection with or in response to any public health emergency or communicable or infectious disease, epidemic or pandemic, or any declaration or lack of declaration or enforcement regarding any such matters; or
 - (ii) arising out of any action or inaction of the Tribe, its officers, board members or employees taken or not taken in connection with or in response to any public health

emergency or communicable or infectious disease, epidemic or pandemic, or any declaration or lack of declaration or enforcement regarding any of such matters.

- (l) of any claimant who is an employee of the Tribe and whose injury is covered by the Workers' Compensation Law of any state or the Tribe;
- (m) of any claimant who at the time the claim arises is an inmate of any detention center, jail, workhouse, penal farm, penitentiary or other such institution, regardless of whether such claimant is or is not an inmate of any detention center, jail, workhouse, penal farm, penitentiary or other such institution when the claim is filed;
- (n) arising out of any work performed by a person convicted of a crime when the work is performed pursuant to any sentence or order of any court or pursuant to laws of any state or the Tribe authorizing or requiring such work;
- (o) arising out of any tortuous act or omission made subject to the Federal Tort Claims Act 28 U.S.C. §2671 et seq. by Public Law 101-512, as amended (set out as a note to 25 U.S.C. §450f;) or per 25 U.S.C. §450f(d), or by other Federal law. In all such instances, the claimant(s)' exclusive remedy shall be under the Federal Tort Claims Act;
- (p) arising out of a plan or design for construction or improvements to public property, including but not limited to public buildings, highways, roads, streets, bridges, levees, dikes, dams, impoundments, drainage channels, diversion channels, harbors, ports, wharfs or docks, where such plan or design has been approved in advance of the construction or improvement by the legislative body or governing authority of a governmental entity or by some other body or administrative agency, exercising discretion by authority to give such approval, and where such plan or design is in conformity with engineering or design standards in effect at the time of preparation of the plan or design;
- (q) arising out of an injury caused solely by the effect of weather conditions on the use of streets and highways;
- (r) arising out of the lack of adequate personnel or facilities at a public hospital or Tribal corrections facility if reasonable use of available appropriation has been made to provide such personnel or facilities;
- (s) arising out of loss, damage or destruction of property of a patient or inmate of a Tribal institution;
- (t) arising out of any loss of benefits or compensation due under a program of public assistance or public welfare;

- (u) arising out of or resulting from riots, unlawful assemblies, unlawful public demonstrations, mob violence or civil disturbances;
- (v) arising out of an injury caused by a dangerous condition on property of the Tribe that was not caused by the negligent or other wrongful conduct of an employee of the governmental entity or of which the governmental entity did not have notice, either actual or constructive, and adequate opportunity to protect or warn against; provided, however, that the Tribe shall not be liable for the failure to warn of a dangerous condition which is obvious to one exercising due care;
- (w) arising out of the absence, condition, malfunction or removal by third parties of any sign, signal, warning device, illumination device, guardrail or median barrier, unless the absence, condition, malfunction or removal is not corrected by the Tribal entity responsible for its maintenance within a reasonable time after actual or constructive notice;
- (x) Arising out of the administration of corporal punishment or the taking of any action to maintain control and discipline of students at a Tribal school by a teacher, assistant teacher, principal or assistant principal unless the teacher, assistant teacher, principal or assistant principal acted in bad faith or with malicious purpose or in a manner exhibiting a wanton and willful disregard of human rights or safety.

ENACTED, that the Office of the Attorney General shall ensure that the Tribal website has been updated to reflect these statutory changes; and be it further

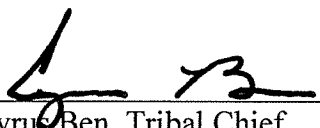
ENACTED, that these amendments shall take effect immediately upon passage by the Tribal Council.

CERTIFICATION


I, the undersigned, as Secretary-Treasurer of the Mississippi Band of Choctaw Indians, certify that the Tribal Council of said Band is composed of 17 members, 11 of whom, constituting a quorum were present at a Regular Call meeting duly called, noticed, convened and held this the 14th day of July, 2020; and that the foregoing Ordinance was duly Enacted by a vote of 9 members in favor, 2 opposed and 0 abstaining.

Dated this 14th day of July, 2020.

ATTEST:



Cyril Ben, Tribal Chief



Christopher Eaves, Secretary-Treasurer

MISSISSIPPI BAND OF CHOCTAW INDIANS
101 Industrial Road
Choctaw, MS 39350

ORDINANCE NO. 16-BBBBB

AN ORDINANCE TO ESTABLISH THE ABANDONED VEHICLE REMOVAL CODE

WHEREAS, Section 1, Subsection (k) of Article VIII of the Revised Constitution and Bylaws of the Mississippi Band of Choctaw Indians (“MBCI” or the “Tribe”) empowers the Tribal Council to promote and protect the health, peace, morals, education, and general welfare of the tribe and its members; and

WHEREAS, Section 1, Subsection (m) of Article VIII of the Revised Constitution and Bylaws of MBCI empowers the Tribal Council to establish and enforce ordinances governing the conduct of tribal members; providing for the maintenance of law, order, and the administration of justice; regulating wholesale, retail, commercial, or industrial activities on tribal lands; establishing a tribal court; and defining the powers and duties of that court; subject to the approval of the Secretary of the Interior where such approval is required by Federal law; and

WHEREAS, Section 1, Subsection (p) of Article VIII of the Revised Constitution and Bylaws of MBCI empowers the Tribal Council to pass any ordinances and resolutions necessary or incidental to the exercise of any of the foregoing powers and duties; and

WHEREAS, Section 1, Subsection (q) of Article VIII of the Revised Constitution and Bylaws of MBCI empowers the Tribal Council to do such acts of a governmental and public nature as are not prohibited by applicable laws or by this constitution and bylaws; and

WHEREAS, the presence of abandoned vehicles on tribal lands creates a health and safety hazard by interfering with emergency access to properties and obstructing traffic and visibility and; and

WHEREAS, the Tribal Council has determined that there is a need to establish a procedure for removal of vehicles left unattended on or adjacent to public roadways, parking areas, or other public tribal government property; and

WHEREAS, the Judicial Affairs and Law & Order Committee has reviewed this Ordinance and is recommended to be forwarded to the Tribal Council for approval; now therefore be it

ENACTED, that the Tribal Council does hereby adopt the attached Abandoned Vehicle Removal Code as Chapter 2 of Title XXIX of the Choctaw Tribal Code; and be it further

ENACTED, that the attached Abandoned Vehicle Removal Code shall take effect immediately upon passage by the Tribal Council; and be it further

ENACTED, that the Tribe’s Office of the Attorney General shall ensure that the tribal website has been updated to reflect these statutory changes.

CERTIFICATION

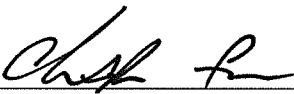
I, the undersigned, as Secretary-Treasurer of the Mississippi Band of Choctaw Indians, certify that the Tribal Council of said Band is composed of 17 members, 11 of whom, constituting a quorum were present at a Regular Call meeting duly called, noticed, convened and held this the 14th day of July, 2020; and that the foregoing Ordinance was duly Enacted by a vote of 11 members in favor, 0 opposed and 0 abstaining.

Dated this 14th day of July, 2020.

ATTEST:



Cyrus Ben, Tribal Chief



Christopher Eaves, Secretary-Treasurer

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 20-091(B)

A RESOLUTION TO APPROVE TRIBAL ENROLLMENTS

WHEREAS, in accordance with Title XXII of the Tribal Code, enacted through Tribal Ordinance No. 16-RRR on February 20, 2003, after applications for Tribal enrollment are recommended by the Tribal Enrollment Committee, "Each enrollment in the tribe shall be approved by resolution of the Tribal Council. Each such resolution may contain one or more enrollments"; and

WHEREAS, the Tribal enrollment applicants on the attached list have been recommended for approval by the Tribal Enrollment Committee; and

WHEREAS, with the adoption of this Resolution, there will be **11,047** enrolled Tribal members; now therefore be it

RESOLVED, that the Tribal Council does hereby enroll the attached list of **11** persons beginning with the name **W. Dixon** and ending with **K. Willis** in the Mississippi Band of Choctaw Indians and does hereby direct that roll numbers be assigned.

CERTIFICATION

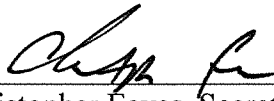
I, the undersigned, as Secretary-Treasurer of the Mississippi Band of Choctaw Indians, certify that the Tribal Council of said Band is composed of 17 members, 11 of whom, constituting a quorum were present at a Regular Call meeting duly called, noticed, convened and held this the 14th day of July, 2020; and that the foregoing Resolution was duly Adopted by a vote of 11 members in favor, 0 opposed and 0 abstaining.

Dated this 14th day of July, 2020.

ATTEST:



Cyrus Ben, Tribal Chief



Christopher Eaves, Secretary-Treasurer

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 20-092(B)

A RESOLUTION TO APPROVE A RIGHT-OF-WAY IN FAVOR OF CENTRAL ELECTRIC
POWER ASSOCIATION IN THE TUCKER COMMUNITY

WHEREAS, Section 1, Subsection (b) of Article VIII of the Revised Constitution and Bylaws of the Mississippi Band of Choctaw Indians (“MBCI” or the “Tribe”) empowers the Tribal Council to approve or disapprove any sale, disposition, lease or encumbrance of tribal lands, interests in land, tribal funds, or other tribal assets; and

WHEREAS, Central Electric Power Association has submitted the attached Right-of-Way Application for a power line servicing the sewer lift pump on BIA Road 0024 (“West Tucker Circle”) in the Tucker Community (the “intended purpose”), over and across land which is owned by the United States of America in trust for the benefit of the Tribe and is more particularly described as follows:

A strip of land for power line approximately 120 feet in length and 40 feet in width existing 20 feet either side of the centerline of the power line with the said power line existing in the Southeast $\frac{1}{4}$ of Section 21, Township 10 North, Range 12 East, Neshoba County, Mississippi;

And

WHEREAS, the above-described right-of-way is limited to the area shown and delineated on the plats/diagrams marked “Exhibit A” of the attached Right-of-Way Application; and

WHEREAS, the Tribal Council has determined it is in the best interest of the Tribe for the Choctaw Agency Superintendent to grant the above-described right-of-way for a perpetual term so long as the above-described right-of-way is used for the intended purpose; and

WHEREAS, there will be no payment to the Tribe because the service is being installed at the request and for the benefit of the Tribe; and

WHEREAS, the Tribal Council has determined that the negotiated compensation of \$0.00 is satisfactory to the Tribe and it is therefore in the best interest of the Tribe to waive valuation pursuant to 25 C.F.R. §169.110; and

WHEREAS, the Tribal Council has determined that it is in the best interest of the Tribe to waive the requirement for bond pursuant to 25 C.F.R. §169.103 since the service is being installed at the request and for the benefit of the Tribe; and

WHEREAS, the Natural Resources Committee has reviewed this Resolution and is recommended to be forwarded to the Tribal Council for approval; now therefore be it

RESOLVED, that the Tribal Council hereby consents to a grant of the above-described right-of-way by the Bureau of Indian Affairs to Central Electric Power Association for a power line

servicing the sewer lift pump on BIA Road 0024 ("West Tucker Circle") in the Tucker Community; and be it further

RESOLVED, that the Tribal Council hereby requests that the Choctaw Agency Superintendent grant the above-described right-of-way for a perpetual term so long as the above-described right-of-way is used for the intended purpose; and be it further

RESOLVED, that the Tribal Council hereby waives valuation and the requirement for bond regarding the above-described right-of-way; and be it further

RESOLVED, that the Tribal Council authorizes the Tribal Chief to sign any additional documents, forms, or contracts directly related to the continuance, amendment, or extension of the above-described right-of-way without further Council action.

CERTIFICATION


I, the undersigned, as Secretary-Treasurer of the Mississippi Band of Choctaw Indians, certify that the Tribal Council of said Band is composed of 17 members, 11 of whom, constituting a quorum were present at a Regular Call meeting duly called, noticed, convened and held this the 14th day of July, 2020; and that the foregoing Resolution was duly Adopted by a vote of 11 members in favor, 0 opposed and 0 abstaining.

Dated this 14th day of July, 2020.

ATTEST:




Cyrus Ben, Tribal Chief



Christopher Eaves, Secretary-Treasurer

RECOMMENDED:



Superintendent, Choctaw Agency

7-14-2020

Date

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 20-093

A RESOLUTION APPROVING A CORONAVIRUS RELIEF FUND BUDGET AND
FOR AUTHORIZING EXPENDITURES NEEDED TO MITIGATE AND RESPOND
TO THE COVID-19 PANDEMIC

WHEREAS, Section 1, Subsection (c) of Article VIII of the Revised Constitution and Bylaws of the Mississippi Band of Choctaw Indians (“MBCI” or the “Tribe”) empowers the Tribal Council to establish procedures for the conduct of all tribal government and business operations, including the regulation of conflict of interest and nepotism; and

WHEREAS, Section 1, Subsection (f) of Article VIII of the Revised Constitution and Bylaws of the Mississippi Band of Choctaw Indians empowers the Tribal Council to appropriate available tribal funds for the benefit of the Tribe or any of its communities; and

WHEREAS, Section 1, Subsection (h) of Article VIII of the Revised Constitution and Bylaws of the Mississippi Band of Choctaw Indians empowers the Tribal Council to approve or disapprove all allocations or disbursement of tribal funds (or funds under the control of the Tribe) not specifically appropriated or authorized in a budget approved by the Tribal Council; and

WHEREAS, on March 15, 2020, Tribal Chief Cyrus Ben issued an Executive Order and State of Emergency Proclamation which declared a State of Emergency on tribal lands due to the COVID-19 pandemic, and such State of Emergency Proclamation has been extended and remains in effect due to the continued effects of COVID-19; and

WHEREAS, Tribal Chief Cyrus Ben issued Executive Order No. 2020-00 on March 18, 2020, exercising authority conferred by Tribal Ordinance 50-A; and

WHEREAS, Executive Order 2020-00 required the closure of most Choctaw Resort Development Enterprise (“CRDE”) businesses effective March 19, 2020, and the full or partial suspension of others (the “Closure Order”), in light of the Public Health hazards those business operations posed to the Choctaw communities, to CRDE employees and the public due to the COVID-19 pandemic; and

WHEREAS, Tribal Chief Cyrus Ben issued Executive Order No. 2020-01 on March 20, 2020, directing government offices to operate on limited staffing to restrict the number of employees working to minimize the interaction and risk of possible transmission of COVID-19 between employees with governmental offices and with members of the public; and

WHEREAS, Tribal Chief Cyrus Ben issued Executive Order No. 2020-02 on March 20, 2020, instituting a reservation-wide curfew to slow the spread of COVID-19; and

WHEREAS, the Tribal Chief and the Tribal Council have taken a series of actions designed to mitigate and respond to the spread of COVID-19 on tribal lands and among tribal members,

employees and other members of the public which have necessitated additional costs that were not included in budgets approved as of March 27, 2020; and

WHEREAS, various programs and departments have received funds, grants and contract amendments, to include funding appropriated for the purpose of mitigating or responding to the COVID-19 pandemic; and

WHEREAS, the Tribe has received COVID-19 funding pursuant to §601 of the Social Security Act as enacted by §5001 of the CARES Act; and

WHEREAS, one of the things the tribal government has done to mitigate the financial burden on the Tribe and its Ordinance 56 enterprises (principally Choctaw Resort Development Enterprise) was to claim a payroll tax credit under Sec. 2301 of the CARES Act which has allowed a reduction of the Tribe's regular payroll tax contributions based on 50% of certain CRDE payroll costs, but new Treasury Department interpretations issued July 8, 2020 now authorize reimbursement of 100% of those costs with COVID-19 funds both for health insurance costs paid for furloughed employees who were placed on unpaid administrative leave and for other employees who were not furloughed, but placed on paid administrative leave; hence, there is no longer a reason to continue trying to recover 50% of those costs through the tax credit claim, in any event, there is significant uncertainty on whether the Tribe could ultimately qualify for that credit; and

WHEREAS, tribal members continue to experience COVID-19 infections at rates higher than other areas of the State and Country, and additional actions are required to be taken; and

WHEREAS, the Budget and Finance Committee has reviewed this Resolution and is recommended to be forwarded to the Tribal Council for approval; now therefore be it

RESOLVED, that the Tribal Council does hereby approve the attached budget for the Coronavirus Relief Fund for tribal expenditures after March 1, 2020 necessary for mitigation and response to the COVID-19 pandemic; and be it further

RESOLVED, that the Tribal Council does hereby authorize the Tribal Chief or his designee to sign additional documents, forms, contracts, extensions or amendments needed to implement allowable activities authorized by §601 of the Social Security Act as enacted by §5001 of the CARES Act and for all other funds received for the purpose of mitigating or responding to the COVID-19 pandemic without further Council action; and be it further

RESOLVED that in light of the new July 8, 2020, interpretation on allowable uses of COVID-19 funds, the Tribal Council does hereby authorize the Tribal Chief to withdraw the Tribe's payroll tax credit claims for the referenced payroll cost and instead to reimburse those costs with COVID-19 funding, to restore and continue the Tribe's regular payroll tax contributions and seek an abatement or waiver of any interest and penalties for those delayed contributions caused by the government's unclear, changing and delayed COVID-19 funding interpretations on allowable expenditures.

CERTIFICATION


I, the undersigned, as Secretary-Treasurer of the Mississippi Band of Choctaw Indians, certify that the Tribal Council of said Band is composed of 17 members, 11 of whom, constituting a quorum were present at a Regular Call meeting duly called, noticed, convened and held this the 14th day of July, 2020; and that the foregoing Resolution was duly Adopted by a vote of 11 members in favor, 0 opposed and 0 abstaining.

Dated this 14th day of July, 2020.

ATTEST:



Cyrus Ben, Tribal Chief



Christopher Eaves, Secretary-Treasurer

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 20-094

A RESOLUTION AUTHORIZING THE MISSISSIPPI BAND OF CHOCTAW INDIANS TO PARTICIPATE IN A NEW MARKETS TAX CREDIT TRANSACTION

WHEREAS, Section 1, Subsection (a) of Article VIII of the Revised Constitution and Bylaws of the Mississippi Band of Choctaw Indians (“MBCI” or the “Tribe”) empowers the Tribal Council to negotiate with and to approve or disapprove contracts or agreements with Federal, State, or local governments, with private persons, or with corporate bodies; and

WHEREAS, Section 1, Subsection (b) of Article VIII of the Revised Constitution and Bylaws of the Tribe empowers the Tribal Council to approve or disapprove any sale, disposition, lease or encumbrance of tribal lands, interest in land, tribal funds, or other tribal assets; and

WHEREAS, the Tribe has constructed an expansion to the Pearl River Elementary School and is constructing new Early Childhood Centers in the Pearl River and Standing Pine communities (the “Education Projects”); and

WHEREAS, the Education Projects qualifies for New Markets Tax Credits (“NMTC”) under Section 45D of the Internal Revenue Code of 1986, as amended, and the rules and regulations promulgated thereunder; and

WHEREAS, the NMTC transaction requires a Qualified Active Low-Income Community Business (“QALICB”) to lease the Education Projects from MBCI and subsequently sub-lease the Project to the Tribe for a period sufficient to meet NMTC requirements; and

WHEREAS, MBCI has established TechParc Properties, Inc. as a QALICB and will use this entity or, at the direction of the tax credit purchaser, create a new QALICB to be under the control of MBCI and structured to meet all NMTC requirements; and

WHEREAS, MBCI is in final stages of securing an Engagement Letter from Dakotas America to provide \$15 million in NMTC allocation to the Education Projects; and

WHEREAS, MBCI is in final stages of securing a Term Sheet from Wells Fargo Bank (the “Tax Credit Purchaser”) to acquire the federal tax credits generated from the NMTC allocation for 75% of the gross value of the credits or \$4,387,500; and

WHEREAS, to facilitate the financing of the Education Projects, MBCI, or an affiliate thereof, desires to make a loan (the “Leverage Loan”) to an affiliate of the tax credit purchaser (the “Fund Borrower”) in the approximate amount of \$10,612,500, for the ultimate benefit of the Education Projects; and

WHEREAS, it is contemplated that the proceeds of the Leverage Loan and the investment from the Tax Credit Purchaser will be used to create a Fee Reserve Account to cover certain interest,

accounting costs, management fees and compliance costs to be incurred during the 7-year compliance period of the NMTC transaction; complete the two Early Childhood Centers; reimburse MBCI for certain prior costs related to the Education Projects; construct two additional classrooms at the Early Childhood Center in Pearl River and provide funding for certain supplemental payments from the Tribe to the Division of Education for food, safety, summer programs and after school programming; and

WHEREAS, based upon the negotiations to date with Dakotas America and Wells Fargo, this NMTC transaction is expected to provide approximately \$2.2 million in net benefit to the Tribe; and

WHEREAS, the Budget & Finance Committee has reviewed this Resolution and is recommended to be forwarded to the Tribal Council for approval; now therefore be it

RESOLVED, that the Tribal Council does hereby approve, authorize and ratify the following:

- 1) the acceptance and execution of the Engagement Letter from Dakotas America subject to negotiation by and approval of the Office of the Attorney General and the Finance Office;
- 2) the acceptance and execution of the Term Sheet from Wells Fargo Bank subject to negotiation by and approval of the Office of the Attorney General and the Finance Office;
- 3) the payment of the \$25,000 deposits contemplated under each such agreement, if executed;
- 4) utilization of TechParc Properties, Inc. or the formation of a new entity to act as the QALICB, if required by the tax credit purchaser;
- 5) the negotiation of a lease and sub-lease among the parties that complies with the leasing authority of MBCI and meets NMTC requirements; and
- 6) the negotiation of any other contracts, forms or documents related to the Education Projects; and be it further


RESOLVED, that the Tribal Council authorizes the Tribal Chief and the Secretary-Treasurer to negotiate all such engagement letters, term sheets, contracts, forms or documents that need to be completed for the NMTC Education Projects transaction provided that substantially final documents be presented to the Tribal Council at the appropriate time for final approval.

CERTIFICATION


I, the undersigned, as Secretary-Treasurer of the Mississippi Band of Choctaw Indians, certify that the Tribal Council of said Band is composed of 17 members, 11 of whom, constituting a quorum were present at a Regular Call meeting duly called, noticed, convened, and held this the 14th day of July, 2020; and that the foregoing Resolution was duly Adopted by a vote of 7 members in favor, 4 opposed and 0 abstaining.

Dated this 14th day of July, 2020.

ATTEST:



Cyrus Ben, Tribal Chief



Christopher Eaves, Secretary-Treasurer

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 20-095

A RESOLUTION TO APPROVE THE 2020-2021 POLICY HANDBOOKS FOR THE
CHOCTAW TRIBAL SCHOOLS

WHEREAS, the Mississippi Band of Choctaw Indians has operated the Choctaw Tribal Schools (“CTS”) since July 1, 1989; and

WHEREAS, each year CTS presents policy handbooks for the next school year for the approval of the Tribal Council; and

WHEREAS, the handbooks have been reviewed by the Education Committee and recommends that the Tribal Council adopt all of the following policy handbooks: (1) 2020-2021 Choctaw Central High School and Choctaw Central Middle School Parent and Student Handbook; (2) 2020-2021 Elementary Schools Parent and Student Handbook; (3) 2020-2021 Choctaw Tribal Schools Staff Handbook; (4) 2020-2021 Choctaw Central Dormitory Student Handbook; and (5) 2020-2021 Choctaw Virtual Learning Center Handbook; now therefore be it

RESOLVED, that the Tribal Council does hereby approve as policy the following policy handbooks: (1) 2020-2021 Choctaw Central High School and Choctaw Central Middle School Parent and Student Handbook; (2) 2020-2021 Elementary Schools Parent and Student Handbook; (3) 2020-2021 Choctaw Tribal Schools Staff Handbook; (4) 2020-2021 Choctaw Central Dormitory Student Handbook; and (5) 2020-2021 Choctaw Virtual Learning Center Handbook.

CERTIFICATION


I, the undersigned, as Secretary-Treasurer of the Mississippi Band of Choctaw Indians, certify that the Tribal Council of said Band is composed of 17 members, 11 of whom, constituting a quorum were present at a Regular Call meeting duly called, noticed, convened and held this the 14th day of July, 2020; and that the foregoing Resolution was duly Adopted by a vote of 11 members in favor, 0 opposed and 0 abstaining.

Dated this 14th day of July, 2020.

ATTEST:



Cyrus Ben, Tribal Chief



Christopher Eaves, Secretary-Treasurer

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CH0 20-096

A RESOLUTION TO APPROVE THE 2020-2021 BUDGET FOR THE CHOCTAW TRIBAL SCHOOLS

WHEREAS, the Mississippi Band of Choctaw Indians has operated the Choctaw Tribal School System since July 1, 1989; and

WHEREAS, the 2020-2021 Tribal Schools Fiscal Year begins July 1, 2020; and

WHEREAS, the following budgets have been presented, reviewed, and approved by the Education Committee of the Tribal Council and are now presented for Tribal Council review and consideration:

ISEP	
Basic Instruction/Language	17,135,817
Dormitory	1,125,400
Special Education-ISEF	2,434,200
Talented and Gifted	678,454
Transportation	1,501,666
School Administration	7,035,929
Food Services	2,723,789
Summer Feeding	96,836
F.A.C.E.	310,529
O&M	5,011,106
Tribal Revenue	1,620,328
Program Income	333,467
Title I	6,517,963
Special Education	
IDEA	5,022,011
Infant/Toddler	112,171
Early Intervention	314,620
Johnson-O'Malley (JOM)	34,681
Title VII	430,279
DOE (Language)	322,463
TOTAL	\$52,761,709

WHEREAS, the above budgets include a total of \$3,498,078 of Tribal Revenue: including \$1,620,328 to supplement various programs; \$648,809 for supplementation of the school facilities O&M budget; and \$1,228,941 for supplementation of the food services program; now therefore be it

RESOLVED, that the Tribal Council does hereby approve the attached FY 2020-2021 Tribal School Budget in the aggregate amount of \$52,761,709 for the Choctaw Tribal School System; and be it further

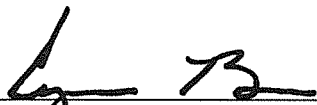
RESOLVED, that the Tribal Chief is hereby authorized to amend the above budgets based on the availability of federal and general revenue funds and to move expenditures among approved line items; however, any increase in tribal revenue funds must receive prior approval of the Tribal Council.

CERTIFICATION

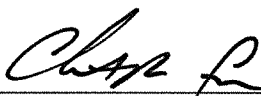
I, the undersigned, as Secretary-Treasurer of the Mississippi Band of Choctaw Indians, certify that the Tribal Council of said Band is composed of 17 members, 11 of whom, constituting a quorum were present at a Regular Call meeting duly called, noticed, convened, and held this the 14th day of July, 2020; and that the foregoing Resolution was duly Adopted by a vote of 11 members in favor, 0 opposed and 0 abstaining.

Dated this 14th day of July, 2020.

ATTEST:



Cyrus Ben, Tribal Chief



Christopher Eaves, Secretary-Treasurer

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 20-097

A RESOLUTION AFFIRMING CITIZEN PARTICIPATION AND AUTHORIZING THE
CHOCTAW HOUSING AUTHORITY TO APPLY FOR AN INDIAN COMMUNITY
DEVELOPMENT BLOCK GRANT (“ICDBG-CARES”) FROM THE U.S. DEPARTMENT
OF HOUSING AND URBAN DEVELOPMENT

WHEREAS, Choctaw Housing Authority (“CHA”) is the tribal business enterprise operated pursuant to Tribal Ordinance 56 and designated to receive U.S. Department of Housing and Urban Development (“HUD”) funding pursuant to Resolution CHO 00-072;

WHEREAS, the COVID-19 (“coronavirus”) pandemic has affected more than 1,000 tribal members, including the suffering of more than 60 deaths of tribal members, and action is needed to reduce the spread of COVID-19 within tribal communities, and

WHEREAS, there is an urgent need for living space which will be safe and suitable to temporarily quarantine tribal members during this pandemic, who are unable to quarantine in their own homes due to overcrowded conditions within their homes; and

WHEREAS, HUD is making CARES Act funds available to tribes for the purpose of alleviating imminent threats caused by the coronavirus; and

WHEREAS, the proposed project was disclosed to the public via posting of notices at the office of the Choctaw Housing Authority and the Tribal Office Building in Pearl River, and views and comments received from the general public regarding the proposed project were considered in accordance with the citizen participation requirements identified in 24 CFR 1003.604(a) and Notice PIH 2020-11; and

WHEREAS, the CHA Board of Commissioners and the Housing Committee have reviewed this Resolution and it is recommended to be forwarded to the Tribal Council for approval; now therefore be it

RESOLVED, that the Tribal Council affirms that CHA has met the requirements regarding citizen participation as set forth in 24 CFR 1003.604(a) and Notice PIH 2020-11; and be it further

RESOLVED, that the Tribal Council of the Mississippi Band of Choctaw Indians hereby authorize the Choctaw Housing Authority to apply for an ICDBG-CARES grant for a total amount of \$1,112,080 for the purpose of constructing housing on the Choctaw Indian Reservation to provide tribal members with safe, temporary housing for quarantine during the coronavirus pandemic.


CERTIFICATION

I, the undersigned, as Secretary-Treasurer of the Mississippi Band of Choctaw Indians, certify that the Tribal Council of said Band is composed of 17 members, 11 of whom, constituting a quorum were present at a Regular Call meeting duly called, noticed, convened and held this the 14th day of


July, 2020; and that the foregoing Resolution was duly Adopted by a vote of 11 members in favor, 0 opposed, and 0 abstaining.

Dated this 14th day of July, 2020.

ATTEST:



Cyrus Ben, Tribal Chief



Christopher Eaves, Secretary-Treasurer

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 20-098

A RESOLUTION AUTHORIZING THE MISSISSIPPI BAND OF CHOCTAW INDIANS TO
APPLY FOR AND RECEIVE NON-COMPETITIVE U.S. DEPARTMENT OF JUSTICE,
OFFICE ON VIOLENCE AGAINST WOMEN GRANT FUNDING

WHEREAS, Section 1, Subsection (a) of Article VIII of the Revised Constitution and Bylaws of the Mississippi Band of Choctaw Indians (“MBCI” or the “Tribe”) empowers the Tribal Council to negotiate with and to approve or disapprove contracts or agreements with Federal, State, or local governments, with private persons or with corporate bodies; and

WHEREAS, the Office of the United States Attorney, Southern District of Mississippi, made an initial application under the Tribal Special Assistant U.S. Attorney (“SAUSA”) Fellowship Initiative from the U.S. Department of Justice, Office on Violence Against Women based upon the statistics of domestic violence occurring on the lands of the Mississippi Band of Choctaw Indians; and

WHEREAS, the Attorney General’s Office of MBCI was notified on June 29, 2020, that it, along with four (4) other federally recognized Indian tribes, would be invited to apply for 3 year non-competitive grants in the amount of \$450,000.00 under CFDA #16.589 to begin October 1, 2020 and end September 30, 2023; and

WHEREAS, the non-competitive grant under the Tribal Special Assistant U.S. Attorney Fellowship Initiative would provide one regular, full-time Tribal Prosecutor to prosecute Domestic Violence and other Indian Country crimes in both Tribal and Federal Court for three (3) years, as well as provide other functions, such as training and preparing draft legislation related to domestic violence; and

WHEREAS, the non-competitive grant does not require a tribal match and will provide the annual salary and fringe benefits for the prosecutor for three (3) years, required training and basic office equipment; and

WHEREAS, the statistics of domestic violence on MBCI lands indicate that domestic violence is a serious matter that should be addressed for the protection of victims, and this grant funded prosecutor will be able to provide crucial resources to address domestic violence crimes; and

WHEREAS, the Judicial Affairs and Law & Order Committee has reviewed this Resolution and is recommended to be forwarded to the Tribal Council for approval; now therefore be it

RESOLVED, that the Tribal Special Assistant U.S. Attorney (“SAUSA”) Fellowship Initiative from the U.S. Department of Justice, Office on Violence Against Women Grant application is made with the following stipulations:

- 1) The Mississippi Band of Choctaw Indians (“MBCI”) is a Federally-recognized Indian Tribe and pursuant to Federal law, will only comply with those regulations that are specifically applicable to Indian Tribes; and

- 2) The Mississippi Band of Choctaw Indians (“MBCI”) adheres to publicly-announced policy of Indian preference in all employment related actions including recruitment, employment, reduction-in-force, promotion, training, and transfer to the maximum extent allowed by applicable law; and
- 3) The Mississippi Band of Choctaw Indians (“MBCI”) is exempt from making certification regarding or from filing Standard Form-LLL regarding lobbying per 31 U.S.C. Sec. 1352, 2 U.S.C. Sec. 1602, 40 CFR 34.105(1) and 40 CFR 34.110, as to any such activity which may have been or may be undertaken by Tribal officials or Tribal employees or where such reporting is otherwise exempted under §1352(d). The MBCI has not engaged any outside lobbyist to engage in any activity regarding this grant which would require reporting under any of the referenced statutes; and be it further

RESOLVED, that the Tribal Council does hereby authorize the Tribal Chief or his designee, to apply for and receive the Tribal Special Assistant U.S. Attorney (“SAUSA”) Fellowship Initiative from the U.S. Department of Justice, Office on Violence Against Women in the amount of \$450,000; and be it further

RESOLVED, that the Tribal Council does hereby authorize the Tribal Chief or his designee, in coordination with the Office of the Attorney General, to negotiate and enter into any and all documents, contracts, agreements or memoranda of understanding directly related to the awarding of, continuance, amendment, extension or successful completion of the grant award, without further Council action, and be it further

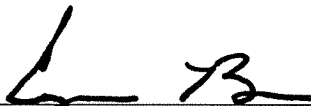
RESOLVED, that the Tribal Council does hereby authorize the Tribal Chief or his designee, to apply for any subsequent grants, subject to the availability of funds through the U.S. Department of Justice, Office on Violence Against Women.

CERTIFICATION

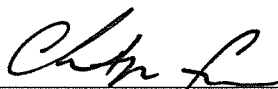
I, the undersigned, as Secretary-Treasurer of the Mississippi Band of Choctaw Indians, certify that the Tribal Council of said Band is composed of 17 members, 11 of whom, constituting a quorum were present at a Regular Call meeting duly called, noticed, convened and held this the 14th day of July, 2020; and that the foregoing Resolution was duly Adopted by a vote of 11 members in favor, 0 opposed and 0 abstaining.

Dated this 14th day of July, 2020.

ATTEST:



Cyrus Ben, Tribal Chief



Christopher Eaves, Secretary-Treasurer

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 20-099

A RESOLUTION TO AUTHORIZE A LIMITED WAIVER OF SOVEREIGN IMMUNITY
AS TO CONTRACTS BETWEEN THE MISSISSIPPI BAND OF CHOCTAW
INDIANS D/B/A CHOCTAW RESORT DEVELOPMENT
ENTERPRISE AND SPORTRADAR

WHEREAS, Tribal Ordinance 56 is the law governing Tribal Enterprises that are established under the Business Enterprise Division of the Tribal Government Executive Branch of the Mississippi Band of Choctaw Indians (“MBCI” or “Tribe”); and

WHEREAS, Choctaw Resort Development Enterprise (“CRDE” or “Enterprise”) is a duly established Ordinance 56 Enterprise under the Business Enterprise Division of the Tribal Government Executive Branch, having been an on-going business concern when Ordinance 56 was adopted on November 20, 1997; and

WHEREAS, Section 1, Subsection (a) of Article VIII of the Revised Constitution and Bylaws of the Mississippi Band of Choctaw Indians (“MBCI” or the “Tribe”) empowers the Tribal Council to negotiate with and to approve or disapprove contracts or agreements with Federal, State or local governments, with private persons or with corporate bodies; and

WHEREAS, Article VIII, section 1 (q) of the Revised Constitution and Bylaws of the Mississippi Band of Choctaw Indians empowers the Tribal Council to do such acts of a governmental and public nature as are not prohibited by applicable laws or by this Constitution and Bylaws; and

WHEREAS, the Mississippi Band of Choctaw Indians is a federally recognized Indian tribe and has sovereign immunity from suit unless the Tribe expressly and unequivocally waives its sovereign immunity; and

WHEREAS, the Enterprise desires to enter into a Trading Services Agreements (including separate Appendices I-III which will include various Sports League Betting Addenda) with Sportradar (the “Agreements”), a copy of which was presented to the Tribal Council during Executive Session to be the data provider for the bookmaking risk of the Enterprise for its Sportsbook data and data feeds, and the Agreements contain provisions which require jurisdiction in the state or federal and the abstention doctrine; and

WHEREAS, Sportradar will require the execution of Addenda in addition to the NFL Betting Addendum that have not yet been produced to the Enterprise that will cover the services for data and data feeds for other national and regional Sports Leagues; and

WHEREAS, a limited waiver of the Tribe’s sovereign immunity is requested by Sportradar and is viewed by Sportradar as necessary to establish an equitable business atmosphere in the performance of the Agreements; and

WHEREAS, the Enterprise Management believes that failure to execute the Agreements will have an adverse financial effect on the Enterprise Sportsbook operations and recommended to the Board of Directors the execution of the Agreements as well as the additional forthcoming addenda to be made a part of the Agreement; and

WHEREAS, the Mississippi Band of Choctaw Indians is the duly constituted governing body of a tribal government established under the provisions of the Indian Reorganization Act and the Enterprise is an unincorporated enterprise of the Tribe and thus both enjoy sovereign immunity from suit; and

WHEREAS, pursuant to Section 13 of Ordinance 56, no Ordinance 56 Enterprise Board may waive the sovereign immunity of the Mississippi Band of Choctaw Indians or any of its divisions or enterprises without the express approval of the Tribal Council; and

WHEREAS, the Board of Directors of the Enterprise has heard the presentation and request from Enterprise Management, reviewed the requested limited waiver of sovereign immunity, found it is in the best interest of the Enterprise and approved same at a Board Meeting on the 8th day of July, 2018, as outlined in Resolution 20-009, a copy of which is attached hereto as Exhibit "A" and further, the Board has recommended that the Tribal Council also approve the limited waiver of sovereign immunity as outlined below; and

WHEREAS, the Judicial Affairs and Law and Order Committee has reviewed this Resolution and is recommended to be forwarded to the Tribal Council for approval; now therefore be it

RESOLVED, that the Tribal Council finds that it is in the best interest of the Enterprise to allow the limited waiver of sovereign immunity as specifically outlined below with regard to the enforcement of claims regarding the Agreements; and be it further

RESOLVED, that the Tribal Council of the Mississippi Band of Choctaw Indians hereby waives sovereign immunity of the Tribe and the Enterprise only to the extent of consenting to litigation as expressly allowed by the Agreements as may be brought against the Enterprise in the state or federal courts of Mississippi, subject to the following limitations which shall prevail over any conflicting language in the Agreements:

- (a) The waiver of sovereign immunity with respect to the CRDE's contractual obligations, duties and liabilities pursuant to the Agreements shall be limited so that claims based on such obligations, duties or liabilities shall be satisfied solely from the personal property owned by the CRDE and used in the CRDE operations;
- (b) The Mississippi Band of Choctaw Indians' waiver of sovereign immunity of CRDE pursuant to this Resolution shall commence as of the effective date of the Agreements and shall continue only until the date upon which all of the CRDE's obligations under the Agreements have been discharged and satisfied (whether or not the terms of the Agreements, as extended, if applicable, has expired);

- (c) Nothing in this limited waiver of sovereign immunity shall waive the immunity of any tribal or CRDE official, employee or representative, nor subject the Tribe or CRDE to any claim for indirect, incidental, consequential, punitive or special damages; and be it further

RESOLVED, that nothing contained in this Resolution or contained in the Agreements shall constitute a waiver or consent by the Mississippi Band of Choctaw Indians to the alienation or encumbrance of or to the execution or satisfaction of any judgment, lien, attachment or garnishment upon or against any real property owned by the Mississippi Band of Choctaw Indians or in which the Mississippi Band of Choctaw Indians has any right, title or beneficial interest, and be it further

RESOLVED, that nothing contained in this resolution or the Agreements shall be construed to provide any recourse to Tribal Government Services Division Assets, either currently owned or subsequently acquired by the Tribe or any other tribal enterprise, and such recourse is hereby prohibited; and be it further

RESOLVED, that no officer, employee, member, attorney employed by the Tribe, agent, or other representative of the Mississippi Band of Choctaw Indians or any of its political subdivisions or boards or enterprises shall have any personal liability to Sportradar or its affiliated companies as a result of any breach, default or claim arising under or out of the Agreements; and be it further

RESOLVED, that except to the extent such immunities are not expressly waived by the terms of this Resolution, the Mississippi Band of Choctaw Indians and its enterprise, CRDE, retain all immunities as have heretofore existed, and this waiver shall be strictly so construed; and be it further

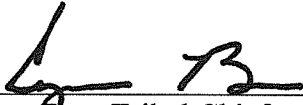
RESOLVED, that the Tribal Council of the Mississippi Band of Choctaw Indians does hereby authorize the Sportradar Agreements and authorizes the Chairman of the Board and the Secretary-Treasurer to execute the Agreements and future Sports League Betting Addenda in substantially the same form as previously presented to Tribal Council as the Agreements, including the NFL Betting Addenda, and further authorizes said officials to perform such further acts and deeds as are necessary to finalize the execution of the Agreements.

CERTIFICATION

I, the undersigned, as Secretary-Treasurer of the Mississippi Band of Choctaw Indians, certify that the Tribal Council of said Band is composed of 17 members, 11 of whom, constituting a quorum were present at a Regular Call meeting duly called, noticed, convened and held this the 14th day of July, 2020; and that the foregoing Resolution was duly Adopted by a vote of 8 members in favor, 3 opposed and 0 abstaining.

Dated this 14th day of July, 2020.

ATTEST:



Cyrus Ben, Tribal Chief



Christopher Eaves, Secretary-Treasurer

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 20-100

A RESOLUTION TO APPROVE A ONE-TIME WAIVER OF THE ANNUAL LEAVE RESTRICTIONS IN THE ADMINISTRATIVE PERSONNEL POLICY & PROCEDURES

WHEREAS, Section 1, Subsection (C) of Article VIII of the Revised Constitution and Bylaws of the Mississippi Band of Choctaw Indians (“MBCI” or the “Tribe”) empowers the Tribal Council to establish procedures for the conduct of all tribal government and business operations, including the regulation of conflict of interest and nepotism; and

WHEREAS, there is currently in effect the *Administrative Personnel Policy & Procedures*, last amended by Resolution CHO 20-090, which applies to MBCI Government Services Division employees; and

WHEREAS, Section XII(B) of the *Administrative Personnel Policy & Procedures* entitled “Annual Leave” currently prohibits any employee from carrying over from the preceding year more than 480 hours of annual leave, but allows nonexempt employees to elect to redeem accrued annual leave exceeding 480 hours for its full monetary value, subject to the four conditions outlined in said section; and

WHEREAS, due to the State of Emergency declared on March 15, 2020, regarding the threat posed by the coronavirus (“COVID-19”), employees who have been required to continue to work have been unable to use their annual leave as their positions have made it necessary for them to continue to work; and

WHEREAS, the Tribal Council finds it in the best interest of those employees who have continued to work at least twenty (20) hours per week since March 15, 2020, that a one-time waiver of the restrictions regarding the maximum amount of annual leave be enacted to prevent a penalty for those who have worked during the pandemic; and

WHEREAS, the Human Resources, Training and Development Committee has reviewed this Resolution and has recommended that it be forwarded to the Tribal Council for approval; now therefore be it

RESOLVED, that the Tribal Council does hereby make a one-time waiver of the maximum amount of Annual Leave that an employee may have at the beginning of FY2021 as follows:

1. Any exempt or non-exempt employee who has worked at least 20 hours per week (including being on approved leave) each week since the Tribal Government went to partial shutdown in March, 2020, may either:
 - (a) carry over annual leave that they have which exceeds 480 hours, with the balance over 480 being used in FY2021; or

- (b) elect to redeem the accrued annual leave exceeding 480 hours, subject to the four conditions outlined in Section XII(B) of the *Administrative Personnel Policy and Procedures*.
2. If an employee exceeds 480 hours and meets the work requirements listed above and fails to make a request for payment under 1(b) above by September 30, 2020, the employee's accrued leave will be carried over for use during FY2021.

CERTIFICATION


I, the undersigned, as Secretary-Treasurer of the Mississippi Band of Choctaw Indians, certify that the Tribal Council of said Band is composed of 17 members, 11 of whom, constituting a quorum were present at a Regular Call meeting duly called, noticed, convened and held this the 14th day of July, 2020; and that the foregoing Resolution was duly Adopted by a vote of 11 members in favor, 0 opposed and 0 abstaining.

Dated this 14th day of July, 2020.

ATTEST:



Cyrus Ben, Tribal Chief



Christopher Eaves, Secretary-Treasurer

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 20-101(B)

A RESOLUTION TO DESIGNATE A CEMETERY SITE IN THE TUCKER COMMUNITY

WHEREAS, Section 1, Subsection (B) of Article VIII of the Revised Constitution and Bylaws of the Mississippi Band of Choctaw Indians (“MBCI” or the “Tribe”) empowers the Tribal Council to approve or disapprove any sale, disposition, lease or encumbrance of tribal lands, interests in land, tribal funds, or other tribal assets; and

WHEREAS, there exists a need for a cemetery on tribal lands in the Tucker Community; and

WHEREAS, the site which has been identified to serve as a cemetery for the Tucker Community is located on tribal lands which are more particularly described as follows:

A part or parcel of the NE ¼ of Section 20, Township 10 North, Range 12 East, Neshoba County, Mississippi and being more particularly described as follows:

BEGINNING at a point 192.21 feet West and 336.04 feet South of the Northeast Corner of Section 20, Township 10 North, Range 12 East, Neshoba County, Mississippi; From the **POINT OF BEGINNING**; Thence S 00°00’00.00” E 329.57 feet to a point; Thence N 90°00’00.00” W 256.57 feet to a point; Thence N 00°00’00.00” E 329.57 feet to a point; Thence N 90°00’00.00” E 108.29 feet to a point; Thence N 00°00’00.00” E 190.21 feet to a point; Thence Northwesterly 207.35 feet along a curve to the left having a radius of 130.00 feet, a chord bearing of N 44°27’20” W, and a chord length of 186.06 feet to a point; Thence N 90°00’00.00” W 99.98 feet to a point; Thence Southwesterly 149.89 feet along a curve to the left having a radius of 360.00 feet, a chord bearing of S 77°48’37” W, and a chord length of 148.81 feet to a point; Thence S 62°18’10.23” W 24.20 feet to a point; Thence Southwesterly 315.35 feet along a curve to the right having a radius of 340.00 feet, a chord bearing of S 87°49’01” W, and a chord length of 304.17 feet to a point; Thence Northwesterly 61.51 feet along a curve to the left having a radius of 155.00 feet, a chord bearing of N 75°05’56” W, and a chord length of 61.10 feet to a point; Thence N 87°35’08.82” W 181.41 feet to a point; Thence N 00° 58’47.80” E 40.01 feet to a point; Thence S 87°35’08.82” E 182.78 feet to a point; Thence Southeasterly 77.08 feet along a curve to the right having a radius of 195.00 feet, a chord bearing of S 75°15’52” E, and a chord length of 76.58 feet to a point; Thence Northeasterly 278.01 feet along a curve to the left having a radius of 300.00 feet, a chord bearing of N 87°43’32” E, and a chord length of 268.17 feet to a point; Thence N 62°18’10.23” E 25.79 feet to a point; Thence Northeasterly 167.92 feet along a curve to the right having a radius of 400.00 feet, a chord bearing of N 77°43’31” E, and a chord length of 166.69 feet to a point; Thence N 90°00’00.00” E 100.02 feet to a point; Thence Southeasterly 270.64 feet along a curve to the right having a radius of 170.00 feet, a chord

bearing of S 44°31'26" E, and a chord length of 242.95 feet to a point; Thence S 00°00'00.00" E 189.80 feet to a point; Thence N 90°00'00.00" E 108.29 feet to the **POINT OF BEGINNING**, of the herein described tract of land containing 3.099 acres, more or less.

And,

WHEREAS, the Natural Resources Committee has reviewed this Resolution and is recommended to be forwarded to the Tribal Council for approval; now therefore be it

RESOLVED, that the Tribal Council hereby designates the above-described tribal lands to serve as a cemetery for the Tucker Community; and be it further

RESOLVED, that the Tribal Council authorizes the Tribal Chief to sign any additional documents, forms, or contracts directly related to the creation of a cemetery for the Tucker Community on the above-described tribal lands.

CERTIFICATION

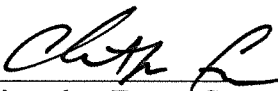
I, the undersigned, as Secretary-Treasurer of the Mississippi Band of Choctaw Indians, certify that the Tribal Council of said Band is composed of 17 members, 11 of whom, constituting a quorum were present at a Regular Call meeting duly called, noticed, convened and held this the 14th day of July, 2020; and that the foregoing Resolution was duly Adopted by a vote of 11 members in favor, 0 opposed and 0 abstaining.

Dated this 14th day of July, 2020.

ATTEST:



Cyrus Ben, Tribal Chief

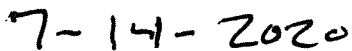


Christopher Eaves, Secretary-Treasurer

RECOMMENDED:



Superintendent, Choctaw Agency



Date

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 20-102

A RESOLUTION TO APPROVE A MEMORANDUM OF UNDERSTANDING BETWEEN
THE MISSISSIPPI BAND OF CHOCTAW INDIANS, CHOCTAW HEALTH CENTER, AND
THE MISSISSIPPI STATE DEPARTMENT OF HEALTH

WHEREAS, Section 1, Subsection (a) of Article VIII of the Revised Constitution and Bylaws of the Mississippi Band of Choctaw Indians (“MBCI” or the “Tribe”) empowers the Tribal Council to approve or disapprove contracts or agreements with Federal, State or local governments, with private persons or with corporate bodies; and

WHEREAS, the Choctaw Health Center (“CHC”) desires to enter into a Memorandum of Understanding with the Mississippi State Department of Health (“MSDH”) in substantially the same form as attached; and

WHEREAS, in response to the Coronavirus Disease 2019 (“COVID-19”) pandemic, MSDH has amassed an assortment of data points related to the prevalence, demographics, and/or other factors related to COVID-19 cases in Mississippi which will benefit CHC Public Health Services; and

WHEREAS, CHC Public Health Services, in its capacity as a public health authority for the Tribe wishes to utilize this data for their public health purposes including, but not limited to, performance of contact tracing; and

WHEREAS, the Chairman of the Governing Board of Choctaw Health Center and the Chairman of the Health Committee have reviewed this Resolution and is recommended to be forwarded to the Tribal Council for approval; now therefore be it

RESOLVED, that the Tribal Council does hereby authorize the Tribal Chief or his designee, to enter into the attached Memorandum of Understanding between the Mississippi Band of Choctaw Indians, Choctaw Health Center and the Mississippi State Department of Health in substantially the same form as attached; and be it further

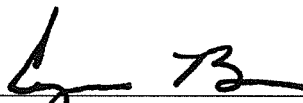
RESOLVED, that the Tribal Council does hereby authorize the Tribal Chief or his designee, to sign additional documents, forms, or contracts directly related to the implementation, continuance, amendment or extension of the attached Memorandum of Understanding, without further Council action.

CERTIFICATION

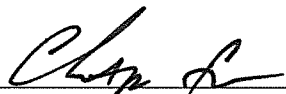
I, the undersigned, as Secretary-Treasurer of the Mississippi Band of Choctaw Indians, certify that the Tribal Council of said Band is composed of 17 members, 11 of whom, constituting a quorum were present at a Regular Call meeting duly called, noticed, convened and held this the 14th day of July, 2020; and that the foregoing Resolution was duly Adopted by a vote of 11 members in favor, 0 opposed and 0 abstaining.

Dated this 14th day of July, 2020.

ATTEST:



Cyrus Ben, Tribal Chief



Christopher Eaves, Secretary-Treasurer

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 20-103

A RESOLUTION TO APPROVE A MEMORANDUM OF AGREEMENT BETWEEN THE MISSISSIPPI BAND OF CHOCTAW INDIANS, CHOCTAW HEALTH CENTER, AND THE NATIONAL FOUNDATION FOR THE CENTERS FOR DISEASE CONTROL AND PREVENTION, FOR COVID-19 SURGE STAFFING

WHEREAS, Section 1, Subsection (a) of Article VIII of the Revised Constitution and Bylaws of the Mississippi Band of Choctaw Indians (“MBCI” or the “Tribe”) empowers the Tribal Council to negotiate with and to approve or disapprove contracts or agreements with Federal, State, or local governments, with private persons or with corporate bodies; and

WHEREAS, the Choctaw Health Center’s (“CHC”) Department of Public Health Services desires to collaborate the National Foundation for the Centers for Disease Control (“CDC Foundation”) for COVID-19 surge staffing; and

WHEREAS, under a cooperative agreement (the “MOA”), the CDC Foundation would provide two (2) regular, full-time contact tracers for eleven (11) months, as well as provide other functions, such as data collection and preparation of reports related to contact tracing; and

WHEREAS, the MOA does not require a tribal match and will provide the annual salary and fringe benefits for two (2) contact tracers for eleven (11) months, including required training and basic office equipment; and

WHEREAS, the MOA with the CDC Foundation-funded contact tracers will be able to provide crucial resources to address surveillance of COVID-19 positive and presumptive cases in the tribe’s communities; and

WHEREAS, the MBCI recognizes the desire to improve and protect the health of the public by advancing the quality and performance of CHC’s Public Health Services; and

WHEREAS, the Chairman of the Governing Board of Choctaw Health Center and the Chairman of the Health Committee have reviewed this Resolution and has recommended it be forwarded to the Tribal Council for approval; now therefore be it

RESOLVED, that the Tribal Council does hereby authorize the Tribal Chief or his designee, to execute the attached Memorandum of Agreement between the Mississippi Band of Choctaw Indians, Choctaw Health Center and the National Foundation for Centers For Disease Control and Prevention in substantially the same form as attached; and be it further

RESOLVED, that the Tribal Council does hereby authorize the Tribal Chief, or his designee, to negotiate and enter into any and all documents, contracts, agreements or memoranda of agreement directly related to the awarding of, continuance, amendment, extension or successful completion of this MOU, without further Council action.

CERTIFICATION


I, the undersigned, as Secretary-Treasurer of the Mississippi Band of Choctaw Indians, certify that the Tribal Council of said Band is composed of 17 members, 11 of whom, constituting a quorum were present at a Regular Call meeting duly called, noticed, convened and held this the 14th day of July, 2020; and that the foregoing Resolution was duly Adopted by a vote of 11 members in favor, 0 opposed and 0 abstaining.

Dated this 14th day of July, 2020.

ATTEST:



Cyrus Ben, Tribal Chief



Christopher Eaves, Secretary-Treasurer

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 20-104

A RESOLUTION TO REVISE THE TRIBAL ADMINISTRATIVE PERSONNEL
POLICY & PROCEDURES TO ESTABLISH A HAZARD PAY POLICY

WHEREAS, Section 1, Subsection (c) of Article VIII of the Revised Constitution and Bylaws of the Mississippi Band of Choctaw Indians (“MBCI” or the “Tribe”) empowers the Tribal Council to establish procedures for the conduct of all tribal government and business operations, including regulation of conflict of interest and nepotism; and

WHEREAS, Section 1, Subsection (f) of Article VIII of the Revised Constitution and Bylaws of the Mississippi Band of Choctaw Indians empowers the Tribal Council to appropriate available funds for the benefit of the Tribe or any of its communities; and

WHEREAS, Section 1, Subsection (h) of Article VIII of the Revised Constitution and Bylaws of the Mississippi Band of Choctaw Indians empowers the Tribal Council to approve or disapprove all allocations or disbursement of tribal funds (or funds under the control of the Tribe) not specifically appropriated or authorized in a budget approved by the Tribal Council; and

WHEREAS, on March 15, 2020, Tribal Chief Cyrus Ben issued an Executive Order and State of Emergency Proclamation which declared a State of Emergency on tribal lands due to the COVID-19 pandemic, and such State of Emergency Proclamation has been extended and remains in effect due to the continued effects of COVID-19; and

WHEREAS, on May 21, 2020, the Tribal Council of the Mississippi Band of Choctaw Indians approved Ordinance 16-VVVV, which modified Title XIII of the Choctaw Tribal Code by adding the Emergency Health Powers Code; and

WHEREAS, on May 21, 2020, Tribal Chief Cyrus Ben declared a State of Public Health Emergency pursuant to the Emergency Health Powers Code in response to the ongoing public health threat posed by COVID-19 with an expiration of thirty (30) days from the aforementioned declaration date; and

WHEREAS, due to the nature of some of the positions with the Tribe, Tribal Government employees have been exposed to varying levels of exposure, even when taking necessary precautions, but have continued to perform their duties under hazardous conditions; and

WHEREAS, with the risk of exposure of COVID-19 being experienced by Tribal employees, the Tribal Council finds it is in the best interest of Tribal Government employees that a tiered Hazard Pay Policy be established, based upon the potential exposure of the position and to ensure additional pay to compensate employees for their risk of exposure of COVID-19; and

WHEREAS, a copy of the Hazard Pay Policy is attached hereto as Exhibit “A” and is proposed to become Subsection H, Section X of the *Administrative Personnel Policy and Procedures*; and

WHEREAS, the Committee on Human Resources, Training Development has discussed a Hazard Pay Policy; now therefore be it

RESOLVED, the Tribal Council does hereby amend the *Administrative Personnel Policy and Procedures* and establish Subsection H, Section X titled "Hazard Pay"; and be it further

RESOLVED, that for this COVID-19 pandemic, the Tribal Council does hereby establish a Hazard Pay Rate as follows:

Low Risk: \$5.00 per hour;
Intermediate Risk: \$7.50 per hour;
High Risk: \$10.00 per hour;
and be it further

RESOLVED, the Tribal Council does hereby direct that all employees who have worked since March 19, 2020, be identified, and a Committee established by the Human Resources Officer tier each employee as Low Risk, Intermediate Risk or High Risk based on a thorough review of their job descriptions as well as job assignments outside of their regular job duties; and be it further

RESOLVED, that Hazard Pay (1) shall only be paid for hours physically worked by the employee since March 19, 2020; (2) shall not include hours compensated due to Annual Leave, Sick Leave, Bereavement Leave, Personal Leave, Civil Leave, Emergency Leave or Administrative Leave; and (3) shall not include telework; and (4) shall continue until determination by the Tribal Chief that Hazard Pay be ceased; and be it further

RESOLVED, that this Hazard Pay supplement applies to all employees with the exception of the Tribal Chief and the members of the Tribal Council; and be it further

RESOLVED, that the Tribal Council directs the Tribal Finance Office utilize COVID-19 funding to pay Hazard Pay as allowable under Department of Treasury and Department of Interior guidance or other COVID funding sources before utilizing Tribal General and Special Revenue; and be it further

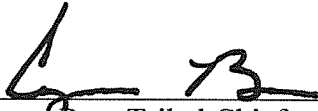
RESOLVED, that the Tribal Council gives the Tribal Chief authority to take all necessary action to effectuate the intent of this Resolution.

CERTIFICATION

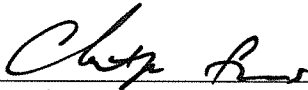
I, the undersigned, as Secretary-Treasurer of the Mississippi Band of Choctaw Indians, certify that the Tribal Council of said Band is composed of 17 members, 11 of whom, constituting a quorum, were present at a Regular Call meeting duly called, noticed, convened and held this 14th day of July, 2020; and that the foregoing Resolution was duly Adopted by a vote of 11 members in favor, 0 opposed and 0 abstaining.

Dated this 14th day of July, 2020.

ATTEST:



Cyrus Ben, Tribal Chief



Christopher Eaves, Secretary-Treasurer