



**Lower Brule Sioux Tribe
Tribal Council Minutes
October 21, 2020**

The Lower Brule Sioux Tribal Council meeting was held at the Tribal Administration Building on Wednesday October 21, 2020. The meeting was called to order by Chairman Clyde J.R. Estes at 10:06 am.

The opening prayer was led by Chaplain John McCauley.

Roll Call:

Chairman: Clyde J.R. Estes
Vice Chairman: Neil "Cody" Russell
Secretary-Treasurer: Marvin Grassrope Sr.
Council Member: Stephanie Bolman
Council Member: John McCauley
Council Member: Donovan Grassrope

Also Present:

Randy Seiler
Dr. Brian Molyneaux
Sadie Jandreau
Lance Witte
Mr. Scharr (RTI)
Mary Jane Gourneau
Christine Olson
Shirley Crane
Victoria Grey Owl
Pat Glover
Dennis Ickes
Darren Mosel

1. Motion to hire Ursula Estes as Recording Secretary/Administrative Assistant

Motion was made by John McCauley to hire Ursula Estes as permanent position of Recording Secretary/Administrative Assistant to be effective October 14, 2020. This motion was seconded by Cody Russell.

Motion carried with the vote being five members for, none opposing.

2.) Approve October 7, 2020 minutes

Motion was made by John McCauley to approve October 7, 2020 minutes. This motion was seconded by Marvin Grassrope Sr.

Motion carried with the vote being five members for, none opposing.

3.) Lower Brule Head Start Program request for multipurpose room project

Motion was made by John McCauley to ratify the contract with HGG for construction of the multipurpose room. This motion was seconded by Cody Russell.

Motion carried with the vote being five members for, none opposing.

4.) One Fire Associates

Tabled. Need more information from director of Partnership for Success.

5.) 638 Contracts

Motion was made by John McCauley to approve all 638 contracts for fiscal year 2021. This motion was seconded by Cody Russell.

Motion carried with the vote being five members for, none opposing.

6.) Lower Brule Schools

Update: All students have access to Wi-Fi internet; staff is tested for covid-19 as needed; mass testing is possible for staff and students; continuing current Phase 1 plan for 2nd semester; Binax rapid testing purchased by IHS for the school to use.

Motion made by John McCauley to approve a waiver from meeting the ISEP (Indian School Equalization Program) requirements. This motion was seconded by Cody Russell.

Motion carried with the vote being five members for, none opposing.

Motion made by John McCauley to approve RTI quote for replacement of tribal computers with professional installation in the amount of \$95,532. This motion was seconded by Marvin Grassrope Sr.

Motion carried with the vote being five members for, none opposing.

Motion was made by John McCauley to approve GenPro Energy Solutions quote for UVC lighting project the elementary and high school in the amount of \$215,796.44. This motion was seconded by Stephanie Bolman.

Motion carried with the vote being five members for, none opposing.

7.) EPO request for fines

Motion was made by John McCauley to approve an amendment to the Lower Brule Law and Order Code to include adding a separate and distinct violation for illegally dumping waste anywhere within the exterior boundaries of the Lower Brule reservation. This motion was seconded by Cody Russell.

Motion carried with the vote being five members for, none opposing.

8.) Request for Joey Langdeau Appreciation Day

Motion was made by Stephanie Bolman to approve October 21st as Joey Langdeau Appreciation day. This motion was seconded by Cody Russell.

Motion carried with the vote being five members for, none opposing.

9.) Dr. Brian Molyneaux reimbursement request

Motion was made by John McCauley to approve transfer of ownership and reimbursement to Dr. Brian Molyneaux for the Lower Brule Sioux Tribal website and domain. This motion was seconded by Cody Russell.

Motion carried with the vote being five members for, none opposing.

10. Lower Brule Enrollment

Motion was made by John McCauley to approve twenty (20) on reservation enrollment applications. This motion was seconded by Donovan Grassrope.

Motion carried with the vote being four members for and one against (Stephanie Bolman).

11.) Donation Concerns

Motion was made by Marvin Grassrope Sr. to require any person or entity to get prior approval from the tribal council to use the Lower Brule Sioux Tribe name in any requests for donations.

This motion was seconded by Donovan Grassrope.

Motion was carried with the vote being five members for, none opposing.

12.) Christine Olson—Request for Cares Act funds

Request was made for Cares Act funds to be used for renovation of the Buffalo Interpretive Center.

No action taken.

Recess 1:23 pm

Return 1:47 pm

13.) Lower Brule Farm Corporation Update

Seven Board of Directors: bi-annual meetings beginning of the year and in the fall; Eidge Bailey does annual audits.

Executive Board Members (part of Board of Directors): Boyd Gourneau, Orville Langdeau Jr., Donnie Moore, Dennis Ickes, Tim McGreevy, John Overby, Fred Smith. Members have yearly terms; council appoints/replaces Executive Board members; can have up to nine members; stipends and per diem are paid to board members for meetings. All information is shared with board members with expectation these members share with the tribal council.

It is a tribal corporation. Pays rent on the land. There is a guaranteed minimum payment of \$250,000 to the tribe annually with 50% of profit as well. Other 50% is used to pay leases and cash rent for Cherry Ranch, Hicks Ranch, Gilmore Property, Thompson Ranch, Williams Unit and Durkin Land. Tribe owns all 414 shares of the corporation.

Lucky Seven is a management corporation contracted to manage the tribal farm; earns 18% of gross income. This contract ends/up for renewal September 2021. They employ ten full time employees and 3-4 part time employees, pays 18% of freight hauled out, rent on houses, pickup maintenance and insurance. Grant covered new semi trucks for the farm.

No action taken.

14.) Lower Brule Corporation (LBC) Update

This is a holding company created in 2007. Attorney Patrick Glover hired in June 2012. LBC Board Directors (4 year terms): Boyd Gourneau (Expires 2022), Orville Langdeau Jr. (Expires 2020), Darrell Middletent (Expires 2022), John McCauley (Expires 2022), Donnie Moore (Expires 2020), Shawn LaRoche (Expires 2020).

Board Directors are appointed by tribal council; these directors appoint the LBCDE board members.

LBCDE Members (3 year terms): Boyd Gourneau (Expires 2021), Orville Langdeau Jr. (Expires 2020), Darrell Middletent (Expires 2021), John McCauley (Expires 2021), Donnie Moore (Expires 2020), Shawn LaRoche (Expires 2020).

Quarterly meetings for LBC are held with \$1,500 stipends; Quarterly meetings for LBCDE are held with \$1,000 stipends.

Dennis Ickes is consultant for LBC with a monthly stipend of \$3,750. There are required annual meetings with the shareholders, which is with the tribal council as they represent the members. Under LBC is Lower Brule Community Development Enterprise (LBCDE).

LBCDE applies for new market tax credit, applies for federal grants, looks for funding to help community development of Lower Brule and has oversight with regular audits conducted and has an advisory committee.

Under LBCDE:

*Pipestone Property Management—does federal contracting for snow removal and lawn care and general cleaning. As minority owned business it gets preference for contracts.

*Lower Brule Corporation Funding—the only corporation to receive any funding; \$50,000 start up that has not been used (good faith amount). They help with down payments for loan mortgage funding; they earn a monthly fee from this.

*Lower Brule Corporation Technical Resources—supply medical equipment in Texas.

*Lower Brule Small Loan Fund—revolving line of credit. Essentially a pay day loan for employees; has not been implemented yet.

*Lower Brule Corporation Healthcare—created to help update the clinic here; has not been implemented yet.

*Lower Brule Corporation Holding—software upgrades, government contracting.

LBCDE Subdivisions:

*Sub 1—new market tax credit used in Alaskan tribe to expand internet broadband access. (Used and retired)

*Sub 2—new market tax credit used for Mississippi Choctaw for walk in showers. (Used and retired),

* Sub 3—Florida State new market tax credit; currently active.

*Sub 4—Kentucky new market tax credit; currently active.

*Sub 5 through 8 are created but not used.

Lower Brule Sioux Tribe has not paid any money to these corporations. Any gain is put right back into the business.

West Rock Investment: IRS sent a letter allowing the purchase of West Rock under Section 17. IRS Section 17 allows tribal corporations to make business investments off the reservation with the same tax status as the tribe.

After the purchase of West Rock the IRS said the initial letter was not a private letter ruling, that it was an opinion letter and the tax status did not apply.

Since then the tribe has passed all audits; the tribe did not lose any money.

BIA gave LBC a \$20 million loan guarantee. LBC monetized it by selling it to Great American Life Insurance Company (GALIC). Money was used to pay off note holders and investors; some were reimbursed for what was paid and some opted to write it off.

No action taken.

15.) Washington D.C. Attorney Ben Fenner telephonic appearance

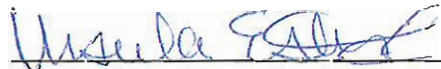
Motion was made by Marvin Grassrope to accept \$17,899.82 settlement from BIA for underpayment of lease agreement. This motion was seconded by Donovan Grassrope.

Motion was carried with the vote being five members for, none opposing.

Recess 4:21 pm.

CERTIFICATION

The foregoing is a true and correct transcript of the actions and decisions of the Lower Brule Sioux Tribal Council assembled in Regular Session with a quorum present on the 21st day of October, 2020.



Ursula Estes, Recording Secretary

Lower Brule Sioux Tribe