



**A RESOLUTION OF THE TRIBAL COUNCIL  
OF THE DELAWARE TRIBE OF INDIANS  
APPROVING THE CREATION OF TAHKOX e2  
SERVICES, LLC AS A SUBSIDIARY OF  
DELAWARE TRIBE HOLDING COMPANY,  
LLC**

**RESOLUTION 2022-03**

*Authored by O. Joseph Williams, Tribal Attorney*

**WHEREAS**, the Delaware Tribe of Indians Constitution and Bylaws provides that the governing body of the Delaware Tribe is the Delaware Tribal Council; and,

**WHEREAS**, the Delaware Tribal Council is empowered under the Constitution and Bylaws, among other things, “to manage and control community/tribal property, enterprises, and other economic projects and programs of the Delaware Tribe,” (Para. K of Art. V); “to authorize, charter, establish and regulate associations and corporations formed for the benefit of the Delaware Tribe of [Indians] doing business upon Delaware lands,” (Para. L of Art. V); and,

**WHEREAS**, it is the policy of the Delaware Tribe of Indians to engage in economic development to raise revenue to provide for the health, safety, education, and welfare of its members while protecting the assets and property of the Tribe; and,

**WHEREAS**, pursuant to the Delaware Tribe of Indians Limited Liability Companies Act (the “Act”), the Tribal Council may create business enterprises wholly-owned by the Tribe to engage in commercial and economic development activities and to create, manage, and operate subsidiary business activities all separate from the daily affairs of the Tribal government and with the ability to enter into legally-binding contracts and commercial relationships without the need for formal governmental action and approval by the Tribal Council; and,

**WHEREAS**, on August 21, 2021, the Tribal Council enacted Ordinance No. 2021-01 authorizing the creation of Delaware Tribe Holding Company, LLC wholly owned by the Delaware Tribe of Indians as an instrumentality of the Tribe created for the purpose of engaging in economic development ventures and other activities in furtherance of the governmental objectives of the Tribe and for the advancement of its members; and,

**WHEREAS**, the Delaware Tribe Holding Company, LLC is managed by a three-member Board of Directors (the “Board”) and is governed by an Operating Agreement approved by the Tribal Council on August 21, 2021; and

**WHEREAS**, the Board has recommended, and the Tribal Council agrees, that it is in the best economic interest of the Delaware Tribe to create under the Act “Tahkox e2 Services, LLC” as a subsidiary business entity of Delaware Tribe Holding Company, LLC and which shall be an

instrumentality of the Tribe created to pursue certification in the Small Business Administration's ("SBA") 8(a) program in order to pursue business development opportunities for the Tribe; and,

**WHEREAS**, "Tahkox e2 Services, LLC" has the capacity to sue and be sued in its own name in the United States Federal Courts for matters relating to the United States Small Business Administration programs including, but not limited to, 8(a) Business Development program participation, loans, and contract performance; provided, however, at no time shall any waiver of immunity granted in this provision apply to the Delaware Tribe Holding Company, LLC or the Tribe, its assets, or any elected officials, officers, or employees of the Tribe.

**NOW, THEREFORE BE IT RESOLVED**, the Tribal Council approves the creation of "Tahkox e2 Services, LLC" as a subsidiary business entity of Delaware Tribe Holding Company, LLC and which shall be an instrumentality of the Tribe created to pursue certification in the Small Business Administration's ("SBA") 8(a) program in order to pursue business development opportunities for the Tribe, and

**BE IT FURTHER RESOLVED THAT**, "Tahkox e2 Services, LLC" has the capacity to sue and be sued in its own name in the United States Federal Courts for matters relating to the United States Small Business Administration programs including, but not limited to, 8(a) Business Development program participation, loans, and contract performance; provided, however, at no time shall any waiver of immunity granted in this provision apply to the Delaware Tribe Holding Company, LLC or the Tribe, its assets, or any elected officials, officers, or employees of the Tribe.

#### CERTIFICATION

I hereby certify that the foregoing was considered and enacted by the Delaware Tribal Council of the Delaware Tribe of Indians and adopted this 19th day of February 2022 with a vote of 7 yes, 0 no, and 0 abstaining.

  
Brad KillsCrow, Chief

  
Dr. Nicky K. Michael, Secretary

