

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 19-052

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 per tribal member on July 1, 2019, 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 **\$1,110,000** (\$100 per member) be funded from the Mississippi Band of Choctaw Indians' non-gaming general fund revenue; and be it further

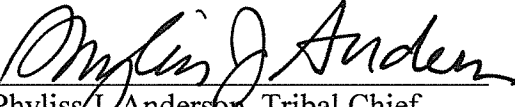
RESOLVED, that the Tribal Council does hereby appropriate an amount not to exceed **\$5,933,363** (\$500 per member) from tribal gaming distributions to the Tribe to carry out this distribution and authorize the Tribal Chief and Secretary-Treasurer to take all necessary action to effectuate said distribution.

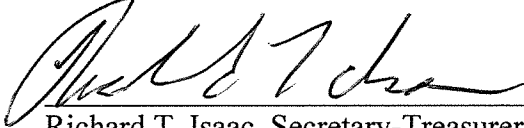
CERTIFICATION

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, 13 of whom, constituting a quorum were present at a Special Call meeting duly called, noticed, convened and held this the 26<sup>th</sup> day of February, 2019; and that the foregoing Resolution was duly Adopted by a vote of 13 members in favor, 0 opposed and 0 abstaining.

Dated this 26<sup>th</sup> day of February, 2019.

ATTEST:

  
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Phyllis J. Anderson, Tribal Chief

  
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Richard T. Isaac, Secretary-Treasurer

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 19-053

A RESOLUTION TO APPROVE A MEMORANDUM OF UNDERSTANDING BETWEEN  
THE MISSISSIPPI SCHOOL FOR MATHEMATICS & SCIENCE AND THE MISSISSIPPI  
BAND OF CHOCTAW INDIANS' CHOCTAW TRIBAL SCHOOLS

WHEREAS, Section 1, Subsection (a) of Article VIII of the Revised Constitution and Bylaws of the Mississippi Band of Choctaw Indians 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 Mississippi Band of Choctaw Indians ("MBCI" or the "Tribe") and the State of Mississippi (the "State") entered into a formal relationship between the executive branches of the respective governments with the signing of an *Accord* on November 24, 1997, for cooperation between the governments to work on various government programs and delivery of governmental services; and

WHEREAS, Choctaw Tribal Schools ("CTS"), through the Division of Schools, desires to enter into an agreement with The Mississippi School for Mathematics & Science ("MSMS") to offer distance learning classes to tribal school students; and

WHEREAS, CTS and MSMS desire to enter into a *Memorandum of Understanding* ("MOU") attached hereto, for the purpose of developing and enhancing educational opportunities between the Tribe and MSMS; and

WHEREAS, CTS and MSMS have identified the number of courses to be offered and schedules commencing with the fall semester of 2018; and

WHEREAS, the MSMS will provide faculty to teach distance learning classes; and

WHEREAS, CTS will reimburse MSMS for costs of providing faculty to teach the distance learning classes in an amount not to exceed \$12,000 a semester, commencing with the fall 2018 semester; and

WHEREAS, MSMS has approved the terms of the MOU; and

WHEREAS, the Committee on Education has reviewed the attached MOU and recommends it 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 her designee, to enter into a Memorandum of Understanding, in substantially the same form as attached, with The Mississippi School for Mathematics & Science; and be it further

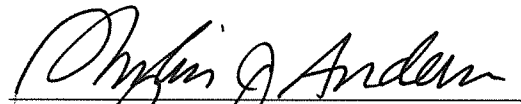
RESOLVED, that the Tribal Council does hereby authorize the Tribal Chief or her designee, to sign additional documents, forms or contracts directly related to the continuance, amendment, termination or extension of this Memorandum of Understanding without further Council action.

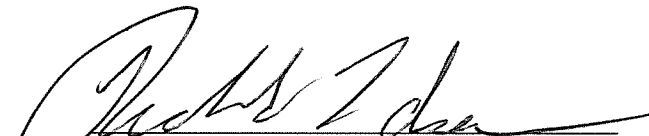
CERTIFICATION

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, 13 of whom, constituting a quorum were present at a Special Call meeting duly called, noticed, convened and held this the 26<sup>th</sup> day of February, 2019; and that the foregoing Resolution was duly Adopted by a vote of 13 members in favor, 0 opposed and 0 abstaining.

Dated this 26<sup>th</sup> day of February, 2019.

ATTEST:

  
Phylliss J. Anderson, Tribal Chief

  
Richard T. Isaac, Secretary-Treasurer

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 19-054

A RESOLUTION TO APPLY FOR U.S. DEPARTMENT OF JUSTICE GRANTS THROUGH THE COORDINATED TRIBAL ASSISTANCE SOLICITATION (CTAS) 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 Justice is seeking applications from Federally-recognized Native American Tribal Governments for FY 2019 funding to improve public safety; promote community policing; strengthen victim services in Tribal communities; and enable comprehensive Strategic Tribal Justice Planning through the Department’s Coordinated Tribal Assistance Solicitation (“CTAS”); and

WHEREAS, this solicitation provides Federally-recognized tribes an opportunity to develop a comprehensive and coordinated approach to public safety and victimization issues and to apply for discretionary Federal funding; and

WHEREAS, the U.S. DOJ’s existing Tribal Government–specific programs are included in and available through this single Coordinated Tribal Assistance Solicitation (“CTAS”); and

WHEREAS, the Mississippi Band of Choctaw Indians operates its Department of Public Safety and Department of Family and Community Services, and for many years has applied for and received discretionary Federal funding through the CTAS Program; and

WHEREAS, the MBCI Department of Public Safety seeks discretionary Federal funding available through FY2019 CTAS under the following CFDA Number: 16.710 - Public Safety and Community Policing (“COPS”) Office Tribal Resources Grant Program – Purpose Area #1; and

WHEREAS, the MBCI Department of Family and Community Services seeks discretionary Federal funding available through FY2019 CTAS under CFDA Number 16.608 – Comprehensive Tribal Justice Systems Strategic Planning – Purpose Area #2; and

WHEREAS, the MBCI Department of Family and Community Services seeks discretionary Federal funding available through FY2019 CTAS under CFDA Number 16.587 – Tribal Governments Program – Purpose Area #5; and

WHEREAS, the MBCI Department of Family and Community Services seeks discretionary Federal funding available through FY2019 CTAS under CFDA Number 16.841 –Tribal Victim Services Program – Purpose Area #7; and

WHEREAS, the CTAS Federal grant opportunity does not require any cost sharing or non-Federal, Tribal matching; and

WHEREAS, the Committee on Judicial Affairs and Law and Order and the Committee on Community and Family Services and Veterans Affairs have reviewed the Tribe's CTAS grant proposal to apply for FY 2019 CTAS funds, and recommends that the Tribe's application for and receipt of U.S. DOJ's discretionary funding be forwarded to the Tribal Council for approval; now therefore be it

RESOLVED, that the Tribe's grant application for 2019 - 2022 CTAS projects 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 to 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 her designee, to apply for and sign for available Tribal Government grant programs through the Coordinated Tribal Assistance Solicitation program from the U.S. Department of Justice; and be it further

RESOLVED, that the Tribal Council does hereby authorize the Tribal Chief or her designee, to renew the CTAS grants and to apply for any new grants in subsequent applications subject to the availability of funds through the Coordinated Tribal Assistance Solicitation program from the U.S. Department of Justice; and be it further

RESOLVED, that the Tribal Council does hereby authorize the Tribal Chief or her designee, to sign additional documents, forms, or contracts directly related to the awarding of, continuance, amendment or extension of the CTAS grant without further Council action.

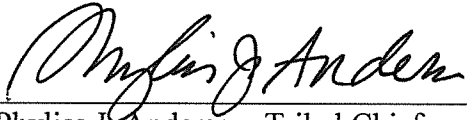
#### CERTIFICATION

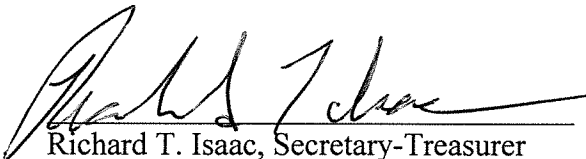
I, the undersigned, as Secretary-Treasurer of the Mississippi Band of Choctaw Indians, certify that the Tribal Council of said Band is composed of 17 members, 13 of whom, constituting a quorum

were present at a Special Call meeting duly called, noticed, convened and held this the 26<sup>th</sup> day of February, 2019; and that the foregoing Resolution was duly Adopted by a vote of 13 members in favor, 0 opposed and 0 abstaining.

Dated this 26<sup>th</sup> day of February, 2019.

ATTEST:

  
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Phyliss J. Anderson, Tribal Chief

  
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Richard T. Isaac, Secretary-Treasurer

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 19-055

A RESOLUTION REGARDING THE TRANSFER OF OWNERSHIP OF CERTAIN  
HOUSES OWNED BY THE MISSISSIPPI BAND OF CHOCTAW INDIANS WHICH ARE  
LOCATED ON THE CHOCTAW INDIAN RESERVATION

WHEREAS, Article VIII, Section 1, Subsection (b) of the Revised Constitution and Bylaws of the Mississippi Band of Choctaw Indians (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, Article VIII, Section 1, Subsection (p) of the Revised Constitution and Bylaws of the Mississippi Band of Choctaw Indians empowers the Tribal Council to pass any ordinances and resolutions necessary or incidental to the exercise of any of the foregoing powers and duties; and

WHEREAS, the U.S. Department of Interior ("DOI"), Bureau of Indian Affairs ("BIA") has, for many years, administered the Housing Improvement Program ("HIP"), a home repair, renovation, replacement and new housing grant program for individuals and families who had no immediate resource for adequate housing; and

WHEREAS, in the late 1970's and early 1980's tribal members applied for and received funding through the Tribe to receive funds for home repair and renovation and in receiving those funds, signed promissory notes and established accounts for repayment of those funds to the Tribe; and

WHEREAS, "HIP" houses have also been referred to as "RCA" houses throughout the years, but there is no evidence that the reference "RCA" was accurate or what the acronym stood for; and

WHEREAS, there are records of ten (10) homes on the Reservation that were referred to as HIP and/or RCA houses that are still owned by the Tribe which are outlined on Exhibit "A", and the records regarding those homes and for the outstanding accounts for those homes have been moved over the years from one department to another and some remain incomplete at this time; and

WHEREAS, some current residents of the homes who are descendants of the original debtors, were unaware that there remained balances on the homes; and

WHEREAS, two (2) of the ten (10) homes are no longer in existence, but the debts on those homes still exist; and

WHEREAS, the existing records indicate that nine (9) homes have existing balances (one such home having been paid off in November, 2018) and appraisals that were conducted on the nine



(9) homes at the time of the loans ranged from \$1,000.00 to \$1,900.00, and the current debt as best as can be determined on the homes is also listed on Exhibit "A"; and

WHEREAS, of the nine (9) accounts that have remaining balances, most accounts have not received payments in approximately twenty-five (25) years and some of the persons responsible for those accounts are now deceased; and

WHEREAS, there are two (2) accounts that have been paid within the last year by persons who are residing in the homes but who are not the original debtors; and

WHEREAS, it is the recommendation of the Realty Department that title to the homes be transferred into the individuals, if living, who are the original debtors, or to the estate of the original debtors, if the original debtor(s) is not living; and

WHEREAS, it is the recommendation of the Realty Department that the outstanding balances on the nine (9) homes be extinguished, and the Tribal Finance Office concurs in this recommendation; and

WHEREAS, it is the recommendation of the Realty Department that payments made on the homes owned by the Estates of Noah Joe and Mary S. Tubby within the last year be returned to the payor(s) to prevent unjust enrichment since those persons are not the original debtor and that Bills of Sale be executed to the estates of the original debtors or to the original debtor, if still living; and

WHEREAS, the Housing Committee has reviewed this Resolution which requests the transfer the homes on Exhibits "A" from the Mississippi Band of Choctaw Indians to the individuals or estates that are listed on Exhibit "A", and the Committee has forwarded the matter to the Tribal Council for consideration; now therefore be it

RESOLVED, that the accounts and outstanding balances listed on Exhibit "A" are extinguished and the original owners or estates of original owners are relieved from payment of said accounts; and be it further

RESOLVED, that the homes listed on Exhibit "A" be transferred to the individuals or estates that are listed as Original Owners on Exhibit "A"; and be it further

RESOLVED, that the Realty Office shall provide to the Tribal Finance Office a list of payments received within the last year on the homes listed on Exhibit "A", and the Tribal Finance Office shall return, within thirty (30) days, any funds to the payor(s) that have been made within the last year, as long as the payor(s) is not the original debtor as listed on Exhibit "A"; and be it further

RESOLVED, that the Tribal Council does hereby authorize the Tribal Chief to take such other and further actions, including the signing of documents or Bills of Sale, necessary for the successful implementation 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, 13 of whom, constituting a quorum were present at a Special Call meeting duly called, noticed, convened and held this the 26<sup>th</sup> day of February, 2019; and that the foregoing Resolution was duly Adopted by a vote of 13 members in favor, 0 opposed and 0 abstaining.

Dated this 26<sup>th</sup> day of February, 2019.

ATTEST:

  
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Phyliss J. Anderson, Tribal Chief

  
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Richard T. Isaac, Secretary-Treasurer

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 19-056

A RESOLUTION TO AMEND THE CHOCTAW TRIBAL CODE TO ALLOW FOR POSSESSION AND CONSUMPTION OF CERTAIN ALCOHOLIC BEVERAGES SOLD BY NON-GAMING BUSINESSES LOCATED ON RESORT DESIGNATED AREA OF THE PEARL RIVER COMMUNITY

WHEREAS, Section 1, Subsection (m) 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 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, the Choctaw Tribal Code (“C.T.C”) §3-6-20 makes it “unlawful for any person to keep or have in his possession any vinous, alcoholic, malt, intoxicating, or spirituous liquor, or intoxicating bitters or drinks or any other liquor or beverage which, if drunk will produce intoxication” except for “business sales or [giveaways] conducted by the employees of any licensed gaming entity on Tribal trust lands designated by the Tribal Council as resort areas;” and

WHEREAS, the Choctaw Shopping Center Board Enterprise desires the Tribal Council to grant a license or permit for a non-gaming business to sell beer and light wine in its establishment once the establishment obtains a license from the State Tax Commission; and

WHEREAS, the C.T.C. §3-6-20 should be expanded to allow for non-gaming business sales conducted by the employees of any business holding a license or permit authorizing the on-premises consumption of alcoholic beverages, light wines, and beer issued by the Tribal Council; and

WHEREAS, the Committee on Judicial Affairs and Law & Order has reviewed the proposed red-lined amended C.T.C. §3-6-20 and recommended it be forwarded to the Tribal Council for approval; now therefore be it

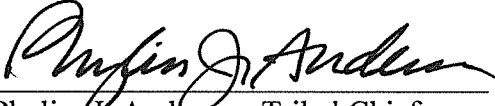
RESOLVED, that the Tribal Council does hereby amend C.T.C. §3-6-20 (attachment A) to allow for non-gaming business sales conducted by the employees of any business holding a license or permit authorizing the on-premises consumption of alcoholic beverages, light wines, and beer issued by the Tribal Council.

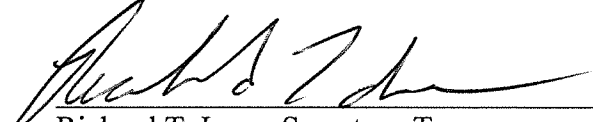
CERTIFICATION

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, 14 of whom, constituting a quorum were present at a Special Call meeting duly called, noticed, convened and held this the 26<sup>th</sup> day of February, 2019; and that the foregoing Resolution was duly Adopted by a vote of 11 members in favor, 2 opposed and 1 abstaining.

Dated this 26<sup>th</sup> day of February, 2019.

ATTEST:

  
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Phylliss J. Anderson, Tribal Chief

  
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Richard T. Isaac, Secretary-Treasurer

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 19-057

A RESOLUTION TO GRANT AN ON-SITE LIQUOR LICENSE  
TO OISHI STEAK HOUSE RESTAURANT

WHEREAS, Ordinance 16-T codified at Title 16 of the Choctaw Tribal Code, authorizes the Tribal Council to approve a license or permit for a non-gaming business to sell beer or light wine for consumption “by the drink,” on the licensed premises located within a Tribally designated resort area after obtaining a valid license from the Mississippi State Tax Commission/Alcoholic Beverage Control Division; and

WHEREAS, Resolution CHO 87-93 designates the entire Pearl River community as a resort area to enhance economic development and tourism; and

WHEREAS, Ordinance 16-T requires that a license must be granted by the Mississippi State Tax Commission/Alcoholic Beverage Control Division, as well as the Choctaw Tribal Council; and

WHEREAS, the Choctaw Shopping Center Enterprise (“CSCE”) Board of Directors found that it is in the best interest of the Enterprise to request the on-site liquor license for Oishi Steak House Restaurant; and

WHEREAS, the CSCE Board of Directors has requested a Tribal Liquor license in accordance with Tribal Law and has requested that a Tribal License be issued which shall be contingent upon Oishi Steak House securing and maintaining a valid license with the Mississippi State Tax Commission/Alcoholic Beverage Control Division at all times. Oishi Steak House shall provide copies of the annual renewals from the Mississippi State Tax Commission to the Board; now therefore be it

RESOLVED, that the Tribal Council does hereby approve an on-site liquor license to the following entity:

Oishi Steak House MS, LLC  
13811 Highway 16 West  
Choctaw, Mississippi 39350

And be it further

RESOLVED, that the licensed premise is described as follows:

Oishi Steak House  
13811 Highway 16 West  
Choctaw, Mississippi 39350

And be it further

RESOLVED, that this Resolution shall serve as the license for Oishi Steak House and shall run concurrently with the license issued by the Mississippi State Tax Commission/Alcoholic Beverage Control Division; and be it further

RESOLVED, that the Tribal on-site liquor license shall be contingent on Oishi Steak House securing and maintaining a valid license with the Mississippi State Tax Commission/Alcoholic Beverage Control Division at all times; and be it further

RESOLVED, that the Oishi Steak House shall provide copies of the annual renewals from the Mississippi State Tax Commission, Alcoholic Beverages Division to the CSCE Board; and be it further

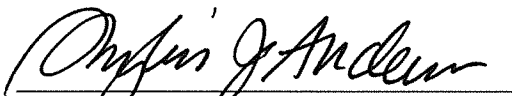
RESOLVED, that the Tribal on-site liquor license shall be contingent on Oishi Steak House signing an addendum to the Commercial Land Assignment that outlines specific Tribal code provisions, and other agreements for the sale beer and light wine for consumption "by the drink," served only during specific hours and dates.

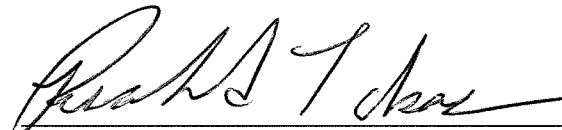
CERTIFICATION

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 26<sup>th</sup> day of February, 2019; and that the foregoing Resolution was duly Adopted by a vote of 9 members in favor, 4 opposed and 1 abstaining.

Dated this 26<sup>th</sup> day of February, 2019.

ATTEST:

  
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Phylliss J. Anderson, Tribal Chief

  
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Richard T. Isaac, Secretary-Treasurer