

TO RESCIND CB-64-22 AND APPROVE A SERVICE LINE AGREEMENT, IN FAVOR OF KIAMICHI ELECTRIC COOPERATIVE, ON LAND HELD BY THE USA IN TRUST FOR THE CHOCTAW NATION OF OKLAHOMA AND CHICKASAW NATION IN LATIMER COUNTY, OKLAHOMA

IN THE TRIBAL COUNCIL OF THE CHOCTAW NATION

RONALD PERRY INTRODUCED THE FOLLOWING BILL

A COUNCIL BILL

TO RESCIND CB-64-22 AND APPROVE a Service Line Agreement in favor of Kiamichi Electric Cooperative, on land held by the USA in Trust for the Choctaw Nation of Oklahoma and Chickasaw Nation in Latimer County, Oklahoma.

WHEREAS on December 11, 2022, Tribal Council approved CB-64-22, A Council Bill approving a service line agreement in favor of Kiamichi Electric Cooperative on land held by the Choctaw Nation in Latimer County, Oklahoma. See CB-64-22.

WHEREAS CB-64-22 and the related Service Line Agreement failed to include the Chickasaw Nation as a party to the agreement. See Exhibit B;

WHEREAS this bill proposes to rescind CB-64-22 and the related exhibits and approve the corrected service line agreement that includes the Chickasaw Nation as a party;

WHEREAS the service line agreement approved in CB-64-22 was not fully executed and not effective;

WHEREAS in accordance with Article VII, Section 1 of the Constitution of the Choctaw Nation of Oklahoma (the "Nation"), the Chief shall perform all duties pertaining to the Office of the Chief Executive. He shall sign official papers on behalf of the Nation;

WHEREAS, in accordance with Article IX, Section 6 of the Constitution of the Choctaw Nation of Oklahoma, the Tribal Council (the "Council") shall make decisions pertaining to the acquisition, leasing, disposition, and management of tribal property;

WHEREAS Kiamichi Electric Cooperative ("KEC") is proposing a Service Line Agreement to install electric service for the Talihina Forestry building on property held by the USA in Trust for the Choctaw Nation of Oklahoma and the Chickasaw Nation described as the S½ SE¼ of Section 8; the SW¼ SW¼ of Section, 9; and the NW¼ NW¼ NW¼ of Section 16, all in Township 3 North, Range 21 East, Latimer County, OK. See Exhibits A and D;

WHEREAS the payment will be \$0.00 because the service is being installed at the request of and for the benefit of the Choctaw Nation of Oklahoma;

WHEREAS the service line agreement shall be for a perpetual term so long as it is used for its intended purpose; and

WHEREAS the Tribal Council has determined it is in the best interest of the Choctaw Nation of Oklahoma to rescind CB-64-22 and grant this service line agreement that correctly includes the Chickasaw Nation as a party, in favor of Kiamichi Electric Cooperative. See Exhibit A.

THEREFORE BE IT ENACTED by the Tribal Council that this Bill be cited as approval to rescind CB-64-22 and corresponding exhibits.

BE IT FURTHER ENACTED by the Tribal Council that this Bill be cited as approval of the proposed service line agreement for a perpetual term, described as being in Sections 8, 9, and 16, all in Township 3 North, Range 21 East, Latimer County, OK, in favor of Kiamichi Electric Cooperative, on land held by the USA in Trust for the Choctaw Nation of Oklahoma and the Chickasaw Nation. See page 1 of Exhibit A.

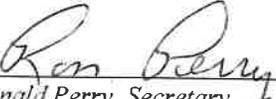
TO RESCIND CB-64-22 AND APPROVE A SERVICE LINE AGREEMENT, IN FAVOR OF KIAMICHI ELECTRIC COOPERATIVE, ON LAND HELD BY THE USA IN TRUST FOR THE CHOCTAW NATION OF OKLAHOMA AND CHICKASAW NATION IN LATIMER COUNTY, OKLAHOMA

BE IT FUTHER ENACTED, by the Tribal Council of the Choctaw Nation of Oklahoma, that this bill be cited for approval of the payment of \$0.00 and for a perpetual term so long as it is used for its intended purpose.

BE IT FURTHER ENACTED by the Council that this Bill be cited as an acknowledgement that the Chief of the Nation, or his designee, is authorized to prepare, execute, deliver and file any and all agreements, certificates, instruments and documents, in such form and with such terms and provisions as the Chief of the Nation, or his designee, may approve, and to take such other action as he, she or they may deem proper or appropriate, to carry out the intent and purposes of the foregoing enactments.

CERTIFICATION

I, the undersigned, as Speaker of the Tribal Council of the Choctaw Nation of Oklahoma, do hereby certify that the Tribal Council is composed of twelve (12) seats. Eight (8) members must be present to constitute a quorum. I further certify that twelve (12) members answered roll call and that a quorum was present at the Regular Session of the Tribal Council at Tuskahoma, Oklahoma, on September 10, 2022. I further certify that the foregoing Council Bill CB- 156 -22 was adopted at such meeting by the affirmative vote of twelve (12) members, zero (0) negative votes, and zero (0) abstaining.



Ronald Perry, Secretary
Choctaw Nation Tribal Council



Thomas Williston, Speaker
Choctaw Nation Tribal Council

Date: 9-13-22



Gary Batton, Chief
Choctaw Nation of Oklahoma

TO RESCIND CB-64-22 AND APPROVE A SERVICE LINE AGREEMENT, IN FAVOR OF KIAMICHI ELECTRIC COOPERATIVE, ON LAND HELD BY THE USA IN TRUST FOR THE CHOCTAW NATION OF OKLAHOMA AND CHICKASAW NATION IN LATIMER COUNTY, OKLAHOMA

Purpose of Council Bill: This bill rescinds CB-64-22 and approves a Service Line Agreement in favor of Kiamichi Electric Cooperative, on land held by the USA in Trust for the Choctaw Nation of Oklahoma and the Chickasaw Nation. CB-64-22 and the related-exhibits incorrectly failed to list the Chickasaw Nation as having an interest in the property. The agreement was not fully executed. This bill rescinds approval of the incorrect agreement and approves the correct service line agreement. This service line agreement is for the purpose of providing electrical service to the Choctaw Nation Forestry Building in Talihina, Oklahoma.

Title of Council Bill: TO RESCIND CB-64-22 AND APPROVE A SERVICE LINE AGREEMENT, IN FAVOR OF KIAMICHI ELECTRIC COOPERATIVE, ON LAND HELD BY THE USA IN TRUST FOR THE CHOCTAW NATION OF OKLAHOMA AND CHICKASAW NATION IN LATIMER COUNTY, OKLAHOMA

Grantee: Kiamichi Electric Cooperative

Duration: Perpetual

Payment: \$0.00 (service is being installed at the request of and for the benefit of the Choctaw Nation of Oklahoma)

Request by Project Director: Traci Umsted, Senior Director of Land & Title, Kelly McKaughan, Senior Executive Officer