

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

ORDINANCE NO. 75-A

AN ORDINANCE TO REVOKE THE CHARTER OF INCORPORATION ISSUED TO  
CHOCTAW FRESH PRODUCE, INC. AND TO APPROVE ARTICLES OF  
INCORPORATION FOR CHOCTAW FRESH PRODUCE: A MISSISSIPPI BAND OF  
CHOCTAW INDIANS NON-PROFIT CORPORATION

WHEREAS, the Mississippi Band of Choctaw Indians (“MBCI” or the “Tribe”) is a sovereign, federally recognized Indian tribe with inherent authority to create, authorize and regulate corporate entities doing business within the jurisdiction of the Tribe; and

WHEREAS, Section 1, Subsection (j) of Article VIII of the Revised Constitution and Bylaws of the Tribe empowers the Tribal Council to create, or to provide by ordinance for the creation of organizations, including public and private corporations, for any lawful purpose, which may be non-profit or profit-making, and to regulate the activities of such organizations by ordinance; and

WHEREAS, on July 31, 1986, the Tribal Council enacted Ordinance No. 32, which granted a charter establishing Choctaw Shopping Center Enterprise; and

WHEREAS, the Tribal Council reorganized Choctaw Shopping Center Enterprise through enactment of Ordinance No. 56; and

WHEREAS, on April 8, 2014, the Tribal Council adopted Ordinance No. 75, which issued a Charter of Incorporation to Choctaw Fresh Produce, Inc. with Choctaw Shopping Center Enterprise being the sole shareholder; and

WHEREAS, on October 13, 2020, the Tribal Council enacted Ordinance No. 16-DDDDD, which establishes a statutory framework governing the creation of non-profit corporations as Title XXXV, Chapter 2 of the Choctaw Tribal Code (“Non-Profit Corporations Code”); and

WHEREAS, Choctaw Shopping Center Enterprise desires to reorganize Choctaw Fresh Produce, Inc. under the Non-Profit Corporations Code as an independent business entity called “Choctaw Fresh Produce: A Mississippi Band of Choctaw Indians Non-Profit Corporation”; and

WHEREAS, Section 35-2-14 of the Non-Profit Corporations Code provides that a non-profit corporation may be created by an incorporator who is authorized by the Tribal Council to sign and deliver articles of incorporation to the Secretary-Treasurer for filing; and

WHEREAS, the Board of Choctaw Shopping Center Enterprise 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 revoke the Charter of Incorporation issued to Choctaw Fresh Produce, Inc.; and be it further

ENACTED, that the Tribal Council does hereby approve the Articles of Incorporation for Choctaw Fresh Produce: A Mississippi Band of Choctaw Indians Non-Profit Corporation attached hereto as Exhibit "A"; and be it further

ENACTED, that the Tribal Council does hereby authorize the Director of MBCI's Office of Economic Development to act as incorporator for Choctaw Fresh Produce: A Mississippi Band of Choctaw Indians Non-Profit Corporation by signing, certifying, and delivering in duplicate to the Secretary-Treasurer the Articles of Incorporation attached hereto as Exhibit "A"; and be it further

ENACTED, that the Tribal Council does hereby authorize the Tribal Chief to sign any additional documents, forms, or contracts directly related to effectuating the transfer of all assets formerly held by Choctaw Fresh Produce, Inc. to Choctaw Fresh Produce: A Mississippi Band of Choctaw Indians Non-Profit Corporation.


#### 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, 17 of whom, constituting a quorum were present at a Special Call meeting duly called, noticed, convened and held this the 6<sup>th</sup> day of December, 2021; and that the foregoing Ordinance was duly Enacted by a vote of 17 members in favor, 0 opposed and 0 abstaining.

Dated this 6<sup>th</sup> day of December, 2021.

ATTEST:

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

  
\_\_\_\_\_  
Christopher Eaves, Secretary-Treasurer



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

ORDINANCE NO. 16-LLLLL

AN ORDINANCE TO AMEND TITLE I AND TITLE VII OF THE CHOCTAW TRIBAL  
CODE

WHEREAS, Section 1, Subsection (m) 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 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, on July 14, 1980, the Tribal Council enacted Ordinance No. 16, which established Titles I through XII of the Choctaw Tribal Code; and

WHEREAS, on July 25, 2000, the Tribal Council enacted Ordinance No. 16-III, which established rules of procedure for the Choctaw Supreme Court as Title VII of the Choctaw Tribal Code; and

WHEREAS, on April 8, 2003, the Tribal Council enacted Ordinance No. 16-TTT, which amended Title VII of the Choctaw Tribal Code by establishing a procedure for the appointment of alternate Choctaw Supreme Court justices to serve in the event that a regularly appointed Choctaw Supreme Court justice cannot hear a case; and

WHEREAS, Section 1-3-2 of the Choctaw Tribal Code provides that when a Justice of the Supreme Court is unavailable or disqualified, the Tribal Council may appoint a pro-tem Justice to serve on the Supreme Court; and

WHEREAS, amendments to Section 1-3-2 of the Choctaw Tribal Code are necessary to preserve the independence of the judiciary and to allow the Supreme Court to continue addressing the appeals before the Court by including the appointment and confirmation of pro tem Justices to serve on the Supreme Court when there is a vacancy on the Supreme Court, or a Justice of the Supreme Court is unavailable or disqualified; and

WHEREAS, Section 7-1-3 of the Choctaw Tribal Code provides that the Tribal Council must appoint alternate Choctaw Supreme Court justices from a list of eligible judges certified by the Tribal Council on an annual basis; and

WHEREAS, amendments to Section 7-1-13 of the Choctaw Tribal Code are necessary to preserve the independence of the judiciary by allowing the Chief Justice when a regularly appointed Justice is unavailable or disqualified, or when there is a temporary vacancy on the Supreme Court to assign alternate Supreme Court justices to hear a case(s) from the annually certified list of eligible judges

who have been appointed and confirmed by the Tribal Council to serve as Supreme Court Justices pro tem; 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 amend Choctaw Tribal Code Section 1-3-2 and Section 7-1-13 as follows:

**§1-3-2            Composition of the Choctaw Supreme Court**

The Choctaw Supreme Court shall be comprised of one Chief Justice and two Associate Justices sitting as a three-justice panel to hear and decide appeals. If any Justice is unavailable or is disqualified pursuant to this Code, or there is a vacancy on the Supreme Court, the Tribal Council may appoint and certify a list of judges available to serve as a pro-tem Justice to serve in place of the unavailable or disqualified Justice, or to fill a vacancy on the Court until the Tribal Council appoints a regularly serving Justice.

(1) The Chief Justice shall serve a four-year term and the Associate Justices shall serve a two-year staggered term with one of the Associate Justices initially serving a one-year term to begin the staggered terms.

**§7-1-13            Supreme Court Rules of Appellate Procedure**

**Rule 1 Title**

These rules shall be known as the Rules of Appellate Procedure for the Mississippi Band of Choctaw Indians Supreme Court pursuant to §7-1-13 of the Tribal Code.

**Rule 2 Scope of Rules**

These rules govern the procedure for appeals to the Supreme Court of the Mississippi Band of Choctaw Indians and except where specified, apply to all actions, civil and criminal. Election appeals perfected pursuant to Title XXXIII shall be governed by the procedures, requirements and standards as outlined in Title XXXIII and not the Rules of Appellate Procedure.

**Rule 3 Appointment of Justice Pro-tem**

(1) The Tribal Council shall appoint and certify, on an annual basis, a list of eligible judges to serve as a Justice pro-tem in accordance with this rule.



- (2) Upon vacancy unavailability, recusal, or disqualification of a Supreme Court Justice in a case before the Supreme Court, the Chief Justice shall assign a judge of the Tribe's Civil, Criminal, or Youth Court, exclusive of the judge and division from where the decision on appeal was taken, to serve as a justice pro-tem for the Tribe's Supreme Court.
- (3) Upon disqualification of all the sitting trial judges of the Tribe's Civil, Criminal, or Youth Court due to recusal, unavailability, or a conflict of interest, the Chief Justice shall assign a judge from outside the Tribe's Civil, Criminal, or Youth Court who appears on the Tribal Council's certified list of eligible judges appointed to serve as justices pro tem.
- (4) Appointments made under this rule shall be carried out in a manner which insures a three-justice panel for every case before the Supreme Court and specifically:
  - (a) At least one (1) of the justices serving on this panel must be a Mississippi Band of Choctaw Indians Tribal member in compliance with §1-3-4(1) of the Tribal Code; and
  - (b) At least two (2) of the justices must be law trained, in good standing with the state bar, and at least two years of experience serving as a judge for a state, federal, or tribal court, or this stated criteria may be waived, if the candidate has a minimum of ten (10) years of experience as a Tribal judge pursuant to §1-3-4(2) of the Tribal Code.

And be it further

ENACTED, that the foregoing amendments to the Choctaw Tribal Code shall take effect upon the date this ordinance is enacted by the Tribal Council.

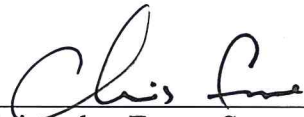
#### CERTIFICATION

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, 17 of whom, constituting a quorum were present at a Special Call meeting duly called, noticed, convened and held this the 6<sup>th</sup> day of December, 2021; and that the foregoing Ordinance was duly Enacted by a vote of 17 members in favor, 0 opposed and 0 abstaining.

Dated this 6<sup>th</sup> day of December, 2021.

ATTEST:

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

  
\_\_\_\_\_  
Christopher Eaves, Secretary-Treasurer



MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 22-019(B)

A RESOLUTION TO ENROLL TRIBAL MEMBERS

WHEREAS, Section 2 of Article III of the Revised Constitution and Bylaws of the Mississippi Band of Choctaw Indians (“MBCI” or the “Tribe”) empowers the Tribal Council to pass ordinances, subject to the approval of the Secretary of the Interior, governing future membership, loss of membership, and the adoption of new members; provided that no person of less than one-half degree of Choctaw blood shall be admitted to membership in the Mississippi Band of Choctaw Indians; and

WHEREAS, on December 19, 1995, the Tribal Council enacted Ordinance No. 16-NN, which established procedures for tribal enrollment as Title XXII of the Choctaw Tribal Code (“Tribal Enrollment Code”); and

WHEREAS, the Tribal Council has amended the Tribal Enrollment Code through enactment of Ordinance Nos. 16-RRR and 16-JJJJ; and

WHEREAS, Sections 22-2-10 and 22-2-14 of the Tribal Enrollment Code provide that new MBCI Tribal members are to be enrolled by Tribal Council Resolution upon a recommendation by the Tribal Enrollment Committee that those new members meet the membership criteria set forth in Article III of the Revised Constitution and Bylaws of the Tribe; and

WHEREAS, the Tribal Enrollment Committee is recommending that the Tribal Council enroll twenty-seven (27) new MBCI Tribal members as specified in the document attached hereto as Exhibit “A”; and

WHEREAS, with the adoption of this Resolution, there will be 10,997 enrolled members of MBCI; now therefore be it

RESOLVED, that the Tribal Council does hereby enroll the twenty-seven (27) persons specified in the document attached hereto as Exhibit “A”, beginning with the name O. Anderson and ending with T. Willis; and be it further

RESOLVED, that the Tribal Council does hereby authorize the Tribal Enrollment Officer to assign roll numbers to all twenty-seven (27) persons specified in the document attached hereto as Exhibit “A”.

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, 17 of whom, constituting a quorum were present at a Special Call meeting duly called, noticed, convened and held this the 6<sup>th</sup> day of

December, 2021; and that the foregoing Resolution was duly Adopted by a vote of 17 members in favor, 0 opposed and 0 abstaining.

Dated this 6<sup>th</sup> day of December, 2021.

ATTEST:

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

  
\_\_\_\_\_  
Christopher Eaves, Secretary-Treasurer



MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 22-020(B)

A RESOLUTION TO APPROVE AN INCREASE IN BLOOD DEGREE FOR A  
PREVIOUSLY ENROLLED TRIBAL MEMBER

WHEREAS, Section 2 of Article III of the Revised Constitution and Bylaws of the Mississippi Band of Choctaw Indians (“MBCI” or the “Tribe”) empowers the Tribal Council to pass ordinances, subject to the approval of the Secretary of the Interior, governing future membership, loss of membership, and the adoption of new members; provided that no person of less than one-half degree of Choctaw blood shall be admitted to membership in the Mississippi Band of Choctaw Indians; and

WHEREAS, on December 19, 1995, the Tribal Council enacted Ordinance No. 16-NN, which established procedures for tribal enrollment as Title XXII of the Choctaw Tribal Code (“Tribal Enrollment Code”); and

WHEREAS, the Tribal Council has amended the Tribal Enrollment Code through enactment of Ordinance Nos. 16-RRR and 16-JJJJ; and

WHEREAS, Section 22-2-8 of the Tribal Enrollment Code provides that MBCI tribal members may apply to increase their blood degree based on new or additional information about paternity or maternity; and

WHEREAS, the Tribal Enrollment Committee is recommending that the Tribal Council approve an increase in blood degree for one (1) MBCI tribal member as specified in the document attached hereto as Exhibit “A”; now therefore be it

RESOLVED, that the Tribal Council does hereby approve an increase in blood degree for one (1) MBCI tribal member as specified in the document attached hereto as Exhibit “A”.


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, 17 of whom, constituting a quorum were present at a Special Call meeting duly called, noticed, convened and held this the 6<sup>th</sup> day of December, 2021; and that the foregoing Resolution was duly Adopted by a vote of 17 members in favor, 0 opposed and 0 abstaining.

Dated this 6<sup>th</sup> day of December, 2021.

ATTEST:

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

  
\_\_\_\_\_  
Christopher Eaves, Secretary-Treasurer

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 22-021(B)

A RESOLUTION TO APPROVE TWO ABSOLUTE RELINQUISHMENTS OF  
MEMBERSHIP IN THE MISSISSIPPI BAND OF CHOCTAW INDIANS

WHEREAS, Section 2 of Article III of the Revised Constitution and Bylaws of the Mississippi Band of Choctaw Indians (“MBCI” or the “Tribe”) empowers the Tribal Council to pass ordinances, subject to the approval of the Secretary of the Interior, governing future membership, loss of membership, and the adoption of new members; provided that no person of less than one-half degree of Choctaw blood shall be admitted to membership in the Mississippi Band of Choctaw Indians; and

WHEREAS, on December 19, 1995, the Tribal Council enacted Ordinance No. 16-NN, which established procedures for tribal enrollment as Title XXII of the Choctaw Tribal Code (“Tribal Enrollment Code”); and

WHEREAS, the Tribal Council has amended the Tribal Enrollment Code through enactment of Ordinance Nos. 16-RRR and 16-JJJJ; and

WHEREAS, Section 22-4-1 of the Tribal Enrollment Code provides that any adult MBCI tribal member may voluntarily relinquish their MBCI tribal membership provided that both the Tribal Enrollment Committee and the Tribal Council approve the relinquishment; and

WHEREAS, on October 27, 2021 and November 10, 2021, the Tribal Enrollment Committee approved the below-listed persons’ requests to absolutely relinquish their MBCI tribal membership and recommended the same be forwarded to the Tribal Council for final approval; now therefore be it

RESOLVED, that the Tribal Council does hereby approve an absolute relinquishment of MBCI tribal membership for the following persons:

Name:	J.R.G.	Name:	M.A.S.
Date of Birth:	08/05/1987	Date of Birth:	11/20/1970
Enrolled By:	Choctaw Agency	Enrolled By:	Choctaw Agency
Date of Enrollment:	12/28/1994	Date of Enrollment:	03/15/1983
Enrollment No:	10837	Enrollment No.:	7332

And be it further

RESOLVED, that the absolute relinquishment of MBCI tribal membership for the above-listed persons shall be effective on the date this Resolution is Adopted 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, 17 of whom, constituting a quorum




were present at a Special Call meeting duly called, noticed, convened and held this the 6<sup>th</sup> day of December, 2021; and that the foregoing Resolution was duly Adopted by a vote of 17 members in favor, 0 opposed and 0 abstaining.

Dated this 6<sup>th</sup> day of December, 2021.

ATTEST:

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

  
\_\_\_\_\_  
Christopher Eaves, Secretary-Treasurer

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 22-022

A RESOLUTION TO CERTIFY A LIST OF PERSONS ELIGIBLE FOR APPOINTMENT TO  
SERVE AS CHOCTAW SUPREME COURT JUSTICES PRO TEM

WHEREAS, Section 1, Subsection (m) 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 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, on July 14, 1980, the Tribal Council enacted Ordinance No. 16, which established Titles I through XII of the Choctaw Tribal Code; and

WHEREAS, on July 25, 2000, the Tribal Council enacted Ordinance No. 16-III, which established rules of procedure for the Choctaw Supreme Court as Title VII of the Choctaw Tribal Code; and

WHEREAS, on April 8, 2003, the Tribal Council enacted Ordinance No. 16-TTT, which amended Title VII of the Choctaw Tribal Code by establishing a procedure for the appointment of alternate Choctaw Supreme Court justices to serve in the event that a regularly appointed Choctaw Supreme Court justice cannot hear a case; and

WHEREAS, Section 7-1-3 of the Choctaw Tribal Code provides that the Tribal Council must certify a list of persons eligible for appointment to serve as Choctaw Supreme Court justices pro tem on an annual basis; and

WHEREAS, the Tribal Council has previously certified Choctaw Supreme Court justices pro tem through adoption of Tribal Council Resolutions CHO 03-064, CHO 04-037, and CHO 19-099; 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 Council does hereby appoint and certify that the following persons are eligible for appointment to serve as Choctaw Supreme Court justices pro tem:

Judges of the Choctaw Tribal Courts

Hon. Peggy Gibson

Hon. Rita Mattera

Hon. Anthony Drew Taylor

Judges from Outside the Choctaw Tribal Courts

Hon. Joshua Breedlove

Hon. Christopher A. Collins

Hon. Cheryl Fairbanks

Hon. N. Cheryl Hamby

Hon. Rae Nell Vaughn

And be it further

RESOLVED, that the attorneys listed above are approved legal counsel per Article VIII of the MBCI Constitution and Bylaws authorized to perform services on behalf of the Tribe and the Tribal Chief is authorized to contract for services of the pro tem judges who are not tribal government employees.

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, 17 of whom, constituting a quorum were present at a Special Call meeting duly called, noticed, convened and held this the 6<sup>th</sup> day of December, 2021; and that the foregoing Resolution was duly Adopted by a vote of 17 members in favor, 0 opposed and 0 abstaining.

Dated this 6<sup>th</sup> day of December, 2021.

ATTEST:

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

  
\_\_\_\_\_  
Christopher Eaves, Secretary-Treasurer



MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 22-023

A RESOLUTION TO APPROVE REVISIONS TO CHAPTER 10 AND CHAPTER 12 OF THE  
CHOCTAW GAMING COMMISSION REGULATIONS

WHEREAS, Section 15-1-27 of the Tribal Code empowers the Choctaw Gaming Commission to adopt, amend or repeal regulations consistent with Title XV as it may deem necessary or desirable, subject to review and approval by the Tribal Council; and

WHEREAS, the Choctaw Gaming Commission deems it necessary to amend certain provisions of Chapters 10 and 12 of its Regulations; and

WHEREAS, the Choctaw Gaming Commission has approved the attached proposed revisions to Chapters 10 and 12 of the Choctaw Gaming Commission Regulations and recommends their approval by the Tribal Council; 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 Council does hereby approve the attached revisions to Chapter 10 and 12 of the Choctaw Gaming Commission Regulations; and be it further

RESOLVED, that Chapters 10 and 12 of the Choctaw Gaming Commission Regulations in the form attached hereto shall become effective upon passage 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, 17 of whom, constituting a quorum were present at a Special Call meeting duly called, noticed, convened and held this the 6<sup>th</sup> day of December, 2021; and that the foregoing Resolution was duly Tabled by a vote of 17 members in favor, 0 opposed and 0 abstaining.

Dated this 6<sup>th</sup> day of December, 2021.

ATTEST:

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

  
\_\_\_\_\_  
Christopher Eaves, Secretary-Treasurer

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 22-024(B)

A RESOLUTION TO APPROVE A TIMBER USE POLICY STATEMENT FOR CUTTING AND REMOVAL OF FOREST PRODUCTS FROM LANDS OF THE MISSISSIPPI BAND OF CHOCTAW INDIANS

WHEREAS, Section 1, Subsection (i) of Article VIII of the Revised Constitution and Bylaws of the Tribe empowers the Tribal Council to establish and enforce rules, consistent with applicable statutes and regulations of the Secretary of the Interior, for the management of tribal lands, including, but not limited to, the making and revocation of assignments, and the disposition of timber, oil, and mineral resources; and

WHEREAS, on May 28, 1987, the Tribal Council adopted Resolution CHO 102-86, which authorized a self-determination contract with the Bureau of Indian Affairs to fund operation of MBCI's Forestry Program; and

WHEREAS, the Bureau of Indian Affairs requires that tribes establish periodic timber use policy statements addressing the cutting and subsequent removal of forest products valued at fifteen thousand dollars (\$15,000.00) or less; and

WHEREAS, on October 14, 2008, the Tribal Council adopted Resolution CHO 09-011(B), which first established a timber use policy statement; and

WHEREAS, the Tribal Council has subsequently established timber use policy statements through adoption of Resolutions CHO 12-057(B), CHO 13-137(B), CHO 16-040(B), CHO 17-067(B), and CHO 19-107(B); 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 does hereby approve the Timber Use Policy Statement attached hereto as Exhibit "A"; and be it further

RESOLVED, that the Tribal Council does hereby authorize the Tribal Chief to execute the Timber Use Policy Statement attached hereto as Exhibit "A"; and be it further

RESOLVED, that the Tribal Council does hereby authorize the Tribal Chief to sign any additional documents, forms, or contracts directly related to implementation of the Timber Use Policy Statement attached hereto as Exhibit "A" 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, 17 of whom, constituting a quorum

were present at a Special Call meeting duly called, noticed, convened and held this the 6<sup>th</sup> day of December, 2021; and that the foregoing Resolution was duly Adopted by a vote of 17 members in favor, 0 opposed and 0 abstaining.


Dated this 6<sup>th</sup> day of December, 2021.

ATTEST:

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

  
\_\_\_\_\_  
Christopher Eaves, Secretary-Treasurer

RECOMMENDED:

  
\_\_\_\_\_  
Superintendent, Choctaw Agency

12-09-2021  
Date



MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 22-025(B)

A RESOLUTION TO AUTHORIZE DISPOSAL OF TIMBER SITUATED ON FEE LAND

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, on January 16, 1978, the Tribal Council adopted Resolution CHO 16-78, which first established procurement policies for the MBCI tribal government; and

WHEREAS, on October 9, 1990, the Tribal Council adopted Resolution CHO 01-91, which replaced the aforementioned procurement policies with “Revised Procurement Policies”; and

WHEREAS, the Tribal Council has amended the Revised Procurement Policies through adoption of Resolutions CHO 197-98, CHO 12-098, and CHO 13-015; and

WHEREAS, on April 30, 2021, the Tribal Council adopted Resolution CHO 21-090(B), which authorized acquisition of 60.84 acres of land in the Pearl River Community and its eventual transfer to the United States in trust for the Tribe; and

WHEREAS, Section VIII of the Revised Procurement Policies provides that a Tribal Council Resolution is required to dispose of tribal property that is no longer needed by MBCI tribal government programs; and

WHEREAS, the timber situated West of South Oswald Road on the aforementioned land is no longer needed since that portion of the land will eventually be developed as the site of school facilities that will replace the present Choctaw Central High School, Choctaw Central Middle School, and Choctaw Central Dormitory; 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 does hereby authorize the Tribal Chief or his designee, to dispose of all timber situated West of South Oswald Road on the land identified in Resolution CHO 21-090(B) in accordance with the procedures set forth in Section VIII of the Revised Procurement Policies; and be it further

RESOLVED, that the Tribal Council does hereby authorize the Tribal Chief or his designee, to sign any documents, forms, or contracts directly related to disposing of all timber situated West of South Oswald Road on the aforementioned land 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, 17 of whom, constituting a quorum were present at a Special Call meeting duly called, noticed, convened and held this the 6<sup>th</sup> day of December, 2021; and that the foregoing Resolution was duly Adopted by a vote of 17 members in favor, 0 opposed and 0 abstaining.

Dated this 6<sup>th</sup> day of December, 2021.


ATTEST:

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

  
\_\_\_\_\_  
Christopher Eaves, Secretary-Treasurer

RECOMMENDED:

  
\_\_\_\_\_  
Superintendent, Choctaw Agency

  
\_\_\_\_\_  
Date

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 22-026

A RESOLUTION AUTHORIZING THE TRIBAL CHIEF TO ACCEPT DONATIONS OF FUNDS ON BEHALF OF THE CHOCTAW TRIBAL SCHOOLS

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 (h) of Article VIII of the Revised Constitution and Bylaws of the Tribe 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 November 30, 1988, the Tribal Council adopted Resolution CHO 22-89, which authorized a self-determination contract with the Bureau of Indian Education to fund operation of the Choctaw Tribal Schools; and

WHEREAS, the Choctaw Tribal Schools have proposed creating a "Student Incentive Fund" which could be used to establish new programs that incentivize academic performance and good behavior; and

WHEREAS, ongoing authority to accept small donations made to the Choctaw Tribal Schools is needed to sustain the proposed fund; and

WHEREAS, the Chairman of the Education Committee has reviewed this Resolution and recommended it 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 accept monetary donations in amounts not to exceed Five Thousand Dollars (\$5,000.00) per donation made to the Choctaw Tribal Schools; and be it further

RESOLVED, that Choctaw Tribal Schools shall deposit all monetary donations in the appropriate Tribal account and shall account for the disbursement of all such funds in accordance with Tribal financial policies; and be it further

RESOLVED, that the Tribal Council does hereby authorize the Tribal Chief to sign additional documents, forms, or contracts necessary to receive donations authorized by this Resolution 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, 17 of whom, constituting a quorum were present at a Special Call meeting duly called, noticed, convened and held this the 6<sup>th</sup> day of



December, 2021; and that the foregoing Resolution was duly Adopted by a vote of 17 members in favor, 0 opposed and 0 abstaining.

Dated this 6<sup>th</sup> day of December, 2021.

ATTEST:

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

  
\_\_\_\_\_  
Christopher Eaves, Secretary-Treasurer

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 22-027

A RESOLUTION TO APPROVE A MEMORANDUM OF UNDERSTANDING  
BETWEEN MISSISSIPPI STATE UNIVERSITY'S OFFICE OF SPONSORED PROJECTS  
AND THE MISSISSIPPI BAND OF CHOCTAW INDIANS' YOUTH OPPORTUNITY  
PROGRAM FOR ACCEPTANCE AND IMPLEMENTATION OF A SUB-GRANT AWARD  
FOR THE NEW BEGINNINGS FOR TRIBAL STUDENTS PROGRAM

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 Agriculture ("USDA") through the National Institute of Food and Agriculture ("NIFA") has made funds available to land-grant universities through the New Beginnings for Tribal Students Program ("NBTS") for the purpose of increasing the retention and graduation rates of tribal students attending 1994, 1862, and 1890 land-grant universities; and

WHEREAS, the purpose of NBTS funding is to support and foster a path from secondary to post-secondary education to allow for an inviting space for tribal students to attend land-grant colleges and universities; and

WHEREAS, NBTS funding is only available to land-grant colleges and universities so that they may partner with high schools, tribal governments, community colleges, technical institutions, and other organizations who work with tribal students; and

WHEREAS, Mississippi State University's ("MSU") Office of Sponsored Projects seeks to partner with the Tribe and proposes to use funding made available through the NBTS Program to increase the number of tribal students who graduate from MSU, to expand the number of students who enroll in post-secondary courses, to enhance retention rates of students; to strengthen MSU's Native American Student Association chapter ("NASA") on campus, and to collect data to determine the effectiveness of this project; and

WHEREAS, MSU was notified on June 21, 2021, that NBTS funds were awarded for this project under Award No. 2021-70411-35207, comprised of \$250,000 provided by NBTS and \$250,000 cost share match; and

WHEREAS, the Tribe will be a sub-grantee to the NBTS award and is required to provide \$124,000 of the \$250,000 cost share match or \$31,000 per year for four (4) years, 2021 through 2024; and

WHEREAS, demographic data will be collected anonymously without any personal identifiers to measure the outcomes of the program; and

WHEREAS, the data collected cannot be publicized or reports generated from this grant without appropriate Tribal authorization; and

WHEREAS, outcomes will be reported to the Tribe at least annually during the grant period; and

WHEREAS, the Chairman of the Education Committee has reviewed this Resolution and recommended it to be forwarded to the Tribal Council for approval; now therefore be it

RESOLVED, that the Youth Opportunity Program's sub-grant award be accepted with the following stipulations:

- 1) 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) MBCI adheres to a publicly-announced policy of Indian preference in all employment related to actions including recruitment, employment, reduction-in-force, promotion, training and transfer to the maximum extent allowed by applicable law; and
- 3) 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 such 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, to accept, to negotiate, and to sign grant or sub-grant applications from MSU's Office of Sponsored Programs, subject to adjustment and continued federal funding; and be it further

RESOLVED, that as a sub-grant awardee, the Tribe will provide a total match of \$124,000 for the 4-year grant period of 2021-2024; and be it further

RESOLVED, that the Tribal Council hereby authorizes the Tribal Chief or his designee, to sign additional documents, forms, or contracts directly related to the awarding of, continuance, amendment, or extension of this sub-grant funding under USDA's New Beginnings for Tribal Students Program, subject to available funding, 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, 17 of whom, constituting a quorum were present at a Special Call meeting duly called, noticed, convened and held this the 6<sup>th</sup> day of December, 2021; and that the foregoing Resolution was duly Adopted by a vote of 17 members in favor, 0 opposed and 0 abstaining.

Dated this 6<sup>th</sup> day of December, 2021.



ATTEST:

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

  
\_\_\_\_\_  
Christopher Eaves, Secretary-Treasurer

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 22-028(B)

A RESOLUTION TO DESIGNATE A SITE IN THE BOGUE HOMA COMMUNITY FOR DEVELOPMENT, MAINTENANCE AND ADMINISTRATION OF A RENTAL UNIT BY THE CHOCTAW HOUSING AND LAND MORTGAGE PROGRAM

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, on September 29, 2001, the Tribal Council adopted Resolution CHO 01-202, which approved a tribal revenue budget for Fiscal Year 2002, including an allocation of six hundred twenty-nine thousand nine hundred fifty two dollars (\$629,952.00) for the development of a tribal housing program; and

WHEREAS, on August 6, 2002, the Tribal Council adopted Resolution CHO 02-142, which established the Office of Tribal Housing (now known as the “Choctaw Housing and Land Mortgage Program”) by approving its policies and procedures; and

WHEREAS, on January 14, 2020, the Tribal Council adopted Resolution CHO 20-040, which authorized the transfer of a house located at 3 Frances Road in the Bogue Homa Community to the Tribal Housing Rental Program (a subdivision of the Choctaw Housing and Land Mortgage Program); and

WHEREAS, the Tribal Council has the authority to dedicate tribal lands to a public use without the need for Bureau of Indian Affairs approval since such dedications are not considered leases for the purposes of federal laws and regulations which govern leases of tribal lands; and

WHEREAS, development, maintenance, and administration of rental units by the Choctaw Housing and Land Mortgage Program is a public use for which tribal lands can be dedicated; 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 does hereby designate the tribal lands described in Resolution CHO 20-040 for development, maintenance, and administration of a rental unit by the Choctaw Housing and Land Mortgage Program; and be it further

RESOLVED, that the Tribal Council does hereby authorize the Tribal Chief to sign any additional documents, forms, or contracts directly related to the development, maintenance, and administration of a rental unit on the above-referenced tribal lands by the Choctaw Housing and Land Mortgage Program 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, 17 of whom, constituting a quorum were present at a Special Call meeting duly called, noticed, convened and held this the 6<sup>th</sup> day of December, 2021; and that the foregoing Resolution was duly Adopted by a vote of 17 members in favor, 0 opposed and 0 abstaining.

Dated this 6<sup>th</sup> day of December, 2021.

ATTEST:

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

  
\_\_\_\_\_  
Christopher Eaves, Secretary-Treasurer

RECOMMENDED:

  
\_\_\_\_\_  
Superintendent, Choctaw Agency

12-09-2021  
Date



MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 22-029

A RESOLUTION TO APPROVE A COMMERCIAL LAND ASSIGNMENT WITH WILLIS ENGINEERING, INC. IN THE PEARL RIVER COMMUNITY

WHEREAS, Section 1, Subsection (i) 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 and enforce rules, consistent with applicable Federal statutes and regulations of the Secretary of the Interior, for the management of tribal lands, including, but not limited to, the making and revocation of assignments, and the disposition of timber, oil, and mineral resources; and

WHEREAS, the Tribal Council has the authority to enter into agreements that encumber tribal lands for less than seven years without the need for Bureau of Indian Affairs approval since such agreements are not considered leases for the purposes of federal laws and regulations which govern leases of tribal lands; and

WHEREAS, on January 11, 2011, the Tribal Council enacted Ordinance No. 16-RRRR, which establishes procedures for agreements that assign space in tribally-owned facilities to commercial tenants (“Commercial Land Assignment Ordinance”); and

WHEREAS, the Tribal Council has amended the Commercial Land Assignment Ordinance through adoption of Resolution CHO 11-085; and

WHEREAS, on August 13, 2021, the Tribal Council adopted Resolution CHO 13-128(B), which approved a business lease for approximately 2.31 acres of tribal lands located at the intersection of Black Jack Road and Highway 16 in the Pearl River Community; and

WHEREAS, the aforementioned lease site and all of the improvements thereon have since been forfeited to MBCI’s Choctaw Entrepreneurial Loan Program; and

WHEREAS, the Commercial Land Assignment attached hereto as Exhibit “A” would allow Willis Engineering, Inc. to operate a satellite office from a building situated on the aforementioned lease site for one year; and

WHEREAS, the Economic 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 the form of the Commercial Land Assignment attached hereto as Exhibit “A”; and be it further

RESOLVED, that the Tribal Council does hereby authorize the Tribal Chief and the Secretary-Treasurer to execute the Commercial Land Assignment attached hereto as Exhibit “A”; and be it further

RESOLVED, that the Tribal Council does hereby authorize the Tribal Chief and the Secretary-Treasurer to execute any additional documents, forms, or contracts directly related to implementation of the Commercial Land Assignment attached hereto as Exhibit "A" without further Council action.

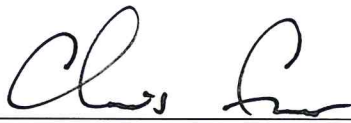
CERTIFICATION

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, 17 of whom, constituting a quorum were present at a Special Call meeting duly called, noticed, convened and held this the 6<sup>th</sup> day of December, 2021; and that the foregoing Resolution was duly Adopted by a vote of 17 members in favor, 0 opposed and 0 abstaining.

Dated this 6<sup>th</sup> day of December, 2021.

ATTEST:

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

  
\_\_\_\_\_  
Christopher Eaves, Secretary-Treasurer

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 22-030(B)

A RESOLUTION TO APPROVE A BUSINESS LEASE FOR MICHAEL BRISCOE IN THE  
BOGUE HOMA COMMUNITY

WHEREAS, the 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, Section 1, Subsection (i) of Article VIII of the Revised Constitution and Bylaws of the Tribe empowers the Tribal Council to establish and enforce rules, consistent with applicable statutes and regulations of the Secretary of the Interior, for the management of tribal lands, including, but not limited to, the making and revocation of assignments, and the disposition of timber, oil, and mineral resources; and

WHEREAS, on March 11, 1952, the Tribal Council adopted a resolution which established rules and regulations governing the leasing of tribal lands to MBCI tribal members; and

WHEREAS, the Tribal Council has amended the aforementioned rules and regulations through adoption of Resolutions CHO 10-74, CHO 59-75, and CHO 01-89; and

WHEREAS, leases of tribal lands for business, religious, recreational, educational, cultural, or other public purposes no longer require Bureau of Indian Affairs approval as the Tribal Council has the sole authority to approve such leases under the Mississippi Band of Choctaw Indians HEARTH Act Leasing Regulations approved by the Department of the Interior on March 5, 2019 with notice published in the Federal Register on April 10, 2019, Vol. 84, No. 69, pages 14390-14391; and

WHEREAS, MBCI tribal member Michael Briscoe has applied to lease the two-acre site shown and described on the survey plat attached hereto as Exhibit “A” for the purpose of operating a food service business; and

WHEREAS, the MBCI Office of the Attorney General has approved the form of the lease attached hereto as Exhibit “B” pursuant to Section 18 of the Tribe’s HEARTH Act Leasing Regulations; and

WHEREAS, the MBCI Real Estate Program is recommending that the Tribe charge nominal rent in relation to the lease attached hereto as Exhibit “B” pursuant to Section 11(b)(3) of the Tribe’s HEARTH Act Leasing Regulations; and

WHEREAS, the MBCI Real Estate Program has determined that it is in the best interest of the



Tribe to waive the requirement for bond in relation to the lease attached hereto as Exhibit "B" pursuant to Section 12(b) of the Tribe's HEARTH Act Leasing Regulations; and

WHEREAS, the Tribal Council has determined that it is in the best interest of the Tribe to approve the provisions of the lease attached hereto as Exhibit "B" which allow the lessee to make their interest in the lease subject to a leasehold mortgage without the need for further Tribal Council approval pursuant to Section 16(a) of the Tribe's HEARTH Act Leasing Regulations; 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 does hereby approve the form of the lease attached hereto as Exhibit "B" pursuant to Section 18 of the Tribe's HEARTH Act Leasing Regulations; and be it further

RESOLVED, that the Tribal Council does hereby approve payment of nominal rent in relation to the lease attached hereto as Exhibit "B" pursuant to Section 11(b)(2) of the Tribe's HEARTH Act Leasing Regulations; and be it further

RESOLVED, that the Tribal Council does hereby waive the requirement for bond in relation to the lease attached hereto as Exhibit "B" pursuant to Section 12(b) of the Tribe's HEARTH Act Leasing Regulations; and be it further

RESOLVED, that the Tribal Council does hereby approve the provisions of the lease attached hereto as Exhibit "B" which allow the lessee to make their interest in the lease subject to a leasehold mortgage without the need for further Tribal Council approval pursuant to Section 16(a) of the Tribe's HEARTH Act Leasing Regulations; and be it further

RESOLVED, that the Tribal Council does hereby authorize the Tribal Chief and the Secretary-Treasurer to execute the lease attached hereto as Exhibit "B"; and be it further

RESOLVED, that the Tribal Council does hereby authorize the Tribal Chief to sign any additional documents, forms, or contracts directly related to implementation the lease attached hereto as Exhibit "B" without further Council action.

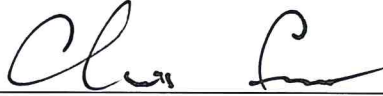
#### CERTIFICATION

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, 17 of whom, constituting a quorum were present at a Special Call meeting duly called, noticed, convened and held this the 6<sup>th</sup> day of December, 2021; and that the foregoing Resolution was duly Adopted by a vote of 17 members in favor, 0 opposed and 0 abstaining.


Dated this 6<sup>th</sup> day of December, 2021.

ATTEST:

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

  
\_\_\_\_\_  
Christopher Eaves, Secretary-Treasurer

RECOMMENDED:

  
\_\_\_\_\_  
Superintendent, Choctaw Agency

12-09-2021  
Date

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 22-031

A RESOLUTION TO APPROVE A LEASE AGREEMENT WITH GTP TOWERS I, LLC FOR  
A WIRELESS COMMUNICATIONS TOWER IN THE STANDING PINE 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 assets; and

WHEREAS, leases of tribal lands for business, religious, recreational, educational, cultural, or other public purposes no longer require Bureau of Indian Affairs approval as the Tribal Council has the sole authority to approve such leases under the Mississippi Band of Choctaw Indians HEARTH Act Leasing Regulations approved by the Department of the Interior on March 5, 2019 with notice published in the Federal Register on April 10, 2019, Vol. 84, No. 69, pages 14390 and 14391; and

WHEREAS, GTP Towers I, LLC, a Delaware limited liability company ("American Tower"), as successor-in-interest to New Cingular Wireless, PCS, LLC, operates and maintains a wireless communications tower in the Standing Pine Community under the terms of that certain Option and Lease Agreement dated August 17, 2010 (as may have been amended, modified or assigned, the "Lease"); and

WHEREAS, American Tower has offered the Tribe a one-time payment of ten thousand dollars (\$10,000.00), an increase in the monthly base rent from six hundred and five dollars (\$605.00) to seven hundred and fifty dollars (\$750.00), and an increase in the rate of rent escalation from ten percent (10%) every five (5) years to three percent (3%) annually in exchange for extending the term of the Lease for an additional forty-four (44) years; and

WHEREAS, American Tower and the Tribe have agreed that extending the term of the Lease will require the parties entering into a new lease subject to the Tribe's HEARTH ACT Leasing Regulations; and

WHEREAS, the MBCI Office of the Attorney General has approved the form of the lease attached hereto as Exhibit "A" pursuant to Section 18 of the Tribe's HEARTH Act Regulations; and

WHEREAS, the Tribal Council has determined that it is in the best interest of the Tribe to approve the provisions of the lease attached hereto as Exhibit "A" which allow American Tower to sublease or assign its interest in the lease without the need for further Tribal Council approval pursuant to Section 15(a) of the Tribe's HEARTH Act Leasing Regulations; and

WHEREAS, the Tribal Council has determined that it is in the best interest of the Tribe to approve the provisions of the lease attached hereto as Exhibit "A" which allow American Tower to make



its interest in the lease subject to a leasehold mortgage without the need for further Tribal Council approval pursuant to Section 16(a) of the Tribe's HEARTH Act Leasing Regulations; and

WHEREAS, the MBCI Real Estate Program has determined that it is in the best interest of the Tribe to waive the requirement for bond in relation to the lease attached hereto as Exhibit "A" pursuant to Section 12(b) of the Tribe's HEARTH Act Leasing Regulations; 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 does hereby approve the form of the lease attached hereto as Exhibit "A" between the Tribe and American Tower pursuant to Section 18 of the Tribe's HEARTH Act Regulations; and be it further

RESOLVED, that the Tribal Council does hereby approve the provisions of the lease attached hereto as Exhibit "A" which allow American Tower to sublease or assign its interest in the lease without the need for further Tribal Council approval pursuant to Section 15(a) of the Tribe's HEARTH Act Leasing Regulations; and be it further

RESOLVED, that the Tribal Council does hereby approve the provisions of the lease attached hereto as Exhibit "A" which allow American Tower to make its interest in the lease subject to a leasehold mortgage without the need for further Tribal Council approval pursuant to Section 16(a) of the Tribe's HEARTH Act Leasing Regulations; and be it further

RESOLVED, that the Tribal Council does hereby waive the requirement for bond in relation to the lease attached hereto as Exhibit "A" pursuant to Section 12(b) of the Tribe's HEARTH Act Leasing Regulations; and be it further

RESOLVED, that the Tribal Council does hereby authorize the Tribal Chief and the Secretary-Treasurer to execute the lease attached hereto as Exhibit "A" on behalf of the Tribe; and be it further

RESOLVED, that the Tribal Council does hereby authorize the Tribal Chief and the Secretary-Treasurer to execute any additional documents, forms, or contracts directly related to implementation of the lease attached hereto as Exhibit "A" on behalf of the Tribe, without further Tribal Council action.

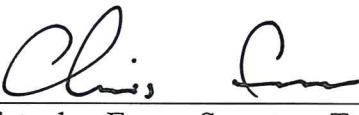
#### CERTIFICATION

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, 17 of whom, constituting a quorum were present at a Special Call meeting duly called, noticed, convened and held this the 6<sup>th</sup> day of December, 2021; and that the foregoing Resolution was duly Adopted by a vote of 17 members in favor, 0 opposed and 0 abstaining.

Dated this 6<sup>th</sup> day of December, 2021.

ATTEST:

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

  
\_\_\_\_\_  
Christopher Eaves, Secretary-Treasurer

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 22-032(B)

A RESOLUTION TO AUTHORIZE A SERVICE LINE AGREEMENT IN FAVOR OF  
TELEPAK NETWORKS, INC. D/B/A C SPIRE FIBER IN THE BOGUE CHITTO  
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, the Choctaw Tribal Schools have requested that Telepak Networks, Inc. d/b/a/ C Spire Fiber (“C Spire”) extend its high-speed broadband service to Bogue Chitto Elementary School; and

WHEREAS, extension of C Spire’s high-speed broadband service to Bogue Chitto Elementary School will require C Spire to construct and maintain a fiber optic backbone line over and across land which is held by the United States in trust for the Tribe; and

WHEREAS, a right-of-way granted by the Bureau of Indians Affairs is not required for utility lines running from a main line, transmission line, or distribution line which serve a single facility and which have a voltage of fourteen and one-half (14.5) kilovolts or less for residential uses or thirty-four and one-half (34.5) kilovolts or less for commercial uses; and

WHEREAS, the Tribal Council has determined it is in the best interest of the Tribe to enter into a service line agreement of perpetual duration with C Spire for the purpose of constructing and maintaining a fiber optic backbone line over and across the land described in the Service Line Agreement attached hereto as Exhibit “A”; 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 does hereby authorize the Tribal Chief to execute the Service Line Agreement attached hereto as Exhibit “A”; and be it further

RESOLVED, that the Tribal Council does hereby authorize the Tribal Chief to sign any additional documents, forms, or contracts directly related to the establishment of C Spire’s high-speed broadband service to Bogue Chitto Elementary School and the continuance, amendment, or extension of the Service Line Agreement attached hereto as Exhibit “A” 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, 17 of whom, constituting a quorum were present at a Special Call meeting duly called, noticed, convened and held this the 6<sup>th</sup> day of



December, 2021; and that the foregoing Resolution was duly Adopted by a vote of 17 members in favor, 0 opposed and 0 abstaining.

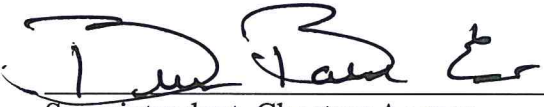
Dated this 6<sup>th</sup> day of December, 2021.

ATTEST:

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

  
\_\_\_\_\_  
Christopher Eaves, Secretary-Treasurer

RECOMMENDED:

  
\_\_\_\_\_  
Superintendent, Choctaw Agency

12-09-2021  
Date

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 22-033

A RESOLUTION TO APPROVE A BUSINESS LEASE WITH GSS, LLC FOR A WIRELESS COMMUNICATIONS TOWER IN THE PEARL RIVER 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 assets; and

WHEREAS, the Tribal Council has the sole authority to approve leases of tribal lands for business, religious, recreational, educational, cultural, or other public purposes pursuant to the Mississippi Band of Choctaw Indians HEARTH Act Leasing Regulations approved by the Department of the Interior on March 5, 2019 with notice published in the Federal Register on April 10, 2019, Vol. 84, No. 69, pages 14390-14391; and

WHEREAS, on April 8, 2014, the Tribal Council adopted Resolution CHO 14-058, which authorized a memorandum of understanding allowing MBCI to participate in the Mississippi Wireless Communication Commission's public safety communication system; and

WHEREAS, the Mississippi Wireless Communication Commission is proposing to allow a site in the Pearl River Community should a tower be available that will improve access to its public safety communication system on MBCI tribal lands; and

WHEREAS, the MBCI Office of the Attorney General has approved the form of the lease attached hereto as Exhibit "A" pursuant to Section 18 of the Tribe's HEARTH Act Regulations; and

WHEREAS, the Tribal Council has determined that it is in the best interest of the Tribe to approve the provisions of the lease attached hereto as Exhibit "A" which allow the Mississippi Wireless Communication Commission's contractor, GSS, LLC, to sublease or assign its interest in the lease without the need for further Tribal Council approval pursuant to Section 15(a) of the Tribe's HEARTH Act Leasing Regulations; and

WHEREAS, the Tribal Council has determined that it is in the best interest of the Tribe to approve the provisions of the lease attached hereto as Exhibit "A" which allow GSS, LLC to make its interest in the lease subject to a leasehold mortgage without the need for further Tribal Council approval pursuant to Section 16(a) of the Tribe's HEARTH Act Leasing Regulations; and

WHEREAS, the MBCI Real Estate Program is recommending that the Tribe charge nominal rent in relation to the lease attached hereto as Exhibit "A" pursuant to Section 11(b)(2) of the Tribe's HEARTH Act Leasing Regulations; and

WHEREAS, the MBCI Real Estate Program has determined that it is in the best interest of the Tribe to waive the requirement for bond in relation to the lease attached hereto as Exhibit "A" pursuant to Section 12(b) of the Tribe's HEARTH Act Leasing Regulations; 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 does hereby approve the form of the lease attached hereto as Exhibit "A" pursuant to Section 18 of the Tribe's HEARTH Act Regulations; and be it further

RESOLVED, that the Tribal Council does hereby approve the provisions of the lease attached hereto as Exhibit "A" which allow GSS, LLC to sublease or assign its interest in the lease without the need for further Tribal Council approval pursuant to Section 15(a) of the Tribe's HEARTH Act Leasing Regulations; and be it further

RESOLVED, that the Tribal Council does hereby approve the provisions of the lease attached hereto as Exhibit "A" which allow GSS, LLC to make its interest in the lease subject to a leasehold mortgage without the need for further Tribal Council approval pursuant to Section 16(a) of the Tribe's HEARTH Act Leasing Regulations; and be it further

RESOLVED, that the Tribal Council does hereby approve payment of nominal rent in relation to the lease attached hereto as Exhibit "A" pursuant to Section 11(b)(2) of the Tribe's HEARTH Act Leasing Regulations; and be it further

RESOLVED, that the Tribal Council does hereby waive the requirement for bond in relation to the lease attached hereto as Exhibit "A" pursuant to Section 12(b) of the Tribe's HEARTH Act Leasing Regulations; and be it further

RESOLVED, that the Tribal Council does hereby authorize the Tribal Chief and the Secretary-Treasurer to execute the lease attached hereto as Exhibit "A"; and be it further

RESOLVED, that the Tribal Council does hereby authorize the Tribal Chief and the Secretary-Treasurer to execute any additional documents, forms, or contracts directly related to implementation of the lease attached hereto as Exhibit "A" 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, 17 of whom, constituting a quorum were present at a Special Call meeting duly called, noticed, convened and held this the 6<sup>th</sup> day of December, 2021; and that the foregoing Resolution was duly Adopted by a vote of 17 members in favor, 0 opposed and 0 abstaining.

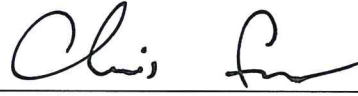
Dated this 6<sup>th</sup> day of December, 2021.

ATTEST:



A handwritten signature in blue ink, appearing to read 'Cyrus Ben', written over a horizontal line.

Cyrus Ben, Tribal Chief

A handwritten signature in black ink, appearing to read 'Chris Eaves', written over a horizontal line.

Christopher Eaves, Secretary-Treasurer

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 22-034(B)

A RESOLUTION TO DESIGNATE SITES IN HENNING, TENNESSEE AND THE BOGUE HOMA, RED WATER, AND TUCKER COMMUNITIES FOR RESIDENTIAL HOUSING DEVELOPMENT

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, the Tribal Council has the authority to dedicate tribal lands to a public use without the need for Bureau of Indian Affairs approval since such dedications are not considered leases for the purposes of federal laws and regulations which govern leases of tribal lands; and

WHEREAS, the development of infrastructure necessary to sustain safe and affordable housing for MBCI tribal members is a public use for which tribal lands can be dedicated; and

WHEREAS, sites suitable for residential development have been identified in Henning, Tennessee and the Bogue Homa, Red Water, and Tucker communities on tribal lands which are more particularly shown on the diagrams attached hereto as Exhibits “A”, “B”, “C”, and “D”; 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 does hereby designate the tribal lands shown on the diagrams attached hereto as Exhibits “A”, “B”, “C”, and “D” for the development of infrastructure necessary to support housing for MBCI tribal members on those lands; and be it further

RESOLVED, that the Tribal Council does hereby authorize the Tribal Chief to sign any additional documents, forms, or contracts directly related to the development of infrastructure necessary to support housing for MBCI tribal members on the above-referenced tribal lands 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, 17 of whom, constituting a quorum were present at a Special Call meeting duly called, noticed, convened and held this the 6<sup>th</sup> day of December, 2021; and that the foregoing Resolution was duly Adopted by a vote of 15 members in favor, 2 opposed and 0 abstaining.


Dated this 6<sup>th</sup> day of December, 2021.

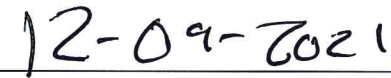
ATTEST:

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

  
\_\_\_\_\_  
Christopher Eaves, Secretary-Treasurer

RECOMMENDED:

  
\_\_\_\_\_  
Superintendent, Choctaw Agency

  
\_\_\_\_\_  
Date



MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 22-035

A RESOLUTION TO AMEND SECTION II OF THE ADMINISTRATIVE  
PERSONNEL POLICY AND 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 conflicts of interest and nepotism; and

WHEREAS, on May 30, 1972, the Tribal Council adopted Resolution CHO 140-72, which first established personnel policies for tribal government employees and through the adoption of Resolution 13-067, comprehensively re-wrote the Administrative Personnel Policy and Procedures; and

WHEREAS, the Tribal Council has amended the Administrative Personnel Policy and Procedures through adoption of Resolutions CHO 13-114, CHO 14-054, CHO 16-056, CHO 17-059, CHO 18-002, CHO 19-101, CHO 20-059, CHO 20-090, CHO 20-104, CHO 21-066, CHO 21-114, CHO 21-124 and 21-131; and

WHEREAS, Section II of the Administrative Personnel Policy and Procedures outlines the Equal Opportunity policy which prohibits discrimination because of “race, color, religion, sex, pregnancy, age, national origin, citizenship status, veteran status, physical or mental disability, genetic information or any other basis protected by applicable law;” and

WHEREAS, since March 2020, COVID-19 has produced devastating physical, economic and psychological effects on the Mississippi Band of Choctaw Indians; and

WHEREAS, the U.S. Centers for Medicare and Medicaid Services (“CMS”) issued an Omnibus COVID-19 Healthcare Staff Vaccination Rule (the “Rule”) on November 4, 2021, that was mandatory for healthcare facilities, including Choctaw Health Center (“CHC”) and Choctaw Residential Center Enterprise (the “Enterprise”) who wish to continue receiving Medicare and Medicaid reimbursements; and

WHEREAS, on May 28, 2021, the U.S. Equal Employment Opportunity Commission (“EEOC”) issued guidance that concluded that federal Equal Employment Opportunity (“EEO”) laws do not prevent an employer from requiring all employees physically entering the workplace to be vaccinated for COVID-19, so long as employers comply with the reasonable accommodation provisions of Title VII of the federal Civil Rights Act, the federal Americans with Disabilities Act, and other EEO considerations; and

WHEREAS, federally-recognized Indian tribes and corporations wholly owned by federally-recognized Indian tribes are specifically excluded from the definition of “employer” under both Title VII of the Civil Rights Act and the Americans with Disabilities Act; and

WHEREAS, the Tribal Council wishes to amend the Administrative Personnel Policy and Procedures to make it clear that equal employment opportunity reasons as a basis for vaccination non-compliance will not be accepted due to the paramount importance of the health and safety of tribal members, tribal employees and the public; and

WHEREAS, the requested modifications to Section II of the Administrative Personnel Policy and Procedures 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 the amendments to Section II of the Administrative Personnel Policy and Procedures attached hereto as Exhibit "A"; and be it further

RESOLVED, that the amendments to Section II of the Administrative Personnel Policy and Procedures attached hereto as Exhibit "A" shall take effect on the date of adoption 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, 17 of whom, constituting a quorum were present at a Special Call meeting duly called, noticed, convened and held this the 6<sup>th</sup> day of December, 2021; and that the foregoing Resolution was duly Adopted by a vote of 17 members in favor, 0 opposed and 0 abstaining.

Dated this 6<sup>th</sup> day of December, 2021.

ATTEST:

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

  
\_\_\_\_\_  
Christopher Eaves, Secretary-Treasurer



MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 22-036

A RESOLUTION TO APPROVE FY 2022 BUDGET FOR CHOCTAW RESIDENTIAL  
CENTER ENTERPRISE

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 13(a) of Ordinance 56 requires that Tribal Enterprises submit for approval annual operating budgets to the Tribal Chief and Tribal Council; and

WHEREAS, Section 13(b) of Ordinance 56 requires that Tribal Enterprises submit for approval capital budgets to the Tribal Chief and Tribal Council; and

WHEREAS, the enterprise manager of Choctaw Residential Center has prepared and submitted an operating and a capital budget for FY 2022 beginning January 1, 2022, a copy of which is attached hereto as Exhibit "A"; and

WHEREAS, the Choctaw Residential Center Board of Directors has reviewed and approved the attached budget for FY 2022; and

WHEREAS, the Choctaw Residential Center Enterprise Board of Directors has approved a distribution to the Tribal Government General Fund for FY 2022 in the amount of \$500,000 on a date to be determined; now therefore be it

RESOLVED, that the Tribal Council does hereby approve the attached FY 2022 budget for the Choctaw Residential Center Enterprise, including Operating Expenditures in the amount of \$9,032,035 and Capital Expenditures in the amount of \$815,670; and be it further

RESOLVED, that the Tribal Council authorizes the Choctaw Residential Center Enterprise Board of Directors to move expenditures among approved line items when necessary; however, any increase to the capital budget or fixed cost amounts included in the operation budget must receive the 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, 17 of whom, constituting a quorum were present at a Special Call meeting duly called, noticed, convened and held this the 6<sup>th</sup> day of December, 2021; and that the foregoing Resolution was duly Adopted by a vote of 17 members in favor, 0 opposed and 0 abstaining.



Dated this 6<sup>th</sup> day of December, 2021.

ATTEST:

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

  
\_\_\_\_\_  
Christopher Eaves, Secretary-Treasurer

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 22-037

A RESOLUTION TO AUTHORIZE THE MISSISSIPPI BAND OF CHOCTAW INDIANS' OFFICE OF ECONOMIC DEVELOPMENT TO APPLY FOR AN ECONOMIC DEVELOPMENT ADMINISTRATION (EDA) PARTNERSHIP PLANNING GRANT FOR 2022-2024

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 Commerce—Economic Development Administration ("EDA") has invited MBCI Office of Economic Development to submit an application for the Fiscal Year 2022 Federal Assistance for a three-year Partnership Planning Grant for \$105,000.00; and

WHEREAS, the Economic 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 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 a 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 EDA Partnership Planning Grant and renew subsequent applications upon the availability of project funds from the Economic Development Administration; 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 Partnership Planning Grant from the Economic Development Administration, 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, 17 of whom, constituting a quorum were present at a Special Call meeting duly called, noticed, convened and held this the 6<sup>th</sup> day of December, 2021; and that the foregoing Resolution was duly Adopted by a vote of 17 members in favor, 0 opposed and 0 abstaining.

Dated this 6<sup>th</sup> day of December, 2021.

ATTEST:

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

  
\_\_\_\_\_  
Christopher Eaves, Secretary-Treasurer



MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 22-038

A RESOLUTION TO AUTHORIZE THE MISSISSIPPI BAND OF CHOCTAW INDIANS' OFFICE OF ECONOMIC DEVELOPMENT TO SUBMIT AN UPDATED COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY FOR 2022-2026 TO THE U.S. DEPARTMENT OF COMMERCE—ECONOMIC DEVELOPMENT ADMINISTRATION

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 Commerce—Economic Development Administration (“EDA”) provided support to help communities focus on pandemic recovery or resiliency based on the existing or anticipated COVID-19 impact, general needs and capacities of the Tribe; and

WHEREAS, over the past twelve months, the Office of Economic Development has worked to update the Tribe’s Comprehensive Economic Development Strategy (“CEDS”) for 2022-2026 in response to the impact of COVID-19 on the Choctaw communities, a summary of which is attached hereto as Exhibit “A”; and

WHEREAS, the Office of Economic Development has identified five overarching Strategic Goals as follows: (1) diversify sources of business revenues; (2) create a more resilient workforce; (3) create more resilient infrastructure; (4) promote entrepreneurship and innovation; and (5) operate a professional and effective Economic Development Office; and

WHEREAS, the Economic 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 the updated CEDS for 2022-2026 in substantially the same form as attached hereto as Exhibit “A”; and be it further

RESOLVED, that the Tribal Council does hereby authorize the Tribal Chief or his designee, to sign any documents, forms or contracts directly related to the CEDS for 2022-2026 without further Council action.

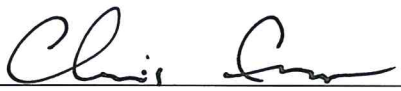
CERTIFICATION

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, 17 of whom, constituting a quorum were present at a Special Call meeting duly called, noticed, convened and held this the 6<sup>th</sup> day of December, 2021; and that the foregoing Resolution was duly Adopted by a vote of 17 members in favor, 0 opposed and 0 abstaining.

Dated this 6<sup>th</sup> day of December, 2021.

ATTEST:

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

  
\_\_\_\_\_  
Christopher Eaves, Secretary-Treasurer

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 22-039

A RESOLUTION TO AUTHORIZE THE MISSISSIPPI BAND OF CHOCTAW INDIANS' OFFICE OF ECONOMIC DEVELOPMENT TO APPLY FOR FUNDS FROM THE STATE SMALL BUSINESS CREDIT INITIATIVE (SSBCI) PROGRAM

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 American Rescue Plan Act of 2021 ("ARPA") reauthorizes and amends the Small Business Jobs Act ("SBJA") of 2010, which established the State Small Business Credit Initiative ("SSBCI"); and

WHEREAS, under Section 3003(b) of the SBJA, as amended by ARPA, the ARPA allocates \$500 million for Tribal government SSBCI programs; and

WHEREAS, the total potential SSBCI funding also includes preliminary allocations to Tribal governments made pursuant to Sections 3003(d) and (f), and the initial eligible amounts available to Tribal governments under Section 3003(e); and

WHEREAS, Tribal governments may use SSBCI funds for small business financing programs, including capital access programs, loan participation programs, loan guarantee programs, collateral support programs, and venture capital programs; and

WHEREAS, the total potential SSBCI funding for Mississippi Band of Choctaw Indians is at least \$2,305,538.00 with the following breakdown:

- Main Capital Allocation (Section 3003(b)): \$1,439,024.00
- Very Small Business Allocation (Section 3003(f)): \$165,376.00
- SEDI Allocation (Section 3003(d)): \$457,264.00
- Initial Eligible Amount of \$800 million of incentive funding (Section 3003(e)): \$243,874.00
- **MINIMUM POTENTIAL SSBCI FUNDING = \$2,305,538.00**

And

WHEREAS, the Economic 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 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 a 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 SSBIC Program Allocation and renew subsequent applications upon the availability of project 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 awarding of, continuance, amendment, or extension of the SSBCI Program, 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, 17 of whom, constituting a quorum were present at a Special Call meeting duly called, noticed, convened and held this the 6<sup>th</sup> day of December, 2021; and that the foregoing Resolution was duly Adopted by a vote of 17 members in favor, 0 opposed and 0 abstaining.

Dated this 6<sup>th</sup> day of December, 2021.

ATTEST:

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

  
\_\_\_\_\_  
Christopher Eaves, Secretary-Treasurer