

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

ORDINANCE NO. 16-III

AN ORDINANCE TO AMEND THE LIMITED LIABILITY COMPANY CODE

WHEREAS, Section 1, Subsection (j) 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 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 September 1, 2020, the Tribal Council enacted Ordinance No. 16-CCCCC, which adopted the Limited Liability Company Code as Chapter 1 of Title XXXV of the Choctaw Tribal Code; and

WHEREAS, amendment to the Limited Liability Company Code is necessary for the Tribe, MBCI tribal employees, and Tribal Members to act as a “Tribal Manager” of a Limited Liability Company; and

WHEREAS, amendment to the Limited Liability Company Code is proposed to require Managers of a Limited Liability to undergo a criminal and employment credit background check; and

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

ENACTED, that the Tribal Council does hereby amend §35-1-3 of the Limited Liability Company Code as follows:

§35-1-3 Definitions

- (1) “Certificate of Formation” means the original Certificate of Formation for a Limited Liability Company and any amendments or restatements.
- (2) “Choctaw Indian Reservation” means Mississippi Choctaw Reservation Lands as recognized Acts of the United States Congress and the United States Supreme Court in *U.S. v. John*, 437 U.S. 634 (1978).
- (3) “Deliver” means deliver by hand, mail, or any other method of delivery allowed by the Secretary-Treasurer.
- (4) “Distribution” means a direct or indirect transfer by a Limited Liability Company of money or other property, other than an interest in the Limited

Liability Company, to or for the benefit of its Members in respect of their interests.

- (5) “Event of Dissociation” means an event that causes a Person to cease to be a Member, as provided in Section 35-1-46.
- (6) “Foreign Business Entity” means any corporation, limited liability partnership, Limited Liability Company or any other limited liability entity formed under the law of a state within the United States of America, and not pursuant to this Title or under the laws of the Tribe.
- (7) “Limited Liability Company” except where otherwise specified, means a limited liability organization formed under this Chapter.
- (8) “Limited Liability Company Interest”, “Interest in the Limited Liability Company”, “Member's Interest”, or “Membership Interest” means a Member's rights in the Limited Liability Company, including the Member's right to share in the profits and losses of the Limited Liability Company, the Member's right to receive Distributions of Limited Liability Company assets, and the Member's right to vote or participate in management of the Limited Liability Company, if any.
- (9) “Manager” means the Person designated in accordance with Section 35-1-26.
- (10) “Member” means a Person who has been admitted to membership in a Limited Liability Company as provided herein and who has not dissociated from the Limited Liability Company.
- (11) “Operating Agreement” or “Limited Liability Company Agreement” means an agreement in writing, if any, among all of the Members as to the conduct of the business of a Limited Liability Company and its relationships with its Members. A single Member Limited Liability Company may still have an agreement that governs its internal business and operations.
- (12) “Organizer” means the Person who signs and delivers the Certificate of Formation for filing.
- (13) “Person” means both natural persons, whether Tribal Members or otherwise, and corporations, limited liability companies, partnerships, trusts, Indian tribes, Tribal Authorities and other entities.
- (14) “Secretary-Treasurer” means the Secretary-Treasurer of the Tribal Council whose powers and duties are described in Article I of the Bylaws of the Tribe.

- (15) “Tribal Council” means the legislative body of the Tribe whose powers and duties are described in Article VIII of the Revised Constitution and Bylaws of the Tribe.
- (16) “Tribal Entity” means any business entity that is wholly-owned by the Tribe.
- (17) “Tribal Court” means the judiciary of the Tribe whose powers and duties are described in Title I of the Choctaw Tribal Code.
- (18) “Tribal Manager” means any Person appointed as a Manager of a Limited Liability Company by the Tribe.
- (19) “Tribal Member” means an enrolled member of the Tribe.
- (20) “Tribe” means the Mississippi Band of Choctaw Indians, a federally-recognized Indian tribe.

And be it further,

ENACTED, that the Tribal Council does hereby amend §35-1-26 of the Limited Liability Company Code as follows:

§35-1-26 Management

Unless the Certificate of Formation vests management of a Limited Liability Company in one or more Managers, management of the business and affairs of the Limited Liability Company shall be vested in the Members, subject to any provision in an Operating Agreement or this Chapter restricting or enlarging the management rights and duties of any Member or group of Members. Unless otherwise provided in an Operating Agreement, the Manager(s):

- (1) shall be designated, appointed, elected, removed or replaced by a vote of the Members that meets the requirements under Section 35-1-28(1)(a);
- (2) need not be Members of the Limited Liability Company or individuals;
- (3) shall hold office until a successor is elected and qualified, or until prior death, resignation or removal, as provided herein or by the Limited Liability Company's Operating Agreement; and
- (4) shall contact the Tribe’s Department of Human Resources to undergo: (a) a criminal background check to determine compliance with the requirements outlined in the Indian Child Protection and Family Violence Prevention Act, 25 U.S.C. 3201 et seq.; and (b) an employment credit background check. Before being approved as a Manager by the Tribal Council, the Director of

the Tribe's Department of Human Resources shall certify compliance with the criminal background check, and the Secretary-Treasurer and Chief Financial Officer of the Tribe shall certify approval of the employment credit background check.

ENACTED, that these amendments shall take effect immediately upon passage by the Tribal Council; and be it further

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

CERTIFICATION


I, the undersigned, as Secretary-Treasurer of the Mississippi Band of Choctaw Indians, certify that the Tribal Council of said Band is composed of 17 members, 12 of whom, constituting a quorum were present at a Special Call meeting duly called, noticed, convened and held this the 24th day of November, 2020; and that the foregoing Ordinance was duly Enacted by a vote of 12 members in favor, 0 opposed and 0 abstaining.

Dated this 24th day of November, 2020.

ATTEST:



Cyrus Ben, Tribal Chief



Christopher Eaves, Secretary-Treasurer

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 21-014

A RESOLUTION TO AUTHORIZE FORMATION OF MBCI NEW MARKETS 1, LLC AND TO APPROVE AN OPERATING AGREEMENT FOR MBCI NEW MARKETS 1, LLC

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, Title XXXV, Chapter 1 of the Choctaw Tribal Code (“Limited Liability Company Code”) makes it possible for the Tribe to establish limited liability companies under tribal law; and

WHEREAS, the Tribe wishes to finance construction of two new Early Childhood Centers in the Pearl River and Standing Pine communities as well as renovation and expansion of Pearl River Elementary School through use of the New Market Tax Credit Program; and

WHEREAS, financing through use of the New Market Tax Credit Program requires the formation of a tribally-owned business entity; and

WHEREAS, the Tribal Council has determined it is in the best interest of the Tribe to establish MBCI New Markets 1, LLC (the “LLC”) under the Tribe’s Limited Liability Company Code; 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 authorizes the Tribe’s Chief Financial Officer to act as organizer for the LLC by signing, certifying, and delivering in duplicate to the MBCI Secretary-Treasurer the Certificate of Formation attached hereto as Exhibit “A”; and be it further

RESOLVED, that the Tribal Council hereby authorizes the Tribal Chief, the Tribal Secretary-Treasurer and the Chief Financial Officer to take all necessary steps to effectuate the formation and operation of the LLC, including but not limited to the establishment of bank accounts for the LLC; and be it further

RESOLVED, that the Tribal Council hereby approves the Operating Agreement for MBCI New Markets 1, LLC attached hereto as Exhibit “B” and authorizes the Tribal Chief and the Secretary-Treasurer of the Tribe to complete all blanks and finalize all exhibits/schedules in the Operating

Agreement, with written concurrence from the MBCI Chief Financial Officer and the Office of the Attorney General.

CERTIFICATION


I, the undersigned, as Secretary-Treasurer of the Mississippi Band of Choctaw Indians, certify that the Tribal Council of said Band is composed of 17 members, 12 of whom, constituting a quorum were present at a Special Call meeting duly called, noticed, convened and held this the 24th day of November, 2020; and that the foregoing Resolution was duly Adopted by a vote of 12 members in favor, 0 opposed and 0 abstaining.

Dated this 24th day of November, 2020.

ATTEST:



Cyrus Ben, Tribal Chief



Christopher Eaves, Secretary-Treasurer

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 21-015

A RESOLUTION AUTHORIZING CHOCTAW RESORT DEVELOPMENT TO EXPAND
BUSINESS OPERATIONS TO INCLUDE PROVISION OF SPORTSBOOK RELATED
SERVICES TO THIRD-PARTY OPERATORS

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 business entities operating within the jurisdiction of the Tribe; and

WHEREAS, Choctaw Resort Development Enterprise (“CRDE”) was established by the Tribal Council through adoption of Resolution CHO 00-010; and

WHEREAS, Tribal Ordinance 56 is the law governing tribal enterprises under the Business Enterprise Division of the Tribal Government Executive Branch; and

WHEREAS, Tribal Council Resolution CHO 00-10 established CRDE for the following purposes:

- a. To provide budgetary and operational management, coordination and oversight over all gaming operations conducted on the Choctaw Reservation; and
- b. To ensure all gaming operations are conducted in accord with the Regulations established by the Choctaw Gaming Commission; and
- c. To provide planning, operational management, coordination, financing, construction, and oversight over all existing and future subsidiary resort operations such as hotel, theater, retail, restaurant, and resort grounds in accord with established standards; and

WHEREAS, Tribal Ordinance 56 section 11(g)(9) provides that CRDE “shall not commence any new line of business which will involve any significant investment or credit financing or which will involve production or services not reasonably related to the enterprise’s authorized purposes without first securing Tribal Council approval”; and

WHEREAS, CRDE passed its Resolution 21-001 to recommend to the Tribal Council that it authorize CRDE to expand business operations to include provision of sportsbook related services to third-party gaming operators; 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 authorizes CRDE to expand business operations to include providing sportsbook related services to third-party gaming operators.

CERTIFICATION


I, the undersigned, as Secretary-Treasurer of the Mississippi Band of Choctaw Indians, certify that the Tribal Council of said Band is composed of 17 members, 12 of whom, constituting a quorum were present at a Special Call meeting duly called, noticed, convened and held this the 24th day of November, 2020; and that the foregoing Resolution was duly Adopted by a vote of 12 members in favor, 0 opposed and 0 abstaining.

Dated this 24th day of November, 2020.

ATTEST:



Cyrus Ben, Tribal Chief



Christopher Eaves, Secretary-Treasurer

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 21-016

A RESOLUTION AUTHORIZING THE FORMATION OF A LIMITED LIABILITY
COMPANY FOR PROVISION OF SPORTSBOOK RELATED SERVICES TO THIRD-
PARTY GAMING OPERATORS

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, Title XXXV, Chapter 1 of the Choctaw Tribal Code (“Limited Liability Company Code”) makes it possible for the Tribe to establish limited liability companies under tribal law; and

WHEREAS, the Tribal Council has determined it is in the best interest of the Tribe to establish Pearl River Sportsbook Development, LLC, under the Tribe’s Limited Liability Company Code; and

WHEREAS, Choctaw Development Enterprise Board of Directors passed its CRDE Resolution 21-002 to recommend to the Tribal Council that it authorize formation of a limited liability company for provision of sportsbook related services to third-party gaming operators; 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 authorizes the Chairman of the Board of Choctaw Resort Development Enterprise, to act as organizer for Pearl River Sportsbook Development, LLC, by signing, certifying, and delivering in duplicate to the Secretary-Treasurer the Certificate of Formation attached hereto as Exhibit “A”; and be it further

RESOLVED, that the Tribal Council hereby approves the attached Operating Agreement for Pearl River Sportsbook Development, LLC, attached hereto as Exhibit “B”.

CERTIFICATION

I, the undersigned, as Secretary-Treasurer of the Mississippi Band of Choctaw Indians, certify that the Tribal Council of said Band is composed of 17 members, 12 of whom, constituting a quorum were present at a Special Call meeting duly called, noticed, convened and held this the 24th day of

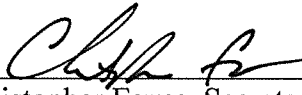
November, 2020; and that the foregoing Resolution was duly Adopted by a vote of 12 members in favor, 0 opposed and 0 abstaining.

Dated this 24th day of November, 2020.

ATTEST:



Cyrus Ben, Tribal Chief



Christopher Eaves, Secretary-Treasurer

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 21-017

A RESOLUTION TO AUTHORIZE MODIFICATIONS TO THE \$175,000,000 AMENDED AND RESTATED CREDIT AGREEMENT DATED AS OF SEPTEMBER 1, 2016 (“2016 CREDIT AGREEMENT”) BY AND AMONG THE MISSISSIPPI BAND OF CHOCTAW INDIANS D/B/A CHOCTAW RESORT DEVELOPMENT ENTERPRISE (“BORROWER” OR “ENTERPRISE”), THE MISSISSIPPI BAND OF CHOCTAW INDIANS (“TRIBE”), THE FINANCIAL INSTITUTIONS PARTY THERETO FROM TIME TO TIME (“LENDERS”) AND TRUSTMARK NATIONAL BANK , AS ADMINISTRATIVE AGENT (“ADMINISTRATIVE AGENT”)

WHEREAS, the Mississippi Band of Choctaw Indians d/b/a Choctaw Resort Development Enterprise (“Enterprise”), the Mississippi Band of Choctaw Indians (“Tribe”), the lenders referred to therein, and Trustmark National Bank (“Trustmark Bank”), as Administrative Agent entered into the 2016 Credit Agreement as authorized under Resolution CRDE 16-008 (July 6, 2016) and Resolution CHO 16-070 (July 12, 2016); and

WHEREAS, the Enterprise’s business operations including all gaming and hotel operations were suspended and required to be closed to the public beginning March 19, 2020 by orders of State and Federal authorities and the Chief pursuant to Ordinance 50A due to the unprecedented Covid-19 Pandemic (“Closure”); and

WHEREAS, the gaming operations of the Enterprise were allowed to resume business and reopen to the public by the end of August 2020, with Bok Homa Casino reopening on August 7, 2020, Golden Moon Casino and Hotel reopening on August 14, 2020 and Silver Star Casino & Hotel reopening on August 28, 2020; and

WHEREAS, the Enterprise suffered significant loss of revenue due to the Closure which had and will continue to have the potential for causing the Enterprise to be in default under the 2016 Credit Agreement and not to be able to made any distributions to the Tribe; and

WHEREAS, the Lenders agreed to allow the Enterprise to defer the payment of the March and June principal payments and granted certain limited waivers to prevent the Enterprise and the Tribe from being in default under the provisions of the 2016 Credit Agreement; and

WHEREAS, with the resumption of gaming and hotel operations by the Enterprise, the Enterprise would like to resume distributions to the Tribe but under the current provisions of the 2016 Credit Agreement would not meet the financial covenant and other requirements to allow distributions as a result of the loss of revenue during the Closure; and

WHEREAS, the Enterprise management and its legal counsel have negotiated with the Lenders certain amendments and waivers to the 2016 Credit Agreement as set forth in that certain First Amendment to the Credit Agreement, a copy of which is attached to this resolution (the “Amendment”); and

WHEREAS, for and in consideration of the payment of an amendment fee and certain amendments to the calculation of the interest rate which will increase the interest rate under the 2016 Credit Agreement and the agreement to repay one of the deferred quarterly principal payments, the Lenders have granted under the Amendment waivers of certain defaults and potential future defaults under the 2016 Credit Agreement and amended the requirements for payments of distributions to the Tribe which will allow the payment of distributions to the Tribe provided the revised requirements are met; and

WHEREAS, the Enterprise management and Board of Directors have recommended approval by the Tribal Council of the amendments and waivers to the 2016 Credit Agreement as reflected in the draft of the Amendment and that the amendments and waivers provided in the Amendment are in the best interest of the Enterprise and the Tribe; 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 Enterprise to approve the amendments and waivers to the 2016 Credit Agreement as reflected in the Amendment and does hereby approve the amendments and waivers to the 2016 Credit Agreement on the terms as provided in the Amendment; and be it further

RESOLVED, that the Tribal Council has reviewed the draft of the amendment presented and does hereby approve the amendments and waivers on the terms as provided in the Amendment, and the completion of the Amendment and exhibits, schedules and documents as required for the consummation of the Amendment, including Restated Notes to evidence the change in the interest rate and such other documents, instruments, agreements or certificates as may be required to consummate the Amendment (collectively with the Amendment the "Amendment Documents"), all with such changes as approved by the Authorized Representatives (listed herein) of the Tribe and Enterprise generally consistent with the intent and terms of the Amendment or do not involve changes therefrom that are materially adverse to the interest of the Tribe or Enterprise, their execution thereof being conclusive evidence of the approval thereof; and be it further

RESOLVED, that the Tribal Chief and the Secretary/Treasurer of the Tribe in the name and on behalf of the Tribe (the "Tribe Authorized Representatives") and the Tribal Chief, as Chairman of the Board of the Enterprise and Secretary/Treasurer of the Enterprise (collectively, the "Enterprise Authorized Representatives" and collectively, with the Tribe Authorized Representatives the "Authorized Representatives"), are authorized and directed hereby and by the Mississippi Band of Choctaw Indians Ordinance No. 56, Section 11, to execute the Amendment Documents as ultimately agreed to by the parties, the Lenders, and legal counsel to accomplish the amendments and waivers to the 2016 Credit Agreement; to enter into any additional agreements or perform such further acts and deeds as may be necessary or appropriate to consummate and effectuate the Amendment Documents; and be it further

RESOLVED, that the Chairman of the Board of the Enterprise is authorized to appoint such other officers or representatives of the Enterprise as deemed appropriate to take the actions necessary or desirable in carrying out the transactions contemplated in the Amendment Documents and the intent and purposes described therein, including, without limitation, to make such payments required thereunder and to execute and/or deliver such certificates, requests, documents and

information as required under the 2016 Credit Agreement Documents, as amended by the Amendment Documents.

CERTIFICATION

I, the undersigned, as Secretary-Treasurer of the Mississippi Band of Choctaw Indians, certify that the Tribal Council of said Band is composed of 17 members, 12 of whom, constituting a quorum, were present at a Special Call meeting, duly called, noticed, convened and held this the 24th day of November, 2020; and that the foregoing Resolution was duly Adopted by a vote of 12 members in favor, 0 opposed, and 0 abstaining.

Dated this 24th day of November, 2020.

ATTEST:



Cyrus Ben, Tribal Chief



Christopher Eaves, Secretary-Treasurer

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 21-018

A RESOLUTION TO AUTHORIZE TWO PUBLICATION REQUESTS AND A RESEARCH EXTENSION REQUEST FROM DR. CATHERINE MCKINLEY (BURNETTE) OF TULANE UNIVERSITY

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, Dr. Catherine McKinley (Burnette) of Tulane University has previously been authorized to conduct research through Resolution CHO 16-074; and

WHEREAS, Dr. McKinley submitted a request to publish the following two articles: (1) “The Process of Developing the Weaving Healthy Families Program with Native Americans for Violence and Alcohol and Other Drug Use Prevention, While Promoting Wellness and Resilience”; and (2) “The Weaving Healthy Families Program: Promoting Resilience While Reducing Violence and Substance Use”; and

WHEREAS, the two articles will be published for educational purposes and no financial gain will be attained from publication of the two articles referenced above; and

WHEREAS, Dr. McKinley is requesting to continue her research as authorized in CHO 16-074 and expand on the effects of COVID-19 on Tribal members; and

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

RESOLVED, the Tribal Council does hereby authorize the following two articles to be published: (1) “The Process of Developing the Weaving Healthy Families Program with Native Americans for Violence and Alcohol and Other Drug Use Prevention, While Promoting Wellness and Resilience”; and (2) “The Weaving Healthy Families Program: Promoting Resilience While Reducing Violence and Substance Use”; and

RESOLVED, Dr. McKinley is authorized to continue her research on the effects of COVID-19 on Tribal members; and be it further

RESOLVED, that all de-identified data sets resulting directly from this research project are to be shared with the Tribe and no other entities without the Tribe’s approval and all original copies of research products are to be submitted to the Office of the Attorney General and the Policy & Legislative Office; and be it further

RESOLVED, that the Tribal Council does hereby authorize the Tribal Chief or his designee, to sign any additional documents, forms or contracts directly related to the continuance, amendment, extension or termination of the research project without further Council action; and be it further

RESOLVED, that all research project results shall be submitted in writing and presented to the Tribal Council and shall not be published, presented or otherwise revealed without the permission of the Tribal Chief, the Chairman of the Community and Family Services and Veteran Affairs Committee and the Office of the Attorney General.

CERTIFICATION

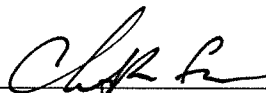
I, the undersigned, as Secretary-Treasurer of the Mississippi Band of Choctaw Indians, certify that the Tribal Council of said Band is composed of 17 members, 12 of whom, constituting a quorum were present at a Special Call meeting duly called, noticed, convened and held this the 24th day of November, 2020; and that the foregoing Resolution was duly Adopted by a vote of 12 members in favor, 0 opposed and 0 abstaining.

Dated this 24th day of November, 2020.

ATTEST:



Cyrus Ben, Tribal Chief



Christopher Eaves, Secretary-Treasurer

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 21-019

A RESOLUTION TO APPROVE A JUUL LITIGATION CONTINGENT FEE AGREEMENT WITH THE LAW FIRMS OF SONOSKY, CHAMBERS, SACHSE, MILLER & MONKMAN, LLP, LIEFF, CABRASER, HEIMANN & BERNSTEIN, LLP, AND ZWERLING SCHACHTER & ZWERLING, LLP, AND TO AMEND THE LIST OF ATTORNEYS AUTHORIZED TO PERFORM LEGAL SERVICES ON BEHALF OF THE MISSISSIPPI BAND OF CHOCTAW INDIANS

WHEREAS, Section 1, Subsection (e) 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 employ and pay legal counsel, subject to the approval of the Secretary of the Interior, so long as such approval is required by federal law; and

WHEREAS, Resolution CHO 05-014, CHO 06-146, CHO 07-015, CHO 07-108, CHO 08-065, CHO 09-005, CHO 10-31, CHO 10-101, CHO 12-039, CHO 12-117, CHO 13-006, CHO 13-111, CHO 14-098, CHO 17-016, and CHO 18-076 approved a listing of attorneys authorized to perform legal services for the Mississippi Band of Choctaw Indians; and

WHEREAS, the Tribe desires to hire specialized legal counsel to assist in its pursuit of recoveries for harms caused to it by JUUL Labs, Inc., and its related companies and management, Altria Group, Inc., and its related companies, in connection with sales, marketing and distribution of e-cigarettes and related products; and

WHEREAS, the firm of SONOSKY, CHAMBERS, SACHSE, MILLER & MONKMAN, LLP (“SONOSKY, et al.”) was previously approved to perform legal services under their prior firm name of SONOSKY, CHAMBERS, SACHSE, ENDRESON & PERRY, LLP, under CHO 18-076 but LIEFF, DABRASER, HEIMANN & BERNSTEIN, LLP, (“LIEFF, et al.”) and ZWERLING SCHACHTER & ZWERLING, LLP, (“ZWERLING, et al.”) have not previously been approved to perform legal services for MBCI, for which resumes for Lieff, et al., and Zwerling, et al., are attached as Exhibit A; and

WHEREAS, the Tribe wishes to engage the services SONOSKY, et al., LIEFF, et al., and ZWERLING, et al., to represent the Tribe in e-cigarette litigation and settlement claims as detailed in the Juul Litigation Contingent Fee Agreement attached hereto as Exhibit “B”; 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 following firms: (1) SONOSKY, CHAMBERS, SACHSE, MILLER & MONKMAN, LLP; (2) LIEFF, CABRASER, HEIMANN & BERNSTEIN, LLP; and (3) AND ZWERLING SCHACHTER & ZWERLING, LLP, to perform legal services for the Tribe; and be it further

RESOLVED, that the Tribal Council does hereby approve the attached Juul Litigation Contingent Fee Agreement with the law firms of SONOSKY, CHAMBERS, SACHSE, MILLER & MONKMAN, LLP, LIEFF, CABRASER, HEIMANN & BERNSTEIN, LLP, AND ZWERLING SCHACHTER & ZWERLING, LLP, and does hereby authorize the Tribal Chief to sign said contract on behalf of the MBCI; and be it further

RESOLVED, that the Tribal Council does hereby authorize the Tribal Chief and the Secretary-Treasurer to sign related documents without further council approval; and be it further

RESOLVED, that the Tribal Council directs that no claim pursued under the Juul Litigation Contingent Fee Agreement may be settled without written authority from the Tribal Council.

CERTIFICATION

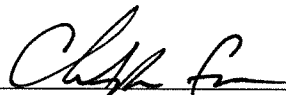
I, the undersigned, as Secretary-Treasurer of the Mississippi Band of Choctaw Indians, certify that the Tribal Council of said Band is composed of 17 members, 12 of whom, constituting a quorum, were present at a Special Call meeting duly called, noticed, convened, and held this the 24th day of November, 2020; and that the foregoing Resolution was duly Adopted by a vote of 12 members in favor, 0 opposed and 0 abstaining.

Dated this 24th day of November, 2020.

ATTEST:



Cyrus Ben, Tribal Chief



Christopher Eaves, Secretary-Treasurer

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 21-020

A RESOLUTION TO PLACE THE LAW OFFICES OF MARK E. WIELMELT, P.C. ON THE LIST OF ATTORNEYS AUTHORIZED TO PERFORM LEGAL SERVICES FOR THE MISSISSIPPI BAND OF CHOCTAW INDIANS AND APPROVE TERMS OF RETENTION

WHEREAS, Section 1, Subsection (e) 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 employ and pay legal counsel, subject to the approval of the Secretary of the Interior so long as such approval is required by Federal law; and

WHEREAS, Resolution CHO 05-014, CHO 06-146, CHO 07-015, CHO 07-108, CHO 08-065, CHO 09-005, CHO 10-031, CHO 10-101, CHO 12-039, CHO 12-117, CHO 13-006, CHO 13-111, CHO 14-098, CHO 17-016, CHO 18-076, and CHO 20-028 approved a listing of attorneys authorized to perform legal services for the Tribe; and

WHEREAS, the Tribe has been notified that its long-time intellectual property attorney is retiring from the practice of law and there is a need to have the services of an attorney available for this specialty area of the law; and

WHEREAS, the Tribe wishes to engage the services of the Law Offices of Marl E. Wiemelt, P.C. to advise the Tribe on issues relating to its intellectual property; and

WHEREAS, the Law Offices of Mark E. Wiemelt, P.C. have not previously been authorized to perform legal services for the Tribe; 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 Law Offices of Mark E. Wiemelt, P.C. shall be placed on the list of attorneys authorized to perform legal services for the Tribe upon passage of this Resolution and may provide services as outlined in the Retainer Agreement attached hereto as Exhibit "A"; and be it further

RESOLVED, that the Tribal Council authorizes the Tribal Chief and Secretary-Treasurer to sign the Retainer Agreement 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 attached Retainer Agreement without further Council action.

CERTIFICATION

I, the undersigned, as Secretary-Treasurer of the Mississippi Band of Choctaw Indians, certify that the Tribal Council of said Band is composed of 17 members, 12 of whom, constituting a quorum

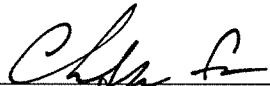
were present at a Special Call meeting duly called, noticed, convened and held this the 24th day of November, 2020; and that the foregoing Resolution was duly Adopted by a vote of 12 members in favor, 0 opposed and 0 abstaining.

Dated this 24th day of November, 2020.

ATTEST:



Cyrus Ben, Tribal Chief



Christopher Eaves, Secretary-Treasurer

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 21-021

A RESOLUTION TO APPROVE TERMS OF ENGAGEMENT WITH ATTORNEY
MICHAEL D. GREER OF GREER, RUSSELL & DENT PLLC TO PURSUE INSURANCE
CLAIMS RELATING TO THE INTERRUPTION OF BUSINESS OPERATIONS CAUSED
BY COVID-19

WHEREAS, Section 1, Subsection (e) 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 employ and pay legal counsel, subject to the approval of the Secretary of the Interior so long as such approval is required by Federal law; and

WHEREAS, the Tribe wishes to engage the services of attorney Michael D. Greer of Greer, Russell & Dent PLLC to assist in the Tribe's pursuit of insurance claims relating to the interruption of business operations caused by COVID-19; and

WHEREAS, on September 26, 2012, the Tribal Council approved Resolution CHO 12-117, which added attorney Michael D. Greer of Greer, Russell, Dent and Leathers, PLLC to the listing of attorneys authorized to perform legal services for the Tribe; and

WHEREAS, the Judicial Affairs and Law & Order 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 Contingency Fee Retainer Agreement with attorney Michael D. Greer of Greer, Russell & Dent PLLC attached hereto as Exhibit "A"; and be it further

RESOLVED, that the Tribal Council authorizes the Tribal Chief and Secretary-Treasurer to sign the Contingency Fee Retainer Agreement with attorney Michael D. Greer of Greer, Russell & Dent PLLC 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 Contingency Fee Retainer Agreement without further Council action.

CERTIFICATION

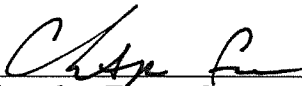
I, the undersigned, as Secretary-Treasurer of the Mississippi Band of Choctaw Indians, certify that the Tribal Council of said Band is composed of 17 members, 12 of whom, constituting a quorum were present at a Special Call meeting duly called, noticed, convened and held this the 24th day of November, 2020; and that the foregoing Resolution was duly Adopted by a vote of 12 members in favor, 0 opposed and 0 abstaining.

Dated this 24th day of November, 2020.

ATTEST:



Cyrus Ben, Tribal Chief



Christopher Eaves, Secretary-Treasurer

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 21-022(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 house site of Todd York and Twyla York on Lagoon Road (the “Intended Purpose”) 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 165 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 East ¼ of Section 24, Township 11 North, Range 10 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 a MBCI tribal member; 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 a MBCI tribal member; 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 house site of Todd York and Twyla York on Lagoon Road in the Pearl River Community; and be it further

RESOLVED, that the Tribal Council hereby authorizes 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 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, 12 of whom, constituting a quorum were present at a Special Call meeting duly called, noticed, convened and held this the 24th day of November, 2020; and that the foregoing Resolution was duly Adopted by a vote of 12 members in favor, 0 opposed and 0 abstaining.

Dated this 24th day of November, 2020.

ATTEST:



Cyrus Ben, Tribal Chief



Christopher Eaves, Secretary-Treasurer

RECOMMENDED:



Superintendent, Choctaw Agency

11-25-2020

Date

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 21-023(B)

A RESOLUTION TO APPROVE A BUSINESS LEASE WITH NCWPCS MPL 31-YEAR
SITES TOWER HOLDINGS LLC FOR A WIRELESS COMMUNICATIONS TOWER 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 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 Helping Expedited and Advance Responsible Tribal Home Ownership Act (“HEARTH Act”) of July 30, 2012, Pub. L. 112-151, 126 Stat. 1150, 25 U.S.C. §415, as implemented by 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 November 13, 2002, the Tribal Council adopted Resolution CHO 04-026(B), which approved a lease with Bellsouth Mobility d/b/a Cingular Wireless (“Cingular”) for the purpose of erecting a wireless communications tower in the Bogue Chitto Community; and

WHEREAS, Cingular has since assigned its rights in the aforementioned lease to NCWPCS MPL 31-Year Sites Tower Holdings LLC, a Delaware limited liability company (“AT&T”); and

WHEREAS, CCATT LLC, a Delaware limited liability company, a subsidiary of Crown Castle International Corp., operates and manages the site for AT&T; and

WHEREAS, the validity of the aforementioned lease is in question as it never received approval of the Secretary of the Interior as required by 25 CFR Part 162; and

WHEREAS, the Tribal Council desires to resolve any questions as to the validity of the aforementioned lease by approving a new lease with AT&T subject to 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 waive the requirement for bond 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 pre-approve any provisions in the proposed lease which would allow AT&T to sublease or assign its interest in the proposed 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 pre-approve any provisions in the proposed lease which would allow AT&T to make its interest in the

proposed lease subject to a leasehold mortgage 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 authorize the Tribal Chief and the Secretary-Treasurer to negotiate and sign a mutually agreeable business lease with AT&T for an initial term of six (6) years beginning retroactively on May 1, 2019 and one (1) renewal term of twenty-five (25) subject to the Tribe’s HEARTH Act Leasing Regulations; and be it further

RESOLVED, that the Tribal Council hereby waives the requirement for bond pursuant to Section 12(b) of the Tribe’s HEARTH Act Leasing Regulations; and be it further

RESOLVED, that the Tribal Council hereby pre-approves any provisions in the proposed lease which would allow AT&T to sublease or assign its interest in the proposed 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 hereby pre-approves any provisions in the proposed lease which would allow AT&T to make its interest in the proposed lease subject to a leasehold mortgage pursuant to Section 16(a) of the Tribe’s HEARTH Act Leasing Regulations; 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 the proposed lease without further Council action.


CERTIFICATION

I, the undersigned, as Secretary-Treasurer of the Mississippi Band of Choctaw Indians, certify that the Tribal Council of said Band is composed of 17 members, 12 of whom, constituting a quorum were present at a Special Call meeting duly called, noticed, convened and held this the 24th day of November, 2020; and that the foregoing Resolution was duly Adopted by a vote of 12 members in favor, 0 opposed and 0 abstaining.


Dated this 24th day of November, 2020.

ATTEST:


Cyrus Ben, Tribal Chief


Christopher Eaves, Secretary-Treasurer

RECOMMENDED BY:


Superintendent, Choctaw Agency

11-25-2020
Date

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 21-024(B)

A RESOLUTION TO APPROVE A BUSINESS LEASE WITH NCWPCS MPL 32-YEAR
SITES TOWER HOLDINGS 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 tribal 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 Helping Expedite and Advance Responsible Tribal Home Ownership Act (“HEARTH Act”) of July 30, 2012, Pub. L. 112-151, 126 Stat. 1150, 25 U.S.C. §415, as implemented by 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 November 13, 2002, the Tribal Council adopted Resolution CHO 13-035, which approved a lease with New Cingular Wireless, PCS, LLC (“Cingular”) for the purpose of maintaining a wireless communications tower at 677 James Billie Road in the Pearl River Community; and

WHEREAS, Cingular has since assigned its rights in the aforementioned lease to NCWPCS MPL 32 – Year Sites Tower Holdings LLC, a Delaware limited liability company (“AT&T”); and

WHEREAS, CCATT LLC, a Delaware limited liability company, a subsidiary of Crown Castle International Corp., operates and manages the site for AT&T; and

WHEREAS, the validity of the aforementioned lease is in question as it never received approval of the Secretary of the Interior as required by 25 CFR Part 162; and

WHEREAS, the Tribal Council desires to resolve any questions as to the validity of the aforementioned lease by approving a new lease with AT&T subject to 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 waive the requirement for bond 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 pre-approve a provision in the proposed lease which would allow AT&T to sublease or assign its interest in the proposed 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 pre-approve any provisions in the proposed lease which would allow AT&T to make its interest in the proposed 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 authorize the Tribal Chief and the Secretary-Treasurer to negotiate and sign a mutually agreeable business lease with AT&T for an initial term of six (6) years beginning retroactively on May 1, 2019 and one (1) renewal term of twenty-five (25) subject to the Tribe's HEARTH Act Leasing Regulations; and be it further

RESOLVED, that the Tribal Council hereby waives the requirement for bond pursuant to Section 12(b) of the Tribe's HEARTH Act Leasing Regulations; and be it further

RESOLVED, that the Tribal Council hereby pre-approves any provisions in the proposed lease which would allow AT&T to sublease or assign its interest in the proposed 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 hereby pre-approves any provisions in the proposed lease which would allow AT&T to make its interest in the proposed 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 hereby authorizes the Tribal Chief to sign any additional documents, forms, or contracts directly related to the continuance, amendment, or extension of the proposed lease without further Council action.

CERTIFICATION

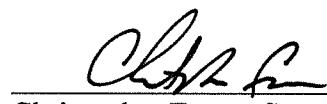
I, the undersigned, as Secretary-Treasurer of the Mississippi Band of Choctaw Indians, certify that the Tribal Council of said Band is composed of 17 members, 12 of whom, constituting a quorum were present at a Special Call meeting duly called, noticed, convened and held this the 24th day of November, 2020; and that the foregoing Resolution was duly Adopted by a vote of 12 members in favor, 0 opposed and 0 abstaining.

Dated this 24th day of November, 2020.

ATTEST:

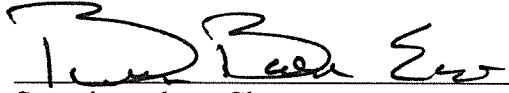


Cyrus Ben, Tribal Chief



Christopher Eaves, Secretary-Treasurer

RECOMMENDED BY:



Superintendent, Choctaw Agency

11-25-2020

Date

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 21-025

A RESOLUTION AUTHORIZING CHOCTAW HOUSING AUTHORITY TO APPLY FOR AN INDIAN HOUSING BLOCK GRANT FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

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, Choctaw Housing Authority was created by Tribal Ordinance 1-A and is designated to received U.S. Department of Housing and Urban Development ("HUD") funding pursuant to Resolution CHO 00-072; and

WHEREAS, there is a shortage of affordable housing on the Choctaw Indian Reservation; and

WHEREAS, HUD has made funds available to Indian tribes for the purpose of improving housing, infrastructure, and tribal economies through a competitive Indian Housing Block Grant ("IHBG") program; and

WHEREAS, Choctaw Housing Authority desires to apply for a grant of up to \$5,000,000.00 to use these funds under the IHBG program to construct new houses on the Choctaw Indian Reservation; and

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

RESOLVED, that this grant application is made with the following stipulations:

- 1) The Mississippi Band of Choctaw Indians ("MBCI") is a Federally-recognized Indian tribe and pursuant to Federal law, will only comply with those regulations that are specifically applicable to Indian Tribes; and
- 2) The Mississippi Band of Choctaw Indians ("MBCI") adheres to publicly-announced policy of Indian preference in all employment related actions including recruitment, employment, reduction-in-force, promotion, training and transfer to the maximum extent allowed by applicable law; and
- 3) The Mississippi Band of Choctaw Indians ("MBCI") is exempt from making certification regarding or from filing Standard Form-LLL regarding lobbying per 31 U.S.C. Sec. 1352, 2 U.S.C. Sec. 1602, 40 CFR 34.105(1) and 40 CFR 34.110, as to any such activity which may have been or may be undertaken by Tribal officials or Tribal employees or where such reporting is otherwise exempted under §1352(d). The MBCI has not engaged any outside

lobbyist to engage in any activity regarding this grant which would require reporting under any of the referenced statutes; and be it further

RESOLVED, that the Tribal Council does hereby support Choctaw Housing Authority's application for HUD funding and authorizes the Choctaw Housing Authority to apply for and receive grant funds under the 2020 IHBG competitive program; and be it further

RESOLVED, that the MBCI tribal government will not apply for IHBG funds as its own entity; and be it further

RESOLVED, that any design and construction of infrastructure completed pursuant to the awarding of the IHBG program funds shall be in accordance with "Standard Specifications for Design and Construction for Roads, Sanitary Sewage and Waste Water Distribution Systems" as adopted and implemented by the Tribal Council in CHO 06-078 and any other industry standard specifications as applicable; 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 IHBG grant without further Council action.

CERTIFICATION


I, the undersigned, as Secretary-Treasurer of the Mississippi Band of Choctaw Indians, certify that the Tribal Council of said Band is composed of 17 members, 12 of whom, constituting a quorum were present at a Special Call meeting duly called, noticed, convened and held this the 24th day of November, 2020; and that the foregoing Resolution was duly Adopted by a vote of 12 members in favor, 0 opposed and 0 abstaining.

Dated this 24th day of November, 2020

ATTEST:



Cyrus Ben, Tribal Chief



Christopher Eaves, Secretary-Treasurer

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 21-026

A RESOLUTION TO REQUEST WAIVERS PURSUANT TO SECTION 1.2 OF TITLE 25 OF THE U.S. CODE OF FEDERAL REGULATIONS, SUBCHAPTER E REGULATORY REQUIREMENTS FOR CHOCTAW TRIBAL SCHOOLS DURING THE COVID-19 PANDEMIC

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 contract or agreements with Federal, State, or local governments, with private persons or with corporate bodies; and

WHEREAS, Choctaw Tribal Schools (“CTS”) has received notification from the Assistant Secretary- Indians Affairs, U.S. Department of the Interior (“DOI”) that BIE-funded schools are afforded the opportunity to submit a waiver of certain requirements related to 25 C.F.R. for fall of School Year 2020-21 due to the COVID-19 pandemic; and

WHEREAS, the application and documentation requesting to waive certain areas and conditions are attached and outlined related to the application process; and

WHEREAS, the Tribal Chief and the Director of Schools, have reviewed, approved and signed the waiver application as the application needed to be submitted immediately to DOI; and

WHEREAS, by seeking an approved waiver through DOI, as approved by the U.S. Department of Education, the CTS will ensure students receive all academic services, while protecting future funding of programs that are not capable of operating regular daily hours and routines due the Tribal Chief’s Executive Orders and States of Emergency Proclamations affecting the Tribal community due to the ongoing public health threat posed by (COVID-19); and

WHEREAS, CTS has requested waivers of the following sections of 25 C.F.R.: Transportation, Residential, Instructional Hours, Instructional Program, Student Activities, Graduation Requirements, Promotion and approval of Alternate/Distance Learning Plans; and

WHEREAS, the Choctaw Tribal Schools are not allowed to waive Special Education and related aids and services requirements and have assured those services are in compliance with Section 504 of the Rehabilitation Act of 1973, as amended (Sec 504), 29 U.S.C. § 794, and the Individuals with Disabilities Education Act, Pub. L. 108-446 as amended, 20 U.S.C. §§ 1400 et seq. (IDEA); and

WHEREAS, the Chairman of the Education Committee has reviewed the attached waiver application and is recommended to be forwarded to the Tribal Council for approval; now therefore be it

RESOLVED, that the Tribal Council does hereby authorize CTS’s waiver application as was submitted to DOI; 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 continuance, amendment, termination, or extension of this waiver without further Council action.

CERTIFICATION


I, the undersigned, as Secretary-Treasurer of the Mississippi Band of Choctaw Indians, certify that the Tribal Council of said Band is composed of 17 members, 12 of whom, constituting a quorum were present at a Special Call meeting duly called, noticed, convened and held this the 24th day of November, 2020; and that the foregoing Resolution was duly Adopted by a vote of 12 members in favor, 0 opposed and 0 abstaining.

Dated this 24th day of November, 2020.

ATTEST:



Cyrus Ben, Tribal Chief



Christopher Eaves, Secretary-Treasurer

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 21-027

A RESOLUTION TO WAIVE THE BUREAU OF INDIAN EDUCATION'S UNIFIED STANDARDS, ASSESSMENTS AND ACCOUNTABILITY PLAN AND TO SUBMIT AN ALTERNATE PLAN IN ACCORDANCE WITH 25 CFR PART 30

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 contract or agreements with Federal, State, or local governments, with private persons or with corporate bodies; and

WHEREAS, Subpart B – Accountability, Waiver of Requirements, Technical Assistance, and Approval of Proposals for Alternative Requirements, Final Rule, can be found in the Federal Register, Vol. 85, No. 59, dated Thursday, March 26, 2020, 25 C.F.R. Part 30; and

WHEREAS, under Subpart B, §30.112 and §30.113 authorize a tribal governing body or school board to waive the Secretary of the Interior's requirements for standards, assessments, and an accountability system, in whole or in part, and to provide a proposal for alternative requirements consistent with section 1111 of the *Every Student Succeeds Act* ("ESSA"), Pub.L. 114-95, 20 U.S.C. ch. 28, §1001 et seq., 20 U.S.C. ch. 70 (see attachment A); and

WHEREAS, the tribal governing body's alternate requirements will apply if they meet the requirements of section 1111 of ESSA, taking into account the unique circumstances and needs of the schools and the students served and if they are approved by the Secretary of the Interior and the Secretary of the United States Department of Education; and

WHEREAS, according to the Final Rule, the tribal governing body must notify the Secretary and the Secretary of Education in writing of the decision to waive the Secretary's requirements in part or in whole; and

WHEREAS, the CTS has been prepared to waive the requirements since 2018; however, the Bureau of Indian Education ("BIE") would not allow CTS to submit the proposal until the regulations became a Final Rule; and

WHEREAS, the CTS is prepared to follow the Mississippi Standards to have students take the Mississippi Assessments for the 2020-21 school year; and

WHEREAS, the Coronavirus pandemic has delayed the filing of this waiver until this time; and

WHEREAS, the Secretary of the Interior, working with the Secretary of Education, has not yet provided templates for proposals that governing bodies may use to assist in the development of such proposals as outlined in §30.113; and

WHEREAS, if the Secretary of the Interior, or the Secretary of Education, does not approve CTS' alternate proposal, *Choctaw Tribal Schools Alternative Accountability Plan: Standards, Assessments and Accountability Proposal* (see attachment B), the Tribal Council should authorize

the CTS' Director to request technical assistance pursuant to §30.117 in the revision of this alternate proposal only to ensure compliance with ESSA; and

WHEREAS, the Chairman of the Education Committee has reviewed the attached *Choctaw Tribal Schools Alternative Accountability Plan: Standards, Assessments and Accountability Proposal* 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 submit a request to the Secretary of the Interior to waive the Secretary of the Interior's requirements for standards, assessments, and an accountability system, in whole or in part, and to provide a proposal for alternative requirements consistent with section 1111 of the *Every Student Succeeds Act* ("ESSA"), Pub.L. 114-95, 20 U.S.C. ch. 28, §1001 et seq., 20 U.S.C. ch. 70; and be it further

RESOLVED, that the Tribal Council does hereby approve, in substantially the same form as attached, the *Choctaw Tribal Schools Alternative Accountability Plan: Standards, Assessments and Accountability Proposal*; and be it further

RESOLVED, that the Tribal Council does hereby authorize the Tribal Chief and the Choctaw Tribal Schools' Director to request technical assistance in the revision of the alternate proposal if the attached proposal is not accepted by the Secretary of the Interior; and be it further

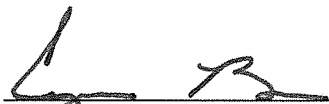
RESOLVED that the Tribal Council does hereby authorize the Tribal Chief, of his designee, to sign additional documents, forms or contracts directly related to the continuance, amendment, termination, or extension of the proposed alternate plan without further Council action.

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, 12 of whom, constituting a quorum were present at a Special Call meeting duly called, noticed, convened and held this the 24th day of November, 2020; and that the foregoing Resolution was duly Adopted by a vote of 12 members in favor, 0 opposed and 0 abstaining.

Dated this 24th day of November, 2020.

ATTEST:



Cyrus Ben, Tribal Chief


Christopher Eaves, Secretary-Treasurer

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 21-028

A RESOLUTION TO CONFIRM APPOINTMENTS 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 17-001 on October 11, 2016, confirming the appointments of: (1) Berdie John, Chairperson; (2) Wanda Davidson, Member; and (3) Gary Williamson, Alternate; and

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

WHEREAS, there are two expired appointments and two vacancy appointments to the Tribal Election Committee that is currently comprised of the following members and alternates:

| | <u>Term Expires</u> |
|----------------------------|---------------------|
| Berdie John, Chairperson | October 13, 2020 |
| Wanda Davidson, Member | October 13, 2020 |
| Amy Pauls, Member | October 11, 2022 |
| Gary Williamson, Alternate | October 13, 2020 |
| Shirley Cotton, Alternate | October 11, 2022 |

And

WHEREAS, since these appointments, Ms. Cotton passed away and Ms. Davidson resigned due to health reasons; and

WHEREAS, the Tribal Chief recommends the reappointment of Berdie John, Chairperson and Gary Williamson as an alternate member to the Tribal Election Committee; and

WHEREAS, the Tribal Chief recommends the appointment of Wanda McMillan as a Member of the Tribal Election Committee; and

WHEREAS, the Tribal Chief will make a future recommendation for the remaining Alternate to the Tribal Election Committee; now therefore be it

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

| <u>Name of Member/Alternate</u> | <u>Term Expires</u> |
|---------------------------------|---------------------|
| Berdie John, Chairperson | October 8, 2024 |
| Wanda McMillan, Member | October 8, 2024 |
| Gary Williamson, Alternate | October 8, 2024 |

And be it further

RESOLVED, that the persons 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, 12 of whom, constituting a quorum were present at a Special Call meeting duly called, noticed, convened and held this the 24th day of November, 2020; and that the foregoing Resolution was duly Adopted by a vote of 12 members in favor, 0 opposed and 0 abstaining.

Dated this 24th day of November, 2020.

ATTEST:



Cyrus Ben, Tribal Chief



Christopher Eaves, Secretary-Treasurer

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 21-029(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 a communication shelter for fixed wireless broadband equipment (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 125 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 Northeast 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 Chairman of 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 a communication shelter for fixed wireless broadband equipment 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 continuance, amendment, or extension of the above-described right-of-way without further Council action.

CERTIFICATION

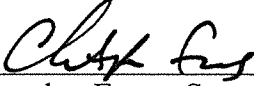
I, the undersigned, as Secretary-Treasurer of the Mississippi Band of Choctaw Indians, certify that the Tribal Council of said Band is composed of 17 members, 12 of whom, constituting a quorum were present at a Special Call meeting duly called, noticed, convened and held this the 24th day of November, 2020; and that the foregoing Resolution was duly Adopted by a vote of 12 members in favor, 0 opposed and 0 abstaining.

Dated this 24th day of November, 2020.

ATTEST:



Cyrus Ben, Tribal Chief

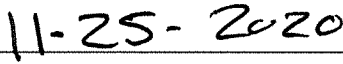


Christopher Eaves, Secretary-Treasurer

RECOMMENDED:



Superintendent, Choctaw Agency



Date