

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

ORDINANCE NO. 24-007

AN ORDINANCE TO AMEND ARTICLE C., SECTION (1) OF THE CHARTER OF  
INCORPORATION ISSUED TO OKLAHIKBIH, INC.

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

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

WHEREAS, on April 14, 2009, the Tribal Council enacted Ordinance No. 66, which issued a charter establishing Choctaw Construction Group, Inc. (now known as “Chahta Holding Group, Inc.”) as a business entity wholly owned by the Tribe; and

WHEREAS, on September 30, 2009, the Tribal Council enacted Ordinance No. 66-B, which made Chahta Holding Group, Inc. the sole shareholder of six Tribally-chartered business entities; and

WHEREAS, on January 9, 2024, the Tribal Council enacted Ordinance No. 24-003, which issued a charter establishing OKLAHIKBIH, INC. as a business entity wholly owned by the Tribe, with Chahta Holding Group, Inc. being the sole shareholder of the new entity; and

WHEREAS, on July 25, 2024, the Board of Directors of Chahta Holding Group, Inc. adopted Resolution CHG 2024-003, which recommended that Article C., Section (1) of the charter issued to OKLAHIKBIH, INC. be amended to clarify that both business entities have the same three-person board of directors; now therefore be it

ENACTED, that the Tribal Council does hereby amend Article C., Section (1) of the charter issued to OKLAHIKBIH, INC. as follows:

C. Board of Directors

Section (1) Number, Tenure and Qualifications. The corporation shall be governed by *three to* five directors who shall be enrolled members of the Mississippi Band of Choctaw Indians. At all times, the directors of this corporation shall be the same people as those who serve as the Directors of the Chahta Holding Group, Incorporated, and for the same terms and each shall serve until their successors shall have been elected and qualified. No member of the Tribal Council of the

Mississippi Band of Choctaw Indians shall be permitted to serve on the Board of Directors.

And be it further

ENACTED, that the foregoing amendment to Article C., Section (1) of the charter issued to OKLAHIKBIH, INC. shall become effective upon enactment of this Ordinance by the Tribal Council.

CERTIFICATION

I, the undersigned, as Secretary-Treasurer of the Mississippi Band of Choctaw Indians, certify that the Tribal Council of said Band is composed of 17 members, 16 of whom, constituting a quorum were present at a Special Call meeting duly called, noticed, convened and held this the 28<sup>th</sup> day of August, 2024; and that the foregoing Ordinance was duly Enacted by a vote of 16 members in favor, 0 opposed and 0 abstaining.

Dated this 28<sup>th</sup> day of August, 2024.

ATTEST:

  
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Cyrus Ben, Tribal Chief

  
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Christopher Eaves, Secretary-Treasurer

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 24-102

A RESOLUTION TO DESIGNATE INTERTRIBAL HOLDINGS, LLC AS THE  
“IMPLEMENTING ENTITY” RESPONSIBLE FOR ADMINISTERING THE STATE SMALL  
BUSINESS CREDIT INITIATIVE (SSBCI) FUNDING AWARD AUTHORIZED BY TRIBAL  
COUNCIL RESOLUTION CHO 22-111

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, on January 13, 1981, the Tribal Council adopted Resolution CHO 34-81, which first established an economic development planning function within the executive branch of the tribal government (now known as the “Office of Economic Development”); and

WHEREAS, Title III of the American Rescue Plan Act of 2021 reauthorizes the State Small Business Credit Initiative (“SSBCI”), which is a federal program that provides funds to states and Indian tribes for the purpose of creating tailored programs that offer funding to small businesses and entrepreneurs through equity/venture capital, loan participation, loan guarantee, collateral support, and capital access programs; and

WHEREAS, 12 U.S.C. §5702 and §5703 provide that Indian Tribes may apply jointly for SSBCI funding, provided that the governing body of each Indian Tribe participating in the joint application adopts a Resolution designating the “Implementing Entity” responsible for administering the funding award; and

WHEREAS, on December 6, 2021, the Tribal Council adopted Resolution CHO 22-039, which authorized an application for SSBCI funding; and

WHEREAS, on August 31, 2022, the Tribal Council adopted Resolution CHO 22-111, which authorized a joint application for SSBCI funding and designated Cherokee Nation as the “Implementing Entity” responsible for administering the funding award; and

WHEREAS, the four Indian Tribes participating in the joint application authorized by Resolution CHO 22-111 plan to form a limited liability company that will serve as the “Implementing Entity” responsible for administering the SSBCI funding award; and

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

RESOLVED, that the Tribal Council does hereby designate Intertribal Holdings, LLC as the “Implementing Entity” responsible for administering the SSBCI funding award authorized by Tribal Council Resolution CHO 22-111; 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 designating Intertribal Holdings, LLC as the “Implementing Entity” responsible for administering the SSBCI funding award authorized by Tribal Council Resolution CHO 22-111 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, 16 of whom, constituting a quorum were present at a Special Call meeting duly called, noticed, convened and held this the 28<sup>th</sup> day of August, 2024; and that the foregoing Resolution was duly Adopted by a vote of 16 members in favor, 0 opposed and 0 abstaining.

Dated this 28<sup>th</sup> day of August, 2024.

ATTEST:

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

  
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Christopher Eaves, Secretary-Treasurer

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 24-103

A RESOLUTION TO APPROVE FISCAL YEAR 2025 OPERATING AND CAPITAL BUDGETS FOR THE CHOCTAW ORDINANCE 56 TRIBAL ENTERPRISES

WHEREAS, Tribal Ordinance 56 provides for the continuation of ongoing Tribal enterprises under the Business Enterprise Division of the Tribal Government Executive Branch; and

WHEREAS, Section 14(a) of Ordinance 56 requires that the Tribal enterprises submit for approval annual operating budgets to the Tribal Chief and the Tribal Council; and

WHEREAS, Section 14(b) of Ordinance 56 requires that the Tribal enterprises submit for approval capital budgets to the Tribal Chief and the Tribal Council; and

WHEREAS, the enterprise executives of the Choctaw Resort Development Enterprise, Chahta Enterprise and Choctaw Shopping Center Enterprise have prepared and submitted budgets for Fiscal Year 2025; and

WHEREAS, the Enterprise Boards of Directors have approved Fiscal Year 2025 Operating and Capital budgets and submitted them to the Tribal Council for approval; now therefore be it

RESOLVED, that the Tribal Council does hereby approve the Fiscal Year 2025 Operating and Capital budgets as set forth in Exhibit "A" attached hereto for the Ordinance 56 Enterprises as set forth below:

<u>Enterprise</u>	<u>Operating</u>	<u>Capital</u>
Choctaw Resort Development Enterprise	\$ 251,396,781	\$ 35,763,439
Chahta Enterprise	\$ 2,551,215	\$ 75,000
Choctaw Shopping Center Enterprise	\$ 2,120,000	\$ 450,000

and be it further

RESOLVED, that any changes to the Enterprise Fiscal Year 2025 Operating and Capital budgets as set forth in Exhibit "A" attached hereto must be approved by the Boards of Directors of the Enterprises; and be it further

RESOLVED, that the Tribal Council does hereby authorize the Enterprise Boards of Directors to move expenditures among approved line items in the Fiscal Year 2025 Operating and Capital budgets when necessary; however, any increase to any line item in the Fiscal Year 2025 Capital Budget or fixed cost amounts included in the Fiscal Year 2025 Operating Budget must receive the prior approval of the Tribal Council; and be it further

RESOLVED, that the Tribal Council does hereby authorize the capital expenditures may be made in the form of leases when approved by the Board of Directors of the Enterprise.

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, 16 of whom, constituting a quorum were present at a Special Call meeting duly called, noticed, convened and held this the 28<sup>th</sup> day of August, 2024; and that the foregoing Resolution was duly Adopted by a vote of 16 members in favor, 0 opposed and 0 abstaining.

Dated this 28<sup>th</sup> day of August, 2024.

ATTEST:

  
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Cyrus Ben, Tribal Chief

  
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Christopher Eaves, Secretary-Treasurer

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 24-104

A RESOLUTION TO APPROVE A JAIL UTILIZATION CONTRACT WITH LEAKE COUNTY, MISSISSIPPI FOR HOUSING NON-INDIAN INMATES

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, on October 14, 2003, the Tribal Council adopted Resolution CHO 04-019, which first authorized a self-determination contract to fund operation of an MBCI adult and juvenile detention program (now known as “Choctaw Detention Center”); and

WHEREAS, 25 U.S.C. §1304 sets forth the conditions under which Indian tribes can criminally prosecute non-Indians for assault of Tribal justice personnel, child violence, dating violence, domestic violence, obstruction of justice, sexual violence, sex trafficking, stalking, and violations of protection orders; and

WHEREAS, on October 9, 2018, the Tribal Council adopted Resolution CHO 19-001, which amended MBCI’s Tribal Code to comply with the conditions for exercising special Tribal criminal jurisdiction set forth in 25 U.S.C. §1304; and

WHEREAS, on July 16, 2019, the Tribal Council adopted Resolution CHO 19-118, which delayed implementation of the amended MBCI Tribal Code set forth in Resolution 19-001 until February 1, 2020; and

WHEREAS, on December 10, 2019, the Tribal Council adopted Resolution CHO 20-019, which authorized a Jail Utilization Contract with Kemper County, Mississippi for housing non-Indian offenders within MBCI’s special Tribal criminal jurisdiction; and

WHEREAS, on January 14, 2020, the Tribal Council adopted Resolutions CHO 20-030, CHO 20-031, and CHO 20-032, which authorized Jail Utilization Contracts with Neshoba County, Mississippi and Winston County, Mississippi for housing non-Indian offenders within MBCI’s special Tribal criminal jurisdiction and delayed implementation of the amended MBCI Tribal Code set forth in Resolution CHO 19-001 indefinitely; and

WHEREAS, on July 9, 2024, the Tribal Council enacted Ordinance No. 24-006, which repealed the amended MBCI Tribal Code set forth in Resolution CHO 19-001 and approved new amendments to MBCI’s Tribal Code that comply with the conditions for exercising special Tribal criminal jurisdiction set forth in 25 U.S.C. §1304; and

WHEREAS, Choctaw Detention Center has recommended that the Leake County Correctional Facility be included as option for housing non-Indian offenders within MBCI's special Tribal criminal jurisdiction; and

WHEREAS, the Jail Utilization Contract attached hereto as Exhibit "A" sets forth the terms and conditions under which Leake County, Mississippi will house non-Indian offenders within MBCI's special Tribal criminal jurisdiction at the Leake County Correctional Facility; 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 authorize the Tribal Chief to sign a Jail Utilization Contract with Leake County, Mississippi in substantially the same form as the document attached hereto as Exhibit "A"; and be it further

RESOLVED, that the Tribal Council does hereby authorize the Tribal Chief or his designee, to sign any additional documents, forms, or contracts directly related to the continuance, amendment, or extension of the Jail Utilization Contract authorized by this Resolution without further Council action.

#### CERTIFICATION

I, the undersigned, as Secretary-Treasurer of the Mississippi Band of Choctaw Indians, certify that the Tribal Council of said Band is composed of 17 members, 16 of whom, constituting a quorum were present at a Special Call meeting duly called, noticed, convened and held this the 28<sup>th</sup> day of August, 2024; and that the foregoing Resolution was duly Adopted by a vote of 16 members in favor, 0 opposed and 0 abstaining.

Dated this 28<sup>th</sup> day of August, 2024.

ATTEST:

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

  
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Christopher Eaves, Secretary-Treasurer



MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 24-105

A RESOLUTION TO AUTHORIZE APPLICATIONS FOR ORIGINATING AGENCY IDENTIFIERS FROM THE CRIMINAL JUSTICE INFORMATION SERVICES SYSTEMS AGENCY AT THE U.S. DEPARTMENT OF JUSTICE

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, on August 20, 1982, the Tribal Council adopted Resolution CHO 111-82(B), which first authorized a self-determination contract to fund operation of a MBCI law enforcement services program (now known as "Choctaw Police Department"); and

WHEREAS, on August 7, 2003, the Tribal Council adopted Resolution CHO 03-125, which established an MBCI Department of Public Safety that includes Choctaw Police Department; and

WHEREAS, the Criminal Justice Information Services Systems Agency ("CJIS") at the U.S. Department of Justice ("DOJ") has assigned an Originating Agency Identifier ("ORI") to Choctaw Police Department as part of DOJ's Tribal Access Program for National Crime Information; and

WHEREAS, having an ORI allows Choctaw Police Department to access the National Crime Information Center ("NCIC") database; and

WHEREAS, other MBCI Tribal programs could benefit from having access to the NCIC database since MBCI is implementing measures to prosecute non-Indian offenders in accordance with the conditions for exercising special Tribal criminal jurisdiction set forth in 25 U.S.C. §1304 and since 25 U.S.C. §3207 requires that Indian Tribes with self-determination contracts conduct character investigations for all foster care placements and positions that involve regular contact with, or control over, Indian children; 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 authorize the Tribal Chief or his designee, to apply for ORIs from DOJ- CJIS on behalf of MBCI Tribal programs; 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 obtaining ORIs for MBCI Tribal programs 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, 16 of whom, constituting a quorum were present at a Special Call meeting duly called, noticed, convened and held this the 28<sup>th</sup> day of August, 2024; and that the foregoing Resolution was duly Adopted by a vote of 16 members in favor, 0 opposed and 0 abstaining.

Dated this 28<sup>th</sup> day of August, 2024.

ATTEST:

  
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Cyrus Ben, Tribal Chief

  
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Christopher Eaves, Secretary-Treasurer