

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 19-119

A RESOLUTION TO APPROVE A COOPERATIVE AGREEMENT BETWEEN THE BUREAU OF INDIAN AFFAIRS, EASTERN REGION AND THE MISSISSIPPI BAND OF CHOCTAW INDIANS FOR WILDLAND FIRE MANAGEMENT

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 Bureau of Indian Affairs ("BIA") provides Tribes with non-recurring funding to fight wildland fires that threaten Tribal lands and to conduct prescribed fire programs on Tribal lands; and

WHEREAS, the attached Cooperative Agreement is a government-to-government agreement between the Bureau of Indian Affairs, Eastern Region and MBCI and will provide a mechanism to reimburse the Tribe for non-recurring expenditures for actual costs; and

WHEREAS, the indemnification provision requires a limited waiver of the Tribe's sovereign immunity to allow the Tribe to defend claims against the United States for actions or omissions of the Tribe or the Tribe's representatives arising out of the Cooperative Agreement's fire management activities; and

WHEREAS, the indemnification provision waives the Tribe's sovereign immunity only in cases arising from fire management activities where the Federal Tort Claims Act ("FTCA"), 28 U.S.C. 2671 §§ *et seq.*, and the Federal Employees' Compensation Act ("FECA"), 5 U.S.C. §§ 8101 *et seq.*, are inapplicable; and

WHEREAS, the Natural Resources Committee has reviewed the Cooperative Agreement 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 Cooperative Agreement, in substantially the same form as attached, between the Bureau of Indian Affairs, Eastern Region and the Mississippi Band of Choctaw Indians; and be it further

RESOLVED, that the Tribal Council hereby approves a limited waiver of sovereign immunity per Article IX of the Cooperative Agreement which will require the Tribe to indemnify, save and hold harmless, and defend the United States against all fines, claims, damages, losses, judgments, and expenses arising out of, or from, any act or omission of the Tribe or Tribal personnel or members, participants, agents, or representatives arising out of or in any way connected to activities authorized pursuant to the Cooperative Agreement except when the FTCA or FECA apply; and be it further

RESOLVED, that nothing contained in this Resolution or any related document shall be construed or deemed to provide recourse to any gaming assets currently owned or hereafter acquired, including without limitation those of the Choctaw Resort Development Enterprise, all such recourse being hereby expressly disclaimed; and be it further

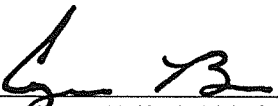
RESOLVED, that the Tribal Council authorizes the Tribal Chief or his designee to sign any additional documents, forms, or contracts directly related to the continuance, amendment, or extension of the Cooperative Agreement without further Council action.

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, 15 of whom, constituting a quorum were present at a Regular Call meeting duly called, noticed, convened and held this the 23<sup>rd</sup> day of August, 2019; and that the foregoing Resolution was duly Adopted by a vote of 15 members in favor, 0 opposed and 0 abstaining.

Dated this 23<sup>rd</sup> day of August, 2019.

ATTEST:

  
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Cyrus Ben, Tribal Chief

  
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Christopher Eaves, Secretary-Treasurer

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 19-120

A RESOLUTION AUTHORIZING THE MISSISSIPPI BAND OF CHOCTAW INDIANS'  
DEPARTMENT OF FAMILY AND COMMUNITY SERVICES TO APPLY FOR A LOW  
INCOME HOME ENERGY ASSISTANCE PROGRAM GRANT FROM THE U.S.  
DEPARTMENT OF HEALTH AND HUMAN SERVICES

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 U.S. Department of Health and Human Services, Administration for Children and Families, has made available grant funds through the Low Income Home Energy Assistance Program ("LIHEAP"); and

WHEREAS, the LIHEAP funds provide assistance in energy crisis situations and also provides for weatherization assistance for low income families; and

WHEREAS, the MBCI has been a recipient of said grant funds in the past and has found the award to be of substantial benefit to community members in need of energy assistance; and

WHEREAS, the Community and Family Services and Veterans Affairs Committee has reviewed this resolution and is recommended to be forwarded to the Tribal Council for approval; now therefore be it

RESOLVED, that the Tribe's 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, negotiate, and sign the LIHEAP grant application with the U.S. Department of Health

and Human Services, Administration for Children and Families and renew subsequent applications upon availability of grant funds; 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 acceptance, continuance, amendment, or extension of the LIHEAP grant from U.S. Department of Health and Human Services, Administration for Children and Families, 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, 16 of whom, constituting a quorum were present at a Special Call meeting duly called, noticed, convened and held this the 23<sup>rd</sup> day of August, 2019; and that the foregoing Resolution was duly Adopted by a vote of 16 members in favor, 0 opposed and 0 abstaining.

Dated this 23<sup>rd</sup> day of August, 2019.

ATTEST:

  
\_\_\_\_\_  
Cyrus Ben, Tribal Chief

  
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Christopher Eaves, Secretary-Treasurer

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 19-121

A RESOLUTION TO APPROVE FISCAL YEAR 2020 OPERATING AND CAPITAL BUDGETS FOR THE CHOCTAW ORDINANCE 56 TRIBAL ENTERPRISES

WHEREAS, Tribal Ordinance 56 provides for the continuation of ongoing tribal enterprises under the Business Enterprise Division of the Tribal Government Executive Branch; and

WHEREAS, Section 14(a) of Ordinance 56 requires that the tribal enterprises submit for approval annual operating budgets to the Tribal Chief and the Tribal Council; and

WHEREAS, Section 14(b) of Ordinance 56 requires that the tribal enterprises submit for approval capital budgets to the Tribal Chief and the Tribal Council; and

WHEREAS, the enterprise executives of the Choctaw Resort Development Enterprise, Chahta Enterprise and Choctaw Shopping Center Enterprise have prepared and submitted budgets for Fiscal Year 2020; and

WHEREAS, the Enterprise Boards of Directors have approved Fiscal Year 2020 Operating and Capital budgets and submitted them to the Tribal Council for approval; now therefore be it

RESOLVED, that the Tribal Council does hereby approve the Fiscal Year 2020 Operating and Capital Budgets as set forth in Exhibit "A" hereto for the Ordinance 56 Enterprises as set forth below:

<u>Enterprise</u>	<u>Operating</u>	<u>Capital</u>
Choctaw Resort Development Enterprise	\$193,916,462	\$30,350,601
Chahta Enterprise	\$ 1,992,409	\$ 90,000
Choctaw Shopping Center Enterprise	\$ 1,175,075	\$ 451,111

and be it further

RESOLVED, that any changes to the Enterprise's Fiscal Year 2020 Operating and Capital Budgets as set forth in Exhibit "A" hereto must be approved by the Boards of Directors of the Enterprises; and be it further

RESOLVED, that the Tribal Council does hereby authorize the Enterprise Board of Directors to move expenditures among approved line items in the Fiscal Year 2020 Operating and Capital Budgets when necessary; however, any increase to any line item in the Fiscal Year 2020 Capital Budget or fixed cost amounts included in the Fiscal Year 2020 Operating Budget must receive the prior approval of the Tribal Council; and be it further


RESOLVED, that the Tribal Council does hereby authorize the capital expenditures may be made in the form of leases when approved by the Board of Directors of the Enterprise.


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, 16 of whom, constituting a quorum were present at a Special Call meeting duly called, noticed, convened and held this the 23<sup>rd</sup> day of August, 2019; and that the foregoing Resolution was duly Adopted by a vote of 15 members in favor, 1 opposed and 0 abstaining.

Dated this 23<sup>rd</sup> day of August, 2019.

ATTEST:

  
\_\_\_\_\_  
Cyrus Ben, Tribal Chief

  
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Christopher Eaves, Secretary-Treasurer

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 19-122

A RESOLUTION TO AMEND THE REVISED EDUCATION PAY SCALE FOR CERTIFIED DEPARTMENT OF SCHOOL EMPLOYEES EFFECTIVE JULY 1, 2019

WHEREAS, the tribal government of the Mississippi Band of Choctaw Indians has operated the Choctaw Schools since July 1, 1989; and

WHEREAS, the Tribal Council adopted and amended the Revised Education Compensation Plan and pay schedule designed to improve the quality of classroom instruction in the Choctaw Tribal School System through the adoption of Resolutions CHO 03-004, 07-065, 08-068, 09-077, 13-092, 15-099, 16-089 and 18-062; and

WHEREAS, the Revised Education Compensation Plan assures that all certified staff within the Choctaw Tribal School System are compensated in accordance with their certification level and years of experience and that only a limited number of administrators are given additional compensation in accordance with weighted factors approved by the Tribal Council; and

WHEREAS, the current list of administrative positions with a weighted factor approved by the Tribal Council include:

Director of Schools	2.0
Assistant Director	1.8
High School Principal	1.7
Middle School Principal	1.5
Pearl River Elementary Principal	1.5
Elementary Principals (5)	1.4
Assistant Principals (4)	1.3
Federal Programs/Title I Coordinator	1.3
Special Education Coordinator	1.3
Curriculum Coordinator	1.2
Home Family Services Coordinator	1.2
Program Compliance Coordinator	1.2
Data Management Coordinator	1.2

And

WHEREAS, the Education Pay Scale base rate of pay has not been increased since the 2016-2017 school year; and

WHEREAS, FY 2019-2020 MAEP Salary Schedule has increased \$1,500 from the previous year; and

WHEREAS, the teacher pay at local public schools exceeds that of teachers in the Choctaw Tribal Schools; and

WHEREAS, the proposed education pay scale has daily rates that are based on a \$1,250 raise for 210

day contract employees at all certification levels; now therefore be it

RESOLVED, that the Tribal Council does hereby approved the attached Revised Education Pay Scale to be effective July 1, 2019.


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, 16 of whom, constituting a quorum were present at a Special Call meeting duly called, noticed, convened, and held this the 23<sup>rd</sup> day of August, 2019; and that the foregoing Resolution was duly Adopted by a vote of 16 members in favor, 0 opposed, and 0 abstaining.

Dated this 23<sup>rd</sup> day of August, 2019.

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Cyrus Ben, Tribal Chief

  
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Christopher Eaves, Secretary-Treasurer