

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 23-080

A RESOLUTION TO AUTHORIZE EXECUTION OF A FIRST AMENDMENT TO THE NOVEMBER 23, 2021 AMENDED AND RESTATED CREDIT AGREEMENT OF THE CHOCTAW RESORT DEVELOPMENT ENTERPRISE AND TRIBE WITH KEYBANK NATIONAL ASSOCIATION, AS ADMINISTRATIVE AGENT AND THE LENDERS PARTY THERETO TO CONVERT TO A SECURED OVERNIGHT FINANCING RATE (“SOFR”) TO REPLACE THE CURRENT LIBOR RATE WHICH WILL NO LONGER BE AVAILABLE

WHEREAS, Choctaw Resort Development Enterprise (the “Enterprise”) 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, Ordinance 56, Section 11 delegates to the Enterprise Board of Directors the power to operate and make policies for the Enterprise within its stated purpose; and

WHEREAS, pursuant to Ordinance 56, Section 11(g)(2) the Enterprise Board of Directors may borrow money and enter other financing and credit arrangements for enterprise purposes, subject to approval of the Tribal Council; and

WHEREAS, pursuant to Resolution CRDE 22-001 (October 6, 2021) and MBCI Resolution CHO 22-011 (October 12, 2021) the Enterprise Board and the Tribal Council approved a senior secured credit facility for the Enterprise consisting of a term loan facility of up to \$125,000,000 and a revolving credit facility of up to \$50,000,000 to refinance the Enterprises existing credit facility and provide working capital funds to the Enterprise and on November 23, 2021 the Enterprise and Tribe entered into an Amended and Restated Credit Agreement with KeyBank National Association, as Administrative Agent, Swingline Lender and L/C Lender (the “Administrative Agent”) and the lenders party thereto from time to time ( the “Lenders”) to evidence the credit facility approved by the Enterprise Board and Tribal Council (the “Credit Agreement” and together with the other loan documents executed in connection therewith the “Loan Documents”); and

WHEREAS, a Benchmark Transition Event as defined in the Credit Agreement is set to occur as the LIBOR Rate will no longer be available after June 30, 2023 and as required under the Credit Agreement the LIBOR rate as the benchmark rate must be replaced; and

WHEREAS, the Administrative Agent has requested amendments to the Credit Agreement and Loan Documents to replace the LIBOR Rate with Daily Simple SOFR or Adjusted Term SOFR Rate as the alternative benchmark rate under the Credit Agreement and Loan Documents; and

WHEREAS, the Enterprise management and its legal counsel have reviewed and negotiated the proposed First Amendment to the Credit Agreement(the “First Amendment”), which contains the amendments necessary to replace the LIBOR Rate with Daily Simple SOFR or Adjusted Term

SOFR Rate as the benchmark rate under the Credit Agreement and Loan Documents, a draft of which was presented and approved by the Enterprise Board pursuant to Resolution CRDE 23-006 (“Enterprise Resolution 23-006”), subject to the approval of the Tribal Council; and

WHEREAS, pursuant to Enterprise Resolution CRDE 23-006 the Enterprise Board found that the amendments as provided in the First Amendment which are required to replace the LIBOR Rate with Daily Simple SOFR or Adjusted Term SOFR Rate as the benchmark rate under the Credit Agreement and Loan Documents is in the best interest of the Enterprise and recommended to the Tribal Council approval of the First Amendment as reflected in the draft of the Credit Agreement; 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 First Amendment to the Credit Agreement; and be it further

RESOLVED, that the Tribal Council has reviewed the draft of the First Amendment to the Credit Agreement presented and does hereby approve the First Amendment to the Credit Agreement, and the completion of the First Amendment, with such changes as approved by the Authorized Representatives (listed herein) of the Tribe and 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 final First Amendment to the Credit Agreement and Loan Documents as ultimately agreed to by the parties, the Lenders, and legal counsel to accomplish the amendments required to replace the benchmark rate under the Credit Agreement and Loan 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 Credit Agreement , as amended, and the Loan Documents and the intent and purposes described therein, including, without limitation, to make, execute and/or deliver such certificates, requests, documents and information as required under the Credit Agreement, as amended, and the Loan Documents; and be it further

RESOLVED, the Tribal Chief and the Secretary-Treasurer are directed to report back to the Tribal Council when the First Amendment to the Credit Agreement has been executed.

#### CERTIFICATION

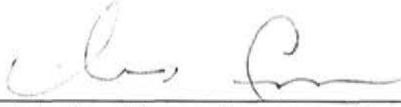
I, the undersigned, as Secretary-Treasurer of the Mississippi Band of Choctaw Indians, certify that the Tribal Council of said Band is composed of 17 members, 10 of whom, constituting a quorum were present at a Special Call meeting duly called, noticed, convened and held this the 11<sup>th</sup> day of

May, 2023; and that the foregoing Resolution was duly Adopted by a vote of 9 members in favor, 0 opposed and 1 abstaining.

Dated this 11<sup>th</sup> day of May, 2023.

ATTEST:

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

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

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 23-081

A RESOLUTION TO APPROVE THE 2023 CHOCTAW COMMUNITY FUND BUDGET

WHEREAS, Section 1, Subsection (h) 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 all allocations or disbursements of Tribal funds (or funds under the control of the Tribe) not specifically appropriated or authorized in a budget approved by the Tribal Council; and

WHEREAS, on April 30, 1985, the Tribal Council adopted Resolution CHO 46-85, which established the Choctaw Community Fund for the purpose of raising funds for Tribal government programs that benefit Choctaw young people; and

WHEREAS, Resolution CHO 46-85 provides that the Tribal Council must approve the annual budget for the Choctaw Community Fund; and

WHEREAS, the Tribal Council expanded the scope of the Choctaw Community Fund to include Tribal government programs that benefit the elderly and other needy members of the Tribe through adoption of Resolution CHO 56-88; 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 approve the 2023 Choctaw Community Fund Budget attached hereto as Exhibit “A” in the amount of \$61,230.


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, 10 of whom, constituting a quorum were present at a Special Call meeting duly called, noticed, convened and held this the 11<sup>th</sup> day of May, 2023; and that the foregoing Resolution was duly Adopted by a vote of 9 members in favor, 0 opposed and 1 abstaining.

Dated this 11<sup>th</sup> day of May, 2023.

ATTEST:

  
Cyrus Ben, Tribal Chief

  
Christopher Eaves, Secretary-Treasurer

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 23-082

A RESOLUTION TO AUTHORIZE DISPOSAL OF SURPLUS TRIBAL MOTOR VEHICLES

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

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

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

WHEREAS, the Tribal Council has amended the Revised Procurement Policies through adoption of Resolutions CHO 197-98, CHO 12-098, CHO 13-015, and CHO 22-053; and

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

WHEREAS, MBCI's Procurement Officer has determined that the motor vehicles identified in the documents attached hereto as Exhibits "A" and "B" are no longer of value to MBCI Tribal government programs because of high mileage and excessive maintenance costs; 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 does hereby authorize the Tribal Chief or his designee to dispose of the motor vehicles identified as items 2, 3, and 6 in the list attached hereto as Exhibit "A" by donation to churches located on the MBCI Reservation in accordance with the following procedures:

- 1) the Tribe's Procurement Officer will issue a public notice that includes the following information: (a) that the surplus motor vehicles identified as items 2, 3, and 6 in the list attached hereto as "Exhibit A" are available for donation; (b) the date that the donation drawing will occur and the deadline for submitting a request to participate in the donation drawing; and (c) that donation of each of the surplus motor vehicles identified as items 2, 3, and 6 in the list attached hereto as Exhibit "A" will be by random drawing of the names of interested churches; and (d) that to participate in the random drawing, the church must submit a written request stating its interest in acquiring one of the vehicles identified as items 2, 3, and 6 in the list attached hereto as Exhibit "A" by donation from the Tribe; and

- 2) that on the day of the random drawing, the first church randomly drawn will have the right to choose any of the motor vehicles identified as items 2, 3, and 6 in the list attached hereto as Exhibit "A", and the random drawing will occur in similar fashion until each of those motor vehicles are selected; provided, however, that no church receives more than one motor vehicle.

And be it further

RESOLVED, that the Tribal Council does hereby authorize the Tribal Chief or his designee to dispose of the motor vehicles identified in the list attached hereto as Exhibit "A", including those remaining after the donation drawing, by making them available for sale to MBCI Tribal members by sealed bid under the following conditions:

- 1) inoperable motor vehicles and motor vehicles that require special training or licensure to operate will not be made available for sale to Tribal members by sealed bid;
- 2) a minimum bid amount may be required for each of the motor vehicles identified in the list attached hereto as Exhibit "A" according to its condition; and
- 3) title to each of the motor vehicles identified attached hereto as Exhibit "A" must be conveyed to the buyer before any of those motor vehicles are released.

And be it further

RESOLVED, that the Tribal Council does hereby authorize the Tribal Chief to donate the lawnmower identified in the document attached hereto as Exhibit "B" to the New Choctaw Baptist Association; and be it further

RESOLVED, that the Tribal Council does hereby authorize the Tribal Chief or his designee to dispose of any of the aforementioned motor vehicles remaining after the donation drawing and sale by any means that the Tribal Chief determines is most economically beneficial to the Tribe, provided that title to each of those motor vehicles must be conveyed to the recipient before any of those motor vehicles are released; and be it further

RESOLVED, that the Tribal Council does hereby authorize the Tribal Chief or his designee to sign any documents, forms, or contracts directly related to disposing of the aforementioned motor vehicles in accordance with the procedures set forth in the Revised Procurement Policies and this Resolution without further Council action.


#### CERTIFICATION

I, the undersigned, as Secretary-Treasurer of the Mississippi Band of Choctaw Indians, certify that the Tribal Council of said Band is composed of 17 members, 10 of whom, constituting a quorum were present at a Special Call meeting duly called, noticed, convened and held this the 11<sup>th</sup> day of May, 2023; and that the foregoing Resolution was duly Adopted by a vote of 9 members in favor, 0 opposed and 1 abstaining.

Dated this 11<sup>th</sup> day of May, 2023.

ATTEST:

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

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

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 23-083

A RESOLUTION TO APPROVE A COMMERCIAL LAND ASSIGNMENT BETWEEN THE MISSISSIPPI BAND OF CHOCTAW INDIANS D/B/A CHOCTAW SHOPPING CENTER ENTERPRISE AND LIVING WATER PENTECOSTAL CHURCH, NON-PROFIT ORGANIZATION

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

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

WHEREAS, the Tribal Council adopted Resolution CHO 11-085 which amended the Commercial Land Assignment Ordinance; and

WHEREAS, 25 CFR §84.004(e) provides that agreements that encumber Tribal lands for less than seven years do not require Bureau of Indian affairs approval; and

WHEREAS, on September 27, 2000, MBCI’s Tribal Council adopted Resolution CHO 00-168(B), which designated the Choctaw Town Center for use by the Enterprise; and

WHEREAS, the Commercial Land Assignment attached hereto as Exhibit “A” would allow Living Water Pentecostal Church to operate its business as a Non-Profit Organization–Church located within the Tucker Community, situated in Neshoba County, Mississippi; and

WHEREAS, on May 4, 2023, the Enterprise Board adopted Resolution CSCE 23-009, which recommended that the Tribal Council approve an agreement to lease commercial space to Living Water Pentecostal Church, Non-Profit Organization for two years, with the option to renew the agreement for an additional two – Two (2) year periods; now therefore be it.

RESOLVED, that the Tribal Council does hereby authorize the Tribal Chief and the Secretary-Treasurer to execute the Commercial Land Assignment between MBCI d/b/a Choctaw Shopping Center Enterprise and Living Water Pentecostal Church, Non-Profit Organization attached hereto as Exhibit “A”; and it be further



RESOLVED, that the Tribal Council does hereby authorize the Tribal Chief and the Secretary-Treasurer to sign any additional documents, forms, or contracts directly related to the implementation of the Commercial Land Assignment between MBCI d/b/a Choctaw Shopping Center Enterprise and Living Water Pentecostal Church, Non-Profit Organization 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, 10 of whom, constituting a quorum were present at a Special Call meeting duly called, noticed, convened and held this the 11<sup>th</sup> day of May, 2023; and that the foregoing Resolution was duly Adopted by a vote of 9 members in favor, 0 opposed and 1 abstaining.

Dated this 11<sup>th</sup> day of May, 2023.

ATTEST:

  
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Cyrus Ben, Tribal Chief

  
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Christopher Eaves, Secretary-Treasurer

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 23-084

A RESOLUTION TO APPROVE A COMMERCIAL LAND ASSIGNMENT BETWEEN THE MISSISSIPPI BAND OF CHOCTAW INDIANS D/B/A CHOCTAW SHOPPING CENTER ENTERPRISE AND MAHLIH BOWDEN AND CECILIA KETCHER D/B/A PINKYY PEARL NUTRITION

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

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

WHEREAS, the Tribal Council adopted Resolution CHO 11-085 which amended the Commercial Land Assignment Ordinance; and

WHEREAS, 25 CFR §84.004(e) provides that agreements that encumber Tribal lands for less than seven years do not require Bureau of Indian affairs approval; and

WHEREAS, on September 27, 2000, MBCI’s Tribal Council adopted Resolution CHO 00-168(B), which designated the Choctaw Town Center for use by the Enterprise; and

WHEREAS, the Commercial Land Assignment attached hereto as Exhibit “A” would allow Mahlih Bowden and Cecilia Ketcher d/b/a Pinkyy Pearl Nutrition to operate its business to provide a healthy drink option from loaded teas to blended shakes in the Pearl River Community, situated in Neshoba County, Mississippi; and

WHEREAS, on May 4, 2023, the Enterprise Board adopted Resolution CSCE 23-010, which recommended that the Tribal Council approve an agreement to lease commercial space to Mahlih Bowden and Cecilia Ketcher d/b/a Pinkyy Pearl Nutrition for one year, with the option to renew the agreement for an additional one year; now therefore be it.

RESOLVED, that the Tribal Council does hereby authorize the Tribal Chief and the Secretary-Treasurer to execute the Commercial Land Assignment between MBCI d/b/a Choctaw Shopping

Center Enterprise and Mahlih Bowden and Cecilia Ketcher d/b/a Pinkyy Pearl Nutrition attached hereto as Exhibit "A"; and it be further

RESOLVED, that the Tribal Council does hereby authorize the Tribal Chief and the Secretary-Treasurer to sign any additional documents, forms, or contracts directly related to the implementation of the Commercial Land Assignment between MBCI d/b/a Choctaw Shopping Center Enterprise and Mahlih Bowden and Cecilia Ketcher d/b/a Pinkyy Pearl Nutrition attached hereto as Exhibit "A" without further Council action.

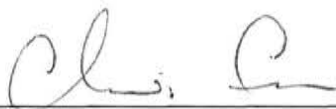
CERTIFICATION

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, 10 of whom, constituting a quorum were present at a Special Call meeting duly called, noticed, convened and held this the 11<sup>th</sup> day of May, 2023; and that the foregoing Resolution was duly Adopted by a vote of 9 members in favor, 0 opposed and 1 abstaining.

Dated this 11<sup>th</sup> day of May, 2023.

ATTEST:

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

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

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 23-085

A RESOLUTION TO APPROVE A COMMERCIAL LAND ASSIGNMENT BETWEEN THE MISSISSIPPI BAND OF CHOCTAW INDIANS D/B/A CHOCTAW SHOPPING CENTER ENTERPRISE AND ROY WHITE D/B/A FLUFF & FOLD

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

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

WHEREAS, the Tribal Council adopted Resolution CHO 11-085 which amended the Commercial Land Assignment Ordinance; and

WHEREAS, 25 CFR §84.004(e) provides that agreements that encumber Tribal lands for less than seven years do not require Bureau of Indian affairs approval; and

WHEREAS, on September 27, 2000, MBCI’s Tribal Council adopted Resolution CHO 00-168(B), which designated the Choctaw Town Center for use by the Enterprise; and

WHEREAS, the Commercial Land Assignment attached hereto as Exhibit “A” would allow Roy White d/b/a Fluff & Fold to operate its business to provide a Self/Coin Operated Laundry in the Bogue Chitto Community, situated in Neshoba County, Mississippi; and

WHEREAS, on May 4, 2023, the Enterprise Board adopted Resolution CSCE 23-011, which recommended that the Tribal Council approve an agreement to lease commercial space to Roy White d/b/a Fluff & Fold for one year, with the option to renew the agreement for an additional three years; now therefore be it.

RESOLVED, that the Tribal Council does hereby authorize the Tribal Chief and the Secretary-Treasurer to execute the Commercial Land Assignment between MBCI d/b/a Choctaw Shopping Center Enterprise and Roy White d/b/a Fluff & Fold attached hereto as Exhibit “A”; and it be further

RESOLVED, that the Tribal Council does hereby authorize the Tribal Chief and the Secretary-Treasurer to sign any additional documents, forms, or contracts directly related to the implementation of the Commercial Land Assignment between MBCI d/b/a Choctaw Shopping Center Enterprise and Roy White d/b/a Fluff & Fold 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, 10 of whom, constituting a quorum were present at a Special Call meeting duly called, noticed, convened and held the 11<sup>th</sup> day of May, 2023; and that the foregoing Resolution was duly Adopted by a vote of 9 members in favor, 0 opposed and 1 abstaining.

Dated this 11<sup>th</sup> day of May, 2023.

ATTEST:

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

  
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Christopher Eaves, Secretary-Treasurer

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 23-086

A RESOLUTION TO AMEND THE LIST OF PERSONS ELIGIBLE FOR APPOINTMENT TO SERVE AS CHOCTAW SUPREME COURT JUSTICES PRO-TEM AND TO APPOINT A CHIEF JUSTICE PRO-TEM TO HEAR CASES APPEALED FROM THE CRIMINAL DIVISION OF THE CHOCTAW TRIBAL COURT

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

WHEREAS, Section 1, Subsection (m) of Article VIII of the Revised Constitution and Bylaws of the Tribe empowers the Tribal Council to establish and enforce ordinances governing the conduct of tribal members; providing for the maintenance of law, order and the administration of justice; regulating wholesale, retail, commercial, or industrial activities on tribal lands; establishing a tribal court; and defining the powers and duties of that court; subject to the approval of the Secretary of the Interior where such approval is required by Federal law; and

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

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

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

WHEREAS, Section §7-1-13 of the Choctaw Tribal Code provides that the Tribal Council must certify a list of persons eligible for appointment to serve as Choctaw Supreme Court justices pro-tem on an annual basis; and

WHEREAS, on April 11, 2023, the Tribal Council adopted Resolutions CHO 23-074 and CHO 23-079, which certified the annual list of persons eligible for appointment to serve as Choctaw Supreme Court justices pro-tem and appointed a judge from the Criminal Division of the Choctaw Tribal Court to serve as interim Chief Justice; and

WHEREAS, Section §7-1-13 of the Choctaw Tribal Code also provides that Choctaw Supreme Court justices pro-tem cannot hear cases appealed from division of the Tribal Court that tried the case; and

WHEREAS, it is necessary to appoint a Chief Justice pro-tem to hear cases tried by the Criminal Division of the Choctaw Tribal Court since the interim Chief Justice is prohibited from hearing cases appealed from that division; and

WHEREAS, the Tribal Council previously appointed Chief Justices pro-tem through adoption of Resolutions CHO 19-099 and CHO 23-079; now therefore be it

RESOLVED, that the Tribal Council does hereby amend the list of persons eligible to serve as Choctaw Supreme Court justices pro-tem by certifying that Holly Peters is also eligible to serve as a Choctaw Supreme Court justice pro-tem; and be it further

RESOLVED, that the Tribal Council does hereby appoint Holly Peters to serve as Chief Justice pro-tem in all cases appealed from the Criminal Division of the Choctaw Tribal Court until a regularly appointed Chief Justice takes office.

#### 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, 10 of whom, constituting a quorum were present at a Special Call meeting duly called, noticed, convened and held this the 11<sup>th</sup> day of May, 2023; and that the foregoing Resolution was duly Adopted by a vote of 9 members in favor, 0 opposed and 1 abstaining.

Dated this 11<sup>th</sup> day of May, 2023.

ATTEST:

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

  
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Christopher Eaves, Secretary-Treasurer

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 23-087

A RESOLUTION TO AUTHORIZE A SPECIAL RECALL ELECTION FOR TRIBAL COUNCIL MEMBER CHRISTOPHER EAVES IN THE CRYSTAL RIDGE COMMUNITY

WHEREAS, Section 7 of Article VI of the Revised Constitution and Bylaws of the Mississippi Band of Choctaw Indians and Section §33-3-3 of Title XXXIII (Choctaw Tribal Election Code) of the Tribal Code establish the procedures for Community members to petition for the recall of a Tribal Council member elected by a Community to the Tribal Council; and

WHEREAS, on March 15, 2023, the Tribal Election Committee issued a recall petition form in response to a requesting party for the recall of Council Member Christopher Eaves of the Crystal Ridge Community in accordance with Section §33-3-3(2)(B) of Title XXXIII; and

WHEREAS, the requesting party submitted completed petitions to the Tribal Chief's office on April 11, 2023, and the Tribal Chief submitted the petitions to the Tribal Election Committee on April 12, 2023, for review and certification; and

WHEREAS, on April 14, 2023, the Tribal Election Committee issued a Certification affirming that the number of eligible voters' signatures on the petitions from the Crystal Ridge Community required to meet the 40% minimum requirement of Section 7 of Article VI was satisfied to initiate a recall election; and

WHEREAS, Section 7 of Article VI requires that if the petition requirements are met, within 60 days the Tribal Council shall cause to be held a special election on the question of recall; now therefore be it

RESOLVED, the Tribal Council does hereby authorize a special election on the question of recall in the Crystal Ridge Community for Council Member Christopher Eaves to be held on June 13, 2023, and to be conducted by the Tribal Election Committee in accordance with the Tribal Election Code.

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, 10 of whom, constituting a quorum were present at a Special Call meeting duly called, noticed, convened and held this the 11<sup>th</sup> day of May, 2023; and that the foregoing Resolution was duly Adopted by a vote of 9 members in favor, 0 opposed and 1 abstaining.

Dated this 11<sup>th</sup> day of May, 2023.

ATTEST:

  
Cyrus Ben Tribal Chief

  
Christopher Eaves, Secretary-Treasurer



MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 23-088(B)

A RESOLUTION TO RESCIND RESOLUTION CHO 21-106(B) AND TO DESIGNATE SITES IN THE TUCKER COMMUNITY FOR THE DEVELOPMENT, MAINTENANCE, AND ADMINISTRATION OF SINGLE-FAMILY HOUSING UNITS BY CHOCTAW HOUSING AUTHORITY

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

WHEREAS, on June 11, 1965, the Tribal Council adopted Ordinance No. 1, which established a charter for Choctaw Housing Authority; and

WHEREAS, the Tribal Council has amended Choctaw Housing Authority's charter through enactment of Ordinance Nos. 1-A and 16-DDD and through adoption of Resolutions CHO 25-77 and CHO 187-93; and

WHEREAS, on January 29, 2000, the Tribal Council adopted Resolution CHO 00-072, which designated Choctaw Housing Authority as MBCI's Tribally-Designated Housing Entity; and

WHEREAS, on July 13, 2021, the Tribal Council adopted Resolution CHO 21-106(B), which designated a one-acre site in the Tucker Community for the development, maintenance, and administration of a single-family housing unit by Choctaw Housing Authority; and

WHEREAS, Choctaw Housing Authority now plans to develop, maintain, and administer more than one single-family housing unit on the above-referenced one-acre site; and

WHEREAS, an additional acre is needed to accommodate a wastewater treatment system that will adequately serve the proposed single-family housing units; and

WHEREAS, the site which has been identified for a wastewater treatment system serving the proposed single-family housing units is located adjacent to the aforementioned one-acre site on MBCI Reservation land that is more particularly shown on the diagram attached hereto as Exhibit "B"; and

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

WHEREAS, development, maintenance, and administration of housing units by Choctaw Housing Authority is a public use for which MBCI Reservation can be dedicated; and

WHEREAS, the Tribal Council has previously set aside MBCI Reservation land for the development, maintenance, and administration of housing units by Choctaw Housing Authority through adoption of Resolutions CHO 21-105(B), CHO 21-106(B), CHO 21-116(B), CHO 22-017(B), CHO 22-072(B), CHO 22-097(B), CHO 22-102(B), and CHO 23-015(B); and

WHEREAS, on May 4, 2023, Choctaw Housing Authority's Board of Commissioners met and recommended that the Tribal Council adopt a resolution setting aside an additional acre of land to accommodate a wastewater treatment system that would adequately serve the single-family housing units proposed for the one-acre site identified in Resolution CHO 21-106(B); and

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

RESOLVED, that the Tribal Council does hereby rescind Resolution CHO 21-106(B); and be it further

RESOLVED, that the Tribal Council does hereby designate the land shown on the diagrams attached hereto as Exhibits "A" and "B" for development, maintenance, and administration of single-family housing units by Choctaw Housing Authority; 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 development, maintenance, and administration of single-family housing units by Choctaw Housing Authority 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, 10 of whom, constituting a quorum were present at a Special Call meeting duly called, noticed, convened and held this the 11<sup>th</sup> day of May, 2023; and that the foregoing Resolution was duly Adopted by a vote of 9 members in favor, 0 opposed and 1 abstaining.

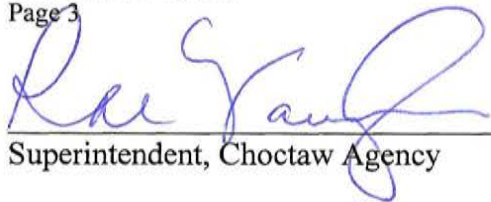
Dated this 11<sup>th</sup> day of May, 2023.

ATTEST:

  
Cyrus Ben, Tribal Chief

  
Christopher Eaves, Secretary-Treasurer

RECOMMENDED:

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

5/15/2023  
Date

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 23-089

A RESOLUTION TO CONFIRM THE JUDICIAL APPOINTMENT OF ANTHONY DREW TAYLOR AS CRIMINAL COURT JUDGE TO THE CHOCTAW TRIBAL COURTS

WHEREAS, by Ordinance No. 16-SS, the Tribal Council streamlined the Tribal Court System and divided it into the four areas of civil court, adult criminal court, youth court and peacemaker court; and

WHEREAS, the Tribal Chief nominates judicial appointments to serve a term of four years and the Tribal Council confirms these appointments; and

WHEREAS, Anthony Drew Taylor was confirmed as criminal court judge through Resolution CHO 18-001 and since then his term has expired; and

WHEREAS, Chief Cyrus Ben has nominated Anthony Drew Taylor for Criminal Court Judge to fulfill a four-year term; and

WHEREAS, Anthony Drew Taylor appeared before the Judicial Affairs and Law & Order Committee on May 8, 2023 to undergo examination of his qualifications; 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 confirm the judicial appointment of Anthony Drew Taylor, Criminal Court Judge, to fulfill a four-year term ending on the date of the Regular Call Tribal Council meeting on July 13, 2027, or 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, 10 of whom, constituting a quorum were present at a Special Call meeting duly called, noticed, convened and held this the 11<sup>th</sup> day of May, 2023; and that the foregoing Resolution was duly Adopted by a vote of 9 members in favor, 0 opposed and 1 abstaining.

Dated this 11<sup>th</sup> day of May, 2023.

ATTEST:

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

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

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 23-090

A RESOLUTION TO CONFIRM THE JUDICIAL APPOINTMENT OF PEGGY GIBSON AS  
CRIMINAL COURT JUDGE TO THE CHOCTAW TRIBAL COURTS

WHEREAS, by Ordinance No. 16-SS, the Tribal Council streamlined the Tribal Court System and divided it into the four areas of civil court, adult criminal court, youth court and peacemaker court; and

WHEREAS, the Tribal Chief nominates judicial appointments to serve a term of four years and the Tribal Council confirms these appointments; and

WHEREAS, Peggy Gibson was confirmed as criminal court judge through Resolution CHO 18-060 and since then her term has expired; and

WHEREAS, Chief Cyrus Ben has nominated Peggy Gibson for Criminal Court Judge to fulfill a four-year term; and

WHEREAS, Peggy Gibson appeared before the Judicial Affairs and Law & Order Committee on May 8, 2023, to undergo examination of her qualifications; 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 confirm the judicial appointment of Peggy Gibson, Criminal Court Judge, to fulfill a four-year term ending on the date of the Regular Call Tribal Council meeting on July 13, 2027, or 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, 10 of whom, constituting a quorum were present at a Special Call meeting duly called, noticed, convened and held this the 11<sup>th</sup> day of May, 2023; and that the foregoing Resolution was duly Adopted by a vote of 9 members in favor, 0 opposed and 1 abstaining.

Dated this 11<sup>th</sup> day of May, 2023.

ATTEST:

  
Cyrus Ben, Tribal Chief

  
Christopher Eaves, Secretary-Treasurer

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 23-091

A RESOLUTION TO CONFIRM THE JUDICIAL APPOINTMENT OF HOLLY PETERS AS  
YOUTH COURT JUDGE FOR THE CHOCTAW TRIBAL COURTS

WHEREAS, by Ordinance No. 16-SS, the Tribal Council streamlined the Tribal Court System and divided it into the four areas of civil court, adult criminal court, youth court and peacemaker court; and

WHEREAS, the Tribal Chief nominates judicial appointments to serve a term of four years and the Tribal Council confirms these appointments; and

WHEREAS, Holly Peters was confirmed as youth court judge through Resolution CHO 15-042 and since then her term has expired; and

WHEREAS, Chief Cyrus Ben has nominated Holly Peters for Youth Court Judge to fulfill a four-year term; and

WHEREAS, Holly Peters appeared before the Judicial Affairs and Law & Order Committee on May 8, 2023 to undergo examination of her qualifications; 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 confirm the judicial appointment of Holly Peters, Youth Court Judge, to fulfill a four-year term ending on the date of the Regular Call Tribal Council meeting on July 13, 2027, or 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, 10 of whom, constituting a quorum were present at a Special Call meeting duly called, noticed, convened and held this the 11<sup>th</sup> day of May, 2023; and that the foregoing Resolution was duly Adopted by a vote of 9 members in favor, 0 opposed and 1 abstaining.

Dated this 11<sup>th</sup> day of May, 2023.

ATTEST:

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

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

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION 23-092

A RESOLUTION TO CONFIRM THE JUDICIAL APPOINTMENT OF BRADLEY ALEX AS  
PEACEMAKER COURT JUDGE TO THE CHOCTAW TRIBAL COURTS

WHEREAS, by Ordinance No. 16-SS, the Tribal Council streamlined the Tribal Court System and divided it into the four areas of civil court, adult criminal court, youth court and peacemaker court; and

WHEREAS, the Tribal Chief nominates judicial appointments to serve a term of four years and the Tribal Council confirms these appointments; and

WHEREAS, Bradley Alex was confirmed as peacemaker court judge through Resolution CHO 18-059 and since then his term has expired; and

WHEREAS, Chief Cyrus Ben has nominated Bradley Alex for Peacemaker Court Judge to fulfill a four-year term; and

WHEREAS, Bradley Alex appeared before the Judicial Affairs and Law & Order Committee on May 8, 2023 to undergo examination of his qualifications; 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 confirm the judicial appointment of Bradley Alex, Peacemaker Court Judge, to fulfill a four-year term ending on the date of the Regular Call Tribal Council meeting on July 13, 2027, or 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, 10 of whom, constituting a quorum were present at a Special Call meeting duly called, noticed, convened and held this the 11<sup>th</sup> day of May, 2023; and that the foregoing Resolution was duly Adopted by a vote of 9 members in favor, 0 opposed and 1 abstaining.

Dated this 11<sup>th</sup> day of May, 2023.

ATTEST:

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

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

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 23-093

A RESOLUTION TO AUTHORIZE TRAVIS HEDRICK OF TRIDENT UNIVERSITY INTERNATIONAL TO CONDUCT DOCTORAL RESEARCH ON “THE PERCEPTION OF TRIBAL LEADERS ON THE IMPACT OF EDUCATION ON TRIBAL SOVEREIGNTY AND GOVERNANCE”

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 approve or disapprove contracts or agreements with Federal, State, or local governments, with private persons or with corporate bodies; and

WHEREAS, Travis J. Hedrick is a doctoral candidate at Trident University International and is required to complete doctoral dissertation to fulfill graduation requirements; and

WHEREAS, Mr. Hedrick is requesting to conduct research titled “The Perception of Tribal Leaders on the Impact of Education on Tribal Sovereignty and Governance” attached hereto as Exhibit “A”; and

WHEREAS, the purpose of this study is to understand how a renewed value of education among Tribal and Indigenous people could impact the current and future sovereignty and governance of local Tribes and Native Nations; and

WHEREAS, there is no cost to the Tribe and participation in the study is voluntary; and

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

RESOLVED, that the completed dissertation shall be submitted in writing to the Office of the Attorney General and the Policy & Legislative Office; and

RESOLVED, that the results of this study shall be presented to the Tribal Chief and the Tribal Council and said research shall not be published or otherwise revealed without the permission of the Tribal Chief and the Tribal Council; 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 implementation, continuance, amendment or extension of the attached dissertation study 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, 10 of whom, constituting a quorum were present at a Special Call meeting duly called, noticed, convened and held this the 11<sup>th</sup> day of May, 2023; and that the foregoing Resolution was duly Adopted by a vote of 9 members in favor, 0 opposed and 1 abstaining.



Dated this 11<sup>th</sup> day of May, 2023.

ATTEST:

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

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