

Special Meeting  
Lower Brule Sioux Tribal Council

December 11, 1978

A Special Meeting of the Lower Brule Sioux Tribal Council was held at the Tribal Office on the 11th day of December, 1978, and was called to order by the Chairman, Michael B. Jandreau, with roll call as follows:

Present:	Michael B. Jandreau, Chairman	Absent:	None
	Orville C. Langdeau, Vice Chairman		
	Everett Wilson		
	Ted Rouillard		
	Alfred Ziegler		
	Bill Ziegler		
	Kay Gourneau		

The meeting opened with the Lord's prayer, led by the Chaplain, Ted Rouillard.

1. Modification of Permit - Mrs. Vera Gandt requested time before the Council to request a modification of her range unit permit. She introduced Jim and Bonita Donovan, who work for her. Bonita (Langdeau) Donovan put in for a range unit allocation. Mrs. Gandt would like to request that the Council modify her range unit permit to allow the Donovans to run cattle in conjunction with her. Alfred Ziegler made a motion to adopt a resolution to allow this. The motion was seconded by Kay Gourneau and carried with six for and none against.

2. Christmas Holiday for Tribal Employees - Tribal Chairman, Michael Jandreau requested concurrence from the Council to grant tribal employees an extended Christmas Holiday, 26th thru the 29th, granting a four day paid holiday. Alfred Ziegler made a motion to grant the holiday. The motion was seconded by Everett Wilson and carried with six for and none opposed. Payroll will be made for everyone on December 22nd. The first regular working day thereafter will be January 2nd, 1979.

3. Discussion on Constitution & Plan of Operations - At the request of members of the Tribal Council, our attorney, Mr. Srstka was asked to be present to review the delegation of authority and the tribe's plan of operation. This was to clarify the powers of the chairman's office. A. Ziegler stated there was a misunderstanding with the Chairman and Mr. Srstka as far as the Indian Civil Rights Act is concerned, and asked if this was any good. Mr. Srstka answered that since the Santa Clara Pueblo v. Martinez decision, civil matters are not tried in Federal Court. Mr. Ziegler stated, in his opinion, the Indian Civil Rights Act is law and until it is changed that it should be recognized as such. Mr. Srstka stated it can only be enforced

in tribal court, not federal. Mr. Ziegler stated he knew a specialist on this and when he got an answer from him he would let us know. Mr. Srstka stated he would appreciate this. Mr. Ziegler continued that the Indian Civil Rights Act spells out the powers of the Tribal councils, that we have to respect the rights of individuals. The Chairman explained that Mr. Ziegler was of the opinion that our constitution is not in compliance with the Civil Rights Act. Mr. Ziegler stated if the Chairman has all the authority stated in the delegation of authority, it is a dictatorship.

Mr. Srstka's statement was that he represented the Tribe and the Tribal Council acting as the Tribe. He does not want to get into personalities. He wanted to represent the best interests of the Tribe and intends to stay out of tribal politics. He stated he would be glad to review the Constitution and Bylaws, or anything that the Council may ask, but he will not get involved in personalities or political problems - this would prohibit him from doing the best for the tribe if he had to worry about what one or more groups is doing. He cannot work for an individual. Alfred Ziegler asked what he did if he is asked to do something that violates an individuals rights. Mr. Srstka answered that he has never done anything to violate the law, that is the way he does business and also that he has never been asked by the Council to do anything against the law. Alfred stated the Tribe adopted Robert's rules and procedures to carry on business, that authority was delegated 20 years back and now they carry on as before, but the only authority he has is what is delegated by the Council.

Mr. Srstka stated he would be glad to review the Constitution with the Council. Alfred said he would like a specialist to work on this, they have experience. It was Mr. Srstka's opinion that if a Constitution has been working for the Tribe then they shouldn't change it. Bill Ziegler stated he did not understand portions of it and asked the attorney to explain it. Mr. Srstka then reviewed the Constitution. He recommended that the Tribe have the Constitution republished with the amendments that have already been made.

The Chairman stated the Council should officially do something about formulating an ordinance for adoption of new members. As the procedure is now, new members are considered for enrollment if they moved off the reservation for school, employment or work. Bill Ziegler requested that the degree of Indian blood of both parents be documented in the census, not just the Lower Brule blood quantum. It should be spelled out that the blood quantum was established by the Bureau of Indian Affairs. Orville Langdeau stated it was up to the Tribe to develop a system beneficial to future enrollment and should show total blood quantum.

Michael Jandreau stated that he realized some things would have to be changed, but shouldn't be changed to the extent that it diminishes the sovereignty of the Tribe. On the comment about the chairmanship being a dictatorship, Mr. Jandreau stated that tribal governments were developed because State and Federal Governments recommended that Tribe's rule themselves. He continued that the comments heard thus far are an indication to terminate reservations, and if this is what Alfred Ziegler wants then he should approach it that way and not from the standpoint that it is for the benefit of the people. Mr. Ziegler replied that you

violated the constitution many times, that he has it in black and white that you use it for your own benefit. He is here now and he will be accused of the same thing. Bill Ziegler stated that he had no intention of trying to terminate the reservation and have State jurisdiction, but that he would like to get clarification of the constitution and an update for future use. Alfred stated he did not want any misunderstanding with the people. Mr. Rouillard stated he reviewed these things and, in his opinion, did not see any need for major changes, only minor things and that they were really self-explanatory.

Mr. Srstka suggested that the Council appoint a committee from tribal members and the Council, namely a Constitution Review Committee. The first thing that should be done is to get amendments together and have the Secretary go through and strike out things amended and put new parts in the way it should read. Appoint the committee and have them come up with recommendations. He would be glad to work with them.

The delegation of authority was then reviewed. Alfred Ziegler stated that the Superintendent was supposed to go over the plan of operation and that he always used to delegate the authority. Mr. Srstka stated that since he has been tribal attorney there has always been a plan of operations. Kay Gourneau suggested that the plan of operations could be revised and approved by this Council. Mr. Srstka said this was a good idea, draft a new one for current input and do this every two years. Further review of the plan of operations was done.

Alfred Ziegler asked how the constitution was changed. Mr. Srstka answered by a majority vote from members, with 30% of those voting, and a 5/7 vote from the Tribal council, or a petition of 50% of eligible voters which is a call for referendum vote. Alfred stated that a petition can overrule any decision the Council makes. Mr. Srstka stated the only valid petition to do this would be the 50% of eligible voters. Alfred stated this could be changed for the people on the reservation only. Mr. Srstka stated this would deny the rights of those off the reservation and that the powers of the tribal council should not be eroded. Alfred stated there is still conflict - the Council has nothing to guide them. Mr. Jandreau commented this is a problem with sovereignty. Mr. Srstka stated the State legislature has the same problem, they are limited only by the constitution. Mr. Rouillard stated the off reservation population must be considered, their rights cannot be violated and they must have representation. Alfred Ziegler stated that he was misunderstood.

Mr. Srstka pointed out that the Chairman does not have to be a member of the Council, the council can elect a chairman at large. The constitution calls for four members to constitute a quorum. Alfred asked if you are a Council member, can you work on a program and was told yes, Bureau contract do allow this, and unless there is something in the guidelines of a federal program, then there is no conflict of interest. Mr. Srstka commented that this tribe is too small to draw hard and fast rules in regard to conflict of interest or nepotism, but that you should follow program guidelines in regard to this. A remedy to nepotism is the election process. Alfred then stated that if the Council lives up to

their oath of office, then they don't have anything to worry about; he was told this is very true.

The Chairman asked for clarification in regard to the law suit filed by Alfred Ziegler against the past Council members, what part is this going to play in the Tribe's attempts to conduct business. Alfred stated he never involved anybody in a law suit, that he had rights. They had it down that Alfred said this and that, they wrote up these things and one whole meeting was on me. He did not bring suit against the Tribe but brought it against individuals. Mr. Srstka stated the suit involves actions of individuals in their capacity as Council members and as tribal attorney, has spent alot of time working on this. Alfred stated that for some time being he would drop this, that some important people are going to see him and will work on this. Mr. Srstka again asked Alfred if he intended to continue the law suit and he answered yes. He was told this would cause difficulty in conducting tribal business. Alfred stated the people named in his law suit cost him alot of damage, by not informing him of things, by covering up minutes. Mr. Srstka stated that no matter what Alfred is contending, it is a suit against the Tribe. Alfred stated this book says different (Indian Civil Rights Act) and since he went this far he couldn't drop it now since it cost him money. He again stated that no one here is getting sued, that they were not charged with anything and that he didn't see anyway it would involve the Tribe. Mr. Srstka stated this is a difficult situation for everyone; he was hoping that since Mr. Alfred Ziegler was elected to the Council that things could be worked out and take things up with the Bureau. Alfred stated that what happened to them (BIA People) that he caused that, that he couldn't have been all wrong. They used the powers in here to do this, they told him he didn't have any rights. He continued that he thought the Tribe could go on with business and not have any effect on this Council. As far as the attorney, he was as good an attorney as he was, and that he was getting a special one.

Bill Ziegler asked where we stood on the constitution; he was told the Council may formulate a committee to work with the Attorney but no formal action was taken and a motion is in order. Alfred Ziegler stated the Tribe should get a specialist to work with them. Mr. Srstka stated the more help he got the better. The committee will do the review and make recommendations to the Council who will then vote on any changes. Alfred stated he was telling the truth, that this was the opinion of the people and he was representing them, and he has presented it the way they wanted.

Mr. Srstka recommended that the Council appoint the committee, as the Constitution Review Committee, obtain technical assistance if they want, and then make recommendations for Council action. Bill Ziegler stated he so moved. The motion was seconded by Orville Langdeau. Everett Wilson asked when this committee would meet and if a time limit should be set. It was decided to try for February, but no definite schedule was made. On call for vote, the motion carried with six for and none against. Discussion was then held on members for the committee. The final decision was as follows: Everett Wilson, Alfred Ziegler, Bill Ziegler, Kay Courneau, Rose McCauley, Marilyn Harmon and Clark Zephier. Orville Langdeau made a motion to approve the selection of the committee, seconded by Alfred Ziegler and carried with six for and none opposed.

Mr. Srstka stated if the Council planned to update the plan of operations that a standing committee be formed, a committee on Rules & Procedures. He also suggested that the Tribe adopt the Sturgis manual for a more simple set of parliamentary rules to operate under; this is more adaptable for small groups than Roberts Rules. He also recommended that the plan of operations be reviewed every two years. Ted Rouillard made a motion to appoint a committee to update the plan of operations. The motion was seconded by Bill Ziegler. Kay Gourneau volunteered, Everett nominated Ted Rouillard and Kay nominated Orville Langdeau. On call for vote, the motion carried with six for and none opposed.

Mr. Srstka stated that when you erode the powers of the Council you erode the powers of the Tribe. The executive and legislative branches operate as one. People depend on the Council for this and you can't tie their hands or you won't be able to get things done. If you come up with anything less and ask my opinion, I would recommend against it. Michael Jandreau asked if there were any further questions for Mr. Srstka on the Plan of Operations, Constitution, or delegation of authority; there were none. He then thanked Mr. Srstka for his time.

4. Sale of Elk - A game ranch in Montana contacted the Department of Outdoor Recreation in regard to purchase of elk from the Tribe. The Council decided to get more information and give them the terms of a possible sale - that they would be sold here at no cost to the tribe, if any are hurt or killed he pays for them, payment in advance, only cows and bulls, no calves will be sold. If he is still interested on hearing this, then the Tribe will make a final decision.

5. Approval of Minutes - On discussion of the minutes, the matter of mailing them to everyone was again brought up. Orville Langdeau made a motion to mail them out to everyone. The motion was seconded by Ted Rouillard and carried with six for and none opposed. Everett Wilson made a motion to approve the minutes as presented. The motion was seconded by Kay Gourneau and carried with six for and none against.

6. IAT Project - The IAT Director had requested that they take over the garbage hauling, with the Tribe still paying for the gas. However, the Tribe has a CETA and TWEP worker for this. The Chairman asked for approval for them to haul junk cars. Orville Langdeau made a motion to support this action. The motion was seconded by Everett Wilson and carried with six for and none against.

7. Technical Assistance for Irrigation Project - The Tribe was notified that completion of the Grassrope Irrigation Project has not been approved by OMB. The Chairman requested authorization to work on this from the office without the Council having to come in every 2-3 days, and to retain an individual who has contacts in Washington to get this project funded. Also, the design of the project was to be completed in January and this has been set back

until April. The Huron office will have to be contacted. The Chairman asked concurrence to contact Mr. Dennis Ickes to work with the Tribe on this; he is knowledgeable, known personally by the Chairman and assisted the Tribe in getting initial funding for the irrigation project. He worked in the Department of Interior for three years and will be able to make congressional contact for us. A rate will be negotiated with Mr. Ickes and brought back to the Council for approval. Bill Ziegler made a motion to authorize the above action. The motion was seconded by Ted Rouillard and carried with six for and none against. UST will also be contacted to assist us in this matter.

8. Farm Manager - Mr. Tom Hanke will be leaving to work on his degree, but will remain on as a consultant; the Chairman had a personal discussion with him on this and he does not intend to drop us completely. A committee has been reviewing applicants for the position. It is planned that he will receive his degree by March and may return then under the condition that he be allowed to function as a manager and not as a farmer and manager.

9. Meeting - There will be a meeting with EDA officials in Denver on the 15th; this is on the Grain Drying & Storage Facility. The Chairman, Planning Director, Farm Manager will be going and any other Council member who desires to go. Everett Wilson will also attend this meeting.

10. Lease of Cafe Building - Bill Ziegler made a motion to allow Tony LaRoche, Jr. to lease the cafe building, to be used as a card room. He will be responsible for utilities and pay a rate of \$25 a month, plus assume all expenses which occur from the time of the lease until it is up. The lease will be for 6 months. The motion was seconded by Everett Wilson and carried with six for and none against. The cost of insurance will be deducted from the lease rate.

11. Miscellaneous - Ted Bolman reported that he is doing some irrigation and is having problems in securing an easement and Section 10 permit from the Corps of Engineers. They suggested a rate of \$100 to \$150 dollars, however, in paying this a precedent may be set which would damage the tribe's stand on water rights. The matter will be investigated before a final decision is made or action taken. Bill Ziegler made a motion to approve the above action. The motion was seconded by Orville Langdeau and carried with five for, none opposed and one absent.

12. Grain Drying & Storage Facility - Everett Wilson made a motion to adopt a resolution to authorize expenditure of funds received as profit from the irrigation project to pay 50% of the match portion of the EDA grant. The motion was seconded by Ted Rouillard. The balance will be paid by the Farm Corporation. On call for vote, the motion carried with six for and none against.

13. Adjournment - There being no further business, Ted Rouillard made a motion to adjourn, seconded by Bill Ziegler; there were no objections.

CERTIFICATION

The foregoing is a true and correct transcript of the minutes of a Special Meeting held by the Lower Brule Sioux Tribal Council, with quorum present, on the 11th day of December, 1978.

  
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Connie Boyd, Recording Secretary

SPECIAL MEETING  
LOWER BRULE SIOUX TRIBAL COUNCIL

December 20, 1978

A Special Meeting of the Lower Brule Sioux Tribal Council was held at the Tribal Office on the 20th day of December, 1978, and was called to order by the Chairman, Michael B. Jandreau, with roll call as follows:

Present:	Michael B. Jandreau, Chairman	Absent:	None
	Orville C. Langdeau, Vice Chairman		
	Everett Wilson		
	Theodore Rouillard		
	Alfred Ziegler		
	Bill Ziegler		
	Kay Gourneau		

The meeting opened with the Lord's prayer, led by the Chaplin, Mr. Ted Rouillard.

1. Authorize Negotiation of Loan - Authorization is needed from the Council to negotiate a loan for \$10,000 for the Energy Conservation Project. This amount is being withheld until final audit is made. Kay Gourneau made a motion to adopt a resolution to negotiate this loan at Pierre National Bank. The motion was seconded by Everett Wilson and carried with six for and none against.
2. ORFD Project - Kay Gourneau made a motion to approve payment to H&H Construction. The motion was seconded by Ted Rouillard and carried with six for and none against.
3. Grain Drying & Storage Facility - Meese, Peterson & Foss presented a breakdown of their fee schedule, or how the fee was arrived at, for approval. Also, authorization to sign the contract with them to complete the design on the Grain Drying & Storage Facility was presented. Mr. Langdeau stated the wording should be precise to include that this is approval for a revised/rewritten contract. Everett Wilson made a motion to adopt a resolution approving the billing and to authorize signing of the contract. The motion was seconded by Orville Langdeau and carried with six for and none against.
4. Staffing for School Cottages - Mr. Bill Schmidt approached the Council on staffing for the two cottages that will be built as part of the second phase of construction at the high school. Positions were to be established and included in the budget for next year; however, this is as yet unclear and will have to be looked into.
5. Education Task Force - Orville Langdeau and Kay Gourneau were named to work on the Task Force for HR 15. Velma Langdeau and Del LeCompte were named from the School Board. However, no answer has been received on this.



6. Housing - There is some concern about including houses for teachers in this construction. There are three vacant BIA houses now; the cost of renting them is quite high and what we need are single housing units. On February 15th the bids will be opened and at this time alternates will have to be presented as bid items. If houses are included and are not used or needed; this will go against us for future projects. Also, if the houses are built and rented at the same rate they are now, no one will move into them. The number of units planned is 25 with 15 being family units. Why this is included when the Bureau cannot fill the houses they have now is in question, but no firm answers can be obtained from either Aberdeen or Albuquerque. The Tribe will look into the possibility of getting them turned over to the tribe and see what is entailed in doing this. There may be a possibility of rebudgeting to get the size gymnasium desired.

7. Roads - The roads priority list was discussed with the Council. They had named the Little Bend road as #1 priority. Mr. Kor suggested that the Tribe trade off for this year and use this amount for next year, except for survey, right of way and spot graveling of the Little Bend Road. Mr. Kor recommended the South road be placed as #1 priority. Alfred Ziegler made a motion to adopt a resolution re-establishing the road priorities and to approve trade-off of FY 79 money for FY 80. Orville Langdeau seconded the motion which carried with five for, none opposed and one absent. Discussion was held on the general condition of the roads.

8. Drainage Project - It was suggested that the Tribe request a force account procedure on this to create employment and keep money on the reservation. There was concern voiced about the Tribe being capable of handling the force account procedure but the general consensus was that the Tribe could work things out on this. Ted Rouillard made a motion to adopt a resolution to request a force account procedure for the Drainage Project. The motion was seconded by Everett Wilson and carried with six for and none against.

9. Request to Sell Land - Victor Langdeau has interest in some land that was purchased and wanted to know how he could get his money for this. He stated that the Bureau informed him there was money in a land purchase program to pay him for this. However, the Tribe cannot do anything on this until the papers are received back from the Area Office.

10. 4-Day Christmas Holiday - It was suggested that, for clarification, a memorandum should be written to the directors of those programs who must maintain coverage during the holiday, such as the Ambulance Program, CHR, P.D. and the Alcoholism Program. Orville Langdeau made this a motion, seconded by Ted Rouillard and carried with six for and none against.

11. Dismissal of Detention Officer - A memo was read from Captain Romero in which he recommended either voluntary resignation or dismissal of a detention officer for the number of times she has been absent without leave. Alfred Ziegler made a motion to concur with the Captain's recommendation. The motion was seconded by Orville Langdeau and carried with six for and none against. The individual will have the right to appeal within a certain amount of time.
  
12. Modification of Contract - The Captain requested that this detention officer position be changed to that of a police officer. This will entail modification of the JP&E Contract, to request a change of position but will not alter the budget. Bill Ziegler made a motion to adopt a resolution requesting this modification. The motion was seconded by Everett Wilson and carried with six for and none opposed. Bill Ziegler added that this will depend on the results of her hearing if she requests one. All concurred. Everett Wilson then made a motion that the Captain be allowed to make a temporary appointment for the police officer position. The motion was seconded by Bill Ziegler and carried with six for and none against, provided the person is qualified.
  
13. Prosecuting Attorney - The lack of service from the individual serving as the tribal prosecuting attorney was discussed. He does not come on a regular basis and is not accomplishing the things outline in his contract. He is not functioning as a prosecutor either. The Chairman recommended that a letter be sent to him formally requesting an immediate response if he wishes to continue as the prosecuting attorney, and if he does, that he set up specific times to be here; if he cannot make a commitment then the Tribe should advertise for someone else. Kay Gourneau made this a motion, seconded by Everett Wilson and carried with six for and none against. The letter will also include a request that he come in and discuss this with the Council.
  
14. Maintenance of P.D. - There is a lack of maintenance work done at the Police Department. Some locks need to be installed for security. Bill Ziegler made a motion that the Chairman explore the possibilities of getting this done and ways to pay for it. The motion was seconded by Ted Rouillard and carried with six for and none against.
  
15. Purchase of Tribal Vehicle - The lowest bid received, with a vehicle being available, was from Don's Ford & Mercury of Chamberlain. Everett Wilson made a motion to purchase the pick-up, that it be specified for tribal use only and parked at night, with no towing to be done with the pick-up. A maintenance and mileage log must be kept on this. The motion was seconded by Alfred Ziegler and carried with six for and none against. Included in the motion is that any maintenance costs incurred due to recklessness and/or misuse by the individual(s) driving it, that the individual shall be liable for the costs. The Tribe will advertise for bids on the old tribal vehicle

16. Authorize Loan - Everett Wilson made a motion to authorize the Chairman to negotiate a loan for the ORFD project at Ft. Pierre National Bank. The motion was seconded by Orville Langdeau and carried with five for, none opposed and one absent.

17. Adjournment - There being no further business, the Chairman entertained a motion to adjourn. The motion was made by Kay Gourneau, seconded by Alfred Ziegler; there were no objections.

CERTIFICATION

The foregoing is a true and correct transcript of the minutes of a meeting held by the Lower Brule Sioux Tribal Council, with quorum present, on the 20th day of December, 1978.

  
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Connie Boyd, Recording Secretary