

Lower Brule Sioux Tribal Council Meeting
Regular Meeting
August 5th, 2015

The Regular Meeting of the Lower Brule Sioux Tribal Council was held at the Tribal Administration Building on the 5th day of August, 2015, and was called to order at 11:00 a.m. by the Vice-Chairman, Kevin Wright With Roll Call as Follows:

PRESENT

Kevin Wright, Vice-Chairman
Orville C. Langdeau, Secretary/Treasurer
Sonny Ziegler, Sergeant-At-Arms
John McCauley, Council Member
Desiree LaRoche, Council Member

NOT PRESENT

Chairman's Seat is Vacant

ALSO PRESENT

Scott Jones, Administrative Officer, LBST
Lee Brannan, Tribal Manager, LBST
Wilma Wilson, Personnel Manager, LBST
Sheryl Scott
Cathy Grubbs
Theresa Long Turkey
Mike Coleman
Dennis Eagle Horse
Tatanka Eagle Horse
Gayle Ziegler
Lori Ziegler
Lewis Grassrope
Various Members of the Tribal Public

OPENING PRAYER

The Chaplain, Vice-Chairman Wright, called upon Mr. Dennis Eagle Horse to lead the meeting in an opening prayer.

ROLL CALL

A quorum was established.

Close July 2015 Meeting

With no further business for the month of July, 2015, motion by Secretary-Treasurer Langdeau to close July, 2015 Lower Brule Sioux Tribal Council Meeting, second by Council Member McCauley, during discussion Sergeant-At-Arms Ziegler inquired whether the action included the meetings in July. The question was called by Secretary-Treasurer Langdeau, 4 for, none opposed, none not-voting, none absent and one vacant seat.

Vice-Chairman Wright stated at this time that he wanted to assert his vote as Vice-Chairman at this time, and that the vote should be 5 for, Secretary-Treasurer Langdeau called a Point-of-Order and informed the Vice-Chairman that as the Presiding Officer he could not vote, the Secretary-Treasurer continued on that you cannot vacate your position while acting in the capacity of Presiding Officer and to vote while he is Presiding Officer is in violation of the constitution as the Presiding Officer can only vote in the case of a

tie and that during the Council Meeting, the Vice-Chairman's is acting as Chairman. The discussion continued with Sergeant-At-Arms Ziegler stating that he (the Vice-Chairman) is not getting paid as Chairman. Vice-Chairman Wright offered to table the issue and in response to Council Member McCauley's position that this should not be brought up again, further offered that it would not be brought up again until the Tribal Council was in Executive Session.

Approve March 4th, 2015 Lower Brule Sioux Tribal Council Meeting Minutes

After review and discussion, a motion was made by Council Member LaRoche to approve the March 4th, 2015 Lower Brule Sioux Tribal Council Meeting minutes, second by Council Member McCauley, 4 for, none against, none not-voting, none absent and one vacant seat.

Approve July 1st and July 9th, 2015, Lower Brule Sioux Tribal Council Meeting Minutes

After review and discussion, a motion by was made by Council Member McCauley to approve the July 1st, and July 9th, 2015 Lower Brule Sioux Tribal Council minutes, with corrections, second by Secretary-Treasurer Langdeau, 4 for, none against, none not-voting, none absent and one vacate seat. Sergeant-At-Arms Ziegler requested that the record reflect 2/3's positive instead of 4 for, for the record.

Report and Presentation by Eyvonne Rekow, IHS Service Unit Director

Ms. Eyvonne Rekow, I.H.S. Service Unit Director provided an update to the Lower Brule Tribal Council and began by thanking the Tribal Council for allow her to come before them and for their support. She informed the Tribal Council that the IHS Clinic will no longer be closed on Wednesday at all and it will be open for community use and tribal members. For her it is all about patient care and she stated that the Staff will be making themselves available to do that. After August 17, the Clinic will have a new provider. The Clinic will be doing interviews for a full time provider for Lower Brule and at this time she is also looking at another permanent doctor. The Staff is dealing with space for the new provider and they are proposing extended clinic hours as of the 1st of October, as well as staggering health care provider's availability. Ms. Rekow is working toward staffing 5 permanent providers with 2 doctors. The Clinic will have now have a property and supply staffer and this position has been vacant since last. Ms. Rekow informed that Tribal Council that she is filling necessary positions and working toward providing a higher level of care to the Lower Brule People. The staff is supportive. The supply manager position is being advertised and, the Clinic is re-advertising the supply assistant, as well as the custodian position and the Aberdeen Area Human Resources people have been really helpful. The Clinic is making many changes in hours of operation and staffing to provide the best health care possible. She said the staff are already setting the ground work to have the National Guard come again next year and pointed out how fortunate we are to have them assist the community. She informed the Tribal Council that the Clinic is working on providing an optometrist and dentist for the community. Ms. Rekow stated that she is involve in several reorganization activities and is placing staff under appropriate supervision, to avoid historic problems with detailed and temporary CEOs. She asked for recognition for the hard work and commitment of the I.H.S. Staff and went on to discuss the behavioral health needs of the community and the need for more coordinated planning and outreach. We need some type of intervention and support to the families, I do not know what the Tribes attempts are but we did have a conference call with Fort Thompson Staff and Ms. Ellen Durkin. The discussion went on concerning the need for more services regarding behavioral health issues in Lower Brule especially in light of the recent tragedies affecting the entire community. Council Member LaRoche asked if there was currently a 24 hour service, Ms. Rekow responded that that was a question better asked of Ms. Ellen Durkin. Council Member LaRoche inquired if there is any attempt to re-establish the prenatal services and Ms. Rekow responded that she is review the staffing roster to meet the prenatal needs of the reservation. Council Member McCauley referenced the need for chiropractic services. Ms. Rekow stated that she has brought orthopedic and physical therapy into the

planning and that she recognizes the need for those services but that she has to utilize what is allowable in order to meet the existing needs.

Lower Brule Softball Request and Lower Brule Horse Racing Committee Request

A request was received from Mr. Cody Russell, Lower Brule Softball Tournament Coordinator requesting funding in the amount of \$15,033 and from Ms. Marlys Langdeau, Lower Brule Horse Racing Coordinator requesting an additional \$10,000 to fund her involvement in the Indian Relay Races and for the 2015 Lower Brule Annual Fair and Rodeo. After review and discussion motion made by Sergeant-At-Arms Ziegler to approve both requests, second by Council Member McCauley, 4 for, none against, none not-voting, none absent and one vacant seat.

Land Buy Back Program - Kati Grounds Senior Advisor for Tribal Relations, Washington, DC, Ms. Sheila Farmer

Ms. Kati Grounds and Ms. Sheila Farmer came before the Lower Brule Sioux Tribal Council to discuss several issues concerning the Land Buy Back Program. They presented the Tribal Council with an information packet. Ms. Grounds reminded the Tribal Council that they have primarily met with the Tribe's contractor Cogent Group, and that they have normally met with Tribal Government earlier in the process. She informed the Tribal Council that the Program has 1.9 billion dollars with 1.555 billion set aside for purchase of land from landowners nationwide, 285 million set aside for administration of the Program and an addition 60 million set aside for educational scholarships. To purchase the land for the Tribes, the land must have multiple owners and it must be fractionated lands. The Lower Brule Sioux Tribe is one of the scheduled 42 locations (Tribal) that have been identified for the purchasing activities with a total of 146 that are eligible and that can be added as they go forward. The Program has quite a bit of information on the land status and the ownership of lands on the Lower Brule Sioux Indian Reservation and the Program has ten (10) years to administrate and complete the activities. Lower Brule is going to be one of the first places that the Program will be making purchase offers and there will be a tract by tract appraisal report completed over the next year. To date the Program has paid out approximately 593 million and for Lower Brule they estimate 12 million will be implemented for the Land Buy-Back Program. They have identified 596 fractionated tracts so far and buy-back offers are scheduled for late winter 2016. That is when the monies will become available for Lower Brule and Crow Creek Sioux Indian Reservations. There are about 5,000 landowners involved in the tracts of land on the Lower Brule. Ms. Grounds noted that the Lower Brule Sioux Tribe has been actively buying back lands for decades. There are 457 unknown locations of Tribal Members and there are some in Canada that need to be identified and contacted. There was much discussion about how the land would be assigned after purchase. Ms. Grounds stated that the lands would be returned to the Lower Brule Sioux Tribe to be held in trust by the Bureau of Indian Affairs. Ms. Grounds requested that the Tribal Council identify a Point-of-Contact and by Concurrence, the Lower Brule Sioux Tribal Council named Mr. Lee Brannan, Tribal Manager as the Point-of-Contact for the Land Buy-Back Program at Lower Brule with the caveat that he will not act upon any decisions without the Tribal Councils involvement. She presented the Tribal Council with demographic information about the landowners at Lower Brule and the most recent maps of ownership. She informed the Tribal Council that the appraisals must have an effective date and that the appraisals are good for nine (9) months before they expire. Ms. Grounds stated that there was a Memorandum of Agreement sent to the Tribe that identified the Program as the Administrator of all activities. The Tribe had previously desired a Cooperative Agreement to hire its own contractors and staff to manage the Program. This Cooperative Agreement did not get finalized and now she stated that it cannot be implemented. Ms. Grounds stated that part of the reason was the delay in finalizing the proposed agreement, and that there were costs outstanding for expenses to Adamski Law and Cogent Group (the Tribes Point-of-Contact in DC), and there was to be software developed which wasn't, with the total outlay in the 6 figures to cover those expenses and the Land Buy-Back Program struggled with

those expenses “for months”. However, the Tribe revised the proposed Cooperative Agreement trying to correct the issues that the Program had problems with, and when the Land Buy-Back Program was reviewing the revised Cooperative Agreement (that was received by them on March 31st 2015) in April 2015, which had taken out the software development activity and amended the other costs, they received a letter “requesting that there be no further federal funds” for the Lower Brule Sioux Tribe. That letter was received by Mr. Kevin Washburn, Bureau of Indian Affairs, from Mr. Kevin Wright, Vice-Chairman, Lower Brule Sioux Tribe; these issues negated the possibility for the Cooperative Agreement. Mr. Brannan wanted to emphasize that the Cooperative Agreement was evolving to provide local employment to Tribal Members for the course of the activities.

Recess at 12:30 p.m.

The Council came out of Recess at 1:41 p.m.

Ms. Brandy Crazy Bull Request for Surplus Equipment Declaration and Purchase Approval
- tabled

A request was received by the Lower Brule Sioux Tribal Council from Ms. Brandy Crazy Bull asking for a declaration of surplus property on a vehicle (a gold Grand Prix) that is inoperable and for the permission to purchase the vehicle for parts. Council Member McCauley requested more information on the vehicle. Tabled

Inadvertent Discovery of Human Remains - Informational

Information was presented to the Lower Brule Sioux Tribal Council on the inadvertent discovery of human remains at Waubay National Wildlife Refuge in Waubay, South Dakota. The Fish and Wildlife Service is initiating consultation with affiliated Tribes. The Tribal Council has taken the matter under advisement.

Congressional Press Release from Senator Thune (R-SD) and Rep. Noem (R-SD) - Informational

Senator John Thune and Rep. Kristi Noem issued a press release informing the Tribes that they have introduced legislation to protect Native American Tribes from the Affordable Care Act’s costly employer mandate. The Tribal Council has taken the matter under advisement.

Land Sale Offer

The Lower Brule Sioux Tribal Council received a request submitted by Sundall Law Office on behalf of Ms. Leanne Abdnor and Ms. Lynne Barnett offering to sell the Lower Brule Sioux Tribe 160 acres of land within the reservation. After review and discussion, motion made by Secretary/Treasurer Langdeau to request the Bureau of Indian Affairs to do a land appraisal for said lands located within:

160 acres located within the SW ¼ of Section 10, T107N, Range 75W, of the 5th PM located in Lyman County, South Dakota.

And, to negotiate the purchase of the above described lands based upon the appraisal and the availability of funds, second by Council Member McCauley, 4 for, none against, none not-voting, none absent and one vacant seat.

Days of 76 Wagon Train

The Lower Brule Sioux Tribal Council received notice that the Black Hills National Forest is scoping the Days of 76 Wagon Train trip and is reviewing the issuance of a special use permit allowing the Wagon Train to conduct activities in the National Forest. The Tribal Council has taken the matter under advisement.

Emergency Enrollment for Jacey Estes

The Lower Brule Sioux Tribal Council received a request from the Lower Brule Sioux Tribal Enrollment Committee to enroll the J’Kovy J. Estes on an emergency basis. The Enrollment Committee was requesting this emergency enrollment as a result of court proceedings and their belief that the safety of the child was at risk. After review and discussion, motion made by Council Member McCauley to do an emergency enrollment of J’Kovy J. who meets the enrollment criteria of the Lower Brule Sioux Tribe and whose application has been reviewed and approved by the Enrollment Committee, second by Council Member LaRoche, 4 for, none against, none not-voting, none absent and one vacant seat.

St Joseph Indian School Request for Letter/Resolution of Support for the Development of a Health and Family Services Center

A request was received by the Lower Brule Sioux Tribal Council from the St. Joseph Indian School in Chamberlain, SD, requesting a letter/resolution of support for the development of a Health and Family Services Center. This Center would provide preventative care and education including suicide prevention, alcohol and drug avoidance, health screenings and other services. After review and discussion, motion by Secretary/Treasurer Langdeau to approve the request for support of the Health and Family Services Center at St. Joseph’s Indian School, second by Council Member McCauley, 4 for, none against, none not-voting, none absent and one vacant seat.

Diabetes Program Grant Application Request

The Lower Brule Diabetes Program presented two (2) draft resolutions, requesting that the Lower Brule Tribal Council approve 1.) The new grant application for the Diabetes Program FY-2016 and 2.) The establishment of an Administrative Leave policy for clients who are receiving services from the Diabetes Program. After review and discussion, motion by Council Member McCauley to resolve to approve the new grant application for FY-16 and to resolve to approve the new Administrative Leave policy for Diabetes Program clients who participate in education, exercise, and physical activity classes, 4 for, none against, none not-voting, none absent and one vacant seat.

NAHA Proposed Guidelines and Addition of New Board Members

The Lower Brule Sioux Tribal Council was presented with NAHA Guidelines for the operation and distribution of NAHA. After review and discussion a motion was made by Sergeant-At-Arms to re-advertise the Board positions, second by Council Member LaRoche, during discussion, Council Member McCauley asked if the intent was to eliminate the old Board, and if so, wouldn’t it be wise to bring in new people and add them to the existing board so they can learn about operations? Secretary/Treasurer Langdeau stated that he had no problem with re-advertising but that he didn’t agree with not allowing the existing Board to serve. After discussion, the motion maker amended his motion to add two (2) new positions to the NAHA Board, the second to the motion agreed, with the question being called by the Secretary/Treasurer, the vote to approve the amended motion and second was 4 for, none against, none not-voting, none against and one vacant seat.

Selection of Deputies for the 2015 Lower Brule Fair and Pow-Wow

Ms. Wilma Wilson, Personnel Manager, Lower Brule Sioux Tribe submitted the 57 Applicants for the 2015 Lower Brule Fair and Pow-Wow Deputy positions. After review and discussion, the Tribal Council selected the following individuals to serve as Deputies for the Fair:

Cindi Fire Cloud	Emmett Goodface	Fred Goodface
Alvin Johnson, Jr.	Ronald Middletent	Ronnie Thigh
Shirley Booher	Sophie Byington	Curtis Banks
Thomas Eagle Thunder	Ken Touch	Kieran Wells
Zoe Fisherman	Llewellyn Hood	Dale Middletent

Ruth Ann Johnson
Errol Flute

Neil Whitney
Keith Johnson, Jr.

Leighton LaRoche, Jr.

Alternates: Hank Fast Wolf, Harvey LaRoche, Dale James, Dmitri Ecoffey, Trevor Red Wolf
Motion to approve the above Deputy and Alternate list at \$10 per hour by Secretary/Treasurer Langdeau, second by Council Member LaRoche, 4 for, none against, none not-voting, none absent and one vacant seat.

Executive Session at 2:12 p.m.

The Tribal Council came out of Executive Session at 2:30 p.m.

Selection of Conservation Officer for Lower Brule Department of Wildlife, Fish & Recreation

Ms. Wilma Wilson, Personnel Manager, Lower Brule Sioux Tribe, presented the Lower Brule Sioux Tribal Council the applicants for the position of Conservation Officer of the Department of Wildlife, Fish and Recreation. After review and discussion, motion made by Secretary/Treasurer Langdeau to adopt the recommendation provided by the Department of Wildlife, Fish and Recreation and select Mr. Tyler McGhee to fill the position of Conservation Officer, second by Council Member McCauley, 4 for, none against, none not-voting, none absent and one vacant seat.

Resolve to Re-advertise the Purchasing Clerk Position

Discussion was held regarding the difficulty the Lower Brule Sioux Tribe has had in recruiting qualified applicants for the Purchasing Clerk position. In light of this, motion by Sergeant-At-Arms Ziegler to re-advertise the position, second by Council Member LaRoche, 4 for, none against, none not-voting, none absent and one vacant seat.

Low Income Housing Energy Assistance Program (LIHEAP) Application for FY 2016

The Lower Brule Sioux Tribal Council was presented with a request to renew the application for the LIHEAP Grant for FY-2016. After review and discussion motion by Council Member McCauley to approve the Grant Application for the LIHEAP FY-2016 Program, second by Sergeant-At-Arms Ziegler, 4 for, none against, none not-voting, none absent and one vacant seat.

Lower Brule Fair Pow Wow Committee and Gate Fee

Discussion was held regarding the Gate Fee for the Lower Brule Pow-Wow and what it is used for. Vice-Chairman Wright expressed a desire to utilize some of those Gate Fees to provide a clothing stipend to students who did not receive a NAHA \$75 stipend. After further discussion, the Tribal Council decided that a clothing stipend be established for Lower Brule Enrolled Member students, who reside on the Lower Brule Sioux Indian Reservation, ages 13 through 18. The Tribal Council directed that the Tribal Programs be asked to chip in and determine an amount that would provide \$100 for all the students ages 13-18 who reside at Lower Brule. After consideration, motion made by Council Member LaRoche to establish a clothing stipend in the amount of \$100 for Enrolled Member resident students ages 13 through 18 to assist the families, second by Council Member McCauley with the caveat that the Programs donations to this effort be an allowable expense, 4 for, none against, none not-voting, none absent and one vacant seat.

Access to all Financial Records by the LBST Council Members

Discussion was held regarding Signatory Authority of the Lower Brule Sioux Tribe. The Council Members discussed the lack of trust amongst themselves and the disagreements that exist between them. Vice-Chairman Wright asked if there was a motion, and at this point Council Member LaRoche made a motion to adopt Signatory Authority for all Lower Brule Sioux Tribal Council Members, second by

Sergeant-At-Arms Ziegler, more discussion was held, 2 for, 1 against, 1 not-voting, none absent and one vacant seat. The motion died for lack of enough positive votes. Vice-Chairman Wright stated that for the record, he is counting his (Council Member McCauley's) not-vote as a positive vote, Council Member McCauley objected to this. Council Member McCauley then made a motion to approve Council Member LaRoche be added to the Signatory Authority authorization, second by Secretary/Treasurer Langdeau, 3 for, none against, 1 not-voting, none absent and one vacant seat. A ruling from the Chair, determined that without objection, the not-vote would count as a positive vote for the motion.

At this point, Vice-Chairman Wright adjourned the August Lower Brule Sioux Tribal Council Meeting, with the next meeting to be held on the first Wednesday in September.

CERTIFICATION

The foregoing is a true and correct transcript of the actions and decisions of the Lower Brule Sioux Tribal Council assembled in Regular Session, with quorum present, on the 5th day of August, 2015.

Scott Jones, Acting Recording Secretary
Lower Brule Sioux Tribe