

LOWER BRULE SIOUX TRIBAL COUNCIL
REGULAR MEETING
OCTOBER 7, 1992

PRESENT: Michael B. Jandreau, Chairman **ABSENT:** None
Kay Gourneau
Richard P. Thompson, Sr.
Boyd Gourneau
Elvera Driving Hawk
Orville Langdeau, Jr.

ALSO PRESENT: Shirley Crane, John Estes, Sr., Benjamin Thompson, Jr., Greg Miller, Sharon Brown, Emma LaRoche, Kara Gourneau, Jackie Jandreau, Nyal Brings, Scott Jones, Robin LaRoche, and Effie Black Bear.

The Lower Brule Sioux Tribal Council meeting was called to Order by Chairman Michael B. Jandreau at 10:06 AM. Roll call was taken by the Recording Secretary and the Lord's Prayer was led by Chaplain Elvera Driving Hawk. Mr. Greg Miller let the Inauguration and swore each of the members in Office. Chairman Jandreau stated that two Offices would be filled by nomination, Sergeant at Arms and Chaplain. Motion was made by Kay Gourneau to nominate John Estes, Sr. as Chaplain. This Motion was seconded by Shirley Crane. Motion was made by Boyd Gourneau to cease nominations. This motion was seconded by Kay Gourneau. Motion carried with vote being four members for, none opposing, none absent and one not voting. Motion was made by Shirley Crane to nominate Benjamin Thompson, Jr. as Sergeant at Arms. This motion was seconded by Boyd Gourneau. Motion was made by Kay Gourneau to cease nominations. This motion was seconded by Boyd Gourneau. Motion carried with vote being four members for, none opposing, none absent and one not voting.

Chairman Jandreau stated that the last two years have been hard years as far as the amount of criticism and condemnation we received as individuals. One of the things that we have grown to understand is that progress and change, there is a lot of times there is misunderstandings and disagreements that do exist. Those will continue, it is a life long process. However, this Council is empowered and charged with the responsibility of working for all the people, and many times it appears that that is not happening, however, having been here going on my eleventh term, I have seen and worked with some of you in Council positions before and I've seen that you do that and I hope that that does continue. The outgoing Council has spent many hard and long hours agonizing over the decisions that we have made. We believe that those decisions were for the best interest of the Tribe in the long run and effective and dealt with the upgrading of our reservation and our people. We know at times in this Council there will be disagreements, there will be difficult times that we will experience together and we ask that those disagreements remain here, as we have tried to keep them here in this room and that when we step forward from this room, we step forward, not as a divided force, but a force working for the best interest of our reservation and our people. We welcome you, we congratulate you and wish God's blessing and the power of his spirit guide us. Chairman Jandreau stated, with that, what we have before us is a listing of agenda items, we provided you with a copy too, there are many areas and many programs and processes that will be available to the Tribe, in order to meet those we are going to have to meet, talk, discuss and look at those issues to determine what can be done in the best interest of the Tribe. Those issues I have not put on

the agenda today because of the newness of this inauguration, being the first day of meeting. We, in the past have determined that all of the individuals on the Council are active check signers and you will be furnished with some bank cards shortly to sign all of those.

1. DRAW DOWN PROCEDURES: Chairman Jandreau stated that a Resolution will have to be adopted for the Tribal Draw Down Procedures, which is encompassed in a prior Resolution. Chairman Jandreau stated, this Resolution authorizes any one on the Council to sign the documents for a Draw Down, if the Chairman, Vice Chairperson or Secretary/Treasurer is absent. The purpose of the Tribal Draw Down Procedures Resolution was explained in detail to the Tribal Council. Motion was made by Boyd Gournau to adopt this Resolution with the change of names of the new Council. This motion was seconded by Kay Gournau. Motion carried with vote being five members for, none opposing, none absent and none not voting.

2. PERSONNEL POLICIES AND PROCEDURES: Chairman Jandreau stated, the Personnel Policies and Procedures have been revised and clarified in regard to the method of operation in relation to employees and there are some of the areas that were corrected and have been expanded on. The greatest thing was the annual leave. All permanent, full time employees accrue four hours annual leave a pay period and what we have done is brought this up to standard, which is similar to the Bureau, all permanent full time employees having been employed with the Tribe for less than three years will accrue four hours annual leave, employees that have been employed three years or more will accrue six hours annual leave and those employees in excess of fifteen years of service, who are permanent Tribal employees will accrue at a rate of eight hours. Chairman Jandreau stated, we have expanded the number of hours that an employee may carry over at the end of the fiscal year, many times the employee has to lose hours, because they cannot use their hours before the end of the fiscal year, a time when they are needed to most, so now they can carry 240 hours annual leave per year. Annual leave, sick leave, overtime hours and the definition of a professional employee was discussed. John Estes, Sr. asked, what is the problem with the Propane Company, they used to run out of propane and gas, you couldn't depend on them, do you keep records. Kay Gournau stated, Trish Lundell has the program on the computer, so if you ever wanted a report you could ask her. Chairman Jandreau stated, we haven't run out for a while now. What had happened in the past is, the programs, which utilize 65% of the gas and the Low Income Home Energy Assistance Program, which we spend approximately 82 to 92 thousand dollars a year, doesn't always get their funding on time and these Programs charge until they get the funding in. The companies that deliver to us only accept cash and as hard as we try sometimes there just isn't cash readily accessible. Benjamin Thompson, Jr. stated, well what about the guys that deliver the propane, Philip and Darrell, they said they don't get paid when they go out and deliver propane at 12:00 midnight, or anytime after working hours. Chairman Jandreau stated, sometimes these guys don't get a call all day so they just sit in the office down there. Kay Gournau stated, when they make runs at night they usually don't come in until 11:00 the next day. Chairman Jandreau stated, so it all works out, believe me they get paid for it. Benjamin Thompson, Jr. stated, well, what are the chances about getting a time clock in. I know like at the Housing we had to use one. Chairman Jandreau stated, well, personally, I feel that it would be an encumbrance to buy another eight to ten time clocks and the second place is it's not going to make any difference anyway, time clocks are just as easy to manipulate as anything else, the Council has never demanded a time clock, any time clocks were internal decisions in the Programs. John Estes, Sr. stated, I would like to see something in this nature, but not right now, we could alert the

Directors of the Programs to help straighten this situation out, but if it don't then we'll just try this time clock. Chairman Jandreau stated, I will get a directive out. Chairman Jandreau stated, is there any other comments regarding the Personnel Policies and Procedures. Motion was made by Boyd Gourneau to adopt the Personnel Policies and Procedures. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

3. LOWER BRULE WILDLIFE ENTERPRISE: Chairman Jandreau stated, the Tribe has recently purchased the land from St. Alban's and also a tract of Messiah and the Lower Brule Wildlife Enterprise at this time would like to set up a lease agreement between Wildlife and the Lower Brule Sioux Tribe, similar to that that we have on the CRP land, the Bunker CRP land that we purchased, to have a lease assigned to them. John Estes, Sr. asked if they would sell the gravel that was on the land. Chairman Jandreau stated, the lease would only authorize them to use the land to hunt on. John Estes, Sr. asked what was included in this land. Chairman Jandreau described the land layout. Motion was made by Benjamin Thompson, Jr. to grant the lease to Wildlife. This motion was seconded by Kay Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting. (Ben Janis entered the Tribal Council meeting at this time.) Boyd Gourneau informed Mr. Janis that his request had been granted. Ben Janis asked if the road getting to this land was public access? Chairman Jandreau stated that Ben Janis would have to talk to the lessee's and arrange something with them to allow hunters on the lessee's land. Ben Janis thanked the Tribal Council for their time and stated that he would try and work something out with the lessee's.

4. LAND APPRAISAL-THOMAS D. FLUTE, SR: Chairman Jandreau stated, there is an appraisal to buy out the interest in 106, 109, and 158 from Thomas Flute, Sr., those interests are valued at \$358.11, we need authorization from the Council to purchase that land. Motion was made by Boyd Gourneau to purchase the land provided there was funding available. This motion was seconded by Kay Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting. John Estes, Sr. asked where's this land at. Chairman Jandreau stated, these are interests in those allotments, and the policy that the Council had developed in the past is to purchase as many of these interests as possible to clear up the title on these, we've also requested the purchase of any mineral rights available.

5. EDUCATIONAL GRANT APPLICATIONS: Chairman Jandreau stated, we have two Educational Grant applications, one is for Northern Michigan University, Christina Rencontre, and the other is for the Lower Brule/Crow Creek Community College, Ted McCauley, what we have been doing in regard to the Community College is until such time that the, we have been approving them based upon the approval of an Agreement between Sinte Gleska College and Lower Brule/Crow Creek College, otherwise these people are attending these classes without accreditation. Shirley Crane stated, I thought the agreement was in place. Boyd Gourneau stated, I think the college board signed it but we haven't gotten it back yet, but I'm not sure, we'll have to ask someone on the college board. Shirley Crane asked, is Mona still on there. Chairman Jandreau stated, yeah, Mona, Cody and Ben. Shirley Crane asked who Christina Rencontre was. Chairman Jandreau stated, she's an enrolled member.

6. J.T.P.A. SECRETARY POSITION: Chairman Jandreau stated, the next item is the JTPA Secretary position. The procedure for the JTPA program was explained to the Tribal Council. Motion was made by Boyd Gourneau to approve the list of

eligible JTPA applicants. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

7. MNI SOSE TRIBAL WATER RIGHTS COALITION: Chairman Jandreau stated, the last thing we have on the agenda is an item I don't expect you to approve at this particular time. There is a group called Mni Sose Tribal Water Rights Coalition who are formulated from the Oglala, Rosebud and Standing Rock Tribes. We did submit a letter of support for them and explained that no action for membership would be taken until the new Tribal Council was seated. Chairman Jandreau stated, the purpose this organization was created was to look at the water rights in regard to the Missouri River Basin and not only the Missouri River directly but tributaries and all waters affecting the Tribes, you should have the opportunity to review it prior to making any kind of action in regard to that. Chairman Jandreau stated, I have also been called about numerous other issues, one issue is Lonetree, which is a massive landfill process. John Estes, Sr. asked, where will this landfill be on the reservation. Chairman Jandreau stated, it will not be on the reservation, it will be in Edgemont, South Dakota. John Estes, Sr. asked, how do the people in Edgemont feel about the landfill. Chairman Jandreau stated, they want it. John Estes, Sr. asked, what will they benefit from it. Chairman Jandreau stated, they will receive \$1.00 per ton for each ton of nontoxic, nonhazardous waste. Chairman Jandreau stated, the proposal we received, which we have not accepted any proposal at this time, would be \$3.00 per ton, but our idea was no less than ten dollars, but with a million and a half tons, this would grant the return to the Tribe, as profit, fifteen million dollars a year. John Estes, Sr. stated, a lot of people don't understand what this is about, I think we should have a general meeting and let all the people come in there and explain it to them, then they get their input from it and then I think we will feel better, if about accepting it and if there is something going on. Boyd Gourneau stated, or a referendum vote. Chairman Jandreau stated, both of these groups are willing to come down. John Estes, Sr. stated, Chairman Jandreau, you can set up the dates. John Estes, Sr. asked, does the Tribe have to put anything up. Chairman Jandreau stated, no. John Estes, Sr. stated, well, how come they are coming down to us. Chairman Jandreau stated, because they want jurisdiction out side of the State, even though the requirements are more stringent than the State's, which they have already met, because of the constant flux in the attitude that exists and they will tell you that themselves, that's why they came to us in the first place. Motion was made by John Estes, Sr. to authorize Chairman Jandreau to set up the meetings with these two groups. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting. Shirley Crane stated, does the Tribe have a brochure or flyer stating that by 1993 the Tribe will have to have a landfill of its own. Chairman Jandreau stated, yes, but that is in the Federal law, under the Environmental Protection Agency, we will have to come up with those requirements. I have been reviewing Rosebud's, I will be submitting these to you, a copy of what Rosebud passed, Rosebud has already met most of the Environmental Protection requirements plus all of the State requirements. John Estes, Sr. asked about the landfill up on the hill. Chairman Jandreau stated, that doesn't even come close, we have to have a monitoring well at least, they are three or four thousand dollars, quarterly testing on them will cost fifteen hundred, so your talking about another six thousand a year, probably eight thousand dollars for the initial cost, and yearly costs from ten to twenty thousand after that, there will have to be a certain amount of recycling that will have to be necessary, you see right now, there is hazardous waste going in there, every time that you use a bottle of soap and discard that plastic with any content in

it, whether it is in the corner or not is hazardous waste, under law, old gas tanks and any cleaning supplies containing isotopes, the law is pretty stringent and it is pretty hard to live up to that and this is what brought about Rosebud's big action in the first place and they were having a tough time. John Estes, Sr. stated, what does the clinic do, where do they dispose. Chairman Jandreau stated, they use Brule County, because it is an approved landfill, but medical waste had to be incinerated, I don't know how they are getting by, it would be interesting to find out.

8. GENERAL AND SPECIAL COUNCIL BILLINGS: Chairman Jandreau stated, we have billings from our lawsuit with the State on our hunting and fishing agreement and then our General Counsel, what we generally do is approve these for submission to the Bureau for their review and approval. Motion was made by Boyd Gourneau to approve the billings and to submit them to the Bureau of review and approval. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting. Chairman Jandreau stated, as we go along here we probably will be setting up additional sessions where we will go over more and more of the internal works that we have been doing, to bring you up to speed, on that I ask that we go into recess until we can get more of these things together for you, we will probably be calling to be together probably next week, Tuesday, we're still on, two of you remember, we're still on an open session and we're in session all month. John Estes, Sr. stated, we would like to discuss the Housing situation. Shirley Crane stated, I would like to have the Minutes on there too. John Estes, Sr. stated, when we were on there we were getting stipends, you call that stipend, we're still under that? Chairman Jandreau stated, right, I signed those this morning. John Estes, Sr. stated, there is no regulations or rules that say you have to be here at 8:00 or anything. Chairman Jandreau stated, no, we usually call the meetings to start at about ten and hope I'm here.

The Lower Brule Sioux Tribal Council meeting recessed at 12:15 PM. The Lower Brule Sioux Tribal Council meeting reconvened on October 13, 1992, at 10:46 AM, with all Council members present. Also present was Debra Isburg, Rose McCauley, Orville Langdeau, Jr., Scott Jones, Wilma Wilson, Gayle Ziegler and Ellen Wright.

9. LOWER BRULE HOUSING AUTHORITY: Chairman Jandreau stated, the issue that was to be met on today was the Housing, do you wish to start that discussion? John Estes, Sr. stated, the things that were happening at Housing was the way they are treated and the record system, I don't know what is going on, some families got a hold of me about this, but I know for a fact that there is this one family that had some back rent and for a couple years have been paying twenty dollars a whack and it is not paid up yet, it should have been, and they have never gotten any statements showing this. And there are others that are complaining that they take their check to Housing to be cashed and they charge you five dollars. Chairman Jandreau stated, that is standard and it doesn't matter if you owe back rent or not, if you are ahead or whatever, they do that to everyone. Chairman Jandreau stated, I don't know what's going on with the statements, I know I didn't get one since April, I just figured Sadie was overloaded, but that is her job. John Estes, Sr. stated, well those are just some of the things people are complaining about, they are complaining about or upset about the people on the Housing Board, are, not from one family, but are related, that is nepotism. Motion was made by John Estes, Sr. to put the Executive Director and Housing Board seats up for new members. Chairman Jandreau stated, is there a second? Motion was seconded by Shirley Crane. All those in favor. Motion died for lack of two thirds majority vote, with vote being three members for, one opposing, none absent and one not voting.

Chairman Jandreau stated, I think the best way to address these issues is to have those people present. (Debra Isburg, Rose McCauley, Orville Langdeau, Jr., Scott Jones, and Wilma Wilson entered the Tribal Council meeting at this time.) Discussion was held on the Housing Authority waiting list, Homeownership policies, eligibility of obtaining a house and the condition of the last houses that were built. (Gayle Zielger and Ellen Wright entered the meeting at this time.) Gayle Zielger stated, Vicki was going to come in today but she had to go to Pierre, so she asked me to come and address the Council for her. Her complaint is that she put in for a house and they told her they found out that she owed back rent of \$400.00 and that she wasn't eligible for a house, but they advised her husband that he could put in for a house, him and the children and that they could probably get one that way, there is something wrong here because they said it was done for one of the other members, what kind of procedures and rules and policies do you have in your Housing Board that this can be done for one person and an enrolled member is denied housing. Debra Isburg stated, I will have to answer your question Gayle, that is the loop hole in the system, that's the complete loop hole in the system, if you have two people coming in to apply for housing and one owes back rent, that's the loop hole, the other person, if they don't owe puts in for the application, lists themselves and their children, 75% of the people in Lower Brule either owes back rent or lives with someone that owes back rent. Debra Isburg stated, the only way this will change is if the Board changes the policy or a Congressional Act that states it is completely forbidden. Chairman Jandreau stated, I would put our Housing Authority up against any of the Housing Authorities. Debra Isburg stated, we're not a perfect Housing Authority, but I've gotta be proud of one thing is when I went into that Housing Authority in 1985, we had more problems, we had 64 findings, we owed HUD \$80,000.00, we were, out of twenty Housing Authorities in the Region, second from the bottom of the list, and right now, I'm proud to say that this year, last fiscal year we were fourth from the top in the region and that says a lot for the staff, for the Council for their back up and because we had a landlord tenant code put into place through the Court system, we had a lot of things done that were never done before, we don't owe HUD anything, we have half a million dollars in reserve in the bank, and I'm sorry people don't see those types of changes or things happening, we have only been denied one C.I.A.P. project since 1985, we've been able to renovate units, we've been force accounting every project to the Tribe to keep our people employed, I wish and the Board wishes and the Council wishes we had a vacant house for everyone that came into the Housing Office, but we just don't. Right now the majority of the people on the waiting list are one and two bedroom people, single families. Ellen Wright stated that she and Gayle Ziegler would go around and get documentation needed regarding problems at the Housing Authority and would bring them back in to the Council.

The Lower Brule Sioux Tribal Council meeting recessed at 2:00 PM. The Lower Brule Sioux Tribal Council meeting reconvened at 2:35 PM, with all Council members present.

10. MNI SOSE TRIBAL WATER RIGHTS COALITION: Chairman Jandreau stated, the Mni Sose Tribal Water Rights Coalition is trying to put a multitribal organization together regarding water rights. We wrote a letter of support for the organization, but I informed them that no action for membership would be taken until the new Tribal Council was seated. Boyd Gourneau asked if the Tribe joined would there be a representative appointed from the Council. Chairman Jandreau stated, yes, to attend all the meetings, most Tribes have desired to be part of

this because there will be development occurring on the Missouri river and the Tribes need to have input on this develop, we need quantification of rights. The Lower Brule Sioux Tribe is now in a joint contract with U.S.G.S., they are conducting a water resource inventory right now, we are in our first year. It is important to get this information, to get these findings of the study. The main reason we entered into this joint contract was because U.S.G.S. had already had the funding to do this project State wide. We contributed through the water inventory program through the B.I.A. Chairman Jandreau asked if the Tribal Council was interested in joining this organization. Motion was made by Boyd Gourneau to join Mni Sose Tribal Water Rights Coalition. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being five member for, none opposing, none absent and none not voting. Benjamin Thompson, Jr. stated, this letter of Julie Thompson's, shouldn't they handle this over there at the Casino. Chairman Jandreau stated that he had already talked to the Casino Management and that this matter has not been taken to the Committee at the Casino, this is what the Committee is for. They handle it first, before it comes over here. John Estes, Sr. asked how the Casino started up, what the history was and who was responsible if it goes under. Chairman Jandreau stated, John, you and Shirley and the other Council were involved with the original concept with Elmer and Wanda Cummings. Do you remember we went to the point of negotiating for the compact then the Tribal Election came up. We purchased the Oacoma land, which was our original site for the Casino, then we got involved in this State vs Tribe and BIA. Chairman Jandreau stated that after the Election the Cummings came back to the new Council and the Council requested to get other proposals. The Council initially went with a group which was out of Nevada and Salt Lake City, this fell through, so we opened back up for more proposals. The other site that was being discussed would have run us into a 4 or 5 million project just to develop the area and receive auxiliary service power. John Estes, Sr. asked where Mr. Van Horne came from. Chairman Jandreau stated that he was looking for a place to develop a Casino, he is a former banker. We found that the cheapest way to go was to remodel the Tribal Gym, then we had all this controversy. We felt that having the Casino in Lower Brule would accelerate employment and the development of the community. The funding for the renovation of the gym and all the equipment was put up by Mr. Van Horne and three other investors. The final cost of the project was \$945,000.00, we did not have to pay the \$45,000.00 because the agreement that was signed stated anything over and above \$900,000.00 they would have to pay. The \$900,000.00 is being paid back by the income from the Casino, by January the machines will be paid for and within eleven months the building renovation and other equipment will all be paid for. The income from the Casino is paying for those things plus all the Casino employee's salaries, all the food, etc. The capital that we are making is about what we projected, utilizing the population base in this area, this doesn't include the buses that we will be getting in, we should be getting one or two buses in a day five days a week, the return when this happens will be considerable. Who is responsible if it goes down? Management, Personnel and Support Staff. John Estes, Sr. asked, has any material been put out on the money made by the Casino. Chairman Jandreau stated that at the end of September the auditors did a year to end closing, once this is complete these figures will be available. Benjamin Thompson, Jr. asked if these audits would be quarterly or once a year. Chairman Jandreau stated that Mike Hanzlik does a daily review of the budget. The auditors will come in quarterly, unannounced, one, to determine what is available and make sure it coincides with the weekly and monthly reports to make sure they are adhered to and there is also a Casino auditor who will be doing a quarterly analysis of the Casino. Benjamin Thompson, Jr. asked if the Tribe wanted to put a Casino on the Oacoma land. Chairman Jandreau stated that if there was anything at all put down on the Oacoma land, it would not be a full

blown Casino, in order to build up this community we need to generate here, we have to have a reason to bring people here. Benjamin Thompson, Jr. asked if the Tribe wanted two Casino, with one on the Oacoma land. Chairman Jandreau stated, no there are other avenues that could be pursued. The only way we could put a Casino on the Oacoma land is if there is a new Governor or if the 15 lawsuits are passed, 9 of which have been defeated. There is an investigation going on nation wide on every casino in the nation, they are looking for organized crime, if there are investments held by Tribal Officials, Per Capita disbursements that haven't been reported, this is not just on Casinos it is Kingos too. There is enough places that are having these problems with the Mafia, etc., to do away with Gaming, but Tribes do have a right to have Gaming. The main reason they are attacking us is because these Casinos that are coming up are impacting Nevada's industry. Nevada's industry is utilized to wash and clean money, but on reservations there isn't that much that could be dealt with. John Estes, Sr. stated that the majority of the people here live on ADC and they use it to play at the Casino. Chairman Jandreau stated, we need to take a survey, no names of course, but 90% of the money comes from the five county area surrounding us. If there is a real concern about this we could come up with an ID process to keep track of the number of Lower Brule people and the amount of money they spend. Most of our people play the nickel machines, some fools play the dollar machines, you go there Benjamin you see what goes on. Benjamin Thompson, Jr. stated, I just play Blackjack. Shirley Crane stated, if I remember right, John said to drop it because of Mr. Cummings background. Chairman Jandreau stated, yes, and that was good because he probably wouldn't have passed the investigation, each one has had to go under an investigation prior to being licensed, each employee that isn't in the kitchen has to be investigated, with the kitchen staff the investigations will be done locally. John Estes, Sr. asked if the State came down and checked the machines. Chairman Jandreau stated, yes, they test the chip in the machines, which is tested in seconds. The chip is sealed and to fix the machine is to break the seal, each time the seal is broke the State is notified and they come down and test the chip and reseal the machine. Each change of machine is forwarded to the State. Sometimes they'll just come down and check a couple times a month, etc. It takes the State two hours to do a complete check of all the machines. We pay them mileage, for their time, meals, rooms, etc., this is all included in the compact with the State. Benjamin Thompson, Jr. asked what impact the Casino in Fort Thompson will have on ours. Chairman Jandreau stated that it will enhance our Casino, because of the competition, people will also look at the degree of service of the organization. Chairman Jandreau stated that Flandreau gets five times the playing population we get, but as small as we are we are doing remarkably well. John Estes, Sr. stated, would off reservation people get per capita payments. Chairman Jandreau stated, as we go along you will see the ideas, 1. build a hotel with a swimming pool and convention rooms, a hotel complex, but before that we have to stabilize the patronage. John Estes, Sr. asked what the first priority of development is and how long will it take. Chairman Jandreau stated, first we will take care of the school problem. The only reason why we made it this year was because there were sixteen new students, next year we will be \$18,000.00 short if the student population is maintained. We have a crew of four to five people to keep the community clean, they are paid out of the money we receive from the Casino and we have also used the money from the Casino for other Tribal short falls. We have escalated our emergency assistance, we budgeted \$30,000.00 and we have spent at lease \$60,000.00 and the Casino money has also assisted in carrying us through the end of the year in pretty good shape, part was also used for the establishment of the motel here, on a loan basis, it will be repaid. We did this because it is a needed service. We also got a new Tribal pickup for Erwin LaRoche that that money will help pay for, the other pickup pretty

well had it. Benjamin Thompson, Jr. stated, Carl Johnson wants to move back from Minneapolis. Chairman Jandreau stated it would be cheaper if we sent Erwin LaRuche up after him. Benjamin Thompson, Jr. asked why the Small Loan Program didn't give any loans out. Chairman Jandreau stated, the people that are denied are nontribal employees, if there are people from the Casino wanting loans they need a cosigner and the payback of all the small loans that are given out is slow. Chairman Jandreau stated that basically I believe that Nyal Brings over commits himself. Benjamin Thompson, Jr. stated, I don't know, but I think something should be done. Chairman Jandreau stated, if you want to discuss this in detail, I can't be here tomorrow and Friday, but if we get everyone in here then we can discuss it. Benjamin Thompson, Jr. asked if he could see the ledger books. Chairman Jandreau stated, you can see the amounts, but this is covered by the Privacy Act. Chairman Jandreau stated that this should be brought up with everyone concerned. We can meet 1:00 Thursday afternoon and get the Small Loan Program members in here. Shirley Crane stated, who is the Gaming Commission. Chairman Jandreau stated, the old Council members, until 1994. Shirley Crane stated, based on what. Chairman Jandreau stated, based on the Lower Brule Sioux Tribal Rules and Regulations of Gaming and the State wanted this. Shirley Crane stated, I don't understand the 2/3rd majority vote. Chairman Jandreau stated that in the Constitution and Bylaws, it is regulated that any action is approved by a 2/3rd majority vote, that would be four affirmative votes of the Council members. Shirley Crane stated, I think there should be space made for the Council members. Chairman Jandreau stated, Healthy Starts will be moving into the old Victims of Crime building. Shirley Crane stated, I would like to have the Minutes on the agenda for the meeting Thursday. John Estes, Sr. asked what is the situation with the Elderly and the van. Chairman Jandreau stated, I don't know what is going on. They have two spokespersons. I guess as a group they didn't want the red van and someone had to make the payments so it was turned over to the Motor Pool Program and one person will authorize the use of money and the other one will get mad. I'm glad you brought this up John, maybe you can be the Council representative for the Elderly again, you were last time you were on the Council.

The Lower Brule Sioux Tribal Council meeting recessed at 4:11 PM. The Lower Brule Sioux Tribal Council meeting reconvened on Friday, October 16, 1992, at 1:34 PM, with all Tribal Council members present. Also present was Charles Murphy, Chairman, Standing Rock Sioux Tribe and Everett Iron Eyes, Standing Rock Water Administrator.

11. CHARLES MURPHY-STANDING ROCK SIOUX TRIBE: Chairman Murphy thanked the Tribal Council for meeting with him today. Chairman Murphy stated that first of all I would like to thank Chairman Jandreau for persuading me to pursue this venture. Chairman Murphy stated that the Standing Rock Sioux Tribe and the Three Affiliated Tribes of North Dakota had an action in Congress requesting reimbursement for taken lands from the Corp of Engineers. Chairman Murphy stated that Mr. Everett Iron Eyes was a key player and employee of the Standing Rock Sioux Tribe in this venture. It took us eight years, to date, to get the Bill approved, HR429, and the support of Mr. Jandreau and other Aberdeen Area Tribal Chairman, Daschle and Johnson. Eight years ago this month Alvina Spotted Bear and myself went to Washington, they wined us and dined us there. We wrote memo's to everyone telling them what we wanted to do, analyze what we lost. And you must tell them you want this. The Standing Rock Sioux Tribe will be receiving 90.6 Million dollars and the Fort Berthold, Three Affiliated Tribes will be receiving 149 Million dollars. If you use our key players, you will move faster with this. We would like to see you pass a resolution and do something of this type, we will help

you and work with you all the way. Chairman Murphy asked Mr. Iron Eyes to give a little history on this subject. Mr. Iron Eyes stated that in 1984 we testified before the Garrison Diversion Project and told them that no where were there any benefits from the 1958 flood for the Dam. We testified at two of three hearings. We went before the Senate Select Committee. Mr. Iron Eyes stated that 16,000 acres of land will also be returned to the Tribe. We have piles and piles of documentation showing what was lost to our people in the flood. We are more than willing to help you with this project. No action was taken on this matter at this time.

The Lower Brule Sioux Tribal Council meeting recessed at 1:58 PM. The Lower Brule Sioux Tribal Council meeting reconvened on November 4, 1992, at 10:18 AM, with all Tribal Council members present. Also present was Wilbur Pleats, Verna Bailey and Noble LaCroix.

ADJOURNMENT: Motion was made by Boyd Gourneau to adjourn the October Regular Session Tribal Council meeting. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

CERTIFICATION

The foregoing is a true and correct transcript of the Minutes from the Regular Session Meeting held by the Lower Brule Sioux Tribal Council on October 7th, 13th and 16th, 1992.


SANDY LA CROIX, RECORDING SECRETARY

LOWER BRULE SIOUX TRIBAL COUNCIL
REGULAR MEETING
NOVEMBER 4, 1992

PRESENT: Michael B. Jandreau, Chairman ABSENT: None
Kay Gourneau
Shirley Crane
Boyd Gourneau
John Estes, Sr.
Benjamin Thompson, Jr.

ALSO PRESENT: Verna Bailey, Wilbert Pleats, and Noble LaCroix.

The Lower Brule Sioux Tribal Council meeting was called to Order by Chairman Michael B. Jandreau, at 10:18 AM, November 4, 1992. Roll call was taken by the Recording Secretary and the Lord's Prayer was led by Chaplain John Estes, Sr.

1. CHIEF GALL INN: Chairman Jandreau stated that representatives for the Chief Gall Inn were expected at the meeting today, they have not arrived, so if we can go on to the next agenda item.

2. ARTICE TAKEN ALIVE: Chairman Jandreau stated that Artice Taken Alive requested to be on the agenda today, but has not shown up. We can go to the next item on the agenda.

3. JULIAN H. BROWN - GENERAL COUNSEL BILLING: A billing was received from General Legal Counsel, Julian H. Brown, Hiatt Law Offices, for the time covering October 6, 1992 through November 1, 1992. The Lower Brule Sioux Tribal Council reviewed and discussed the billing. Motion was made by Boyd Gourneau to approve the billing for submission to the Bureau of Indian Affairs, Lower Brule Agency, for review and approval. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting. Boyd Gourneau asked Chairman Jandreau if the Tribe and the Propane Company was out of the lawsuit. John Estes, Sr. asked, what lawsuit. Chairman Jandreau stated that the Lower Brule Propane and the Tribe were being third party sued. The situation was that someone's house had a propane leak and their house exploded. These individuals tried to sue the Propane Company and the Tribe because they said they could not smell the propane that the propane was not treated. The Propane Company does not treat the propane and the ticket for that load that was purchased showed that the propane was treated.

4. LOWER BRULE MOTOR POOL COMMISSION: A letter of request was received from the Lower Brule Motor Pool Commission for authorization to trade their four vehicles, because of high mileage for three sedans, three mini vans, one station wagon and one four by four suburban. Chairman Jandreau stated that they pay for the vehicles through third party billings and rentals, they have replaced this method over renting with GSA. Motion was made by Kay Gourneau to approve the Motor Pool Commission's request. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

5. DAKOTA'S COALITION OF TRIBAL EMPLOYMENT RIGHTS OFFICES: Information was received from Mr. Ben Janis regarding membership into the Dakota's Coalition of Tribal Employment Rights Offices. Membership into DACO/TERO would help in gaining strength, support and cooperation in enforcing TERO's requirements, including those preferential employment rights and claims of the member Tribes of this coalition; seek ways to address Indian preference through educational and promotional activities to enhance, strengthen, and/or develop better communications, support and understanding; seek ways to establish, promote and/or enhance training of staff and member Tribes of the coalition; seek ways to develop and/or strengthen certification guidelines; seek ways to develop and/or strengthen the understanding and support of Tribal Governing bodies and Tribal Court personnel; promote Inter-Tribal employment opportunities and enforce affirmative action plans; and promote Tribal Court reciprocity and inter-tribal agreements. Chairman Jandreau stated that membership into DACO/TERO would help in selecting subcontractors for jobs on the reservation with the knowledge held by other members of DACO/TERO. Motion was made by Kay Gourneau to become members of DACO/TERO. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for none opposing, none absent and none not voting.

6. WATER LINE EXTENSION: Chairman Jandreau stated that IHS is providing funding for a water line extension out in the Bend and that Employment Enterprise is requesting to "638" the extension, which would be to construct and complete a mainline from Lower Brule and terminate at J.W.'s, we wrote a letter of intent and they have requested a Resolution. Motion was made by Kay Gourneau to adopt a Resolution request to "638" the project. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

7. LAND SALE APPLICATIONS: Chairman Jandreau stated that Land sale applications were received from the Bureau of Indian Affairs, Lower Brule Agency, for the following individuals: Paul Estes, Joseph Ole Sawalla, Cepha's Goodface, Pauline King and Martin High Rock, Jr. Motion was made by Kay Gourneau to request appraisals on these interests and to allow any members of the Paul Estes family to purchase this land and if they are not interested that they will purchase. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

8. CHIEF GALL INN: Verna Bailey and Wilbert Pleats entered the Tribal Council meeting and introduced the Chief Gall Inn project to the Lower Brule Sioux Tribal Council. Ms. Bailey stated that they were in need of support for appropriation to turn the building into a center for adolescents with drug and alcohol problems. John Estes, Sr. stated, that the motel, the building being used for this center went under and other things came up and went haywire, so you have any guarantee it will work, what about the other people working there, can our people work there? Ms. Bailey stated that right now all we are asking for is appropriations for A&E and construction. Indian Health Service will be running the facility. The motel did go under and it is not feasible to open it back up. Employment will be open to all Tribes. John Estes, Sr. asked who will be watching IHS. Chairman Jandreau stated that a Board of Directors of all the A.A. Directors in the Aberdeen Area will be their supervisors. Ms. Bailey stated, it will be IHS's responsibility and they will also have to follow policies, we have said this is not a Standing Rock Project, other Tribal Representatives are on the Project Management Team, once we get the "638" in final form it will be submitted to the Lower Brule Sioux Tribe for your records. John Estes, Sr. asked, How are

the buildings, what shape are they in. Ms. Bailey stated, they are structurally sound, Eagle 2000 looked them over, they can be renovated. John Estes, Sr. asked, how many patients can be there. Ms. Bailey stated, there will be 24 residential treatment beds. Motion was made by Kay Gourneau to adopt a Resolution to support the Chief Gall Inn. This motion was seconded by Benjamin Thompson, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

8. FLOYD FLUTE, SR. REQUEST: A letter of request was received from Floyd Flute, Sr. for assistance in purchasing a trailer house for \$3,500.00. Benjamin Thompson, Jr. asked what they were planning on doing. Chairman Jandreau stated that they want to get their old house fixed up. Benjamin Thompson, Jr. stated, that would cost too much wouldn't it, you would have to rebuild the whole thing. John Estes, Sr. stated, that house has been renovated two or three times already hasn't it. Chairman Jandreau stated, they want to find some kind of financing and arrange for a payroll deduction for the trailer, they will have to pay at least \$1,000.00 to move it down and they charge \$15.00-\$20.00 per tire to move, then they will charge to put it down and hook it up and around \$1,500.00 for water and sewer. Chairman Jandreau stated, maybe I can help them find financing at a bank. John Estes, Sr. stated, maybe we can table this and you can look into this for them.

9. E.D.A. OFFICE - SHIRLEY MARVIN: Chairman Jandreau stated, there is no Director at the Elderly Nutrition Program and I have asked Shirley Marvin to put a proposal together to get the Elderly Nutrition Program straightened out. Chairman Jandreau stated that some of Elderly went to Shirley Marvin and asked what she could do. This is what this letter and draft Resolution is all about. Shirley Marvin made the recommendation to place Elaine White Pipe as temporary administrator/director to get the program "back on its feet" and functioning. Elaine's salary could be paid out of Elderly Nutrition for her time there; and the balance can be picked up by Natural Resources/E.D.A. Planning Grant. Her hours would be from 10:00 AM to 2:00 PM (4 hours) to ensure program performance, home visits, reporting, etc. are being done. John Estes, Sr. stated, she was the one that disrupted in getting the meals to the people, she found an excuse not to deliver. I don't think it's her place to be up there. I think we should table this until we get the Elderly in here and see what they want. This matter was tabled at this time.

10. DAY CARE CENTER: A draft Resolution was submitted for support for Mrs. Larry (Traci) Jandreau's Day Care Center. Benjamin Thompson, Jr. stated, this is a much needed deal, my two sons are going there now. I had a temporary baby-sitter for a while, but that person would always show up late. John Estes, Sr. stated, can anyone do this, start up a Day Care Center. Chairman Jandreau stated, Yes, I think a lot more people should do this, this would alleviate a lot of peoples problems with baby-sitters. Chairman Jandreau stated, that Traci Jandreau is certified by the State and if anyone else was interested they could do this. Motion was made by Kay Gourneau to adopt a Resolution of and to work with Mrs. Jandreau to secure financing for her enterprise by whatever means, i.e., SRS, BIA, and/or Tribal assistance, when available and to encourage anyone else who would be interested, provided that they are State certified. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting. John Estes, Sr. stated, and the Tribe could support anyone else like this who are State certified. Chairman Jandreau stated, yes.

11. REALTY OFFICE - EXCHANGE ASSIGNMENT PROCESS: A letter was received from the Bureau of Indian Affairs, Lower Brule Agency, regarding the change of ownership records for any interests within an Exchange Assignment upon the death of an Assignee and that some of the ownership changes were done without direction of a Tribal Council Resolution, and some were done by authority of a Tribal Resolution. Mr. Titus Marks and Ms. Jean Sutton, Aberdeen Area Office, felt there should have been a Tribal Resolution authorizing the Bureau of Indian Affairs to pass down the Exchange Assignment to the Heirs. In accordance with the Tribal Constitution and Bylaws, Section B, "Upon the death of the holder of any exchange assignment, such land shall be reassigned by the Tribal Council to his heirs or devisees, subject to the following conditions...." Even though the Assignee has "free use" through an Exchange Assignment, title of the land remains with the Lower Brule Sioux Tribe. The letter further stated, regarding Exchange Assignments where death of an Assignee has occurred and a Tribal Resolution was not previously adopted authorizing the BIA to distribute the interest to the Heirs. The Agency requests advise from the Tribe on whether to distribute the interest to the Heirs or if the interests should revert to the Tribe. John Estes, Sr. asked Chairman Jandreau how this works. Chairman Jandreau stated that a person relinquishes title of their land and takes tribal land of equal value with life time use. Chairman Jandreau stated, twenty years ago, after an assignee had died, this matter was taken to the Tribal Council to be reassigned, these tracts of land are held, but not owned by these individuals, and these people are getting paid lease money from them, which they should not be. Chairman Jandreau stated that a letter could be sent stating, We honor and recognize the lease assignments and distributions made by the B.I.A., but that any further exchange assignments must be brought to the Tribal Council for reassignment and that no further distribution be made from this day forward. Motion was made by John Estes, Sr. to submit a letter of this type. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

The Lower Brule Sioux Tribal Council meeting recessed at 11:56 AM. The Lower Brule Sioux Tribal Council meeting reconvened at 1:13 PM.

12. CORP OF ENGINEERS: Chairman Jandreau stated that he would like the Tribal Council to adopt a Resolution to request a lease from the Corp. of Engineers to develop the beach area into a campground for campers and R.V.'s. Chairman Jandreau stated that normally it is a no cost lease. We would be requesting a twenty-five year lease. Motion was made by John Estes, Sr. to request a lease from the Corp of Engineers to develop the beach area. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being five members for, none opposing, none absent and none not voting. Chairman Jandreau stated that a resolution would have to be adopted for a motel, which would be immediately behind, where the fence is, to authorize Golden Buffalo Casino this lease for legal purposes and funding. John Estes, Sr. stated, I would like to wait on that one.

13. MAZA OYATE VOC REHAB POSITION: A letter of recommendation was received from Maria Estes, Maza Oyate Voc Rehab. Program for the positions of Secretary and Counselor. Applications for the Secretary position were received from Pamela Eagle Thunder, Marie Charger, Theresa LaRoche, and Renee Kenyon. Applications for the Counselor position was Altwin Grassrope, Marlene Crowe, Ronald Lee Estes and Harold Iron Shield, who's application was received after the closing date). Maria Estes recommended Marie Charger for the Secretary Position and Marlene Crowe for the Counselor position. Motion was made by Boyd Gourneau to place Marlene Crowe in the Counselor position with Ronald Estes as alternate. This motion was seconded by

Benjamin Thompson, Jr. Benjamin Thompson, Jr. requested to withdraw his second to the Motion. Boyd Gourneau's motion was seconded by Kay Gourneau. Motion died with vote being three members for, two against and none not voting. Motion was made by John Estes, Sr. to place Ronald Estes in the Counselor position. This motion was seconded by Benjamin Thompson, Jr. Motion died with vote being two members for, none against and three not voting. Motion was made by John Estes, Sr. to place Pamela Eagle Thunder in the Secretary position with Renee Kenyon as alternate. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting. Motion was made by Benjamin Thompson, Jr. to place Marlene Crowe in the Counselor position with Ronald Estes as alternate. This motion was seconded by Boyd Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting.

14. JOHNSON HUFFMAN LETTER: A letter was received from Attorney's Johnson - Huffman regarding the sale of Cheri Smith's land to the Lower Brule Sioux Tribe. Chairman Jandreau stated that this land was located within the Reservation. Chairman Jandreau stated that Mr. Wayne Smith would like to sell this land to the Tribe in return for a life time use of the land. John Estes, Sr. stated, what good would that do us. Chairman Jandreau stated, we would own the land, but it would be leased to Mr. Smith. Chairman Jandreau stated that there were three other tracts of land that were going up for sale, the Abner-Ganz land, the McDaniels' land, and Cherry & Son's land. Motion was made by Boyd Gourneau to request appraisals for these tracts of land to obtain a price on the land, which are non-Indian owned land on the reservation. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting. Chairman Jandreau stated that he would like to receive a concurrence from the Council to allow him to establish a proposal/plan for the utilization of a cooperative, in the livestock portion, of stocking lands acquired by the Tribe to be submitted to the Tribal Council for final approval, which such approval would be a written outline showing cash flow capacity. By Tribal Council concurrence Chairman Jandreau is authorize to submit such a plan. Chairman Jandreau stated that the Farm Corporation had money set aside to purchase land that was within the Reservation. Chairman Jandreau stated that he would like authorization to set up a restricted land acquisition fund account with the Bureau of Indian Affairs so that when land does become available for purchase this money will be set aside. Motion was made by Kay Gourneau to authorize Chairman Jandreau to set up a restricted land acquisition fund account with the Bureau of Indian Affairs. This motion was seconded by Boyd Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting.

15. ELAINE WHITE PIPE HOMESITE REQUEST: A letter was received from Elaine White Pipe explaining that the description that she submitted for her homesite was incorrect and requested that that homesite be relinquished and that the correct homesite description was attached and requested approval for the homesite. Motion was made by Boyd Gourneau to approve Elaine White Pipe's Homesite request. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

16. LOWER BRULE SIOUX TRIBAL MINUTES: Chairman Jandreau stated that presented to the Tribal Council this meeting is a portion of the Lower Brule Sioux Tribal Minutes in verbatim. Chairman Jandreau stated, as you can see this process would consume most of the time of the Recording Secretary, this is only a portion. I would like to request that the Tribal Council to approve utilizing the format

that has been used. Shirley Crane stated, if we have a statement we want verbatim we have to specify that we want this on record, right. Chairman Jandreau stated, yes. By Tribal Council concurrence the Lower Brule Sioux Tribal Council approved the utilization of the previous format for the Minutes.

17. L.B. YOUTH BINGO REPORT: The Lower Brule Sioux Tribal Council reviewed the Bingo report from the Youth Activities Bingo. No action was taken on this matter.

18. RICHARD THOMPSON, SR. REQUEST: A request was received from Mr. Richard P. Thompson, Sr. for assistance in obtaining an approach and culvert on his leased land, located at the county line. Motion was made by Doyd Gourneau to request the Bureau of Indian Affairs, Lower Brule Agency, Facilities Management assist Mr. Thompson, Sr. in his request and asked Noble LaCroix to look into this project. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

19. SMALL LOAN PROGRAM - CHRISTMAS LOAN REQUEST: A letter was received from Mr. Nyal Brings for approval in obtaining a loan from a Bank to make Christmas Loans available for Tribal and Casino Employees. Motion was made by Kay Gourneau to authorize a the Small Loan Program to obtain a loan for Christmas. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting. Benjamin Thompson, Jr. request a meeting with the Elderly be held on Monday.

20. NOBLE LACROIX - E.A.B.N. PROGRAM/B.I.A. PROGRAMS: Noble La Croix, Agency Superintendent stated that the tribes can now set the rates and design their own format for the Welfare Program. You can now eliminate the eligibility of some people. You can require training. Mr. LaCroix stated, that the B.I.A. would like to meet with the Tribal Council to get input on the objectives of the Bureau programs. Mr. LaCroix stated, a committee could be appointed to work with the B.I.A.

The Lower Brule Sioux Tribal Council meeting recessed at 2:53 PM. The Lower Brule Sioux Tribal Council meeting reconvened on November 9, 1992, at 10:20 AM, with all Tribal Council members present. Also present was Nathan Middletent, George Small Jumper, Doris Grassrope, Bessie Estes, Nadine Deshuquette, Shirley Marvin, Delmar Smith, Maxine Grassrope, Irene Flute, Richard P. Thompson, Jr., Marion Buck, Elaine White Pipe, Myrtle Thompson, Irene Skunk, Vera LaRoche, Rose McCauley, and Garfield Grassrope.

21. ELDERLY DIRECTOR POSITION: Chairman Jandreau stated that this meeting was called because some of the Council members thought that the Elderly should be present during this meeting. Chairman Jandreau stated that he had asked Shirley Marvin to put together a proposal to place Elaine White Pipe as acting Elderly Director until a new Director was selected. John Estes, Sr. asked, who resigned from this position so that it is open. Chairman Jandreau stated, Bernadette Myers had resigned from this position. John Estes, Sr. asked, what was the reason for taking Ellen Wright out of this position. Chairman Jandreau stated, Ellen was placed in that position temporarily, until a Director was selected. John Estes, Sr. asked, has the restraining order on the Elderly, has it been lifted. Chairman Jandreau stated, yes, quite a while ago. John Estes, Sr. stated, this is shameful, this was heard all over the world. Chairman Jandreau stated, all of this came out of the Elderly Program. John Estes, Sr. stated, I think you should make an apology

to the Elderly. Motion was made by John Estes, Sr. to direct the old Council to make an apology to the Elderly. Nadine Deshuquette stated, we had a paper that all the people wanted to discuss down here, Shirley please get them. Maxine Grassrope stated, why wasn't it advertised. Chairman Jandreau stated, it was advertised, three applications were taken out and none were returned. Shirley Marvin stated, I am here because of my concerns for the Program. We need to stabilize the Program, we need this bad. We need to meet the compliances. No recordings have been done, the Program had been overdrawn and the complaints from the Elderly have reached Denver and I got chewed out, I don't have anything to do with the Program. Chairman Jandreau stated, except for writing the Grant. Shirley Marvin stated, except for writing the Grant and the Grant of \$53,000.00 was based on the Elderly on the Reservation, this amount includes Lower Brule, nonmembers and non-Indian, this is the reason I suggested Elaine to be placed in the Program to straighten it out. Doris Grassrope stated, who doesn't get meals. Irene Skunk stated, I don't, every since they moved I haven't gotten a meal, it's not right, I agree with Shirley. Rose McCauley stated, does the Elderly include Orville Langdeau, Bill Thompson... Shirley Marvin stated, and the Petersons. Rose McCauley stated, even a white person. Shirley Marvin stated, yes, we got money based on their age. Rose McCauley, stated Clarence Thompson too? Shirley Marvin stated, I included him, these people aren't getting meals, we got the funding for them to have the meals. Chairman Jandreau stated, and who will this fall back on, who will have to pay this money back. Shirley Marvin stated, the Elderly Program or if they cannot the Tribe will have to. Bessie Estes stated, I understand that they cater to the invalids or to those who do not have cars. Shirley Marvin stated, I put mileage in the budget for meal delivery. Bessie Estes stated, we paid from the Bingo fund and would get reimbursed from the Program, we only got \$60.00 per month and it was costing the Bingo fund \$200.00 per month. Shirley Marvin stated, there is funding available for mileage, that is why I wanted Elaine in there to get these things straightened out. Vera LaRoche stated, why don't we get all the time. Doris Grassrope stated, they have a list to go by when they deliver. Vera LaRoche stated, we would like pie when you have pie. Shirley Marvin stated, the Cook has to have training through the State and has to have a physical. They have called in regard to this. The meals need to be balanced meals, they have to submit these meals to the Denver office, they have to be nutritious, wholesome meals, meat, potatoes, veggies, to all the Elderly that are suppose to receive a meal, every day. Maxine Grassrope stated, Jan knew what she was doing, she said no Whites. Shirley Marvin stated, this is a new Program. Maxine Grassrope stated, what is the title now. Shirley Marvin stated, American Indian Elderly, Administration on Aging. Maxine Grassrope stated, we should write to Denver and have them straighten things out. Shirley Marvin stated, when you write, it is a black mark against us. Bessie Estes stated, when Jan made out the Proposal we had input into it, this one we did not. Shirley Marvin stated, I did the original and Jan just copied it, I did all this, this was a hurry up thing to get it done, there was a deadline. Irene Skunk stated, she maybe able to handle it better, now it is really bad, a lot of us don't know what is going on, she might have pity on us. Boyd Gourneau stated, this would just be temporary, right. Shirley Marvin stated, yes, just to get the books done, the menus, budget, we have to clean up and leave this mess behind us so Denver is happy and the participants too. Nadine Deshuquette stated, I didn't know about Elaine being up there, she was taking pictures when the Elderly were taken to jail. I don't think they want her up there. Chairman Jandreau stated, we need someone up there who understands and can process the requirements needed for the Program. When Ellen Wright was placed as acting Director for the Elderly Program before the incident, I told her I would support her but, there were no reports made, there was an outstanding

telephone bill that we were unable to pay at that time and that we felt the Elderly were responsible for paying. I met with the Elderly and discussed this and they wanted a meeting. It was all brought up about the Casino and the Council later informed them that the project would go ahead as planned. Renovation began and there was a refusal to move. The Council sat here until midnight discussing this matter with the Attorney and the only solution was a restraining order. Everyone was given the option to leave or be removed and the Police followed through. I was called at home after the incident and informed the Police department to release everyone. A Court date was set up and all the charges were dropped. I know that everyone has a right to believe what they believe and we, as a Council have a responsibility as we do in this Program. If we are here to solve a problem, we should get to work to solve them. Shirley Crane stated, there was a letter from the old Council stating that the move out date for the Elderly was December 14th or 15th and they started before that date. Chairman Jandreau stated, there were also calls to attempt to bring out side people in. Shirley Crane stated, I just brought this up, we should bring it all up. Chairman Jandreau stated, there should not be a constant rejuvenation of these issues. Shirley Crane stated, I second John Estes' motion, it wasn't right to have the Elders put in jail, I think they are owed an apology. Rose McCauley stated, there were only six Elderly out of the whole bunch and the Media lead people to believe that the Elderly lived in the building. Chairman Benjamin Thompson, Jr. stated, I think we should have a vote, let's get a list of the applicants and have a vote, let the Elders vote on who they want. Chairman Jandreau stated, it is the responsibility of the Tribal Council to make the selection. Benjamin Thompson, Jr. stated, the Elderly will have to live with it and they may not like it so they should vote. Chairman Jandreau asked if the meeting could recess until tomorrow at 1:00.

The Lower Brule Sioux Tribal Council meeting recessed at 11:52 AM. The Lower Brule Sioux Tribal Council meeting reconvened on November 10, 1992, at 1:56 PM, with all Tribal Council members present. Also present was Delmar Smith, George Small Jumper, Abe Langdeau, Scott Jones, Lavina Langdeau, Bessie Estes, Ellen Wright, Irene Flute, Elizabeth Quilt, Maxine Grassrope, Geraldine Medicine Eagle, Vera LaRoche, Marion Buck, Myrtle Thompson, Elaine White Pipe, Nadine Deshuquette, Rose McCauley and Noah Grassrope.

21. ELDERLY NUTRITION PROGRAM: Abe Langdeau asked to be informed of yesterdays meeting. Chairman Jandreau stated, no concrete action was taken on anything. The Council asked to meet with the Elderly Program because we asked that Elaine White Pipe be placed at the Elderly Program until a Director could be selected. There was no solution to anything, we postponed the meeting until today. Abe Langdeau asked, what is the reason for this meeting. Chairman Jandreau stated, I don't know, a Resolution was present and the Council wanted a meeting. Abe Langdeau stated, sorry I am ignorant, but I don't understand what is going on. Benjamin Thompson, Jr. stated, let Ellen Wright say what she wants. Ellen Wright stated, thank you for letting me be here today. I was told about yesterdays meeting and that the Elderly wanting me back. The incidents that happened from December through to the incident was from the Elderly. I didn't tell them what to do, I have more respect for them. Everything they asked me to do, I did it and for that I was taken out of Office. I dedicated that part of my life to the Elderly, I didn't complain, I enjoyed it. I will still stick up for the Elderly. Chairman Jandreau stated, the basic reason for placing Elaine in there was to get the reports done, what is the pleasure of the Tribal Council in regard to this matter. Benjamin Thompson, Jr. stated, let the Elders pick who they want. Chairman Jandreau stated, it is your prerogative, Elaine will continue and we will

immediately re-advertise and submit the applications to the Elderly, they can to the interviews and they can decide on the applicant. We can do this in the next two weeks. Every Elder on the reservation will have to be notified of this process. Benjamin Thompson, Jr. stated, in the mean time what about the Charter. Chairman Jandreau stated, this Charter would provide this group to have their own program, to contract. Rose McCauley stated, all the Elderly should be given a copy of the Charter. Chairman Jandreau stated, this Charter would completely take the the Program out of the hands of the Tribe, Tribal Council, so they can handle the Program. Scott Jones stated, would this include the Elderly Nutrition Program. Chairman Jandreau stated, I am not sure I have not seen the Charter. John Estes, Sr. stated, there is still a motion hanging in the air, requesting the old Tribal Council to apologize to the Elderly. Chairman Jandreau stated, there is a motion and a second. Is there any discussion? May I have a vote. Motion died for lack of a two third majority vote with vote being three members for, two opposing, none absent and none not voting. Shirley Crane stated, are you aware that on the 14th is John Estes, Sr.'s appreciation feed for the new Council, maybe we can get together on this. Boyd Gourneau stated, when? Shirley Crane stated, Saturday the 14th, at 5:00 PM. John Estes, Sr. stated, I would like to ask the Council members that are here, why they won't apologize to the Elderly. Kay Gourneau stated, I do not feel that I have to apologize for doing my job...Boyd Gourneau stated, we created over 100 jobs...John Estes, Sr. stated, you don't have any feelings...Boyd Gourneau stated, we were doing our job, we provided jobs for the reservation. Shirley Crane stated, I believe you don't do anything like that to the Elders. At workshops people would ask me, where are your Lakota values. I would tell them it was not me. Those values are already instilled, they are not forced upon you, you don't have to wear a mask. Boyd Gourneau stated, I have values and I will still stand as I believe. Elaine White Pipe stated, I respect all of you, you are all in here for the whole Tribe. The last Council decided to work together, when you are doing business you work for everyone not just a few. Maxine Grassrope stated, Boyd you did not vote because what? Boyd Gourneau stated, for creating 100 jobs and for doing my job. Maxine Grassrope stated, everyone is accusing the Elderly for not wanting the Casino, it was just the location. Chairman Jandreau stated, I told the papers the Elderly didn't want the Casino at that location. Maxine Grassrope stated, well, we are looking out for our dividend checks everyday.

22. FY-93 HEAD START GRANT APPLICATION: Chairman Jandreau stated, we need to pass a Resolution to apply for a Head Start Grant for FY-93. Motion was made by Boyd Gourneau to submit a Resolution for FY-93 Head Start Grant. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

23. SPECIAL APPROPRIATIONS PROPOSAL: Chairman Jandreau stated, the old Tribal Council had previously approved a Resolution in support of a Special Appropriation for a five year program that would allow Medicine Men and Teachers to teach Lakota cultural/spiritual values. They would work with different groups and schools to teach these values. The reason for bringing this back to the Tribal Council is that this program will not occur if there is not input from this Tribe. I am asking the Tribal Council to authorize seed money to begin this process, \$4,000.00-\$5,000.00. Motion was made by Kay Gourneau to obligate these funds. This motion was seconded by Boyd Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting. John Estes, Sr. asked, what way does United Sioux Tribe help reservations. Chairman Jandreau stated, they have direct employment programs, a loan packaging process,

grantmanship capability to help Tribes develop a program. Boyd Gourneau stated, they help in obtaining contracts, they helped us contract with the Skoal Company, who help with the Rodeo. Chairman Jandreau stated, they also helped in developing the Film Commission, which we are a part of. They are putting on a large concert in Denver for funding for each of the Reservations so that projects may be developed on the Reservation. If the right mix of Stars participate they are anticipating on raising thirty million, but this depends on the people working to put it together. United Sioux Tribes also helps with Legal Services, Tree Planting, Emergency funding sources to assist people that have moved away from the Reservation to set up a home, a Scholarship fund...there are a lot of things that they provide, they don't require any money to do it. John Estes, Sr. asked about the articles in the Lakota Time about United Sioux Tribe. Chairman Jandreau stated, it is not true. Bourland wants to take the records of the Corporation and publish them in the Lakota Times, which is unethical. Abe Langdeau asked, are the finances within the structure of the Tribe, do you have to produce these for the Government. Chairman Jandreau stated, only for Federal contracts, under A-128 process we are forced to do a program wide audit of every program. Our General Fund is done under the same audit, we don't have to but we do to show the offsets and justifications. Benjamin Thompson, Jr. stated, Nadine Deshuquette needs a stove. Boyd Gourneau stated, she should be eligible for H.I.P.

Shirley Crane stated, Phyllis Crazy Bull too. Chairman Jandreau stated, have them get a H.I.P. application in right away. John Estes, Sr. asked Chairman Jandreau to talk to Deb Isburg in getting the furnaces in the rental units serviced because of an incident that happened. Chairman Jandreau stated he would get with Deb Isburg.

The Lower Brule Sioux Tribal Council meeting recessed at 3:13 PM. The Lower Brule Sioux Tribal Council meeting reconvened on November 13, 1993, at 4:12 PM, with Shirley Crane absent.

24. TRIBAL TREASURY DRAW DOWN: Chairman Jandreau stated that the call for the Budget has not been made yet and that a Tribal Treasury Draw Down would have to be requested for operating expenses and to get some notes paid at the bank. Motion was made by Boyd Gourneau to authorize a \$60,000.00 Tribal Treasury Draw Down. This motion was seconded by John Estes, Sr. Motion carried with vote being four members for, none opposing, one absent and none not voting.

The Lower Brule Sioux Tribal Council meeting recessed at 4:14 PM. The Lower Brule Sioux Tribal Council meeting reconvened on December 2, 1992, at 10:30 AM, with all Council members present. Also present was Noble LaCroix.

ADJOURNMENT: Motion was made by Boyd Gourneau to adjourn the November Regular Session meeting. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

CERTIFICATION

The foregoing is a true and correct transcript to the Minutes from the Regular Meeting held by the Lower Brule Sioux Tribal Council on November 4th, 9th, 10th, 13th and December 2, 1992.


SANDY LA CROIX, RECORDING SECRETARY

LOWER BRULE SIOUX TRIBAL COUNCIL
REGULAR MEETING
DECEMBER 2, 1992

PRESENT: Michael B. Jandreau, Chairman **ABSENT:** None
Kay Gourneau
Shirley Crane
Boyd Gourneau
John Estes, Sr.
Benjamin Thompson, Jr.

The Lower Brule Sioux Tribal Council meeting was called to Order by Chairman Michael B. Jandreau at 10:30 AM. Roll call was taken by the Recording Secretary and the Lord's Prayer was led by Chaplain John Estes, Sr.

1. ORVILLE LANGDEAU, SR. REQUEST: A letter was received from Orville Langdeau, Sr. requesting a partial deferment on his lease payment, for half of the amount due. Motion was made by Boyd Gourneau to grant Mr. Langdeau, Sr.'s request and to inform Lower Brule Agency, Bureau of Indian Affairs. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

2. GRACE BLACKSMITH REQUEST: A letter was received from Grace Blacksmith request assistance in obtaining a refrigerator. Boyd Gourneau stated that Mrs. Blacksmith is eligible for H.I.P. and that she could be helped on an emergency basis and that H.I.P. would be able to reimburse the Tribe for the purchase. Motion was made by Kay Gourneau to authorize the purchase of a refrigerator for Mrs. Blacksmith to be reimbursed by H.I.P. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

3. BENJAMIN THOMPSON, JR. REQUEST: A letter was submitted by Benjamin Thompson, Jr. request the purchase of one of the B.I.A. houses that were going to be turned over to the Tribe. Kay Gourneau asked what the status was on these buildings. Chairman Jandreau stated, I believe there will be four houses that the B.I.A. will be turning over. Three of these will have to continue to be lease to Indian Health Service. Motion was made by John Estes, Sr. to approve Benjamin Thompson, Jr. to purchase one of these house when available with the following terms, twenty year pay back schedule at the interest rate of 4.5%. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting.

4. EDUCATIONAL GRANT APPLICATIONS: Educational grant applications were received from Brian Calcari, Ferlin Grassrope, Monica Quilt, Pamela Eagle Thunder, William Eagle Thunder, Michelle Langdeau, Janya Fleury, Bryan Long Fox, Allen Touche and Duane Long Fox. Motion was made by Boyd Gourneau to approve the educational grants if all paperwork was in place. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

5. C.H.R. PROGRAM PLAN REQUEST: A C.H.R. Program Plan was received from the Lower Brule C.H.R. Program regarding the implementation of regular 8:00 am to 4:30

PM hours, which would allow the C.H.R. Staff to do more community based health promotions and disease prevention. By Tribal Council concurrence a meeting will be set up with all the Health Programs and this matter will be tabled at this time.

6. ENERGY & MINERAL RESOURCE ASSESSMENT PROJECT: This matter was tabled at this time.

7. DEPARTMENT OF THE ARMY-CORPS OF ENGINEERS: A letter was received from the Department of the Army, Corps of Engineers, regarding a request for an Antiquities Act Permit from the Museum of Geology, South Dakota School of Mines and Technology, which would allow the museum to salvage and preserve vertebrae fossil specimens exposed by the low water level of Lake Sharpe. Chairman Jandreau stated, if we approve this request I would like you to include a stipulation that if the Lower Brule Sioux Tribe gets a museum that these articles are returned, anything that was found within the exterior boundaries of the Reservation. Boyd Gourneau stated, we would have to request them to give a report on what was taken. Kay Gourneau stated, what about human remains. Chairman Jandreau stated, it is a law that they have to notify us immediately. Chairman Jandreau stated, human remains were removed during an excavation here, they were found in an odd place and that lead them to believe they were of a different era, they were sent to Lincoln Nebraska and the University of Kansas, there were small children and adults. John Estes, Sr. asked if the cemetery that the Corps of Engineers moved to Oacoma, is it washing away? Chairman Jandreau stated, no, it is quite always back from the river, at one time the Council forced them to fence the area off and they did, however, if you go to the site there are many more graves that are not fenced in, you could request the Corps of Engineers to place a monument there. John Estes, Sr. asked, are there any records. Chairman Jandreau stated, the Episcopal church should have something or the archives in Washington should have the deaths that occurred there. Motion was made by John Estes, Sr. to request the Corps of Engineers to rip rap below the cemetery and to place a monument there and obtain the names. This motion was seconded by Boyd Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting. Motion was made by Boyd Gourneau to approve the request for a Antiquities Act Permit for the Museum of Geology, South Dakota School of Mines and Technology on the stipulation that any human remains that are found must be immediately turned over to the Tribe and any item that is uncovered must be recorded stating the type of item and location uncovered and must be returned to the Tribe upon the Tribe's development of a Museum. This motion was seconded by Kay Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting. (Boyd Gourneau left Tribal Council meeting at this time)

8. CORY FALLIS REQUEST: A letter was received from Cory Fallis, Honoring the Children Pow Wow Committee President, requesting a monetary donation to help to pay for some of the expenses for the Pow wow, which would be held on May 22nd and 23rd, 1993. Motion was made by Kay Gourneau to support the activity and authorize Chairman Jandreau to donate to the Committee just prior to the Pow wow to allow the committee to continue to raise money for their cause. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being four members for, none opposing, one absent and none not voting. (Boyd Gourneau entered meeting)

9. NIELSEN & SENIOR BILLING - R. DENNIS ICKES: A billing was received from Special Legal Counsel, R. Dennis Ickes, Nielsen & Senior, for the State of South Dakota v Lower Brule Sioux Tribe in the Hunting and Fishing Agreement. Motion

was made by Boyd Gourneau to approve the billing and to submit the billing to the Bureau of Indian Affairs, Lower Brule Agency, for review and approval. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

10. LAND SALE APPLICATIONS: Land sale applications were received from the Bureau of Indian Affairs, Lower Brule Agency, for Kufus Cloudman, Jr., Rochelle Goodface, Martha Bordeaux, and Freda Whirlwind Horse. Motion was made by Boyd Gourneau to submit the applications to the Bureau of Indian Affairs, Lower Brule Agency, for appraisals. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

11. LAND SALE APPRAISALS: Land sale appraisals were received for the following people from the Bureau of Indian Affairs, Lower Brule Agency: Darla Rabbit \$2,633.64 and Joseph Noah Grassrope \$3,840.00. Motion was made by Boyd Gourneau to purchase these interests of land. This motion was seconded by Kay Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting.

12. LOWER BRULE HEALTH BOARD: A letter was received from the Lower Brule Health Board, requesting to place Myrtie Thompson as a Health Board member for Elderly Representation and to request that a youth be placed on the Health Board for youth representation. Motion was made by Boyd Gourneau to grant the Health Boards request. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting.

13. WILLA MADISON REQUEST: A letter was received from Willa Madison requesting a loan from the Lower Brule Sioux Tribe in the amount of \$500.00, which would be repaid by Ms. Madison's land sale. Motion was made by Kay Gourneau to approve Ms. Madison's request for a loan of \$500.00, provided Ms. Madison signs a change of address so that the land sale check will be sent to the Tribe to deduct the loan. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

14. HEALTHY START SECRETARY POSITION: Applications were received for the advertised position of Healthy Start Secretary. The Lower Brule Health Board and made a recommendation to hire Theresa LaRoche for the secretarial position. Motion was made by Kay Gourneau to go by the recommendations of the Health Board to hire Theresa LaRoche for the position. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

15. ENERGY & MINERAL RESOURCE ASSESSMENT PROJECT: A draft funding proposal was received from the U.S. Geological Survey for the Tribes consideration, which would provide funding to collect information relevant to the geology and to potential energy and mineral resources on the Lower Brule Reservation. Motion was made by Boyd Gourneau to approve the proposal for the possible development of any potential mineral resource discovered and that the Tribe would consider publication of any resource information gathered under the proposal or at least limited release of information in a poster session at a public meeting and request that the Assessment be conducted in-house with sub-contractors as needed. This

motion was seconded by Kay Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting.

16. GENERAL COUNSEL BILLING: A billing was received from General Legal Counsel, Julian H. Brown, Hiatt Law Offices for the period covering November 2, 1992 through November 29, 1992 in the amount of \$1,769.85. Motion was made by Boyd Gourneau to approve and submit the billing to the Bureau of Indian Affairs, Lower Brule Agency, for review and approval. This motion was seconded by Kay Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting. Benjamin Thompson, Jr. asked, doesn't he represent all the people. Chairman Jandreau stated, he is the lawyer for the Tribal Government, he can represent if the Tribal Government authorizes him. John Estes, Sr. stated, when can the people use him. Chairman Jandreau stated, when a Tribal member has cause, like in I.C.W.A. cases, if it is along the same lines as representing the interests of the Tribe in any challenge, i.e., hunting and fishing.

17. LANGDEAU BROTHER REQUEST: A letter was received from Lloyd, Charles and Leslie Langdeau requesting the placement of Jim Langdeau on all Langdeau Brother Leases. Motion was made by Boyd Gourneau to request the Bureau of Indian Affairs, Lower Brule Agency, to place Jim Langdeau on all Langdeau Brother Leases. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

18. KIM WILSON REQUEST: A letter was received from Kim Wilson requesting assistance in funding to attend the All-Lakota Girls Basketball Tournament in Rapid City, SD on December 17, 18, & 19, 1992, which consists of all senior Lakota girls basketball players, which only twenty girls are invited to participate. By Tribal Council concurrence Chairman Jandreau is authorized to assist Ms. Wilson with \$200.00.

19. HOME IMPROVEMENT PROGRAM FUND FY-93-94-95: Boyd Gourneau stated that notice was received that funding was available for H.I.P. for FY-93, 94, & 95 and the Tribe would have to request that funding and to request to carry over any funding now holding. Motion was made by Kay Gourneau to request the H.I.P. funding. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

20. NOBLE LA CROIX, B.I.A.: Mr. LaCroix stated that Tribes were now allowed to develop their own program for General Assistance programs. Noble LaCroix stated, the E.A.R.N. Program has proved to be a success on the Lower Brule Reservation and if the Tribe wanted to continue with the Program they would have to request this action through a Resolution. Motion was made by Boyd Gourneau to request the continuation of the E.A.R.N. Program and to request that any and all trust income be exempt from the qualifications for the General Assistance program. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting. Mr. LaCroix stated that General Assistance program rates have been raised, a 30% increase and that the make up checks should be out by Christmas.

21. SPEED LIMIT WEST BRULE/LOWER BRULE: Chairman Jandreau stated that there has been complaints regarding the speed limit between the two communities, especially on the west hill. John Estes, Sr. stated that it is difficult for some vehicles to make it up the hill especially when the roads are bad. Motion was made by Boyd Gourneau to request the Bureau of Indian Affairs, Lower Brule

Agency, Facilities Management to change the speed limit to 55 miles per hour during daylight hours and 35 miles per hour at night. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

22. NOBLE LA CROIX - BUREAU OF INDIAN AFFAIRS: Noble LaCroix stated that the new Criminal Investigator is on duty. The C.I.'s that are sent here are directly supervised out of Washington. The funding for the C.I.'s are provided, but the funding for his staffing is not and this places a large burden on an already low budget for Law Enforcement. Motion was made by Kay Gourneau to recognize that the law states that C.I.'s will be placed for a one year period, but that the Tribe requests funding for the administrative costs for staffing be provided in addition to the current direct costs. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting. (Boyd Gourneau left the Tribal Council meeting at this time)

23. LOWER BRULE WILDLIFE ENTERPRISE: John Estes, Sr. asked if they had found out who had broken into up at Wildlife. Noble LaCroix stated that the new C.I. had been placed on this matter as soon as he came and that there were some suspects. John Estes, Sr. stated, I believe that it is the responsibility of the Director to make sure that the money is deposited each day and the loss of any further money should be repaid by the Director. Motion was made by John Estes, Sr. to submit a letter to Ben Janis, Director of Lower Brule Wildlife Enterprise, stating that any further loss of funds will be deducted from his pay, because of the fact that he is the responsible party for making sure the money is removed and deposited. This motion was seconded by Shirley Crane. Motion carried with vote being four members for, none opposing, none absent and none not voting.

The Lower Brule Sioux Tribal Council meeting recessed at 3:34 PM. The Lower Brule Sioux Tribal Council meeting reconvened on December 23, 1992, at 3:40 PM, with all Tribal Council members present. Also present was Cliff Skye, Jack Estes, Noah Grassrope, Cody Russell, Ben Janis, and Emmet and Donna Martin.

24. NOAH GRASSROPE REQUEST: Chairman Jandreau stated that the Lower Brule Sioux Tribe pays a \$250.00 fee to use the gravel pit located on Noah Grassrope's land. Chairman Jandreau stated that approval of paying this fee was would be required by the Tribal Council. Motion was made by John Estes, Sr. to pay the \$250.00 fee for the use of Noah Grassrope's gravel pit. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting.

25. CLIFF SKYE - SIOUX NATION FILM COMMISSION: Mr. Cliff Skye addressed the Lower Brule Sioux Tribal Council meeting regarding a benefit concert to aid Sioux Nations, which would take place on June 25, 1994 simulcast from the Black Hills, San Diego California, Toronto Canada, and Munich Germany. Motion was made by Boyd Gourneau to support the Sioux Nation Film Commission in their efforts and to authorize Chairman Jandreau to sign a consent form that would authorize Cliff Skye to be the exclusive manager, coordinator and producer of this benefit in behalf of the Lower Brule Sioux Tribe and authorize the use of the Lower Brule Sioux Tribal Emblem for merchandising, marketing, and promoting in association with this benefit and to consent and authorize the nonprofit corporation of United Sioux Tribes of South Dakota Development Corporation to be their tax-exempt entity and further consent to the distribution of all Net Proceeds

of the Benefit by U.S.T.D.C. to the Lower Brule Sioux Tribe in the following categories: Prairie Conservation, Reclamation and Restoration of Sioux Tribal Lands program; and Environmentally Sustainable Economic Development of Sioux Tribal Lands, program; and Preservation of Sioux Children, Youth and Adult Cultural Arts, program; and Eleven Sioux Tribes as seated on the USDIC Board; and Sioux Embassy, program; and Sioux Legal Defense Fund, program; and Sioux Emergency Relief Fund, program; and Sioux Nation Film Commission, and that the Lower Brule Sioux Tribe acknowledges and consents to the fact that one-hundred percent (100%) of the Net Proceeds benefit Sioux Tribal Governments, people and organizations. This motion was seconded by Kay Gourneau. Motion carried with vote being four members for, none opposing, none absent and one against.

26. FIRECLOUD REQUEST: Chairman Jandreau stated that a request was received from Bertha, Ruby, Willa, Ruth, and Cindy Firecloud for a loan on a land sale that they would be receiving from the Rosebud Sioux Tribe. Motion was made by Kay Gourneau to authorize a one time loan if funding was available. This motion was seconded by Boyd Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting.

27. EDUCATIONAL GRANT APPLICATIONS: Educational grant applications were received from Altwyn Grassrope, Alvin Grassrope, and Crystal Felecia. Motion was made by Boyd Gourneau to authorize to do the Educational Grants as in the past, to approve them provided that the paperwork is in place and to process and approve these Educational Grants. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

28. JACK ESTES: Jack Estes stated the reason for his presence at the meeting. Chairman Jandreau stated that a meeting will be set up with all the Health Programs and that Mr. Estes should come in to that meeting with his concerns. Jack Estes stated, we need advanced training, in two years we will have to be EMTI's, advanced life support personnel, we are basic now. John Estes Sr., asked what is done in an emergency for the people that go to the Casino. Jack Estes stated, that is our job also, we provide them with our services, at one time they wanted the Security to be trained in CPR, there were seven and only two are left over there. Chairman Jandreau stated, there are three employees working there now Quentin Estes, Davis Grooms and Ted McCauley. John Estes, Sr. asked who pays to provide these services for them. Chairman Jandreau stated through third party billing, their insurance. John Estes, Sr. asked if the ambulance door has been fixed, during the tornado, when the electricity was off they couldn't get the door open. Chairman Jandreau stated, there is an override. Benjamin Thompson, Jr. stated, I thought they were going to get a walk in. Chairman Jandreau stated, construction is suppose to put a side door in. John Estes, Sr. stated, keep in mind during the meeting with the Health Programs that I'd like to see the Directors in the Ambulance and CHR Programs take training and keep up with the employees in what they are trained in. A meeting is scheduled for January 6, 1993, at 10:00 AM with all Health Programs.

29. COMMUNITY COLLEGE: Cody Russell stated that the Community College was in need of a loan from the Tribe, right now for some of the teachers and we will need some to help us get by until our funding comes in, in September. Chairman Jandreau stated, what difference will this make if you come up short next year. Cody Russell stated, it will keep the College going. Ben Janis stated, we could include in our Agreement with Sinte Gleska that the Tribal Finance would be used.

Chairman Jandreau stated, someone else on the board will have to be selected to deal with the financial situation. Some major determinants are going to have to be made, first, what is Crow Creeks status, they bear the title but there are no contributions or interest made by them. Second, if adequate account has been taken, we need a good expenditure of funds, since this is for the education of our members, we should secure long term funding. We have to look at repayment criteria, how it should be repaid and we need responsiveness from the Board. Mike Hanzlik would be willing to work with the College, this is one of the reasons that Mike was hired. Mike Hanzlik is willing to work with you to have a definitive set of books and how it is being utilized. There is a greater sense of obligation to the Tribe on what is being provided totally, in which in the future we hoped we would have a whole college center. Cody Russell stated, if Mike Hanzlik would assist us, I believe this would remedy this problem, we would have to pay him. Chairman Jandreau stated, no, is is on board here, and he has asked a couple times if we still need him, but he does have the expertise to do it. Boyd Gourneau asked, with this loan, would you be able to get back on your feet. Cody Russell stated, if we can get the students to pay. Chairman Jandreau stated, get with Crow Creek, send them a certified letter, see if they are still interested. Chairman Jandreau stated, we will see what we can give to these teachers right now.

The Lower Brule Sioux Tribal Council meeting recessed at 6:00 PM. The Lower Brule Sioux Tribal Council meeting reconvened on January 6, 1993, at 10:47 AM, with all Council Members present. Also present was Dina Brandt, Kevin Klein, Rob Douglas, Nyal Brings, Clyde Banks, Levi Flute, Jewel Flute, Jack Estes, Johnelle Sitting Dog, Mary Jane Middleton, Mary Shields, Charles Flute, Mike Estes, Tom Estes, Tony LaRoche, Perry Estes, Lena Estes, and Rose Eagle Star.

ADJOURNMENT: Motion was made by Boyd Gourneau to adjourn the December Regular Session Meeting. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing none absent and none not voting.

CERTIFICATION

The foregoing is a true and correct transcript to the Minutes from the Regular Meeting held by the Lower Brule Sioux Tribal Council on December 2nd, 23rd and January 6, 1993.


SANDY LA CROIX, RECORDING SECRETARY

**LOWER BRULE SIOUX TRIBAL COUNCIL
REGULAR MEETING
JANUARY 6, 1993**

PRESENT: Michael B. Jandreau, Chairman **ABSENT:** None
Kay Gourneau
Shirley Crane
Boyd Gourneau
John Estes, Sr.
Benjamin Thompson, Jr.

ALSO PRESENT: Noble LaCroix, Dina Brandt, Pastor Kevin Klien, Rob Douglas, Nyal Brings, Clyde Johnson, Levi Flute, Jewel Flute, Jack Estes, Johnelle Sitting Dog, Mary Jane Middletent, Mary Shields, Charles Flute, Mike Estes, Tom Estes, Tony LaRoche, Perry Estes, Lena Estes, Rose Eagle Star, Roger Rodriguez, Cody Russell, Cheryl Crazy Bull, Ed Bhyre, and Ben Janis.

The Lower Brule Sioux Tribal Council meeting was called to Order by Chairman Michael B. Jandreau at 10:47 AM. Roll call was taken by the Recording Secretary and the Lord's Prayer was led by Chaplain John Estes, Sr.

1. **DINA BRANDT-LAKE FRANCIS CASE DEVELOPMENT CORPORATION:** Dina Brandt introduced Pastor Kevin Klien, Trinity Lutheran in Chamberlain and Rob Douglas, Intern, Holy Comforter Episcopal, Lower Brule. Pastor Klien and Intern Douglas introduced themselves to the Lower Brule Sioux Tribal Council. Rob Douglas stated that he thank the Tribal Council for their support and hopes that it will continue in the future. Rob Douglas stated that Father Jim and the Holy Comforter Episcopal Church Congregation was still very interested in turning the old Church over for renovation for a library or museum. Chairman Jandreau stated that Father Jim Pearson had stated that this could be done but nothing had been submitted to the Tribal Council to this effect. Chairman Jandreau stated that he wanted a concurrence on this. Intern Douglas stated that the Pastors have a monthly meeting that he would bring this matter up and invited Chairman Jandreau to attend the next monthly meeting. Pastor Klien stated that the Trinity Lutheran in Chamberlain sponsor the Interns at the Holy Comforter Church and that he hoped there would not be any conflicts as in the past, we would like to work forward. Dina Brandt stated that she wanted to see the Lower Brule Sioux Tribe get involved with the Intermodal Surface Transportation Efficiency Act (ISTEA) program to get the roads funded. Ms. Brandt stated that there is 100% funding on Federal Lands. Noble LaCroix stated that he was involved in a meeting with the Kiwanis Club and that they supported having 1806 worked on. Dina Brandt stated that working with the Native American Loop, if she had the Tribal Council's support that this would help. Chairman Jandreau stated that Ms. Brandt should also look for support from the City Commissions of Pierre, Ft. Pierre, and Chamberlain. Motion was made by Kay Gourneau to support the two Scenic Byways with the inclusion of highway 1806, I-90 Missouri River Loop and the Native American Loop. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

2. **SHIRLEY MARVIN-E.D.A. PLANNING:** A draft Resolution was submitted by E.D.A. Planner, Shirley Marvin, for submission of a grant application to the State of South Dakota for purposes of Archeological Planning and Research of

Historical/Archeological sites on the Lower Brule Reservation. Motion was made by Boyd Gourneau to approve submission of the Grant Application by Resolution. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting.

3. **L.B.S.T. HEALTH PROGRAMS:** Nyal Brings, Clyde Johnson, Levi Flute, Jewel Flute, Jack Estes, Johnelle Sitting Dog, Mary Jane Middletent, Mary Shields, Charles Flute, Mike Estes, Tom Estes, and Tony LaRoche entered the Tribal Council meeting at this time. Chairman Jandreau stated that the reason for calling this meeting with the Health Programs was because of the Proposal submitted by the C.H.R. Program. Chairman Jandreau stated that the Proposal was acceptable except for the part that excluded transportation. Chairman Jandreau stated that no matter how you look at it the C.H.R. Program will have to provide some transportation. The Tribal Council did not approve this proposal because we wanted more information from the Health Programs and the best way to get this accomplished is to ask each of you individually and as a group to give us what you feel is wrong and what you can do to enhance your program. The C.H.R. is not a totally understood Program, if we can get together and show what needs to be done, any action, to provide better services to the community, we can try and accomplish that here. Levi Flute wished everyone a Happy New Year. Mr. Flute stated that the reason why he submitted the proposal was because he felt that the C.H.R.'s were not spending enough time in the Community. Chairman Jandreau stated that one of the concerns was that Mr. Flute did not have a listed telephone number and was not easily accessible. Levi Flute stated that the C.H.R.'s are wanted in the schools, we have one individual who has training in diabetic foot care. We should be doing workshops. When we are on duty at night we cannot do anything else, we are bound to part of our Contract that states we must transport, but with the increase in staffing in the Ambulance Program and Patient Transport this will help us. John Estes, Sr. stated that he would like to see the Directors take the same training as the employees. Levi Flute stated that he does take all the training and if only one person goes, when they come back they give the others information. Chairman Jandreau stated that there was a need for clarification of duties and policies for the C.H.R. Program. Jewel Flute stated that the C.H.R.'s need their own first aid bags and that the C.H.R.'s were not informed of events that happen to people in the community for follow up care. We have to get out and develop a trust with the community so they will feel comfortable in calling on us. Jewel Flute stated that most of the calls at night are code yellow, which are minor, if we were out in the community during the day we could take care of these. We could provide preventative training to young mothers, Elderly and diabetics. Chairman Jandreau asked if all the Health Programs have gotten together collectively for scheduling, the Ambulance Program, Patient Transport, Healthy Start, M.C.H., I see all of our Programs working in roles independent of each other. Levi Flute stated that the C.H.R.'s will try to keep on top of things. Chairman Jandreau stated that the first thing is for the programs to get together and express their differences and processes for corrective actions. Jack Estes stated that it usually ends up that one person usually ends up doing all the work. Chairman Jandreau stated that these things have to be worked out so that services can be provided. Mary Jane Middletent stated that there was a lack of communication and that maybe staff meetings would help. The number one thing is remembering that we're here for the peoples needs, there has to be some attitude changes. Lena Estes stated that maybe part of the problem is a having everyone in the same office. Chairman Jandreau stated that there is a need for more room, we are having trouble coming up with the matching funds for the multipurpose building. There is an inability to respect the rights of others. These problems need solutions. There are E.M.T.'s that have more training than the

others, which they got from the Tribe and they owe this back to the people, there is no other way except to sit down together collectively. Mary Jane Middleton stated that there should be two E.M.T.'s on a male and a female, sometimes a tire needs to be changed, etc. Lena Estes stated that during bad weather Bernard Hale stated that he would have a vehicle go ahead of the Ambulance. Tony LaRoche stated that people do not like to go to the Clinic, even when it is something minor, especially with the new appointment system and they are refused to be seen because they do not have an appointment. Lena Estes stated that when the first responders handle a situation at night the clinic cannot take them until the afternoon because of the appointment system. Chairman Jandreau stated that someone should make appointments first thing in the morning. Mike Estes stated that the Clinic could be called because the E.M.T. Program placed a portable phone there. Chairman Jandreau stated the I.H.S. should have set up a base station on their own, they have a greater responsibility, I sense that they do not use their funding base to the potential of services that they could provide on the reservation. Levi Flute asked where the Resolutions go when they are passed by the Tribal Council. Chairman Jandreau stated that they are sent to the Lower Brule Agency Bureau of Indian Affairs and they in turn sent them to the Aberdeen Area Office. Levi Flute stated that no word has been heard on the fitness Program we requested. Chairman Jandreau stated that he would look into it and see why it isn't happening. Jack Estes stated that there was a lack of communication and understanding by the Health Director, etc., and that they don't have the training by the E.M.T. stand point and maybe they should take the same training to have a basic understanding. Perry Estes stated that the E.M.T.'s should be trained to sustain a life until help comes. Lena Estes stated that she thought the C.H.R.'s should have their own bags. Chairman Jandreau stated that the C.H.R.'s used to carry their own bags. Levi Flute stated that they can be ordered, this was something minor. Nyal Brings stated that if there were any misunderstandings it is because he does not get any input. Chairman Jandreau asked if there was any reporting done. Levi Flute stated that they had to do their reporting or they would get written up. Chairman Jandreau stated that he meant reporting to the next person on duty what has happened during their shift. Chairman Jandreau stated that it seems that there isn't enough communication and persistence and we need this done. Lena Estes stated that the C.H.R.'s used to be able to go to the Clinic to fill their bags, but they won't let us get anything. Chairman Jandreau stated that it should not be like this. John Estes, Sr. stated that he thought separating the Program would be a good idea, or divide the rooms up and have staff meetings and report back to each other. Chairman Jandreau stated that the Health Director must assist these Programs to implement the meetings and there needs to be a log to record materials needed, we also need a plan developed and presented to the Council. If the C.H.R.'s go on an eight hour work day there needs to be a new education process for the Community, dates of workshops, when and a clear identification of patient load, etc. John Estes, Sr. stated that after someone comes back from the hospital nobody knows what happens with the patient. Chairman Jandreau stated that the Program has to be formalized and identified in part of their process as a requirement. John Estes, Sr. stated that staff meetings are great, to get the point known. Chairman Jandreau stated that these were basic requirements and that the C.H.R. need privacy, there needs to be a reception area, you need to look into leasing a trailer. Jack Estes stated that at one time one night was set up to go over Ambulance techniques for the E.M.T.'s and C.H.R.'s, but it never happened, you have to practice on the equipment. Chairman Jandreau stated that all the Health Programs need to work as a unit as we grow. John Estes, Sr. asked what happens if someone gets sick at the Casino. Lena Estes stated, we take care of them. Nyal Brings asked about transporting a prisoner to a medical facility, are we held

accountable. Chairman Jandreau stated the C.H.R.'s are not deputized and the Law Enforcement are sending their prisoners at their own risk, it is their responsibility. Tony LaRoche stated that the Law Enforcement Program has stated that the only way an Officer could go is if there was an off duty Officer that would donate their time to go, they are short on man power. Chairman Jandreau asked Nyal Brings when he would get the new plan to the Council. Nyal Brings stated within two weeks. Chairman Jandreau stated that there should be a cross with the Alcoholism Program also, they are not effectively dealing with the problems on the reservation. Lena Estes stated that it used to be that a C.H.R. an E.M.T. and an A.A. Counselor used to go out on calls.

The Lower Brule Sioux Tribal Council meeting recessed at 1:50 PM. The Lower Brule Sioux Tribal Council meeting reconvened at 3:05 PM, with all Council Members present. Also present was Cody Russell, Ben Janis, Ed Bhyre, Mike Hanzlik, and Cheryl Crazy Bull.

4 LOWER BRULE COMMUNITY COLLEGE: Cody Russell stated that the L.B. Community College would like to request to use the Tribe's Finance Office for the Community College with Mike Hanzlik working on our budget. We are going to have to ask the Tribe for a loan. Cody Russell asked Cheryl Crazy Bull to inform the Tribal Council on this matter. Cheryl Crazy Bull stated that it was nice to see the Tribal Council's efforts in keeping the College operational. There is a Tribal Community College Grant available, but it is not available for use until one year later. The Community College needs to get free money from the Tribe. Kay Gourneau stated, you do not recommend borrowing the money. Cheryl Crazy Bull stated that the College would not be able to pay it back, if they paid it back they would be short again the next year. I believe that the College can make it. Sinte Gleska started out with nothing and within seven years we have developed into a 3.7 million dollar program. Kay Gourneau asked what the status was with Crow Creek. Ed Bhyre stated that they were not interested. We will need to revise our Bylaws. There has also been three instances where a Council Member from Crow Creek has degraded students. I have talked to most of the students and they would prefer to have Lower Brule running the College, they would feel more comfortable. Cheryl Crazy Bull stated that whether the Lower Brule Community College stayed separate from Sinte Gleska or if they are a branch of Sinte Gleska they will need money, until September. Cody Russell stated that a loan was needed, a telephone and a computer accounting system. Cheryl Crazy Bull stated that she should be able to get a used computer for the College to use and I think that the Tribe should get a telephone for the College first. Mike Hanzlik stated that he had a computer accounting program that could be use. Motion was made by Boyd Gourneau to dissolve Crow Creek Sioux Tribe's membership with the Lower Brule Community College. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being five members for, none opposing, none absent and none not voting. Motion was made by Boyd Gourneau to utilize the \$5,000.00 Educational Scholarship received from the Farm Corporation and request \$25,000.00 from the Lower Brule Farm Board from the unencumbered cash that is set aside for land purchases to be used as a contribution to the Lower Brule Community College. This motion was seconded by Kay Gourneau. Motion died for lack of two thirds majority vote. The Lower Brule Sioux Tribal Council meeting went into Executive Session at 4:42 PM. The Lower Brule Sioux Tribal Council meeting came out of Executive Session at 5:13 PM. Motion was made by Kay Gourneau to instruct the current Lower Brule Community College Board to revise the Charter and Bylaws with the Directive from the Tribal Council that the President of the Community College must be Native American and to give Mr. Bhyre a

two week notice. This motion was seconded by Benjamin Thompson, Jr. Motion carried with the vote being five members for, none opposing, none absent and none not voting. Motion was made by Kay Gourneau to request the \$30,000.00 as stated in the previous action. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

The Lower Brule Sioux Tribal Council meeting recessed at 5:25 PM. The Lower Brule Sioux Tribal Council meeting reconvened on January 7, 1993, at 11:13 AM, with all Council Members present. Also present was Jeff Grassrope, Lisa Estes and Joyce Estes .

5. JEFF GRASSROPE REQUEST: Chairman Jandreau stated that Jeff Grassrope was present at the Tribal Council meeting today to make a request for a loan of \$300.00. Chairman Jandreau stated that the loan would be repaid with his lease income, but that Mr. Grassrope's lease came in for this year already so the loan would have to be repaid with next years lease income. Motion was made by John Estes, Sr. to approve a \$300.00 loan to Mr. Grassrope to be repaid with his lease income next year. This motion was seconded by Kay Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting.

6. LAKOTA CONFEDERACY OF THE BLACK HILLS: A letter was received from the Lakota Confederacy of the Black Hills in regard to the 3rd General Assembly of the Unrepresented Nations and People Organization scheduled for January 19-23, 1993 at the Hague of the Netherlands. John Estes, Sr. stated that Simmon Thunder would be a good representative to send. Motion was made by Boyd Gourneau to go with John Estes, Sr.'s recommendation to send Simmon Thunder as the Lower Brule Sioux Tribe representative and Eastern Rosebud Tribe's representative and to recognize and approve Reginald Bird Horse, Joseph A. Walker, Richard Grass, Floyd Hand, Ruben McClosky, Ted Thin Elk, Charles Murphy, Frances He Crow, Charlotte Black Elk and alternates Phyllis Wilcox and Thelma Rios. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting.

6. LOWER BRULE HOUSING AUTHORITY: A letter was submitted by the Lower Brule Housing Authority to request the Lower Brule Sioux Tribe to pay for the expenses of four Housing Board members and an employee to attend a meeting in Denver Colorado. This matter was tabled until the costs were presented.

7. MEMORANDUM OF AGREEMENT - L.B.H.A. AND I.H.S.: A Memorandum of Agreement was received from I.H.S. to be approve by the Lower Brule Sioux Tribal Council for the construction of sanitation facilities and technical assistance on the twenty-nine DHUD Low Rent Housing units to be built on the Lower Brule Reservation. Motion was made by Kay Gourneau to approve the Memorandum of Agreement. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

8. LITTLE BIGHORN MEMORIAL: A letter was received from the Secretary of the Interior, Washington, Manuel Lujan, Jr. in regard to Public Law 102-201, which is a memorial to be designed and constructed to honor the Indian participants in the Battle of the Little Bighorn. Public Law 102-201 also authorizes the establishment of the Little Bighorn National Monument Advisory Committee, which includes 11 members. Of the 11 members that are to be appointed to the Committee, 6 are to represent Native American Tribes who participated in the Battle of the Little Bighorn or who now reside in the area, 2 are to be national recognized artists, and

3 are to be knowledgeable in history, historic preservation, and landscape architecture. Motion was made by Boyd Gourneau to nominate Lorenzo Black Lance. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting.

9. **GENERAL COUNSEL & SPECIAL LEGAL COUNSEL BILLING:** A billing was received from General Legal Counsel, Julian H. Brown, Hiatt Law Offices for the period covering December 1, 1992 through January 3, 1993 in the amount of \$7,004.40. And a billing was received from Special Legal Counsel, R. Dennis Ickes, Nielsen & Senior for the State of South Dakota v Lower Brule Sioux Tribe. Motion was made by Kay Gourneau to approve the billings and to submit the billings to the Bureau of Indian Affairs, Lower Brule Agency for review and approval. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting.

10. **SHIRLEY MARVIN, EDA PLANNING:** Shirley Marvin, EDA Planner submitted a draft Resolution for approval by the Tribal Council for the submission of a grant application through the Bush Foundation for a Law Library on the Lower Brule Reservation. Motion was made by Boyd Gourneau to authorize the submission of a grant application by Tribal Resolution. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

11. **RONALD G. TEDROW, CPA:** A proposal was submitted by Ronald G. Tedrow, CPA, to provide an audit for the year ended September 30, 1992, for the Lower Brule Sioux Tribe. Motion was made by Kay Gourneau to approve Mr. Tedrow's Proposal. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

12. **RESOURCE MANAGEMENT:** A draft resolution was submitted by Orville Langdeau, Sr. to request grant funding for FY-93 for the Resource Management and Economic Development Program. Motion was made by Boyd Gourneau to adopt a Resolution to request funding. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

13. **LAW ENFORCEMENT BASKETBALL TOURNAMENT:** A request was received from the Lower Brule Agency Law Enforcement for a donation from the Lower Brule Sioux Tribe for their annual Basketball Tournament. Chairman Jandreau stated that the Tribe has donated \$50.00 in the past. Motion was made by Kay Gourneau to donate \$50.00. This motion was seconded by Boyd Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting.

14. **TRI COUNTY LANDFILL ASSOCIATION:** Chairman Jandreau stated that the Tri County Landfill Association has been calling and sending correspondence to the Lower Brule Sioux Tribe in regard to becoming members of their landfill association. Chairman Jandreau stated that based on the 1990 census the Lower Brule Sioux Tribe would have to pay a \$5,500.00 membership fee. Motion was made by John Estes, Sr. to request Chairman Jandreau to have Tri County Landfill Association make a presentation to the Tribal Council next week. This motion was seconded by Boyd Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting.

15. SANDY LA CROIX HOMESITE REQUEST: A letter of request was received from Sandy LaCroix for a Homesite. Motion was made by Boyd Gourneau to approve the Homesite and to request that she be placed on the IHS water/sewer list. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

16. LAND SALE APPLICATION-KEITH GOODFACE: A land sale application was received from Keith Goodface for the sale of his land to the Lower Brule Sioux Tribe. Motion was made by Boyd Gourneau to request the Lower Brule Agency, Bureau of Indian Affairs, to conduct an appraisal on Mr. Goodface's land. This motion was seconded by Kay Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting.

17. LAND SALE APPRAISALS: Land sale appraisals were received from the Lower Brule Agency, Bureau of Indian Affairs, for James Bad Horse in the amount of \$2,782.29 and Kim K. Thompson in the amount of \$429.89. Motion was made by Kay Gourneau to purchase these allotments. This motion was seconded by Boyd Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting.

18. LOWER BRULE SIOUX TRIBE BUDGET 1993: Joyce Estes and Lisa Estes entered the Lower Brule Sioux Tribal Council meeting. Joyce Estes reported the Lower Brule Sioux Tribe's budget through the Bureau of Indian Affairs. Joyce Estes stated that the Tribe's FMHA land payment was due and there was \$200,000.00 available for draw down for the Tribe and the Tribe would have to request this. Lisa Estes reported the Lower Brule Sioux Tribe's budget for 1993. Motion was made by Boyd Gourneau to approve the Lower Brule Sioux Tribe's 1993 budget. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

6. LOWER BRULE HOUSING AUTHORITY: Chairman Jandreau stated that the Lower Brule Housing Authority is requesting \$2,500.92 for the Lower Brule Housing Board members to attend the meeting in Denver, Colorado. Motion was made by Benjamin Thompson, Jr. to approve their request. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

19. LOWER BRULE ELDERLY DIRECTOR: Chairman Jandreau stated that the position for the Elderly Director was advertised for two weeks and that the only applicant for the position was Theresa LaRoche. Motion was made by Boyd Gourneau to hire Theresa LaRoche for the Elderly Director position. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

20. CORE MANAGEMENT: A request was received from Trish Lundell to request by Resolution for funding for CORE Management for FY-93. Motion was made by Kay Gourneau to adopt a Resolution to request funding for CORE Management. This motion was seconded by Boyd Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting.

The Lower Brule Sioux Tribal Council meeting recessed at 12:57 PM. The Lower Brule Sioux Tribal Council meeting reconvened on January 12, 1993, at 11:15 AM, with Kay Gourneau absent. Also present was Tom Hanke, Ben Janis, Fedelia Skunk, Dale Middletent, Earl LaRoche, Ted McCauley, Bill Langdeau and Randy Jandreau.

21. **TOM HANKE-LOWER BRULE FARM CORPORATION:** Mr. Tom Hanke presented to the Lower Brule Sioux Tribal Council the Lower Brule Farm Corporations audit for FY-92.

Mr. Hanke stated that there has been a 10% income drop for the Farm because of weather conditions, but that the Farm Corporation has had a pretty good year. Mr. Hanke submitted the Lower Brule Farm Corporation 1992 Basic Financial Numbers to the Lower Brule Sioux Tribal Council which showed the break down of the allocations of funds for the Farm Corporation. Mr. Hanke stated that the Tribe would be receiving \$468,940.00 and the \$5,000.00 Ben Rifle Education Scholarship. Chairman Jandreau stated that the Abnor Land was purchased yesterday for \$334,000.00 and it will take approximately \$150,000.00 to fix up the old irrigation system. Chairman Jandreau stated that the Dalgren Property is available, which is 440 acres. John Estes, Sr. asked how far this land was away from the reservation. Chairman Jandreau stated that this land is located on the reservation. Benjamin Thompson, Jr. asked Chairman Jandreau if there was some way to let the people know where, and what the Farm money is used for. Chairman Jandreau stated that the Council members know what it is used for and it is their jobs to inform the people. Mr. Hanke stated that the Farm Corporation has no debts, we don't any banks anything and there have been a lot of improvements made. The storage at the Clark Unit was \$75,000.00, the shop at the Clark Unit was \$70,000.00 and the Goose Hunting Lodge was \$70,000.00 and all of this land and equipment and buildings belong to the Tribe. John Estes, Sr. asked Mr. Hanke is he was doing this to help people or is he just out spending money. Mr. Hanke stated that all of the land that was purchased for the Tribe and the giving of dividend payments is a hell of an accomplishment for the Tribe. Chairman Jandreau stated that this helped clear up the jurisdictional problem and helps increase the land base to the Tribe. Benjamin Thompson, Jr. stated that this information should be put out in the newsletter. Chairman Jandreau stated that he planned on putting the information in the newsletter. Chairman Jandreau stated that the payment from the Farm Corporation would be used for some of the following; \$50,000.00 for L.I.H.E.A.P., \$50,000.00 for a note at the Bank, \$75,000.00 for payment on the Hay Pelleting Plant and \$25,000.00 for Operations.

22. **TREASURY DRAW DOWN:** Chairman Jandreau stated that there was \$200,000.00 available for Draw Down by the Tribe against the FY-93 Budget for Tribal Operations. Chairman Jandreau stated that this would have to be requested by Resolution. Motion was made by Boyd Gourneau to request the \$200,000.00 Treasury Draw Down. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

23. **WILSON/SKUNK MEMORIAL BASKETBALL TOURNAMENT:** A letter of request was received from Lucille Skunk to hold a dance on February 12th and 13th to help raise funding for the Basketball Tournament. Chairman Jandreau stated that they probably wanted to use the Bingo Hall and that they would have to talk to the Bingo Organizations regarding this matter. And that they would be required as in the past to place a deposit and inform the Law Enforcement on the dates and times of the dances.

23. **RUTH FLUTE/CINDY FIRE CLOUD REQUEST:** A letter of request was received from Ruth Flute and Cindy Fire Cloud to make a \$150.00 loan against their land sale. Benjamin Thompson, Jr. stated that this matter was up to the Chairman. By Tribal Council concurrence Ruth Flute and Cindy Fire Cloud will receive a loan in the amount of \$75.00. (Ben Janis entered the Tribal Council meeting at this time.)

24. **NORMA GRASSROPE-JTPA DIRECTOR:** A letter was received from Norma Grassrope, JTPA Director regarding a list of eligible applicants for three positions open Housing Maintenance, Propane, and CCF. Shirley Crane stated that she thought the list that was approved by the Tribal Council is the list that Ms. Grassrope should be using. Ben Janis stated that the JTPA list has to be updated every thirty days and that this list would have to be approved. Motion was made by Boyd Gourneau to approve the JTPA List. This motion was seconded by Shirley Crane.

Motion carried with vote being five members for, none opposing, none absent and none not voting. (Dale Middletent, Earl LaRoche, Ted McCauley, Bill Langdeau, Fedelia Skunk and Randy Jandreau entered the Tribal Council meeting at this time.)

25. **LOWER BRULE WILDLIFE ENTERPRISE:** Chairman Jandreau asked Ben Janis to give an update on the Lower Brule Wildlife Program. Ben Janis stated that the hunting season was over for Buffalo, Elk and Deer and the Conservation Officers will get the Deer Tags. The Buffalo pasture is 80% complete and Bill, Ted and Joe are patrolling. Fedelia is our Secretary, Bill is our head maintenance and George is part time because of his social security. Mr. Janis stated that Wildlife was in the process of getting a new biologist, there have been five applicants and we will make recommendations to the Board tomorrow. John Estes, Sr. asked if the qualifications included Indian preference. Ben Janis stated that it did, but there were no Indian applicants. Boyd Gourneau stated that the Wildlife Program, which works with contracting with the BIA have to have Indian preference and if there are no Indian applicants they will select a non-Indian. Benjamin Thompson, Jr. asked if the money from license sales were coming down regular. Ben Janis stated that the building was broken into again during Christmas Vacation and \$850.00 was taken. Mr. Janis stated that the windows have all been nailed shut and a new door was bought. Boyd Gourneau asked if the main gate was kept locked. Mr. Janis stated that it is only locked on weekends and there have been some bails missing. Shirley Crane asked if the Police Department patrols up there. Ben Janis stated that he wasn't sure, but would ask if they could start checking on the place. Boyd Gourneau stated that Mr. Janis should coordinate a meeting with the Ranchers in regard to hunting on their land. John Estes, Sr. asked if there was report making and monthly reports done by the Wildlife Program. Ben Janis stated that he just gave the annual report to Alan Lien and that he would get copies to the Tribal Council. Boyd Gourneau asked Mr. Janis to get the past years reports to the Tribal Council. Mr. Janis stated that he would get this reports to the Tribal Council.

The Lower Brule Sioux Tribal Council meeting recessed at 1:09 PM. The Lower Brule Sioux Tribal Council meeting reconvened on January 27, 1993, at 10:30 AM, with all Tribal Council members present. Also present was Dick McCabe, Alisa Arnold, Jerry Hiser, Ken Parr, Alan Lien and Paul Pooler.

26. **BUREAU OF RECLAMATION-ENHANCEMENT PLAN:** Mr. Dick McCabe stated that the Lower Brule Reservation was in need of developing a Wildlife Enhancement Program to identify potential projects on the reservation. Mr. McCabe stated that this Plan must be submitted with the final engineering report to Congress on the Mni Wiconi Rural Water Project. Mr. McCabe stated that there is only limited funding available now for the Mni Wiconi Project but that these funds had to be requested for allocation and right now there is no Enhancement Program funding at all. The Lower Brule Sioux Tribal Council discussed the Bureau of Reclamation the possibilities of enhancing and/or develop the following programs: Water sources, Tree planting, Food plots, Rotational grazing, Nesting habitat, Reducing erosion, Fish hatchery, Bison/Elk Management plans, Buffalo/Elk corrals, Wild Turkey re-introduction, and a Geographical Information System. Mr. McCabe stated that the

Bureau of Reclamations needed authorization and a representative to get this Enhancement Plan together for the Lower Brule Sioux Tribe. Motion was made by Kay Gourneau to authorize the Bureau of Reclamation to put together the Lower Brule Reservations Enhancement Program Plan along with Mike Watson and have Alan Lien and Ben Janis as contact people and representatives. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

27. **SHIRLEY MARVIN, E.D.A.-HISTORIC PRESERVATION GRANT:** A draft resolution was received from Shirley Marvin, EDA Director, for the submission of a Historic Preservation Grant application. Chairman Jandreau stated that this grant would allow the preservation of the old churches and cemeteries. Motion was made by Boyd Gourneau to approve this request and to adopt a resolution to request the Historic Preservation Grant. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting.

28. **ABERDEEN AREA INDIAN HEALTH SERVICE:** Chairman Jandreau stated that the letter received from the Aberdeen Area Indian Health Service is requesting verification of tribal interest in participating in the Joint Venture Demonstration Project, which the Lower Brule Sioux Tribe is still eligible for approval for participation; if funding can be secured. Chairman Jandreau stated that the Tribe could not come up with funding in the past, but Shirley Marvin is talking to construction companies and banks in Sioux Falls right now. Chairman Jandreau stated that IHS would provide the staffing for the building and this would give more capability in the medical field for us. Motion was made by Boyd Gourneau to submit a letter to the Aberdeen Area Indian Health Service to inform them that the Tribe is still interested and are pursuing the development of the building. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

29. **EDUCATIONAL GRANT APPLICATION:** An Educational Grant Application was received from Randy Quilt, who is enrolled to attend Job Corp. in Nemo, South Dakota. Motion was made by Kay Gourneau to approve the Educational Grant if all paper work was in place. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

30. **L.B.S.T. MINUTES:** The Minutes of the Regular Session Tribal Council meetings were submitted for review and approval for the months of November and December. The Lower Brule Sioux Tribal Council reviewed the Minutes. Motion was made by Boyd Gourneau to approve the Minutes for November and December. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being five members for, none opposing, none absent and none not voting. Chairman Jandreau stated that there were a few items that he wanted to inform the Council about one is that the Firecloud girls are requesting another loan on their land sale. By Tribal Council concurrence Chairman Jandreau was authorized to take care of their request. Chairman Jandreau stated that the copy machine was costing more in repairs and that a demonstration model was being tested for purchase. Chairman Jandreau stated that he had some information for the Council on the development of the motel. Kay Gourneau submitted a request from Burt Goodface requesting a loan on his land sale. By Tribal Council concurrence no decision will be made until an appraisal is received. Motion was made by Benjamin Thompson, Jr. to withdraw from United Sioux Tribes. This motion was seconded by John Estes, Sr. Motion died for lack of two thirds majority vote, with vote being three members for, two opposing,

none absent and none not voting. John Estes, Sr. stated that he would like to request two Elk for the Lower Brule Sioux Band of Indians Corporation Pow Wow in February and the Sioux Nation Treaty Council meeting this summer. Boyd Gourneau stated that a letter of request would have to be written to Lower Brule Wildlife Enterprise. A letter was received from Mike Small Jumper requesting assistance for his son who was attending school in Santa Fe. Chairman Jandreau stated that this matter would have to be looked into further.

The Lower Brule Sioux Tribal Council meeting recessed at 12:27 PM. The Lower Brule Sioux Tribal Council meeting reconvened on February 3, 1993, at 10:00 AM, with all Council Members present.

ADJOURNMENT: Motion was made by Boyd Gourneau to adjourn the January Regular Session Meeting. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting.

CERTIFICATION

The foregoing is a true and correct transcript to the Minutes from the Regular Meeting held by the Lower Brule Sioux Tribal Council on January 6th, 7th, 12th, 27th and February 3, 1993.



SANDY LA CROIX, RECORDING SECRETARY

**LOWER BRULE SIOUX TRIBAL COUNCIL
REGULAR MEETING
FEBRUARY 3, 1993**

PRESENT: Michael B. Jandreau, Chairman **ABSENT:** None
Kay Gourneau
Shirley Crane
Boyd Gourneau
John Estes, Sr.
Benjamin Thompson, Jr.

ALSO PRESENT: Noble LaCroix, Debra Isburg, Wilma Wilson, Scott Jones, Orville Langdeau, Jr., and Rose McCauley.

The Lower Brule Sioux Tribal Council meeting was called to Order by Chairman Michael B. Jandreau at 10:08 AM. Roll call was taken by the Recording Secretary and the Lord's Prayer was led by Chaplain John Estes, Sr.

1. **LOWER BRULE HOUSING AUTHORITY:** Debra Isburg stated that there was a need to develop a housing plan for the Lower Brule Reservation to determine the housing plans and need, water, roads, solid waste, etc. Mrs. Isburg stated that by the end of the month selections had to be made for housing sites, we need to get everyone involved. Chairman Jandreau stated that he attended a meeting in Aberdeen, which was very informative. A request was made to H.U.D. in regard to funding available for water storage and a new intake. H.U.D. asked about the expanded use from the Casino. Chairman Jandreau stated that the use by the Casino is not any comparison to the needs of the housing on the reservation. We need to get funding for a new intake. We need Housing, through the renters, to make sure there are no leaks and if so they need to be plugged, people do not realize how much a leak costs. Our intake now is undersized for our need now, storage is way down, we are hand pumping up to West Brule and the storage tank in West Brule has a split at one of the seams. H.U.D. is responsible for this, all the work on the new project or expanded projects has been born by I.H.S. We have to have people involved that can justify our needs for development. Scott Jones stated that the lagoon systems also need to be expanded for larger capacity. Chairman Jandreau stated that Deb Griffith, I.H.S., is doing a survey for new development, mostly from the housing stand point. Scott Jones stated that one problem is that the community members would probably have to pay an increase for these services, right now the Tribe is subsidizing all the services. There has to be a hard look taken at increasing the rates. The Tribe is subsidizing \$150,000 - \$200,000 a year in actual costs for these services. Orville Langdeau, Jr. asked if the new Tribal Council has done anything about the solid waste problem. Chairman Jandreau stated that nothing has been done yet. Orville Langdeau, Jr. asked about recycling. Chairman Jandreau stated that there probably wouldn't be enough done that would make that much of a difference. Orville Langdeau, Jr. asked about the Tri County Landfill, if anything had changed on that issue. Chairman Jandreau stated that the Tribe would have to find out what tonnage the household waste would be. Motion was made by Boyd Gourneau to authorize the establishment of a planning committee and set a five year plan as the priority. This motion was seconded by Kay Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting. Chairman Jandreau stated that Social Services will have to be involved in this also, they

are capital generators to some of the units on the reservation and they will have to be identified.

2. DINAH BRANDT-L.F.C.D.C.: Dinah Brandt submitted material to the Tribal Council in regard to tourism in the State of South Dakota. Dinah Brandt stated that Lyman County has had a 54% positive growth, because of your Casino. Statistics were submitted to the Tribal Council on the age group, salary range, etc., of the tourists in the area. Dinah Brandt stated that a rare bone from a nosasaurs had been found and was taken to the Museum of Geology, they will keep it. Dinah Brandt stated that the Chamberlain Area was in the process of writing grants for a museum and we would like the Lower Brule Sioux Tribe to be part of it and we would like your support. Chairman Jandreau stated that the Tribe was also trying to develop a museum, but that the Tribe would support them. Dinah Brandt stated that she had been talking with a Dr. Bork from the School of Mines and Technology, and that he thought that the Tribe could have a something in the Chamberlain museum that would draw the tourist to Lower Brule. Ms. Brandt stated that Mr. Bork would also like to see Native American students involved and get training in archeology. Motion was made by Kay Gourneau to support the Chamberlain museum and request the Lower Brule Sioux Tribe be involved in the development of the museum and request that the School of Mines be involved in both museums. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

3. LOWER BRULE EMPLOYMENT ENTERPRISE: Chairman Jandreau stated that Employment Enterprise and the Finance Office had put together a Proposal to submit for approval to Norwest Bank, Sioux Falls, for a \$250,000.00 line of credit. Chairman Jandreau stated that the line of credit would be secured by the contracts received by Employment Enterprise and that billings would be paid through it and the funding from the contracts would be deposited there. Motion was made by Benjamin Thompson, Jr. to approve a \$250,000.00 line of credit through Norwest Bank, Sioux Falls for Employment Enterprise. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

The Lower Brule Sioux Tribal Council meeting recessed at 12:15 PM. The Lower Brule Sioux Tribal Council meeting reconvened at 1:28 PM, with all Council members present. Also present was Nathan Middletent, Marilyn Harmon, Doug Nelson, Mike Hanzlik, and Cody Russell.

4. NATHAN MIDDLETENT/MARILYN HARMON: Chairman Jandreau stated that a letter was received from Nathan Middletent regarding the Commodity Program, in which he stated he had a problem in getting his commodities. Chairman Jandreau stated that a letter was sent to Marilyn Harmon and in return she submitted a letter that responded to Mr. Middletent's complaints. Benjamin Thompson, Jr. asked if special consideration was made to the elderly and handicapped. Marilyn Harmon stated there was. John Estes, Sr. asked if there was certain times to pick commodities. Marilyn Harmon stated that the hours are from nine to twelve o'clock and one to three o'clock, we have to do inventory each night and when we shut the computer down that's it. Chairman Jandreau stated that these hours should be posted and stated that Erwin LaRoche could deliver to the elderly and handicapped or who ever didn't have a vehicle.

5. GENERAL COUNSEL BILLING-JULIAN H. BROWN: A billing was received from General Legal Counsel, Julian H. Brown, Hiatt Law Offices, for the period covering January 4, 1993 through January 31, 1993 in the amount of \$3,653.45. Motion was made by

Boyd Gourneau to approve the billing and to submit the billing to the Bureau of Indian Affairs, Lower Brule Agency, for review and approval. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

6. PLANNING AND DEVELOPMENT DISTRICT III: A letter was received from the Planning and Development District III in regard to membership dues. Chairman Jandreau stated that the Tribe did not have an opportunity to utilize the services for the past two years. Motion was made by Boyd Gourneau to decline membership into Planning and Development District III. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

7. ABERDEEN AREA OFFICE - ACCOUNTING MANAGEMENT OFFICE: A letter was received from the Aberdeen Area Office, Accounting Management Office in regard to investments of Tribal Trust Funds into local or regional banks. Chairman Jandreau stated that these funds would impact on the finality of the Black Hills claim and would create a situation that our Trust Funds would be placed at the control of the Tribes, then there would be no ability to pursue the claim for lands and the people that had talked to me were very upset and asked what Lower Brule's stance was on this. I told them I would have to address the Tribal Council on this. Boyd Gourneau stated that he would request a referendum vote. John Estes, Sr. stated that the Elders are thinking that this would be the end of everything. Chairman Jandreau stated that individual trust funds have always been in place, there are not restrictions on them, this all has been as a result from Mr. Bourland wanting to bring the funding out here, we do not have to take any action on this. Boyd Gourneau stated that he would want it done separate from other Tribes. Chairman Jandreau stated that if there is any opposition it won't move. Motion was made by John Estes, Sr. to hold a public meeting. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting. By Tribal Council concurrence the 2.2% of this claim would be rejected and a request would be made to use the 68 Census.

8. DOUG NELSON-TRI COUNTY LAND FILL ASSOCIATION: Chairman Jandreau stated that the October 9, 1993 deadline is approaching, which will require everyone to have access to an approved land fill, whether we develop one or transport it to a landfill. We have requested Mr. Doug Nelson to attend the Tribal Council meeting to inform us of the development of the Tri County Land Fill Association, Mr. Nelson can you inform the Tribal Council on your organization. Mr. Nelson stated that the Feasibility Study and Geo Tech are completed. We are in the design stage then we will go into development and construction. The land fill will be located six miles east of Chamberlain at the old land fill site. We are in negotiation now with the county, we are requesting and additional 120 acres and they are wanting royalty fees for the highways, right now everyone is agreeable to the terms. The overall cost will be paid on the tippage fee as you come in, you pay for what you bring in, so if you recycle it will cost less. I don't think it would be feasible to open a recycling plant on the land fill area. Chairman Jandreau asked if there was a yearly membership fee. Mr. Nelson stated that each entity, or community has paid \$5.00 per person, but there is a penalty clause in January that each entity will have an automatic \$10,000.00 fee. We really need to know right now who is going to join the land fill to make sure we have enough acreage. Chairman Jandreau asked what the tippage fee was. Mr. Nelson stated \$23.00-\$25.00 per ton. Chairman Jandreau stated, and this doesn't include transportation? Mr. Nelson stated, no. Mr. Nelson stated that the Corps of Engineers cannot join. Chairman Jandreau asked

if the material would have to be bailed when brought in. Mr. Nelson stated, no. Chairman Jandreau asked if the fee that was being requested to be paid would have to be paid yearly. Mr. Nelson stated that it would not and the one time fee would probably be reimbursed, we want the land fill to be financial run by itself, off the fees from tonnage. Chairman Jandreau stated that the Tribe will have to do a survey and cost analysis on transportation and tonnage per day. John Estes, Sr. asked if the land fill has enough land and how long will it last. Mr. Nelson stated they have have figured they would serve 20,000 people and that 40 acres would be used for the first forty years and the next site would be used for forty to fifty years, we could then start back on the first site because of deterioration. Chairman Jandreau asked if Mr. Nelson would be interested in coming back to give a presentation at a public meeting. Mr. Nelson stated that he would come back.

9. AMERICAN CREEK CONSERVATION DISTRICT: (Shirley Crane left the Tribal Council meeting at this time.) Chairman Jandreau stated that a letter was received from the American Creek Conservation District, Kennebec, South Dakota, in regard to appointing a representative to serve as Assistant Supervisor. The letter stated that they appreciated the input Boyd Gourneau contributed and looked forward to continuing this working relationship. Motion was made by Benjamin Thompson, Jr. to let Boyd Gourneau continue as the Tribe's representative. This motion was seconded by John Estes, Sr. Motion carried with vote being four members for, none opposing, one absent and none not voting.

10. LAKOTA OMNICIYE: A letter of request was received from Lakota Omnicie for a donation for their annual Pow Wow. Motion was made by Boyd Gourneau to approve a \$50.00 donation. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being four members for, none opposing, one absent and none not voting.

11. SHIRLEY FLUTE REQUEST: A letter of request was received from Shirley Flute for Administrative Leave during work to attend the Lower Brule Community College. Chairman Jandreau stated that the Tribe has allowed this in the past. By Tribal Council concurrence Administrative Leave will be allowed to a Tribal Employee attending the Lower Brule Community College.

12. BRUCE ALLEN REQUEST: A letter was received from Mr. Bruce Allen, spokesman for the Native American Awareness Group at the Federal Prison Camp in Yankton, South Dakota, for a donation, not to exceed \$500.00, for their cultural and spiritual events. Chairman Jandreau stated that the Tribe cannot donate to all the groups that have requests in, some of them are legitimate, but I think we should concentrate here at home. By Tribal Council concurrence a letter will be submitted denying this request.

13. EDUCATIONAL GRANT APPLICATIONS: Educational grant applications were received from Bernard LaRoche, Veronica Feeney, Joy Flying Hawk and Bettina Rekow. Motion was made by Boyd Gourneau to approve the applications if all paperwork was in place. This motion was seconded by Kay Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting.

14. BUREAU OF INDIAN AFFAIRS-LOWER BRULE AGENCY: A letter was received from the Bureau of Indian Affairs, Lower Brule Agency, in regard to the sale of mineral tracts. Mr. Noble LaCroix stated in the letter that the Aberdeen Area Office, Realty Staff has advised the Agency Realty Officer that an amount of \$1.00 should

be considered for tracts that are valued at one cent (1¢) or less, which would require Tribal Council action. Motion was made by Kay Gourneau to adopt this policy for purchasing mineral tract interests. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

15. LAND SALE APPLICATIONS: Land sale applications were received from the Bureau of Indian Affairs, Lower Brule Agency, from Dale Denoyer, Rose Grey Owl, Reynold Everett Goodface, Sr. and Elizabeth Chips Larvie. Motion was made by John Estes, Sr. to request an appraisal on these interests. This motion was seconded by Kay Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting.

16. LAND SALE APPRAISALS: Land sale appraisals were received from the Bureau of Indian Affairs, Lower Brule Agency, for Keith Goodface \$641.94, Martha Bordeaux \$23.44, Carol Thigh \$641.94, Bessie Loudner \$641.94, Martin High Rock \$254.85, Pauline King \$254.85, Cephaïs Goodface, Jr. \$602.41, Rochelle Goodface \$641.94, and Alexander Paul Estes \$2,999.34. Motion was made by Boyd Gourneau to pursue to purchase these interests. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

17. UNITED STATES DEPARTMENT OF ENERGY: A letter was received from the U.S. Department of Energy in reference to the proposal of the Lower Brule Sioux Tribe for a Phase I Grant to assess the feasibility of siting a monitored retrievable storage facility. The letter requested a response from the Tribe if they considered continuing with the application. Motion was made by Boyd Gourneau to withdraw the Tribe's application. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

18. LOWER BRULE WILDLIFE ENTERPRISE: The Lower Brule Wildlife Enterprise, Ben Janis, Chief Executive Officer, submitted their annual report to the Lower Brule Sioux Tribal Council for review. This material was informational and no action was taken.

19. M.C.H. MONTHLY REPORT: The Maternal Child Health Program, Elvera Driving Hawk, Director, submitted their monthly report to the Tribal Council for review. This material was informational and no action was taken.

20. YOUTH ACTIVITIES BINGO REPORT: Alvin Johnson, Jr. submitted the Lower Brule Youth Activities Bingo Report to the Lower Brule Sioux Tribal Council for the month of January. No action was taken on this matter.

21. LOWER BRULE HEALTH BOARD: Applications and recommendations were submitted by the Lower Brule Health Board for the Lower Brule Alcoholism Program positions of Counselor, Nightwatchman, and Teen Help Center Assistant Manager. The Lower Brule Health Board recommended Effie Black Bear for the Counselor position and recommended to readvertise for the nightwatchman and Teen Help Center Assistant Manager position. Motion was made by Benjamin Thompson, Jr. to approve the recommendations made by the Health Board. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting.

22. NOBLE LA CROIX-SOCIAL WORKER POSITION: Agency Superintendent, Noble LaCroix, informed the Lower Brule Sioux Tribal Council that the Bureau of Indian Affairs, Lower Brule Agency, position for a Social Worker had been filled, after the position was advertised three times. Mr. LaCroix stated that Ken Voight had been selected for the position and that he had worked in this area before.

23. LOWER BRULE COMMUNITY COLLEGE: Neil "Cody" Russell stated that the Community College Board had some questions for the Tribal Council. Boyd Gourneau asked Mr. Russell if they had gotten an answer from Crow Creek, if they wanted to be involved in the Community College. Mr. Russell stated that there has been no answer from them. Mr. Russell stated that the Community College has gotten a telephone in and that the number is 473-9232. Mr. Russell stated that one of the questions that the Board had was in regard to Board membership. We would like to see Mike Hanzlik on the Community College Board because of his experience, but the Constitution and Bylaws states enrolled members. Shirley Crane stated that an amendment would have to be made to change this. Mr. Russell stated that he would also like to see a Council Member as a Board Member. Chairman Jandreau stated that he would be reluctant in placing a Council Member on the Board because of the fact that the Community College, because of grants received, can be sued in State Court, but because it is a Tribal entity, the College would have immunity. Mr. Russell requested that the Tribal Council review the Bylaws. The Lower Brule Sioux Tribal Council reviewed the Community College Constitution and Bylaws. Chairman Jandreau stated that the trustees or board are usually appointed and not elected, which you can change since this is a draft. Motion was made by Boyd Gourneau to go with the Community College's recommendation to change the Community College Board member requirement that board members be enrolled members and to change it to Tribal employees. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being five members for, none opposing, none absent and none not voting. Motion was made by Benjamin Thompson, Jr. to appoint Mike Hanzlik, Tribal employee as a member of the Lower Brule Community College Board. This motion was seconded by Kay Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting. Motion was made by Kay Gourneau to appoint Betty Harms as a Lower Brule Community College Board Member/Trustee. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting. Chairman Jandreau stated that the Board should maintain appointments until the Community College is stable. Motion was made by Boyd Gourneau to approve the Bylaws as amended by the said changes. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

24. LOWER BRULE RESORT-MOTEL & R.V. PARK: Chairman Jandreau stated that a proposal was received from Helgeson Development Company, Inc., Consultants and Contractors to act for the Tribe as a planning consultant, fiscal agent, financial and feasibility consultant and construction project supervisor for a 38 room motel with swimming pool and 50 unit RV park. Chairman Jandreau stated that the Tribe would have to pursue a guarantee loan and a lease for the motel. John Estes, Sr. asked who would own the motel. Chairman Jandreau stated that the Motel would be 100% Tribally owned and the lease we are requesting would be granted back to ourselves. Motion was made by Boyd Gourneau to request a lease, which is located west of the Casino parking lot, and to pursue a guaranteed loan. This motion was seconded by Kay Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting.

25. **JEWEL FLUTE REQUEST:** A letter of request was received from Jewel Flute for authorization of Indian Preference and support for her business. Mrs. Flute has become involved in the distribution and sale of home care, personal care, car care, office and janitorial supplies through the Amway Corporation. Motion was made by Boyd Gourneau to grant Indian Preference and support Mrs. Flute in her venture and to submit a letter to all Tribal Programs in reference to this matter. This motion was seconded by Kay Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting.

The Lower Brule Sioux Tribal Council meeting recessed at 4:43 PM. The Lower Brule Sioux Tribal Council meeting reconvened on February 9, 1993, at 2:25 PM, with John Estes, Sr. absent. Also present was Scott Jones, Jeanie Langdeau, Rose McCauley, Frederick LaRoche, Orville Langdeau, Jr., Stuart Langdeau, William Eagle Thunder and Julian Brown.

26. **LOWER BRULE HOUSING AUTHORITY:** Chairman Jandreau stated that this meeting was in regard to a conflict with the Housing Authority. General Legal Counsel, Julian H. Brown, explained the situation with the Lower Brule Housing Authority and First Dakota Enterprises. Motion was made by Boyd Gourneau to instruct Judge Stan Whiting to hold off on any decision in regard to First Dakota Enterprise, Inc. v. Lower Brule Housing Authority until such time that First Dakota Enterprises, Inc. have exhausted all administrative remedies. This motion was seconded by Kay Gourneau. Motion carried with vote being four members for, none opposing, one absent and none not voting. Julian H. Brown submitted correspondence in regard to the Oacoma land, the Oacoma City Council's requests. Chairman Jandreau stated that the Tribe has never had any problem in purchasing services from the town of Oacoma, water, sewer, fire department, etc. We cannot however jeopardize the sovereignty of the Tribe, we need Mr. Brown to prepare a response that will protect the sovereignty. Motion was made by Boyd Gourneau to authorize Julian H. Brown to prepare a response in regard to this matter. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being four members for, none opposing, one absent and none not voting.

27. **MILEAGE REIMBURSEMENT RATE:** Chairman Jandreau stated that there has been a governmental increase in the mileage reimbursement rate to .28¢ (twenty-eight cents), which the Tribal Council will have to adopt by Resolution for this amount to go into effect. Motion was made by Shirley Crane to increase the mileage reimbursement rate to .28¢ (twenty-eight cents). This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being four members for, none opposing, none absent and none not voting.

28. **WILLIAM EAGLE THUNDER REQUEST:** Chairman Jandreau stated that he would like to request the Tribal Council to leave this matter to the discretion of the Tribal Court. Motion was made by Boyd Gourneau to leave this request to the discretion of the Tribal Court. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

29. **H.I.P. PROGRAM REQUEST:** Boyd Gourneau stated that the Farm Corporation has given the H.I.P. Program a trailer house. Mr. Gourneau stated that the trailer house will be utilized for a transition unit while H.I.P. participants homes are being worked on. Mr. Gourneau stated that he would like to request the Tribal Council to designate the lot that the Lower Brule Alcoholism Program moved from for the H.I.P. trailer house. Motion was made by Kay Gourneau to designate this site for the H.I.P. Program trailer. This motion was seconded by Shirley Crane. Motion

carried with vote being four members for, none opposing, one absent and none not voting. Shirley Crane stated that Bertha Grassrope was in need of a wheel chair ramp at her home. Chairman Jandreau stated that he clean up crew would be assigned to construct them.

30. LOWER BRULE WILDLIFE ENTERPRISE: A letter of recommendation was received from the Lower Brule Wildlife Enterprise Board of Directors and Chief Executive Officer, Ben Janis, for the biologist position. The recommendation received was to select Mr. Joel Birch, biologist, for the position. Motion was made by Kay Gourneau to approve the recommendation for biologist. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being four members for, none opposing, one absent and none not voting.

The Lower Brule Sioux Tribal Council meeting recessed at 4:04 PM. The Lower Brule Sioux Tribal Council meeting reconvened on February 16, 1993 at 2:18 PM, with all Tribal Council Members present. Also present was Ben Janis.

31. HELGESON DEVELOPMENT CORPORATION, INC: Chairman Jandreau stated that this meeting was called in regard to the Helgeson Development Corporation, Inc. which is part of the group that is working with us with the Motel are requesting an agreement be signed with them to act as a consultant, fiscal agent, financial agent, and feasibility construction project supervisor. Chairman Jandreau stated that they are presently calling it, which is subject to change upon the approval of the Tribal Council, the Lower Brule Sioux Tribe, Lower Brule Sioux Resort, a Tribal Enterprise. Do you have any problems with that name. Chairman Jandreau stated that they are looking at the first of August for the Motel to be open. John Estes, Sr. asked where the motel would be. Boyd Gourneau stated that it was on the west side of the parking lot. Chairman Jandreau read the Helgeson Development Corporation, Inc. Agreement to John Estes, Sr. John Estes, Sr. asked who would be the manager of the motel. Chairman Jandreau stated that they would search for someone to manage it, upon approval by the Tribal Council. John Estes, Sr. asked if the motel would be owned and run by the Tribe later years. Boyd Gourneau stated that the motel belongs to the Tribe. Chairman Jandreau stated that Helgeson Development Corporation, Inc. would train the management staff, similar to the Casino, they are required to train personnel to eventually take over management. John Estes, Sr. asked if the contractor would hire Indian people. Chairman Jandreau stated that according to this Agreement those decisions are up to the Tribal Council. John Estes, Sr. asked if that could be inserted in there. Chairman Jandreau stated that who ever submits bid, the Tribal Council can require that, we can set any criteria we want. John Estes, Sr. asked if the land that the motel was being set on is Tribal land. Chairman Jandreau stated that it was. No action was taken at this time.

32. SOCIAL WORK PROGRAMS: John Estes, Sr. asked what kind of services there were for under age children and if there was someone that they could go to. John Estes, Sr. asked if the Victims of Crime Program Director would go to Court for his clients. Chairman Jandreau stated that he did, just to verify circumstances, more for the victim than the perpetrator. John Estes, Sr. stated that an individual approached him concerning a juvenile, is there anyone they can go to. Chairman Jandreau stated that there is no advocate for that. Chairman Jandreau stated that that contract was lost, but there are funds available for it and United Sioux Tribes have asked if they could be the contractor for Lower Brule and hire at least one person, depending upon funding, for the Lower Brule area. John Estes, Sr. stated that there needs to be someone for the kids. Chairman Jandreau asked if

John Estes, Sr. is asking for a youth advocacy program, which could be used for the students. Chairman Jandreau stated that the other part of it, the advocacy is good, but we need some how to have the youth reactionary in the process, or into counseling, to fulfill certain obligations. Shirley Crane stated that the person need to help the youth to stay in school, there is peer pressure. Chairman Jandreau stated that the roles of the advocacy would have to be identified and they need to provide performance standards. Shirley Crane stated that there are counselors in the schools, the Teen Help Center also. Motion was made by John Estes, Sr. to notify all social work providers with the BIA, IHS, Mental Health, High School Counselors, and Tribal Alcoholism Programs that a demand is being requested for a plan of action in situations involving the youth on the Lower Brule Reservation which will provide a layout of the reactions, interactions and availability of all Social Work providers on the Lower Brule Reservation and that a coalition of all services provide discouragement of drug and alcohol use and encouragement of education and that the degree of involvement must include a majority of the youth to break the strong ties of peer pressure. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting.

31. **HELGESON DEVELOPMENT CORPORATION, INC:** John Estes, Sr. stated that the only concern that he had about the Agreement with Helgeson Development Corporation, Inc., is that it does not clearly state that they will utilize our members in the construction, etc. Chairman Jandreau stated that the Tribal Council can insist on it. Shirley Crane stated that she would like to see members hired from the beginning to the end. Motion was made by Boyd Gourneau to approve the Agreement with Helgeson Development Corporation, Inc. with the T.E.R.O. Guidelines attached. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

33. **UNITED SIOUX TRIBES DEVELOPMENT CORPORATION:** Chairman Jandreau stated that United Sioux Tribes is requesting approval from the Lower Brule Sioux Tribal Council to contract the Services to Victims of Crime program for the Lower Brule Reservation and that at least one person would be hired from Lower Brule. Motion was made by Boyd Gourneau to authorize United Sioux Tribes to contract the Services to Victims of Crime Program for the Lower Brule Reservation and request that a position of a member is located in Lower Brule so that a person is not traveling from Pierre. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

34. **ROBERTA DEMPSEY REQUEST:** Shirley Crane stated that Roberta Dempsey had approached her and requested support from the Tribal Council in obtaining a home for her and her family. Chairman Jandreau stated that Terry Robertson had stated to him that the C.C.F. Program had gotten them a trailer. Shirley Crane stated that she had just asked her so they must not have gotten the trailer. Motion was made by Boyd Gourneau to submit a resolution to the Lower Brule Housing Authority supporting individuals requesting emergency housing and request that every effort be made especially during the winter months and that this practice be made applicable to everyone and a case in point at this time is Roberta Dempsey. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting. (Ben Janis entered the Tribal Council meeting at this time.) John Estes, Sr. stated that since Mr. Janis was in the meeting at this time he would like to request a donation from the Lower Brule Wildlife Enterprise of an antelope for the Lower Brule Sioux Tribe Band of Indians Corporation, for a feed. Ben Janis asked if a letter of request could be submitted

for the request. Chairman Jandreau stated that the Regular Council meeting in March would have to be postponed for a week. Chairman Jandreau stated that he had to attend a meeting in Finley, Ohio, with the Kiwanis Club.

The Lower Brule Sioux Tribal Council meeting recessed at 4:12 PM. The Lower Brule Sioux Tribal Council meeting reconvened on March 15, 1993, at 11:03 AM, with Benjamin Thompson, Jr. arriving late. Also present was Frank Colby, Shirley Marvin, Pam Eagle Thunder, Alan Lien and Noble LaCroix.

ADJOURNMENT: Motion was made by Shirley Crane to adjourn the February Regular Session Meeting. This motion was seconded by Boyd Gourneau. Motion carried with vote being four members for, none opposing, one absent and none not voting.

CERTIFICATION

The foregoing is a true and correct transcript to the Minutes from the Regular Meeting held by the Lower Brule Sioux Tribal Council on February 3rd, 9th, 16th and March 15, 1993.


SANDY LA CROIX, RECORDING SECRETARY

**LOWER BRULE SIOUX TRIBAL COUNCIL
REGULAR MEETING
MARCH 15, 1993**

PRESENT: Michael B. Jandreau, Chairman **ABSENT:** None
Kay Gourneau
Shirley Crane
Boyd Gourneau
John Estes, Sr.
Benjamin Thompson, Jr. (Arrived late)

ALSO PRESENT: Frank Colby, Shirley Marvin, Pam Eagle Thunder, Noble LaCroix, Mike Hanzlik, Alan Lien, Artice Helverson, Cortney Anderson, Chris Carlson and Julian Brown.

The Lower Brule Sioux Tribal Council meeting was called to Order by Chairman Michael B. Jandreau, at 11:03 AM. Roll call was taken by the Recording Secretary and the Lord's Prayer was led by Chaplain John Estes, Sr.

1. **PAM EAGLE THUNDER REQUEST:** Pam Eagle Thunder entered the Tribal Council meeting and stated that she desired to request a hearing of appeal on the termination of her position as Secretary for the Vocational Rehabilitation Program.

Chairman Jandreau asked the Tribal Council Members what there decision was in regard to granting Ms. Eagle Thunder an appeal. Motion was made by Boyd Gourneau to grant an Appeal to Ms. Eagle Thunder. This motion was seconded by Kay Gourneau.

Motion carried with vote being four members for, none opposing, none absent and none not voting. Chairman Jandreau informed Ms. Eagle Thunder that the hearing would take place this afternoon.

2. **FRANK COLBY:** Chairman Jandreau introduced Mr. Frank Colby to the Tribal Council. Chairman Jandreau stated that Mr. Colby had a proposal in regard to a low head, variable speed power plant, which Mr. Colby proposed would provide the entire reservation free electricity and a profit. Mr. Colby submitted diagrams and explained to the Tribal Council how the power plant would work. Mr. Colby informed the Tribal Council on the location of two power plants that were in place and providing electricity. John Estes, Sr. stated that he recommended that everyone should go out and take a look at one of these power plants. Motion was made by Boyd Gourneau to investigate this proposal further and to go and see one of the plants. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

3. **STEPHEN WARE/RICHARD PAULY:** Chairman Jandreau introduced Mr. Ware and Mr. Pauly to the Lower Brule Sioux Tribal Council. Chairman Jandreau stated that he met the gentlemen on his trip to Finley Ohio and discussed the possibility of establishing a bank in Lower Brule. Chairman Jandreau stated that with the amount of money that is paid out in payroll for the Tribe and the Casino, this money is leaving the Reservation and could be recycled here if we had a banking institute. Mr. Ware and Mr. Pauly introduced themselves to the Tribal Council. Mr. Ware stated the first step would be to define what the institute would be, a branch, etc. and what you would want the institution to do today and in the future. Mr.

Ware stated that the cost would be 3 million and it would take six to nine months to get the details worked out and upon approval the institute is required to be operational within a year. (**Benjamin Thompson, Jr. entered the Tribal Council meeting at this time.**) Chairman Jandreau stated that this institution could help individuals establish credit, etc. Boyd Gourneau asked if the 3 million would include a building. Mr. Ware stated that price included everything. Chairman Jandreau stated that we would have to set up a process for Mr. Ware to look at to see what we have and get an ideal of what kind of facility, enterprise or activity we can come up with. We should have the ability to do something to help our local people. Mr. Ware stated that this institution would import people and businesses. Mike Hanzlik stated that a bank in Lower Brule would provide residence with banking credit. I know their credit needs, commercial and agricultural. Chairman Jandreau stated that this was the basic reason for hiring Mr. Hanzlik, we have to get our financial capacity more directed or we will lose out. Mr. Ware stated that if what you want is the reservation to be free standing, you need a bank. Chairman Jandreau stated that some way, some how we have to try and get these things together. Chairman Jandreau asked Mr. Ware and Mr. Pauly to return to the Tribal Council meeting after it reconvened for lunch.

The Lower Brule Sioux Tribal Council meeting recessed at 1:30 PM. The Lower Brule Sioux Tribal Council meeting reconvened at 3:03 PM, with all Council Members present.

3. **MR. WARE/MR. PAULY:** Chairman Jandreau stated that he wanted to talk to the Tribal Council about the proposed bank and asked if the Tribal Council had any ideas. Benjamin Thompson, Jr. stated, we need it. Boyd Gourneau stated, it will help people establish credit. Chairman Jandreau stated that with a bank there could be a consolidation of the whole loaning system. John Estes, Sr. stated that this was mentioned quite a few years back, it is a good thing, we could each tell a story of how we have gotten treated, I am 100% behind it. Shirley Crane stated, we need a bank here. Boyd Gourneau asked who the Directors would be. Chairman Jandreau stated that he would like to have Mike Hanzlik as a Director. Chairman Jandreau stated that the Tribe would have to put their confidence in some people, people who are pro-Tribal Development, someone who wants the Tribe to succeed. Mike Hanzlik stated that with a bank there would be unlimited possibilities for the Tribe, the residents and the surrounding areas. Chairman Jandreau asked Mr. Ware and Mr. Pauly to enter the Tribal Council meeting. Chairman Jandreau stated that the Tribe is interested and would like Mr. Ware and Mr. Pauly to provide a letter of intent and proposal on how this would proceed. Motion was made by Boyd Gourneau to enter into a relationship with Mr. Ware and Mr. Pauly and request a proposal and letter of intent be submitted for further action and discussion. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting. (**Chairman Jandreau left the Tribal Council meeting at this time.**)

4. **LBST MOTOR POOL PROGRAM:** A request was received from the Lower Brule Sioux Tribe Motor Pool Program for the trade in, purchase and consolidation of new vehicles for the Motor Pool Program. Motion was made by Boyd Gourneau to approve their request and to adopt a Resolution supporting the request. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being four members for, none opposing, none absent and none not voting.

5. **SHIRLEY MARVIN, EDA PLANNING:** A draft resolution was submitted by Shirley Marvin, EDA Planner, for the submission of an application for a Self-Governance

Planning Grant. Motion was made by Benjamin Thompson, Jr. to approve the request and to adopt a resolution supporting the request. This motion was seconded by Boyd Gourneau. Motion carried with vote being four members for, none opposing, none absent and none not voting.

6. **HIGH SCHOOL RENOVATION:** A draft resolution was received from Tony Moran, Operations Manager, to request the inclusion of Phase II of this project within the authority of P.L. 93-638, which is the design and construction costs of Phase II program requirements as previously approved. Motion was made by Boyd Gourneau to adopt the resolution requesting to include Phase II. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting.

7. **LAND SALE APPRAISALS:** Land sale appraisals were received from the Lower Brule Agency, Bureau of Indian Affairs for Benjamin C. Kitteaux, Seth Dismounts Thrice, Sr., Burton Goodface, Clifford A Dragg, Reynold Everett Goodface, Sr, Joseph Ole Sawalla and Freda Whirlwind Horse. Motion was made by Boyd Gourneau to purchase the interests that were submitted with an appraisal. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

8. **LAND SALE APPLICATION:** A land sale application was received from the Lower Brule Agency, Bureau of Indian Affairs, for Edith Thigh. Motion was made by Kay Gourneau to request the Lower Brule Agency, Bureau of Indian Affairs, to conduct an appraisal on Ms. Thigh's interests. This motion was seconded by Boyd Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting.

9. **MULTIPURPOSE BUILDING:** Shirley Marvin, Cortney Anderson, Artice Helverson and Chris Carlson entered the Tribal Council meeting. Shirley Marvin introduced the visitors to the Tribal Council. Chairman Jandreau stated that he thought it was only fair that he inform these individuals that the multipurpose building is contingent upon funding for this joint venture. Dr. Cortney Anderson stated that they understood this and that he did not claim to be an engineer, but we have buildings that I know are good, we have a set price on the building supplies until July and this is the best time to finance through a bank. Dr. Anderson stated that if this Joint Venture goes through it will be national publicity. Dr. Anderson stated that he had talked to Daschle's office and was informed that it was a go ahead if the Tribe wanted it, this would be a great asset to the community. Mr. Carlson stated that they would assist the Tribe with the design in regard to the needs of the programs that would be in the building. We have talked to Norwest Bank and they would be willing to go along with this project, although 70-75% of the financing would have to come from the Tribe. Artice Helverson stated that she worked with contracting, in all areas from supplies to the finished project. Ms. Helverson stated that she would probably have to meet with Shirley Marvin for Government requirements. Mr. Carlson stated that he had talked to Sara Yeager and Pat Gross and they are sure that the project will be approved.

10. **GENERAL COUNSEL-JULIAN H. BROWN, HIATT LAW OFFICE:** Mr. Brown stated that the town of Oacoma had advised their attorney to submit a letter to the Lower Brule Sioux Tribe in regard to the public services on the Oacoma land. Chairman Jandreau stated that the Tribe has always stated that they would purchase water/sewer, electric, fire department, law enforcement, etc., services from the local providers, what sense would it be to have our fire department, law enforcement,

etc., go all the way to Oacoma. By Tribal Council concurrence General Counsel Julian Brown is advised to respond to the Oacoma letter on the Lower Brule Sioux Tribe stance.

The Lower Brule Sioux Tribal Council meeting recessed at 5:00 PM. The Lower Brule Sioux Tribal Council meeting reconvened on March 16, 1993, at 1:50 PM, with all Tribal Council members present. Also present was Pat Big Eagle, Annette Big Eagle, Jim Kastner, Otis Doren and Tony LaRoche.

11. PROPANE RELOCATION-CITIZEN PARTICIPATION: A draft resolution was submitted by Shirley Marvin, EDA Planner, regarding a large number of individuals who have stated their concern on the location and potential adverse affects of the propane plant and because of this concern the Lower Brule Sioux Tribal Council has requested the Planning Office/Economic Development Director to develop plans to secure approval from HUD/CDBG for the relocation and expansion of the Propane project. Motion was made by Boyd Gourneau to support and identify citizen participation to relocate and expand the existing Propane facility by resolution. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

12. DISADVANTAGED YOUTH PROGRAM: Notification was received from the Department of Health and Human Services, Office of Community Services for Disadvantaged Youth, on the availability of grant funding under the Discretionary Grant Program. Motion was made by John Estes, Sr. to authorize Chairman Michael B. Jandreau to execute and file an application on behalf of the Lower Brule Sioux Tribe with the Office of Community Services, Department of Health and Human Services, for a grant for a Youth Employment and Training Program. This motion was seconded by Kay Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting.

13. FORCE ACCOUNTING RELOCATION OF PROPANE PLANT: A draft resolution was received from Shirley Marvin, EDA Planner on force accounting the relocation and expansion of the Propane Plant. Motion was made by Boyd Gourneau to adopt a resolution requesting to force account the project. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being five members for, none opposing, none absent and none not voting. Benjamin Thompson, Jr. asked if the area where the Propane Plant is being moved to could be used for future housing. Chairman Jandreau stated that the area is a flood plane.

14. WATER POLLUTION CONTROL PROGRAM GRANT: A draft resolution was submitted by Shirley Marvin, EDA Planner, to apply for grant funds through the Environmental Protection Agency for Tribal projects related to point source pollution, which such funds could be used for, assessment of permit priorities or comparative risks of sludge management, development of a self education permit program or leveraging or establishing Tribal capacity to assume CWA Section. 518 Treatment as a State authority for sludge permitting or whatever are the Tribe has a need for. Motion was made by Kay Gourneau to adopt a resolution to request water pollution control program funding through the Environmental Protection Agency. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting.

15. HOLY COMFORTER EPISCOPAL CHURCH: A Statement of Intent was received by Reverend James Pearson and Sr. Warden Michael Estes on behalf of the members of the Holy Comforter Church to make available the previous church building to the Lower

Brule Sioux Tribe to be utilized as a public library and/or cultural heritage center. Chairman Jandreau stated that a letter was also received from members of the Holy Comforter Episcopal Church who request to be given a chance to comment on turning the church building over. Motion was made by Kay Gourneau to inform the members of the Holy Comforter Church that the Tribal Council cannot take any action on this matter until such time that this matter is resolved. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

16. DIANE RABBIT-BIG EAGLE REQUEST: A letter of request was received from Diane Rabbit-Big Eagle for a land trade. Motion was made by Boyd Gourneau to deny her request and to inform Ms. Rabbit-Big Eagle that the Lower Brule Sioux Tribe's Land Trade Policy only allows members of the Lower Brule Sioux Tribe to trade or consolidate land and to inform Ms. Rabbit-Big Eagle that the Lower Brule Sioux Tribe would be interested in purchasing her land if she was so interested. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting. Chairman Jandreau requested that the Lower Brule Sioux Tribal Council formally adopt this Land Trade Policy. Motion was made by Kay Gourneau to adopt a Land Trade Policy that allows members of the Lower Brule Sioux Tribe to trade and/or consolidate reservation lands and to further include that the Lower Brule Sioux Tribe cannot trade or consolidate reservation lands owned by nonmembers, but that the Tribe would purchase such lands from nonmembers. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting.

17. LOWER BRULE HOUSING AUTHORITY: A letter of request was received from Debra Isburg, Lower Brule Housing Authority Director, for the approval and support of the Authorities FY-93 C.I.A.P. Application. Motion was made by Boyd Gourneau to approve and support the Housing Authorities FY-93 C.I.A.P. Application by Resolution. This motion was seconded by Kay Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting.

18. GENERAL COUNSEL-JULIAN H. BROWN, BILLING: A billing was received from General Legal Counsel, Julian H. Brown, Hiatt Law Offices, for the period covering February 1, 1993 through February 28, 1993 in the amount of \$1,782.35. Motion was made by Kay Gourneau to approve the billing and to submit the billing to the Bureau of Indian Affairs, Lower Brule Agency, for review and approval. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

19. MARLENE CROWE - HOMESITE REQUEST: A letter of request and land description was received from Marlene Crowe for approval of a Homesite Assignment. Chairman Jandreau stated that the Homesite was located out towards the Bend near Audrey Johnson's Home. Motion was made by Kay Gourneau to approve Marlene Crowe's request for Homesite and to request the Bureau of Indian Affairs to prepare a Homesite Assignment for Ms. Crowe. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

20. ALFREDA LECOMPTE - HOMESITE REQUEST: A letter of request and a land description was submitted by Alfreda LeCompte for approval of a Homesite Assignment. Kay Gourneau asked Chairman Jandreau if this land description was located near the new site for the propane plant. Chairman Jandreau stated that it

was. By Tribal Council concurrence this matter is tabled until such that Chairman Jandreau talks to Ms. LeCompte on this matter.

21. HAROLD SALWAY-BLACK HILLS POW WOW ASSOCIATION: A letter of request was received from Harold Salway, Black Hills Pow Wow Association President for sponsorship for the annual Pow Wow. Mr. Salway attached several options for sponsorship. Motion was made by Kay Gourneau to pay \$125.00 for the 1993 Electronic Billboard. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

22. LOWER BRULE HIGH SCHOOL CLOSE UP CLUB: A letter of request was received from Heather Collins, Close Up Advisor, for a donation of \$1,000.00 for trip expenses for the Students participating in the Washington, DC Close Up Program. Ms. Collins stated that the Lower Brule Children's Fund was supposed to have donated the \$1,000.00, but are unable to fill this obligation. Motion was made by Kay Gourneau to approve this request. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting.

23. EDUCATIONAL GRANT APPLICATIONS: Educational Grant applications were received from Leslie Estes, Shirley Flute and Mary Jane Middletent. Motion was made by Boyd Gourneau to approve the Educational Grants as long as all paperwork was in place. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting.

24. NORTH CENTRAL RC&D: A letter was received from the North Central RC&D in regard to payment of membership dues. Chairman Jandreau stated that the Tribal Council had reappointed Boyd Gourneau as the Tribes representative and stated that the dues should be paid.

25. MATERNAL CHILD HEALTH PROGRAM: The monthly report from the M.C.H Program was submitted for review by the Lower Brule Sioux Tribal Council. The Lower Brule Sioux Tribal Council reviewed the monthly report. No action was taken on this matter.

26. STEVEN L. ESTES REQUEST: A letter of request was received from Steven L. Estes for a loan of \$1,000.00 from the Lower Brule Sioux Tribe. Motion was made by Benjamin Thompson, Jr. to submit this request to the Lower Brule Small Loan Program. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting.

27. COMMUNITY FAMILY CENTER: John Estes, Sr. stated that there was a need to have a Community Family Center, which could be used for elderly meals, meetings, community activities. By Tribal Council concurrence Shirley Marvin will be notified to research this matter and try to obtain funding and to keep the Tribal Council informed on her progress.

28. LOWER BRULE HEALTHY START PROGRAM: Mr. Otis Doren addressed the Tribal Council in regard to the Healthy Start Program. Chairman Jandreau stated that he had talked to Mr. Doren in regard to finance services for the Healthy Start Program. Chairman Jandreau stated that Mr. Doren has been having to submit his bills to the Healthy Starts main office for payment and has had problems in getting his bills paid on time, telephone, etc. and has gotten charged with late charges

and disconnection notices. Mr. Doren submitted a copy of a Memorandum of Agreement between the Aberdeen Area Tribal Chairmen's' Health Board Northern Plains Healthy Start Project and the Lower Brule Sioux Tribe, which would allow the Lower Brule Finance Office to handle a monthly allotment for the Lower Brule Healthy Star Program to pay monthly expenses and the Lower Brule Healthy Start payroll. Motion was made by Benjamin Thompson, Jr. to approve and support the Memorandum of Agreement and to authorize Chairman Jandreau to sign this document. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting. Mr. Doren also submitted a letter of request, which had been proposed by the Coordinators from all Healthy Start sites, for a 3% cost of living allowance, which at the present time would only include Mr. Doren, until such time his staff has finished their probationary period and which would include any future positions with Healthy Starts. Mr. Doren Stated that this would be an annual request. Motion was made by Boyd Gourneau to approve the 3% Cost of Living Allowance. This motion was seconded by Kay Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting. Benjamin Thompson, Jr. asked Mr. Doren if there was a possibility of the Healthy Starts program providing AIDS information at the High School. Mr. Doren stated that he had talked with the guidance counselors and Mr. Miller at the Alcoholism Program for the Teen Help Center, to provide something to these programs on a weekly basis. Mr. Doren stated that he has a lot of information, I have left video tapes for the guidance counselors to review, we just need to get an agenda together, with my assistant to get it worked out.

29. ANNETTE & PAT BIG EAGLE REQUEST: Annette and Pat Big Eagle addressed the Lower Brule Sioux Tribal Council with a proposal for a privately owned business. Mr. Big Eagle stated that all their paperwork was in place, but wanted to know if the Tribe had Grant money available for small businesses. Chairman Jandreau stated that the Tribe had been awarded a grant for small business, but it will probably be another two months before the grant dollars are available. Chairman Jandreau stated that the Tribe needs a Director in place for this program to assist with clients like the Big Eagle's. Mr. Big Eagle stated that the bank is willing to go with them on a guaranteed loan and a tribal business grant. Mr. Big Eagle stated that the business would be gas and grill type, where you could get gas and get a hamburger. Chairman Jandreau asked the Big Eagle's were they planned to set this up at. Mr. Big Eagle stated that they wanted to ask the Tribal Council for the area next to their home. Chairman Jandreau stated that they would have to get a description to the Tribal Council to get authorization for zoning for commercial development, you will also have to get a letter of release from the Moores, they are leasing that area. Chairman Jandreau stated that an environmental impact statement would also have to be done, Alan Lien can do that. Mr. Big Eagle asked if the Tribal Council would approve a waiver for Annette Big Eagle to continue working at her job and be involved in their business. Motion was made by Kay Gourneau to approve a waiver for Annette Big Eagle. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

30. JIM KASTNER - DAKOTA ROADWAY CONSULTANTS: Chairman Jandreau stated that the Council Members should remember Mr. Kastner, he had met with the Council a couple years ago. Chairman Jandreau stated that the Intermodal Surface Transportation Efficiency Act, has available a 2% Planning Grant that can requested to develop a highway plan for reservations. Chairman Jandreau stated that Mr. Kastner has stated that he is interested in developing this plan for the Lower Brule Reservation. Mr. Kastner asked how much in detail will the proposal have to be.

Chairman Jandreau stated that the funding is available at the Area Office, we need to pass a Resolution to request to "638" those monies, for the proposal we will have to do a Part 100 with Jerry Folt, I don't have a schematic of what they need. Mr. Kastner stated that they were looking at a comprehensive road plan contract that would serve your purpose. Chairman Jandreau stated that the thing is, we would have to have a reason to get a grant for the contract, the highway plan. Chairman Jandreau stated that this would have to be completed by the first of October for allocation of money. Chairman Jandreau stated that he contacted Mr. Kastner because of his background and his willingness to work with us. Motion was made by Boyd Gourneau to request to "638" the 2% Planning monies. This motion was seconded by Kay Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting. Motion was made by Kay Gourneau to enter into an Agreement with Jim Kastner to develop a contract for final approval by the Tribal Council and that it is understood by Mr. Kastner that he will receive payment upon the receipt of the 2% Planning monies, which Mr. Kastner must write a proposal to obtain. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being five members for, none opposing, none absent and none not voting. Chairman Jandreau stated that Mr. Kastner will have to get a hold of Mr. Folt to set a date to get the contract together and to request to "638" the Planning monies to get a good initial road plan developed. Mr. Kastner stated that Mr. Bernard Hale is willing to do all he can to help with the development.

31. JAMES ESTES: John Estes, Sr. stated that James Estes was requesting assistance to help straighten out his back rent on his home. John Estes, Sr. stated that James Estes has been paying back rent and it doesn't seem to be going down and that he does not receive a receipt for what he has paid. Chairman Jandreau stated that he would talk to Debra Isburg and have her set up a system for back rent, one that would be more understandable.

32. TONY LA ROCHE-L.B. AMBULANCE PROGRAM: Mr. LaRoche stated that he had three items to present to the Tribal Council. Mr. LaRoche stated that the Ambulance Program did not have the funding for new radios and asked if the Tribe would be able to purchase the radios and the Ambulance Program would make monthly payments on them. Motion was made by Boyd Gourneau to approve the Lease Agreement. This motion was seconded by Kay Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting. Mr. LaRoche stated that the garage for the Ambulance's was in need of an entry door, because we have had a few times where we could not get into the garage because the battery was dead for the garage door opener. Mr. LaRoche stated that the Ambulance Program could pay for the cost of labor and was requesting the Tribe to purchase the entry door, which cost \$800.00. Motion was made by Boyd Gourneau to approve their request and to purchase a door for the Ambulance Program. Mr. LaRoche stated that there was funding available for the position of a Paramedic. Motion was made by Boyd Gourneau to advertise the Paramedic position. This motion was seconded by Kay Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting.

The Lower Brule Sioux Tribal Council meeting recessed at 5:35 PM. The Lower Brule Sioux Tribal Council meeting reconvened on March 17, 1993, at 1:57 PM, with all Council members present. Also present was Maria Estes and Pam Flute.

33. PAM EAGLE THUNDER HEARING: Chairman Jandreau stated that the purpose of todays session is a hearing requested by Pam Eagle Thunder. The reason we approved this hearing is because the probationary period in the personnel policies and

procedures is unclear. We will have to clarify these today. Chairman Jandreau stated that the Tribal Council would ask Pam Eagle Thunder and Maria Estes to explain the situation. Pam Eagle Thunder stated that she had looked at the Personnel Policies and Procedures and it had in there that the probationary period was thirty working days, there was no verbal warning given to me, there was only a letter when I returned. I took leave, because my probationary period was up and when I got back I found out that I was fired. Maria Estes stated that there were other incidences that happened. Benjamin Thompson, Jr. asked in the Tribal Council could discuss this privately. Pam Eagle Thunder and Maria left the Tribal Council meeting at this time. Benjamin Thompson, Jr. stated, this all happened before Pam Eagle Thunder's ninety days were up? Chairman Jandreau stated that this is not the only program with these kinds of problems. The Directors need to be consistent when writing people up. We need Directors to do the paperwork before hand, we could have refused this appeal if the paperwork was in place, there has to be a record. I'm not saying Maria Estes did not have a right to fire Pam Eagle Thunder, but the Directors must play with the same set of rules. We tried once, to set up Directors meetings for instances such as this, but they became political. Benjamin Thompson, Jr. stated that a memo should be sent out to the Directors for clarification so this does not happen again. Boyd Gourneau stated that when a Director would approach me on this matter I would tell them to have a paper trail. Motion was made by Kay Gourneau to accept the Directors decision to terminate because of the fact that the employee was still under a probationary period and to get a memo out to the Directors. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being four members for, none opposing, none absent and one not voting. Chairman Jandreau notified Pam Eagle Thunder and Maria Estes the decision made by the Tribal Council.

34. **GRACE BLACKSMITH REQUEST:** A request was received from Grace Blacksmith for assistance in purchasing a furnace and hot water heater. Chairman Jandreau stated that the cost for purchase and installation would be \$1,200.00 for both units. Chairman Jandreau stated that Mrs. Blacksmith was on a fixed income and did not have the resources to purchase these units. Motion was made by Boyd Gourneau to purchase these units for Grace Blacksmith and to try and find a hot water heater at a lower price. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

35. **GORDON JONES, JR:** A letter of request was received from Gordon Jones, Jr. in regard to a Gaming bill that was before Congress. Chairman Jandreau stated that Mr. Jones would charge \$500.00 to lobby the Bill and an additional \$500.00 if the Bill was passed or \$150.00 per day. By Tribal Council concurrence Mr. Jones, Jr. will be notified that the Tribal Council does not desire his services at this time.

36. **VELMA BAD HORSE-HOLLINGSBED REQUEST:** A letter of request was received from Velma Bad Horse-Hollingshed for an Appeal and a waiver of the filing fees for an appeal for a decision made by the Lower Brule Sioux Tribal Court. Motion was made by Kay Gourneau to approve Velma Bad Horse-Hollingshed's request for Appeal and Waiver. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

The Lower Brule Sioux Tribal Council meeting recessed at 4:50 PM. The Lower Brule Sioux Tribal Council meeting reconvened on April 7, 1993 at 10:30 AM, with all Tribal Council members present. Also present was Dorothy Jones, Noble LaCroix and Debra Isburg.

ADJOURNMENT:

Motion was made by Kay Gourneau to adjourn the March Regular Session Meeting. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

CERTIFICATION

The foregoing is a true and correct transcript to the Minutes from the Regular Meeting held by the Lower Brule Sioux Tribal Council on March 15th, 16th, 17th and April 7, 1993.


SANDY LA CROIX, RECORDING SECRETARY

**LOWER BRULE SIOUX TRIBAL COUNCIL
REGULAR MEETING
APRIL 7, 1993**

PRESENT: Michael B. Jandreau, Chairman **ABSENT:** None
Kay Gourneau
Shirley Crane
Boyd Gourneau
John Estes, Sr.
Benjamin Thompson, Jr.

ALSO PRESENT: Dorothy Jones, Noble LaCroix, and Debra Isburg

The Lower Brule Sioux Tribal Council meeting was called to Order by Chairman Michael B. Jandreau, at 10:30 AM. Roll call was taken by the Recording Secretary and the Lord's Prayer was led by Chaplain John Estes, Sr.

1. **L.B. ALCOHOL PROGRAM POSITIONS:** A letter of recommendation was received from the Lower Brule Health Board for the positions of Teen Help Center Assistant Manager, Night watch man, and Child care worker/Counselor. The Lower Brule Health Board met on March 22, 1993 to interview the applicants for the positions, present for interviews were Terry Middletent, Tim Felicia, Wade Brings, and Marie Charger. As a result of the interview process, the Health Board Members made the following recommendations: Teen Help Center Assistant Manager, Terry Middletent; Night watch man, Tim Felicia; Child care worker/Counselor, Wade Brings. Motion was made by Boyd Gourneau to approve the recommendations made by the Lower Brule Health Board. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

2. **L.B. HEALTHY START PROGRAM POSITION:** The position for Healthy Start Community Educator, having been advertised until this position was filled, received applications from the following; Maria Patterson, Lorenda Middletent, Alfreda LeCompte, Mary J. Kreager and Carmella Sue Bourk. The Lower Brule Health Board met in Special Session on March 18, 1993, to interview four applicants for the Healthy Start position. After the interviews, discussion was held with the members of the board who passed a motion to accept the Director's recommendation to hire Mary Kreager to this position. This recommendation was unanimous and was based on the individual's stability, experience, education and strengths. Motion was made by Kay Gourneau to approve the Health Boards recommendations. This motion was seconded by Boyd Gourneau. Motion died for lack of two thirds majority vote. Benjamin Thompson, Jr. stated that he would like to see an enrolled member in this position. Kay Gourneau stated that they probably selected Mrs. Kreager because of her qualifications, we should talk to Otis Doren and see if they selected an alternate. Chairman Jandreau stated that this matter could be tabled until Mr. Doren is contacted.

3. **GENERAL COUNSEL BILLING:** A billing was received from General Legal Counsel, Julian H. Brown, Hiatt Law Offices for the period covering March 1, 1993 through April 3, 1993, in the amount of \$1,938.35. Motion was made by Kay Gourneau to approve the billing and to submit the billing to the Bureau of Indian Affairs, Lower Brule Agency, to review and approval. This motion was seconded by Shirley

Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting.

4. **L.B. HIGH SCHOOL CONSTRUCTION PROGRAM:** A letter was received from Mr. Dan Shroyer, Superintendent of Education, in regard to the sale of the Lower Brule High School Construction Program house that was built. Mr. Shroyer stated that on May 19, 1992, the Lower Brule Sioux Tribal Council/School Board demonstrated its support for the high school's vocational program and gave encouragement to the school to pursue funds for the construction of a house and would like to give the Tribe the first opportunity to purchase the building. The cost of the building, \$30,008.00 only represents the estimated material cost for the construction of the same, or similar project for the 93/94 school year, the estimate does not include any labor, the salary for the instructor and instructor's assistant is in-kind by the Lower Brule High School and the students did not receive a salary since this was the project for their class. Chairman Jandreau stated that this amount is what they feel they will need to build a house next year. Chairman Jandreau asked Boyd Gourneau if this could be a potential for the H.I.P. Program. Boyd Gourneau stated that H.I.P. would not allow this, it has to be stick built on site. Chairman Jandreau stated that the Tribe is in need of a building to house the law library. The Tribe has received a grant from the Bush Foundation that will provide material for a law library, we designated one of the tin buildings, but they are in use and we are in need of a building. We will also have to have places for people to sit and utilize the facility. Benjamin Thompson, Jr. asked where the Library would be located. Chairman Jandreau stated that there will be a lot of work that has to be put into it, we will need a librarian, a secure area, it might be just as easy to ask the B.I.A. to establish it out there where the college is, under the same lease. Boyd Gourneau stated, it will be close to the Court House so that they could utilize it also. Chairman Jandreau stated that it would be easier to put a foundation right there, we will still need \$30,000.00 for the building. Chairman Jandreau asked Mr. LaCroix, Agency Superintendent, if there would be any chance in the Tribe losing the College building. Mr. LaCroix stated that there was not any chance in losing the building. Motion was made by Boyd Gourneau to pursue getting the funding for the house and to request the B.I.A. for authorization to place the building next to the College, with a foundation, etc. This motion was seconded by Kay Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting.

5. **L.B. CHIP AND SEAL ROAD PROJECT:** Notification was received from the Aberdeen Area Roads Office regarding a Chip and Seal project on the Lower Brule Reservation. Tony Moran, Operations Manager, submitted a draft Resolution to request that Lower Brule Employment Enterprise be allowed to P.L. 93-638 the Project. Motion was made by Boyd Gourneau to approve the Resolution to request to "638" the Project. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

6. **WATER RESOURCE INVENTORY MONIES:** Chairman Jandreau stated that the Lower Brule Sioux Tribe was involved with the U.S. Geology Service in conducting a water resource inventory on the Lower Brule Reservation. The Bureau of Indian Affairs has been approved of funding for this two year program and the U.S.G.S. provides a matching funds. Chairman Jandreau stated that the Tribe needs to request to extend this project and to request the second year funding from the Bureau of Indian Affairs, in the amount of \$35,000.00 to complete this project. Motion was made by Boyd Gourneau to extend and request the second year funding of \$35,000.00. This

motion was seconded by Kay Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting.

7. **LOWER BRULE HOUSING AUTHORITY:** Chairman Jandreau stated that a letter was received from H.U.D. stating that the site selected for nine of the twenty-nine replacement units was rejected because of the cost of water and sewer services. This matter was tabled until Debra Isburg was present with a map of the location.

8. **L.B. COMMUNITY AND BUSINESS DEVELOPMENT PROGRAM:** Chairman Jandreau stated that the Tribe had been awarded a Tribal Business Grant for a Community and Business Development Program through the E.D.A. Program and Shirley Marvin, EDA Director, has submitted this letter for approval of members of the Advisory Board for the Program. The members of the Advisory Board were selected because of their background in economic development and financing of funds for businesses. The members of the Advisory Board are Mr. Gary Olson, President of Norwest Bank, Sioux Falls, SD; Mr. Warren Albertson, EDR-USDC-Economic Development Administration, Pierre, SD; and Mr. Noble LaCroix, Agency Superintendent, Lower Brule, SD. Motion was made by Benjamin Thompson, Jr. to approve and name these individuals as the Lower Brule Community and Business Development Program Advisory Board. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting.

9. **MICHAEL DURKIN REQUEST:** A letter of request was received by the Bureau of Indian Affairs from Michael Durkin in regard to the blood quantum of Lema Fallis Durkin. Chairman Jandreau stated that the Bureau of Indian Affairs, Lower Brule Agency, needs a Resolution from the Tribe to authorize changes/corrections to the base roles of 04/01/1934. Chairman Jandreau stated that there are many members of the Tribe where the base role is different. Chairman Jandreau stated that if the Tribe is interested in correcting the base role of 1934 a Resolution authorizing the corrections will have to be submitted. Kay Gourneau asked Chairman Jandreau if this would only change the Durkin's request or all of them. Chairman Jandreau stated that the whole thing would have to be researched and corrected if needed. Motion was made by Kay Gourneau to request the Bureau of Indian Affairs to correct the 1934 Base Role. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

7. **LOWER BRULE HOUSING AUTHORITY:** Debra Isburg entered the Lower Brule Sioux Tribal Council meeting at this time. Chairman Jandreau asked Mrs. Isburg to identify the site that was rejected and the site that the Lower Brule Housing Authority was requesting for the nine replacement sites, which would also be a location for future housing sites. Debra Isburg identified the sites. Discussion was held. Motion was made by Boyd Gourneau to approve and name these sites for the Housing Authority. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting.

10. **L.B. SIOUX BAND OF INDIANS CORPORATION:** A letter of request was received from the Lower Brule Sioux Band of Indian Corporation, A. DeWayne Goodface, for the identification of the L.B. Sioux Tribe's Traditional Spiritual Leaders and Spiritual Advisors and Interpreters, who are as follows: Spiritual Leader, Noah Grassrope, Spiritual Advisors, Garfield Grassrope, Herbert Flute, A. DeWayne Goodface, Altwin Grassrope, Jefferson Grassrope, and Marlene Crowe, Translators; James Hawkwing, Altwin Grassrope, Maxine Grassrope, Bessie Estes, Herbert Flute, A. DeWayne Goodface, and Effie Black Bear. Motion was made by Kay Gourneau to adopt a Resolution to identify these individuals. This motion was seconded by Benjamin

Thompson, Jr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

11. STEPHEN F. WARE/RICHARD PAULY: Chairman Jandreau stated that the two individuals that approached the Tribal Council in regard to assisting the Tribe in setting up a bank on the reservation submitted their proposals. Chairman Jandreau stated that he would like to have Mike Hanzlik analyze the proposals and bring them back to the Council. Chairman Jandreau stated that these individuals had gone up in price. Motion was made by Boyd Gourneau to request Mike Hanzlik to analyze the proposal. This motion was seconded by Kay Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting.

12. HEWITT DRAPEAUX ASSOCIATES: Chairman Jandreau stated that this material was for information only. A letter was received from Hewitt Drapeaux Associates in regard to their interest in providing services to the Tribe for a long term youth shelter building, which Hewitt Drapeaux Associates, Architects/Planners, have experience with this type of project and would be pleased to assist in the planning and development of such a project for the Lower Brule Sioux Tribe. Chairman Jandreau stated that this must have developed through the Alcoholism Program.

13. NATIVE AMERICAN EMPLOYMENT TRAINING CONFERENCE: Information was received in regard to the 14th Annual National Indian and Native American Employment Training Conference, May 31 - June 4, 1993, Denver, Colorado, requesting the purchase of advertisement for their Conference Program. Motion was made by Boyd Gourneau to refer this matter to the T.E.R.O. Program. This motion was seconded by Kay Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting.

14. NOAH/JEFF GRASSROPE REQUEST: A letter of request and application was received from Noah and Jeff Grassrope for the sale of interests of land. (Boyd Gourneau left the Tribal Council meeting at this time.) Kay Gourneau stated that Jeff Grassrope had come in to talk to her and stated that he was in need of furniture. Noble LaCroix stated that Social Services has helped Mr. Grassrope with furniture, he had picked it out and when they delivered it, he did not want it. Kay Gourneau asked if there would be someone available to help him when he did receive his land sale money. Mr. LaCroix stated that someone would be available. Motion was made by Kay Gourneau to request the Bureau of Indian Affairs, Lower Brule Agency, to conduct appraisals on Noah and Jeff Grassrope's interests. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

15. J.W. THOMPSON REQUEST: A letter of request was received from J.W. Thompson to renew his leases with the Tribe. Chairman Jandreau stated that there would be numerous leases expiring and asked if the Tribal Council would renew all the leases. Motion was made by Kay Gourneau to renew all the Leases that will be expiring this year. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

16. FREDERICK LA ROCHE REQUEST: A letter was received from Frederick LaRoche requesting the Tribe to place their name on the I.H.S. Priority list for sewer renovation. Mr. LaRoche stated that this past winter their current drain field plugged up and had to be daylighted and currently raw sewages are draining on the ground next to their home. Motion was made by Kay Gourneau to place Mr. LaRoche on the I.H.S. priority list. This motion was seconded by Shirley Crane. Motion

carried with vote being five members for, none opposing, none absent and none not voting.

17. EDUCATIONAL GRANT APPLICATIONS: Educational grant applications were received from Joel Brouse and Barbara Goings. Motion was made by Boyd Gourneau to approve the grant applications if all paperwork was in place. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

18. LOWER BRULE SIOUX TRIBAL MINUTES: The Minutes from the Lower Brule Sioux Tribal Council Regular meetings held in the month of January, 1993, were present for approval by the Tribal Council. The Lower Brule Sioux Tribal Council reviewed the Minutes. (Benjamin Thompson, Jr. left the Tribal Council meeting at this time.) Boyd Gourneau stated that the amount was left out on the section when the Lower Brule Housing Authority requested a assistance for board members to attend a meeting in Denver, Colorado. Motion was made by Boyd Gourneau to approve the Minute with that correction. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting.

The Lower Brule Sioux Tribal Council meeting recessed at 12:01 PM. The Lower Brule Sioux Tribal Council meeting reconvened at 1:38 PM, with all Council members present. Also Present was Neil (Cody) Russell, Ben Janis, Noble LaCroix, Mike Hanzlik and Otis Doren.

19. LOWER BRULE COMMUNITY COLLEGE: Neil Russell asked Mr. Hanzlik to give an overview on the Community College to the Tribal Council. Mr. Russell stated that they wanted to discuss the Resolution passed by the Tribal Council in regard to the President to be Native American. Mr. Russell stated that Mary Sue Schnieder, who was doing an excellent job, was out of compliance because she is not Native American. Mr. Russell stated that the College Board would probably recommend Ms. Schnieder as President. Motion was made by Kay Gourneau to authorize the Community College Board the discretion of who the President of the College should be and that the requirement of being Native American be waived until such time that the Community College is well established. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting. Chairman Jandreau stated that every extent practicable should be taken in placing a Native American in the President position and if it is not at all possible, in regard to qualifications, then the College Board will have the discretion to place who they feel would do the job. Mike Hanzlik stated that the meeting with Sinte Gleska did not go well, we talked about expanding the curriculum beyond general studies to provide degrees and they stated that we could not. Chairman Jandreau stated that there was a group of individuals that visited last week and they stated that they would be very interested in an affiliation with our Community College. Chairman Jandreau asked the College Board members to look into different affiliations.

20. LOWER BRULE WILDLIFE ENTERPRISE: Mr. Ben Janis, C.E.O. Lower Brule Wildlife Enterprise, requested the Tribal Council to approve the hunting seasons to be the same as last year. Chairman Jandreau asked what Mr. Janis' agenda was for the ranchers meeting. Mr. Janis stated that it would be open, but could make up an agenda. Chairman Jandreau stated that he had been asked by people in regard to a Doe season. Mr. Janis stated that this could be discussed at the meeting. Motion was made by Benjamin Thompson, Jr. to approve the hunting seasons the same as last

year. This motion was seconded by Boyd Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting.

21. **DEPARTMENT OF VETERANS AFFAIRS:** A letter was received from Assistant Area Director, William C. Gipp, in regard to direct loans to Native American Veterans on Trust lands. The Department of Veterans Affairs (VA) is amending its regulations for VA direct loans to implement the requirements of Section 8 of the Veterans Home Loan Program Amendments of 1992, Public Law 102-547, which established a pilot program to make direct housing loans to qualified Native American Veterans. Interested persons are invited to submit written comments, suggestions or objections regarding this proposal to the Secretary of Veterans Affairs (271A), Department of Veterans Affairs, 810 Vermont Avenue, N.W., Washington, D.C. 20420. All written comments will be available for public inspection in Room 170, Veterans Services Unit, at the above address. Motion was made by Boyd Gourneau to support and request that the Direct Loans for Native Americans be considered for those eligible on the Lower Brule Reservation. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

22. **KUL WICASA ELDERLY ORGANIZATION:** A letter of request was received from the Kul Wicasa Elderly and Board Members; John Estes, Sr., President, Delmar Smith, Vice-President, Gayle Ziegler, Sec/Treasurer, Maxine Grassrope, Member, Fern Quilt, Member, and Bessie Estes, Member, for support and recognition of the Kul Wicasa Elderly, which was chartered on 11/23/92. Motion was made by Benjamin Thompson, Jr. to support and recognize the Kul Wicasa Elderly Organization. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting.

23. **APRIL FLUTE REQUEST:** A letter of request was received from April Flute for assistance in purchasing Grandma Buck's house, which April Flute is now living in. By Tribal Council concurrence April Flute's request will be submitted to Shirley Marvin to see if there is any funding available through the Economic Opportunity Grant and to give Ms. Flute a H.I.P. application.

2. **L.B. HEALTHY STARTS PROGRAM:** Mr. Doren entered the Tribal Council meeting at this time. Chairman Jandreau stated that the Tribal Council wanted to know if the Health Board had selected an alternate for the Healthy Starts Community Educator position. Mr. Doren stated that the Health Board thought that Lorenda Middletent would be a second choice. Motion was made by Benjamin Thompson, Jr. to hire Lorenda Middletent as the Healthy Starts Community Educator with Maria Patterson as alternate. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

24. **RICHARD GOODFACE REQUEST:** A letter of request was received from Mr. Richard Goodface, 5th & 6th grade Girls basketball coach, for assistance in purchasing jackets and plaques for the team members of awards day. Mr. Goodface submitted a cost sheet for the jackets and plaques from Smith's First Impressions in Pierre, which each jacket would cost \$74.00 each. Chairman Jandreau asked Mr. Goodface to see if he could get the jackets any where else. Chairman Jandreau stated that the cost of these jackets were too high and that the same kind should be cheaper some where else. Motion was made by Boyd Gourneau to assist in the purchase of the jackets and plaques pending Mr. Goodface can purchase the jackets at \$40.00-\$45.00 per jacket. This motion was seconded by Kay Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting.

The Lower Brule Sioux Tribal Council meeting recessed at 2:35 PM. The Lower Brule Sioux Tribal Council meeting reconvened on April 13, 1993, at 11:47 AM, with all Tribal Council members present. Also present was Rose McCauley, Shirley Flute, Crystal Medicine Crow, Noble LaCroix, Ted McCauley, Scott Jones and Neil "Cody" Russell.

25. L.B. SIOUX TRIBAL COURT: Chairman Jandreau stated that the reason that this Council meeting was called was because of the Court System and it was requested by some of the Council members. I will turn it over to them and you can go ahead and start. Benjamin Thompson, Jr. stated that they had sent a letter to the Court System to request statistics. Mr. Thompson, Jr. stated that he could not get this information. Chairman Jandreau stated that if Mr. Thompson, Jr. wished to do an investigation on the Court System, it would most properly be an activity of the entire Tribal Council. Chairman Jandreau stated that a request has been submitted to the Bureau of Indian Affairs for a Tribal Court review. Motion was made by John Estes, Sr. to request Noble LaCroix to expedite the Tribal Court review and to review in 45 days. This motion was seconded by Boyd Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting. Shirley Crane stated that the bond money from the Tribal Court should be deposited at the finance office daily and requested that the Tribal Court review be presented for review, when completed, to the Tribal Council.

26. ALTWIN GRASSROPE EASEMENT: Chairman Jandreau stated that there was an easement needed for Altwin Grassrope for his home. Benjamin Thompson, Jr. asked how much it was going to cost for his home and if there were elderly on the list that would be jeopardized because of the building of this home. Chairman Jandreau stated, not for the people that are below him, he is approved because of his disability situation and family size. Boyd Gourneau stated we can only go so far, there is a long list and we cannot cover them all, all I can do is go by the qualifications. Motion was made by Kay Gourneau to grant an easement for Altwin Grassrope. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting.

27. SCOTT JONES-N.A.G.P.R.A.: Scott Jones stated that he had two issues to discuss with the Tribal Council, the first is a legislation called N.A.G.P.R.A., Native American Graves Protection and Repatriation Act. The involvement with the Corps and the taken land there was a lot of very intact archeological sites and in the late '50's early '60's the Smithsonian at the request of the Corps of Engineers came in and did salvage archeology on these areas and while they were doing it there were a lot of things removed and that includes human remains, burial artifacts, cultural artifacts and other things. At this point we would need to establish a committee to handle the return of these things if the Council so desires. There is a large movement in Indian Country for Tribes to bring back their ancestry and return them as close to the locale that they were originally taken from. The Corps is excited that the Tribe is interested in getting these items returned. The Committee would have to organize to get the physical human remains back and organize a ceremony, get land appropriated and handling all of the things involved in getting the remains back. A Memorandum of Agreement would have to be developed with the Corps of Engineers that would govern the way that the Corps brings them to which point and the point at which the Tribe takes over and returns them to the locale which they will be reentered at and I would also like to request a resolution to request the Corps of Engineers to provide a comprehensive list of items taken from this reservation or from this aboriginal territory. Motion was made by John Estes, Sr. to request a comprehensive list from the Corps

of Engineers of artifacts taken from this aboriginal territory. This motion was seconded by Kay Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting. Scott Jones stated that he would post names for the committee. Chairman Jandreau requested that it be placed in the Tribal newsletter. Scott Jones stated that the other issue, which the Tribal Council is well aware of is Solid Waste. We are quickly approaching the October 9, 1993 deadline for an approved land fill or facilities to transfer the solid waste off the reservation. The I.H.S. feels that the Tribe should keep their options open. The estimated cost per acre for a land fill would be \$25,000.00 to \$40,000.00 to just develop a land fill, from that point on you have to have money to operate it, the daily cover, the transportation costs, the closure and post closure costs and financial assurances that the E.P.A. requires and the other option is to move it off the reservation, which the I.H.S. is most in favor of, for the fact that they may be able to provide the funds to purchase a compactor and transfer station for the Tribe. I do not need a resolution at this point, I just wanted to remind everyone that that deadline is approaching quick. Another deadline we are facing is the July 1, 1993, Safe Drinking Water Act. The new requirements will cost the Tribe \$5,000.00 more per quarter, about \$20,000.00 more annually that will have to be put into in sampling, which a sample will have to be taken at one time every four hours for twenty four hours, you will need someone on duty or automated readings, which costs \$3,000.00-\$4,000.00 per unit. We are looking at quit a bit of money. We should have a public meeting on these issues, the consumer will probably have to start paying more. If we are not in compliance by these deadline dates then E.P.A. will come in and start assessing fines, \$2,500.00 a day. A meeting needs to be held to let the public know. Benjamin Thompson, Jr. asked what the rates would be increased to. Scott Jones stated that the water would probably be increased to \$15.00/month, the garbage \$21.00/month and sewer \$6.00/month and that would not make a profit, it would probably not cover all of the expenses involved, but I think people will start to conserve, the will start to sort their trash. There is a group starting a recycling program, Dale Brown Wolf, Trish Lundell and Elaine White Pipe are working on this, but there is no money to be made by recycling, a minimum off setting of costs. I can come back in a month with more specific figures on the cost of a land fill for the Tribe. Chairman Jandreau stated that something is going to have to be done with the one that the Tribe has now. I have talked to Lee Gourneau, Employment Enterprise, and they feel that it would cost \$4,600.00, if we can get another land fill to get by the current land fill is full, just something temporary. Motion was made by Benjamin Thompson, Jr. to request \$4,600.00 from the I.H.S. Funding to provide a temporary land fill. Motion was seconded by John Estes, Sr. Motion carried with a vote of five members for, none opposing, none absent and none not voting. Scott Jones stated that there was another issue that needed to be brought up. There are two nonIndian families, and the Farm Corporation will be done. The I.H.S. need a resolution to authorize these families to receive services of the new water line. Motion was made by Kay Gourneau to adopt a resolution to allow services to these families. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

The Lower Brule Sioux Tribal Council meeting recessed on April 13, 1993 at 1:16 PM. The Lower Brule Sioux Tribal Council meeting reconvened on May 5, 1993, at 11:22 AM, with all Tribal Council members present. Also present was Noble LaCroix and Julian Brown.

ADJOURNMENT:

Motion was made by Boyd Gourneau to adjourn the April Regular Session meeting. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting.

CERTIFICATION

The foregoing is a true and correct transcript to Minutes from the Regular Meeting held by the Lower Brule Sioux Tribal Council on April 7th, 13th and May 5, 1993.



SANDY LA CROIX, RECORDING SECRETARY

**LOWER BRULE SIOUX TRIBAL COUNCIL
REGULAR MEETING
MAY 5, 1993**

PRESENT: Michael B. Jandreau, Chairman
Kay Gourneau
Shirley Crane
Boyd Gourneau
John Estes, Sr.
Benjamin Thompson, Jr.

ABSENT: None

ALSO PRESENT: Julian Brown and Noble LaCroix.

THE Lower Brule Sioux Tribal Council meeting was called to Order by Chairman Michael B. Jandreau at 11:22 AM. Roll call was taken by the Recording Secretary and the Lord's Prayer was led by Chaplain John Estes, Sr.

1. NATIONAL INDIAN GAMING ASSOCIATION: Chairman Jandreau stated that the meeting that himself and John Estes, Sr. attended focused on attempting to formulate the Association and they have requested the selection of representatives. Chairman Jandreau stated that if we desire to be part of the association we must name our representatives by resolution to formally agree to select Paul Valandra and Gordon Jones as the Aberdeen Area representatives, with Mark Van Norman as alternate. We must also name the members of the South Dakota Indian Gaming Association. Chairman Jandreau stated that he would like to recommend that John Estes, Sr. be appointed with himself as alternate. We will probably have to approve Julian Brown, General Legal Counsel's participation in this project also, we will need him to review all the documentation with the other Tribes lawyers. Chairman Jandreau stated that in order to maintain gaming on the reservations the Tribes will have to contribute funds for the Association. John Estes, Sr. asked what that amount would be. Chairman Jandreau stated that the budget would be presented at the May 10 South Dakota Indian Gaming Association meeting. Chairman Jandreau stated that the Pequot Tribe in Connecticut made 400 million the first year and they are expanding like you wouldn't believe and Mystic Lake members are receiving 80-90 thousand a year. John Estes, Sr. stated that the State is allowing Kevin Kostner any number of machines. Chairman Jandreau stated that the amount of machines has to do with the number of rooms you have, if you have a hotel you are open for more machines. John Estes, Sr. asked if the State could come in and cut funding off. Chairman Jandreau stated that they could, if we are generating enough money to take care of ourselves. Chairman Jandreau stated that Mystic Lake, besides the \$80,000 per year they have dedicated themselves to building so many houses a year for the members and their houses makes our houses look like something out of the past, they have garages and decks and all new roads. Chairman Jandreau stated that the Association want to put a video together from each reservation showing the positive impact gaming has had. Motion was made by Shirley Crane to name John Estes, Sr. as representative for South Dakota Indian Gaming Association with Michael Jandreau as alternate. This motion was seconded by Boyd Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting. (Shirley Crane left the Tribal Council meeting at this time.) Motion was made by Kay Gourneau to authorize payment to General Legal Counsel, Julian H. Brown, for his participation in the Association. This motion was

seconded by John Estes, Sr. Motion carried with vote being four members for, none opposing, one absent and none not voting. Motion was made by Boyd Gourneau to appoint Paul Valandra and Gordon Jones as representatives for the Aberdeen Area National Indian Gaming Association, with Mark Van Norman as alternate. This motion was seconded by John Estes, Sr. Motion carried with vote being four members for, none opposing, none absent and none not voting. (Shirley Crane entered the Tribal Council meeting at this time.)

2. **APPELLATE COURT:** Chairman Jandreau stated that there was a need to establish an Appellate Court. There are some child custody cases and I believe there will probably be an appeal through the Lower Brule Housing Authority, we will probably have three or four cases right away to deal with. Chairman Jandreau stated that the Tribe was once a part of the Aberdeen Area Appellate Court but we withdrew, we did not get any information. Our Constitution and Bylaws allows us to put an Appellate Court in place. Chairman Jandreau stated that a three member Appellate Court System would be required. We can get a roster together by Friday of Attorneys that would be interested in sitting on the Appellate Court and make a selection from that. Motion was made by Kay Gourneau to authorize contacting Attorneys for the selection and establishment of an Appellate Court. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being four members for, none opposing, none absent and none not voting.

The Lower Brule Sioux Tribal Council meeting recessed at 12:38 PM. The Lower Brule Sioux Tribal Council meeting reconvened at 2:09 PM, with all Council members present. Also present was Clarence Thompson, Sr. and Eyvonne Rekow.

3. **CLARENCE THOMPSON, SR.:** Chairman Jandreau asked Mr. Thompson, Sr. to address the Tribal Council. Mr. Thompson stated that he had lost 52 head of cattle last fall within a two month period. Mr. Thompson stated that he also had a problem with prairie dogs. Mr. Thompson stated that years ago poison was left in his basement, which has affected him and his wife, we got a lawyer, but we lost the case. We have asked for poison for the prairie dogs, but no one will do anything about them. My main subject today though is my lost cattle. I would like to request that the Tribal Council look into this and do something about it. Mr. Thompson asked if the Tribal Council would let him know what their decision was.

4. **EYVONNE REKOW:** Ms. Rekow addressed the Tribal Council in regard to a case that is pending in Tribal Court. Ms. Rekow stated that she would like to request that Leroy Greves hear her case, because of Stan Whittings conflict of interest. Chairman Jandreau stated that the Tribal Council just took action to establish an Appellate Court and that her case would have to be heard there. Ms. Rekow asked when the Appellate Court would meet. Chairman Jandreau stated that Attorneys would have to be contacted and selected and the Tribal Council should probably authorize that at the same time that we are looking for Appellate Judges that inquires should be made about the Associate Judge position. Motion was made by Boyd Gourneau to authorize that the Associate Judge position be a part of the search with the Appellate Court Judges. This motion was seconded by Kay Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting.

5. **GENERAL COUNSEL BILLING AND CONTRACT:** Chairman Jandreau stated that the General Counsel Billing was received from Julian H. Brown for the time period covering April 4, 1993 through May 4, 1993, in the amount of \$3,540.90. Chairman Jandreau stated that Mr. Brown had also submitted a renewal of contract for approval by the Tribal Council. Mr. Brown stated that the contract terms are the

same as last years. John Estes, Sr. asked if any other Attorneys submitted for the position. Chairman Jandreau stated that the Tribal Council did not advertise the position. Motion was made by John Estes, Sr. to renew the General Counsel Contract and to request that the position be advertised next year. This motion was seconded by Boyd Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting. Motion was made by Boyd Gourneau to approve the General Counsel Billing and to submit the Billing to the Bureau of Indian Affairs for review and approval. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being five members for, none opposing, none absent and none not voting. Julian Brown stated that he had completed the review of the Oacoma stipulations. Mr. Brown reviewed the stipulations with the Tribal Council. Motion was made by Kay Gourneau to authorize General Legal Counsel, Julian H. Brown, to submit a response for the stipulations in behalf of the Tribe. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting.

6. BRULE' HORSEMEN ASSOCIATION: A letter of request was received from the Brule' Horsemen Association to obtain a liquor license from the Tribe to sell beer during the Golden Tatanka Stampede. Boyd Gourneau stated that this may be a conflict of interests since one of our sponsors is Coors. By Tribal Council concurrence a letter will be submitted to Brule' Horsemen Association denying their request because of the conflict of interest.

7. SHIRLEY FLUTE REQUEST: A letter of request was received from Shirley Flute for assistance in getting an old dental bill paid. Mrs. Flute stated that Clinton Flute was authorized at one time, through the Tribal insurance company, to have dental work done and the Insurance Company was changed and the bill was never paid. By Tribal Council concurrence Chairman Jandreau will look into Mrs. Flute's request.

8. CHARLOTTE BARKER-GIRL/BOY SCOUTS: A letter was received from Charlotte Barker informing the Tribal Council that she had been appointed as representative for Girl/Boy Scouts in this area. No action was taken on this matter.

9. FLANDREAU SCHOOL BOARD REQUEST: A letter was received from the Flandreau School Board stating that 9 children from the Lower Brule Sioux Tribe were attending the Flandreau Indian School and requested a contribution of \$900.00 to help defray the costs of a school nurse. Motion was made by Boyd Gourneau to request the I.H.S. to provide \$900.00 to the Flandreau Indian School for students utilizing nurse services. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

10. OGLALA SIOUX TRIBE: A letter of request was received from the Oglala Sioux Tribe for a representative from the Lower Brule Sioux Tribe for the Oglala Sioux Tribe Unification Accord, Summit V. Motion was made by Benjamin Thompson, Jr. to name John Estes, Sr. as Lower Brule Sioux Tribe's representative. This motion was seconded by Boyd Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting.

11. L.B.S.T. MINUTES - MARCH: The Minutes from the Lower Brule Sioux Tribal Council Regular Session meetings held in the month of March was submitted for review and approval. Motion was made by Boyd Gourneau to approve the Minutes for

March. This motion was seconded by Kay Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting.

12. JEAN BOLMAN LEASE REQUEST: A letter was received from Jean Bolman to request a lease on the Corp land that was adjacent to the land that she leased from the Tribe. Chairman Jandreau stated that this is the first year the the Corps of Engineers have requested this, Ms. Bolman has been utilizing this land in the past. Motion was made by Boyd Gourneau to approve Ms. Bolman's lease as the same rate and duration of her adjoining leases. This motion was seconded by Kay Gourneau. Motion died for lack of two thirds majority vote.

13. PHYLLIS LAROCHE ROBERTSON/ALTWIN GRASSROPE REQUESTS: Chairman Jandreau stated that these two individuals want a lease that is in the same area. Chairman Jandreau stated that there is enough room in that area for both leases. There had been a mix up on Altwin Grassrope's lease, his home is not on the description that was approved for him. The Tribal Council will have to approve the amendment. Motion was made by Boyd Gourneau to approve Altwin Grassrope's amended lease and to approve Phyllis LaRoche Robertson's homesite lease and request the B.I.A. to lay out the lots for the two homesites. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting.

14. TAMARA BINGEN FONDER/SANDY LA CROIX HOMESITE REQUEST: Chairman Jandreau stated that Tamara Fonder is requesting Sandy LaCroix's homesite, which Sandy LaCroix is requesting to relinquish for another Homesites. Motion was made by Kay Gourneau to approve the requests for Homesites. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

15. ALFREDA LECOMPTE HOMESITE REQUEST: A letter of request was received from Alfreda LeCompte for a Homesite. Motion was made by Boyd Gourneau to approve Ms. LeCompte's request for Homesite. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting. Chairman Jandreau stated that this homesite was located between Mary Jane Middletent and Sadie Flute's homesites.

16. LAND APPRAISALS: Land appraisal were received from the Bureau of Indian Affairs for the following interests of land, Sterling Bad Horse \$2,782.29, Elizabeth Chips Larvie \$10.70, Dale Denoyer \$1,052.94, and Rose Grey Owl \$440.06. Motion was made by Boyd Gourneau to purchase these interests. This motion was seconded by Kay Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting.

17. NOAH GRASSROPE REQUEST: A request was received from the Bureau of Indian Affairs from Noah Grassrope who wished to cancel his request for land sale. Motion was made by Boyd Gourneau to accept the cancellation. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting.

18. EDUCATIONAL GRANT APPLICATIONS: Educational grant applications were received from Everett R. Goodface, Jr. and Monte J. Iron Heart. Motion was made by Kay Gourneau to approve the educational grants as long as all paperwork was in place. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting.

19. **MARLA BULL BEAR REQUEST:** A letter of request for support for their efforts was received from Marla Bull Bear, Native American Advocacy Project, South Dakota Alliance for the Mentally Ill, which is committed to providing support to the developing roles of Native American consumers and family members of severely mentally ill adults and severely emotionally disturbed children in the system of planning, decision making, networking, advocacy, and service development for that population. Motion was made by Boyd Gourneau to submit a Resolution of support. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting.

20. **L.B.S.T. NATIVE AMERICAN HEALTHY STARTS PROGRAM:** Mr. Otis Doren, Healthy Starts Program Coordinator requested support from the Tribal Council in requesting that the Healthy Start Program be allowed to take bids on a Program vehicle. Mr. Doren stated that the main office wanted to collate all the Programs and purchase vehicles through their office, under their supervision. Motion was made by Kay Gourneau to submit a Resolution of support for the Healthy Start Program to purchase a vehicle locally, which would allow self-determination of the Tribe to determine if the funds are available. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting.

21. **MASTER HEALTH PROPOSAL FY-94:** Chairman Jandreau stated that the Master Health Proposal, for all health programs for funding for fiscal year 1994 needed to be approved and submitted. Motion was made by Benjamin Thompson, Jr. to approve the FY-94 Master Health Proposal for submission. This motion was seconded by Kay Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting.

22. **L.B.S.T. MOTOR POOL PROGRAM:** A letter of request was received from the Motor Pool Program to purchase 2 additional vehicles each for the Alcoholism Program and the Ambulance Program. This matter was tabled until more further budget information was received.

23. **L.B.S.T. ALCOHOLISM AND CHEMICAL DEPENDENCY PROGRAM:** A letter was received from the Alcoholism Program in regard to a special "AIDS" presentation to take place at the Lower Brule High School on Friday, May 7, 1993, from 1:00 PM through 2:30 PM. Kerry Bowers, a person living with AIDS the advanced stages of AIDS would be making the presentation. The Alcoholism Program requested approval for administrative leave for tribal employees to attend the presentation. Chairman Jandreau stated that administrative leave would be granted to those who signed up for the presentation.

24. **SHIRLEY MARVIN, EDA PLANNER:** Shirley Marvin stated that the Lower Brule Sioux Tribe has been approved for a grant through the Bush Foundation for a law library. Shirley Crane stated that at the present time there are three resources that the Tribal Council can purchase these books from. Ms. Marvin stated that Mr. Keith Tidball has the contents of a full law library which he wishes to sell. Shirley Marvin stated that she recommended the Tribal Council to purchase Mr. Tidball's library for \$50,000.00 and to purchase any other material that would be needed from the other two resources. Motion was made by Boyd Gourneau to approve Shirley Marvin's recommendation. This motion was seconded by Kay Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting. Chairman Jandreau stated that in order to hold the Cherry and Son Ranch, Inc. the Tribe will have to pay an earnest fee of \$50,000.00. Motion was made by

Kay Gourneau to authorize Shirley Marvin to submit an application in behalf of the Lower Brule Sioux Tribe to the Community Economic Business Development Grant Program for \$50,000.00. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

25. **CORP OF ENGINEER LAND:** Benjamin Thompson, Jr. stated that he had talked to Conny Olson who had stated that the Tribe could request a lease on the C.O.E. land that is the Narrows. Chairman Jandreau stated that the this land would be allotted as homesites under the same guidelines for the Tribe with a twenty-five year lease with an option to renew. Motion was made by Boyd Gourneau to adopt a resolution to request the lease of this land. This motion was seconded by Kay Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting.

26. **C.E.D.B.G. PROGRAM:** A letter was submitted by Shirley Marvin from the C.E.D.B.G. Program, Community Economic Development Business Grant Program, with a recommendation for a \$15,000.00 grant for Mr. Richard P. Thompson, Sr. and Mr. Orville Langdeau, Sr., for business expansion. Motion was made by Boyd Gourneau to approve this request based on the recommendation of the C.E.D.B.G. Board. This motion was seconded by Kay Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting. Boyd Gourneau asked if the C.E.D.B.G. Program had been placed in the newsletter for any interested individual wanting a business grant. Chairman Jandreau stated that it was placed in the last newsletter, but that it should be ran again.

27. **SHIRLEY CRANE REQUEST:** Shirley Crane stated that a group wanted to get together to put on a dinner and a small dance at the Pow wow grounds for Mother's Day. Motion was made by Boyd Gourneau to approve this request. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

28. **B.I.A. BUILDINGS ARCADE/GAS STATION:** Chairman Jandreau stated that the Bureau of Indian Affairs had accepted the Tribes offer to purchase the Arcade and Gas Station for \$15,000.00 apiece. Chairman Jandreau stated that the Bureau of Indian Affairs has given the Tribe thirty days to purchase these buildings, we will have to notify them by Resolution our intent to purchase. Motion was made by Kay Gourneau to inform the Bureau of Indian Affairs that the Lower Brule Sioux Tribe would purchase these two buildings at \$15,000.00 each. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting. Boyd Gourneau stated that the Rodeo Arena will need lights for the Golden Tatanka Stampede, the grant that we were working on did not go through and the other sponsors that we contacted stated that they would not be able to contribute until next year, it would have to be budgeted in. Noble LaCroix stated that the funding for the E.A.R.N. Program is now in Aberdeen and that they have requested that a Council member be on the Committee. Motion was made by Boyd Gourneau to appoint Shirley Crane to the E.A.R.N. Committee. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting. Noble LaCroix also stated that the Bureau of Indian Affairs would like to offer the Tribe the #325 BIA building. Motion was made by Boyd Gourneau to accept BIA building #325. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

The Lower Brule Sioux Tribal Council meeting recessed at 4:40 PM. The Lower Brule Sioux Tribal Council meeting reconvened on May 12, 1993 at 2:12 PM, with all Council Members present. Also present was Rose McCauley, Shirley Marvin and Keith Tidball.

29. SHIRLEY MARVIN, EDA PLANNER: Shirley Marvin stated that she had asked Mr. Tidball to attend today's Tribal Council meeting. Ms. Marvin stated that she had misunderstood Mr. Tidball in regard to his law library and that he had brought a complete listing of the books in his library, which would increase the purchase price of the library to \$80,000.00. Shirley Marvin submitted a list of Mr. Tidball's books and the books that were needed for the law library. Mr. Tidball stated that the books in his library was complete, except for periodicals, etc. Mr. Tidball stated that an appraisal had been done on this library and its cost was \$126,000.00. Mr. Tidball stated that he practiced in two areas and had two libraries, one of which he no longer needs. Mr. Tidball stated that he would be willing to sell the library to the Tribe for \$80,000.00. Chairman Jandreau asked Mr. Tidball what condition the library was in. Mr. Tidball stated that it was in excellent condition, as I had mentioned before I had the library appraised a year ago. Mr. Tidball stated that the list of books that the Tribe is requesting for the library would be short \$500.00 worth of books, which I do not have. Chairman Jandreau stated that if the Tribe bought Mr. Tidball's library the Tribe would have enough remaining from the grant to purchase any additional books needed. Mr. Tidball stated that he could get \$125,000.00 for the library on the open market and I am offering you a lot more than your other two resources could provide for \$80,000.00. Motion was made by Boyd Gourneau to purchase Mr. Tidball's library for \$80,000.00. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

30. GENERAL LEGAL COUNSEL-JULIAN H. BROWN: General Legal Counsel, Julian H. Brown submitted an overview of the Attorneys that were contacted for the Appellate Court. By Tribal Council concurrence General Counsel, Julian Brown will be notified to make his recommendation for the selection of the Judges. Chairman Jandreau stated that a letter was received in regard to the Tribal Court review. Chairman Jandreau stated that a letter will be posted to notify all interested in this matter.

31. NOAH GRASSROPE MINERAL RIGHTS SALE: An application was received from the Bureau of Indian Affairs on Mr. Grassrope's request to sell his mineral rights. Motion was made by Boyd Gourneau to purchase Mr. Grassrope's Mineral Rights. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting.

The Lower Brule Sioux Tribal Council meeting recessed at 3:35 PM. The Lower Brule Sioux Tribal Council meeting reconvened on May 19, 1993 at 1:48 PM, with all Tribal Council members present. Also present was Bettie Rushing.

32. BETTIE RUSHING-TRIBAL COURT REVIEW: Ms. Rushing addressed the Tribal Council with the information she received on the Tribal Court review. Ms. Rushing stated that the Tribe had an excellent Code in place and that she did find some weaknesses that with a little work would be corrected. Ms. Rushing stated that she would send down samples on what clearly should be done for these deficiencies. Ms. Rushing stated that the Tribal Court should also have fire proof fire cabinets. Ms. Rushing stated that she will submit her review to the Tribal Council when

completed and would be happy to return if the Tribe requested her technical assistance. (Chairman Jandreau left the Tribal Council meeting at this time.)

33. KEITH REKOW REQUEST: A letter of request was received from Keith Rekow to be placed on the I.H.S. water/sewer priority list. Mr. Rekow stated that he has placed his trailer house on Cheryll LaRoche's residence and needed services. Motion was made by John Estes, Sr. to place Keith Rekow on the IHS water/sewer priority list. This motion was seconded by Shirley Crane. Motion carried with vote being four members for, none opposing, none absent and none not voting.

34. CRAIG MCINTYRE-S.D.D.O.T.: A letter was received from Craig McIntyre for support from the Lower Brule Sioux Tribe for funding to develop highway 1806 from the Kennebec turn off to the County line. Motion was made by Benjamin Thompson, Jr. to submit a Resolution of support. This motion was seconded by John Estes, Sr. Motion carried with vote being four members for, none opposing, one absent and none not voting.

35. HONORING THE CHILDREN POW WOW: A letter was received from Cory Fallis, President, request a contribution in the amount of \$2,275.00 for the May Honoring the Children Pow wow. Mr. Fallis had stated that the committee had raised \$5,325.00 of the \$7,600.00 needed for the Pow wow. Motion was made by John Estes, Sr. to contribute \$2,275.00 to the Pow wow. This motion was seconded by Boyd Gourneau. Motion carried with vote being four members for, none opposing, one absent and none not voting.

36. EASTERN BAND OF CHEROKEE INDIANS: A letter was received from the Eastern Band of Cherokee Indians in regard to bill HR 334, Recognition of the Lumbee Tribe, which is being reintroduced to Congress. Boyd Gourneau stated that the Tribe had previously passed a Resolution opposing the Bill to recognize the Lumbee Tribe and to require them to go through an administrative process whereby a consistent set of criteria can be uniformly and deliberately applied by historians and anthropologists using ethnological, historical, legal and political evidence. Motion was made by Boyd Gourneau to take the same stance and to submit a Resolution opposing the recognition of the Lumbee Tribe and to request that they go through the proper procedures to be recognized. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being four members for, none opposing, one absent and none not voting. (Chairman Jandreau entered the Tribal Council meeting at this time.)

37. PAT MADSEN-HEAD START PROGRAM: (Boyd Gourneau left the Tribal Council meeting at this time.) A request was received from Pat Madsen, Head Start Director, request support for an application for a culturally adapted Head Start Training Program for American Indian Head Start Parents. Motion was made by Benjamin Thompson, Jr. to adopt a Resolution of support. This motion was seconded by John Estes, Sr. Motion carried with vote being four members for, none opposing, one absent and none not voting. The Program would provide training to parents of children with FAS/FAE, who needed special services. (Boyd Gourneau entered the Tribal Council meeting at this time.)

38. LOWER BRULE TRIBAL COURT: A discussion was held by the Tribal Council in regard to the Tribal Court review and the information received from Bettie Rushing. Motion was made by Shirley Crane to request the help of Bettie Rushing to write a proposal for additional fund and technical assistance. This motion was seconded by Kay Gourneau. Motion carried with vote being four members for, none opposing, one

absent and none not voting. Benjamin Thompson, Jr. stated that Helen Fallis' daughter was in need of a round trip bus ticket to get back to Lower Brule. Mr. Thompson, Jr. stated that she would be picking her kids up and bringing them back with her. Chairman Jandreau stated that all the Tribe could do is prepay a bus ticket. (Kay Gourneau left the Tribal Council meeting at this time.)

39. **DALLAS MICHALEK REQUEST:** Benjamin Thompson, Jr. stated that Dallas Michalek wanted him to make a presentation to the Tribal Council, which he is interested in establishing an archery program. Mr. Thompson, Jr. stated that Mr. Michalek was in the process of getting a grant together and wanted to request a business lease on the north side of the Head Start, which would be close to water and sewer facilities. Mr. Thompson, Jr. stated that the building would be 80 X 40. Motion was made by Benjamin Thompson, Jr. to request IHS to provide an Engineer to conduct a study on the development of water and sewer facilities at that site. This motion was seconded by John Estes, Sr. Motion carried with vote being four members for, none opposing, one absent and none not voting. (Kay Gourneau entered the Tribal Council meeting at this time.)

40. **BRULE INDUSTRIES PROPOSAL:** Dennis Ickes, Tony Moran and Lee Gourneau entered the Tribal Council meeting at this time. Chairman Jandreau stated that the Lower Brule Employment Enterprise has been working with a product, P.D.C., Pavement Dressing Conditioner, which rejuvenates and seals asphalt. Chairman Jandreau stated that the Lower Brule Sioux Tribe is trying to obtain exclusive rights to distribute and apply this product. The proposal that is submitted before us today explains Brule Industries in the business aspect. We would have the main office here and a sub-office in Salt Lake City. Chairman Jandreau stated that this product, when demonstrated, sells itself. We could go National and International with this product. Mr. Dennis Ickes reviewed the proposal with the Tribal Council. Mr. Ickes stated that the State of Utah market will have a much different marketing environment than the Lower Brule Area. The Salt Lake City area has the metropolitan market of approximately 1,000,000 people with numerous large and small businesses. The L.D.S. Church, if obtained as a customer, will be a large single source of business. The federal government, state government, and the L.D.S. Church are major potential business sources. Indian Tribes in Utah have significant road reconditioning needs. The Salt Lake City office are outside of Utah will be Indian country that includes 14,000,000 acre Navajo Reservation, the numerous pueblos of New Mexico, the numerous rancherias in California, and the numerous Alaskan villages. The Lower Brule office area will have no state areas. This office will direct operations within the federal and state Indian reservations of the Midwest, southeast, middle Atlantic and northeastern United States. This office will also work with the Salt Lake City office to perform services for the L.D.S. Church in those areas, both on and off reservation. Mr. Ickes stated that an aggressive program to market the product will be established. Chairman Jandreau stated that the Tribal Council had previously approved a line of credit for Employment Enterprise for their contracts, we will need approval to utilize the line of credit for the P.D.C., Brule Industries business projects. John Estes, Sr. asked if this would be more jobs for members. Chairman Jandreau stated that it would. Motion was made by John Estes, Sr. to pursue the Brule Industries project and to authorize to utilize the line of credit with withdrawal increments of \$50,000.00 by Tribal Council approval. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being five members for, none opposing, none absent and none not voting. Motion was made by Kay Gourneau to adopt the Brule Industries Business Plan. This motion was seconded by Shirley Crane. Motion

carried with vote being five members for, none opposing, none absent and none not voting.

The Lower Brule Sioux Tribal Council meeting recessed at 5:20 PM. The Lower Brule Sioux Tribal Council meeting reconvened on May 26, 1993, at 3:03 PM, with Boyd Gourneau arriving late. Also present was Julian H. Brown.

41. APPELLATE JUDGE APPOINTMENTS: Chairman Jandreau stated that the reason this meeting was called was for the selection of the Appellate Judges. Chairman Jandreau asked General Legal Counsel, Julian H. Brown, to give his overview of the Attorneys that were interested in the positions and to make his recommendations. Mr. Brown gave an overview of the Attorneys and recommended Paul Godtland, J.M. Grossenburg, and Laurence Zastrow for the Appellate Judges. (Boyd Gourneau entered the Tribal Council meeting at this time.) John Estes, Sr. asked if these individuals would be here when asked. Chairman Jandreau stated that they stated that they were interested. Chairman Jandreau stated that it takes 30-90 days to get information together for an appeal. John Estes, Sr. asked if there should be alternates. Chairman Jandreau asked Mr. Brown to make a recommendation for alternates. Mr. Brown stated that he would recommend Leonard Andera and Cheryl Dupris Schrempp. Motion was made by Kay Gourneau to approve Mr. Brown's recommendations and to select Mr. Zastrow, Mr. Godtland and Mr. Grossenburg as the Appellate Judges with Mr. Andera and Ms. Dupris Schrempp as alternate. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting. Chairman Jandreau stated that an Associate Judge was still needed and asked if the Tribal Council would authorize Judge McCauley to contact and name a Judge on a contractual basis with priority of placing a full time Judge in that position. Motion was made by Boyd Gourneau to authorize Judge McCauley to contact and name a temporary Judge on a contractual basis with top priority to be given in finding a full time Associate Judge. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting. Chairman Jandreau stated that he had received a request from Agnes Picotte for a donation for her daughter to go to school. By Tribal Council concurrence action was taken to deny her request. Chairman Jandreau stated that Clark Zephier was interested in selling the Tribe a war shirt for \$3,000.00. John Estes, Sr. stated that if Mr. Zephier would make the leggings and moccasins with the shirt that something could probably be arranged.

The Lower Brule Sioux Tribal Council meeting recessed at 3:40 PM. The Lower Brule Sioux Tribal Council meeting reconvened on June 2, 1993, at 1:45 PM, with all Tribal Council Members present. Also Present was Iva Jean Bolman, Mary Sue Schneider, Mike Hanzlik and Noble La Croix.

ADJOURNMENT: Motion was made by Kay Gourneau to adjourn the May Regular Session Meeting. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

CERTIFICATION

The foregoing is a true and correct transcript to the Minutes from the Regular Meeting held by the Lower Brule Sioux Tribal Council on May 5th, 12th, 19th, 26th and June 2, 1993.


SANDY LA CROIX, RECORDING SECRETARY

**LOWER BRULE SIOUX TRIBAL COUNCIL
REGULAR MEETING
JUNE 2, 1993**

PRESENT: Michael B. Jandreau, Chairman **ABSENT:** None
Kay Gourneau
Shirley Crane
Boyd Gourneau
John Estes, Sr.
Benjamin Thompson, Jr.

ALSO PRESENT: Iva Jean Bolman, Mary Sue Schnieder, Mike Hanzlik, Annette and Pat Big Eagle, Arthur Eagle Thunder, and Noble LaCroix

The Lower Brule Sioux Tribal Council meeting was called to Order by Chairman Michael B. Jandreau at 1:45 PM. Roll call was taken by the Recording Secretary and the Lord's Prayer was led by Chaplain John Estes, Sr.

1. **IVA JEAN BOLMAN:** Ms. Bolman stated that the reason she was here was to ask why her lease for the C.O.E. land was not approved. Ms. Bolman stated that as long as she has had her lease with the Tribe she has used this land and that this is the first year that the C.O.E. have requested a lease on it, I have alfalfa on that land this year. Benjamin Thompson, Jr. stated that he had heard that Ms. Bolman had been subleasing this land and that the Tribe could be doing this if she was not using it. Ms. Bolman stated that this land has not been subleased. Benjamin Thompson, Jr. asked how many acres this included and how it would be leased.. Chairman Jandreau stated that it was about forty acres and that about eight years ago we began putting the C.O.E. land into units and leasing it out, with C.O.E. authorization, these units are leased out through the B.I.A. and the Tribe gets the lease from it. Chairman Jandreau asked Ms. Bolman if she was requesting that the previous action be reconsidered. Ms. Bolman stated yes. Motion was made by Shirley Crane to grant Ms. Bolman the 40 acre lease at the same rate and duration as those leases adjoining. This motion was seconded by Boyd Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting.

2. **MARY SUE SCHNIEDER-L.B. COMMUNITY COLLEGE:** Mary Sue Schnieder made a monthly report to the Tribal Council for the Lower Brule Community College. Mrs. Schnieder stated that registration was good, there were 28 students that have registered so far, we will also have registration in the Fall. Mrs. Schnieder stated that a survey was conduct of the college students and the majority wanted to take classes toward a degree and that the association with Sinte Gleska would not allow this. Mrs. Schnieder requested to contact other institutions to see if they would be interested in an affiliation with our college so that advanced courses could be offered. Mrs. Schnieder requested approval from the Tribal Council to submit an application for funding through F.I.P.S.E., Funds for Improvement of Post Secondary Education, which would assist in decreasing the literacy problem on the Lower Brule Reservation. Motion was made by Boyd Gourneau to adopt a resolution supporting the funding. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

3. **NORMA GRASS ROPE-J.T.P.A. DIRECTOR:** A letter of request was received from Norma Grass Rope, J.T.P.A. Director, for authorization to select for two J.T.P.A. Training positions. The work sites for these positions are with Indian Health Service and the Lower Brule Commodity Program. Motion was made by Kay Gourneau to approve the rated list of applicants for the positions. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

4. **TAMMY LA ROCHE REQUEST:** A letter of request was received from Tammy LaRoche for a Homesite. Chairman Jandreau stated that the description submitted was located at the Ft. Hale area. Motion was made by Boyd Gourneau to request Ms. LaRoche to obtain a map of the land and to get a consent letter from the lessee for the Homesite. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

5. **DARRELL MIDDLETENT REQUEST:** A letter of request was received from Darrell Middletent for funding to assist his daughter to attend two basketball camps. Chairman Jandreau stated that camps were being held in July and that this matter could be tabled until that time. (Boyd Gourneau left the Tribal Council meeting at this time.)

6. **UPWARD BOUND STUDENTS:** A letter of request was received from students who were planning on attending the Upward Bound Program. Motion was made by Benjamin Thompson, Jr. to authorize a contribution to the students. This motion was seconded by John Estes, Sr. Motion carried with vote being four members for, none opposing, one absent and none not voting.

7. **GARRY GARRISON-S.D PUBLIC TELEVISION:** A letter of request was received from Garry Garrison, Minority Affairs Producer, S.D. Public Television, for support of the Minority Affairs Production position. Mr. Garrison stated that the position was being considered to be cancelled and that the office would be moved to Brookings. Motion was made by Kay Gourneau to request that the position of Minority Affairs Producer be continued and to request that the continuation of positive films and a greater emphasis be placed on positive Indian projects. This motion was seconded by John Estes, Sr. Motion carried with vote being four members for, none opposing, none absent and none not voting. (Boyd Gourneau entered the Tribal Council meeting at this time.)

8. **FY-94 MINERAL ASSESSMENT PROPOSAL:** Chairman Jandreau stated that the Division of Energy and Mineral Resources was accepting applications for mineral assessments and I have talked to Alan Lien, Bureau of Indian Affairs, about submitting an application on behalf of the Lower Brule Sioux Tribe. Chairman Jandreau stated that the Tribe has put in for this funding for three years in a row and we have not been approved, but we can try again. Chairman Jandreau stated that there is a good possibility that there are natural gas resources on the reservation. Motion was made by Benjamin Thompson, Jr. to submit a FY-94 Mineral Assessment Proposal. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

9. **NORTHERN PLAINS CHEMICAL DEPENDENCY ASSOCIATION:** Chairman Jandreau stated that the Northern Plains Chemical Dependency Association is requesting a Letter of Agreement with the Lower Brule Sioux Tribe. The Tribe would be the sponsoring agent for the Association and they would run all their finances, etc., through the Tribe here and they have agreed to provide five slots to the Lower Brule Sioux

Tribe, free of charge on an ongoing basis for as long as Northern Plains provides Chemical Dependency treatment services under CSAT funding. Chairman Jandreau stated that they will be responsible for submitting their financial reports to us. John Estes, Sr. stated that there should be an adolescent center, there is no place to send kids and I would like to see a stabilized place for them. Chairman Jandreau stated that the Tribe could request the consideration of an adolescent center. Motion was made by Boyd Gourneau to adopt a resolution supporting the grant and enter into the Letter of Agreement and to also request that emphasis be placed on an adolescent center. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting. Chairman Jandreau stated that Congress has earmarked a one million dollar contract with the I.H.S. and the South Dakota Human Services Center in Yankton, South Dakota. Chairman Jandreau stated that there was an incident that took place with an individual who needed immediate and long term counselling. We had a hard time getting the funding for this individual. Chairman Jandreau stated that the Human Service Center in Yankton does not have the proper facilities to deal with adolescents, they are usually placed in the general public and there is usually a waiting list for a bed. I feel we should request that that funding should be accessible to be utilized at facilities that are equipped to handle adolescents. Motion was made by Boyd Gourneau to request that the one million dollars that is earmarked at I.H.S. for the Human Services Center in Yankton be made accessible to be utilized at facilities equipped to handle adolescents and to request support from the Agency Superintendent and Service Unit Director. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

10. **TETON LAKOTA MUSEUM:** Chairman Jandreau stated that 1.43 acres have been purchased in the Black Hills by a group of individuals who want to turn the land back to the Tribes and to develop the "Teton Lakota Museum Complex", which they are proposing a professional facility to tell the history of the Treaty of 1868; the illegal taking of the Black Hills and the contemporary issues of the Black Hills claim; a facility to exhibit Teton Lakota Culture and arts in a dignified, professional manner, and an outlet for authentic arts and crafts which would directly benefit the individual artists and artisans of the Teton Lakota Nation. Chairman Jandreau stated that if the Tribal Council so desired, he would like to request that they make a presentation to the Tribal Council.

11. **M.C.H. MONTHLY REPORT:** Elvera Driving Hawk, M.C.H. Director, submitted the monthly report for the M.C.H. Program for review by the Lower Brule Sioux Tribal Council. The Lower Brule Sioux Tribal Council reviewed the M.C.H. Monthly Report. No action was taken on this matter.

12. **LAND SALE APPLICATIONS:** Land sale applications were received by the Lower Brule Agency, Bureau of Indian Affairs, for Helen DeMarrias and Rose Winters. Motion was made by Kay Gourneau to request an appraisal be conducted on these interests. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

13. **JEFF GRASSROPE REQUEST:** A letter was received from the Lower Brule Agency, Bureau of Indian Affairs, regarding a request by Jeff Grassrope to cancel his land sale application. By Tribal Council concurrence the cancellation was accepted.

14. **NATHAN MIDDLETENT REQUEST:** A letter was received from Nathan Middletent requesting the cancellation of his homesite which he had for a trailer house and

requested that the homesite be given to Kaylene LaRoche. The request was signed by Nathan Middletent and Kaylene LaRoche. Motion was made by Kay Gourneau to approve the changes. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

15. **L.B. AGENCY-BUREAU OF INDIAN AFFAIRS:** A letter of notification was received from the Lower Brule Agency, Bureau of Indian Affairs, in regard to Marilyn Harmon's expired lease. The Bureau of Indian Affairs indicated that a response was not received from Mrs. Harmon in regard to the lease and that a request had been made by Tony LaRoche, Jr. to lease the area. Motion was made by Boyd Gourneau to cancel Mrs. Harmon's lease and to advertise the availability of this land for two weeks. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

16. **EDUCATIONAL GRANT APPLICATIONS:** Educational grant applications were received from Marlene Crowe, Bettina Rekow, Veronica Feeney, Jeanette Williamson, and Albert Wright. Motion was made by Kay Gourneau to approve the educational grants as long as all paperwork was in place. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

17. **DALLAS MICHALEK REQUEST:** A letter of request was received from Dallas Michalek for a business lease for the establishment of an Archery Club, which would be located immediately north of the Head Start building. Motion was made by Benjamin Thompson, Jr. to grant a business lease to Mr. Michalek at the same rate as other business leases. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting.

18. **L.B. BANK PROPOSAL:** Chairman Jandreau stated that Mike Hanzlik had some information gathered in regard to a bank on the Lower Brule Reservation. Mike Hanzlik stated that he met with Norwest Bank in Chamberlain and they feel that the development of the bank would not take long. Mike Hanzlik stated that Norwest would provide staffing for the bank, if we provide the facility and the Tribe would eventually own the bank, five to ten years. They have already submitted the proposal to Washington and expect to have an answer by next week. Chairman Jandreau stated that this would be less costly and the only requirement would be physically taking the deposits to Chamberlain. Mike Hanzlik state that the paperwork would also have to be transferred to Chamberlain. Chairman Jandreau stated that an addition could possibly be placed on this building. We would have to get a vault, computer system, and have the building wired. (Boyd Gourneau left the Tribal Council meeting at this time.) This would be a marginal investment compared to the three million that the other group proposed. Motion was made by Benjamin Thompson, Jr. to pursue the development of a bank on the Lower Brule Reservation. This motion was seconded by Kay Gourneau. Motion carried with vote being four members for, none opposing, one absent and none not voting. (Boyd Gourneau entered the Tribal Council meeting at this time.)

19. **NOBLE LA CROIX, AGENCY SUPERINTENDENT:** Mr. LaCroix stated that there is a need for additional security on the reservation and that the E.A.R.N. Program could provide five participants with training with night sticks, hand cuffing, and mace. The E.A.R.N. Program would provide the uniforms and a vehicle. The Lower Brule B.I.A. Police Officers would do the training. Mr. LaCroix stated that if the

E.A.R.N. Program runs continuously, we can provide these individuals for up to a year, they will also gain enough experience to become police officers.

20. L.B. MOTOR POOL PROGRAM: A request was received from Nyal Brings, Motor Pool Program, for authorization to trade in the 1986 Ford vehicle on the 1993 Chevrolet Lumina, from Harry K, through Commercial Bank, Sioux Falls. Motion was made by Benjamin Thompson, Jr. to grant approval and authorization for the trade in. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

21. LIVESTOCK WATER DEVELOPMENT: Notification was received from the Lower Brule Agency, Bureau of Indian Affairs, in regard to the availability of \$15,000.00 for livestock water developments and that the Tribe would have thirty days to contact the Area Branch of Acquisition and Property Management if they intended to contract for the projects under P.L. 93-638 Fixed-Price Contracts. Motion was made by Boyd Gourneau to request to "638" the livestock water developments. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

22. LOWER BRULE HEALTH BOARD RECOMMENDATION: A letter of recommendation was received from the Lower Brule Health Board for the position of a Paramedic Instructor for the Lower Brule Ambulance Program. The Board made the recommendation to support the Director's selection of Susan D. Holdaway, who is qualified for the position and is Native American. Motion was made by Benjamin Thompson, Jr. to approve the recommendation for the Paramedic Instructor position. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting.

23. ARTHUR EAGLE THUNDER REQUEST: Mr. Eagle Thunder enter the Tribal Council meeting and addressed the Tribal Council for support in obtaining housing. Chairman Jandreau stated that the Tribal Council could submit a resolution requesting every consideration be given to Mr. Eagle Thunder for a unit, as Mr. Eagle Thunder is 55 years of age. Motion was made by Boyd Gourneau to adopt a resolution to request consideration of a unit by the Lower Brule Housing Authority for Mr. Eagle Thunder. Chairman Jandreau stated that numerous Tribal Employees have been asking if an early payroll would be done for the Golden Tatanka Stampede. Chairman Jandreau stated that he had talked to Nyal Brings about giving \$100.00 loans to Tribal Employees and to charge \$5.00 per loan. Chairman Jandreau stated that this would alleviate a lot of hardship. A memorandum will be given out at payroll informing Tribal Employees about the loan.

The Lower Brule Sioux Tribal Council meeting recessed at 3:21 PM. The Lower Brule Sioux Tribal Council meeting reconvened on June 25, 1993 at 1:35 PM, with all Tribal Council Members present. Also present was Degrey Douville, Dale Kastner, George Wolf, Connie Olson, Pat Big Eagle and Alan Lien.

24. CORPS OF ENGINEERS: Mr. Dale Kastner stated that several tracts of land on the Lower Brule Reservation on the down stream side that are on the Ft. Randall project and the C.O.E. has been leasing those tracts out for, I don't know how many years, and the last time that they were up for lease, two years ago, and we got to looking at the law and the way that the congressional law was written, it reads that after the gates of the Dam are closed that the Tribe gets "Free Use" of those lands and what we were wonder if the Tribe wanted to take over on those lands, lease those lands out or if you want the C.O.E. to lease those lands out or if you

wanted the B.I.A. to take over leasing those lands out. Chairman Jandreau stated that the up stream side, the Tribe has requested to that those be taken over and have requested that the Bureau do the leasing on it. Mr. Kastner stated that it was up to the Tribe. John Estes, Sr. asked what was meant by, when the gates were closed. Mr. Kastner stated, that is when the Dam was completed and the water started to back up. Chairman Jandreau stated that the law says the same thing in the Big Bend Dam Act. Motion was made by Boyd Gourneau to take the stated Corps of Engineers land over and to request the Bureau of Indian Affairs to handle the leases. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting. Chairman Jandreau asked if the portions of Big Bend be turned over that are currently held out? Mr. Douville asked if he was referring to the hay tracts, they would not be. Chairman Jandreau stated the tracts that were kept for mitigation, out side of the recreation area, medicine creek. Connie Olson stated that these were five year leases and they would be up this year and would be turned over to the Tribe. Mr. Kastner stated that he would get the legal descriptions of tracts and the acreage sent to the Tribe.

25. **OACOMA CENTENNIAL:** Chairman Jandreau stated that a number of individuals have been contacting the Tribe in regard to their Centennial. They are requesting that the Tribe have a float in the parade. Chairman Jandreau stated that he would be gone that week and if any of the other Council Members were interested they should attend. Chairman Jandreau stated that they were requesting a float with dancers.

26. **BRULE INDUSTRIES-BOARD OF DIRECTORS:** Chairman Jandreau stated that the next step for Brule Industries is to select the Board of Directors. Chairman Jandreau stated that Manuel Lujuan, Ex-Secretary of Interior, has agreed to sit on the Board of Directors. Chairman Jandreau stated that he would like to request that the three members of the Board be, Manuel Lujuan, R. Dennis Ickes and myself, which would be just to get started, we can expand the Board. Mr. Lujuan has agreed to do the sales, since he is Mexican and has ties to New Mexico and the Mexican government. Chairman Jandreau read the proposed agreement for Manuel Lujuan. Benjamin Thompson, Jr. asked if the European market would happen after they got going good. Chairman Jandreau stated that Mr. Lujuan would start right away, he will only be paid on a commission and because of his background it will be good to have him. John Estes, Sr. asked who would over see Brule Industries. Chairman Jandreau stated that the Tribe will over see it, it is a Tribal entity. Motion was made by John Estes, Sr. to approve the three member Board of Directors. This motion was seconded by Boyd Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting.

27. **LOWER BRULE WILDLIFE ENTERPRISE:** Chairman Jandreau stated that there is an Administrative Procedure Act that the Lower Brule Sioux Tribe can request. The Corps of Engineers do not have the man power or the funding to provide regulatory and enforcement of all C.O.E. land. We have contacted the Aberdeen Area Office in regard to this matter and informed us that the Tribe would be eligible to request a modification to the Lower Brule Wildlife Enterprise contract for an additional \$7,000.00 to develop and support a regulatory and enforcement authority within the C.O.E. lands through the Administrative Procedures Act. Motion was made by Kay Gourneau to adopt a Resolution request the modification to the contract and to request that the Tribe be allowed to provide regulatory authority and enforcement within the C.O.E. land through the Administrative Procedures Act. This motion was

seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

28. **CHERRY & SON RANCH, INC:** Chairman Jandreau stated that official action had not been taken for the purchase and technical assistance on the Cherry & Son Ranch, Inc., or the motel and RV park. Motion was made by Boyd Gourneau to request technical assistance funding for these projects. This motion was seconded by Kay Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting. Motion was made by Boyd Gourneau to authorize the purchase of the Cherry & Son Ranch, Inc. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

29. **TRANSIT PROGRAM FY-94 SECTION 18 FUNDING:** A request was received from Burt Goodface for approval from the Tribal Council to apply for FY-94 Section 18 funding for the Lower Brule Transit Program. Motion was made by Kay Gourneau to adopt a resolution of support. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting.

30. **L.B. AGENCY FACILITIES MANAGEMENT:** Chairman Jandreau stated that he had talked to Mr. Bernard Hale in regard to contracting the facilities management ground maintenance for the B.I.A. buildings. Chairman Jandreau stated that the Community Clean Up Crew could pick this work up and the additional funding could be used to keep the crew employed and busy. Chairman Jandreau also stated that the members of the Community Clean Up Crew have been employed for over a year and that they have done a good job in the community and I feel that they deserve a \$1.00 an hour raise. Motion was made by Boyd Gourneau to request to contract or by purchase order, the B.I.A., Facilities Management, ground maintenance work and to approve a \$1.00 per hour raise for the Community Clean Up Crew.

31. **MODIFICATION OF TRIBAL BUDGET:** Chairman Jandreau stated that a modification of the Tribal Budget would have to be done to draw down \$22,000.00, we have made \$92,000.00 in land purchase these past two years, \$70,000.00 was recovered from the Farm Corporation and \$50,000.00 has been placed into trust by the Farm Corporation, we will draw to \$22,000.00 from the \$55,000.00. Motion was made by Kay Gourneau to authorize an modification to the budget to draw down \$22,000.00. This motion was seconded by Boyd Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting.

The Lower Brule Sioux Tribal Council meeting recessed at 3:35 PM. The Lower Brule Sioux tribal Council meeting reconvened on July 14, 1993, at 1:31 PM, with Boyd Gourneau arriving late. Also present was Noble LaCroix, DeWayne Goodface, Ben Estes, Vicki Her Many Horses, Cleve Her Many Horses and Scott Jones.

ADJOURNMENT: Motion was made by Kay Gourneau to adjourn the June Regular Session meeting. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

CERTIFICATION

The foregoing is a true and correct transcript to the Minutes from the Regular Meeting held by the Lower Brule Sioux Tribal Council on June 2nd, 25th and July 14, 1993.


SANDY LA CROIX, RECORDING SECRETARY

**LOWER BRULE SIOUX TRIBAL COUNCIL
REGULAR SESSION
AUGUST 4, 1993**

PRESENT: Michael B. Jandreau, Chairman Kay Gourneau Shirley Crane Boyd Gourneau John Estes, Sr. Benjamin Thompson, Jr.	PRESENT: None
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ALSO PRESENT: Noble LaCroix, Neil "Cody" Russell, Clarence Thompson, Sr., Mary Jane Middletent, and Patricia Lundell.

The Lower Brule Sioux Tribal Council meeting was called to Order by Chairman Michael B. Jandreau at 11:25 AM. Roll call was taken by the Recording Secretary and the Lord's Prayer was led by Chaplain John Estes, Sr.

1. 1994 MINIMUM GRAZING RATES: Chairman Jandreau stated that the Aberdeen Area Director had submitted his recommendations for the 1994 Minimum Grazing Rates for the Aberdeen Area. Motion was made by Benjamin Thompson, Jr. to place the AUM rates at \$10.00 and \$5.00 for Tribal. This motion was seconded by John Estes, Sr. Motion died for lack of two thirds majority vote. Chairman Jandreau stated that the Aberdeen Area Director only recommended \$8.50. Benjamin Thompson, Jr. stated that the Tribe should be able to make some money off of this. Chairman Jandreau stated that the Tribal rate was set that way to keep the Tribal members in business.

2. L.B. HEAD START PROGRAM REQUEST: A letter was received from Pat Madsen, Lower Brule Head Start Director to request assistance and support from the Lower Brule Sioux Tribe to obtain additional fund and additional classroom space. Mrs. Madsen stated that a child search program was conducted during the 1992 school year and indicated that for the next four years, including the 93-93 school year, there would be more than 85 children eligible for Head Start services, which the Lower Brule Head Start Program can provide for only 55 children. Motion was made by Boyd Gourneau to support and request additional fund for the Head Start Program to provide services to the additional children and to also support obtaining additional classroom facilities and to request Shirley Marvin, EDA Planner to assist in putting the package together. This motion was seconded by Kay Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting.

3. NEIL "CODY" RUSSELL REQUEST: Mr. Russell stated that the Lower Brule High School was establishing a drug and alcohol preventive program for the High School, "Save the Child, Save the Teen" and Mr. Russell stated that he would like to request that administrative leave be given to Tribal Employees to attend the first assembly. Chairman Jandreau stated that this was a good first step, but that there didn't seem to be any reinforcement. Mr. Russell stated that it was an adult team effort supportive for the students, to educate the students and the adults. Motion was made by Boyd Gourneau to authorize administrative leave for Tribal Employees

who wanted to attend on August 20, 1993. This motion was seconded by Kay Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting.

4. **SHIRLEY MARVIN-C.E.D.B.G. TRIBAL GRANT PROGRAM REQUEST:** Shirley Marvin stated that Mr. Frederick LaRoche is requesting \$14,500.00 from the BIA-CEDBG Tribal Grant Program to purchase a tractor, mower and baler. The \$14,500.00 requested is 1/3 of the total cost of the machinery, \$43,500.00. Mr. LaRoche can get the remaining 2/3 financed, however John Deere requires a 1/3 down. Motion was made by Boyd Gourneau to approve the request pending CEDBG Board approval. This motion was seconded by Kay Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting.

5. **L.B.S.T. ENROLLMENTS:** The Lower Brule Sioux Tribe Enrollment Committee submitted a list of individuals meeting the criteria for enrollment into the Lower Brule Sioux Tribe. A total of one hundred thirty six applications were received for enrollment and only ninety individuals met the criteria for enrollment. Motion was made by Kay Gourneau to enroll the ninety eligible individual into the Lower Brule Sioux Tribe. This motion was seconded by Boyd Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting.

6. **NORMAN P. HANEY, JR. RELINQUISHMENT REQUEST:** (Benjamin Thompson, Jr. left the Tribal Council meeting at this time.) A letter of request was received from Mr. Norman P. Haney, Jr. to relinquish his enrollment with the Lower Brule Sioux Tribe. Motion was made by John Estes, Sr. to approve Mr. Haney, Jr.'s request for relinquishment. This motion was seconded by Kay Gourneau. Motion carried with vote being four members for, none opposing, none absent and none not voting.

7. **T.E.R.O. CERTIFICATION REQUEST:** A letter of request for T.E.R.O. Certification was received from Ben Janis, T.E.R.O. Director, for certification of the Lower Brule Employment Enterprise. The Lower Brule Sioux Tribal Council reviewed the application. Motion was made by Kay Gourneau to grant T.E.R.O. Certification to Lower Brule Employment Enterprise. This motion was seconded by Boyd Gourneau. Motion carried with vote being four members for, none opposing, one absent and none not voting. (Benjamin Thompson, Jr. entered the Tribal Council meeting at this time.)

8. **L.B. DEVELOPMENT CORPORATION - ARTICLES & BYLAWS:** The Lower Brule Development Corporation submitted their Articles of Incorporations and Bylaws for review and approval by the Lower Brule Sioux Tribal Council. Motion was made by Kay Gourneau to approve the L.B. Development Corporations Articles and Bylaws. This motion was seconded by Boyd Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting.

9. **ELDERLY NUTRITION PROGRAM REVIEW:** The review of the Elderly Nutrition Program done by Mr. Percy Devine and Jo Ann Pegues was submitted for review. Chairman Jandreau stated that there were some items that the Director would have to take care of. No Action was taken on this matter, the review will be sent to the Elderly Nutrition Director for action.

10. **CLYDE ESTES, SR. REQUEST:** A letter of request was received from Mr. Clyde Estes, Sr. for a loan from the Lower Brule Sioux Tribe to pay for some outstanding debts, which Mr. Estes, Sr. stated that he would repay the loan in five monthly installments of \$500.00. Motion was made by Shirley Crane to approve Mr. Estes,

Sr.'s request. This motion was seconded by Kay Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting.

11. 1994 FUNDING FOR LIHEAP: A request was received from Ms. Emma LaRoche to request grant funding for 1994 for the LIHEAP Program. Motion was made by Boyd Gourneau to adopt a Resolution to request 1994 grant funding for LIHEAP. This motion was seconded by Kay Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting.

12. LOWER BRULE HOUSING AUTHORITY REQUEST: Chairman Jandreau stated that the Lower Brule Housing Authority submitted a request to pick Stuart Langdeau up through the Tribe until such time funding is received by the Lower Brule Housing Authority to continue funding for his position. Chairman Jandreau stated that the Lower Brule Sioux Tribal Council would have to ratify his actions. Chairman Jandreau stated he already approved Mr. Langdeau be picked up by the Tribe. Motion was made by Boyd Gourneau to ratify Chairman Jandreau's action and to request a job description of Mr. Langdeau's duties for the Lower Brule Housing Authority.

13. UNIVERSITY OF NORTHERN IOWA: A letter was received from Mr. Kirk Manfredi, University of Northern Iowa, in regard to working with a Native American to research the chemical nature of the Native American medicine. By Tribal Council concurrence this matter will be submitted to Pat Quirk, Service Unit Director, Indian Health Service.

14. DEPARTMENT OF THE ARMY-CORPS OF ENGINEERS: A letter was received from Mr. Richard D. Groton, in regard to the letter received from the Lower Brule Sioux Tribe requesting a comprehensive list of artifacts/human remains removed from tribal lands. Mr. Groton stated that a list of all known sites on Lower Brule Tribal lands has been compiled, comprised of both historic and prehistoric sites and that the Smithsonian Institute houses artifacts from River Basin Survey excavations during the 1950's and 1960's and has control over the same. Mr. Groton stated that they will furnish the Tribe with as much information as they have on those sites and to assist the Tribe in making a request to the Smithsonian. Mr. Groton further stated that from the 1970's to date, other artifacts were collected by archaeologists working under contract to the Corps of Engineers. Collections of artifacts were not taken from all of the known sites. The collections that were made should all be stored at the South Dakota Archaeological Research Center. In mid-August a member of Mr. Groton's staff will be travelling to Rapid City to check the records and collections stored there against the list of sites we have compiled. When this is done, we will be able to furnish the comprehensive list the Council has requested. No action was taken on this matter. (Kay Gourneau left the Tribal Council meeting at this time.)

15. SPECIAL AND GENERAL COUNSEL BILLINGS: Billings were received from Special Legal Council, R. Dennis Ickes, Nielsen & Senior for the period covering May 26, 1993 through July 20, 1993. A billing was also received from General Legal Counsel, Julian H. Brown, Hiatt Law Office for the period covering July 2, 1993 through August 1, 1993, in the amount of \$2,876.50. Motion was made by Shirley Crane to approve the billings and to submit the billings to the Lower Brule Agency, Bureau of Indian Affairs, for review and approval.

16. CAPTAIN DAVID VALANDRA REQUEST: A letter was received from Captain Valandra in regard to an individual, non-Indian, non-member, on the Lower Brule Reservation, who has been incarcerated an estimate of nine times by the Lower Brule Police

Department for various incidents and disturbances that the individual has caused on the reservation and that this person had been turned over to the State authorities and estimated three times on warrants. Captain Valandra stated that each incident gets worse and requested that this person is an undesirable and should be removed from the reservation. Chairman Jandreau stated that a letter will be submitted to General Counsel Julian Brown to advise the Tribal Council on any mechanisms in regard to this matter.

17. **1994 MINIMUM GRAZING RATES:** Chairman Jandreau stated that the recommendations for the 1994 Minimum Grazing Rates made by the Aberdeen Area Director should be accepted by the Lower Brule Sioux Tribe. Motion was made by Kay Gourneau to approve the Aberdeen Area Directors recommendation for 1994 Minimum Grazing Rates. This motion was seconded by Boyd Gourneau. Motion was two members for, one against and two not voting. Chairman Jandreau stated that the motion carries, those refusing to not vote are not voting on an issue, the positive vote prevails, as stated in the Roberts Rules of Order.

18. **MARILYN HARMON LEASE AMENDMENT:** A letter was received from the Lower Brule Agency Bureau of Indian Affairs, which stated that the lease that was held by Mrs. Harmon was incorrect and that the corrected lease should be approved by the Lower Brule Sioux Tribal Council. Chairman Jandreau stated that Mr. LaCroix should get with his staff and require that these types of information be correct when sent down as to not create more paper work. Motion was made by Kay Gourneau to amend the lease and to request the Realty Staff on other Staff members to provide the Lower Brule Sioux Tribe with the correct information. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting.

19. **MINERAL RIGHT SALE-EDITH THIGH:** The Lower Brule Agency, Bureau of Indian Affairs, submitted the appraisal for mineral rights sale for Edith Thigh's interests, which valued at \$1,185.48. Motion was made by Kay Gourneau to purchase Edith Thigh's mineral interests. This motion was seconded by Boyd Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting.

20. **INDIAN CHILD WELFARE ACT:** Chairman Jandreau stated that the Bureau of Indian Affairs had taken the I.C.W.A. Funds and shifted it into education, where they had a shortfall. This year, 1993, a noncompetitive grant system for eligible Indian Tribes as proposed in the January 12, 1993, Notice of Proposed Rulemaking, is supposed to take affect, but the Bureau of Indian Affairs requested supplemental funding for education and received it, the supplemental was identified for the 1994 budget, so we lost out again. Chairman Jandreau stated that a Resolution requesting ICWA funding be made available to tribes on a noncompetitive basis, immediately for the beginning of FY-94 and that any further distributions that the Lower Brule Sioux Tribe be notified prior to the Bureau of Indian Affairs being allowed to utilize the funding for other programs without consultation of the Tribe, we received no notice that ICWA funding was used in a shortfall for education through the Bureau of Indian Affairs. Chairman Jandreau asked Mr. LaCroix if he was notified that this was being done. Mr. LaCroix stated that he was not. Motion was made by Kay Gourneau to adopt a Resolution for noncompetitive ICWA funding to start immediately and to submit a copy of the Resolution to the Congressional Delegation, Senators, Appropriations, Central Office and the Assistant Secretary.

21. **TAMARA FONDER TRAILER LOT LEASE REQUEST:** A letter of request was received from Tamara Fonder to request a trailer lot lease located next to Mr. Groom's trailer and to be placed on the I.H.S. water/sewer priority list. Motion was made by Kay Gourneau to approve the trailer lot lease and to place Mrs. Fonder on the IHS water/sewer priority list. This motion was seconded by Boyd Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting.

22. **DEBBIE MIDDLETENT ENROLLMENT REQUEST:** A letter was received from Debbie Middletent stating her desire for enrollment into the Lower Brule Sioux Tribe. Chairman Jandreau stated that Mrs. Middletent fits all the criteria and her children would also be eligible, once she is enrolled. Chairman Jandreau stated that the procedure on these types are to submit a letter to the Tribe where the individual is enrolled to verify that the individual would be eligible for enrollment in another Tribe. Motion was made by Kay Gourneau to submit a letter of eligibility to the Tribe where Mrs. Middletent is enrolled. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting. Mrs. Middletent stated that she would also like to request to be placed on the IHS water/sewer priority list for services where she is intending to place a trailer house. Motion was made by Kay Gourneau to place Debbie Middletent on the IHS water/sewer priority list. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting.

23. **LOWER BRULE PROPANE COMPANY:** Chairman Jandreau asked Patricia Lundell into the Tribal Council meeting to explain the bids on the two new propane trucks. Ms. Lundell stated that the low bids were received from Mid Nebraska Tank, Grand Island, Nebraska, in the amount of \$46,304.00 per each tank, totalling \$92,608.00. Chairman Jandreau stated that the L.B. Propane Company had received a C.D.G.B. grant for the expansion of the Propane Company and that the purchase of two vehicles and tanks were included in the expansion. Motion was made by Kay Gourneau to approve the low bids received from Mid Nebraska Tank. This motion was seconded by Boyd Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting.

24. **EDUCATIONAL GRANT APPLICATIONS:** Educational Grant applications were received from Crystal Felicia, Lorenda Middletent, Ramon Estes, Evan Grassrope, Gary Estes, Effie Black Bear, and Gayle Ziegler. Motion was made by Boyd Gourneau to approve the Educational Grants for the fall semester as long as all paperwork was in place. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

25. **DEPUTIES-1993 ANNUAL FAIR:** Chairman Jandreau stated that names were taken for Deputies for the 1993 Annual Fair as follows: Marletta James, Burton Goodface, Terry Middletent, Darrell Middletent, Daniel "Danny" Flute, Lonnie Goodlow, Dallas Michalek, Herbert Goodlow, James Hawkwing, Peter Two Hawks, Floyd Flute, Jr. Andrew Booher, Kenny Madison, Leonard Byington, Sr., Monica Quilt, Tom Estes, Robert Bad Horse, William Eagle Thunder, Tim Felicia, Evan Grassrope, and Lyle Whitney, Jr. Chairman Jandreau stated that Captain Valandra recommended the following for Deputies for the 1993 Annual Fair: Marletta James, Terry Middletent, Darrell Middletent, Dallas Michalek, James Hawkwing, Andrew Booher, Monica Quilt, and Tim Felicia. Motion was made by Kay Gourneau to approve Captain Valandra's recommendations. This motion was seconded by Boyd Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting.

26. HOLY COMFORTER EPISCOPAL CHURCH-MARY JANE MIDDLETENT: A letter was received from Mary Jane Middletent stating that a request was being made to use payroll deduction for Holy Comforter Episcopal Church and to also borrow \$563.14 from the Tribe to pay the electric bill. If we are allowed to do payroll deduction we can work something out as a repayment plan. The church house has been broken into three times and they busted the meter which is going to cost \$200.00. Chairman Jandreau asked Mary Jane Middletent into the Tribal Council meeting. Mrs. Middletent stated that since the new church was built there hasn't been any money to pay for the bills, we sold the church land, which used to be used to pay for these bills. The congregation has been really low lately because we do not have a full time Father. John Estes, Sr. stated that the Diocese is suppose to help pay for this and that the Church should have insurance, did you ask Father Jim about this. Mary Jane Middletent stated that Father Jim Pearson has been away for a month. John Estes, Sr. stated that Mrs. Middletent should look into this. Chairman Jandreau stated that Mrs. Middletent would have to get with Robin LaRoche in regard to payroll deductions, get a list of people that want to take out a deduction and submit it to Ms. LaRoche. Mrs. Middletent thanked the Tribal Council for their time.

27. CLARENCE THOMPSON, SR. REQUEST: Mr. Thompson asked the Tribal Council if they had gotten anywhere on his cattle theft problem. Chairman Jandreau stated that Richard P. Thompson, Sr. has also been experiencing a lot of theft, 21 head. Mr. Thompson, Sr. stated that he also wants to request that his land be put back into Trust. Motion was made by Kay Gourneau to support Mr. Thompson, Sr. in placing his land back into Trust. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

Benjamin Thompson, Jr. stated that the Lower Brule Wildlife Enterprise should go out more often and check. Chairman Jandreau stated that Mr. Thompson, Jr. had been stranded out on the river for ten hours. Chairman Jandreau informed Noble La Croix that the Wildlife Enterprise Officers should have access to the boats that the Bureau of Indian Affairs is storing. Mr. LaCroix stated that the one would be better to use than the other. Mr. LaCroix stated that the Wildlife Officers should take some boating safety classes.

Benjamin Thompson, Jr. stated that the Lower Brule Housing Authority needed a Resolution to authorize him as a Housing Inspector. Mr. Thompson, Jr. stated that he would be working with Stuart Langdeau in the planning stages and until completion of the project. Kay Gourneau asked if Mr. Thompson, Jr. would complete his training. Mr. Thompson, Jr. stated that he would when ever the training was. Mr. Thompson, Jr. stated that if the Council needed more information on this they could contact Deb Isburg. Motion was made by John Estes, Sr. to allow Mr. Thompson, Jr. to receive the training and to act as Housing Inspector in his capacity as a Council member and to utilize the Tribal Building Code. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting.

Chairman Jandreau stated that Mr. LaCroix and Benjamin Thompson, Jr. would be attending the ISTEAM Meeting in Albuquerque on August 24,25,26, 1993. Chairman Jandreau stated that the Bureau of Indian Affairs would be doing the travel arrangements.

Chairman Jandreau stated that a Council meeting with Norwest Bank personnel has been set up on August 12, 1993, at 1:00 PM.

Patricia Lundell asked Chairman Jandreau if the bids for the Propane tanks had been sent down. Chairman Jandreau stated that they were not. Patricia Lundell got the information for the Tribal Council to review. Motion was made by Kay Gourneau to authorize the low bid purchase of the Propane tanks from Gas Supply, Inc., Minneapolis, Minnesota, for the amount of \$135,000.00. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

The Lower Brule Sioux Tribal Council meeting recessed at 3:54 PM. The Lower Brule Sioux Tribal Council meeting reconvened on August 12, 1993, at 1:45 PM, with all Tribal Council members present. The meeting was called to Order by Chairman Michael B. Jandreau. Roll call was taken by the Recording Secretary and the Lord's Prayer was led by Chaplain John Estes, Sr. Also present was Noble LaCroix, John Van Horne, Mike Hanzlik, Jerry Ross, Terry Balom, Mel Bratag, and Lee Larson.

28. **NORWEST BANK PROPOSAL:** Chairman Jandreau stated that the purpose of this meeting was to discuss the possibility of a banking facility here on the Lower Brule Reservation. Mr. Ross stated that there was a consensus on the lease, long term arrangement, we will need to get the legal process addressed. Mr. Ross stated that after the approval of this proposal, I think the bank could be in operation by mid December or January. Mr. Terry Balom stated that the partnership would be fifty fifty and the Tribe could after seven years, charter the bank. Mr. Balom stated that there would have be education for the community on banking procedures, so that it will be easier for them to understand. Norwest gives classes to individuals to help them balance their check book, etc. Chairman Jandreau asked what would be done with the old Norwest Bank in Pierre. Mr. Balom stated that it would be sold. Chairman Jandreau stated that this is what we would need, wouldn't it. Mr. Balom stated that this is your proposal, we wouldn't want to walk in here and tell you to buy our building. Chairman Jandreau asked what was necessary to pursue this proposal. Mr. Ross stated that the Tribe would have to, by Resolution, enter into an Agreement with Norwest for this proposal and to put up a facility for the bank, with a lease agreement. Then we would file with the regulators. Motion was made by John Estes, Sr. to enter into an Agreement with Norwest Bank to negotiate an mutual agreed upon Agreement and to pursue a guaranteed loan for a building. This motion was seconded by Kay Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting.

29. **FREDERICK LA ROCHE C.E.D.B.G. LOAN REQUEST:** Chairman Jandreau stated that Frederick LaRoche's request for a C.E.D.B.G. loan needed to be approved by the Tribal Council. Chairman Jandreau stated that this loan was for a down payment for the purchase of a tractor, mower, and baler through John Deere, in the amount of \$14,500.00. Motion was made by John Estes, Sr. to approve the C.E.D.B.G. Loan to Mr. LaRoche. This motion was seconded by Kay Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting.

30. **L.B. EMPLOYMENT ENTERPRISE:** Kay Gourneau stated that Lower Brule Employment Enterprise was requesting authorization to purchase a pick up from Don's Ford, Chamberlain, SD, through Norwest Bank. Motion was made by Boyd Gourneau to authorize the purchase/lease of this vehicle. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting.

31. **ELDERLY NUTRITION PROGRAM:** A letter of request was received from Elderly Nutrition Director, A. DeWayne Goodface to authorize the amendment to the age

requirement for Title VI services to age Fifty Five (55), which the present qualifying age is Sixty (60). Mr. Goodface stated that such an amendment would increase the number of participants in the Elderly Nutrition Program and could possibly qualify the program for an increase in Title VI Program Funding. Motion was made by Boyd Gourneau to authorize an amendment to the age requirement for Title VI participants. This motion was seconded by Kay Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting.

32. LOWER BRULE COMMUNITY COLLEGE MONTHLY REPORT: The monthly report from the Lower Brule Community College was received from Mary Sue Schneider. Mrs. Schneider stated in her report that "All non-fiction books in the Community College library collection have been computerized, labeled and call numbers and book cards/pockets are in each book. Students will be allowed to check out these books from our library beginning with the Fall semester. We have catalogued our Lakota collection and these books will be reference books only. We have one more order yet to arrive before we complete what was purchased with Dakota Indian Foundation Funds. We are also expecting book shelves to arrive this month. A section of the library will contain fiction books for the public to check out on a monthly basis. The Community College library can also function as the local community library. A student catalog was completed this summer and each student will receive one for reference regarding course of study and general information about Lower Brule Community College. A copy will be given to all Council members once it is approved by the College Board. The Lower Brule College Board of Directors met with representative from Sinte Gleska University to negotiate the renewal of the affiliation agreement. We requested some changes and they were made. It was agreed that the distribution of funds under the Community College Assistance Act (PL 95-471 funds) be 80% LBCC-20% SGU. Sinte Gleska originally stated a 75-25 split was to be the distribution. We anticipated approximately \$35,000.00 will be received under that distribution while SGU will receive approximately \$11,000.00. Final figures will be available once the per student allocation figure is finalized. These funds will be received sometime in December and are to be used for the 1994 school year. They cannot be used to pay past debts. In add to these 95-471 funds, SGU also receives \$10 per credit hour from all students enrolled at LBCC. Communications are continuing with South Dakota State University regarding an articulation agreement allow us to offer classes at LBCC accredited through SDSU. At the present time we are also exploring the possibility of an A.A. degree program in the Hospitality, Hotel, Restaurant Management area through SDSU. Other options for classes were discussed and will be detailed in the articulation agreement. Plans are to have this agreement in place for the beginning of the Spring 1994 semester in January. As an extension of the Community College's public service program, we are exploring the possibility of establishing an alternate high school program at Lower Brule. Contacts have been made with State officials in this regard and we are visiting alternate high school programs in operation to learn more about this program. Students enrolled in this program will receive a high school diploma rather than a GED certificate. Much more study and planning needs to be done before this becomes reality." No action was taken on this matter.

John Estes, Sr. stated that one of the kids in the community got caught in water drains. These should be covered up. Noble LaCroix stated that the budget checks will be late the Area Office had some computer problems, so if anyone would ask they should be here Friday or Saturday.

The Lower Brule Sioux Tribal Council meeting recessed at 4:12 PM. The Lower Brule Sioux Tribal Council meeting reconvened on September 1, 1993, with all Council

members present. The meeting was called to Order by Chairman Michael B. Jandreau at 10:50 AM. Roll call was taken by the Recording Secretary and the Lord's Prayer was led by Chaplain John Estes, Sr. Also present was Dennis Eagle Horse, Mary Sue Schneider, Maria Estes, and Noble LaCroix.

ADJOURNMENT: Motion was made by Kay Gourneau to adjourn the August Regular Session meeting. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting.

CERTIFICATION

The foregoing is a true and correct transcript to the Minutes from the Regular Meeting held by the Lower Brule Sioux Tribal Council on August 4th, 12th, and September 1, 1993.


SANDY LACROIX, RECORDING SECRETARY
LOWER BRULE SIOUX TRIBAL COUNCIL

**LOWER BRULE SIOUX TRIBAL COUNCIL
REGULAR MEETING
JULY 14, 1993**

PRESENT: Michael B. Jandreau, Chairman **ABSENT:** None
Kay Gourneau
Shirley Crane
Boyd Gourneau (late)
John Estes, Sr.
Benjamin Thompson, Jr.

ALSO PRESENT: Noble LaCroix, Cleve and Vicki Her Many Horses, DeWayne Goodface, and Ben Estes.

The Lower Brule Sioux Tribal Council meeting was called to Order by Chairman Michael B. Jandreau at 1:31 PM. Roll Call was taken by the Recording Secretary and the Lord's Prayer was led by Chaplain John Estes, Sr.

1. **KUL WICASA ELDERLY:** Chairman Jandreau stated that the following letter was received from the Kul Wicasa Elderly, which stated that during a meeting held on June 30, 1993, the Kul Wicasa Elderly appointed DeWayne Goodface as the Elderly Nutrition Director. Chairman Jandreau stated that a Resolution ratifying the appointment would have to be done. Motion was made by Kay Gourneau to ratify the Kul Wicasa Elderly action in the appointment of DeWayne Goodface as Elderly Nutrition Program Director. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting. A letter was also received from DeWayne Goodface stating that he had reviewed the Elderly Nutrition Contract and it would not be possible to amend the budget to produce an additional salary for the Director position and that the program would need an \$15,000.00 appropriation to provide a Director's salary and budget overruns. Chairman Jandreau stated that the only way to continue the Nutrition Program would be to provide additional funding and that the Program could subcontract to pick up the shortfalls in food. Chairman Jandreau asked Mr. Goodface if the \$15,000.00 could go over in increments. John Estes, Sr. asked if \$15,000.00 would be enough. Mr. Goodface stated that the amount could come over in increments and that \$15,000.00 would be appropriate. Benjamin Thompson, Jr. asked how soon Mr. Goodface could start work. Mr. Goodface stated within three to four days. Kay Gourneau asked if the funding would come out of General Fund monies. Chairman Jandreau stated yes, ultimately. Motion was made by Kay Gourneau to appropriate \$15,000.00 to the Elderly Nutrition Program. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting. Chairman Jandreau stated that subcontracting can be worked out in further detail before it is brought before the Council. Mr. Goodface asked when his starting date was. Chairman Jandreau stated as soon as you can get back here.

2. **ALEXANDER PAUL ESTES REQUEST:** Chairman Jandreau stated that if the Tribal Council remembers, the Lower Brule Sioux Tribe had asked Mr. Paul Estes if he wanted his family members to purchase his land interests and at that time he had stated that no one could purchase them at that time. Mr. Paul Estes is request that Benjamin Estes be allowed to purchase his interests of land. Chairman Jandreau stated that if the Tribal Council approved this request that the Tribe

would have to recall their previous action to purchase and request that the Tribe remain the payee so that the Tribe can recoup the partial payment that was submitted to Mr. Paul Estes and allow Mr. Benjamin Estes to purchase these interests. Motion was made by Kay Gourneau to allow Mr. Benjamin Estes to purchase Alexander Paul Estes' interests and to remain the payee so that the Tribe can recoup the payment made to Mr. Estes. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting.

3. DAN SHROYER LETTER-LYMAN SCHOOL BUS: The following letter was received from Mr. Dan Shroyer in reference to the Lyman School District bringing a bus to Lower Brule. Mr. Shroyer stated that there is no legal reason Lyman School buses can't come into Lower Brule or West Brule. There was a verbal agreement that Mr. Schmidt made with Lyman Administration, that we would not send our buses into Reliance or Kennebec and in turn they would not send their buses into Lower Brule. Lyman does a bus stop at the top of the hill where the road crosses to Patti Moore's unit. Bringing buses into Lower Brule would cause a large number of transfers going back and forth from Brule Sioux and Lyman Schools, which would not benefit any students. Therefore, I have continued to honor the verbal agreement made years ago. I have talked to Lyman Administration and they want to continue the agreement, but if forced to bring a bus to Lower Brule they may have to. I will keep the Council informed. Please relay this message to the rest of the Council. Chairman Jandreau stated that the Tribe has had to take on the financial burden of the schools and that this may cause additional burden with the loss of children. Benjamin Estes stated that the system is not teaching the children. Maybe Lyman will wake some people up, might better the school in the long run. Benjamin Thompson, Jr. stated that this may also improve relations. Vicki Her Many Horses stated that Mr. Anderson, Lyman Administrator, is trying to find a legal way to get out of paying mileage to the parents that take their children to the Lyman Schools. Their legal counsel told us that they had never paid mileage for anyone before. Chairman Jandreau stated that there was never a legal, binding agreement. Vicki Her Many Horses stated that not allowing the Lyman bus to come here would limit our choices, we have two systems to choose from. Cleve Her Many Horses stated that what ever happens will be precedent and this needs a good hard look. Chairman Jandreau asked if the School Board had taken any action. Benjamin Estes stated that they had a discussion, but no action was taken. John Estes, Sr. stated that we have a problem in the school system, something is wrong when the parents don't want to send their kids to school here, alert the School Board to get on the teachers and get something done. Motion was made by John Estes, Sr. to allow Lyman School District to continue the bus route to the Lower Brule Reservation. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being five members for, none opposing, none absent and none not voting. Motion was made by John Estes, Sr. to request that the Lower Brule School Board to evaluate the Lower Brule School System, the history of the Lower Brule School system has had a large number of drop outs and a few if any go on to higher education each year and that there is an increasing number of parents that are sending their children away to different school systems. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting. (Chairman Jandreau left the Tribal Council meeting at this time.)

4. L.B.S.T. MINUTES: The Minutes from the Lower Brule Sioux Tribal Council Regular Session Meetings for the months of February, April, May and June were submitted for review and approval. Motion was made by Shirley Crane to approve the

Minutes. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being four members for, none opposing, one absent and none not voting.

5. **HEALTHY START PROGRAM-OTIS DOREN RESIGNATION:** A letter was received from Mr. Otis Doren in regard to his resignation as Health Starts Coordinator. Motion was made by Boyd Gourneau to accept Mr. Doren's resignation and to advertise the position for selection of another Coordinator at the next monthly meeting. This motion was seconded by Shirley Crane. Motion carried with vote being four members for, none opposing, one absent and none not voting.

6. **LOWER BRULE PROGRAM COMPANY:** A letter of request was received from Orville Langdeau, Jr. for assistance in obtaining services for a new site, which is in need of a survey and easement for electrical and telephone services. Motion was made by Boyd Gourneau to request the Lower Brule Agency, Bureau of Indian Affairs, to complete a survey for electrical power and telephone services, at no cost to the Tribe. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being four members for, none opposing, one absent and none not voting.

7. **TOM IVERSON-WOMEN'S FEDERATION FOR WORLD PEACE:** A letter was received from Tom & Edy Iverson, Co-Chairman for Women's Federation of World Peace in South Dakota, which stated that the organization is encouraging the women around the world, to take responsibility in educating and raising up our young people to achieve their full potential. Mrs. Hak Ja Han Moon, the founder and president of the Women's Federation for World Peace, has been speaking all over the world about the significance of True Parents in creating ideal families and that Mrs. Moon will be in Sioux Falls on July 14, 1993, and that they are requesting proclamations from the Governor and Mayor and from the Lower Brule Sioux Tribe and other Tribes and organizations to proclaim the day of July 14, 1993 to be the Day of True Parents. Motion was made by Boyd Gourneau to adopt the Proclamation naming July 14, 1993, the Day of True Parents. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being four members for, none opposing, one absent and none not voting.

8. **SHIRLEY MARVIN, EDA PLANNER:** Shirley Marvin submitted the following three draft Resolutions to the Lower Brule Sioux Tribal Council for review and approval. (1) Request supplemental child care costs available through the Department of Health and Human Services, Administration for Children and Families, for supplemental child care costs. Motion was made by John Estes, Sr. to adopt and approve the submission of this resolution. This motion was seconded by Boyd Gourneau. Motion carried with vote being four members for, none opposing, none absent and none not voting. (2) Request funding to reduce social and cultural barriers in health care for the Lower Brule Reservation. Motion was made by Benjamin Thompson, Jr. to adopt and approve this resolution for submission. This motion was seconded by John Estes, Sr. Motion carried with vote being four members for, none opposing, one absent and none not voting. (3) Request continuation of the BIA-CEDBG Program #GTA15T34305. Motion was made by Boyd Gourneau to adopt and approve this resolution for submission. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being four members for, none opposing, one absent and none not voting.

9. **LBST J.T.P.A. PROGRAM-NORMA GRASSROPE:** A letter of request was received from J.T.P.A. Director, Norma Grassrope, for the approval of the rated list of applicants/participants for the 1993 Summer Youth Program. Motion was made by John Estes, Sr. to approve the rated list of applicants/participants. This motion was

seconded by Boyd Gourneau. Motion carried with vote being four members for, none opposing, one absent and none not voting.

10. **VOC-REHAB SECRETARY POSITION:** The following applications were received for the Voc-Rehab Secretary Position; Antoinette Grassrope, Pamela Eagle Thunder, Jill Brouse, Willa Madison, Naomi Eagle Thunder, and Joelle Battese. A letter of recommendation was received from Voc-Rehab Director Maria Estes to place Antoinette Grassrope in the position of Voc-Rehab Secretary. Motion was made by Benjamin Thompson, Jr. to approve the recommendation made by Maria Estes and to name Naomi Eagle Thunder as alternate. This motion was seconded by John Estes, Sr. Motion carried with vote being four members for, none opposing, one absent and none not voting.

11. **SPECIAL & LEGAL COUNSEL BILLINGS:** Billings were received from Special Legal Counsel, R. Dennis Ickes, Nielsen & Senior and General Legal Counsel, Julian H. Brown. Motion was made by Boyd Gourneau to approve the billings and to submit the billings to the Lower Brule Agency, Bureau of Indian Affairs, for review and approval. This motion was seconded by John Estes, Sr. Motion carried with vote being four members for, none opposing, one absent and none not voting.

12. **DOLORES RILEY HOMESITE REQUEST:** (Chairman Jandreau entered the Tribal Council meeting at this time.) A letter of request was received from Dolores Riley for a homesite assignment, which is located adjacent to her mothers present homesite. Motion was made by John Estes, Sr. to approve Ms. Riley's homesite request. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting.

13. **LAND SALE REQUESTS:** An appraisal was received for the mineral interests owned by Vernie Jefferson Grassrope for sale to the Lower Brule Sioux Tribe. Land sale applications were also received for Dorcus Deshuquette for the sale of land and mineral interests to the Lower Brule Sioux Tribe. Motion was made by Boyd Gourneau to purchase the mineral interests of Vernie Jefferson Grassrope and to request an appraisal be conducted on Dorcus Desheuquette's land interests. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

14. **DEPARTMENT OF VETERANS AFFAIRS:** A letter was received from D.F. Munro, Department of Veterans Affairs, in regard to information concerning the Department of Veterans Affairs (VA) new Native American Direct Loan Program. An informational packet was enclosed which included a listing of the highlights of the program and a prototype of the Memorandum of Understanding. The letter further stated that the provision of the MOU are negotiable and the prototype should be considered only as an example of an acceptable MOU. Motion was made by Kay Gourneau to authorize Chairman Jandreau to sign the Memorandum of Understanding after such time that General Legal Counsel, Julian H. Brown, reviews the document to make sure there are no adverse requirements upon the Tribe. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

15. **GREY EAGLE SOCIETY:** Chairman Jandreau stated that this material was information for the Tribal Council's review.

16. **NATIONAL MUSEUM OF AMERICAN INDIANS:** Chairman Jandreau stated that Shirley Marvin and Scott Jones have attended this meeting and we will get a report from them on their return.

17. **MARY FLUTE REQUEST:** A letter of request was received from Mary Flute for assistance for her son Levi Flute to purchase art and bead work supplies that were lost during the riot at the State Penitentiary, in the amount of \$70.00. Motion was made by Kay Gourneau to authorize a donation to Levi Flute in the amount of \$70.00. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

18. **NATIONAL INDIAN GAMING COMMISSION:** Chairman Jandreau stated that a letter was sent out to all the Bingo Organization, which requested them to respond to a draft proposal for their groups. Chairman Jandreau stated that they are requiring that even the bingo callers become a key employee, which would require an extensive background investigation and would cost more money than what the bingo's bring in. We will have to probably get another letter out. No action was taken on this matter.

19. **EDUCATIONAL GRANT APPLICATIONS:** Educational Grant applications were received from Jimmy Hebron, Tamara Pexa, Shane Artz, Lonnie Goodlow, Duane Long Fox, Shana Grassel, Lori Carpenter, Shaun Grassel, Neoma Michalek, Lesley Spears, Sandra Byington, Timothy Felicia, Anna Jones, Amber LaDue, RONALDA Driving Hawk and Tanya Fleury. Motion was made by Kay Gourneau to approve the Educational Grant applications as long as all paperwork was in place for the Summer and Fall Sessions. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

20. **LOWER BRULE COMMUNITY COLLEGE REPORT:** The monthly L.B. Community College report was received from Mary Sue Schnedier. "This past month much time was spent computerizing the library books in our possession and order others to add to the Lakota Studies collection. Shipment is expected some time shortly. Also ordered were additional bookcases for the college. All new books will be catalogued and ready for student use for the Fall Semester. These items are being purchased with Dakota Indian Foundation grant funds. Acknowledgment was received from FIPSE office that our grant application was received. A request for funds from the Coors Foundation to assist with an adult education/high school equivalency program and the core college program was submitted. Notification regarding funding for this project will be some time in October. Letters inquiring about funding areas are being sent to various foundations to see if additional financial assistance can be obtained for the College program. Representatives from SDSU were at Lower Brule Community College on June 22 to visit with the Board members about the possibility of accredited classes being held at our college. Specific areas of interest were discussed were Agricultural and Hospitality programs. Other possible cooperative ventures were discussed. The visit was very positive and we are hopeful that a program can be in place beginning with next semester. The College Board of Trustees re-examined the affiliation agreement with Sinte Gleska University and will be renegotiating the agreement this summer. The Board had some questions and concerns that need to be addressed in the new agreement. A July meeting is planed with Sinte Gleska representatives to discuss the concerns and continuation agreement.

21. **M.C.H. MONTHLY REPORT:** The monthly report was received from Elvera Driving Hawk, MCH Director, for the months of May and June. The Lower Brule Sioux Tribal Council reviewed the report. No action was taken on this matter.

22. **1993-LOWER BRULE ANNUAL FAIR BUDGET:** The Events for the 1993 Annual Fair submitted their budgets to the Lower Brule Sioux Tribal Council for review and approval: Pow wow-\$21,750.00, Rodeo-\$7,900.00, Softball-\$3,385.00, Brule' Horsemen Association-\$6,000.00. Motion was made by Benjamin Thompson, Jr. to approve the 1993 Lower Brule Annual Fair budget. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting.

23. **SCOTT JONES-N.A.G.R.A:** Scott Jones stated that a comprehensive inventory of the artifacts taken should be retrieved. Mr. Jones stated that a plot of land also needed to be identified, probably 10-15 acres to be fenced off to mark and re-enter the human remains that were taken from this area. A position paper is also needed to name specifically where the aboriginal territory of the Lower Brule is. Motion was made by Kay Gournau to authorize Scott Jones to develop a position paper on the aboriginal territory of the Lower Brule. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting. Motion was made by Boyd Gournau to authorize Scott Jones to get the human remains returned to the Lower Brule and to request that they be stored at the S.D. Heritage Museum for safe, climate control storage.

24. **JAPAN LOCAL GOVERNMENT:** A letter was received from Aberdeen Area Office in regard to a visit scheduled by the Japan Local Government, which they are interested in the organization, structure, functions, and services provided by tribal government; intergovernmental relations and the impact of a casino gambling lifestyles of the reservations and surrounding communities. No action was taken on this matter.

25. **SMALL LOAN COMMITTEE REQUEST:** A request was received from the Small Loan Committed to obtain a beer license to sell beer during the Fair and to hold a dance on Saturday, August 14, 1993. Motion was made by Boyd Gournau to approve the Small Loan Committee request. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

26. **S.D. ALLIANCE FOR MENTALLY ILL-MARLA BULL BEAR:** A letter of request was received from Marla Bull Bear, S.D. Alliance for the Mentally Ill, for a resolution of support for the program and for the appointment of Dr. Spiro Manson. Motion was made by Boyd Gournau to approve their request. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting.

27. **NATIONAL CONGRESS OF AMERICAN INDIANS:** Information was received from the National Congress of American Indians to solicit support for Ms. Ada Deer to be Assistant Secretary for Indian Affairs, U.S. Department of the Interior. Motion was made by Kay Gournau to submit a Resolution of support for Ms. Ada Deer. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting.

28. **BLACK HILLS AMERICAN INDIAN CENTER:** A letter of request was received from the Black Hills American Indian Center, Wesley Rabbit, who is striving to establish

an Indian Center in Rapid City, South Dakota, to serve the needs of our Native American resident population there. Mr. Rabbit indicated that in search for funding for this tremendous undertaking, they have run across a simple request that they must address first, before they are assisted, the grant applications must be in the form of a matching grant request. Mr. Rabbit is requesting a matching grant from the Lower Brule Sioux Tribe in the amount of \$750.00. Motion was made by Benjamin Thompson, Jr. to contribute \$750.00 pending the commitment of the approval of their grant. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting.

29. **DEBBIE, ADRIAN & TY MIDDLETENT HOMESITE REQUEST:** A letter of request was received from Debbie, Adrian and Ty Middletent for a Homesite Assignment under the name of Ty Middletent, an enrolled member of the Lower Brule Sioux Tribe to place a trailer house that Ty Middletent will be living in. Motion was made by Kay Gourneau to approve the Homesite Assignment. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting.

30. **LES LANGDEAU IHS WATER/SEWER REQUEST:** A request was received from Mr. Les Langdeau to be placed on the I.H.S. water/sewer priority list to receive water/sewer services. Motion was made by Kay Gourneau to submit Mr. Langdeau's name on the I.H.S. water/sewer priority list. This motion was seconded by Boyd Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting. Chairman Jandreau gave a report on Lower Brule Employment Enterprise and Brule Industries. No action was taken on this matter. Mr. Noble LaCroix stated that the security program should start going in a week and a half. Benjamin Thompson, Jr. stated there was a workshop that he wanted to attend that dealt with inspection of houses, electrical & plumbing and establishing Codes.

The Lower Brule Sioux Tribal Council meeting recessed at 3:48 PM. The Lower Brule Sioux Tribal Council meeting reconvened on July 15, 1993, with John Estes, Sr. and Kay Gourneau absent. Roll call was taken and the Lord's Prayer was led by Chairman Michael B. Jandreau. Also present was Elaine White Pipe, Lisa Estes, Percy Devine and Jo Ann Pegues.

31. **PERCY DEVINE & JO ANN PEGUES-TITLE VI TRIBAL ELDERS PROGRAM:** Mr. Devine introduced himself and Jo Ann Pegues to the Lower Brule Sioux Tribal Council. Mr. Devine is the Regional Program Director of Region VIII, for the U.S.D.H.H.S, Administration on Aging. Ms. Pegues informed the Tribal Council the the packet that was given to them would be what they would be using to review the Tribal Elders Program on the Lower Brule Reservation. Ms. Pegues stated that it was their job to make sure the program was in compliance, to look at the site, check out the sanitation of the site, collect information and to meet with the Tribal Council today and tomorrow after the tour. Ms. Pegues stated that they are here to help, if they are not in compliance we are here to help them get into compliance. Ms. Pegues asked who was the Director. Chairman Jandreau stated that as of yesterday the Tribal Council concurred on the selection of a Director, made by the Elderly Organization. The Tribal Council also authorized \$15,000.00 to supplement the Title VI Program to have someone on board, Elaine White Pipe has been working there out of the Planning Office. Mrs. White Pipe has had the cook get training and a certificate. There is a food budget problem, there are 73 Elders and not enough budgetary ability by Title VI. We haven't been able to access outreach or other programs to assist in this. Jo Ann Pegues asked who the new Director was.

Chairman Jandreau stated, DeWayne Goodface, he will get here as soon as possible. Ms. Pegues asked when. Chairman Jandreau stated, he informed us within three to four days. Mr. Devine stated that it is his responsibility to protect the resources in Region VIII. We don't want your program to go too far down, the program is high risk, with no funding. I don't want the Elderly cut out. It is also imperative that the reports get in. I have to tell you that I am on your side, we just need to make sure these things get into compliance. Chairman Jandreau stated that Federal Funding is always diminished when it comes via the State. The State rate for LIHEAP is 75%, \$200.00 more of services for individuals in State than a person on the Reservation. We received \$200.00 per person this year from the State, we supplemented the program 200% to address the LIHEAP needs. The State participants received \$350.00=\$375.00. The Crow Creek Sioux Tribe also runs through the State, their level is greater than our level, but there is a difference in jurisdiction, there is language involved that proposes a threat to our sovereignty. Mr. Devine stated that the Assistant Secretary wants to help, they want any ideas to improve the program and the Office of the Inspector General is making sure the Regional Office is getting out to the reservations. Ms. Pegues asked Elaine White Pipe if she would meet them here at 9:00 tomorrow morning to go for a tour of the Elderly Program. Chairman Jandreau stated that the Tribal Council would meeting here tomorrow after the tour at 2:00 PM.

The Lower Brule Sioux Tribal Council meeting recessed at 3:40 PM. The Lower Brule Sioux Tribal Council met informally with Mr. Devine and Ms. Pegues at 3:00 PM, July 16, 1993. Also Present was Lisa Estes.

32. PERCY DEVINE & JO ANN PEGUES: Percy Devine stated that they had talked with the Seniors and they have stated that they are not comfortable in the present building. We used the tool to review the Program as stated yesterday. You need to get the Nutrition Director in as soon as possible. There are 74 eligible Seniors, twenty four are home delivered and nineteen are in house. There was a menu for June but there was not one for July, it is more costly without a menu. The Seniors stated that they get upset over the meals, they have a choice to eat the meals or not if there is a menu in place. The Director has the responsibility to provide activities for the Seniors. There should be a listing of services available to the Seniors, have someone come in and talk to them during their meals. We need the reports to come in. Jo Ann stated that today's meal had 1/3rd of the R.D.A. as stated in the Dietary Guidelines. A meal pattern is available, we can send one to the new Director. The Seniors also stated that they would like Native American meals served, this is fine, just so the R.D.A. is provided at the meal, or the meal is served once a month. Ms. Pegues stated that there is a Title VI Nutritionists from Fort Thompson, you need to coordinate with her. We need the Tribe to find and update the USDA Agreement. There should also be a policy on guest meals. There was no sign up sheet today for the Seniors. There should be a doctors slip for home bound participants. Ms. Pegues stated that there are private supports that can help with the Program. A manual needs to be developed, policies and procedures, who is eligible. The most successful programs are those where more people are involved in the Program. Ms. Pegues stated that she understood that a sanitation review was done on the Elderly Program and she would like that sent to her. Mr. Devine stated that this trip was mostly positive, the meals are being served, the Seniors are not being turned away. The Seniors are interested in the Program, they feel a sense of ownership. Chairman Jandreau asked if someone from their office could be sent here once a year to visit the site. This would give enthusiasm and would de-politicise the program with this visit.


The Lower Brule Sioux Tribal Council meeting recessed at 4:10 PM. The Lower Brule Sioux Tribal Council meeting reconvened on August 4, 1993, at 11:25 AM, with all Council Members present. Also present was Noble LaCroix, Vic Runnels and Kim Benage.

33. **TETON LAKOTA MUSEUM:** Mr. Vic Runnels and Kim Benage presented their proposal to the Lower Brule Sioux Tribal Council. Mr. Benage stated that they were part of Prospect Mountain Investment Corporation, a group of investors. Prospect Mountain is a mountain overlooking Hill City, S.D., on the north east edge of town where the proposed site of the Museum of Natural History will be. We would like from you a resolution of support and also a representative for the Advisory Committee. The Smithsonian is wanting to be a satellite museum, which would rotate up to one million items a year. John Estes, Sr. asked why just Tetons. Mr. Runnels state that it could be expanded. John Estes, Sr. asked what they would get out of this deal. Mr. Begane and Mr. Runnels stated commercial development for ourselves and your people, there is an area where we would have store fronts where we could sell our crafts, etc. Mr. Begane stated that other Tribes have stated that they want their own museum, these would only develop each other if advertisement was done at all ends. Mr. Begane stated that they would like resolution of support and the name of a representative, our first meeting will be the second week of September. Motion was made by Kay Gourneau to adopt a Resolution of support for Teton Lakota Museum. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting. Motion was made by Benjamin Thompson, Jr. to name Shirley Crane as representative for the board. This motion was seconded by John Estes, Sr. Motion carried with vote being four members for, none opposing, none absent and one not voting.

ADJOURNMENT: Motion was made by Boyd Gourneau to adjourn the July Regular Session meeting. This motion was seconded by Kay Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting.

CERTIFICATION

The foregoing is a true and correct transcript to the Minutes from the Regular Meeting held by the Lower Brule Sioux Tribal Council on July 14th, 15th, 16th, and August 4, 1993.


SANDY LA CROIX, RECORDING SECRETARY
LOWER BRULE SIOUX TRIBAL COUNCIL

**LOWER BRULE SIOUX TRIBAL COUNCIL
REGULAR SESSION
OCTOBER 6, 1993**

PRESENT: Michael B. Jandreau, Chairman **ABSENT:** None
Kay K. Gourneau
Shirley Crane
Boyd Gourneau
John Estes, Sr.
Benjamin Thompson, Jr.

ALSO PRESENT: Noble LaCroix and Mary Sue Schnieder.

The Lower Brule Sioux Tribal Council meeting was called to Order by Chairman Michael B. Jandreau at 11:02 PM. Roll call was taken by the Recording Secretary and the Lord's Prayer was led by Chaplain John Estes, Sr.

1. **NOBLE LA CROIX REQUEST:** Mr. LaCroix stated that the Tribal Council had previously approved and requested that the C.I., Dan Hudspeth be placed under the direct supervision of the Lower Brule Agency, Bureau of Indian Affairs, Superintendent. Mr. LaCroix stated that requests are still being made for Mr. Hudspeth's services to the Yankton Tribe. Mr. LaCroix stated that Mr. Hudspeth is needed in this area full time. I would like to request that the Tribal Council make a request for an additional C.I. since we have to provide services to the Yankton Tribe. Chairman Jandreau requested that Mr. LaCroix provide proper documentation on this matter to develop a resolution of request. Motion was made by John Estes, Sr. to adopt a resolution to request an additional Criminal Investigator. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

2. **L.B. COMMUNITY COLLEGE-MARY SUE SCHNIEDER:** Ms. Schnieder provided the Lower Brule Community College report to the Lower Brule Sioux Tribal Council. Ms. Schnieder stated that there are thirty-five students enrolled in College. We will be receiving a PELL grant this semester for the returning students in December. We have signed the articulate Agreement with SDSU. This will provide hospitality and teacher recertification. Chairman Jandreau asked what kind of response was received by SDSU in regard to this matter. Ms. Schnieder stated, very favorable. Ms. Schnieder stated that there is an inter communication system, inter active T.V. system, whereby a professor can teach a subject and answer questions with students here at the Community College. Ms. Schnieder stated that this individual will be visiting at the end of the month and will tour Ziegler's Studio to see what would be needed to provide these classes. Benjamin Thompson, Jr. asked Ms. Schnieder to provide the students with information on AIDS. Mr. Thompson, Jr. stated that there is a problem with it here and these students all have families and should have the information.

3. **SHIRLEY MARVIN, EDA PLANNER:** A draft resolution was received from Shirley Marvin, EDA Planner, in regard to Buy Indian/Indian Preference on the Lower Brule Reservation. Motion was made by Boyd Gourneau to adopt the Resolution. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting.

4. **U.S. DEPARTMENT OF HOUSING & URBAN DEVELOPMENT:** A letter was received from the U.S. Department of Housing and Urban Development which stated that the Program Reservation has been approved in response to the Lower Brule Housing Authority FY 1993 application for Indian housing units, a maximum of nineteen units. Chairman Jandreau stated that another letter was received from the U.S. Department of Housing and Urban Development in regard to the I.C.D.B.G. Project for the Propane Company. Chairman Jandreau asked if Mr. LaCroix had worked out the electricity problem that was holding up the Project. Mr. LaCroix stated that it was. The line will be jogged a little to keep away from the allotted lands. Chairman Jandreau stated that the electricity needs to be placed there as soon as possible to pump the propane. Chairman Jandreau stated that the letter also request that the Tribe submit a resolution certifying that the Tribe will follow the Indian preference requirements at 24 C.F.R. 571.503 in future procurements involving I.C.D.B.G. funds. Motion was made by Kay Gourneau to adopt this resolution. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

5. **MINERAL ASSESSMENT PROPOSALS FY-94:** Chairman Jandreau stated that notification was received on the availability of funds of FY-94 Mineral Assessment Proposals. Chairman Jandreau stated that Mr. Alan Lien, Bureau of Indian Affairs had already submitted a proposal for the Tribe. Mr. LaCroix stated that Mr. Lien had already submitted something for the Tribe. No action was taken on this matter.

6. **WATER, SEWER & REFUSE DISPOSAL AND COLLECTION-B.I.A.:** Chairman Jandreau stated that a resolution was needed to renew the water, sewer, & refuse disposal and collection service provided to the Lower Brule Agency, Bureau of Indian Affairs, for FY-94. Motion was made by Boyd Gourneau to adopt the resolution for FY-94 services. This motion was seconded by Kay Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting.

7. **T.W.E.P. CONTRACT RENEWAL:** Chairman Jandreau stated that notification was received from the Lower Brule Agency, Bureau of Indian Affairs, for the Tribe to renew/replace the T.W.E.P. Contract. Motion was made by Kay Gourneau to request to renew/replace the T.W.E.P. Contract and inform the Bureau of Indian Affairs that the Tribe does not want to change part 100 of the Contract and to request that any unexpended funds be carried over. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

8. **HEALTHY STARTS COORDINATOR POSITION:** The position for Healthy Starts Coordinator was advertised and the following applications were received: (Kay Gourneau left the Tribal Council meeting at this time.) R. Everett Goodface, Sr., Marlene Crowe, Theresa LaRoche, and Bessie Estes. Motion was made by Benjamin Thompson, Jr. to put Bessie Estes in the Healthy Starts Coordinator position. This motion was seconded by Shirley Crane. Motion died for lack of 2/3rds majority vote. Motion was made by Boyd Gourneau to place Theresa LaRoche in the position. No one seconded the motion. (Kay Gourneau entered the Tribal Council meeting at this time.) Motion was made by Boyd Gourneau to re-advertise the position state wide. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

9. **LOWER BRULE MOTOR POOL COMMISSION:** A letter was received from Nyal Brings, Chairman of the Lower Brule Motor Pool Commission, who, the members of the Commission requested the Tribal Council to reaffirm the membership of the

Commission and also requested the selection of two additional members for those members that resigned. The individuals that the Commission requested the Tribal Council to choose from was: Pat Madsen, Jackie Jandreau and Arnold Sazue. Motion was made by Boyd Gourneau to select Pat Madsen and Arnold Sazue for Commission Members. This motion was seconded by Kay Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting. The Lower Brule Motor Pool Commission also requested the adoption of a membership policy that would terminate appointees who miss three consecutive meetings without prior notification. Motion was made by Kay Gourneau to adopt this policy. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

10. L.B.H.A. BOARD OF COMMISSIONERS SELECTION: Advertisements were posted for the positions available on the Lower Brule Housing Authority Board of Commissioners; Chairman, Vice-Chairman, Secretary/Treasurer and Member. The following names were taken for interested individuals: Terry Middletent, Effie Black Bear, Gayle Zielger, Larry Jandreau, A. DeWayne Goodface, Rita Ollerich, Darrell Middletent, Everett DeWitt, Rose McCauley, Wilma Wilson, James Estes, Roberta Dempsey, and Orville Langdeau, Jr. Motion was made by Boyd Gourneau to select James Estes as Chairman on the four year term. This motion was seconded by John Estes, Sr. Motion carried with vote being three members for, one against, none absent and one not voting. (Robert's Rules of Order: not voting vote goes with majority of votes, majority vote). Motion was made by Kay Gourneau to select Wilma Wilson as Secretary/Treasurer in the two year term. This motion was seconded by Boyd Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting. Motion was made by Benjamin Thompson, Jr. to select Darrell Middletent in the one year Member term. This motion was seconded by Boyd Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting. Motion was made by Kay Gourneau to select Orville Langdeau, Jr. in the four year Vice Chairman position. This motion was seconded by Boyd Gourneau. Motion carried with vote being three members for, one against, none absent and one not voting. (Robert's Rules of Order: not voting vote goes with majority vote; positive vote)

The Lower Brule Sioux Tribal Council meeting recessed at 12:00 PM. The Lower Brule Sioux Tribal Council meeting reconvened at 1:45 PM. Also present was Larry Eagle Star, Velma Hollingshed, Barbara Bad Horse, Shirley Marvin and John Van Horne.

11. EAGLE STAR/HOLLINGSBED/BAD HORSE: Chairman Jandreau stated that this matter would be kept off the record.

12. SHIRLEY MARVIN-L.B. BUSINESS DEVELOPMENT CORPORATION: Chairman Jandreau stated that Shirley Marvin was asked to attend the Council meeting to answer any questions. Chairman Jandreau read the letter submitted by Shirley Marvin: On August 9, 1993, Warren Albertson, Dennis Yeaton, and myself met to develop a list of potential Board members for the Lower Brule Business Development Corporation. The list includes: (Advisory Committee) Tribal Chairman-Ex-Officio, Vern Rekow, Charles Langdeau, Velma Langdeau, Marvin Hogan, Paul Valandra, Gerald Sherman, Dina Brandt, Mike Hanzlik, Lyle Peterson (Loan Committee) Tom Hanke, Red, Fund Loan Board Member, Julian Brown-Tribal Attorney, Ron Tedrow, Ron Hexun, Greg Henderson. Motion was made by Kay Gourneau to request that Shirley Marvin contact these individuals and see if they would sit on the board. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being five members for, none opposing, none absent and none not voting. Chairman Jandreau stated, there is also

a request here for seed money for Orville Langdeau, Sr. in the amount of \$15,000.00, which states such grant will make Mr. Langdeau, Sr. solvent within three and a half years. Motion was made by Boyd Gourneau to get the L.B. Business Development Corporation in place first and get their recommendation. This motion was seconded by Shirley Crane. Motion carried with vote being four members for, none opposing, none absent and one not voting.

13. **PHYLLIS LAROCHE ROBERTSON REQUEST:** A letter of request was received from Phyllis LaRoche Robertson to purchase the old Viola Quilt's home from the Tribe for \$7,000.00 at \$70.00 per month for 100 months. Motion was made by Kay Gourneau to allow her to purchase the home with the same guidelines set forth for Benjamin Thompson, Jr., with 4.5% interest. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting. Chairman Jandreau stated that Mrs. Robertson is also requesting and additional 2.5 acres to her current homesite. Boyd Gourneau stated, J.W. Thompson leases this area doesn't he, she would have to get a consent from him. Chairman Jandreau stated that this was correct. Motion was made by Boyd Gourneau to have Mrs. Robertson contact Mr. Thompson and obtain a consent. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

14. **ROBERT KENNEDY HOMESITE REQUEST:** Chairman Jandreau stated that Mr. Kennedy's request for a Homesite was in his hay field and requested that if the Tribal Council approved the request that the 2.5 acres were deducted from his lease payment. Motion was made by Boyd Gourneau to approve Mr. Kennedy's request and to also request the Bureau of Indian Affairs, Lower Brule Agency, to deduct the cost of the 2.5 acres from Mr. Jandreau's lease payment. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting.

15. **NIELSEN & SENIOR BILLING/JULIAN H. BROWN BILLING:** Chairman Jandreau stated that billings were received from R. Dennis Ickes, Nielsen & Senior and General Legal Counsel, Julian H. Brown. Motion was made by Kay Gourneau to approve the billings and to submit the billings to the Lower Brule Agency, Bureau of Indian Affairs for review and approval. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

16. **ORVILLE LANGDEAU, SR. LAND EXCHANGE:** Notification was received from the Bureau of Indian Affairs, Lower Brule Agency, on a land exchange request by Mr. Langdeau, Sr. years ago and that Mr. Langdeau, Sr. contacted the Bureau of Indian Affairs four months ago on the status of his pending land exchange, which was originally initiated in 1985. Contact was made with a Realty Specialist in the Aberdeen Area Office regarding correct procedure due to the length this transaction had been pending. The Realty Officer was advised to request current appraisals and prepare a current work up sheet. Chairman Jandreau stated that the current appraisal to complete the transaction, to be paid by the Tribe, is \$14.54. Motion was made by Kay Gourneau to approve and request the completion of the transaction for the land exchange. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting.

17. **LAND SALE APPLICATION:** A land sale application was received from the Bureau of Indian Affairs, Lower Brule Agency, Realty Office, for Mary Jane Bad Horse. Motion was made by Boyd Gourneau to request that an appraisal be conducted on the

interests. This motion was seconded by Kay Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting.

18. **LAND APPRAISALS:** Land appraisal work up sheet were received for the following individuals from the Lower Brule Agency, Bureau of Indian Affairs: George Small, Jr.-\$4,737.52, Helen E. Demarrias-\$109.30, and Dorcas A. DeSheuquette-\$703.99. Motion was made by Kay Gourneau to purchase these interests. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

19. **JUNIOR CLASS REQUEST:** The Lower Brule Sioux Tribal Council received a letter of request from the following Junior Class students; Bobbie Middletent, Jessica Wilson, and Theresa Michalek, for a donation to assist with the Junior/Senior Prom. By Tribal Council concurrence this matter was tabled at this time. The Tribal Council will submit a letter to the Junior Class and request that they continue to raise funding for the event and to provide a break down of costs at the March 2, 1994, Tribal Council meeting for a donation at that time.

20. **HIGH SCHOOL RODEO CLUB REQUEST:** A letter of request was received from the following High School Rodeo Club members/advisors: Betty Wortman, Terry Middletent, Harlee Langdeau, Wyatt Isburg, John Estes, Pam Kersting, Sheridan Banks, Jason Rouillard, Jeremiah LaRoche and Weston Harmon. The Lower Brule Sioux Tribal Council tabled this matter until Spring, when the jackets would be needed, and request the the Club continue to raise money for the jackets and to give the Tribal Council a break down of costs at that time.

21. **EDUCATIONAL GRANT APPLICATIONS:** Educational Grant applications were received from the following individuals: Derrick R. Swift Eagle, Sandra Rencontre, Patricia Herron, Veronica Feeney, Daniel Flute, Anitra Long Fox, Sharon Long Fox, Holly Enright, Frank C. Estes, Joelle Battese, Nikki Ziegler, and Geraldine Estes. Motion was made by Boyd Gourneau to approve the Educational Grants if all paperwork was in place. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

22. **MANAGEMENT AGREEMENT-L.B. RESORTS:** Mr. John Van Horne entered the Tribal Council meeting at this time. Chairman Jandreau stated that he invited Mr. Van Horne here if anyone had any questions in regard to the Management Agreement between the Lower Brule Sioux Tribe and Lower Brule Enterprises, Inc. on the establishment and operation of a motel on the Lower Brule Reservation. Chairman Jandreau asked Mr. Van Horne if the changes that the Tribal Council had required were made. Mr. Van Horne stated that they were faxed to him and they can be placed into the Agreement as is. Chairman Jandreau asked if the Tribal Council had any question in regard to this matter. Motion was made by Kay Gourneau to approve and enter into the Management Agreement. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being five members for, none opposing, none absent and none not voting. Mr. Van Horne stated that with the beginning of the development of the Casino the Tribal Council also wanted to develop this motel and RV park, which the motel and RV park will not be making a lot of money, but will allow the Casino to have more customers, this is what the motel and RV park are for and the Tribal Council also wanted a marina type deal for thirty to forty boats to have a resort type setting here. The motel will be in open and in operation by April 1, 1994. Mr. Van Horne stated that the Tribe would have to place an irrevocable letter of credit in place for the development of the motel in the amount of \$80,000.00, which was requested by Lower Brule Sioux Resort and

Tri-County State Bank, Chamberlain, SD. Motion was made by Kay Gourneau to approve the Letter of Credit. This motion was seconded by Boyd Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting.

23. **HIATT LAW OFFICE:** Chairman Jandreau stated that the Tribal Council had requested of General Counsel, Julian H. Brown, information for removal of nonmembers from the Reservation. Chairman Jandreau asked the Tribal Council to review the document for discussion or approval at the next meeting and that a copy be given to the Superintendent and that he should give copies to the Law Enforcement Staff. No action was taken on this matter.

24. **AMERICAN INDIAN LIVESTOCK EXCHANGE:** A letter was received from the American Indian Livestock Exchange in regard to an upcoming meeting dated September 16, 1993, in Rapid City. The purpose of the meeting was to finalize their position on range unit leases and submit the findings to Dr. Jaeger. No action was taken on this matter.

25. **M.C.H. MONTHLY REPORT:** The M.C.H. monthly report was submitted by Elvera Driving Hawk, M.C.H. Director for the month of August. The Lower Brule Sioux Tribal Council reviewed the report. No action was taken on this matter.

26. **L.B.S.T. MINUTES:** Chairman Jandreau asked the Tribal Council if they reviewed the Minutes for July, August, and September, for approval. Motion was made by Boyd Gourneau to approve the Minutes. This motion was seconded by Kay Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting.

27. **L.B. BAND OF NATIVE AMERICAN CORPORATION:** The Lower Brule Sioux Tribal Council received a letter of request from the Lower Brule Band of Native American Corporation; John Estes, Sr.-President, Marlene Crowe-Vice President, Sadie Flute-Secretary/Treasurer, A. DeWayne Goodface, Ex. Director, and the Lower Brule Members, for a donation of a buffalo and \$1,000.00 to hold a Veteran's Pow wow on November 12-13, 1993 to be held at the Brule' Sioux High School. Motion was made by Boyd Gourneau to approve the request for donation and to inform those people involved. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting.

28. **TAMMY LAROCHE REQUEST:** A letter of request was received from Tammy LaRoche, which stated she was requesting a loan from the Tribe in the amount of \$2,500.00 for a down payment on a 1972 Rushmore Mobile Home, 14X68, which includes a 50X143 lot, all appliances, two lean to's, central air, carport, garage, and fuel tank, the total cost being \$32,000.00, with repayment at \$25.00 per month. By Tribal Council concurrence Ms. LaRoche will be requested to seek alternate funding and extinguish all other remedies.

The Lower Brule Sioux Tribal Council meeting recessed at 4:13 PM. The Lower Brule Sioux Tribal Council meeting reconvened on November 1, 1993, at 1:25 PM. Chairman Michael B. Jandreau called the meeting to Order and roll call was taken with John Estes, Sr. absent. Also present was Bob Kelly, Patricia Lundell, and Patricia Howell

29. **TRIBAL INSURANCE-BOB KELLY:** Chairman Jandreau stated that the meeting today was to discuss new policies for the Lower Brule Sioux Tribal Employees. Mr. Bob Kelly submitted three options for the Lower Brule Sioux Tribe. Motion was made by

Kay Gourneau to accept the \$500.00 deductible insurance plan with the Kelly Agency. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being four members for, none opposing, one absent and none not voting.

The Lower Brule Sioux Tribal Council meeting recessed at 3:35 PM. The Lower Brule Sioux Tribal Council meeting reconvened on November 10, 1993, at 4:22 PM, with all Council Members present. Also present was Noble LaCroix, Scott Jones and Elaine White Pipe.

ADJOURNMENT: Motion was made by Boyd Gourneau to adjourn the October Regular Session meeting. This motion was seconded by Kay Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting.

CERTIFICATION

The foregoing is a true and correct transcript to the Minutes from the Regular Meeting held by the Lower Brule Sioux Tribal Council on October 6, 1993, and November 1st and November 10, 1993.



SANDY LA CROIX, RECORDING SECRETARY
LOWER BRULE SIOUX TRIBAL COUNCIL

**LOWER BRULE SIOUX TRIBAL COUNCIL
REGULAR SESSION
DECEMBER 3, 1993**

PRESENT:	Michael B. Jandreau, Chairman Kay K. Gourneau Shirley Crane Boyd Gourneau John Estes, Sr. Benjamin Thompson, Jr.	ABSENT: None
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ALSO PRESENT: Noble LaCroix, Dina Brandt and Carolyn Riley.

The Lower Brule Sioux Tribal Council meeting was called to Order by Chairman Michael B. Jandreau at 1:47 PM. Roll call was taken by the Recording Secretary and the Lord's Prayer was led by Chaplain John Estes, Sr.

1. **DINA BRANDT-L.F.C.D.C.:** Dina Brandt introduced Carolyn Riley to the Lower Brule Sioux Tribal Council. Ms. Brandt stated that Ms. Riley is the new Administrator at Mid Dakota Hospital. Ms. Riley stated that she had been wanting to meeting the Tribes and that she is under a program which manages hospital, HUMANA manages 265 hospitals across the Nation. Ms. Riley stated that she wants to stay in contact with the Tribes to work out any problems. I have found since I have been at Mid Dakota that there is a serious lack of knowledge of the services provided. There are some obvious areas that need changing and one is a general surgeon. We are actively seeking a person for this position. Chairman Jandreau asked Ms. Riley what the waiting period for transfer or referrals was. Ms. Riley stated that a monitor has been placed on this matter, we are beginning to address this already. John Estes, Sr. asked if there was a possibility of getting Indians on the Board. Ms. Riley stated that she would address the Board on this issue. Chairman Jandreau stated that most of the patients handled at Mid Dakota are Indian people. Carolyn Riley stated, yes, at least fifty percent or more. Ms. Riley stated that she would keep in contact with the Tribe and asked the Tribal Council to call on her with any matter.

2. **FRANCIS ZIEGLER REQUEST:** A letter of request was received from Francis Ziegler who request that the Tribe allow him and his family to reside in the trailer that the Tribe is currently using for H.I.P. Mr. Ziegler stated that he is willing to pay rent on the trailer, as they have no where else to go. Mr. Ziegler stated that he is currently residing in the Caroline Stricker home, but that there are sixteen people living in the unit. Mr. Ziegler stated that he contacted the Housing Authority and they said that they did not have any units available. Mr. Zielger stated that he was aware that the Tribe was using the trailer, but is requesting the trailer now before anyone else. Chairman Jandreau stated that Mr. Zielger would have to talk with Boyd Gourneau on this matter. Motion was made by John Estes, Sr. to approve Mr. Ziegler renting the H.I.P. trailer when it is no longer being utilized for H.I.P. This motion was seconded by Kay Gourneau. Motion carried with vote being four members for, none opposing, one absent and none not voting.

3. **BART NESS HOMESITE REQUEST:** A letter of request was received by Bart Ness for a homesite. Chairman Jandreau stated that the five acre homesite is in the

land that Mr. Ness is lease at the present time. Motion was made by John Estes, Sr. to approve Mr. Ness' homesite request. This motion was seconded by Kay Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting.

4. **EDUCATIONAL GRANT APPLICATIONS:** Educational grant applications were received from Marilyn Three Irons and Gary Estes. Motion was made by Benjamin Thompson, Jr. to approve the applications. This motion was seconded by John Estes, Sr. Motion carried with vote being four members for, none opposing, one absent and none not voting.

5. **PATTI MOORE REQUEST-LITE FOOT CONCERT:** A letter of request was received from Pattie Moore which stated: "The Lower Brule Schools recently implemented a new program called, "Save the Child/Save the Teen." This program is designed to help the students to learn alternative lifestyles. We want to saturate our drug-free children, with positive role-models and fun drug free activities. Our goal is to eventually have a drug free school system. A learning environment where the children can feel safe and supported without peer pressure. One of the activities that we would like the students, school wide, to experience is the "Lite Foot" concert. Lite Foot is a nationally known young, Native American Rap Artist. He is from Oklahoma. His message is very positive and powerful and through his music he tells the children to remain drug free, have tradition not addiction and get an education. It is very important that our students have a young inspirational person who can relate with them through music. The total cost of the concert is \$3,000.00. We have a total of \$1,000.00. I realize that this is a rather large amount of money, but no dollar amount could be put on the future of our children. If Lite Foot can have an impact on one or two children, it would be worth the investment. I would like to know if the Tribe could donate anything it could. It would help out a great deal and be greatly appreciated. Please, before you decide, remember, our children are our future, and our future is doomed without healthy, drug free, confident and well educated children." Motion was made by John Estes, Sr. to have them try to raise what they can and the Tribe would provide the rest. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being four members for, none opposing, one absent and none not voting.

6. **GENERAL COUNSEL BILLING JULIAN H. BROWN:** A billing was received from General Counsel, Julian H. Brown, for the period covering November 1, 1993 through November 28, 1993, in the amount of \$5,718.90. Motion was made by Kay Gourneau to approve the billing and to submit the billing to the Lower Brule Agency, Bureau of Indian Affairs, for review and approval. This motion was seconded by John Estes, Sr. Motion carried with vote being four members for, none opposing, one absent and none not voting. Chairman Jandreau stated that a lot of the billing was for the work he did on Norwest Bank and the lawsuit with the State of South Dakota and the Bureau of Indian Affairs. Chairman Jandreau stated that he requested that Julian H. Brown be present during the time of my deposition, they had me in there for three to three and a half hours. The U.S. Attorney felt that he seriously thought that the Lower Brule Sioux Tribe should consider intervening. Chairman Jandreau stated that he informed him that I would have to ask the Tribal Council. John Estes, Sr. stated that he would like to see us get involved, but I would like to have information given to me, to let me know what is going on. Chairman Jandreau stated that we are not a party of this suit. They did not subpoena me, but I agreed to be take part in a deposition. Chairman Jandreau stated that in one way I think we should intervene, then in another way I think why should we spend Tribal money to get involved, then having the land in trust is beneficial to us. I think I would

like to have Julian Brown to come down and tell us the pros and cons of getting involved in this.

7. **L.B.S.T. CHERRY RANCH:** Chairman Jandreau stated that the Cherry Ranch may have to be lease for one year to get some income from it before we get any developments together. Chairman Jandreau stated that if 1,000 cows were placed there we could make \$90,000.00 a year. The only way we would be able to do this would be to request proposals. Motion was made by John Estes, Sr. to advertise these lands for one month and request that proposals for the rental be submitted and that a security bond would have to be placed with the understanding that the lease would be for one year. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being four members for, none opposing, one absent and none not voting. Chairman Jandreau stated that Pierre is trying to move their bridge and they would have to utilize the Tribe's Cherry Ranch land. They are trying to wrestle around and find out the way that would least impact this land. Our return from the bridge would pay for half or one quarter of the purchase price of the Cherry Ranch. Either way they do the bridge they will have to go through at lease five to six miles of our land, so all of these things factor into what we are talking about. If we are successful in getting this into trust before they finish the plan there costs escalates tremendously and the requirements escalate through EPA, etc., they are trying to make it all palatable to the public. Kay Gourneau asked if they would try to fight us putting that in trust. Chairman Jandreau stated, yes, definitely.

Chairman Jandreau stated that someone should be living up there to look after the buildings, etc. I had talked with Clyde Banks and he would be interested in living up there. I would need authorization from the Council to do this. Motion was made by Kay Gourneau to authorize Clyde Banks to live in the house at Cherry Ranch. This motion was seconded by John Estes, Sr. Motion carried with vote being four members for, none opposing, one absent and none not voting.

8. **ALFRED ZIEGLER, JR. HOMESITE REQUEST:** (Gayle Ziegler entered the Tribal Council meeting at this time.) Gayle Ziegler stated that she came in today to bring a request for a homesite in for her son. Chairman Jandreau asked if Ms. Ziegler had a map. Ms. Ziegler stated no. Ms. Ziegler stated that she wanted to know that when a member does ask for a homesite and the lessee does not approve of it what happens. Ms. Ziegler stated that this is all Tribal land and does not think that this much land, 2.5 to 5.0 acres, would cause any problems. Chairman Jandreau stated that the Tribe wants to keep these homesites in an area where water, electricity, etc, would be close enough to utilize. John Estes, Sr. asked who was leasing the land. Gayle Ziegler stated Patti Moore is leasing it. Chairman Jandreau asked if he asked Patti Moore on this. Gayle Ziegler stated that Cathy Coleman had asked Patti Moore for this area and she said to ask her husband and Wesley Moore said no. Benjamin Thompson, Jr. stated that no action could be taken on this matter because Alfred Ziegler, Jr. did not ask permission yet. No action was taken on this matter at this time.

9. **MARY JANE BAD HORSE CONNOT REQUEST:** Chairman Jandreau stated that Mary Jane Bad Horse Connot has submitted another request for a loan on her land sale in the amount of \$1,000.00. Benjamin Thompson, Jr. asked if Small Loans would be able to help her. Kay Gourneau stated that with Christmas loans that they were zapped. Chairman Jandreau stated that the Tribal Council would have to respond to her at this time, due to the lack of funds we would have to deny her request at this time.

10. **GRIFFIN AND ASSOCIATES:** Chairman Jandreau stated that at the last Council meeting we discussed the lease/purchase Agreement with Griffin and Associates and we did not do anything with it, we wanted Julian Brown to look at it; and he has looked at it and he has stated that it would not have any impact on us only on the equipment that would be lease to Lower Brule Employment Enterprise. I need to have the Council approve this for my signature. Motion was made by Kay Gourneau to approve the lease/purchase agreement between Griffin and Associates and Lower Brule Employment Enterprise. This motion was seconded by Shirley Crane. Motion carried with vote being four members for, none opposing, one absent and none not voting.

11. **RONALD G. TEDROW, CPA:** A proposal was submitted by Mr. Ronald G. Tedrow to provide C.P.A. services to the Lower Brule Sioux Tribe for their 1993 Audit. Chairman Jandreau stated that the audit fee would be approximately \$19,125.00, which would come out of Indirect Costs. Chairman Jandreau asked what the pleasure of the Tribal Council was. Motion was made by Kay Gourneau to approve Mr. Tedrow's Proposal. This motion was seconded by Shirley Crane. Motion carried with vote being four members for, none opposing, one absent and none not voting.

12. **JW THOMPSON/FREDERICK LAROCHE REQUEST:** A letter of request was received from JW Thompson and Frederick LaRoche to place Mr. LaRoche's name on Mr. Thompson's Range Unit #33 and all of Mr. Thompson's Leases and to also request the addition of Mr. Thompson to Range Unit #34 Mr. LaRoche's Range Unit. Mr. Thompson stated that due to his age and the fact that Mr. LaRoche assists Mr. Thompson with his ranching business that he would like these changes approved. Motion was made by Benjamin Thompson, Jr. to deny Mr. Thompson and Mr. LaRoche's request. This motion was seconded by Shirley Crane. Motion carried with vote being three members for, none opposing, one absent and one not voting. (no vote cast goes with positive vote)

13. **ELAINE WHITE PIPE REQUEST:** A letter of request was received from Elaine White Pipe for the three pieces of cabinet furniture that is located in the Tribal Administration kitchen, if the tribe has no need for the material. By Tribal Council concurrence Mrs. White Pipe will be notified if the Tribe no longer has a use for the cabinets.

14. **SHIRLEY MARVIN, EDA PLANNER:** Notification was received from Shirley Marvin, EDA Planner, that the I.C.D.B.G. Resolution that was previously approved by the Lower Brule Sioux Tribal Council was in need of an amendment. Ms. Marvin stated that the following stated should be added to the Resolution: "that the Tribal Council does hereby certify that the L.B.S.T. and other tribal agencies and tribal officials of the reservation will follow the requirements at 24 C.F.R. S85.36 in future procurements involving I.C.D.B.G. Funds, and 24 C.F.R. S571.503. Motion was made by Kay Gourneau to adopt this resolution. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being four members for, none opposing, one absent and none not voting.

15. **U.S.G.S. MINERAL ASSESSMENT PROPOSAL:** Chairman Jandreau stated that the 1994 U.S.G.S. Mineral Assessment Proposals were due in by the Tribes and that Alan Lien of the Lower Brule Agency, Bureau of Indian Affairs, has completed the Tribes Mineral Assessment Proposal for approval by the Tribal Council. Motion was made by Kay Gourneau to approve the Mineral Assessment Proposal for submission. This motion was seconded by Shirley Crane. Motion carried with vote being four members for, none opposing, none absent and none not voting.

16. LOWER BRULE COMMUNITY COLLEGE REPORT: The L.B.C.C. Monthly Report was submitted by Mary Sue Schneider for the month of November. "November was a busy month. The Spring '94 schedule was developed and sent to Sinte Gleska for their approval. Some minor changes were made and I am short three instructors at this time. I have made some contacts and hope to have those positions filled within the next few weeks. The Spring semester begins on January 18; registration will be held January 4-7. A Region VIII Vocational Rehabilitation Conference was held in Greeley, Colorado on November 18-19. Marie Estes invited me to attend. Emphasis was on the educational element of Vocational Rehabilitation. I was asked to be a presenter and contributed suggestions regarding a closer tie in the Community Colleges as a means of providing vocational rehabilitation services to those who qualify. Woap'e T'eca, the Alternative School program for Lower Brule was submitted to the State Education Office. At this time we have commitments from the EARN program, Vocational Rehabilitation and JTPA in the amount of \$29,475. That will enable us to begin operation in January 1994 with a staff of one full time instructor and a possible part time instructor. Woap'e T'eca will enable those who qualify to obtain a high school diploma or a GED certificate; classes in GED preparation, basic adult education, survival skills and literacy will also be incorporated into the program. Classes offered to students will depend upon their need and the educational program will be individualized. Sessions will also be held in self esteem, parenting, nutrition and counseling. All classes will be held in the Community College center. Dean Buchanan from the State Office of Education Accountability will be here December 21 to visit the site. We anticipate notification that we are an Approved Site bases on having certified instructor(s) and a certified program of instruction. Victor Douville, Chairman of the Lakota Studies department at Sinte Gleska University was here on November 29 to meet with our Lakota instructors. Victor shared methods of language teaching and course content information with the instructors. He is planning to return in January with other members of the Lakota Studies department to continue the dialogue." No action was taken on this matter.

17. LOWER BRULE BANK: Chairman Jandreau stated that since not all the paperwork, etc., was in place for the Norwest Bank Branch he wanted to ask the Tribal Council if they would be willing to allow Lower Brule Employment Enterprise to go ahead and do the foundation for the bank. Motion was made by Benjamin Thompson, Jr. to authorize Lower Brule Employment Enterprise to do the foundation for the bank. This motion was seconded by Shirley Crane. Motion carried with vote being four members for, none opposing, one absent and none not voting. Benjamin Thompson, Jr. stated that with the weather as nice as it is the foundation should be done before the weather changes and it cannot be done until Spring.

18. LOWER BRULE HEAD START PROGRAM: A request was received from the Lower Brule Head Start Program for approval of a resolution to submit an application to request 1993-1994 Johnson O'Malley funding. Motion was made by Kay Gourneau to adopt the resolution. This motion was seconded by John Estes, Sr. Motion carried with vote being four members for, none opposing, one absent and none not voting.

19. WILLA MADISON REQUEST: A letter of request was received from Willa Madison for assistance in getting the trailer house that she was renting winterized. Chairman Jandreau stated that this is a matter between the renter and the landlord. Kay Gourneau stated that Mrs. Madison should be notified of this matter. A copy of the Lower Brule Sioux Tribe Landlord/Tenant Code will be sent to Mrs. Madison.

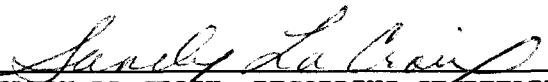
20. **NOAH GRASSROPE REQUEST:** Chairman Jandreau stated that Noah Grassrope would like to give the Lower Brule Sioux Tribe easement for his gravel pit for two years in the amount of \$500.00. Chairman Jandreau stated that the Tribe has been authorizing this with Mr. Grassrope for several years. Motion was made by John Estes, Sr. to approve Mr. Grassrope's request. This motion was seconded by Shirley Crane. Motion carried with vote being four members for, none opposing, one absent and none not voting.

The Lower Brule Sioux Tribal Council meeting recessed at 4:24 PM. The Lower Brule Sioux Tribal Council meeting reconvened on January 5, 1994 at 11:26 AM, with all Tribal Council Members present. Also present was Noble LaCroix, Nathan Middletent, and Rose McCauley.

ADJOURNMENT: Motion was made by Kay Gourneau to adjourn the December Regular Session meeting. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting.

CERTIFICATION

The foregoing is a true and correct transcript to the Minutes from the Regular Meeting held by the Lower Brule Sioux Tribal Council on December 3, 1993 and January 5, 1994.



SANDY LA CROIX, RECORDING SECRETARY
LOWER BRULE SIOUX TRIBAL COUNCIL

**LOWER BRULE SIOUX TRIBAL COUNCIL
REGULAR SESSION
JANUARY 5, 1994**

PRESENT: Michael B. Jandreau, Chairman Kay Gourneau Shirley Crane Boyd Gourneau John Estes, Sr. Benjamin Thompson, Jr.	PRESENT: None
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ALSO PRESENT: Noble LaCroix, Nathan Middletent, and Rose McCauley.

The Lower Brule Sioux Tribal Council meeting was called to Order by Chairman Michael B. Jandreau at 11:26 AM. Roll call was taken by the Recording Secretary and the Lord's Prayer was led by Chaplain John Estes, Sr.

1. **NATHAN MIDDLETENT REQUEST:** Nathan Middletent stated that he was here at the Tribal Council meeting today on behalf of his grandson Lucas LaRoche. Chairman Jandreau asked that Rose McCauley be contacted to be present at this meeting. Discussion was held with Mr. Middletent and a meeting is to be sent up with Mr. Middletent, Mr. Noble LaCroix, Judge McCauley and Betty Belkham. (Shirley Crane left the Tribal Council meeting at this time.)

2. **NATIONAL AMERICAN INDIAN HERITAGE MONTH:** Chairman Jandreau stated that Senator Inouye had submitted this letter for support and request that all Tribes request support from their Congressional Delegation for the month of November to be National American Indian Heritage Month. Motion was made by Boyd Gourneau to support this effort and to request support from the Congressional Delegation. This motion was seconded by John Estes, Sr. Motion carried with vote being four members for, none opposing, one absent and none not voting.

3. **U.S. CORPS OF ENGINEERS:** Chairman Jandreau stated that notification was received from the Corps of Engineers on a tract of land, which the Corps of Engineers would like to turn back over to the Lower Brule Sioux Tribe for Tribal management. Motion was made by Benjamin Thompson, Jr. to accept the return of the land for Tribal management and to request the Lower Brule Agency, Bureau of Indian Affairs to lease this tract of land out. This motion was seconded by Boyd Gourneau. Motion carried with vote being four members for, none opposing one absent and none not voting.

4. **LAND SALE APPLICATION-KENNETH KAINE:** A land sale application was received for interests owned by Kenneth Kaine. Motion was made by Boyd Gourneau to request the Lower Brule Agency, Bureau of Indian Affairs, to conduct an appraisal on these interests. This motion was seconded by John Estes, Sr. Motion carried with vote being four members for, none opposing, one absent and none not voting.

5. **APPRAISAL - ARTHUR GUY EAGLE THUNDER:** An appraisal was submitted for the interests of Arthur Guy Eagle Thunder at the value of \$183.34. Motion was made by Kay Gourneau to purchase these interests. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being four members for, none opposing, one

absent and none not voting. (Shirley Crane entered the Tribal Council meeting at this time.)

6. LOWER BRULE AGENCY, BUREAU OF INDIAN AFFAIRS: Notification was received from the Lower Brule Agency, Bureau of Indian Affairs, in regard to the recorded Deed #343-3268 dated October 4, 1974, covering the conveyance of undivided interests to the Lower Brule Sioux Tribe in Allotment LB-381 that contains an incorrect undivided interest of 163/6048. The correct undivided interest to be conveyed should be 162/6048. Chairman Jandreau stated that the Tribal Council would have to approve the correction and stated that no damage would be caused to the Tribe by the correction. Motion was made by Boyd Gourneau to adopt a resolution for the correction. This motion was seconded by Kay Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting.

7. STANDING ROCK SIOUX TRIBE-KEN BILLINGSLEY: A letter was received from Mr. Billingsley stated that he had been elected as the Vice President for the Aberdeen Area, by the Aberdeen Area Nations in attendance at the recent National Congress of American Indians (NCAI) convention that was held in Reno, Nevada. Mr. Billingsley request that the Lower Brule Sioux Tribe become a member and select a representative. Chairman Jandreau stated that one of the reasons that the Tribe has not been a member of NCAI is that the membership dues are \$1,000.00 a year and that NCAI is not doing anything that would benefit the Tribe. Motion was made by Boyd Gourneau to inform Mr. Billingsley that the Lower Brule Sioux Tribe would be denying membership with NCAI. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting.

8. SHIRLEY MARVIN, EDA PLANNER: Chairman Jandreau stated that Shirley Marvin is request approval two resolutions for submission for funding for a "Special Tribal Court Discretionary Funds Program" and "Share Our Strength Food Bank/Garden Project". Motion was made by Boyd Gourneau to approve the adoption of a resolution for the submission of an application for Special Tribal Court Discretionary Funds. This motion was seconded by Kay Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting. Motion was made by Boyd Gourneau to approve the adoption of a resolution for the submission of an application for Share our Strength Food Bank/Garden Project. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting.

9. ORVILLE LANGDEAU, SR. REQUEST: A letter of request was received from Mr. Orville Langdeau, Sr. to defer his lease payment until May 15, 1994. Motion was made by Boyd Gourneau to approve Mr. Langdeau Sr.'s request and to inform the Lower Brule Agency, Bureau of Indian Affairs. This motion was seconded by Kay Gourneau. Motion carried with vote being three members for, one opposing, none absent and one not voting.

10. NIELSEN & SENIOR BILLING: A billing was received from R. Dennis Ickes, Nielsen & Senior in the amount of \$321.10 for the period covering August 8, 1993 through November 19, 1993. Motion was made by Boyd Gourneau to approve the billing and to submit the billing to the Lower Brule Agency, Bureau of Indian Affairs, for review and approval. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

11. **JAMES ESTES RESIGNATION:** A letter of resignation was received from James Estes, which stated that due to his health problems feels that his position as Chairman of the Lower Brule Housing Board of Commissioners should be resigned. Motion was made by Boyd Gourneau to accept Mr. Estes' resignation and to advertise the position until the next Tribal Council meeting. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

12. **BRUCE DRALLE REQUEST FOR SUPPORT:** A letter of request was received from Bruce Dralle for support of justice for Leonard Peltier. Mr. Dralle submitted a draft resolution that requested a new trial in which all pertinent evidence is present, executive clemency, and/or a full pardon. Motion was made by Benjamin Thompson, Jr. to adopt the resolution of support. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

13. **INDIAN COUNTRY LAW ENFORCEMENT:** A letter of request was received from Indian Country Law Enforcement for a donation for a memorial to be placed for Law Enforcement Officers that had lost their lives in the performance of their duties in Indian Country. The Memorial will be located in Artesia, New Mexico. By Tribal Council concurrence Chairman Jandreau is authorized to make a \$200.00 donation.

14. **LAURENCE ZASTROW RESIGNATION:** Mr. Laurence Zastrow, Lower Brule Sioux Tribal Appellate Court stated that as of January 1, 1994, he will become a full time employee of the South Dakota State Bar Association, in which he will be in charge of putting the SD Code on CD-ROM, as a result he would be unable to continue to serve on the Lower Brule Appellate Court. Mr. Zastrow stated that he wished to thank the Lower Brule Tribe for the opportunity to have served them in this capacity, albeit, a short tenure. The cases present were certainly as interesting and complex as any that he was involved with in his appellate career. Motion was made by Kay Gourneau to accept Mr. Zastrow's resignation and to readvertise the position. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

15. **B.I.A.- ABERDEEN AREA OFFICE:** A letter was received from the Bureau of Indian Affairs, Aberdeen Area Office, Natural Resources, which stated that they had reviewed Lower Brule Sioux Tribal Resolution 94-37 requesting that the Secretary of the Interior rescind the moratorium on approval of the Tribal water Codes. Recent discussions with BIA, Central Office, Water and Land Resources employees has indicated that a BIA memo has been forwarded to the Secretary of the Interior requesting that the moratorium be rescinded. The discussion did not suggest and expected response date. Chairman Jandreau stated that this material was informational.

16. **NORWEST BANK:** Chairman Jandreau stated that a fax was received on December 31, 1993 in regard to the legal notice of application that was going to be published on January 5, 1994, in the Chamberlain Register and the Indian Country Today newspapers. This material was informational.

17. **LOWER BRULE COMMUNITY COLLEGE:** The Lower Brule Community College Monthly Report was submitted by Mary Sue Schneider; "The Fall '93 semester ended successfully with 32 of the 35 students completing their course work. Three students were withdrawn from classes for violation of the attendance policy. If the three were not administratively withdrawn, they would not have passed their

classes. This would have created a great problem if they decided to return to school at a later date. Registration for the Spring '94 semester will take place January 4-7, 1994. We are offering 21 classes in the next semester and anticipate an increase in enrollment. The balance of the Tribal Grants were distributed to the new students on December 16th. One student who did not complete his semester was issued the first half of his grant in October. An itemized report was submitted to the Tribal Secretary in this regard. Cheryl Crazy Bull, SGU Vice President and Archie Beauvais, Academic Dean visited the Community College on Monday December 20. Cheryl was very upset by our signing an articulation agreement with South Dakota State University and her original request was for us to cancel the agreement. However, the feelings of the College Board were that we had every right to sign the Articulation Agreement. A telephone conversation with Lionel Bordeaux, President of SGU, was followed by a letter to Mr. Bordeaux explaining our position in this regard. Mr. Bordeaux was not as opposed to our action as Ms. Crazy Bull. During the visit December 20, Cheryl said she met with Lionel Bordeaux and had modified her position. SGU will concur with the agreement by placing their signature on the agreement along with that of LBCC and SDSU. At their January meeting the College Board will discuss this situation in further detail before deciding upon a course of action. Dean Buchanan from the State Office of Educational Accountability made an on-site visit on December 21 in relation to Woap'e T'eca, the Alternative High School program that is scheduled to begin operation in late January. Approval was given for the program pending the hiring of a certified secondary instructor. We are advertising for the position and may have to readvertise if a suitable applicant is not recruited. The individual must hold a valid SD Secondary Teaching Certificate in English, Math or Social Studies, or all of these areas. The Certification requirement is necessary for individuals to obtain high school credit for course work.

18. **EDUCATIONAL GRANT APPLICATIONS:** Educational grant applications were received from the following individuals: Janice Badhorse Larson, Terra Beth Brings, Alexander Paul Estes, Roberta (Long Fox) McGhee. Motion was made by Kay Gourneau to approve the Educational Grant applications as long as all paperwork was in place. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

19. **MCH MONTHLY REPORT:** The Lower Brule Sioux Tribe M.C.H. Monthly report was submitted by Elvera Driving Hawk, Director, for review by the Lower Brule Sioux Tribal Council. The Lower Brule Sioux Tribal Council reviewed the M.C.H. Monthly report. No action was taken on this matter.

20. **MNI WICONI RURAL WATER SUPPLY PROJECT:** Mr. Bruce Jennings, Mr. Paul Little, Mr. Mike Kurle, Mr. Tony Moran and Mr. Lee Gourneau entered the Tribal Council meeting at this time. A report was made to the Lower Brule Sioux Tribal Council on the progress of the Mni Wiconi Rural Water Supply Project with the possibility of the Lower Brule Sioux Tribe temporarily providing water services to Reliance and Kennebec, which Mni Wiconi would purchase from the Tribe, such possibility would have to be looked into further. Chairman Jandreau requested that Mni Wiconi work with I.H.S. and investigate this possibility. Under the revised legislation there is a suicide clause that states that the money will be provided but the project must be completed by the year 2005. Motion was made by John Estes, Sr. to authorize Mni Wiconi to work with I.H.S. to investigate the possibility of Lower Brule supplying water in the Lyman-Jones area. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting.

The Lower Brule Sioux Tribal Council meeting recessed at 1:15 PM. The Lower Brule Sioux Tribal Council meeting reconvened at 2:50 PM.

21. **LOWER BRULE ENROLLMENT:** Chairman Jandreau stated that Mandy Lynn (Goodface) Hornaman and Rudy Dean (Goodface) Hornaman had been inadvertently enrolled at the last Tribal Enrollment meeting. The children's parents were not enrolled in the Lower Brule Sioux Tribe. Motion was made by Boyd Gourneau to remove the children from the Lower Brule Sioux Tribal Enrollment records. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

22. **SHIRLEY MARVIN, EDA PLANNER:** Shirley Marvin, EDA Planner submitted a draft resolution for approval by the Lower Brule Sioux Tribal Council to approve a program requirement (contract or other) to write into existing budgets, new program budgets, and revise current budgets to include five specific line items; Communications, Utilities, Space Rent, Administration and Audits. Chairman Jandreau stated that the Tribe has absorbed these costs, mainly because there has not been enough budgeted to the programs to provide these types of indirect costs. Motion was made by Boyd Gourneau to adopt the resolution. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

23. **SHIRLEY MARVIN, EDA PLANNER-C.E.D.B.G.:** A request was received from Shirley Marvin for a C.E.D.B.G. grant for Larry Ness. Ms. Marvin submitted a letter in which Mr. Ness would receive a \$30,000.00 loan from Bankwest provided that he provide a \$15,000.00 down payment, which would be utilized to purchase livestock. Motion was made by Benjamin Thompson, Jr. to approve the C.E.D.B.G. grant for Larry Ness in the amount of \$15,000.00, because he has fulfilled the requirements of the C.E.D.B.G. Program. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

24. **BART NESS - I.H.S. WATER/SEWER REQUEST:** A letter of request was received from Bart Ness to be placed on the I.H.S. water/sewer priority list for water and sewer services on his homesite. Chairman Jandreau stated that Mr. Ness is in the process of having a home or trailer placed on his homesite. Motion was made by Boyd Gourneau to request I.H.S. to place Bart Ness on the water/sewer priority list for services. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting.

25. **MNI SOSE INTERTRIBAL WATER RIGHTS COALITION, INC:** Notification was received from Mni Sose that membership dues and the delegation of representatives was needed by the Lower Brule Sioux Tribe for the New Year. Chairman Jandreau asked Boyd Gourneau what the membership dues were. Mr. Gourneau stated, \$200.00 a year. Chairman Jandreau stated that Boyd Gourneau has been the representative for the Tribe in the past. Motion was made Shirley Crane to pay the membership dues and to name Boyd Gourneau as representative. This motion was seconded by Kay Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting.

Motion was made by Benjamin Thompson, Jr. to take the Range Unit away from Jean Bolman, because she is not in compliance. Chairman Jandreau asked Mr. Thompson, Jr. why he thought Ms. Bolman was out of compliance. Mr. Thompson, Jr. stated because she did not have cattle on her Range Unit. Chairman Jandreau stated that

Ms. Bolman's Range Unit is a farm/pasture lease and she would not be in violation for not having cattle.

26. **MARIA ESTES REQUEST:** Maria Estes entered the Tribal Council meeting and request that the J.T.P.A. Program be moved to the old finance building so that Voc. Rehab., which had more employees than J.T.P.A., could utilize the J.T.P.A. Office. Motion was made by Boyd Gourneau to work with J.T.P.A. and Voc. Rehab. with their problems with office space. This motion was seconded by Kay Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting.

27. **LOWER BRULE AGENCY EMERGENCY OPERATIONS PLAN:** Noble LaCroix, Agency Superintendent, submitted the Lower Brule Agency Emergency Operations Plan, which was promulgated as the guidance for emergency response operations for the Lower Brule Reservation, which is a concept of comprehensive emergency management that all Lower Brule Tribal and BIA Staff will work together to provide coordinated effective response to the emergency. Motion was made by Shirley Crane to approve the Plan and to authorize Chairman Jandreau to sign the certificate of adoption of the Plan. This motion was seconded by Kay Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting.

The Lower Brule Sioux Tribal Council meeting recessed at 3:58 PM. The Lower Brule Sioux Tribal Council meeting reconvened on January 11, 1994 at 10:01 AM, with all Tribal Council Members present. Also present was Tom Hanke, Noble LaCroix, Lisa Estes, and Patricia Lundell.

28. **TOM HANKE-LOWER BRULE FARM CORPORATION:** Mr. Tom Hanke addressed the Lower Brule Sioux Tribal Council with the Lower Brule Farm Corporation's 1993 Annual Report and Audit Report. Mr. Hanke stated that in spite of cool/wet weather we had a good season. Mr. Hanke stated that the total profit for the Tribe over the years that the Farm Corporation has been in operation is seven million dollars. Mr. Hanke stated that the Lower Brule Farm Corporation income for the year was \$1,118,751.00, the Corporate Profit is \$484,686.00 and the Tribal Profit is \$484,686, and the depreciation on irrigation is \$149,379.00. Mr. Hanke presented the Ben Rifle Educational Scholarship to the Lower Brule Sioux Tribal Council also, for the amount of \$5,000.00. Chairman Jandreau stated that each year Mr. Hanke would tell the Tribal Council not to depend on the Farm Corporation's payment, in fear the Farm Corporation may have a bad year. He did not give this speech this year, it kind of scares me. Chairman Jandreau state that the Farm Corporation Board has always kept a seat open on the Board for a politician, which was left vacant after Bill Janklow resigned. Chairman Jandreau stated that Jim Abnor had been asked to serve on the Board, but declined the position. Chairman Jandreau stated that Manuel Lujan has also been asked to serve on the Board and stated that he would accept the position. Chairman Jandreau stated that this matter would require Tribal Council action. Motion was made by Kay Gourneau to place Manuel Lujan on the Lower Brule Farm Corporation Board. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting. Chairman Jandreau stated that Mr. Hanke has brought over eight million dollars in assets to the Lower Brule Sioux Tribe since he has been Manager, he has brought integrity to the Tribe and I want to take this moment to tell Mr. Hanke that he is appreciated. Mr. Hanke thanked the Tribal Council and left the Tribal Council meeting at this time.

Chairman Jandreau requested Lisa Estes to present the 1994 Tribal Budget. Chairman Jandreau stated that the first schedule shows the income from Lower Brule Employment Enterprise, Lower Brule Wildlife Enterprise and the Golden Buffalo Casino. The Budget does not include I.D.C., it just shows the Treasury Income. Schedule two shows the projected income totally. Chairman Jandreau stated that the first payment for Cherry Ranch is due on the first of March, we will have the payment with the draw down. We anticipate to leave the payment in an account for as long as possible to generate interest from it; \$471,589.00. Chairman Jandreau asked Mrs. Estes what the Tribe has drawn down to date. Mrs. Estes stated, \$100,000.00. Chairman Jandreau stated that on the expense page, everything is the same except for the cost of living increases and the Cherry Ranch payment. Chairman Jandreau stated that the Hay Pelleting Note that is due will be the last payment. Chairman Jandreau stated that he had got a response from Tom Hanke, I had him do an analysis of putting additional acres into alfalfa and the cost ratio of putting that in, plus the protein content in the alfalfa in that area would not make it feasible to move that plant, because of the inconsistency to sell at a regulated level. Benjamin Thompson, Jr. stated, because of the soil rating up there. Chairman Jandreau stated, yes, and with dry land alfalfa, you are not able to generate a consistent level of protein value for feed stock. An analysis was also done on that sludge deal and what they said on that was, because of the high sodium content of the sludge and the high sodium content of the soil itself, it would probably neutralize the soil and then nothing would grow. Benjamin Thompson, Jr. stated, we will have to try and sell it outright then. Chairman Jandreau stated, yes. Chairman Jandreau asked if any had any questions on the Budget. Motion was made by Boyd Gourneau to approve the 1994 Tribal Budget. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

29. **LOWER BRULE EMPLOYMENT ENTERPRISE:** Chairman Jandreau stated that a request was received from Lower Brule Employment Enterprise for authorization for a lease/purchase agreement between the Lower Brule Employment Enterprise and Ag Capital Company for the purchase of a John Deere 410D Tractor/Loader/Backhoe. Motion was made by Boyd Gourneau to approve the lease/purchase Agreement with Ag Capital Company. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

30. **SACRED HILLS CENTER:** Patricia Lundell presented three bids for the purchase of two passenger vans for Sacred Hills Center. Bids were received by Harry K Chevrolet, Willrodt Motors and Don's Ford. Don's Ford presented the low bid at \$23,200.00. Motion was made by Kay Gourneau to go along with the low bid from Don's Ford. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

31. **INDIAN HEALTH SERVICE CUTS:** Chairman Jandreau stated that he had sent letters to Mike Trujillo, Hillary Rodham Clinton, Congressman Tim Johnson, Senator Larry Pressler, Mike Lincoln Acting IHS Director, and Congressman Thomas Daschle. Chairman Jandreau stated Indian Health Services has been forced to take a cut in funding in the direct service program. Right now we operate at 70% capacity, and that is only because of third party collections with insurance from Tribal and Casino Employees and Title 19, etc. The 13% cut would leave us operating at 57% capacity. We are the lowest of any Service Unit in the Area. This is a real problem, I will be talking when I go to Washington. We are being raped in this situation. There are also cuts to B.I.A. John Estes, Sr. asked, who do we go to

on this, we are getting bigger, we cannot afford these cuts. Chairman Jandreau stated that with Vice President Gore's "Self Governance" they are cutting us off. We have to justify the budget on our own without Treaty responsibilities. An with the Reservations with Casino's they are looking at that as enough income to have self governance, they can take care of themselves, but we are down 33% from last year, hopefully with the Motel we can get some revenue. They are deliberately selling self governance without tying Treaties into it. There are so many Tribes out there without Treaties and they are going with it, self governance. The Navajo Tribe is now getting involved, they have a treaty. The Tribes without Treaties are controlling the destiny for the rest of us. If we did not have the diversity to push and have construction done here with our people, this is giving us a balance. The Lower Brule Wildlife Enterprise has done better this year than any year it has been in operation. With the Casinos that the Tribes have, we are bringing income in for the State and they are still looking at us as an enemy. We are stabilizing the State taxes. With the B.I.A. and I.H.S. we provide 25-30 million worth of sales taxes for the State and that is just for this Tribe, this wasn't here before, and look at all the other Tribes, them too. So, we wrote to Daschle, he is supposed to be taking a lead role in our health care process. We asked him not to diminish the budget on the backs of the Indian budget. If the Tribe used our insurance as secondary to I.H.S. we would save \$80,000.00 a year. The reason we have not gripped is because we put it into the Service Unit to provide more services.

John Estes, Sr. stated that he had got a call from Darrell Middleton and he wanted to know if they were going to get their bonus' this year. Chairman Jandreau stated that the Tribe could see what they could do.

32. SHIRLEY MARVIN, EDA PLANNER: Shirley Marvin submitted a resolution for approval by the Lower Brule Sioux Tribal Council for certification of citizen participation requirements of 24 C.F.R. 571.604 having been met in application of the H.U.D.-C.D.B.G. Application B-93-SR-40-0021. Motion was made by Kay Gourneau to adopt this resolution. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

The Lower Brule Sioux Tribal Council meeting recessed at 11:08 AM. The Lower Brule Sioux Tribal Council meeting reconvened on February 1, 1994, at 1:55 PM, with Kay Gourneau absent. Also present was Noble LaCroix and Alan Lien.

33. LBST CHERRY RANCH BIDS: Chairman Jandreau stated that some of the bidders were present today for the bid opening on the LBST Cherry Ranch. Chairman Jandreau opened the sealed bids and stated each bid amount. Bids for the LBST Cherry Ranch were recieved from: Galen Theobald, Leland Pearson, Joe Thorne & Fred H. Olson, Sr., Orville Hicks, Tracy & Scott Dowling, Kathy Coleman, Brenda Lytle, and Mack Wyly. Chairman Jandreau stated that no action would be taken on the bids today because a full quorum was not present.

Chairman Jandreau stated that the taxes on the LBST Cherry Ranch would need to be paid, \$17,000.00, and that payment would have to be made on the high school project hous and the bank building. Chairman Jandreau stated that the income from the lease on the LBST Cherry Ranch, after a decision is made tomorrow, could be utilized for these items. Motion was made by John Estes, Sr. to utilize the income from the lease bids to acquire the buildings and to pay the taxes on the LBST

Cherry Ranch. This motion was seconded by Boyd Gourneau. Motion carried with vote being four members for, none opposing, one absent and none not voting.


34. **MNI WICONI RURAL WATER SUPPLY SYSTEM:** Chairman Jandreau informed the Tribal Council that members of Mni Wiconi were in Washington, DC, and needed a Resolution from the Lower Brule Sioux Tribe approving the amendments made to the proposal for Mni Wiconi, which included the Lower Brule Sioux Tribe and Rosebud Sioux Tribe in the water system proposal. Motion was made by Boyd Gourneau to adopt the amendments and submit them to Mni Wiconi. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being four members for, none opposing, one absent and none not voting.

The Lower Brule Sioux Tribal Council meeting recessed at 2:12 PM. The Lower Brule Sioux Tribal Council reconvened on February 2, 1994, at 10:43 PM, with all Tribal Council Members present. Also present was Noble LaCroix, Alan Lien and Paul Pooler.

ADJOURNMENT: Motion was made by Kay Gourneau to adjourn the January Regular Session meeting. This motion was seconded by Boyd Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting.

CERTIFICATION

The foregoing is a true and correct transcript to the Minutes from the Regular Meetings held by the Lower Brule Sioux Tribal Council on January 5th, 11th, and February 1st and 2nd, 1994.



SANDY LA CROIX, RECORDING SECRETARY
LOWER BRULE SIOUX TRIBAL COUNCIL

**LOWER BRULE SIOUX TRIBAL COUNCIL
REGULAR SESSION
MARCH 2, 1994**

PRESENT: Michael B. Jandreau, Chairman
Kay Gourneau
Shirley Crane
Boyd Gourneau
John Estes, Sr.
Benjamin Thompson, Jr.

ABSENT: None

ALSO PRESENT: Noble LaCroix, John Van Horne, Dean Heida, and Mary Sue Schnieder.

The Lower Brule Sioux Tribal Council meeting was called to Order by Chairman Michael B. Jandreau at 11:27 AM. Roll call was taken by the Recording Secretary and the Lord's Prayer was led by Chaplain John Estes, Sr.

1. MARY SUE SCHNIEDER-L.B.C.C.: Mary Sue Schnieder stated that the Lower Brule Community College has received their certificate for the alternative school. Lower Brule is the only school on a Reservation that is certified. We have seventeen people enrolled to get their high school diplomas, six to get their G.E.D. and one in basic adult education, and there are also two students who we have on a part time basis. Mrs. Schnieder stated that there was funding available for a grant for the LBCC library and I would like to see a combined effort of the High School, LBCC and the Tribal Law library. Chairman Jandreau stated that one way that this could be done, after we pay for the house, is to sell the house and use that money to build a library. The Law library could only be used as research and nothing could be checked out. Mrs. Schnieder stated that the house would make a great day care center. Chairman Jandreau asked Mrs. Schnieder to put a proposal together for utilization of these items discussed that the Tribal Council can approve. Motion was made by John Estes, Sr. to accept the LBCC report for March. This motion was seconded by Kay Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting.

2. GOLDEN BUFFALO RESORT MOTEL: Chairman Jandreau stated that he invited John Van Horne here today to give the Tribal Council a report on the Motel and RV Park. John Van Horne stated that the opening date for the Motel is set for May 1, 1994, but there is some concern yet on that date. The Motel will have 38 rooms and an indoor pool. We have searched for a manager for the Motel, both Indian and nonIndian, we contacted Edgar Loudner's daughter, who has experience, but she was not interested. We have gotten in contact with Dorothy Thompson, as we have found out Managers are very expensive. We will be utilizing Mrs. Thompson for the motel and restaurant. She will come in with her husband for \$30,000.00 a year and she will be on probation for four months and would be eligible for a raise at that time, if we feel she deserves one. Mrs. Thompson is willing to train Lower Brule individuals for the food/beverage Manager position at the Casino. The motel will employ an additional four people, three housekeepers and a maintenance worker. John Van Horne stated that the motel will only accept Visa and Master cards and not American Express, nobody uses American Express any more accept in the Cities. Noble LaCroix stated that the Bureau just switched from the Diner's Club to American Express. Chairman Jandreau stated that Mr. Van Horne should also include American Express. Motion was made by Kay Gourneau to concur in the placement of

Dorothy Thompson as the Motel and Food/Beverage Manager. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

Chairman Jandreau informed Dean Heida that Helgeson Development was concerned that the Motel would not be complete on May 1, 1994. Mr. Heida submitted a progress schedule on the completion date of the Motel. Mr. Heida stated that Employment Enterprise are ahead of schedule. We need Helgeson Development to get in the plumbers and electricians so we can start sheet rocking. Chairman Jandreau stated that Employment Enterprise has been pushing Helgeson Development to get material and people here. Mr. Heida stated that he was informed that the plumber would not be here until week and the electrician would be here until two or three days later. It should take one to two weeks to get the electrical, plumbing and sheet rock done. Benjamin Thompson, Jr. asked if any more people would be hired to help with the Motel. Mr. Heida stated that they would probably be looking for more sheet rockers. Chairman Jandreau stated that Employment Enterprise is requesting the use of the gravel pit that is on the south sit of J.W. Thompson's. John Estes, Sr. asked why they could not use Mr. Thompson's. Chairman Jandreau stated that all was left there was sand. Motion was made by John Estes, Sr to authorize Lower Brule Employment Enterprise to obtain a free use gravel permit. This motion was seconded by Kay Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting.

Mr. Heida presented the Tribal Council with a cost breakdown and drawing of the convention center/town hall. The construction of this building will cost \$120,000.00 and the building will be 40 X 60, with three meeting areas, an area for dancing, and two office spaces that can be rented. Motion was made by Boyd Gourneau to authorize Chairman Jandreau to pursue the development of the building. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

3. **JOHN & SHIRLEY FLUTE:** Mr. & Mrs. Flute submitted a letter to the Lower Brule Sioux Tribal Council in regard to charges brought on their son by the Criminal Investigator. Shirley Flute stated that the Criminal Investigator's son was involved in this matter and was not charged. Noble LaCroix stated that Mrs. Flute had submitted this matter to Aberdeen and that this issue was probably already in Washington. Noble LaCroix stated that he would call and find out where this matter was.

4. **GENERAL COUNSEL BILLING:** A billing was received from General Counsel, Julian H. Brown, for the period covering January 31, 1994 through February 27, 1994, in the amount of \$7,659.35. Motion was made by Kay Gourneau to approve the billing and to submit the billing to the Bureau of Indian Affairs for review and approval. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

5. **VOCATIONAL REHABILITATION POSITION:** A letter of recommendation was received from Maria Estes, Voc. Rehab. Director, for the secretarial position that was vacant in her program. Ms. Estes recommended the placement of Janet Big Eagle as Voc. Rehab. Secretary. Motion was made by Benjamin Thompson, Jr. to approve the Directors recommendation. This motion was seconded by Kay Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting. (Shirley Crane left the Tribal Council meeting at this time.)

6. **SHIRLEY MARVIN-EDA PLANNER:** A draft resolution was submitted by Shirley Marvin, EDA Planner, for approval for additional funding for technical assistance funding under the C.E.D.B.G. Program. Motion was made by Boyd Gourneau to approve the request and adopt the resolution for submittal. This motion was seconded by John Estes, Sr. Motion carried with vote being four members for, none opposing, none absent and none not voting. (Shirley Crane enter the Tribal Council meeting at this time.) (Chairman Jandreau left the Tribal Council meeting at this time.) Shirley Marvin also submitted a draft resolution to request funding through the South Dakota Department of Transportation, S.D.D.O.T. I.S.T.E.A. for the expansion, renovation and repair of the Pow wow grounds, rodeo grounds, soft ball field and a bike trail. Motion was made by Benjamin Thompson, Jr. to adopt this resolution for submission. This motion was seconded by Kay Gourneau. Motion carried with vote being four members for, none opposing, one absent and none not voting.

7. **PRAIRIE ISLAND DAKOTA COMMUNITY:** A letter of request for support was received from the Prairie Island Dakota Community, Welch, Minnesota, to send letters to Congressional Delegation against the placement of an above ground storage facility of spent high level radioactive nuclear fuel that is adjacent to their Reservation. Motion was made by John Estes, Sr. to submit letters in support of the Prairie Island Dakota Community. This motion was seconded by Shirley Crane. Motion carried with vote being four members for, none opposing, none absent and none not voting.

8. **L.B.S.T. RODEO CONTRACT 1994:** Boyd Gourneau submitted the contract for the L.B.S.T. Rodeo for August 12th, 13th, and 14th, with Pete Longbrake. Mr. Gourneau stated that contract is identical as last years. John Estes, Sr. asked if the amount was enough. Mr. Gourneau stated that it was. Motion was made by John Estes, Sr. to approve the LBST 1994 Rodeo Contract with Pete Longbrake. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being four members for, none opposing, one absent and none not voting. (Chairman Jandreau entered the Tribal Council meeting at this time.)

9. **LAND SALE APPLICATION-BETTY JEAN FELICIA:** A land sale application was received from Betty Jean Felicia for the sale of her fee interests to the Lower Brule Sioux Tribe. Motion was made by Kay Gourneau to request an appraisal on these interests. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being five members for, none opposing, none absent and none not voting. John Estes, Sr. asked how does this individual hold interests on this land, being a nonIndian. Chairman Jandreau stated that she was married to an enrolled member and that there were no kids so the land was turned over to his wife. Chairman Jandreau stated that he would look into this matter.

10. **EDUCATIONAL GRANT APPLICATIONS:** Educational grant applications were received from Angela Estes, Lori Carpenter, D. Karen Jones, Holly Enright, Shane Goodlow, and Clayton Grassrope. Motion was made by Benjamin Thompson, Jr. to approve the grants as long as all paperwork was in place. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

11. **I.H.S. PERSONNEL CONTRIBUTION:** Chairman Jandreau stated that a Memorial Fund has been established for children of the I.H.S. Doctor's that lost their lives in the airplane accident and I think that the Tribe should make a contribution. John Estes, Sr. asked how much for each one, how many are there. Chairman Jandreau stated that the contribution would be divided among the children. By Tribal Council

concurrence, Chairman Jandreau is authorized to make a contribution to the Memorial Fund. (Julian H. Brown entered the Tribal Council meeting at this time.)

12. JULIAN H. BROWN-GENERAL LEGAL COUNSEL: Julian H. Brown stated that the notification was received on an Indian Child Welfare Case, I.C.W.A., in Arkansas and needs authority from the Tribal Council to allow him to appoint an associate to handle the case, who is licensed in Arkansas. Motion was made by Kay Gourneau to authorize Julian Brown to acquire an associate for this I.C.W.A. case. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting.

The Lower Brule Sioux Tribal Council meeting went into Executive Session at 2:44 PM. The Lower Brule Sioux Tribal Council meeting reconvened at 3:07 PM.

13. DINA BRANDT-L.F.C.D.C.: Dina Brandt stated that she is working to get a grant in for the Native American Loop, through the S.D.D.O.T., I.S.T.E.A., there is only one month left to get the grants in and I think you should get a grant in. I have talked to Shirley Marvin and she is supposed to be working on your grant application. Ms. Brandt stated that the C.O.E. is interested in working with the Native American Loop, they will lease us a building for twenty-five years, it has restrooms and shades, we can hold dances there and people can sell their art work. I think you all have to get a tourism department set up, we can get you the tourists here with the buses, but you have to have something to offer them, tours of the wildlife, the farm, etc, and have art work items for sale. Chairman Jandreau informed Ms. Brandt that the Tribe is developing a town hall/convention center that would have an office space for rent. Ms. Brandt stated that that office could be used for a tourism office. Ms. Brandt informed the Tribal Council that there will be a banquet held by the L.F.C.D.C. on April 21, 1994, and requested all the Council Members to attend. Ms. Brandt stated that at the last LFCDC meeting the members discussed the new clinic that will be built. The LFCDC members wanted to meet with the Hospital board before they took any action on the new clinic, but LFCDC feel that if the Doctors want to assume the debt; and their clients are following them, then it should be some good competition. By Tribal Council concurrence Chairman Jandreau is authorized to submit a letter of support for the new clinic. (Shirley Crane left the Tribal Council meeting at this time.)

14. L.B. HEALTH BOARD: A letter of recommendation was received from the Lower Brule Health Board for the positions of Teen Help Center Manager and Assistant Manager. The recommendations made by the L.B.H.B. were: Fritz LaRoche for T.H.C. Manager and Karen Quilt for Assistant Manager. Motion was made by John Estes, Sr. to approve the recommendations made by the L.B.H.B. This motion was seconded by Kay Gourneau. Motion carried with vote being four members for, none opposing, one absent and none not voting.

15. NOBLE LA CROIX-B.I.A. SUPERINTENDENT: Mr. La Croix stated that he wanted to discuss with the Tribal Council the problem with the numerous dogs running loose. Mr. La Croix stated that there is a pack of about twenty. Chairman Jandreau stated that notices would have to be posted that it is being taken under consideration to decrease the population of unwanted dogs. Kay Gourneau stated that there should be somewhere where the dogs could be kept if someone wanted to claim them before they are destroyed. No further action was taken on this matter.

Chairman Jandreau stated that plans are being set for the Chairmen's hunt. We have set the date for March 18, 1994.

The Lower Brule Sioux Tribal Council meeting recessed at 4:02 PM. The Lower Brule Sioux Tribal Council meeting reconvened on March 10, 1994, with all Tribal Council members present. Also present was Daphne Richards Cook and Paul Schwietzer.

16. DAPHNE RICHARDS COOK: Chairman Jandreau stated that he invited Mrs. Cook into the Tribal Council meeting today. Chairman Jandreau stated that this was probably very unorthodox, but that he had talked with Mrs. Cook and found that she would be a great asset to the Tribe, we could utilize her with advertising, planning, public relations, tourism, the Community College and youth and educational Projects. Mrs. Cook stated that she has had a lot of experience working with fund raising events. Chairman Jandreau stated that he had talked with Lisa Estes and we can pick her up out of I.D.C. at \$25,000.00 to begin with on a ninety day probationary period. John Estes, Sr. asked Mrs. Cook what Tribe she was from. Mrs. Cook stated she was Oglala, originally from Kyle. John Estes, Sr. asked Mrs. Cook if she thought she could handle all of this. Mrs. Cook stated that she was used to jumping from one project to another, it is more interesting that way. Motion was made by Kay Gourneau to hire Daphne Richards Cook. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

18. PAUL SCHWIETZER: Chairman Jandreau stated that Mr. Schwietzer wanted to address the Tribal Council in regard to vehicles that he has sold to members of the Tribe. Mr. Schwietzer stated that at first he didn't think anything of selling a few cars, but after a while we kept getting more requests and I felt that I needed some kind of authorization to sell these cars. We have a lot in Isabelle and Eagle Butte. I have been in the car business for twelve years. We have established financing for a lot of people already, we have sold 14-15 cars already and we have had no repercussions as of yet. We don't try to rip people off. We provide service through Ron's Service in Chamberlain, he does the work for us. We are a Ford Dealer and we would be willing to work with the Tribe. Last year we sold 560 units in Eagle Butte and of course there are always some people that get disappointed, but they always come back. We want to do business here and I can't believe that the local Ford dealer won't work with some of the people we have helped, you have to give them a chance. Mr. Schwietzer stated that he would like to get a payroll deduction set up, I am like anyone else when it comes to paying bills and this would be easier. Boyd Gourneau stated that it would give a little competition. (Boyd Gourneau left the Tribal Council meeting at this time.) Motion was made by John Estes, Sr. to allow Mr. Schwietzer to sell vehicles here. This motion was seconded by Shirley Crane. Motion carried with vote being four members for, none opposing, one absent and none not voting.

19. L.B. NORWEST BANK: Chairman Jandreau stated that he had talked to Norwest Bank and they stated that they would give the Tribe a loan for \$32,000.00 for the Norwest Bank building. Chairman Jandreau stated that the Tribe had the \$40,000.00. (Boyd Gourneau entered the Tribal Council meeting at this time.) The total cost is \$72,000.00. We will have a three year lease on the loan, which will be set up at \$1,600.00 per month, \$1,200.00 for the payment and \$4,000.00 for utilities, etc. Motion was made by Kay Gourneau to authorize Chairman Jandreau to obtain a loan through Norwest Bank for \$32,000.00. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

20. LBST TOWN HALL/CONVENTION CENTER: Chairman Jandreau stated that he had also talked with American State bank in Pierre on obtaining a loan for the

construction of this building for \$120,000.00. Employment Enterprise has estimated the cost to construct the building to be \$105,000.00 and the remainder of the loan will be utilized for the parking lot, which would include the parking lot for the bank and landscaping. Chairman Jandreau stated that this would actually be a credit line in that the loan would be for what was used. Motion was made by Boyd Gourneau to authorize Chairman Jandreau to obtain a loan through American State Bank in Pierre for the construction of the town hall/convention center, in the amount of \$120,000.00. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

21. **SHIRLEY MARVIN-EDA PLANNING:** Shirley Marvin, EDA Planner, submitted two draft Resolutions for review and approval by the Lower Brule Sioux Tribal Council. The first Resolution was a request to Indian Health Service for funding to allow the Lower Brule Sioux Tribe to conduct a feasibility study on the feasibility of the Lower Brule Sioux Tribe "638" contracting current I.H.S. Services. Motion was made by Kay Gourneau to adopt the resolution for submission. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting. The second resolution was for the submission of an application to the Department of Education, Office of Educational Research and Improvement, Library Programs to assess and plan, to train library personnel and purchase library materials. Motion was made by Kay Gourneau to adopt the resolution for submission. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

22. **SCOTT JONES REQUEST:** A letter was received from Scott Jones requesting Tribal Council approval on resolutions for funding of: N.A.G.P.R.A. Documentation Award Application and the Repatriation Award Application, which is a grant through the National Park Service to assist Tribes in the development of a program to handle the assessment, evaluation, documentation, and logistics involved in reviewing collections of ancestral remains associated funerary objects and cultural items. Motion was made by Kay Gourneau to adopt the resolution for Documentation Award Application for submission. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting. Motion was made by Boyd Gourneau to adopt the Repatriation Award application resolution for submission. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being five members for, none opposing, none absent and none not voting. The 1994 TMDL and nonpoint source/TMDL mini-grants for the development of total maximum daily loads, and or addressing nonpoint source TMDL's application is due in March 28, 1994. Motion was made by Benjamin Thompson, Jr. to adopt this resolution for submission. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting. The 1994 point source water quality NPDES 104(B)(3) grants to conduct and promote the coordination and acceleration of research, investigations, experiments, training, demonstrations, surveys and studies related to the causes, effects, extent, prevention, reduction and elimination of pollution through the Environmental Protection Agency is due April 1, 1994. Motion was made by Kay Gourneau to adopt this resolution for submission. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting.

23. **SHIRLEY MARVIN-CEDBG PROGRAM:** A letter was received from Shirley Marvin in regard to a request received from Tim Jandreau for a CEDBG Grant to supplement an

FHA Grant. Shirley Marvin stated that Mr. Jandreau received an FHA grant of 29,500.00, which already has been approved and that the CEDBG Grant program could supplement a \$5,900.00 grant to Mr. Jandreau. Boyd Gourneau asked if this loan would jeopardize the Tribe in obtaining further Grants from CEDBG because he does not live on the Lower Brule Reservation. Chairman Jandreau stated that Tim Jandreau does live on another Reservation. Motion was made by Benjamin Thompson, Jr. to approve the CEDBG Grant for Tim Jandreau. This motion was seconded by Boyd Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting.

24. SONNY ZIELGER REQUEST: A letter of request was received from Gayle Ziegler for assistance for Sonny Ziegler to move his belongings back to Lower Brule. By Tribal Council concurrence Chairman Jandreau is authorized to find out what the needs are and assist Sonny Zielger.

25. L.B.S.T. WATER/SEWER PROGRAM: Chairman Jandreau stated that Alvin Johnson had resigned his position from the LBST water/sewer program. Chairman Jandreau stated that he has asked Donny Harrison to fill this position. Mr. Harrison has worked in the landfill in Pierre and is knowledgeable in this area. We need someone who is dependable and who will take this job seriously. Chairman Jandreau stated that he would also like to try and get Brad Whitney on also, he is a plumber. We are trying to make the system fully automated, it will still have to be checked regularly 24 hours a day. No action was taken on this matter at this time.

Chairman Jandreau stated that the Tribe needs to request to contract any available funding through the Bureau of Indian Affairs for landfill closing and clean up. Motion was made by Kay Gourneau to request to contract the B.I.A. funding for the landfill closing and clean up. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting.


John Estes, Sr. stated that he has gotten a lot of people telling him that the Tribal Employees are not going to work when they should and are also at the Casino when they should be at work. Chairman Jandreau stated that a memorandum could be sent out telling the employees that this is an object of concern that has been discussed and that they should stay at their job site and refrain from this type of activity.

The Lower Brule Sioux Tribal Council meeting recess at 3:05 PM. The Lower Brule Sioux Tribal Council meeting reconvened on April 18, 1994, at 11:15 AM, with all Tribal Council members present. Also present was Noble LaCroix.

ADJOURNMENT: Motion was made by Boyd Gourneau to adjourn the March Regular Session meeting. This motion was seconded by Shirley Crane. Motion carried with vote being four members for, none opposing, one absent and none not voting.

CERTIFICATION

The foregoing is a true and correct transcript to the Minutes from the Regular Meetings held by the Lower Brule Sioux Tribal Council on March 2nd, 10th and April 18, 1994.


SANDY LA CROIX, RECORDING SECRETARY
LOWER BRULE SIOUX TRIBAL COUNCIL

**LOWER BRULE SIOUX TRIBAL COUNCIL
REGULAR SESSION
APRIL 18, 1994**

PRESENT:	Michael B. Jandreau, Chairman Kay Gourneau Shirley Crane Boyd Gourneau John Estes, Sr. Benjamin Thompson, Jr.	ABSENT:	None
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ALSO PRESENT: Noble LaCroix, Julian H. Brown, Mike Hanzlik, and John Van Horne.

The Lower Brule Sioux Tribal Council meeting was called to Order by Chairman Michael B. Jandreau at 11:15 AM. Roll call was taken by the Recording Secretary and the Lord's Prayer was led by Chaplain John Estes, Sr.

1. **HOVEN HOLDING COMPANY, INC:** Chairman Jandreau stated that three investors for the Casino had approached him in regard to buying out their shares. Chairman Jandreau stated that he had asked John Van Horne to do a cost analysis for a possible buy out, Mr. Van Horne stated that it would be \$590,000.00. The Tribe would then own 30 shares of Hoven Holding Company, 6 of 9 shares for Lower Brule Enterprises on the management of the Motel and would include purchasing two C.D.'s at \$34,000.00. The C.D.'s would be kept for five years. Chairman Jandreau stated that the Tribal Council would have to approve this buy out and that three people would have to be placed for representation for each of the shares. Chairman Jandreau stated that if the Tribe does not buy the investors out, the investors are stating that they will take over the operation, their will be displacement of Tribal members, we will have to provide more strength instead of firing people, we cannot loose this employment base. Chairman Jandreau stated that the investors have not been paid for the last four months. John Van Horne stated that he understood when he got in that this may happen and he accepts this and does not want to buy out. Chairman Jandreau stated that the Motel will help out tremendously, we have \$10,000.00 worth of booking through the end of the first month opening. Chairman Jandreau stated that he believed that Norwest Bank would loan the Tribe the money. Chairman Jandreau stated that when the investors don't get their share they don't like it, they have stretched their financing and they become dependant on this income, the money that was made at the Casino had to used for operations, we are coming out of some very slow months. Boyd Gourneau asked how the pay back would be on the buy out. Chairman Jandreau stated that it would be monthly and it would go against the overall Note. Chairman Jandreau stated that he had been attending numerous meeting and has been stretching himself out, we have to get this done and we have to get the convention center done also, to keep people here, we have to stabilize the patronage. Benjamin Thompson, Jr. stated that he did not see any problem in it, will we be able to look over the paperwork. Chairman Jandreau stated yes, the Note will be for three years, but I believe, at the rate that we are going, we can pay the Note off in ten months. John Estes, Sr. stated that he would like to set up a meeting with the investors. Chairman Jandreau stated that a conference call could be set up this afternoon.

2. JULIAN H. BROWN-GENERAL LEGAL COUNCIL: Julian H. Brown stated that A.S.C.A.P., a copyright company/performing rights organization, is requesting money from the Golden Buffalo Casino, because the play the radio for employees and customers. They are request \$700.00 to \$800.00 a year plus the past years that were not paid. There is also another company, B.M.I., which costs ten times more than A.S.C.A.P. By Tribal Council concurrence, Julian H. Brown is authorized to negotiate a flat rate of \$400.00 to \$500.00 and request a waiver for the past years.

Mr. Brown stated that he is still working on the L.B.S.T.'s Motor Vehicle Tax with the Revenue Department, I believe that the Tribe will be able to get a refund, they have sent all the forms for the refunds. Mr. Brown stated that the gasoline that was resold by the Lower Brule Propane Company for Tribal Vehicles should get the refund. Motion was made by Boyd Gourneau to allow Julian H. Brown to file for the refunds on behalf of the Tribe. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting.

The Lower Brule Sioux Tribal Council meeting recessed at 12:30 PM. The Lower Brule Sioux Tribal Council meeting reconvened at 2:50 PM.

1. HOVEN HOLDING COMPANY, INC: Chairman Jandreau stated that a conference call has been set up with two of the investors, Mr. Tom Nordin and Ms. Betty Cottingham. John Estes, Sr. asked why they wanted to sell out. Mr. Nordin stated that the current management didn't want change and that they were up against opposition, we gave them ideas and they were not implemented, I don't want the frustrations. Ms. Cottingham stated that she did an analysis and that the budget was too high, the management is not controlling the budget. Mr. Nordin stated that someone has to get a handle on the numbers and I requested that the sign on the corner that was cut down be put back up, this hasn't been addressed. Ms. Cottingham stated that she had been coming down three to four days a week and there has been \$4,000.00 to \$4,500.00 in over time cut by her managing it. Mike Hanzlik stated that there is overtime, when people don't show up the other employees pick up the hours, and we have spent a lot of the budget in advertising, we have to get the people here. John Estes, Sr. stated that that was all the questions he had. Chairman Jandreau stated that Mr. Thompson and Mr. Sherman at Norwest Bank are interested in working with the Tribe on this buy out, but need some more days, would this cause any problems with you. (Boyd Gourneau left the Tribal Council meeting at this time.) Mr. Nordin and Ms. Cottingham stated that there would be no problem with that. The conference call ended. John Van Horne stated that the Casino was having a terrible time, especially during the winter months, we had to advertise, every time you listened to the radio or watched television Lode Star would be on there. Ms. Cottingham wanted to immediately cut from 33% to 18.25%, we couldn't do it. Motion was made by John Estes, Sr. to negotiate with a bank for a loan to buy out/purchase 3/4 Stock of Hoven Holding Company, Inc. and 2/3 Management of Lower Brule Enterprises/L.B. Resort. This motion was seconded by Kay Gourneau. Motion carried with vote being four members for, none opposing, one absent and none not voting.

The Lower Brule Sioux Tribal Council meeting recessed at 4:18 PM. The Lower Brule Sioux Tribal Council meeting reconvened on April 19, 1994 at 11:31 AM, with all Tribal Council members present. Also present was Julian H. Brown, Bill Zielger, Jr., and Frederick LaRoche.

3. **BILL ZIELGER, JR./FREDERICK LAROCHE-C.E.D.B.G. GRANT:** Mr. Bill Ziegler, Jr., Business Management Counselor, for the L.B.S.T. Planning Office, presented an application submitted by Cheryll LaRoche for a grant through the C.E.D.B.G. Program. Mr. Ziegler, Jr. stated that Cheryll LaRoche has applied for a Grant through the Community and Economic Development Business Grant Program for the purchase of the Squeaky Door Market. (Chairman Jandreau left the Tribal Council meeting at this time.) Mr. Zielger, Jr. presented the cost break down on the purchase of the business and stated that the capitol deficiency needed for start-up costs is \$15,000.00. John Estes, Sr. asked if all the paperwork was in place, with the Bank, etc. Mr. LaRoche stated that it was. Mr. Estes, Sr. asked if this would cause a burden on them with their jobs and other business. Mr. LaRoche stated that Cheryll LaRoche had resigned from her position with the Bureau of Indian Affairs so that she could run the business. Motion was made by Boyd Gourneau to approve the C.E.D.B.G. Loan to Frederick and Cheryll LaRoche in the amount of \$15,000.00 for the purchase of the Squeaky Door Market. This motion was seconded by Shirley Crane. Motion carried with vote being four members for, none opposing, none absent and none not voting.

4. **T.E.R.O. CERTIFICATION-ARROW ENTERPRISE, INC:** A letter of request and application for T.E.R.O. Certification as an Indian Preference firm, was received from the Lower Brule T.E.R.O. Office for Arrow Enterprise, Inc., a pavement marking and striping, rumble stripes organization. Motion was made by Boyd Gourneau to approve and authorize T.E.R.O. certification to Arrow Enterprise, Inc. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being four members for, none opposing, one absent and none not voting.

5. **B-B/PELLET GUN PETITION:** A petition was received from concerned residents of the Lower Brule Reservation in regard to the ban on B-B/Pellet Guns on the Lower Brule Reservation. Discussion was held on this matter. John Estes, Sr. stated that a more should be added to the requirements for using a B-B/Pellet Gun, maybe go through a course. Boyd Gourneau stated that Dale Middletent is qualified to hold these types of courses, gun safety, we should have him do this. (Chairman Jandreau enter the Tribal Council meeting at this time.) Motion was made by John Estes, Sr. to request that only children twelve (12) years and older may possess a B-B/Pellet gun, but that they have to take a gun safety course and have an I.D. on them when they have the B-B/Pellet gun outside of the community. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

6. **MIDDLTENT REQUEST FOR ENROLLMENT:** Chairman Jandreau stated that Debra Middletent and other family members; Joseph John Sees The Elk, Curtis Allen Middletent, Kristin Elaine Middletent, and Blair Middletent, had previously request enrollment into the Lower Brule Sioux Tribe, Ms. Middletent and these other family members then got relinquished from the Standing Rock Sioux Tribe. John Estes, Sr. asked if they had to go through the Enrollment Committee. Chairman Jandreau stated that this could be done by the Tribal Council, all the paperwork was in place and each of them are eligible for enrollment. Motion was made by Boyd Gourneau to enroll these individuals. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

7. **LOWER BRULE HOUSING BOARD CHAIRMAN:** Chairman Jandreau stated that the position for Lower Brule Housing Board Chairman had been readvertised and further stated that Mr. James Estes requested that he be reinstated for the position.

Motion was made by Kay Gourneau to place James Estes back as Lower Brule Housing Board Chairman. This motion was seconded by Boyd Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting.

8. SHIRLEY MARVIN, EDA PLANNER: Shirley Marvin, EDA Planner submitted the following Resolutions for approval by the Lower Brule Sioux Tribal Council. A Resolution to the Department of Energy, who is soliciting applications for funding for development of energy resources from Tribes. Motion was made by Boyd Gourneau to adopt the Resolution for the submission of a grant application for energy development. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting. Chairman Jandreau stated that he had to leave the meeting at this time to meet with Lee Gourneau on the Motel opening schedule.

The Lower Brule Sioux Tribal Council meeting recessed at 11:58 AM. The Lower Brule Sioux Tribal Council meeting reconvened at 1:16 PM, with Boyd Gourneau arriving late.

8. SHIRLEY MARVIN, EDA PLANNER: The Federal Home Loan Bank of Des Moines is accepting applications to fund affordable housing programs. A draft Resolution was submitted by Shirley Marvin to be approved for submission. Motion was made by Benjamin Thompson, Jr. to adopt the Resolution for submission. This motion was seconded by Shirley Crane. Motion carried with vote being four members for, none opposing, one absent and none not voting. The U.S. Housing and Urban Development Program has made funds available to Public and Indian Housing authorities to develop family investment centers which will assist housing residents to achieve self sufficiency and independence. Motion was made by Kay Gourneau to adopt the Resolution for submission. This motion was seconded by Shirley Crane. Motion carried with vote being four members for, none opposing, one absent and none not voting. The Department of Health and Human Services Administration for children and families announced the availability of funds, the National Center on Child Abuse and Neglect conducts activities designed to assist and enhance national State and community efforts to prevent, identify, and treat child abuse and neglect. John Estes, Sr. asked what types of services were available now. Chairman Jandreau stated that there are several bodies that could assist now, but there are no organized efforts, this will be an effort to tie it all together. Noble LaCroix stated that Social Services have been trying, the Police Department needs to sign a complaint or have a Court Order, some of these cases are pushed hard and some are not. Indian Health Service is on the Board too, with Social Service people, we are trying to get a plan together and in the end have a concise plan, we need to get it all brought together to be consistent. Motion was made by Kay Gourneau to adopt this Resolution for submission. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting. A draft Resolution was submitted for approval to the Center for Disease Control and Prevention for the purpose of establishing Tribal and Native Community based comprehensive breast and cervical cancer early detection program. Motion was made by Kay Gourneau to adopt this resolution for submission. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting. Ms. Marvin stated that Deanna Provost had come back to Lower Brule to provide training to the current secretary for E.D.A. Planning and requested that payment be made to her for the week of training provided. By Tribal Council concurrence Deanna Provost will be provided payment for the training provided.

9. **GENERAL COUNSEL BILLING:** A billing was received from General Counsel, Julian H. Brown, for the period covering February 28, 1994 through April 3, 1994, in the amount of \$4,521.65. Motion was made by Kay Gourneau to approve the billing and submit the billing to the Bureau of Indian Affairs for review and approval. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting.

10. **SHIRLEY MARVIN-C.E.D.B.G. GRANT/ELAINE WHITE PIPE:** A letter was submitted by Shirley Marvin in regard to a C.E.D.B.G. grant for Elaine White Pipe to establish a cattle operation. Ms. Marvin stated that the equity needed by Elaine White Pipe is \$10,500.00, the total amount of Mrs. White Pipe's loan is \$52,500.00. Mrs. White Pipe is also requesting assistance to pay her student loan off, which because of the default status of the Student Loan deems her ineligible for the Cattle Operation loan. Chairman Jandreau stated that he knows of several people that have Student Loans and that it would not be in the best interest of the Tribe to pay any of these loans, because there are so many and repayment would be slow. Motion was made by Boyd Gourneau to approve the C.E.D.B.G. Loan for Elaine White Pipe provided that the loan with the Bank is also approved. This motion was seconded by Kay Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting.

11. **LOWER BRULE SIOUX TRIBE FY-94 BUDGET AMENDMENT:** Chairman Jandreau stated that the Lower Brule Sioux Tribe FY-94 budget would have to be amended an additional \$98,400.00 in unforeseen income was received. Motion was made by Boyd Gourneau to amend the Lower Brule Sioux Tribe FY-94 Budget to include the unforeseen income. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

12. **BLOOD QUANTUM CORRECTION-ABERDEEN AREA DIRECTOR:** Chairman Jandreau stated that the Lower Brule Sioux Tribe had previously request that the Lower Brule Sioux Tribe Official Census Roll of April 1, 1934 be reviewed for incorrect blood quantum's, because there have been cases where the blood quantum is incorrect. A letter was received from the Aberdeen Area Director stating that the blood quantum for Lema Fallis was incorrect, and that the Lower Brule Sioux Tribe would have to request that the correction be made and suggested that if the Lower Brule Sioux Tribe was aware of any other discrepancies that these be taken case-by-case. Motion was made by Kay Gourneau to request for the correction of Lema Fallis' blood quantum and state that the Lower Brule Sioux Tribe would take individual discrepancies case-by-case. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting.

13. **LOWER BRULE EMPLOYMENT ENTERPRISE:** Notification was received from the Lower Brule Employment Enterprise that the land description for the gravel permit previously approved by the Lower Brule Sioux Tribal Council would have to be amended, the land description that was submitted was incorrect. Motion was made by Boyd Gourneau to amend the Lower Brule Employment Enterprise gravel permit land description. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

14. **L.B. ELDERLY NUTRITION PROGRAM BUDGET:** Mr. DeWayne Goodface submitted to the Lower Brule Sioux Tribal Council the Budget for the Lower Brule Elderly Nutrition Program Budget for April 1, 1994 through March 31, 1995. Motion was made by Boyd Gourneau to approve the Budget. This motion was seconded by Kay Gourneau.

Motion carried with vote being five members for, none opposing, none absent and none not voting.

15. **L.B.S.T. J.T.P.A. PROGRAM POSITIONS:** A memorandum was received from Norma Grassrope, J.T.P.A. Director, on the availability of three J.T.P.A. training positions that were open. A rated list was submitted of the eligible applicants. Motion was made by Boyd Gourneau to approve the rated list of applicants for the positions that are available. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

16. **NIELSEN & SENIOR BILLING:** Billings were received from R. Dennis Ickes, Nielsen & Senior, Special Legal Counsel for the Lower Brule Sioux Tribe on the Hunting and Fishing Dispute and Brule Industries, L.C., in the amount of \$385.42, for the time covering February 14, 1994 through March 18, 1994. Motion was made by Benjamin Thompson, Jr. to approve and submit the billing to the Lower Brule Agency, Bureau of Indian Affairs for review and approval. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting.

17. **L.B. BUREAU OF INDIAN AFFAIRS-FACILITY MANAGEMENT:** A letter was submitted by the Bureau of Indian Affairs, Facility Management in regard to some of the streets in Lower Brule that are not named. A map was attached showing which streets did not have names. By Tribal Council concurrence Benjamin Thompson, Jr. and Boyd Gourneau will review the map and select names for the streets for submission to the Tribal Council for approval.

18. **U.S.D.A. FOREST SERVICE:** A letter was received from the United States Department of Agriculture, Forest Service, Black Hills National Forest, on information of maps showing lands the South Dakota Children's Home proposes to exchange with the Black Hills National Forest. The lands under the jurisdiction of the Forest Service that are being considered for exchange are described as a portion of National Forest System lands located in the SE1/4 of the NE1/4 of Section 3, Township 2 South, Range 6 East, BHM, Pennington County, South Dakota. The South Dakota Children's Home will provide a cash payment in lieu of land as provided by the above exchange authorities. Chairman Jandreau stated that a resolution needed to request that any land available be identified and submitted to the Lower Brule Sioux Tribe which can be acquired for cash trade. Motion was made by Boyd Gourneau to submit such resolution. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

19. **I.S.K. REEVES-COMMENDATION:** Chairman Jandreau stated that he received a letter from Mr. I.S.K. Reeves, an architect and historian that has done the following work; a research paper on Wannapin, ledger art pieces executed by the Lakota Sioux in the 1880's, and is currently doing a research on the Winter Count of Battiste Good, a Brule, who was also known as Wapostangi (Brown Hat). His Winter Count was reproduced in the Smithsonian "Tenth Annual Report of the Bureau of Ethnology, 1888/1889, his winter count tells the history of the Brule and includes events prior to 1775 an original of his Winter Count was found in the Sioux Indian Museum in Rapid City and another in the Denver Art Anthropological Archives in Washington, DC. Chairman Jandreau requested that the Tribal Council adopt a Resolution of Commendation for Mr. I.S.K. Reeves and the efforts he has provided in the historic research he is doing for the Lower Brule Sioux Tribe.

Motion was made by Boyd Gourneau to commend and support his efforts and interest and request a report on his research. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

20. MAY 1994 YOUTH POW-WOW: A letter was submitted from the Lower Brule Youth Pow Wow members requesting a donation of \$3,500.00 for the Pow Wow. Motion was made by Boyd Gourneau to request that a budget be submitted with the funding raised for the Pow wow to be reviewed at the May Tribal Council meeting for final approval for a donation. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting.

21. CHERRY RANCH JURISDICTION: A letter was received from R. Dennis Ickes in regard to the hunting and fishing jurisdiction of the Lower Brule Sioux Tribe Cherry Ranch land purchase. Mr. Ickes stated that there were several options that the Lower Brule Sioux Tribe could pursue. Motion was made by Boyd Gourneau that the Cherry Ranch land would be closed except to Tribal Members with State and Tribal licenses. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

22. THIGH LAND SALE: A letter of request was received from Samuel Thigh, Jr. and Theodore Thigh to sell their land to the Lower Brule Sioux Tribe. An appraisal was conducted on the land on May 8, 1993, by Mr. Luther Smith, Review Appraiser for the Bureau of Indian Affairs. Motion was made by John Estes, Sr. to purchase these interests. This motion was seconded by Kay Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting.

23. J.W. THOMPSON REQUEST: A letter of request was received from Mr. J.W. Thompson to place William Long Turkey's name on his Range Unit #33 and leases. Motion was made by Benjamin Thompson, Jr. to approve his request and place William Long Turkey on Mr. J.W. Thompson's leases. This motion was seconded by Kay Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting.

24. MARK ESTES LAND SALE REQUEST: A letter of request was received from Mr. Mark Estes for the sale of his land interests. Motion was made by Boyd Gourneau to request the Lower Brule Agency, Bureau of Indian Affairs, provide Mr. Estes with an application and appraisal on his interests. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting.

25. FAYE BANKS REQUEST: A letter of request was received from Faye Banks for a trailer house lot, homesite, that is located were the L.B.S.T. H.I.P. Program trailer is located. This matter was tabled until the May Tribal Council meeting to check on sewer facilities. (Shirley Crane left the Tribal Council meeting at this time.)

26. L.B.S.T. TRIBAL LEASES: The following list was received from the Lower Brule Agency, Bureau of Indian Affairs, on the leases that would be expiring: Michael B. Jandreau, Orville Langdeau, Sr., Andrew Brakke, Earl Christensen, Jerry Christensen, the Langdeau Brothers, and the Lower Brule Farm Corporation. Motion was made by Boyd Gourneau to renew these leases at the same rate and duration as

**LOWER BRULE SIOUX TRIBAL COUNCIL
REGULAR SESSION
MAY 11, 1994**

PRESENT: Michael B. Jandreau, Chairman **ABSENT:** None
Kay K. Gourneau
Shirley Crane
Boyd I. Gourneau
John Estes, Sr.
Benjamin Thompson, Jr.

ALSO PRESENT: Noble LaCroix<, Julian H. Brown, and Dina Brandt.

The Lower Brule Sioux Tribal Council meeting was called to Order by Chairman Michael B. Jandreau at 11:27 AM. Roll call was taken by the Recording Secretary and the Lord's Prayer was led by Chaplain John Estes, Sr.

1. **DINA BRANDT-LAKE FRANCIS CASE DEVELOPMENT CORPORATION:** Dina Brandt stated that Noble LaCroix has been attending the meetings but just wanted to inform the Lower Brule Sioux Tribe on the water/sewer meeting that was held. There are C.D.B.G. funds available for commercial and housing growth. Tribes are entitled to these grants also, you will have to have someone work on a grant application for you, who does your grants. Chairman Jandreau stated that Shirley Marvin did. Dina Brandt stated that she would get with Ms. Marvin on this. Ms. Brandt stated that there are two other problems she sees, Mid Dakota Hospital, the Doctors, Van Ert, Beiberly and Mathany, will no longer be working at the Hospital, they want to build their own Clinic they don't like the Hospital policies or the treatment of the staff by the Administration. The Landfill permit was turned down by the Brule County Commissioners, they had already done the testing and survey. Lyman County has three sites available but will not permit Brule County in their, we will need to resolve these or we cannot have economic growth. Ms. Brandt stated that she went to Denver to attend the Federal Highway Administration meeting on I.S.T.E.A., for roads and historic preservation, etc. South Dakota is not really involved, we are missing out on the funds, tourism is money, we are missing out on economic development. Denver has nineteen scenic byways and they cancelled out their Tourism Department. We only have one scenic byway, 1806, there was a tour given to the Rest Area Directors, they did not come down to Lower Brule because of the shape the roads were in. Chairman Jandreau stated that a letter was received from the South Dakota Department of Transportation for a support resolution to designate 1806 as a scenic byway. Motion was made by Boyd Gourneau to designate 1806 as a scenic byway. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

2. **"NONHISTORIC" INDIAN TRIBES:** Chairman Jandreau stated that the information enclosed was received: "Nonhistoric" label is applied to some Indian groups. Lawmakers from both parties have introduced bills in Congress to overturn and Interior Department policy that Indian leaders and legal experts say threatens hundreds of tribes around the country with the loss of sovereign powers, including self-governance and the right to operate gambling casinos. Calling the policy "abhorrent, an absurdity" and "a great danger," the legislators filed the bills to prevent the department's Bureau of Indian Affairs from carrying out the policy which draws a sharp distinction between historic Indian Tribes and numerous

so-called "nonhistoric" or "created" Tribes, many of which were established by the U.S. Government itself out of the remnants of Tribes decimated by war and disease. Tribes deemed "nonhistoric" or "created" under the policy could lose land, water and fishing rights, and substantial federal aid, Indian law experts say, loss of sovereignty, they say could deny tribes the right to operate the lucrative casinos that are providing the economic lifeblood for more and more tribes nationwide. BIA spokesman Carl Shaw declined to comment on the legislation. "We won't have a position on that until we have to testify" at congressional hearings, Shaw said. The policy, outlined in a January letter from the BIA to a congressman, says that since 1934, "the Department of the Interior has distinguished between the powers possessed by an historic tribe and those possessed by a community of adult Indians residing on a reservation, i.e., a nonhistoric tribe." The letter is based on a legal interpretation from the solicitor's office of the Department of the Interior, parent agency of the BIA. The BIA's view is that an historic Tribe has existed from time immemorial, the letter says. "Such a tribe has the full range of governmental powers...In contrast, a community of adult Indians is composed simply of Indian people who reside together on trust land. A community of adult Indians may have only those powers which are incidental to its ownership of property. The letter lists 21 Tribes that the Interior Department regards as nonhistoric, including two in Washington: the Lower Elwha and Port Gamble s'Klallam Tribes. About 230 Tribes around the nation could be at risk for listing as nonhistoric, as Allogan Slagle, a lawyer who specializes in sovereignty issues and who is a member of an Oklahoma Tribe. Washington Tribes that could be dubbed nonhistoric include the Muckleshoot, Quinault, Tulalip, Lummi, Colville and Yakama, according to Slagle. When the Pose Intelligencer first reported the policy on April 4, Interior Department spokesman Bob Walker said his agency had no intention of limiting tribal sovereignty. There is "no thrust to do that" he said. But Representative Bill Richardson, who introduced a bill on April 14 to reverse the policy said in the Congressional Record that the policy poses a "great danger" to Tribes. There is no basis in law or policy for the Bureau of Indian Affairs' position on historic and created Indian tribes, said Richardson, Chairman of the House of Natural Resources subcommittee on Native American Affairs. He told the Post-Intelligencer that the notion of a government official eliminating tribal sovereignty with the stroke of a pen is "abhorrent to the Indian Nations and to the Congress. We never gave the Interior Department the power to gauge or limit the sovereign power of tribes. My bill makes it clear that the department does not have this power." Chairman Jandreau stated that upon reading it, you will find under our BIA requirements there are a number of Tribes that don't meet the requirements. If it goes through they could challenge the Tribes. There is a preemption, they cannot go back and undo what they did, there should be no real validity to it, this is to understand the attach the Tribes are under, this is a whole massive tax issue. The Lower Brule Sioux Tribe, Cheyenne River Sioux Tribe, Crow Creek Sioux Tribe and Sisseton Wahpeton Sioux Tribe may be challenged, one item is a requirement that only 1/2 bloods can be enrolled, we are really under a tremendous scrutiny, probably for the next several years, we will have to defend our rights as Tribes.

3. **JULIAN H. BROWN-GENERAL LEGAL COUNSEL:** A billing was received from General Legal Council, Julian H. Brown for the period covering April 4, 1994 through May 1, 1994, in the amount of \$5,828.65. Motion was made by Kay Gourneau to approve the billing and to submit the billing to the Lower Brule Agency, Bureau of Indian Affairs for review and approval. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting. Chairman Jandreau stated that Julian H. Brown has submitted a contract for renewal with the Lower Brule Sioux Tribe. John Estes, Sr. stated to

Mr. Brown that he had a concern; you stated that you had to quit doing other things in your position, is it getting too much for you. Mr. Brown stated that it was not getting too much for him, he is just doing more and more things for the Tribe and does not take in very much outside work. Chairman Jandreau stated, you are basically just our Attorney. Mr. Brown stated, yes. Motion was made by Kay Gourneau to renew General Counsel Julian H. Brown's contract with the Lower Brule Sioux Tribe. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting.

4. **CHERYLL LAROCHE/VIOLET REKOW REQUEST:** A letter of request was received from Cheryll LaRoche and Violet Rekow to convey the Squeaky Door lease to Cheryll LaRoche, the new owner of the Squeaky Door Market. Motion was made by Boyd Gourneau to approve this request and convey the lease to Cheryll LaRoche. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting.

5. **BOBBIE MIDDLETENT REQUEST:** A letter of request was received from the students that are attending Upward Bound: Sylvia Flute, Bobbie Middletent, Crystal Middletent, Trisha Flute, Theodore Rouillard, Jr., Tamara Grassrope, Fely Goodface, James McGhee, Jeremiah LaRoche, Marvin Thigh, Roberta Colombe, Leonard Byington, Amiel Flute, Francis Stricker and Patricia Quilt. Chairman Jandreau stated that there was also a request for Bobbie Middletent to attend a basketball tournament in Bismarck, ND. Shirley Crane stated that Barbara Crane and Duffy Rouillard were also going to attend this. Motion was made by Kay Gourneau to approve their request for assistance and to request that the students clean the community as a public service to the community. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting.

6. **LOWER BRULE HEALTH BOARD REQUEST:** A letter was received from the Lower Brule Health Board and stated that the Health Board met in Regular Session and one of the Agenda items included water purification processes at Lower Brule. The Health Board recommended that the Water Commission be reactivated to assist in the development of quality control of future water supply. Discussion was held by the Lower Brule Sioux Tribal Council, by Tribal Council concurrence a letter will be sent to the Lower Brule Health Board to direct them to meet with the water operators and Scott Jones and set this up, and to also set up rules and regulations for the Operators. Chairman Jandreau stated that the Tribe is asking for a new treatment plant to go out to the Bend, this new water treatment plant could be used also if our main plant goes out. The original water plant was sized for 100-150 homes, look at what it is handling.

7. **LOWER BRULE COMMUNITY COLLEGE:** A letter was received from Mary Sue Schneider, Lower Brule Community College in regard to funding of the Woap'e T'eca Alternative School through the EARN Program, the EARN Program will be experiencing a cut in funding. Mrs. Schneider is requesting a letter of support for funding from the Lower Brule Sioux Tribe from any funding available through the Bureau of Indian Affairs to help support the Alternative School Program. Motion was made by Boyd Gourneau to submit a letter of support the the Lower Brule Bureau of Indian Affairs for any available funding for the Lower Brule Community College Alternative School Program. This motion was seconded by Kay Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting.

8. L.B. CHRISTIAN CHILDREN'S FUND: A letter was received from Mr. William Zielger for a letter of support from the Lower Brule Sioux Tribe, a funding requirement. By Tribal Council concurrence this matter will be tabled until such time that the Tribal Council can meet with representatives from the Christian Children's Fund Program.

9. THEODORE/SAMUEL THIGH LAND PURCHASE: Chairman Jandreau stated that the action that was taken by the Tribal Council on the purchase of the Thigh land was done prematurely, the paperwork was not in place and because of the large amount of the purchase and cost there is a sample resolution that was done some years ago that we adopted to pay payments for the purchase. Motion was made by Kay Gourneau to request that the paperwork be completed and to use the sample resolution to make payments for the purchase of this land. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting.

10. NATIONAL AMERICAN INDIAN HOUSING COUNCIL: A letter was received from the National American Indian Housing Council stating that on April 7, 1994, the Bureau of Indian Affairs published in the Federal Register a proposed rule on "Resource Allocation Methodology for the Housing Improvement Program: The rule states that Houses financed by the Department of Housing and Urban Development (HUD) shall not be eligible for assistance under HIP. NAIHC recommends that Indian Housing Authorities write to the BIA opposing this amendment. Tribes should be given the flexibility to determine where and how HIP monies are spent. This provision is too restrictive, denying Tribes their rights to set their own housing priorities and that their right to self-determination. Chairman Jandreau stated that this action would not be worth taking, the HIP Program will be taken out of the Budget in 1995.

11. SERVICE LINE AGREEMENT-L.B. R.V. PARK: Chairman Jandreau stated that a Service Line Agreement was needed with West Central Electric for the Lower Brule R.V. Park. Motion was made by Boyd Gourneau to adopt a resolution requesting a Service Line Agreement. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

12. SHIRLEY MARVIN, EDA PLANNING: A draft Resolution was received from Shirley Marvin, EDA Planner, for submission of a grant application for Highway Traffic Safety funds through the Highway Safety Act of 1966 to address problems such as; alcohol/drugs, occupant protection, police traffic services, emergency medical services, traffic records and motorcycle/bicycle/pedestrian safety. Motion was made by Boyd Gourneau to adopt this Resolution to seek these funds. This motion was seconded by Kay Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting. Members of the Tribal Council stated that there are motorcycles in the community that pull out in front of vehicles and speeding through the communities. By Tribal Council concurrence the Lower Brule Law Enforcement Office will be contacted and requested to check the motorcyclists for valid drivers licenses and to instruct them to be more cognizant of the speeding and wreckless driving.

13. PATRICIA HOWELL, S.U.D., INDIAN HEALTH SERVICE: Notification was received from Ms. Patricia Howell which stated that May 6-12, 1994 is National Nurses' Week, with May 6th designated as National Nurses' Day, attached was a draft Resolution to recognize May 6, 1994 as National Nurses' Day. Chairman Jandreau stated that this date has already passed. Chairman Jandreau stated that a Tribal Council meeting

should be set up on Monday to review and discuss the report that is being submitted by Mr. Bruce Bad Moccasin on the Lower Brule Indian Health Service Program. By Tribal Council concurrence a Tribal Council meeting will be held when the report is received.

14. MNI SOSE INTERTRIBAL WATER RIGHTS COALITION: Two draft Resolutions were received from Mni Sose Intertribal Water Rights Coalition; to Request financial assistance from the administration for Native Americans for Mni Sose Intertribal Water Rights Coalition, Inc.; and to Request a five year exemption from planning assistance to State Programs. Chairman Jandreau asked Boyd Gourneau, Mni Sose Intertribal Water Rights Coalition representative if he was aware of these resolutions and what was needed. Boyd Gourneau stated that the Program was trying to obtain funding for the flood. Motion was made by Kay Gourneau to adopt the two Resolutions. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

The Lower Brule Sioux Tribal Council meeting recessed at 1:00 PM. The Lower Brule Sioux Tribal Council meeting reconvened at 3:50 PM, with all Tribal Council members present. Also present was Rick Benson, Tom Young and Alan Lien.

15. L.B. AGENCY B.I.A./U.S.G.S.: Mr. Alan Lien stated that U.S.G.S. was here today to submit their Preliminary report of the geological survey done on the Lower Brule Sioux Tribe. Stock dams on the reservation were inspected, 593 total, 10% were inspected, 33 or 2/3 of the dams are in poor condition, 75% are in less than desirable condition. Mr. Young stated that a copy of the preliminary report was sent to Pierre. Chairman Jandreau stated that the report should have been reviewed by the Tribal Council prior to being sent to Pierre, the biggest fight we have and will have are our Water Rights, we are the ones that are contracting with you, the report is for our purposes. Mr. Young stated that they will, in the future submit their reports to the Tribal Council first, we have to send the reports to Pierre, that is where our funding comes from. Alan Lien asked if the Tribe wanted to accept the U.S.G.S. Preliminary Report. Motion was made by Boyd Gourneau to accept the report. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being five members for, none opposing, none absent and none not voting. (Kay Gourneau left the Tribal Council meeting at this time.) Alan Lien stated that there was an additional \$30,000.00 that was left and needed action by the Tribal Council to modify the current "638" Water Resource Contract for the \$30,000.00 of the FY-94 funds and that the Tribal Council enter into a Joint Funding Agreement with U.S.G.S. for \$10,000.00 and to request the Bureau of Indian Affairs to modify the existing contract. Motion was made by Boyd Gourneau to request to modify the "638" Contract and include the Joint Funding Agreement. This motion was seconded by Shirley Crane. Motion carried with vote being four members for, none opposing, one absent and none not voting.

16. SCOTT JONES-L.B. LANDFILL: Mr. Jones stated that Tribal Council approval was needed to submit a Part 100 Grant Application to the Bureau of Indian Affairs for the closure of the Lower Brule landfill. Motion was made by Boyd Gourneau to adopt a resolution requesting this funding. This motion was seconded by John Estes, Sr. Motion carried with vote being four members for, none opposing, one absent and none not voting. (Kay Gourneau entered the Tribal Council meeting at this time.)

17. T.E.R.O. CERTIFICATION-POTATO CREEK: A letter of request was received from Ben Janis/Norma Grassrope for T.E.R.O. Certification for Potato Creek Construction

Company, which engages in the following activities; roads, dams, lagoons, sewer and water installation, fencing, seeding, phone and other utility installation, surfacing, box culverts, bridges, curb & gutter, sidewalk, demolition, airports, gravel and rock hauling and installation. (Chairman Jandreau left the Tribal Council meeting at this time.) Motion was made by Boyd Gourneau to certify Potato Creek Construction Company. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being four members for, none opposing, one absent and none not voting.

17. **TETON LAKOTA MUSEUM:** Shirley Crane, L.B.S.T. Representative for the Teton Lakota Museum submitted a request for a donation for the Board's 501(c)(3) Federal Non-Profit status, South Dakota Incorporation Application and related administration, the donation requested was \$100.00. Motion was made by Boyd Gourneau to authorize a donation of \$100.00. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being four members for, none opposing, one absent and none not voting. (Chairman Jandreau entered the Tribal Council meeting at this time.)

18. **LOWER BRULE SCHOOL BOARD:** The Lower Brule School Board submitted a copy of their revised Constitution and Bylaws for approval by the Tribal Council. Motion was made by Benjamin Thompson, Jr. to instruct the School Board that the Constitution and Bylaws are approved provided that the same Code of Ethics used by the Tribal Council is adopted by the Lower Brule School Board. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting.

19. **UPWARD BOUND STUDENTS:** A letter of request for financial assistance was received from the following student attending Upward Bound: Sylvia Flute, Bobbie Middletent, Crystal Middletent, Trisha Flute, Theodore Rouillard, Jr., Tamara Grassrope, Fely Goodface, James McGhee, Jeremiah LaRoche, Marvin Thigh, Roberta Colombe, Leonard Byington, Amiel Flute, Francis Stricker and Patricia Quilt. By Tribal Council concurrence this group will be contacted and instructed to clean the community as a public service and upon completion they will receive financial assistance.

20. **JAY BLOUNT REQUEST:** A letter of request was received from Jay Blount requesting to move a trailer house next to the Carol Muniz trailer. Discussion was held by the Tribal Council. Motion was made by Kay Gourneau to allow Mr. Blount to move a trailer onto this site, but Mr. Blount would have to obtain water and sewer services on his own and to charge \$20.00 per month rent on the lot. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting.

21. **M.C.H. MONTHLY REPORT:** The monthly report for the Lower Brule Sioux Tribe M.C.H. Program was submitted by Elvera Driving Hawk, M.C.H. Director. The monthly report was reviewed by the Lower Brule Sioux Tribal Council. No action was taken on this matter.

22. **EDUCATIONAL GRANT APPLICATIONS:** Educational Grant applications were received from the following individuals: Curtis Estes, Jamie Estes, Damion Grassrope, Frank Estes, Tiauna Langdeau, Linda Thompson Bercier, Dafny Green, Harlee Langdeau, Pamela Kersting, Sylvia Flute, and Mike Estes, Jr. Motion was made by Kay Gourneau to approve these educational grants as long as all the paper work

was in place. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

23. **LOWER BRULE HOUSING AUTHORITY:** A letter was received from the Lower Brule Housing Board of Commissioners requesting support to submit an application to the U.S. Department of Housing and Urban Development for 20 units of Mutual Help Homes and 20 Units of Low Rent Homes. Motion was made by Kay Gourneau to submit a resolution and letter of support for this application. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

24. **L.B. SIOUX BAND OF NATIVE AMERICAN CORPORATION:** A letter of request was received from the Lower Brule Sioux Band of Native American Corporation for a \$3,000.00 donation from the Lower Brule Sioux Tribe to hold a traditional Pow wow on the second weekend of June, during the Golden Tatanka Stampede. Motion was made by Boyd Gourneau to approve the request. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

25. **LOWER BRULE POST OFFICE:** The Lower Brule Post Master, Kent Taylor, submitted a letter to the Tribal Council in regard to the problems with the Post Office building. Motion was made by Kay Gourneau to place a air conditioner in the Post Office at this time and to instruct Shirley Marvin to pursue any Grant funding available to renovate the Post Office. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

26. **L.B. HEALTHY START PROGRAM:** A request was received to submit a grant application for FY-95 funding for the L.B. Health Start Program. Motion was made by Boyd Gourneau to adopt a resolution approving the submission of this application. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

27. **LOWER BRULE LAW ENFORCEMENT:** The Lower Brule Law Enforcement request that the Lower Brule Sioux Tribe hire six deputies for the Golden Tatanka Stampede. Names were taken and the following were selected as deputies: Michael Michalek, Peter Two Hawk, Dallas Michalek, Ron Flute, Jimmy Estes, with the alternates being Sam Flute and Marlita James. This motion was made by Kay Gourneau. Motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting.

28. **L.B. SIOUX BAND OF NATIVE AMERICAN CORPORATION:** A request was received from the L.B. Sioux Band of Native American Corporation for support on the submission of a grant application to A.N.A. for funding for a Lakota Language Project Program. Motion was made by Kay Gourneau to adopt a resolution for support on the submission of this application. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting.

29. **SALARY ADVANCE RESTRICTIONS:** Chairman Jandreau stated that there have been too many salary advances, there are 15-17 every Monday and Friday, from now on, unless there is a death or severe illness the salary advances will not be done. Chairman Jandreau stated that a memorandum will be sent out to all the Programs.

Patricia Lundell addressed the Tribal Council in regard to insurance quotes for the L.B. Tribal Buildings. Motion was made by Kay Gourneau to accept the low bid that is received. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

Patricia Lundell stated that the Finance Staff, (Trish, Lisa, Robin and Sue) wanted to move to summer hours, 7:00 am - 5:30 pm. Ms. Lundell stated that they would make sure that there would not be any conflicting hours or days off. Motion was made by Boyd Gourneau to approve the summer hours for the finance staff. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

Irene Flute submitted a letter of request for a loan in the amount of \$600.00 against a land sale which she is receiving. By Tribal Council concurrence Mrs. Flute would be approved a loan if funding is available at this time.

The Lower Brule Sioux Tribal Council meeting recessed at 5:25 PM. The Lower Brule Sioux Tribal Council meeting reconvened on June 1, 1994, at 11:39 AM, with all Tribal Council members present. Also present was Mr. Bennum, Mr. T. Allison, Noble LaCroix, Dewayne Goodface, Julian Brown, Red Olson, Cody Russell, and Dan Shroyer.

ADJOURNMENT: Motion was made by Kay Gourneau to adjourn the May Regular Session meeting. This motion was seconded by Shirley Crane. Motion carried with vote being, five members for, none opposing, none absent and none not voting.

CERTIFICATION

The foregoing is a true and correct transcript to the Minutes from the Regular Meetings held by the Lower Brule Sioux Tribal Council on May 11th and June 1, 1994.


SANDY LA CROIX, RECORDING SECRETARY
LOWER BRULE SIOUX TRIBAL COUNCIL

**LOWER BRULE SIOUX TRIBAL COUNCIL
REGULAR SESSION
JUNE 1, 1994**

PRESENT: Michael B. Jandreau, Chairman **ABSENT:** None
Kay K. Gourneau
Shirley Crane
Boyd I. Gourneau
John Estes, Sr.
Benjamin Thompson, Jr.

ALSO PRESENT: Noble LaCroix, Julian H. Brown, DeWayne Goodface, Cody Russell, Red Olson, Bruce Bennum, and Tom Allison.

The Lower Brule Sioux Tribal Council meeting was called to Order by Chairman Michael B. Jandreau at 11:39 AM. Roll call was taken by the Recording Secretary and the Lord's Prayer was led by Chaplain John Estes, Sr.

1. **L.B.S.T. HEARING-TOM ALLISON:** Chairman Jandreau stated that Mr. Thomas Allison has requested a Hearing in front of the Lower Brule Sioux Tribal Council in regard to the termination of his employment with the Lower Brule High School and the Lower Brule Alcoholism Program. Chairman Jandreau asked Mr. Allison to speak at this time. Mr. Allison stated that when he was hired he was unable to attend a seminar on culture, which he thought he should have attended to better acquaint himself with the community. Mr. Allison stated that when he started to work at the Lower Brule High School he was involved in a photography class, the year book, volley ball, etc., and that he took more than he could handle and he started to back off on things. Mr. Allison stated that he did not want to leave. Mr. Allison stated that he had gotten caught up in politics in January, which he should not have done. When I see something wrong I will speak up. I have had some run ins with a couple people. Mr. Allison stated that the students are running the school, there are disciplinary problems and there are some kids that have a lack of respect. I tried to get involved in the community, at the school I am an Instructor in the community I am Tom. Mr. Allison stated that he could be defined by the words "China Breaker", which represents change.

The Lower Brule Sioux Tribal Council meeting recessed at 1:00 PM. The Lower Brule Sioux Tribal Council meeting reconvened at 1:22 PM, with all Tribal Council members present. Also present was Julian Brown, Cody Russell, Thomas Allison, Dan Shroyer, Ben Estes.

L.B.S.T. HEARING-TOM ALLISON: Cody Russell stated that there were several points that he would like to make on the comments made by Mr. Allison. Mr. Russell stated that Mr. Allison is good and that he would like to keep him, but that he was stirring things up in the community. I told him that I would be willing to work with him. He did a speech in front of the School Board and the School Board bought it, like some of the Council Members are today. Mr. Russell stated that Mr. Allison had put a telephone in his classroom and stated that the telephone company would not know where the calls were coming from, there is a bill for the calls that were made. The incidents with the families; accusations were made against a student. Mr. Allison had attempted to use the school tax I.D. number, when the

Secretary told him he could not, he also tried to use someone else's name to place the order, it is not the money it is the idea. There are three honor students that are having problems with Mr. Allison. Five of the students attending the Tennessee trip wanted to take biology somewhere else. Mr. Allison leaves the school, he leaves his duty station. Mr. Allison was done with all his work on the twenty-third when all the other Teachers are still working on them. Mr. Russell stated that he had Betty Harm check Mr. Allison's attendance records, there was a student that had attendance problems, anything was wrote down on Mr. Allison's records, Ms. Harms reported twelve incidences. The staff has teacher meetings on Tuesday's, Mr. Allison does not attend them. Mr. Russell stated several more incidences. Dan Shroyer stated that Mr. Allison is a probationary teacher, a two week notice was given, since he is probationary a two week notice is all that is needed. Mr. Allison can come to the School Board on the seventh. Mr. Shroyer stated that Mr. Allison's statement on being an instructor at school and a "buddy" in the community cannot work, you cannot separate yourself like that, you have to be a role model in the community. Chairman Jandreau asked if the Tribal Council had any questions. Mr. Allison stated that he would like to answer some of the items that Mr. Russell had addressed. Mr. Allison stated that in regard to the tax I.D. number, there would have been only a seven dollar savings, it would be pointless to use the number and I would be stupid if I thought I could get away with it. The kids that were going on the Tennessee trip didn't want to take my biology class, because the class is difficult. The incident with the Student Council, I told them they had a right to appeal. I go to my duty station. And on leaving the school, Mr. Russell never said to stop doing it. Mr. Allison stated that he was done with his work by the twentieth or twenty-third, Ms. Harms did go through my records, there were two errors, they were transposed the grades were accurate, my computer was damaged and there were some problems with attendance, I enter the attendance on the computer.

By Tribal Council concurrence the Lower Brule Sioux Tribal Council entered Executive Session at 2:20 PM. The Lower Brule Sioux Tribal Council came out of Executive Session at 2:45 PM.

Chairman Jandreau stated that because the discussion would be a re-hash there would be no value to continue on that grounds, we could sit here all day and go back and forth. Motion was made by Kay Gourneau to support the decision of the Lower Brule School Board to not renew Mr. Allison's contract. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting. Chairman Jandreau stated that if the Tribal Council overturned the decision of the School Board, the existence of the School Board would be null.

2. **JULIAN H. BROWN:** Chairman Jandreau stated that the Lower Brule Sioux Tribe has always been concerned about the erosion of the lake front, we are losing substantial acres of land. We have lost sixty foot in just this last year. I would like the Tribal Council to authorize Julian H. Brown to bring action against the Corps of Engineers to wake them up to the seriousness of the problem. I am hoping that the threat of filing will bring action, force them to put funding in to get something done. Motion was made by Benjamin Thompson, Jr. to authorize Julian H. Brown to bring action against the Corps of Engineers to wake them up to the seriousness of this problem. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting.

3. **INDIAN CHILD WELFARE APPLICATION:** Mr. Steve Sievert, LBST Tribal grant writer submitted two draft resolutions for submission for (1) support the establishment of a legal fund to be used to ensure the best interests of the child are maintained in custody cases involving minor members of the LBST whose parents' legally established rights were terminated through death or through either a voluntary legal action or a court ordered legal action. Motion was made by Kay Gourneau to adopt this resolution for submission. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting. (2) support the establishment of a child advocate to act in the best interests of children involved in cases of child abuse, neglect and child custody. Motion was made by Kay Gourneau to adopt this resolution for submission. This motion was seconded by Boyd Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting.

4. **SHIRLEY MARVIN, EDA PLANNER:** A draft Resolution was submitted by Shirley Marvin, E.D.A. Planner, for the submission of a proposal to the Economic Development Administration (E.D.A.), Department of Commerce (D.O.C.), for a Planning Grant for 1995. Motion was made by Boyd Gourneau to adopt this resolution for submission of 1995 grant funds. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

Shirley Marvin also submitted a draft resolution for approval by the Lower Brule Sioux Tribal Council to submit an application to the Department of Energy for funding to plan and study alternate energy use on the Lower Brule Reservation. Motion was made by Boyd Gourneau to adopt this resolution for submission. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting.

5. **HOMESITE REQUESTS:** Letters of requests for homesites were received from Toni Rouillard and Karen Jones. The land descriptions were reviewed by the Lower Brule Sioux Tribal Council. Motion was made by John Estes, Sr. to approve the homesite requests. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

6. **L.B. CONVENTION CENTER:** Chairman Jandreau stated that a Service Line Agreement with West Central Electric Cooperative, Inc. was needed to get electricity to the Lower Brule Convention Center. Motion was made by Boyd Gourneau to request/approve a service line agreement for the Lower Brule Convention Center. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

7. **GENERAL COUNSEL BILLING:** A billing was submitted by General Legal Counsel, Julian H. Brown, for the period covering May 2, 1994 through May 26, 1994, in the amount of \$5,125.55. The Lower Brule Sioux Tribal Council reviewed and discussed the billing. Motion was made by Kay Gourneau to submit the billing to the Lower Brule Agency, Bureau of Indian Affairs, for review and approval. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting.

8. **TRIBAL DEPUTIES-GOLDEN TATANKA STAMPEDE:** Names were taken for the selection of six (6) Tribal Deputies for the 2nd Annual Golden Tatanka Stampede. The list of names were submitted to Captain David Valandra for recommendation. By Tribal Council concurrence the following six (6) individuals were selected for Tribal

Deputies: Michael Michalek, Peter Two Hawk, Dallas Michalek, Ron Flute, Jimmy Estes, and Marlita James and Sam Flute as alternates.

9. **NIELSEN & SENIOR BILLING:** A billing was submitted by Special Legal Counsel, R. Dennis Ickes, Nielsen & Senior for the period covering March 31, 1994 through April 20, 1994, in the amount of \$783.66. Motion was made by Boyd Gourneau to approve the billing and to submit the billing to the Lower Brule Agency, Bureau of Indian Affairs for review and approval. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting.

10. **JANELLE LAROCHE BESTON RELINQUISHMENT REQUEST:** A letter of request was received from Janelle LaRoche Beston to be relinquished from the Lower Brule Sioux Tribe so that she may be enrolled with the Three Affiliated Tribes of North Dakota. Chairman Jandreau stated that the procedure for relinquishment is to submit a letter to the other Tribe asking if the individual is eligible for enrollment before relinquishment occurs and if the individual is eligible for enrollment in the other Tribe the relinquishment will occur. Motion was made by Kay Gourneau to submit a letter to the Three Affiliated Tribes of North Dakota to this effect. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

11. **CEDBG SEED MONEY - LLOYD JAMES LANGDEAU:** A letter was received from Shirley Marvin in regard to a CEDBG Grant to Mr. Lloyd James Langdeau to purchase equipment for his ranching business. The amount that is needed by Mr. Langdeau is \$15,000.00, which is well below the 20% grant assistance provided by the CEDBG Program. Motion was made by Kay Gourneau to approve the CEDBG grant to Mr. Langdeau contingent upon the approval of the Bank loan. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

12. **SIOUX NATION TREATY MAP REQUEST:** A draft resolution was received for the development/establishment of a draft aboriginal land claims map to be developed by Native Nations of the North American Continent. Motion was made by John Estes, Jr. to approve and support the establishment/development of this map. This motion was seconded by Boyd Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting.

13. **M.C.H. MONTHLY REPORT:** The monthly report for the LBST M.C.H. Program was submitted by M.C.H. Director, Elvera Driving Hawk. The report was reviewed by the Lower Brule Sioux Tribal Council. No action was taken.

14. **EDUCATIONAL GRANT APPLICATIONS:** Educational grant applications were received from the following individuals; Marlene Long Fox, Bettina Rekow, Shirley Flute, Cleveland Iron Heart III, Albert Wright, and Cameron Jon Smith. Motion was made by Boyd Gourneau to approve the educational grant applications as long as all paperwork was in place. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting.

15. **LOWER BRULE COMMUNITY COLLEGE:** Information was received from Mary Sue Schnieder in regard to an individual that would be traveling around in search for possible program funding. By Tribal Council concurrence Ms Schnieder is to contact this individual. The Lower Brule Community College Report for the month of June 1994 was submitted for review by the Lower Brule Sioux Tribal Council. "Our

college semester ended the second week of May and 54 students completed the semester. One student, Angela Estes, completed the semester with a grade point average above 3.5, making her eligible for the Dean's list. The Dean's list is for those students who achieve a 3.5 or better on a scale of 4.0. Two students, Gayle Zielger and Shirley Flute, were the recipients of the Florence Peterson Scholarship Award. This award is from a bequest made to the Community College through St. Joseph's Indian School on behalf of Florence Peterson of Honesdale, Pennsylvania. The monies are for a Native American over the age of 55 who completes a semester of college. Both Shirley and Gayle completed the last semester as students in good standing and were awarded the Scholarship. We will not have summer session this year. Plans are underway for the Fall semester and classes will be planned for second year students as well as freshman level. During the month of August the College Board will be renegotiating the contract with Sinte Gleska University. We do not expect any problems with that renewal. During June I will be visiting with SDSU regarding the offering of courses at LBCC in the Fall through SDSU. Plans center around teacher re-certification classes, in-service and cooperative learning courses. During the summer months we will be also working on another aspect of the Florence Peterson Bequest, that of recording the history and stories of the elderly residents of the Lower Brule Community. Monies were set aside in the bequest for that purpose. In addition to the recordings from the elderly community members, a Lower Brule Archives collection will be started by obtaining films and other documents from the State Library and State Historical Society. Any community member who has documents or other pertinent materials are urged to contact the Community College. The collection will be stored in the Community College until a permanent site is located for it. A grant was submitted to the State JTPA for \$54,924 for Woap'e Te'ca Alternative School. We are waiting for official notification of our award. We were informed that due to budget limitations it will be recommended that we be awarded \$22,617. The State will fund the existing Alternative Schools at their present level and add two new Alternative Schools to the program by splitting the reserve funds; we are one of the two new schools recommended for funding. This funding will enable the Alternative School to expand their reach into the surrounding areas and accept any student in need of a high school diploma or a GED certificate. A second grant request was submitted to the Youth At Risk Trust Fund and we are awaiting notification regarding that request. There are now 12 certified Alternative Schools in the State and Woap'e Te'ca is one of them." No action was taken.

16. **LBST ELECTION BOARD REQUEST:** The Lower Brule Sioux Tribe Election Board submitted a request to approve a modified copy of the LBST Election Ordinance. The Election Ordinance was modified to clarify, who by blood relationship was to sit on the LBST Election Committee and to make corrections on incorrect spelling and grammatical errors. Motion was made by Kay Gourneau to approve the modified LBST Election Ordinance. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

17. **SCOTT JONES REQUEST:** Scott Jones stated that he wanted to make a request for Crystal Middletent, who has been selected for the Lakota Invitational Basketball Camp, who was in need of assistance to attend. By Tribal Council concurrence Crystal Middletent will be given assistance provided that she work the \$280.00 off at the Tribal Office. Scott Jones stated that he would inform Ms. Middletent of this requirement. Mr. Jones informed the Tribal Council that a meeting was being held June 6, 1994 in Denver, Colorado, "Tribal Round Table" meeting. Chairman Jandreau stated that if any of the Tribal Council Members wanted to attend they could make arrangements. Mr. Jones stated that he would be

attending a meeting June 6-7, 1994 in Pierre, SD, with a meeting with the Indian Health Service, and asked if one of the Council Members would also attend the meeting. Discussion was held by the Lower Brule Sioux Tribal Council in regard to the members of the Lower Brule Sioux Tribe that had paid for their house before they received any C.I.A.P. funding to renovate the home. (**Scott Jones left the Tribal Council meeting at this time.**) Motion was made by Kay Gourneau to instruct the Lower Brule Housing Authority to develop a plan, for those people that did not receive C.I.A.P. funding, to receive grants to bring their homes up to standard. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

Chairman Jandreau stated that the Indian Health Service, Lower Brule Housing Authority and Bureau of Indian Affairs, had put a plan together for a lagoon system in West Brule which utilized land which was located within his haying pasture lease. Chairman Jandreau stated that the Tribal Council would have to approve this lease for the lagoon. Motion was made by John Estes, Sr. to approve the lease for the sewer lagoon. This motion was seconded by Shirley Crane. Motion carried with voting being four members for, one opposing, none absent and none not voting.

Discussion was held by the Lower Brule Sioux Tribal Council in regard to future housing developments on the Lower Brule Reservation. John Estes, Sr. stated that the land which was located from the housing project of West Brule out to the Joyce Estes home was once designated for future housing in 1978 or 1979 and asked why this was not being used for housing development. Motion was made by John Estes, Sr. to use the previously designated land for homes, along the highway up to Joyce Estes', on both sides of the road, for future housing development. This motion was seconded by Kay Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting.

19. **LBST H.I.P. TRAILER:** Boyd Gourneau stated that the LBST H.I.P. trailer was not being utilized for the H.I.P. Program, the Program will be cut out of the budget within the next year. Mr. Gourneau stated that the trailer is being vandalized and requested that the trailer be advertised for bids. Motion was made by Benjamin Thompson, Jr. to advertise the H.I.P. trailer for bids. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting.

20. **MARTY JANDREAU RODEO REQUEST:** A request was received from Marty Jandreau for the Lower Brule Sioux Tribe to donate \$2,000.00 to the Golden Tatanka Stampede. Mr. Jandreau stated that because of the price of the tickets, local attendance is not what it could be. Motion was made by Boyd Gourneau to have advance tickets for sale for Tribal Members at a discount. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

21. **WATER RESOURCE GRANT REQUEST:** A draft Resolution was received from Shirley Marvin, EDA Planner, for submission for a Water Resource Grant. Chairman Jandreau asked Mr. LaCroix if this is the Grant that the Tribe had already received. Mr. LaCroix called and checked on the status of the Water Resource Grant. Motion was made by Boyd Gourneau to adopt the Resolution to request a Water Resource Grant. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

The Lower Brule Sioux Tribal Council meeting recessed at 5:00 PM. The Lower Brule Sioux Tribal Council meeting reconvened on June 7, 1994, at 1:26 PM, with Shirley Crane arriving late and Boyd Gourneau absent. Also present was Darrell Middletent, Frederick LaRoche, Ben Janis, Noble LaCroix, Dan Shroyer, Cody Russell, Ben Estes, Betty Belkham and Elvera Driving Hawk.

22. LOWER BRULE SCHOOL BOARD: Chairman Jandreau stated that the reason this meeting was called with the School Board is as a result of the Hearing that took place. Chairman Jandreau stated that the Tribe wanted to discuss the School Boards inconsistencies, the Disciplinary and Absentee problems. Chairman Jandreau asked what the philosophies of the School Board was, what they were going to do in making the education better and what the intentions were in making the School something to be proud of and less having the Council interject when problems arise. John Estes, Sr. stated that the positions should be screened better, screen them more closely. Chairman Jandreau stated that there was a whole process for interviewing. We had questions ready for the kinds of things we wanted to know and would assign them to different members. Ben Janis stated that this year we tried different things in regard to the discipline and absenteeism, but this problem has been going on forever, we will have to find something that works, the home life will have to be dealt with. Benjamin Thompson, Jr. stated that the School Board meetings should be held in the evenings so that the parents could attend. Ben Janis stated that this would be good to get more involvement from the parents. The reason we held the meetings at 10:30 am was because everyone was asking for a stipend. Darrell Middletent stated that the meetings used to be held at 7:00 pm, and would go until 11:00 pm to 12:00 am, with the parents, students and teachers in attendance. Benjamin Thompson, Jr. stated that maybe it should be made mandatory that the parents attend the meetings. Chairman Jandreau stated that there needed to be some sort of public relations between the parents and the teachers, the parents begin to feel singled out, they feel there is a degree of inequality. Chairman Jandreau stated that there should be some kind of meeting with the teachers and the parents before school starts. Chairman Jandreau stated that there are some very good teachers at the high school that have very good relationships with the students. There are not many teachers that are like this. Chairman Jandreau stated that there must also be a demand put on the parents. Ben Estes stated that the values of the children are changing, the respect is being lost. No action was taken at this time.

23. LOWER BRULE SWIMMING POOL: Chairman Jandreau stated that the Lower Brule Housing Authority is submitting a proposal for a community swimming pool and there is a shortfall of \$10,000.00. The Lower Brule Housing Authority is request a donation from the Tribe for \$10,000.00. Chairman Jandreau stated that this could be picked up in next years budget. Chairman Jandreau stated that the outdoor pool would be enclosed with a security fence and would have a bath house. Motion was made by John Estes, Sr. to pledge \$10,000.00 for the development of an outdoor swimming pool. This motion was seconded by Kay Gourneau. Motion carried with vote being four members for, none opposing, one absent and none not voting.

Chairman Jandreau stated that a site would have to be designated for the swimming pool. Chairman Jandreau stated that the Lower Brule Housing Authority submitted two sites, next to the Housing Authority and next to the Teen Help Center. Motion was made by John Estes, Sr. to designate the swimming pool site in the area of the Lower Brule Housing Authority Building. This motion was seconded by Shirley Crane. Motion carried with vote being four members for, none opposing, one absent and none not voting.

Chairman Jandreau stated that the Lower Brule Housing Authority needed to have an established parks and recreation board to take over the maintenance and upkeep of the swimming pool upon the release of the project from the Lower Brule Housing Authority. Motion was made by Kay Gourneau to establish a Parks and Recreation Board to take over the maintenance and upkeep of the swimming pool upon the release of the project from the Lower Brule Housing Authority. This motion was seconded by Shirley Crane. Motion carried with vote being four members for, none opposing, one absent and none not voting.

The Lower Brule Sioux Tribal Council meeting recessed at 3:44 PM. The Lower Brule Sioux Tribal Council meeting reconvened on June 22, 1994, at 2:33 PM, with all Tribal Council members present. Also present was Connie Olson, George Wolfe, Dr. Morgan Reese, Noble LaCroix and Mr. Whisler.

24. U.S. ARMY CORPS OF ENGINEERS: Chairman Jandreau stated that he was pleased to have Dr. Morgan Reese here today. Chairman Jandreau stated that the relationship with the Lower Brule Sioux Tribe and the Corps. of Engineers have had its ups and downs in the last 8-10 years. The resources now have been fairly decent. There are still some issues that are needed and the first thing is allowable resources to the Corps of Engineers to assist in developing the land. There have been a great deal of problems in the last twenty years with erosion and siltation. Realizing that you are a Federal structure, we understand the neglect, but we do not accept it. Several years ago a young lady, Mary Flanderka, did the best she could to attempt to control our problem with erosion, with the limited resources available to her. The land that we utilize is tribal land controlled by the Corps. of Engineers. The actuality of what needs to be done needs to become a reality. There are many areas that interchange that must take place with the Corps. of Engineers. The Supreme Court decided that the Corps. of Engineers was the enforcement for Hunting and Fishing along the reservoir. The B.I.A. has contracted to provide civil jurisdiction. We then asked for the Hunting and Fishing Regulations and enforcement of those lands with boundaries of the Reservation and we have not received a response as of yet. There is no communication. They have to be responsive. Benjamin Thompson, Jr. stated that a request was also put for the shore lands and excess lands on the East side for future homesites, we have not had a response on this either. Dr. Reese stated that the primary reason for these meeting is to determine which excess lands to turn over, we will transfer land administratively. We need an orientation to determine who was interested. We need criteria of excess lands. We have meetings set up all over, Pierre, Mobridge, New Town, etc. Chairman Jandreau stated that another issue are the Governors, what is their input on the turning over of this land. Dr. Reese stated that the investments that the State has made, recreational areas, want to be inclusive, we want to give everybody an opportunity to voice their opinions. Chairman Jandreau asked if the State meetings were exclusive of membership. Dr. Reese stated that the meetings were open and informal. John Estes, Sr. stated that the Corps. of Engineers to the land, made a dam and a road, who is responsible for this road. Chairman Jandreau stated that some engineering by the Corps. of Engineers was submitted. The highway to the narrows, an engineering, design and construction contract is being put in place. Mr. Vader stated that they work for others with a M.O.A. Dr. Reese stated that the formal or informal meetings are wanted to be open and comfortable. Chairman Jandreau asked if the meetings were formal or informal, because if they are informal then we know there will be no commitment made. Dr. Reese stated that there will be a first ever, Nation wide meeting held in Washington to start the process for more orderly and specific Tribal issues. There will be formal workshops with Tribal leaders, partnership

meetings, to lay issues on the table. There will be specific actions taken on matter of the top three priorities. Mr. Reese stated that they will or will be willing to go to the legislature to change what we feel should be changed. Chairman Jandreau stated that he appreciated hearing this. Dr. Reese stated that the Corps. of Engineers are aware of the sensitive feelings on both sides, State and Tribal, and we are willing to deal with it. We want to return as much interests in the lands as possible. John Estes, Sr. asked that when the lands are returned will the Corps. of Engineers make improvements to these lands. Dr. Reese stated that at this point everything is open for discussion. Chairman Jandreau stated that the erosion problems need to be looked at for solutions, the mud flats, and siltation. The problem is not small, these have to be looked at very significantly. Dr. Reese stated that he seen these types of problems on the way here and the issue is on the table. Chairman Jandreau asked about the forestry, for those lost, the trees that are native to this area. There has been an effort, but the dollars are embarrassingly small, it is changing the pattern of the wildlife. We need to ask for a commitment to these, a solution, something more in-depth than the Master plan. Dr. Reese stated that as it is in the works we are taking issues seriously, to take some kind of action, try to divide the budget in an equitable way. Chairman Jandreau asked if there would be allowances for funds to go back out to the land to protect it. Dr. Reese stated that he wanted to let the Tribal Council know that their commitment is to do a lot better. There is not a lot of funding to do what we want to do. We will try and do things, things that you think are important, do things in the very near future. Chairman Jandreau thanked the individuals from the Corps. of Engineers for being here today.

25. **LBST UTILITY BOARD:** A draft resolution was submitted by Elaine White Pipe, which approves the establishment of a Utility Board. Motion was made by Boyd Gourneau to approve the establishment of this Board. This motion was seconded by Kay Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting.

26. **MYRTLE THOMPSON REQUEST:** A letter of request was received from Myrtle Thompson for assistance for her grandson, David Jones, who would be attending a one month course at the School of Mines and Technology in Rapid City, South Dakota. By Tribal Council concurrence Chairman Jandreau is authorized to assist David Jones in this matter. (Boyd Gourneau left the Tribal Council meeting at this time.)

27. **VOC. REHAB. SECRETARIAL POSITION:** A letter of recommendation was received from Maria Estes, Voc. Rehab. Director, which stated, "The following people have applied for the position of Vocational Rehabilitation Secretary: Lynelle Fallis, Emily Flute, Charlotte Flute and Ronalda Driving Hawk. I would like to recommend Lynelle Fallis for the position. Lynelle has received training at the United Tribes Technical College in Bismarck, N.D. for Secretarial Science. I would like the Council to review the position description when making the final selection for this position. Most important for my program is the ability to maintain confidentiality and sobriety. This person must have the maturity to project a professional and proper attitude in the office during working hours. She must also be able to follow directions and adhere to office policy without constant supervision". Motion was made by Kay Gourneau to approve the recommendation made by Maria Estes. This motion was seconded by John Estes, Sr. Motion carried with vote being four members for, none opposing, one absent and none not voting.

28. LBST COURT-CLERK OF COURT POSITION: A letter of recommendation was received from Rose McCauley recommending Ronalda Driving Hawk for the position of Clerk of Courts and Marie Charger as alternate.

The Lower Brule Sioux Tribal Council went into Executive Session at 3:29 PM. The Lower Brule Sioux Tribal Council reconvened Regular Session at 3:44 PM.

By Tribal Council Concurrence the recommendation was approved with Ronalda Driving Hawk as the LBST Clerk of Courts and Marie Charger as the alternate. A letter to the Supervisor, Rose McCauley will be sent, and also posted for the community, that the only authorized collector of bond money, fees, etc., will be Ronalda Driving Hawk. Crystal Medicine Crow will not longer be in charge of accepting bond money. A daily worksheet will be submitted the the LBST Finance office each day before the close of business and that it will be left to the Supervisor, Rose McCauley, that this is followed through. The Supervisor will be responsible for any loss of income.

29. JULY 4TH FIREWORKS: A discussion was held on the use of fireworks during the 4th of July weekend. By Tribal Council concurrence fireworks will not be allowed to be shot off within the Lower Brule or West Brule Communities. Fireworks that are shot off outside of the communities, can only be shot off one week before the 4th of July and until midnight on the 4th. Anyone allowing children to shoot fireworks within the community or before or beyond these times and dates will be cited by the Lower Brule Agency, Bureau of Indian Affairs, Law Enforcement Center, as authorized by the Lower Brule Sioux Tribe.

The Lower Brule Sioux Tribal Council meeting recessed at 3:54 PM. The Lower Brule Sioux Tribal Council meeting reconvened on July 14, 1994, with all Tribal Council Members present. Also present was Bill Langdeau, Randy Jandreau, Bill Zielger, and Jay Blount.

ADJOURNMENT: Motion was made by Kay Gourneau to adjourn the June Regular Session meeting. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting.

CERTIFICATION

The foregoing is a true and correct transcript to the Minutes from the Regular Meetings held by the Lower Brule Sioux Tribal Council on June 1st, 7th, 22nd and July 14, 1994.


SANDY LA CROIX, RECORDING SECRETARY
LOWER BRULE SIOUX TRIBAL COUNCIL

**LOWER BRULE SIOUX TRIBAL COUNCIL
REGULAR SESSION
JULY 14, 1994**

PRESENT: Michael B. Jandreau, Chairman **ABSENT:** None
Kay K. Gourneau
Shirley Crane
Boyd Gourneau
John Estes, Sr.
Benjamin Thompson, Jr.

ALSO PRESENT: Bill Langdeau, Randy Jandreau, Bill Zielger, Jay Blount and Scott Jones.

The Lower Brule Sioux Tribal Council meeting was called to Order by Chairman Michael B. Jandreau at 2:12 PM. Roll call was taken by the Recording Secretary and the Lord's Prayer was led by Chaplain John Estes, Sr.

1. **C.E.D.B.G. GRANT PROGRAM:** Bill Zielger, Jr., Business Management Counselor for the Lower Brule Sioux Tribe Planning Office submitted two proposals for approval by the Lower Brule Sioux Tribe of business plans for enrolled members Bill Langdeau, Randy Jandreau and Carrie/Madore Schenk. Mr. Zielger stated that Bill Langdeau and Randy Jandreau were interested in starting a guide service on the Lower Brule Reservation. John Estes, Sr. asked if this would interfere with the business for Lower Brule Wildlife Enterprise. Bill Langdeau and Randy Jandreau stated that it would not, that they do this during hunting season anyway. Chairman Jandreau stated that there were letters attached from the Lower Brule Wildlife Enterprise stated that they would utilize the Services of "Medicine Creek Guide Service" when needed and a letter from the Golden Buffalo Casino for an agreement that involves the utilization of the Motel and Casino as part of a Guided package services. Mr. Zielger stated that this was a needed services, when hunters come down that do not know the area, this will help in getting them to the places where they should be hunting. Mr. Ziegler stated that the grant amount needed for this proposal was \$5,000.00. Motion was made by Boyd Gourneau to approve the C.E.D.B.G. Grant for the Medicine Creek Guide Service. This motion was seconded by Kay Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting.

Mr. Ziegler stated that he also had a business proposal for Carrie and Madore Schenk to develop an repair operation on electric equipment, which will be run out of their home, "C & M Electronics". Mr. Ziegler stated that Mr. Schenk has 16 years experience in electronic repair. Motion was made by Kay Gourneau to approve the C.E.D.B.G. proposal for C & M Electronics for the amount of \$1,120.00. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting. Chairman Jandreau asked how the other grant recipients were doing in their business, etc. Mr. Zielger stated that he will get a report to the Council on the ones he did. Chairman Jandreau stated that he would like to see how they all are doing. Mr. Zielger stated if the Tribe would approve mileage he would go around and check all of them.

2. **TAMARA FONDER REQUEST:** Chairman Jandreau stated that two bids were received on the H.I.P. trailer and both were for \$500.00. The bids were received from Faye

Banks and Tamara Fonder and Faye Banks stated that she changed her mind about the trailer and that Tamara Fonder could have it. Chairman Jandreau stated that Jay Blount was here today because a homesite was approved for both Tamara Fonder and Mr. Blount, which Mr. Blount has moved his trailer on and Tamara Fonder is asking for the lot back. Kay Gourneau stated that Faye Banks, which was approved the lot where the H.I.P. trailer was, stated that she did not need the lot until May of 1995 and that Tamara Fonder could stay on there. Chairman Jandreau stated that the water and sewer should be done on her homesite out of the community and when it is done she can have the trailer moved there. Chairman Jandreau instructed Mr. Blount that he could stay on the lot at the rate that was previously approved per month.

3. **BILL LANGDEAU REQUEST:** Bill Langdeau submitted a letter of request to the Tribal Council in regard to the Tribes house that was previously the Durkin home. Mr. Langdeau stated that he was aware that the Tribe had given the house to Mr. Richard P. Thompson, Jr., but that Mr. Thompson, Jr. has not moved into the home or has made any improvements and the home is deteriorating from not being used, there are broken windows and there are birds inside the house. Motion was made by Shirley Crane to notify Richard P. Thompson, Jr. and to turn the home over to Bill Langdeau with the same lease and agreement as approved with Mr. Thompson, Jr., but stipulate that if Mr. Langdeau does not move in or make improvements to the home within one (1) year the Tribal Council will revoke the agreement. This motion was seconded by Kay Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting.

4. **CLIFF SKYE PROPOSAL:** Mr. Cliff Skye presented to the Lower Brule Sioux Tribal Council a proposal from Tatanka Returns Industries, Inc., which are planning to request funding for a complex that would house numerous businesses, museum, amphitheatre, malls, etc. Mr. Skye stated that the concert that he was involved in has increased and is going to be bigger than first thought. The concert is to provide funding for Tribes. By Tribal Council concurrence no action was taken either way. The Tribal Council desired to go into further detail on this proposal and to get a reading of how other Tribes feel about it.

5. **SCOTT JONES:** Scott Jones stated that on August 12, 1994 the 8th Annual and final year of the Run for the Sacred Pipe would be taking place. Mr. Jones stated that the run will be seven days long. The run is to make a statement to stop the sale of pipes and pipestone. Our people will leave here to go to the Crow Creek Sioux Tribe then on to the Oglala Sioux Tribe, Pine Ridge, Yankton then on to Pipestone. All of the reservations are meeting at Pipestone. What we are trying to do is to have the return of the Pipestone Quarry to the Yankton Sioux, it is held by the National Park Service. Mr. Jones stated that he would like to request the use of a Tribal vehicle to take the runners. By Tribal Council concurrence Scott Jones is authorized to use a Tribal vehicle. (Shirley Crane left the Tribal Council meeting at this time.)

Scott Jones stated that he would like to request at this time a donation of two buffalo and one elk for the 1994 LBST Annual Pow wow. Motion was made by Boyd Gourneau to approve Mr. Jones' request. This motion was seconded by John Estes, Sr. Motion carried with vote being four members for, none opposing, one absent and none not voting. (Shirley Crane entered the Tribal Council meeting at this time.)

Scott Jones stated that he knows that there have been a lot of complaints about the water, but that the water was in good shape. We are having problems with the turbidity. There is too much air in the lines and that is why the water is the way

it is. Scott Jones stated that the costs for water, sewer and garbage should be increased to help pay for equipment and personnel to run this program. Scott Jones stated that the water should be raised to at lease \$20.00 a month, garbage should be raised to \$15.00 a month and sewer raised to \$10.00 a month. We are having trouble in collecting from some individuals now for what they are paying, \$9.00 a month. The Tribe has been contributing to mostly all of the costs for these programs, which should be paying for themselves. Mr. Jones stated that he also gets complaints that we should not have to pay for water, etc., but Mr. Jones stated that it costs money to hire personnel and keep the equipment running and supplies in. Chairman Jandreau asked Mr. Jones to try and get the I.H.S. down here to do an actual study of the sand filters. The sand filters are full. Chairman Jandreau stated that a copy of the Bylaws of the LBST Utility Board have been submitted for approval. Chairman Jandreau stated that they should do a study on the costs of running the water/sewer and garbage programs on the reservation. Motion was made by Kay Gourneau to approve the Bylaws of the LBST Utility Board and have to do a study and make recommendations to the Council on costs. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting.

6. **NORWEST BANK LOAN:** Chairman Jandreau stated that the Tribe is in need of a loan of \$120,000.00 to pave the Casino and Bank parking lots. Chairman Jandreau stated that \$2,000.00 would come from the Casino income and \$480.00 from the Bank rental. Chairman Jandreau stated that we really need to have it done. Boyd Gourneau asked if any action needed to be taken. Chairman Jandreau stated that he had to negotiate the loan with the bank yet before action could be taken.

The Lower Brule Sioux Tribal Council meeting recessed at 5:24 PM. The Lower Brule Sioux Tribal Council meeting reconvened on August 8, 1994, at 2:03 PM, with all Tribal Council Members present. Also present was Alan Lien, Bob Hiatt, Diana Brandt and Scott Jones.

ADJOURNMENT: Motion was made by Kay Gourneau to adjourn the July Regular Session meeting. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

CERTIFICATION

The foregoing is a true and correct transcript to the Minutes from the Regular Meetings held by the Lower Brule Sioux Tribal Council on July 14, 1994.


SANDY LA CROIX, RECORDING SECRETARY
LOWER BRULE SIOUX TRIBAL COUNCIL

**LOWER BRULE SIOUX TRIBAL COUNCIL
REGULAR SESSION
SEPTEMBER 7, 1994**

PRESENT: Michael B. Jandreau, Chairman **ABSENT:** None
Kay K. Gourneau
Shirley Crane
Boyd Gourneau
John Estes, Sr.
Benjamin Thompson, Jr.

ALSO PRESENT: Noble LaCroix, Stuart Langdeau and Bill Ziegler, Jr.

The Lower Brule Sioux Tribal Council meeting was called to Order by Chairman Michael B. Jandreau at 10:58 AM. Roll Call was taken by the Recording Secretary and the Lord's Prayer was led by Chaplain John Estes, Sr.

1. **LOWER BRULE HEALTH BOARD:** The Lower Brule Health Board submitted a letter to the Lower Brule Sioux Tribal Council with the recommendations for the following people and positions: Receptionist-Marletta James, Data Coordinator-Misty D. Ziegler, Part-Time Child Care Worker/Counselor-Tamara Fonder, Teen Help Center Assistant-Re-Advertise the position, School Substance Abuse Prevention Counselor-Patti Moore. Motion was made by Benjamin Thompson, Jr. to approve the recommendations made by the Health Board. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

2. **BILL ZIEGLER, JR-C.E.D.B.G. PROGRAM:** Bill Ziegler, Jr. stated that he had two CEDBG Proposals to submit to the Tribal Council, one was not ready; it is for C&M Electronics, Carrie Flute and Madore Schenk. Mr. Ziegler stated that they were interested in providing service contracts for the Tribal Programs on electrical equipment.

Mr. Ziegler stated that he had a CEDBG Proposal for Orville Langdeau, Sr. in the amount of \$15,000.00. Boyd Gourneau asked if \$15,000.00 is a policy for the CEDBG Program. Mr. Ziegler stated that it was not policy, I feel that the amount of the grant should depend on the business. John Estes, Sr. stated that the proposals shows were an old loan will be paid off in this process. Mr. Ziegler's stated that it would, but the Tribal Council is the last determining body to approve these grants, this will help him start new. Benjamin Thompson, Jr. stated that he had a question on paying off his debt, everyone else will say something, everyone else will want the same thing. John Estes, Sr. asked Noble LaCroix if he knew anything on this matter. Noble LaCroix stated that the Bureau of Indian Affairs have been working with Orville Langdeau, Sr. Chairman Jandreau stated that in the cattle industry, in normal circumstances, you usually do buy out old debts. Boyd Gourneau asked what percentage \$15,000.00 was for this loan. Chairman Jandreau stated around 28%, to match \$45,000.00. Motion was made by Kay Gourneau to approve the CEDBG Proposal for Orville Langdeau, Sr. This motion was seconded by Boyd Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting. Chairman Jandreau stated that Orville Langdeau, Sr. old debt is from the loans given from the Indian Consortium. Every operator on the Lower Brule Reservation has paid their loan off except Mr. Langdeau. The Indian

Consortium is defunked. There were hundreds of thousands of dollars that went into other reservations and most of the money was used for feed, you cannot have a cash flow on feed. Noble LaCroix stated that they did something to Mr. Langdeau's loan also, he owes more than what he thought he did. Chairman Jandreau stated that these have really messed people up financially and yet they have wrote off the loans on other reservations, but the program is no longer in existence. Benjamin Thompson, Jr. asked how much money was left in the CEDBG Program. Bill Ziegler, Jr. stated that there was over \$100,000.00 for this year. Chairman Jandreau stated that with this year and the new year there will be \$225,000.00. Shirley Crane asked how many CEDBG Proposals there were. Bill Ziegler, Jr. stated that he is working with sixteen people, they won't all go through the program, some of them do not have the borrowing capabilities and even if they are all approved we would still have enough. Shirley Crane stated that she would like to see Orville Langdeau, Sr. succeeded. Chairman Jandreau informed Mr. Ziegler, Jr. that a better reporting system would have to be incorporated. You will have to provide a reporting system on how they are doing, validate their assets. We would like to have a file here. Bill Ziegler, Jr. stated that he has a file and that he called everyone for a report, but haven't gotten anything back from them. Chairman Jandreau stated that we have to know to continue the program, you will have to draft a letter to those people for my signature stating this requirement. Benjamin Thompson, Jr. stated that he still had a problem in paying peoples debts off. Chairman Jandreau stated that he didn't see a problem with it except if they use the grant for 100% of the pay off of a debt. Chairman Jandreau stated that we have to go case by case with these, they are all different. John Estes, Sr. asked where the check would go? To the bank. Noble LaCroix stated that the check would go to the bank. John Estes, Sr. stated that he wouldn't want to add any more burden onto Mr. Langdeau, Sr. Kay Gourneau stated that when Mr. Langdeau, Sr. goes to sell his calves the check will be made out to him and the bank and the bank will get their payment first.

3. L.B.S.T. TRIBAL COURT: Shirley Crane asked if the recommendations from the Judicial review were being implemented. Chairman Jandreau stated that they started implementing them and that Mr. LaCroix was working with them. Mr. LaCroix stated that another Clerk and another Judge position was recommended, now the Tribe can do this and pay for it or the Bureau can. There are administrative things that need to be done like arrangements they are supposed to be done everyday from 10:00 to 3:00, this isn't being done. Another person is coming from the Aberdeen Area Office to fine tooth comb it and to go over the contract; there is still a long way to go. Benjamin Thompson, Jr. stated that they should be monitored every month. Noble LaCroix stated that it may come down to that, but they do need another Judge and there is money for that. Benjamin Thompson, Jr. stated that at the election maybe the loser should be the other Judge. Noble LaCroix stated that there is an appearance that justice is not being done across the board and there is a lot of complaints, the public sees it and they think it is a who you know, who you are belief, a lack of credibility. Noble LaCroix stated that the Bureau can do an audit at the Tribe's request. Shirley Crane asked who was responsible for setting up court cases. Chairman Jandreau stated the Judge is the one who has to set the date and the Clerk has to send out the paperwork. Motion was made by John Estes, Sr. to request the Bureau of Indian Affairs to conduct an audit on the Lower Brule Sioux Tribal Court. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting. By Tribal Council concurrence a letter received from Jeanie Langdeau in regard to the Lower Brule Sioux Tribal Court will be tabled until the 9th.

4. **SEVENTH GENERATION YOUTH:** A letter of request was received from the Seventh Generation Youth, Patti Moore Coordinator, for a donation for the "Seventh Generation" gather to be held September 16, 17, and 18, 1994 in Rapid City, South Dakota. By Tribal Council concurrence Chairman Jandreau is to handle this request and provide a donation.

5. **LOWER BRULE EMPLOYMENT ENTERPRISE:** A letter of request was received from Lee Gourneau, LBEE, for approval on obtaining a \$500,000.00 line of credit to be utilized to ensure bonding capabilities. Motion was made by Boyd Gourneau to approve the line of credit and to authorize Chairman Jandreau to sign any documentation in regard to the line of credit. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting. (Benjamin Thompson, Jr. left the Tribal Council meeting at this time.) Chairman Jandreau stated that Lower Brule Employment Enterprise is requesting to "638" the Lower Brule Indian Health Service Center Modular Expansion Project. Chairman Jandreau stated that the project is supposed to be completed during the Summer of 1995. All of the I.H.S. Programs will be in the expanded clinic. Motion was made by Kay Gourneau to authorize L.B.E.E. to request to "638" the expansion project. This motion was seconded by Boyd Gourneau. Motion carried with vote being four members for, none opposing, one absent and none not voting.

6. **LOWER BRULE HEAD START PROGRAM:** A request was received from Pat Madsen, Head Start Director for approval for the submission of a grant application to Johnson O'Malley for funding for the new year. Motion was made by Kay Gourneau to authorize the submission of the grant application. This motion was seconded by Shirley Crane. Motion carried with vote being four members for, none opposing, one absent and none not voting.

7. **L.I.H.E.A.P. REQUEST:** A request was received from Emma LaRoche, L.I.H.E.A.P. Coordinator, for approval on the submission of a grant for funding for fiscal year 1995. Motion was made by Boyd Gourneau to approve submission for grant funding. This motion was seconded by Shirley Crane. Motion carried with vote being four members for, none opposing, one absent and none not voting. (Benjamin Thompson, Jr. entered the Tribal Council meeting at this time.)

8. **LOWER BRULE WILDLIFE ENTERPRISE:** Several requests were received from Ben Janis, C.E.O. L.B. Wildlife Enterprise; the first item is for approval on the 1994 Lower Brule Sioux Tribe Migratory Bird Hunting Regulations, which includes Mourning Doves, Geese, Ducks, Coots, and Snipe. Motion was made by Kay Gourneau to approve the 1994 LBST Migratory Bird Hunting Regulations. This motion was seconded by Benjamin Thompson, Jr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

A copy of the Lower Brule Sioux Tribe Bison Proposal was submitted for approval for grant funding for FY-95 for \$43,350.00 from Congress through the Intertribal Bison Cooperative. This funding would be used to cross-fence the additional 1,600 acre pasture for a rotational grazing system, construct a corral system to properly hand and manage the bison herd and develop a winter watering system. Motion was made by Kay Gourneau to approve submission of the Bison Proposal. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting.

Notification was received from Yellowstone National Park stating that buffalo that get separated from the herd and leave the confined area will be killed and gutted. Chairman Jandreau stated that the Tribe needed to get someone up there during this time. By Tribal Council concurrence authorization is given to have someone go to Yellowstone to get the buffalo.

Ben Janis submitted a 1994 Permit for Hunting Guides. A permit for people who desire to provide guide services to hunters. The permit outlines the fees for the permit: L.B.S.T. Member on any reservation land is \$100.00, Other Tribal Member/Non-Trust Lands \$100.00, Other Tribal Member/All Reservation Lands \$250.00, Non-Tribal Member/Non-Trust Lands \$200.00, Non-Tribal Member/All Reservation Lands \$5,000.00. Motion was made by Boyd Gourneau to approve the 1994 Permit for Hunting Guides on the Lower Brule Reservation. This motion was seconded by Kay Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting.

9. **BILL AUSDEMORE APPRAISAL:** The Lower Brule Sioux Tribal Council requested that Mr. Bill Ausdemore provide an appraisal on the I.H.S. house that the Tribe was selling to Benjamin Thompson, Jr. The appraisal value of the house is \$25,565.00. The cost for conducting the appraisal was \$90.00. Chairman Jandreau stated that approval was needed to pay Mr. Ausdemore for his services. Motion was made by Kay Gourneau to approve payment for Mr. Ausdemore in the amount of \$90.00. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting. Chairman Jandreau stated that a contract and monthly payment schedule would have to be done on the purchase of this home by Benjamin Thompson, Jr. Motion was made by John Estes, Sr. to allow Mr. Thompson, Jr. to pay \$80.00 per month for a payment schedule. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting. Authorization was given to Chairman Jandreau to draw up the contract.

10. **EVELYNN CHARGING HOMESITE REQUEST:** A request was received from Evelyn Charging for approval of a Homesite, which is located east of Victor Grassrope's home, containing 2.5 acres more or less. Motion was made by John Estes, Sr. to approve Ms. Charging's request for a homesite. This motion was seconded by Kay Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting.

Chairman Jandreau stated that Virgil Flute and Brenda Estes have also submitted requests for homesites. Chairman Jandreau stated that he would like to table these items until a map and the location of these homesites are identified, to make sure no one else already has the sites.

11. **LAND SALE APPLICATIONS:** Land sale applications were received from the following; Wilson Cane, Doris Grassrope, Collins Yellow Hawk and Christopher Yellow Hawk. Motion was made by Kay Gourneau to request appraisal on these interests of land. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting.

12. **LANGDEAU BROTHERS REQUEST:** A letter of request was received from the Langdeau Brothers in regard to their leased land. The request is to split the lease 23-135-9396, which will be identified as Jim Langdeau's lease and that Range Unit 29 will continue to have all three names listed. Motion was made by Kay Gourneau to approve the request. This motion was seconded by Benjamin Thompson,

Jr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

13. NIELSEN & SENIOR BILLING: A billing was received from R. Dennis Ickes, Special Legal Counsel for the Lower Brule Sioux Tribe in the amount of \$66.44. Motion was made by Boyd Gourneau to approve the billing and to submit the billing to the Bureau of Indian Affairs for review and approval. This motion was seconded by Kay Gourneau. Motion carried with vote being five members for, none opposing, none absent and none not voting.

14. GENERAL COUNSEL BILLING-JULIAN H. BROWN: A billing was received from General Counsel, Julian H. Brown for the period covering August 1, 1994 through September 5, 1994, in the amount of \$3,152.89. Motion was made by Kay Gourneau to approve the billing and to submit the billing to the Bureau of Indian Affairs for review and approval. This motion was seconded by Shirley Crane. Motion carried with vote being five members for, none opposing, none absent and none not voting.

15. L.B.S.T. MINUTES: The Minutes from the Lower Brule Sioux Tribal Council meetings held in the months of June, July, and August were submitted for approval by the Lower Brule Sioux Tribal Council. Motion was made by Kay Gourneau to approve the L.B.S.T. Minutes for June, July, and August. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

16. EDUCATIONAL GRANT APPLICATIONS: Educational Grant applications were received from the following individuals: Angela Estes, Leslie Spears, Esther Flute, Michelle Langdeau, Barbara Goings, Shirley Flute, Randy LaRoche, Celenia Martinez, Julie Brinkmeyer, Les Estes, Duane Chase, Effie Black Bear, and Patricia Herron. Motion was made by Kay Gourneau to approve the Educational Grants as long as all paperwork was in place. This motion was seconded by Benjamin Thompson, Jr. Motion carried with five members for, none opposing, none absent and none not voting.

17. L.B.S.T. ANNUAL FAIR: An expenditure report was received from the Program Activities for the Lower Brule Sioux Tribe Annual Fair. The Lower Brule Sioux Tribal Council reviewed the reports. No action was taken on this matter.

18. M.C.H. MONTHLY REPORT: The M.C.H. monthly report was submitted by Elvera Driving Hawk, M.C.H. Director. The Lower Brule Sioux Tribal Council reviewed the report. No action was taken on this matter.

19. CORPS OF ENGINEERS: Chairman Jandreau stated that a letter was received from the meeting held with the Corps of Engineers, in which areas were identified that had soil erosion problems. Chairman Jandreau stated that along the shoreline, 5,000 feet, about 6 1/4 feet are lost a year; a total of 22 feet a year. Chairman Jandreau stated that in the letter the areas with the highest erosion was listed as top priority. I believe that all the areas along the shoreline should be listed as top priority and that these problems be handled immediately. We need to begin to request the Congressman to get funding immediately for us because of the impact that the erosion is having on our land base. Motion was made by Boyd Gourneau to identify all the erosion areas as top priority, request funding from Congress to conduct a study on the impacts of the erosion and the funding to address the problems. This motion was seconded by John Estes, Sr. Motion carried with vote being five members for, none opposing, none absent and none not voting.

Shirley Crane asked what was happening on the Oacoma land. Chairman Jandreau stated that the land was placed in trust and Oacoma is appealing. They cannot appeal against the land being in trust; they are appealing the manner in which it is placed into trust. The appeal is against the Bureau of Indian Affairs. John Estes, Sr. asked what their argument was. Chairman Jandreau stated that their argument was the loss of revenue from the lost land base. (Kay Gourneau left the Tribal Council meeting at this time.)

20. VIRGIL FLUTE HOMESITE REQUEST: Chairman Jandreau stated that Virgil Flute would like to request a homesite for the area on the south side of Victor Grassrope's. Motion was made by Benjamin Thompson, Jr. to approve Virgil Flute's request for a homesite. This motion was seconded by John Estes, Sr. Motion carried with vote being four members for, none opposing, one absent and none not voting.

21. RED PLUM DAM-S.D. GAME, FISH & PARKS: Mr. Emmet Keesher, Jeff Peters and Mike Corneliousm stated that with the approval of the Tribal Council they would like to submit grants to get the Cherry Ranch Dam operating again to allow a fishery for kids and possibly get a gravel trail to the dam. Mr. Keesher stated that in 1978 the Dam was temporarily fixed, but it keeps eroding. Mr. Peters stated that he would like to get a permanent structure out there. There is funding available through Stanley County Conservation District, Dingle Johnson funding with a 75% cost share project. We are hoping that within a year we will be able to come back especially with the road development. Chairman Jandreau stated that action needed to be taken authorizing them to put a grant proposal together for the Lower Brule Sioux Tribe. Motion was made by Boyd Gourneau authorizing SD GF&P, Red Plum Dam to seek funding on behalf of the Lower Brule Sioux Tribe in coordination with L.B. Wildlife Biologist Joel Bich and to also authorize a gravel road trail to be put in place. This motion was seconded by John Estes, Sr. Motion carried with vote being four members for, none opposing, none absent and none not voting.

22. BRENDA ESTES HOMESITE REQUEST: A request was received from Brenda Estes for a homesite located behind Gayle Ziegler's home, which would contain 2.5 acres more or less. Motion was made by Boyd Gourneau to approve Brenda Estes' homesite request. This motion was seconded by Shirley Crane. Motion carried with vote being four members for, none opposing, none absent and none not voting.

Chairman Jandreau stated that a homesite request was also received from Vicki Her Many Horses, but this homesite was just given to Virgil Flute. We can table this request and get back to Mrs. Her Many Horses.

Noble La Croix stated that he was contacted by the Red Cross who informed him that the Reservations in South Dakota were left out of their Program and that a meeting was being held in Pierre for representatives from the Reservations to attend to voice their needs, etc.

The Lower Brule Sioux Tribal Council meeting recessed at 1:58 PM. The Lower Brule Sioux Tribal Council meeting reconvened on October 5, 1994, at 12:45 PM, with John Estes, Sr. absent. Also present was Greg Miller, Orville Langdeau, Jr., James Hawk Wing, Richard P. Thompson, Sr.

23. CERTIFICATION OF GENERAL ELECTION: Mr. Greg Miller, Election Board Chairman read the Certification of the General Election dated September 19, 1994, for the Election held on September 13, 1994 as follows: Michael B. Jandreau,

Chairman, Orville Langdeau, Jr. Vice Chairman, Shirley Crane, Secretary/Treasurer, James Hawk Wing, Council Member, Benjamin Thompson, Jr., Council Member, Richard P. Thompson, Sr., Council Member. Motion was made by Kay Gourneau to accept the Certification of the General Election. This motion was seconded by Boyd Gourneau. Motion carried with vote being four members for, none opposing, none absent and none not voting.

Chairman Michael B. Jandreau stated that he would like to thank the previous Tribal Council for their service to the Lower Brule Sioux Tribe for the past two years.


The Swearing In of the newly Elected Lower Brule Sioux Tribal Council Members took place at a Swearing In Ceremony held at the Lower Brule High School. The Swearing In of the newly elected officials was performed by Captain David Valandra.

The Lower Brule Sioux Tribal Council meeting was adjourned at 12:55 PM.

ADJOURNMENT: Motion was made by Boyd Gourneau to adjourn the September Regular Session meeting. This motion was seconded by Kay Gourneau. Motion carried with vote being four members for, none opposing, one absent and none not voting.

CERTIFICATION

The foregoing is a true and correct transcript to the Minutes from the Regular Meetings held by the Lower Brule Sioux Tribal Council on September 7, 1994 and October 5, 1994.



SANDY LA CROIX, RECORDING SECRETARY
LOWER BRULE SIOUX TRIBAL COUNCIL