

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 20-058

A RESOLUTION TO INCREASE THE TRIBAL REVENUE BUDGET FOR FISCAL YEAR
2020

WHEREAS, the Tribal Revenue Budget for FY 2020 was approved by Resolution CHO 19-123;
and

WHEREAS, on March 15, 2020, Tribal Chief Cyrus Ben signed an *Executive Order and State of
Emergency* declaring that a public health emergency exists on tribal trust lands under Ordinance
50-A due to COVID-19; earlier the U.S. Department of Health and Human Services declared a
public health emergency due to COVID-19; COVID-19 was declared a pandemic by the World
Health Organization; and further the President of the United States declared a nationwide State of
Emergency due to the COVID-19 pandemic; and

WHEREAS, additional funding needs have been identified for preparedness and disaster response
as a result of this State of Emergency; and

WHEREAS, funds are available from FY 2019 General Fund Gaming and Non-Gaming Funds to
increase the "Prior Year Funds" budget; now therefore be it

RESOLVED, that the FY 2020 General Revenue Operating Budget shall be increased by
\$1,500,000.00 for COVID-19 preparedness and disaster response from identified available funds;
and be it further

RESOLVED, that the Tribal Council does hereby authorize the Tribal Chief to use all prior
available FY 2019 General Fund Gaming and Non-Gaming Funds as needed for funding of the FY
2020 budget as amended.

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, 14 of whom, constituting a quorum
were present at a Special Call meeting duly called, noticed, convened and held this the 6th day of
April, 2020; and that the foregoing Resolution was duly Adopted by a vote of 14 members in favor,
0 opposed and 0 abstaining.

Dated this 6th day of April, 2020.

ATTEST:



Cyrus Ben, Tribal Chief



Christopher Eaves, Secretary-Treasurer

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 20-059

A RESOLUTION TO APPROVE AMENDMENTS TO THE ADMINISTRATIVE
PERSONNEL POLICY & PROCEDURES REGARDING TELEWORK DURING
DECLARED EMERGENCIES

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 19-101, which applies to MBCI Government Services Division employees; and

WHEREAS, in response to the currently-declared public health crisis posed by the novel coronavirus (“COVID-19”), Chief Ben signed an *Executive Order and State of Emergency Proclamation* on March 15, 2020, and thereafter, by Executive Order, sent non-critical employees home and directed Department Directors to develop plans for their departments and employees who are performing critical duties, in the event the situation necessitates that additional employees leave their offices and work remotely; and

WHEREAS, it is necessary to add provisions to the *Administrative Personnel Policy & Procedures*, which will allow employees, as determined by the Department Director and approved by Human Resources, to report to work remotely during a State of Emergency; and

WHEREAS, as a result of the current State of Emergency, and past disasters, the Tribal Council finds it is in the best interest of the Tribe to make provisions for remote work for States of Emergency declarations; and

WHEREAS, a draft Telework Policy and forms are attached hereto as Exhibit “A”; and

WHEREAS, the Human Resources, Training and Development 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 and enact the Telework Policy attached hereto as Exhibit “A” and add said Policy to the end of Section IX of the *Administrative Personnel Policy & Procedures* titled “Attendance and Punctuality” to become effective immediately upon passage.

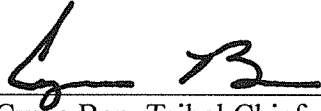
CERTIFICATION

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, 12 of whom, constituting a quorum were present at a Special Call meeting duly called, noticed, convened and held this the 6th day of

April, 2020; and that the foregoing Resolution was duly Adopted by a vote of 12 members in favor, 0 opposed and 0 abstaining.

Dated this 6th day of April, 2020.

ATTEST:



Cyrus Ben, Tribal Chief



Christopher Eaves, Secretary-Treasurer

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 20-060

A RESOLUTION TO GRANT CERTAIN AUTHORITY DURING THE DECLARED
COVID-19 STATE OF EMERGENCY

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 Subsection (k) empowers the Tribal Council to promote and protect the health, peace, morals, education and general welfare of the Tribe and its members; and

WHEREAS, in response to the currently-declared public health crisis posed by the novel coronavirus (“COVID-19”), Chief Cyrus Ben signed an Executive Order and State of Emergency Proclamation on March 15, 2020, and thereafter, has entered multiple extensions of the State of Emergency Proclamation due to the increasing concerns related to the pandemic; and

WHEREAS, it is necessary for the health, safety and well-being of tribal members to purchase needed supplies and equipment for various departments which are critical to the efforts to contain, reduce and respond to the COVID-19 pandemic; and

WHEREAS, there are Tribal policies and procedures, such as the Revised Financial Policies and Revised Procurement Policies, that contain certain provisions, such as the requirement for sealed bids for any one purchase over \$100,000, pursuant to Resolution CHO 197-98, which will hinder the immediate acquisition of needed equipment and the response to the COVID-19 pandemic; and

WHEREAS, the Tribal Council has authority to waive its sovereign immunity and can only do so through Resolution, and some of the contracts which are required for the purchase of critically needed equipment request a waiver of sovereign immunity by requesting that contractual disputes be handled in courts other than the Choctaw Tribal Courts; and

WHEREAS, the Tribal Council finds it is in the best interest of the Mississippi Band of Choctaw Indians to waive the provisions of the Revised Financial Policies and Revised Procurement Policies of the Mississippi Band of Choctaw Indians during the period of the COVID-19 State of Emergency, but only in those instances agreed upon by the Chief Financial Officer and the Tribal Chief when it is in the best interest of the Tribe and tribal members; and

WHEREAS, the Tribal Council finds it is in the best interest of the Mississippi Band of Choctaw Indians to delegate to the Tribal Chief and the Attorney General of the Mississippi Band of Choctaw Indians the authority, only for the period of time of the COVID-19 State of Emergency, and only in those instance agreed upon by both the Tribal Chief and the Attorney General, to agree to contractual jurisdictional language which places the venue in courts other than Choctaw Tribal Courts, if after due diligence to change the language, attempts are unsuccessful, there are no other reasonable alternatives available, and it is in the best interest of the Tribe and tribal members; and

WHEREAS, the Congressional and Governmental Affairs Committee has 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 does hereby give the Chief Financial Officer and the Tribal Chief the authority to waive provisions of the Revised Financial Policies and Revised Procurement Policies of the Mississippi Band of Choctaw Indians during the COVID-19 State of Emergency, if it is determined to be for the best interest of the Tribe and Tribal members; and be it further

RESOLVED, that the Tribal Council does hereby gives authority to the Attorney General and the Tribal Chief during the COVID-19 State of Emergency to agree to contractual jurisdictional language which places the venue of a contractual dispute in courts other than the Choctaw Tribal Courts, if after due diligence to change the language, attempts are unsuccessful, there are no other reasonable alternatives available and it is in the best interest of the Tribe and Tribal members; and be it further

RESOLVED, that the Tribal Council directs the Chief Financial Officer to notify the Tribal Council in writing of any decision made under this granted authority, including forwarding a copy of the contract, involving the Revised Financial Policies and Revised Procurement Policies and the Tribal Council further directs the Attorney General to notify the Tribal Council in writing of any decision made under this granted authority, including forwarding a copy of the contract, involving contractual jurisdictional issues; and be it further

RESOLVED, that the authority granted in this Resolution is specifically limited to the authorized instances outlined herein as they relate to COVID-19 transactions and contracts and is not to be construed as a general waiver of sovereign immunity; and be it further

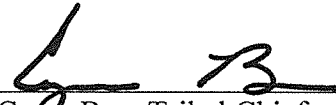
RESOLVED, that this Resolution shall have no effect upon prior Resolutions that prohibit the Tribe or Tribal officials from conducting business or entering into contracts with named individuals, companies, businesses or types of businesses.

CERTIFICATION

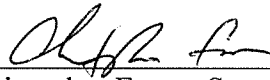
I, the undersigned, as Secretary-Treasurer of the Mississippi Band of Choctaw Indians, certify that the Tribal Council of said Band is composed of 17 members, 12 of whom, constituting a quorum were present at a Special Call meeting duly called, noticed, convened and held this the 6th day of April, 2020; and that the foregoing Resolution was duly Adopted by a vote of 12 members in favor, 0 opposed and 0 abstaining.

Dated this 6th day of April, 2020.

ATTEST:



Cyrus Ben, Tribal Chief



Christopher Eaves, Secretary-Treasurer

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 20-061

A RESOLUTION TO APPROVE THE 2020-2021 SCHOOL CALENDAR 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 Choctaw Tribal Schools updates the school calendar every year; and

WHEREAS, the Chairman of the Education 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 2020-2021 school calendar for the Choctaw Tribal Schools; and be it further

RESOLVED, that the Tribal Council does hereby grant the Tribal Chief authority to approve future calendar revisions; and be it further

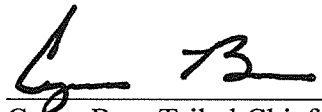
RESOLVED, that the Director of Schools has the flexibility in scheduling school holidays as outlined in the school calendar for Maintenance, Janitorial and Central Office Staff and said schedule shall be completed by the Director of Schools and communicated to said employees by August 30, 2020.

CERTIFICATION

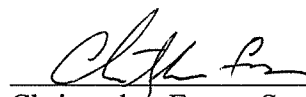
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Dated this 6th day of April, 2020.

ATTEST:



Cyrus Ben, Tribal Chief



Christopher Eaves, Secretary-Treasurer

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 20-062

A RESOLUTION TO APPROVE THE 2020-2021 SCHOOL CALENDAR FOR THE
CHOCTAW VIRTUAL LEARNING CENTER

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

WHEREAS, the Choctaw Virtual Learning Center (“CVLC”) updates the school calendar every year; and

WHEREAS, the Chairman of the Education 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 2020-2021 school calendar for the Choctaw Virtual Learning Center; and be it further

RESOLVED, that the Tribal Council does hereby grant the Tribal Chief authority to approve future calendar revisions; and be it further

RESOLVED, that the Director of Schools has the flexibility in scheduling school holidays as outlined in the school calendar for Maintenance, Janitorial and Central Office Staff and said schedule shall be completed by the Director of Schools and communicated to said employees by August 30, 2020.

CERTIFICATION

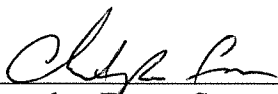
I, the undersigned, as Secretary-Treasurer of the Mississippi Band of Choctaw Indians, certify that the Tribal Council of said Band is composed of 17 members, 14 of whom, constituting a quorum were present at a Special Call meeting duly called, noticed, convened and held this the 6th day of April, 2020; and that the foregoing Resolution was duly Adopted by a vote of 14 members in favor, 0 opposed and 0 abstaining.

Dated this 6th day of April, 2020.

ATTEST:



Cyrus Ben, Tribal Chief



Christopher Eaves, Secretary-Treasurer

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 20-063

A RESOLUTION TO AUTHORIZE THE MISSISSIPPI BAND OF CHOCTAW INDIANS,
CHOCTAW HEALTH CENTER, TO APPLY FOR ANY CORONAVIRUS ("COVID-19")
GRANTS

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 Department of Health and Human Services ("DHHS"), Centers for Disease Control and Prevention ("CDC"), is expected to issue a Notice of Funding Opportunity to American Indian/Alaska Native ("AI/AN") communities to respond to the 2019 novel coronavirus ("COVID-19") pandemic; and

WHEREAS, the purpose of this grant is to prevent and reduce the impact of COVID-19 in tribal communities through culturally appropriate public health measures and allow AI/AN communities to facilitate collaboration among agencies to support COVID-19 activities; and

WHEREAS, the MBCI can benefit greatly from additional and external resource opportunities to enhance the capacity of the Choctaw Health Center ("CHC") in responding to the COVID-19 pandemic; and

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

WHEREAS, it is anticipated that other federal agencies will make similar funds available through Notices of Funding Opportunities to address the COVID-19 pandemic, and CHC may be eligible for those funding opportunities; now therefore be it

RESOLVED, that any grant applications for the Choctaw Health Center related to COVID-19 are 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 the DHHS CDC COVID-19 grant and any other grants available through other federal agencies related to COVID-19 and to renew subsequent funding; 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 awarding of, continuance, amendment or extension of the DHHS CDC COVID-19 grant or other COVID-19 grants for CHC without further Council action.

CERTIFICATION

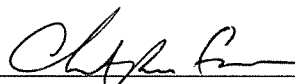
I, the undersigned, as Secretary-Treasurer of the Mississippi Band of Choctaw Indians, certify that the Tribal Council of said Band is composed of 17 members, 12 of whom, constituting a quorum were present at a Special Call meeting duly called, noticed, convened and held this the 6th day of April, 2020; and that the foregoing Resolution was duly Adopted by a vote of 12 members in favor, 0 opposed and 0 abstaining.

Dated this 6th day of April, 2020.

ATTEST:



Cyrus Ben, Tribal Chief



Christopher Eaves, Secretary-Treasurer

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 20-064

A RESOLUTION SUPPORTING THE EFFORTS OF THE EASTERN BAND OF
CHEROKEE INDIANS TO CONTRACT WITH INDIAN HEALTH SERVICES TO
OPERATE THE UNITY HEALING CENTER

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, the Mississippi Band of Choctaw Indians is committed to the health and well-being of its Tribal members; and

WHEREAS, members of the Tribe, including our youth, are affected by alcohol and substance abuse and its related complications and could benefit from services provided by a Youth Regional Treatment Center (“YRTC”), such as the Unity Healing Center (“Unity”); and

WHEREAS, the Eastern Band of Cherokee Indians (“EBCI”), Cherokee Indian Hospital Authority (“CIHA”) has expressed an interest in contracting with the Indian Health Services to operate a Regional Youth Treatment Center known as Unity in Cherokee, NC to serve regional patients, including members of the Tribe; and

WHEREAS, the Indian Health Services has determined that each Tribe within the region must consent to EBCI contracting the Unity facility through the Indian Self Determination and Education Assistance Act (“ISDEAA”), and the Tribe supports the efforts of EBCI to contract for the Unity facility; and

WHEREAS, the Governing Board of the Choctaw Health Center and the Health 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 supports the efforts of the Eastern Band of Cherokee Indians, Cherokee Indian Hospital Authority to contract with the Indian Health Services through ISDEAA to operate the Unity Healing Center; and be it further

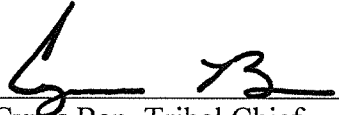
RESOLVED, that the Tribal Council does hereby authorize the Tribal Chief to sign any letters, documents, forms or contracts directly related to this Resolution.

CERTIFICATION

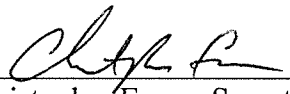
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Dated this 6th day of April, 2020.

ATTEST:



Cyrus Ben, Tribal Chief



Christopher Eaves, Secretary-Treasurer

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 20-065

A RESOLUTION TO AUTHORIZE THE TRIBAL CHIEF TO APPLY FOR ANY GRANTS
OR FUNDING OPPORTUNITIES RELATED TO CORONAVIRUS DISEASE 2019
("COVID-19")

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, various federal and state agencies will make funds available to prevent and reduce the impact of Coronavirus Disease 2019 ("COVID-19") in tribal communities; and

WHEREAS, MBCI can benefit greatly from additional and external resource opportunities to enhance MBCI's capacity to respond to the ongoing COVID-19 pandemic, and the Tribal Chief should be authorized to apply for federal or state grant funding opportunities without delay; 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 any applications for grants related to COVID-19 are 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 any federal or state grant opportunities or funding related to COVID-19 without further Council approval; 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 application or awarding, continuance, amendment or extension of federal or state grants or funding opportunities related to COVID-19 without further Council action; and be it further

RESOLVED, that any grant awards received by MBCI under this authority should be reported to the Tribal Council.

CERTIFICATION

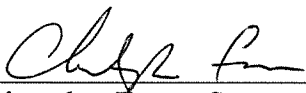
I, the undersigned, as Secretary-Treasurer of the Mississippi Band of Choctaw Indians, certify that the Tribal Council of said Band is composed of 17 members, 12 of whom, constituting a quorum were present at a Special Call meeting duly called, noticed, convened and held this the 6th day of April, 2020; and that the foregoing Resolution was duly Adopted by a vote of 12 members in favor, 0 opposed and 0 abstaining.

Dated this 6th day of April, 2020.

ATTEST:



Cyrus Ben, Tribal Chief



Christopher Eaves, Secretary-Treasurer

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 20-066

A RESOLUTION TO AUTHORIZE THE TRIBAL CHIEF TO APPLY FOR ANY LOAN OPPORTUNITY RELATED TO CORONAVIRUS DISEASE 2019 ("COVID-19")

WHEREAS, Section 1, Subsection (l) 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 borrow money from any source whatsoever without limit as to amount, and on such terms and conditions and for such consideration and periods of time as the Tribal Council shall determine and to use all funds thus obtained to promote the welfare and betterment of the Tribe and its members; and

WHEREAS, various commercial banks and agencies are making loan funds available to prevent and reduce the impact of Coronavirus Disease 2019 ("COVID-19") in tribal communities; and

WHEREAS, MBCI can benefit greatly from additional and external resource opportunities to enhance MBCI's capacity to respond to the ongoing COVID-19 pandemic, and the Tribal Chief and Secretary-Treasurer should be authorized to apply for any applicable loan opportunities without delay; 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 authorize the Tribal Chief and the Secretary-Treasurer to apply for any applicable loan opportunities or funding related to COVID-19 without further Council approval; and be it further

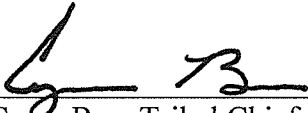
RESOLVED, that any loan offered to MBCI under this application authority shall be reported to the Tribal Council who will review the terms and conditions of said loan and determine if the loan is in the best interest of the Tribe and whether it should be approved.

CERTIFICATION

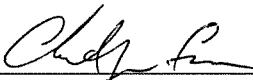
I, the undersigned, as Secretary-Treasurer of the Mississippi Band of Choctaw Indians, certify that the Tribal Council of said Band is composed of 17 members, 14 of whom, constituting a quorum were present at a Special Call meeting duly called, noticed, convened and held this the 6th day of April, 2020; and that the foregoing Resolution was duly Adopted by a vote of 14 members in favor, 0 opposed and 0 abstaining.

Dated this 6th day of April, 2020.

ATTEST:



Cyrus Ben, Tribal Chief



Christopher Eaves, Secretary-Treasurer