

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 21-126

A RESOLUTION TO APPLY FOR U.S. DEPARTMENT OF AGRICULTURE, FOOD AND NUTRITION SERVICE FUNDING IN SUPPORT OF CHOCTAW FOOD DISTRIBUTION PROGRAM FOR THE COMMODITY SUPPLEMENTAL FOOD PROGRAM

WHEREAS, Section 1, Subsection (a) of Article VIII of the Revised Constitution and Bylaws of the Mississippi Band of Choctaw Indians (“MBCI” or the “Tribe”) empowers the Tribal Council to negotiate with and to approve or disapprove contracts or agreements with Federal, State, or local governments, with private persons or with corporate bodies; and

WHEREAS, the U.S. Department of Agriculture (“USDA”), Food and Nutrition Service is soliciting State Plans from State and local agencies including Food Distribution Programs on Indian Reservations to apply for funding; and

WHEREAS, the Choctaw Food Distribution Program seeks funding for the Commodity Supplemental Food Program (“CSFP”) to provide supplemental foods to meet the needs of low-income elder participants; and

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

RESOLVED, that the Tribe’s grant application for the Choctaw Food Distribution Program is made with the following stipulations:

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

RESOLVED, that the Tribal Council does hereby authorize the Tribal Chief or his designee, to apply for and sign for available USDA grant programs from the U.S. Department of Agriculture, Food and Nutrition Service; and be it further

RESOLVED, that the Tribal Council does hereby authorize the Tribal Chief or his designee, to renew USDA grants and to apply for any new grants in subsequent applications subject to the availability of funds from the U.S. Department of Agriculture 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, 14 of whom, constituting a quorum were present at a Special Call meeting duly called, noticed, convened and held this the 29th day of September, 2021; and that the foregoing Resolution was duly Adopted by a vote of 14 members in favor, 0 opposed and 0 abstaining.

Dated this 29th day of September, 2021.

ATTEST:



Cyrus Ben, Tribal Chief



Christopher Eaves, Secretary-Treasurer

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 21-127

A RESOLUTION TO AUTHORIZE A DISTRIBUTION OF TRIBAL FUNDS

WHEREAS, the Mississippi Band of Choctaw Indians has pioneered in the development of revenue-producing industrial and commercial enterprises, which produce revenues for the Tribal government; and

WHEREAS, the members of the Mississippi Band of Choctaw Indians should derive some benefit from the general production of revenues insofar as it is feasible; and

WHEREAS, the amended Tribal-State Compact of IGRA Class III gaming between the Mississippi Band of Choctaw Indians and the State of Mississippi Section 7.6(2) states: "Per capita payments may be made to individual tribal members in an amount not to exceed one thousand and no/100 (\$1000.00) per year by the authority of, and in accordance with, an ordinance and regulations duly adopted by the Tribal Council and with a Revenue Allocation Plan approved by the Bureau of Indian Affairs, U.S. Department of Interior, if required or equivalent thereof."; and

WHEREAS, on July 15, 1996, the Bureau of Indian Affairs approved the Tribal-State Compact amendment regarding distribution and the Tribal Council in Ordinance 77 approved provisions regarding the per capita payments from gaming proceeds; now therefore be it

RESOLVED, that the Tribal Council does hereby authorize the Tribal Chief to promulgate procedures and to conduct the distribution of \$600.00 per Tribal member on December 2, 2021, in accord with the attached Notice of Funds Distribution; and be it further

RESOLVED, that the Tribal Council does hereby authorize an amount not to exceed \$1,180,000 (\$100 per member) be funded from the Mississippi Band of Choctaw Indians' non-gaming general fund revenue; and be it further

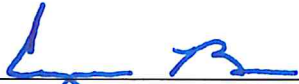
RESOLVED, that the Tribal Council does hereby appropriate an amount not to exceed \$5,950,000 (\$500 per member) from Tribal gaming distributions to the Tribe to carry out this distribution and authorize the Tribal Chief and Secretary-Treasurer to take all necessary action to effectuate said distribution.

CERTIFICATION

I, the undersigned, as Secretary-Treasurer of the Mississippi Band of Choctaw Indians, certify that the Tribal Council of said Band is composed of 17 members, 14 of whom, constituting a quorum were present at a Special Call meeting duly called, noticed, convened and held this the 29th day of September, 2021; and that the foregoing Resolution was duly Adopted by a vote of 14 members in favor, 0 opposed and 0 abstaining.

Dated this 29th day of September, 2021.

ATTEST:

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

Cyrus Ben, Tribal Chief

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

Christopher Eaves, Secretary-Treasurer

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 21-128

A RESOLUTION TO APPROVE A MEMORANDUM OF UNDERSTANDING
BETWEEN MISSISSIPPI STATE UNIVERSITY'S JOHN C. STENNIS INSTITUTE OF
GOVERNMENT & COMMUNITY DEVELOPMENT AND THE MISSISSIPPI BAND
OF CHOCTAW INDIANS

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, Mississippi State University's John C. Stennis Institute of Government & Community Development ("Stennis") and MBCI desire to enter into a Memorandum of Agreement ("MOU") for Stennis to assist the MBCI with identifying and prioritizing community improvement efforts to be implemented because of anticipated American Rescue Plan funding as further described in the Project Planning Proposal attached hereto as Exhibit A; and

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

RESOLVED, that the Tribal Council does hereby authorize the Tribal Chief or his designee, to execute the attached MOU, in substantially the same form as attached hereto; 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, extension, or termination of this MOU 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, 14 of whom, constituting a quorum were present at a Special Call meeting duly called, noticed, convened and held this the 29th day of September, 2021; and that the foregoing Resolution was duly Adopted by a vote of 14 members in favor, 0 opposed and 0 abstaining.

Dated this 29th day of September, 2021.

ATTEST:



Cyrus Ben, Tribal Chief



Christopher Eaves, Secretary-Treasurer

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 21-129

A RESOLUTION TO APPROVE FISCAL YEAR 2022 BUDGETS FOR TRIBAL
ADMINISTRATION, PROGRAMS, AGENCIES AND OPERATIONS

WHEREAS, revenues are accruing to the tribal government from tribal government and economic activities; and

WHEREAS, the prudent management of tribal programs, activities, and resources requires that significant federal and tribal resources be budgeted for the adequate support of tribal administrative offices, departments and programs and independent agencies; and

WHEREAS, the general revenue and health department budgets have been prepared by the Tribal Chief and reviewed in a series of meetings involving the Tribal Council, the tribal administration, divisions, departments and programs; now therefore be it

RESOLVED, that the Tribal Council does hereby approve the following budgets for fiscal year 2022:

General Revenue Operation Budget	\$	103,581,102
Tribal Projects, Equipment & Facilities	\$	7,498,336
Choctaw Health Department Budget	\$	66,928,435

And be it further

RESOLVED, that the Tribal Council does hereby authorize use of funds from the following sources:

Indirect Cost Collections	\$	23,642,476
Gaming Revenue	\$	65,000,000
General Fund Non-Gaming Revenue	\$	5,080,671
Prior Year Funding	\$	605,317
Choctaw Gaming Commission Fees & Charges	\$	3,255,624
Other Program Income	\$	5,997,014
Indian Health Service	\$	48,537,427
Medicaid & Medicare Collections	\$	9,000,000
General Health Fund	\$	5,000,000
USET	\$	1,256,112
WIC	\$	1,064,983
Other Grants & Contracts	\$	1,489,242

And be it further

RESOLVED, that revenues collected in accordance with the Choctaw Tax Code and Gaming Ordinances that are in excess of those needed to fund FY 2022 expenditures for the Choctaw Tax

Commission and the Choctaw Gaming Commission will be transferred to the Tribal General Fund; and be it further

RESOLVED, that the Tribal Chief is hereby authorized to move expenditures among approved activities; however, any increase in the overall budget amount for the General Revenue 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, 14 of whom, constituting a quorum were present at a Special Call meeting duly called, noticed, convened and held this the 29th day of September, 2021; and that the foregoing Resolution was duly Adopted by a vote of 14 members in favor, 0 opposed and 0 abstaining.

Dated this 29th day of September, 2021.

ATTEST:



Cyrus Ben, Tribal Chief



Christopher Eaves, Secretary-Treasurer

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 21-130

A RESOLUTION TO APPROVE THE 2021-2022 WILDLIFE PROCLAMATION TO
REGULATE HUNTING AND FISHING ON TRIBAL LANDS

WHEREAS, Section 1, Subsection (k) of Article VIII of the Revised Constitution and Bylaws of the Mississippi Band of Choctaw Indians ("MBCI" or the "Tribe") empowers the Tribal Council to promote and protect the health, peace, morals, education and general welfare of the Tribe and its members; and

WHEREAS, certain hunting, fishing and outdoor recreational activities have been found by the Tribal Council to be detrimental to the conservation and protection of wildlife and to the environment of the Choctaw Reservation; and

WHEREAS, the Choctaw Tribal Code, as Adopted on August 14, 1981, and amended thereafter, is the body of law governing all civil actions arising within the Tribe's jurisdiction; and

WHEREAS, this proclamation is issued annually to regulate activities covered by Choctaw Tribal Code Title X, the Hunting and Fishing Code; and

WHEREAS, prior Resolutions were Adopted to promulgate annual Wildlife Proclamations and there is a need to adopt a Wildlife Proclamation for FY 2022, including a schedule of permit hunting and fishing permit fees and fees for Lake Pushmataha, as well as penalties and fines for violations; and

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

RESOLVED, that the Tribal Council does hereby approve the attached Wildlife Proclamation for the 2021-2022 season; and be it further

RESOLVED, that the schedule of hunting and fishing permit fees, daily and annual permit fees for Lake Pushmataha, and penalties and fines are effective immediately upon passage of this Resolution.

CERTIFICATION

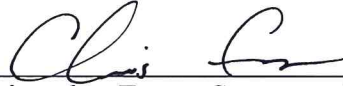
I, the undersigned, as Secretary-Treasurer of the Mississippi Band of Choctaw Indians, certify that the Tribal Council of said Band is composed of 17 members, 14 of whom, constituting a quorum were present at a Special Call meeting duly called, noticed, convened and held this the 29th day of September, 2021; and that the foregoing Resolution was duly Adopted by a vote of 14 members in favor, 0 opposed and 0 abstaining.

Dated this 29th day of September, 2021.

ATTEST:



Cyrus Ben, Tribal Chief



Christopher Eaves, Secretary-Treasurer

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 21-131

A RESOLUTION TO APPROVE A ONE-TIME WAIVER OF THE ANNUAL LEAVE RESTRICTIONS IN THE ADMINISTRATIVE PERSONNEL POLICY & PROCEDURES

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

WHEREAS, there is currently in effect the *Administrative Personnel Policy & Procedures*, last amended by Resolution CHO 21-124, which applies to MBCI Government Services Division employees; and

WHEREAS, Section XII(B) of the *Administrative Personnel Policy & Procedures* entitled "Annual Leave" currently prohibits any employee from carrying over from the preceding year more than 480 hours of annual leave, but allows nonexempt employees to elect to redeem accrued annual leave exceeding 480 hours for its full monetary value, subject to the four conditions outlined in said section; and

WHEREAS, due to the State of Emergency declared on March 15, 2020, regarding the threat posed by the coronavirus ("COVID-19") and the continuing State of Emergency related to COVID-19, employees have continued to have difficulty in using their annual leave due to the responsibilities of their positions and issues related to the pandemic; and

WHEREAS, the Tribal Council finds it in the best interest of those employees who have continued to work at least twenty (20) hours per week during FY 2021, that a one-time waiver of the restrictions regarding the maximum amount of annual leave be enacted to prevent a penalty for those who have continued to work during the pandemic; and

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

RESOLVED, that the Tribal Council does hereby make a one-time waiver of the maximum amount of Annual Leave that an employee may have at the beginning of FY 2022 as follows:

1. Any exempt or non-exempt employee who has worked at least 20 hours per week (including being on approved leave) each week during FY 2021 may either:

- (a) carry over annual leave that they have accrued which exceeds 480 hours, with the balance over 480 being used in FY 2022; or
- (b) elect to redeem the accrued annual leave exceeding 480 hours, subject to the four following conditions outlined in Section XII(B) of the *Administrative Personnel Policy and Procedures*:
 - 1. Nonexempt employees may not redeem more than 160 hours of accrued annual leave in a fiscal year;
 - 2. Nonexempt employees may redeem accrued annual leave under this paragraph no more than once in a fiscal year and the leave must be redeemed between the first day of the last month of the fiscal year and the last day of the last month of the fiscal year; and
 - 3. No annual leave will be redeemed if the Tribe determines in its sole discretion that there are insufficient funds available to do so; and
 - 4. The monetary value of all redeemed leave shall be calculated at the lowest rate at which the employee was compensated during the fiscal year.
- 2. If an employee exceeds 480 hours and meets the work requirements listed above and fails to make a request for payment under 1(b) above by September 30, 2021, the employee's accrued leave will be carried over for use during FY 2022.

CERTIFICATION

I, the undersigned, as Secretary-Treasurer of the Mississippi Band of Choctaw Indians, certify that the Tribal Council of said Band is composed of 17 members, 14 of whom, constituting a quorum were present at a Special Call meeting duly called, noticed, convened and held this the 29th day of September, 2021; and that the foregoing Resolution was duly Adopted by a vote of 14 members in favor, 0 opposed and 0 abstaining.

Dated this 29th day of September, 2021.

ATTEST:



Cyrus Ben, Tribal Chief



Christopher Eaves, Secretary-Treasurer