

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

ORDINANCE NO. 16-JJJJ

AN ORDINANCE TO AMEND TRIBAL CODE TITLE XXII—TRIBAL ENROLLMENT

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, procedures for tribal enrollment have been promulgated by the Tribal Council and enacted as Title XXII of the Tribal Code through adoption of Ordinances 16-NN and 16-RRR; and

WHEREAS, the Tribal Council recognizes the need to amend the current enrollment ordinance to account for the increased importance of DNA testing in verifying eligibility for tribal membership and to reduce the potential for fraud in the enrollment process; and

WHEREAS, §22-1-3 requires that Title XXII may only be amended by the Tribal Council after notification to members of the Tribe in a newspaper of general circulation of the proposed changes(s); and

WHEREAS, the Office of Tribal Enrollment shall notify members of the Tribe of these proposed changes in a newspaper of general circulation; and

WHEREAS, the Congressional and Governmental Affairs 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 Tribal Code Section 22-1-2, *Definitions*, as follows:

§22-1-2. *Definitions*

- (1) *Applicant* means the person seeking to be enrolled;
- (2) *Appellant* means a person who is appealing the Committee’s decision to reject his application for Tribal enrollment;
- (3) *Challenger* means a tribal member who submits evidence that would disqualify another member from continued tribal membership with the MBCI;
- (4) *Committee* means the Enrollment Committee established by this Title;

- (5) *Current Roll* means the roll of all living members of the Tribe;
- (6) *DNA* means deoxyribonucleic acid, which is a nucleic acid that carries the genetic information in the cell and is capable of self-replication and synthesis of ribonucleic acid (RNA);
- (7) *DNA Testing* means genetic testing that is used to establish a biological relationship;
- (8) *Enrollment Officer* or *Officer* means the person appointed by the Chief to handle enrollment records. The Chief may, at his discretion, either hire a person or designate a current Tribal employee to perform the duties of the Enrollment Officer;
- (9) *Initial Base Roll* means the roll as compiled as of January 1, 1940;
- (10) *Master Roll* means the roll of all enrolled members of the Tribe, both living and deceased;
- (11) *Sponsor* means the applicant's spouse, parent, recognized guardian, next of kin, descendent, executor or administrator of estate, or any Tribal member who files an application for enrollment or appeal on behalf of another person; and
- (12) *Tribe* means the Mississippi Band of Choctaw Indians (MBCI).

And be it further,

ENACTED, that the Tribal Council does hereby amend Tribal Code Section 22-2-3, *Written Application for Enrollment*, as follows:

§22-2-3. *Written Application for Enrollment*

A separate written application for enrollment on a form approved by the Committee shall be filed with the Committee by or on behalf of each person applying for enrollment as a member of the Tribe. All persons not listed on the census roll of January 1, 1940, who request membership in the Tribe must file an application. There will be no deadline established for filing enrollment applications, except when an enrollment cutoff date has been authorized by the Tribal Council for a Tribal distribution of funds or for other purposes. At a minimum, the application must show the following:

- (1) All names by which the applicant is known;
- (2) The address of the applicant;
- (3) The applicant's degree of Mississippi Choctaw blood;
- (4) The names and roll numbers of all Mississippi Choctaw ancestors whose names appear on the January 1, 1940, census roll, together with the name of Mississippi Choctaw ancestors in generations between that roll and the applicant;
- (5) The names of the Tribes, roll numbers and degrees of Indian blood of any Tribes other than Mississippi Choctaw;

- (6) Ancestry chart;
- (7) Consent to DNA Testing as a precondition to enrollment, as well as after enrollment if the need arises;
- (8) The signatures of the applicant or the applicant's sponsor or sponsors;
- (9) The date of filing of the application;
- (10) certified copy of long form birth certificate;
- (11) copy of Social Security card; and
- (12) if an applicant's biological parent is an enrolled member of the Tribe and is not listed on the applicant's long form birth certificate, a certified copy of a court order establishing paternity or maternity on the basis of DNA Test results

And be it further,

ENACTED, that the Tribal Council does hereby amend Tribal Code Section 22-2-5, *Application Certification Concerning DNA Testing*, as follows:

§22-2-5. *DNA Testing*

- (1) DNA Testing Required. All living applicants must test with each biological parent listed on the applicant's long form birth certificate who is contributing to the MBCI blood quantum of the applicant, provided that two parents who were assigned the same sex at birth cannot both contribute to an applicant's MBCI blood quantum. DNA Test results shall be sent directly to the Enrollment Officer from a laboratory accredited by the American Association of Blood Banks ("AABB"), or a successor to its functions, or the American National Standards Institute National Accreditation Board ("ANAB"), or a successor to its functions.
- (2) Probability of Relationship. The results of DNA Testing will be accepted so long as the probability of the alleged parental relationship is no less than ninety-nine percent (99%).
- (3) Cost of DNA Testing. The Tribe shall assume the cost of one (1) DNA Test by a laboratory approved by the Enrollment Committee for each applicant and biological parent listed on the applicant's long form birth certificate who is contributing to the MBCI blood quantum of the applicant. The cost of any additional DNA Testing shall be paid by the applicant's parent or legal guardian, who may choose to deduct the DNA Testing costs from tribal per capita distribution payments or tribal employee payroll by executing an assignment of tribal distribution funds or tribal employee payroll deduction form.
- (4) Exception. DNA Testing shall not be required as prescribed by this Section when the applicant submits a certified copy of a court order establishing paternity or maternity which was entered on the basis of DNA Test results.

And be it further,

ENACTED, that these amendments shall take effect on March 1, 2021 which will be after notice has been provided in a newspaper of general circulation in compliance with §22-1-3; and be it further

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

CERTIFICATION

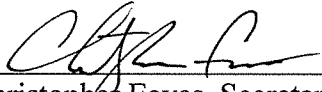
I, the undersigned, as Secretary-Treasurer of the Mississippi Band of Choctaw Indians, certify that the Tribal Council of said Band is composed of 17 members, 11 of whom, constituting a quorum were present at a Special Call meeting duly called, noticed, convened and held this the 16th day of December, 2020; and that the foregoing Ordinance was duly Enacted by a vote of 10 members in favor, 1 opposed and 0 abstaining.

Dated this 16th day of December, 2020.

ATTEST:



Cyrus Ben, Tribal Chief



Christopher Eaves, Secretary-Treasurer

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 21-030

A RESOLUTION TO APPROVE A TITLE VI PLAN FOR CHOCTAW TRANSIT PROGRAM

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

WHEREAS, on October 9, 2018, the Tribal Council adopted Resolution CHO 19-012, which authorized the Tribal Chief to apply for and accept Federal Transit Administration Section 5339 grant funding for buses and bus facilities; and

WHEREAS, the Federal Transit Administration requires that entities receiving Section 5339 grant funding adopt a plan to assure compliance with Title VI of the Civil Rights Act of 1964; and

WHEREAS, Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance; 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 hereby approves the Title VI Plan for the Choctaw Transit Program attached hereto as Exhibit “A”; and be it further

RESOLVED, that the Tribal Council hereby authorizes the Tribal Chief to sign any additional documents, forms, or contracts directly related to the continuance, amendment, or extension of Choctaw Transit Program’s Title VI Plan without further Council action.

CERTIFICATION

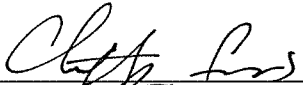
I, the undersigned, as Secretary-Treasurer of the Mississippi Band of Choctaw Indians, certify that the Tribal Council of said Band is composed of 17 members, 11 of whom, constituting a quorum were present at a Special Call meeting duly called, noticed, convened and held this the 16th day of December, 2020; and that the foregoing Resolution was duly Adopted by a vote of 10 members in favor, 1 opposed and 0 abstaining.

Dated this 16th day of December, 2020.

ATTEST:



Cyrus Ben, Tribal Chief



Christopher Eaves, Secretary-Treasurer

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 21-031

A RESOLUTION TO AUTHORIZE THE MISSISSIPPI BAND OF CHOCTAW INDIANS TO APPLY FOR AND ADMINISTER UTILITY INFRASTRUCTURE FUNDING FROM THE UNITED STATES DEPARTMENT OF AGRICULTURE – RURAL UTILITIES SERVICE TO CONSTRUCT A NEW WATER TREATMENT PLANT AND SUPPORTING FACILITIES FOR THE PEARL RIVER COMMUNITY

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, there exists a need to replace the existing water treatment plant and supporting facilities in the Pearl River Community, which are nearing the end of their design life and are subject to mechanical failures due to deterioration of the originally installed components; and

WHEREAS, it is estimated that construction of a new water treatment plant and supporting facilities for the Pearl River Community will cost approximately \$18 million; and

WHEREAS, the Tribe is eligible to receive funding from the United States Department of Agriculture – Rural Utilities Service for utility infrastructure construction; and

WHEREAS, the Public Works, Fire & Construction 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 apply for, negotiate, accept, and administer any and all funding offered by the United States Department of Agriculture – Rural Utilities Service which could be used to construct a new water treatment plant and supporting facilities for the Pearl River Community, including the contracting out of any technical procedures required to meet the terms of such funding; 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 application for and the awarding, continuance, amendment, or extension of the above-mentioned utility infrastructure construction 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, 11 of whom, constituting a quorum were present at a Special Call meeting duly called, noticed, convened and held this the 16th day of December, 2020; and that the foregoing Resolution was duly Adopted by a vote of 10 members in favor, 1 opposed and 0 abstaining.

Dated this 16th day of December, 2020.

ATTEST:



Cyrus Ben, Tribal Chief



Christopher Eaves, Secretary-Treasurer

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 21-032(B)

A RESOLUTION TO APPROVE AN EXPENDITURE PLAN FOR FOREST MANAGEMENT DEDUCTIONS

WHEREAS, Section 1, Subsection (g) 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 operating budgets upon submission by the Tribal Chief; and

WHEREAS, ten percent (10%) of gross proceeds from the sale of timber harvested from MBCI Reservation lands is collected by the Secretary of the Interior pursuant to 25 U.S.C. §413 and set aside for forest land management activities; and

WHEREAS, Tribal Council approval of an expenditure plan is required under 25 C.F.R. §163.25 to gain access to funds withheld from timber sale proceeds in the previous fiscal year; and

WHEREAS, on January 14, 2020, the Tribal Council adopted Resolution CHO 20-035(B), which approved an expenditure plan for the use of forest management deductions occurring in Fiscal Year 2019; and

WHEREAS, ten percent (10%) of timber sale proceeds for Fiscal Year 2020 is \$45,111.00; and

WHEREAS, interest earned on timber sale proceeds for Fiscal Year 2020 is \$200.78; and

WHEREAS, the MBCI Forestry Program has prepared the Expenditure Plan for Forest Management Deductions attached hereto as Exhibit "A" in the amount of forty-five thousand three hundred eleven dollars and seventy-eight cents (\$45,311.78); 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 Expenditure Plan for Forest Management Deductions 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 continuance, amendment, or extension of the Expenditure Plan for Forest Management Deductions 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, 11 of whom, constituting a quorum were present at a Special Call meeting duly called, noticed, convened and held this the 16th day of

December, 2020; and that the foregoing Resolution was duly Adopted by a vote of 10 members in favor, 1 opposed and 0 abstaining.

Dated this 16th day of December, 2020.

ATTEST:



Cyrus Ben, Tribal Chief




Christopher Eaves, Secretary-Treasurer

RECOMMENDED:



Superintendent, Choctaw Agency



Date

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 21-033(B)

A RESOLUTION TO APPROVE AN INDUSTRIAL POWER CONTRACT WITH CENTRAL ELECTRIC POWER ASSOCIATION IN THE RED WATER COMMUNITY

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, Central Electric Power Association plans to use an existing power line to service the Coronavirus Emergency Response Facility in the Red Water Community; and

WHEREAS, prior to providing electric service, Central Electric Power Association will require the Tribe to enter into a ten (10) year Industrial Power Contract; and

WHEREAS, the Tribal Council has determined it is in the best interest of the Tribe to enter into the required Industrial Power Contract with Central Electric Power Association; and

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

RESOLVED, that the Tribal Council hereby approves the Industrial Power Contract with Central Electric Power Association attached hereto as Exhibit “A”; and be it further

RESOLVED, that the Tribal Council hereby authorizes the Tribal Chief to sign the Industrial Power Contract with Central Electric Power Association attached hereto as Exhibit “A”; and be it further

RESOLVED, that the Tribal Council authorizes the Tribal Chief to sign any additional documents, forms, or contracts directly related to the continuance, amendment, or extension of the Industrial Power Contract with Central Electric Power Association 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, 11 of whom, constituting a quorum were present at a Special Call meeting duly called, noticed, convened and held this the 16th day of December, 2020; and that the foregoing Resolution was duly Adopted by a vote of 10 members in favor, 1 opposed and 0 abstaining.

Dated this 16th day of December, 2020.

ATTEST:



Cyrus Ben, Tribal Chief

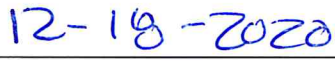


Christopher Eaves, Secretary-Treasurer

RECOMMENDED:



Superintendent, Choctaw Agency



Date

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 21-034(B)

A RESOLUTION TO APPROVE A RIGHT-OF-WAY IN FAVOR OF CENTRAL ELECTRIC POWER ASSOCIATION 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 tribal assets; and

WHEREAS, Central Electric Power Association (“CEPA”) has submitted the attached Right-of-Way Application for a power line to service the new addition to the MBCI Food Distribution Building (the “Intended Purpose”) located on Industrial Road in the Pearl River Community, over and across land which is owned by the United States of America in trust for the benefit of the Tribe, and is more particularly described as follows:

A strip of land for a power line approximately 150 feet in length and 40 feet in width existing 20 feet either side of the centerline of the power line, with said power line existing in the North East ¼ of Section 25 Township 11 North; Range 10 East; Neshoba County and with the centerline of the power line being more particularly described as shown on the attached “EXHIBIT A”;

And

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

WHEREAS, the Tribal Council has determined it is in the best interest of the Tribe for the Bureau of Indian Affairs (“BIA”) to grant the above-described right-of-way for a perpetual term so long as the above-described right-of-way is used for the intended purpose; and

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

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

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

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

RESOLVED, that the Tribal Council hereby consents to a grant of the above-described right-of-way by BIA to CEPA for a power line servicing the new addition to the MBCI Food Distribution Building located on Industrial Road in the Pearl River Community; and be it further

RESOLVED, that the Tribal Council hereby authorizes the BIA to grant the above-described right-of-way for a perpetual term so long as the above-described right-of-way is used for the Intended Purpose; and be it further

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

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

CERTIFICATION

I, the undersigned, as Secretary-Treasurer of the Mississippi Band of Choctaw Indians, certify that the Tribal Council of said Band is composed of 17 members, 11 of whom, constituting a quorum were present at a Special Call meeting duly called, noticed, convened and held this the 16th day of December, 2020; and that the foregoing Resolution was duly Adopted by a vote of 10 members in favor, 1 opposed and 0 abstaining.

Dated this 16th day of December, 2020.

ATTEST:



Cyrus Ben, Tribal Chief



Christopher Eaves, Secretary-Treasurer

RECOMMENDED:



Superintendent, Choctaw Agency

12-18-2020

Date

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 21-035(B)

A RESOLUTION TO APPROVE A RIGHT-OF-WAY IN FAVOR OF CENTRAL ELECTRIC POWER ASSOCIATION 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, Central Electric Power Association has submitted the attached Right-of-Way Application for a power line servicing the Coronavirus Emergency Response Facility (the “intended purpose”) in the Bogue Chitto Community, over and across land which is owned United States of America in trust for the benefit of the Tribe and is more particularly described as follows:

A strip of land for a power line approximately 264 feet in length and 40 feet in width existing 20 feet either side of the centerline of the power line, with the said power line existing in the North East ¼ of Section 2 Township 11 North, Range 13 East, Neshoba County, Mississippi;

And

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

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

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

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

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

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

RESOLVED, that the Tribal Council hereby consents to a grant of the above-described right-of-way by the Bureau of Indian Affairs to Central Electric Power Association for a power line servicing the Coronavirus Emergency Response Facility in the Bogue Chitto Community; and be it further

RESOLVED, that the Tribal Council hereby authorizes that the Bureau of Indian Affairs to grant the above-described right-of-way for a perpetual term so long as the above-described right-of-way is used for the intended purpose; and be it further

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

RESOLVED, that the Tribal Council authorizes the Tribal Chief to sign any additional documents, forms, or contracts directly related to the establishment of electric service to the Coronavirus Emergency Response Facility in the Bogue Chitto Community and the continuance, amendment, or extension of the above-described right-of-way without further Council action.

CERTIFICATION


I, the undersigned, as Secretary-Treasurer of the Mississippi Band of Choctaw Indians, certify that the Tribal Council of said Band is composed of 17 members, 11 of whom, constituting a quorum were present at a Special Call meeting duly called, noticed, convened and held this the 16th day of December, 2020; and that the foregoing Resolution was duly Adopted by a vote of 10 members in favor, 1 opposed and 0 abstaining.

Dated this 16th day of December, 2020.

ATTEST:




Cyrus Ben, Tribal Chief



Christopher Eaves, Secretary-Treasurer

RECOMMENDED:



Superintendent, Choctaw Agency

12-18-2020

Date

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 21-036(B)

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

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

WHEREAS, Central Electric Power Association has submitted the attached Right-of-Way Application for a power line servicing the Coronavirus Emergency Response Facility (the “intended purpose”) in the Conehatta Community, over and across land which is owned United States of America in trust for the benefit of the Tribe and is more particularly described as follows:

A strip of land for a power line approximately 390 feet in length and 40 feet in width existing 20 feet either side of the centerline of the power line, with said power line existing in the SE ¼ of Section 9, Township 7 North, Range 10 East, Newton County, Mississippi;

And

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

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

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

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

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

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

RESOLVED, that the Tribal Council hereby consents to a grant of the above-described right-of-way by the Bureau of Indian Affairs to Central Electric Power Association for a power line servicing the Coronavirus Emergency Response Facility in the Conehatta Community; and be it further

RESOLVED, that the Tribal Council hereby authorizes that the Bureau of Indian Affairs to grant the above-described right-of-way for a perpetual term so long as the above-described right-of-way is used for the intended purpose; and be it further

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

RESOLVED, that the Tribal Council authorizes the Tribal Chief to sign any additional documents, forms, or contracts directly related to the establishment of electric service to the Coronavirus Emergency Response Facility in the Conehatta Community and the continuance, amendment, or extension of the above-described right-of-way and without further Council action.

CERTIFICATION


I, the undersigned, as Secretary-Treasurer of the Mississippi Band of Choctaw Indians, certify that the Tribal Council of said Band is composed of 17 members, 11 of whom, constituting a quorum were present at a Special Call meeting duly called, noticed, convened and held this the 16th day of December, 2020; and that the foregoing Resolution was duly Adopted by a vote of 10 members in favor, 1 opposed and 0 abstaining.

Dated this 16th day of December, 2020.

ATTEST:



Cyrus Ben, Tribal Chief

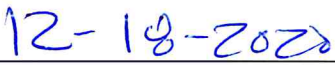


Christopher Eaves, Secretary-Treasurer

RECOMMENDED:



Superintendent, Choctaw Agency



Date

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 21-037(B)

A RESOLUTION TO APPROVE A RIGHT-OF-WAY IN FAVOR OF CENTRAL ELECTRIC POWER ASSOCIATION 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 tribal assets; and

WHEREAS, Central Electric Power Association has submitted the attached Right-of-Way Application for a power line servicing the Coronavirus Emergency Response Facility (the “intended purpose”) in the Pearl River Community, over and across land which is owned United States of America in trust for the benefit of the Tribe and is more particularly described as follows:

A strip of land for a power line approximately 261 feet in length and 40 feet in width existing 20 feet either side of the centerline of the power line, with said power line existing in the SW¼ of Section 19, Township 11 North, Range 11 East, Neshoba County, Mississippi;

And

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

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

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

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

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

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

RESOLVED, that the Tribal Council hereby consents to a grant of the above-described right-of-way by the Bureau of Indian Affairs to Central Electric Power Association for a power line servicing the Coronavirus Emergency Response Facility in the Pearl River Community; and be it further

RESOLVED, that the Tribal Council hereby authorizes that the Bureau of Indian Affairs to grant the above-described right-of-way for a perpetual term so long as the above-described right-of-way is used for the intended purpose; and be it further

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

RESOLVED, that the Tribal Council authorizes the Tribal Chief to sign any additional documents, forms, or contracts directly related to the establishment of electric service to the Coronavirus Emergency Response Facility in the Pearl River Community and the continuance, amendment, or extension of the above-described right-of-way and without further Council action.

CERTIFICATION

I, the undersigned, as Secretary-Treasurer of the Mississippi Band of Choctaw Indians, certify that the Tribal Council of said Band is composed of 17 members, 11 of whom, constituting a quorum were present at a Special Call meeting duly called, noticed, convened and held this the 16th day of December, 2020; and that the foregoing Resolution was duly Adopted by a vote of 10 members in favor, 1 opposed and 0 abstaining.

Dated this 16th day of December, 2020.

ATTEST:




Cyrus Ben, Tribal Chief



Christopher Eaves, Secretary-Treasurer

RECOMMENDED:



Superintendent, Choctaw Agency

12-18-2020

Date

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 21-038(B)

A RESOLUTION TO APPROVE A RIGHT-OF-WAY IN FAVOR OF CENTRAL ELECTRIC POWER ASSOCIATION 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 tribal assets; and

WHEREAS, Central Electric Power Association has submitted the attached Right-of-Way Application for a power line servicing the Coronavirus Emergency Response Facility – Logistics Building (the “intended purpose”) in the Pearl River Community, over and across land which is owned United States of America in trust for the benefit of the Tribe and is more particularly described as follows:

A strip of land for a power line approximately 0 feet in length and 40 feet in width existing 20 feet either side of the centerline of the power line, with the said power line existing in the South West ¼ of Section 29, Township 11 North, Range 11 East, Neshoba County, Mississippi;

And

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

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

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

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

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

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

RESOLVED, that the Tribal Council hereby consents to a grant of the above-described right-of-way by the Bureau of Indian Affairs to Central Electric Power Association for a power line servicing the Coronavirus Emergency Response Facility – Logistics Building in the Pearl River Community; and be it further

RESOLVED, that the Tribal Council hereby authorizes that the Bureau of Indian Affairs to grant the above-described right-of-way for a perpetual term so long as the above-described right-of-way is used for the intended purpose; and be it further

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

RESOLVED, that the Tribal Council authorizes the Tribal Chief to sign any additional documents, forms, or contracts directly related to the establishment of electric service to the Coronavirus Emergency Response Facility – Logistics Building in the Pearl River Community and the continuance, amendment, or extension of the above-described right-of-way and without further Council action.

CERTIFICATION


I, the undersigned, as Secretary-Treasurer of the Mississippi Band of Choctaw Indians, certify that the Tribal Council of said Band is composed of 17 members, 11 of whom, constituting a quorum were present at a Special Call meeting duly called, noticed, convened and held this the 16th day of December, 2020; and that the foregoing Resolution was duly Adopted by a vote of 10 members in favor, 1 opposed and 0 abstaining.

Dated this 16th day of December, 2020.

ATTEST:

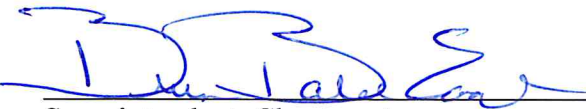


Cyrus Ben, Tribal Chief



Christopher Eaves, Secretary-Treasurer

RECOMMENDED:



Superintendent, Choctaw Agency

12-18-2020

Date

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 21-039(B)

A RESOLUTION TO APPROVE A RIGHT-OF-WAY IN FAVOR OF CENTRAL ELECTRIC POWER ASSOCIATION 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 tribal assets; and

WHEREAS, Central Electric Power Association has submitted the attached Right-of-Way Application for a power line servicing the Coronavirus Emergency Response Facility (the “intended purpose”) in the Standing Pine Community, over and across land which is owned United States of America in trust for the benefit of the Tribe and is more particularly described as follows:

A strip of land for a power line approximately 130 feet in length and 40 feet in width existing 20 feet either side of the centerline of the power line, with said power line being located in the NE ¼ of the NW ¼ of Section 35, Township 10 North, Range 8 East, Leake County, Mississippi;

And

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

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

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

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

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

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

RESOLVED, that the Tribal Council hereby consents to a grant of the above-described right-of-way by the Bureau of Indian Affairs to Central Electric Power Association for a power line servicing the Coronavirus Emergency Response Facility in the Standing Pine Community; and be it further

RESOLVED, that the Tribal Council hereby authorizes that the Bureau of Indian Affairs to grant the above-described right-of-way for a perpetual term so long as the above-described right-of-way is used for the intended purpose; and be it further

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

RESOLVED, that the Tribal Council authorizes the Tribal Chief to sign any additional documents, forms, or contracts directly related to the establishment of electric service to the Coronavirus Emergency Response Facility in the Standing Pine Community and the continuance, amendment, or extension of the above-described right-of-way without further Council action.

CERTIFICATION


I, the undersigned, as Secretary-Treasurer of the Mississippi Band of Choctaw Indians, certify that the Tribal Council of said Band is composed of 17 members, 11 of whom, constituting a quorum were present at a Special Call meeting duly called, noticed, convened and held this the 16th day of December, 2020; and that the foregoing Resolution was duly Adopted by a vote of 10 members in favor, 1 opposed and 0 abstaining.

Dated this 16th day of December, 2020.

ATTEST:



Cyrus Ben, Tribal Chief




Christopher Eaves, Secretary-Treasurer

RECOMMENDED:



Superintendent, Choctaw Agency



Date

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 21-040(B)

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

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

WHEREAS, Central Electric Power Association has submitted the attached Right-of-Way Application for a power line servicing the Coronavirus Emergency Response Facility (the “intended purpose”) in the Tucker Community, over and across land which is owned United States of America in trust for the benefit of the Tribe and is more particularly described as follows:

A strip of land for a power line approximately 48 feet in length and 40 feet in width existing 20 feet either side of the centerline of the power line, with said power line existing in the North West ¼ of Section 22 Township 10 North, Range 12 East, Neshoba County, Mississippi;

And

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

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

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

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

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

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

RESOLVED, that the Tribal Council hereby consents to a grant of the above-described right-of-way by the Bureau of Indian Affairs to Central Electric Power Association for a power line servicing the Coronavirus Emergency Response Facility in the Tucker Community; and be it further

RESOLVED, that the Tribal Council hereby authorizes that the Bureau of Indian Affairs to grant the above-described right-of-way for a perpetual term so long as the above-described right-of-way is used for the intended purpose; and be it further

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

RESOLVED, that the Tribal Council authorizes the Tribal Chief to sign any additional documents, forms, or contracts directly related to the establishment of electric service to the Coronavirus Emergency Response Facility in the Tucker Community and the continuance, amendment, or extension of the above-described right-of-way without further Council action.

CERTIFICATION

I, the undersigned, as Secretary-Treasurer of the Mississippi Band of Choctaw Indians, certify that the Tribal Council of said Band is composed of 17 members, 11 of whom, constituting a quorum were present at a Special Call meeting duly called, noticed, convened and held this the 16th day of December, 2020; and that the foregoing Resolution was duly Adopted by a vote of 10 members in favor, 1 opposed and 0 abstaining.

Dated this 16th day of December, 2020.

ATTEST:



Cyrus Ben, Tribal Chief

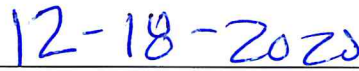


Christopher Eaves, Secretary-Treasurer

RECOMMENDED:



Superintendent, Choctaw Agency



Date

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 21-041

A RESOLUTION TO APPROVE THE LEASE OF CERTAIN PROPERTY TO MBCI NEW MARKETS 1, LLC FOR USE IN A NEW MARKETS TAX CREDIT TRANSACTION TO FINANCE THE CONSTRUCTION AND DEVELOPMENT OF TWO NEW EARLY CHILDHOOD CENTERS, CONSTRUCT AN EXPANSION TO ONE OF THE EARLY CHILDHOOD CENTERS, INCLUDING, WITHOUT LIMITATION, THE ADDITION OF TWO NEW CLASSROOMS AND TO RENOVATE AND EXPAND AN ELEMENTARY SCHOOL; TO APPROVE THE FINAL NEGOTIATION AND EXECUTION, DELIVERY AND PERFORMANCE OF THE DOCUMENTS IN CONNECTION THEREWITH; TO APPROVE THE LIMITED WAIVERS OF SOVEREIGN IMMUNITY CONTAINED THEREIN; AND OTHER MATTERS RELATED THERETO

WHEREAS, the Tribal Council (the "Tribal Council") of the Mississippi Band of Choctaw Indians, a federally recognized Indian tribe (the "Tribe") previously authorized (by Resolution CHO 20-094, July 14, 2020) the Tribe's participation in a new markets tax credit transaction to finance the construction and development of two new early childhood centers, construct an expansion to one of the early childhood centers, including, without limitation, the addition of two new classrooms and to renovate and expand an elementary school on the Property, as such term is defined below (the "Project"); and

WHEREAS, this Resolution constitutes a part of the Tribal Council's final administrative action to implement the transaction authorized by Resolution CHO 20-094, within the meaning of § 33-11-2(5), C.T.C, which transaction will be accomplished as follows; and

WHEREAS, in connection with the Project it is anticipated that Tribe will enter into that certain Ground Lease Agreement between Tribe, as lessor, and MBCI New Markets 1, LLC, a limited liability company formed under the law of the Mississippi Band of Choctaw Indians (the "QALICB"), as lessee, together with the Memorandum of Ground Lease Agreement relating thereto (the "Ground Lease"), pursuant to which Tribe will lease (a) certain real property located at 470 Industrial Rd., Philadelphia, MS 39350, together with the existing improvements located thereon (the "A1 Property"), (b) certain real property located at 521 North Oswald Rd., Philadelphia, MS 39350, together with the existing improvements located thereon (the "A2 Property"), and (c) certain real property located at 421 Arrowhead Rd., Walnut Grove, MS 39189, together with the existing improvements located thereon (the "A3 Property", and together with the A1 Property and the A2 Property, the "Property") to QALICB, and that the Property will then be leased back to the Tribe as Sublessee under three lease agreements (the "Sublease Agreements"); and

WHEREAS, the Realty Program of the Mississippi Band of Choctaw Indians (the "Realty Program"), the Director of the Realty Program and the Choctaw Attorney General's Office have reviewed the Ground Lease and Sublease Agreements and the terms thereof and made a recommendation to the Tribal Council and the Tribe that the Tribe (i) enter into the Ground

Lease and Sublease Agreements, (ii) accept the payment of nominal rent pursuant to Section 11(b) of the Mississippi Band of Choctaw Indians Helping Expedite and Advance Responsible Tribal Home Ownership Act of 2012, Pub. L. 112-151, 126 Stat. 1152 Leasing Regulations (“HEARTH Act Regulations”), (iii) waive any bond requirement pursuant to Section 12(b) of the HEARTH Act Regulations, (iv) permit the QALICB to sublease its interest in the Property granted pursuant to the terms of the Ground Lease and the Sublease Agreements, and (v) permit the QALICB to enter into the Leasehold Deed of Trust (as defined below) placing a lien on its interest in the Property under the Ground Lease; and

WHEREAS, the Tribe and the Tribal Council of the Tribe (the “Tribal Council”) have reviewed the Ground Lease (as defined below), the Sublease Agreements (as defined below) and the Leasehold Deed of Trust and found them to be in the best interest of the Tribe, true and correct copies of which are contained in the minutes of this meeting identified as follows:

- Ground Lease Agreement between the Tribe, as lessor, and QALICB, as lessee, together with the Memorandum of Ground Lease Agreement relating thereto (the “Ground Lease”)
- Lease Agreement between QALICB, as lessor and the Tribe, as lessee, together with the Memorandum of Lease Agreement relating thereto (the “Sublease (A1)”)
- Lease Agreement between QALICB, as lessor and the Tribe, as lessee, together with the Memorandum of Lease Agreement relating thereto (the “Sublease (A2)”)
- Lease Agreement between QALICB, as lessor and the Tribe, as lessee, together with the Memorandum of Lease Agreement relating thereto (the “Sublease (A3)”, and together with the Operating Lease (A1) and the Operating Lease (A2), the “Sublease Agreements”)); and,
- Leasehold Deed of Trust, Assignment of Leases and Rents, Security Agreement and Fixtures Filing by QALICB to the trustee named therein for the benefit of CDE Lender (the “Leasehold Deed of Trust”); and

WHEREAS, the Tribe and the Tribal Council hereby (i) accept the payment of nominal rent pursuant to Section 11(b) of the HEARTH Act Regulations, (ii) waive any bond requirement pursuant to Section 12(b) of the HEARTH Act Regulations, (iii) permit the QALICB to sublease its interest in the Property granted pursuant to the terms of the Ground Lease and Sublease Agreements, and (iv) approve the QALICB to enter into the Leasehold Deed of Trust placing a lien on its interest in the Property under the Ground Lease as identified above and contained in the minutes of this meeting which also constitutes Council approval thereof as required by §§ 15 and 16 of the Tribe’s HEARTH Act Regulations; and

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

RESOLVED, that the Tribal Council has concluded that it is in the best interest of the Tribe, the Tribe's members and the QALICB to approve each term and provision contained in the Ground Lease and Sublease Agreements, including but not limited to each limited waiver of sovereign immunity contained therein, in the name and on the behalf of Tribe; and each and every transaction effected pursuant to the terms of the Ground Lease is authorized and approved; and be it further

RESOLVED, that the Tribal Council hereby (i) approves the payment of nominal rent pursuant to Section 11(b) of the HEARTH Act Regulations, (ii) waives any bond requirement pursuant to Section 12(b) of the HEARTH Act Regulations, (iii) permits the QALICB to sublease its interest in the Property granted pursuant to the terms of the Ground Lease, and (iv) permits the QALICB to enter into the Leasehold Deed of Trust placing a lien on its interest in the Property under the Ground Lease; and be it further

RESOLVED, that the Tribal Council hereby (i) approves the provisions in the Ground Lease and Sublease Agreements providing for the limited waiver of sovereign immunity and dispute resolution by arbitration on the terms as provided in the Transaction Documents, and (ii) approves the waiver of the Tribe's and QALICB's immunity from suit in any suit, action, or proceeding (including legal process) arising out of the Ground Lease or Sublease Agreements and the transactions contemplated by those documents and for resolution of disputes under the Ground Lease or Sublease Agreements pursuant to arbitration and the granting of jurisdiction to the Civil Division of the Tribal Court of the Mississippi Band of Choctaw Indians to compel or enforce any arbitration or arbitration award pursuant to the Ground Lease; with the waiver to inure to the benefit of all of the parties who are party to the Ground Lease and to the benefit of the creditors and others entitled to benefits of the Ground Lease and such persons shall be entitled to all legal and equitable remedies as provided in the Ground Lease; and be it further

RESOLVED, that Cyrus Ben, in his capacity as the Tribal Chief and Christopher Eaves, in his capacity as the Secretary/Treasurer of the Tribe (collectively, the "Authorized Representatives"), are authorized and directed hereby to execute the Ground Lease and Sublease Agreements together with any and all certificates, documents and other agreements as may be necessary or appropriate to effectuate the Ground Lease and Sublease Agreements, including such changes therein as may be approved by the Authorized Representatives and the Choctaw Attorney General's Office provided that such changes are not materially adverse to the interests of the Tribe and to consummate the transactions contemplated therein; and be it further

RESOLVED, that all documents previously executed and all actions previously taken by any officer, member, or agent of the Tribe in connection with the transactions contemplated by the Ground Lease are hereby ratified and confirmed as acts in the name and on behalf of the Tribe and will be fully binding upon the Tribe.

CERTIFICATION

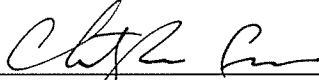
I, the undersigned, as Secretary-Treasurer of the Mississippi Band of Choctaw Indians, certify that the Tribal Council of said Band is composed of 17 members, 11 of whom, constituting a quorum were present at a Special Call meeting duly called, noticed, convened and held this the 16th day of December, 2020; and that the foregoing Resolution was duly Adopted by a vote of 8 members in favor, 3 opposed and 0 abstaining.

Dated this 16th day of December, 2020.

ATTEST:



Cyrus Ben, Tribal Chief



Christopher Eaves, Secretary-Treasurer

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 21-042

A RESOLUTION TO APPROVE NEW MARKETS TAX CREDIT TRANSACTION TO FINANCE THE CONSTRUCTION AND DEVELOPMENT OF TWO NEW EARLY CHILDHOOD CENTERS, CONSTRUCT AN EXPANSION TO ONE OF THE EARLY CHILDHOOD CENTERS, INCLUDING, WITHOUT LIMITATION, THE ADDITION OF TWO NEW CLASSROOMS AND TO RENOVATE AND EXPAND AN ELEMENTARY SCHOOL; TO APPROVE THE FINAL NEGOTIATION AND EXECUTION, DELIVERY AND PERFORMANCE OF THE DOCUMENTS IN CONNECTION THEREWITH; TO APPROVE THE LIMITED WAIVERS OF SOVEREIGN IMMUNITY CONTAINED THEREIN; AND OTHER MATTERS RELATED THERETO

WHEREAS, the Tribal Council (the "Tribal Council") of the Mississippi Band of Choctaw Indians, a federally recognized Indian tribe (the "Tribe") previously authorized (by Resolution CHO 20-094, July 14, 2020) the Tribe's participation in a new markets tax credit transaction to finance the construction and development of two new early childhood centers, construct an expansion to one of the early childhood centers, including, without limitation, the addition of two new classrooms and to renovate and expand an elementary school on the Property, as such term is defined below (the "Project"); and

WHEREAS, this Resolution constitutes a part of the Tribal Council's final administrative action to implement the transaction authorized by Resolution CHO 20-094, within the meaning of § 33-11-2(5), C.T.C, which transaction will be accomplished as follows:

1. The Tribe will make a loan in the original principal amount of \$10,495,500 (the "Leverage Loan") to MBCI NMTC Investment Fund, LLC, a Delaware limited liability company (the "Investment Fund") pursuant to the terms and conditions of the Leverage Loan Documents listed on Exhibit A attached hereto;
2. Wells Fargo Community Investment Holdings, LLC, a Delaware limited liability company ("Investor") will make one or more equity investments in the net aggregate amount of \$4,504,500 (the "Investor Equity") to Investment Fund;
3. Investment Fund will use the proceeds of the Investor Equity and the Leverage Loan to make equity investments in the aggregate amount of \$15,000,000 (the "CDE Investments") to Dakotas XXXIV, LLC, a South Dakota limited liability company ("CDE Lender"), and to pay certain fees in connection therewith;
4. CDE Lender will use the proceeds of the CDE Investments to make certain loans in the aggregate principal amount of \$14,400,000

(collectively, the “QLICI Loans”) to MBCI New Markets 1, LLC, a limited liability company organized under the laws of the Mississippi Band of Choctaw Indians (the “QALICB”), pursuant to the terms and conditions of the QLICI Loan Documents listed on Exhibit A attached hereto, and to pay certain fees in connection therewith;

5. The Tribe will lease (a) certain real property located at 470 Industrial Rd., Philadelphia, MS 39350, together with the existing improvements located thereon (the “A1 Property”), (b) certain real property located at 521 North Oswald Rd., Philadelphia, MS 39350, together with the existing improvements located thereon (the “A2 Property”), and (c) certain real property located at 421 Arrowhead Rd., Walnut Grove, MS 39189, together with the existing improvements located thereon (the “A3 Property”, and together with the A1 Property and the A2 Property, the “Property”) to QALICB pursuant to the terms and conditions of the Ground Lease (as such term is defined on Exhibit A attached hereto);
6. QALICB will use the proceeds of the QLICI Loans to reimburse the Tribe for certain expenditures it has made in connection with the Project (the “Reimbursement”), as certified in the Reimbursement and Compliance Agreement (as identified on Exhibit A hereto), to pay costs associated with the construction and development of the Project, to establish certain reserves and to pay closing costs and expenses in connection with the QLICI Loans;
7. QALICB will lease the Property back to the Tribe pursuant to the terms and conditions of the Operating Leases (as such term is defined on Exhibit A attached hereto); and

WHEREAS, in connection with the above described transactions, the Tribe will enter into certain agreements, documents and instruments, including certain of the documents listed on Exhibit A attached hereto (the documents on Exhibit A to which the Tribe is a party are collectively referred to as the “Transaction Documents”); and

WHEREAS, true and correct copies of all the documents listed on Exhibit A have been made available to the Tribal Chief and Tribal Council members electronically and paper copies have been compiled and submitted for retention in the minutes for this Tribal Council meeting to create a record of the version of those documents approved by this Resolution; and

WHEREAS, the Tribal Council has determined that the execution of the Transaction Documents, and the consummation of the transactions contemplated therein, including the execution and delivery by the Tribe of any and all other agreements, documents and instruments contemplated thereunder, to be in the best interest of the Tribe; and

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

RESOLVED, that the Tribal Council has concluded that it is in the best interest of the Tribe, the Tribe's members and the QALICB to approve each term and provision contained in the Transaction Documents, including but not limited to each limited waiver of sovereign immunity contained therein, in the name and on the behalf of the Tribe; and each and every transaction effected pursuant to the terms of the Transaction Documents is expressly authorized and approved, which approval also constitutes Tribal Council approval of the Leasehold Deed of Trust (as identified on Exhibit A hereto) as required by § 16 of the Tribe's HEARTH Act Regulations; and be it further

RESOLVED, that the Tribal Council has reviewed drafts of the Transaction Documents and does hereby approve the completion of the Transaction Documents (including all exhibits and schedules thereto) with such changes as are approved by the Authorized Representatives (defined below) and by the Choctaw Attorney General's Office, provided that such changes are not materially adverse to the interest of the Tribe and the execution of the Transaction Documents by the Authorized Representatives shall be conclusive evidence of the approval thereof; and be it further

RESOLVED, that the Tribal Council hereby (i) approves the provisions in the Transaction Documents providing for the limited waiver of sovereign immunity and dispute resolution by arbitration on the terms as provided in the Transaction Documents, and (ii) approves the waiver of the Tribe's and QALICB's immunity from suit in any suit, action, or proceeding (including legal process) arising out of the Transaction Documents and the transactions contemplated by those documents and for resolution of disputes under the Transaction Documents pursuant to arbitration and the granting of jurisdiction to the Civil Division of the Tribal Court of the Mississippi Band of Choctaw Indians to compel or enforce any arbitration or arbitration award pursuant to the Transaction Documents; with the waiver to inure to the benefit of all of the parties who are party to the Transaction Documents and to the benefit of the creditors and others entitled to the benefits of the Transaction Documents and such persons shall be entitled to all legal and equitable remedies as provided in the Transaction Documents; and be it further

RESOLVED, that Cyrus Ben, in his capacity as the Tribal Chief and Christopher Eaves, in his capacity as the Secretary/Treasurer of the Tribe (collectively, the "Authorized Representatives"), are authorized and directed hereby to execute the Transaction Documents together with any and all certificates, documents and other agreements as may be necessary or appropriate to effectuate the Transaction Documents and to consummate the transactions contemplated therein; and be it further

RESOLVED, that all documents previously executed and all actions previously taken by any officer, member, or agent of the Tribe in connection with the transactions contemplated by the Transaction Documents are hereby ratified and confirmed as acts in the name and on behalf of the Tribe and will be fully binding upon the Tribe.

CERTIFICATION

I, the undersigned, as Secretary-Treasurer of the Mississippi Band of Choctaw Indians, certify that the Tribal Council of said Band is composed of 17 members, 11 of whom, constituting a

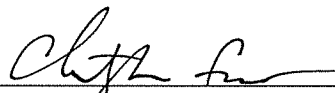
quorum were present at a Special Call meeting duly called, noticed, convened and held this the 16th day of December, 2020; and that the foregoing Resolution was duly Adopted by a vote of 8 members in favor, 3 opposed and 0 abstaining.

Dated this 16th day of December, 2020.

ATTEST:



Cyrus Ben, Tribal Chief



Christopher Eaves, Secretary-Treasure

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 21-043

A RESOLUTION TO APPROVE AMENDED FY 2020 BUDGET AND FY 2021 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 amended budget for FY 2020, a copy of which is attached hereto as Exhibit "A" and a budget for FY 2021 beginning January 1, 2021, a copy of which is attached hereto as Exhibit "B"; and

WHEREAS, the Choctaw Residential Center Board of Directors has reviewed and approved the attached amended capital expenditures for FY 2020 and budget for FY 2021; and

WHEREAS, the Choctaw Residential Center Enterprise Board of Directors has approved a distribution to the Tribal Government General Fund for FY 2021 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 amended FY 2020 Capital Expenditures in the amount of **\$213,059** and the FY 2021 budget for the Choctaw Residential Center Enterprise, including Operating Expenditures in the amount of **\$7,552,849** and Capital Expenditures in the amount of **\$652,907**; and be it further


RESOLVED, that the Tribal Council authorizes the Choctaw Residential Center Enterprise Board of Directors to move expenditure 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

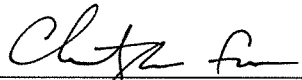
I, the undersigned, as Secretary-Treasurer of the Mississippi Band of Choctaw Indians, certify that the Tribal Council of said Band is composed of 17 members, 11 of whom, constituting a quorum were present at a Special Call meeting duly called, noticed, convened and held this the 16th day of December, 2020; and that the foregoing Resolution was duly Adopted by a vote of 10 members in favor, 1 opposed and 0 abstaining.

Dated this 16th day of December, 2020.

ATTEST:



Cyrus Ben, Tribal Chief



Christopher Eaves, Secretary-Treasurer

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 21-044

A RESOLUTION TO CONFIRM AN APPOINTMENT TO THE TRIBAL ELECTION COMMITTEE

WHEREAS, Title XXXIII of the Choctaw Tribal Code is known as the Choctaw Tribal Election Code and it outlines the rules governing Tribal elections, including the appointment of persons to the Tribal Election Committee; and

WHEREAS, Section 33-4-1(3) provides that, as the staggered terms established prior to the adoption of Title XXXIII expire, new appointments to fill those expired terms should be made; and

WHEREAS, the Tribal Council approved Resolution CHO 19-058 on March 8, 2019, confirming the appointment of Shirley Cotton, Alternate; and

WHEREAS, there is one vacant appointment to the Tribal Election Committee that is currently comprised of the following members and alternates:

<u>Name of Member/Alternate</u>	<u>Term Expires</u>
Berdie John, Chairperson	October 8, 2024
Wanda McMillan, Member	October 8, 2024
Amy Pauls, Member	October 11, 2022
Gary Williamson, Alternate	October 8, 2024
Shirley Cotton, Alternate	October 11, 2022

And

WHEREAS, since these appointments, Ms. Cotton passed away; and

WHEREAS, the Tribal Chief recommends the appointment of Melanie Benn as an alternate member of the Tribal Election Committee; now therefore be it

RESOLVED, that the Tribal Council does hereby confirm the following appointment to the Tribal Election Committee for the term listed below:

<u>Name of Alternate</u>	<u>Term Expires</u>
Melanie Benn, Alternate	October 11, 2022

And be it further

RESOLVED, that the person appointed above shall serve until a successor has been duly nominated and confirmed for a subsequent term.

CERTIFICATION


I, the undersigned, as Secretary-Treasurer of the Mississippi Band of Choctaw Indians, certify that the Tribal Council of said Band is composed of 17 members, 11 of whom, constituting a quorum were present at a Special Call meeting duly called, noticed, convened and held this the 16th day of December, 2020; and that the foregoing Resolution was duly Adopted by a vote of 11 members in favor, 0 opposing and 0 abstaining.

Dated this 16th day of December, 2020.

ATTEST:



Cyrus Ben, Tribal Chief



Christopher Eaves, Secretary-Treasurer