

May 2015

Fellow Tribal Members,

We, the newly elected council members, are addressing the Lower Brule Tribal Membership, on and off reservation; families; community members; residents of the Lower Brule Reservation and tribal employees.

We have now been facing additional transition challenges since Tribal Chairman Jandreau unfortunately passed away on April 3, 2015. As Vice Chairman, I am now the Acting Chairman as defined under the Tribe's Constitution and Bylaws until an appointment to fill the position is made by the current Tribal Council according to the Tribe's Constitution and Bylaws¹. We believe it is in the best interest of the tribe and to promote transparency and good governance to detail some major steps taking place with Tribal Government.

My initial interest in running for a position on the tribal council was treaty issues and my desire to protect our lands from Keystone XL Pipeline. I have learned of many other issues since the election and I humbly admit that mistakes were made.

As Vice Chairman it was my sworn duty to assume the responsibilities of the Chairman when the position became vacant. I did not foresee this happening but I will do my best to follow the Lower Brule Constitution and Bylaws to the best of my ability. The Tribal Council will follow the constitutional provisions to appoint a new Chairman. With such turmoil that has been created I am announcing five main objectives that I hope to accomplish during my elected term.

TRANSPARENCY AND ACCOUNTABILITY: Provide information to the members of the Lower Brule Sioux Tribe on financial matters and all business activity of the Tribe and to ensure public funds and other Tribal resources are managed appropriately.

KEYSTONE XL: Publicly join opposition to the pipeline and efforts to stop it

WEST ROCK: Investigate this failed investment involving millions of dollars and report findings to the tribal members.

FAIRNESS: Take actions to ensure all tribal members have fair access to jobs, program services, housing, and financial resources of the Tribe, regardless of family or political ties. Too long we have seen some people receive preferential treatment and financial benefits at the expense of the rest of the people who struggle to survive.

ILLEGAL DRUGS: Take any and all actions available to stop the destruction by meth, pandy and other drugs on the health and welfare of our reservation.

¹ Article 1, Section 1 and Section 2 of the Constitution's Bylaws authorize the Vice-Chairman to act as Chairman in all respects in the absence of a Chairman. Specifically, Section 1 states that "The Chairman of the Tribal Council shall preside over all meetings of the Tribal Council, shall perform all duties of a Chairman, and exercise any authority delegated to him by the Tribal Council." Section 2 states that "The Vice-Chairman of the Tribal Council shall assist the Chairman when called upon to do so and in the absence of the Chairman shall preside. When so presiding he shall have all the rights, privileges, and duties as well as responsibilities of the Chairman".

Amendment III, Article V, Section 1 of the Constitution specifies how to fill the vacancy of a Council member if such member should die and states that "If an officer, councilman, selected or elected official shall die, resign, permanently leave the reservation or while in office be found guilty of a felony or misdemeanor in any Indian State or Federal Court, the Tribal Council shall declare the position vacant and shall appoint a qualified individual to fill the unexpired term."

35 Resolutions Passed in September 2014 by prior council

According to Amendment V, Article VII, Section 4-Ordinance and Resolutions, 2nd Paragraph. “. . .
Such resolutions shall be recorded in a special book which shall be open to public inspection.”

Passed September 3, 2014

- 14-153. Retain Darrell Middletent & Boyd Gourneau (old council) on various Tribal Enterprise Boards
- 14-154. Appointing Darrell Middletent as Manager of Community Center
- 14-155. Close August 2015 meeting.
- 14-156. Appointing Shawn LaRoche Propane Manager
- 14-157. Accept Leah House resignation, deny request to retract, will re-advertise.
- 14-158. Renew Orville Langdeau's leases for 10 years.
- 14-159. Approve 2015 PL-638 Health Contracts
- 14-160. Re-open Keeps Eagle Settlement, additional payments to existing plaintiffs.

Passed September 18, 2014

- 14-161 Accept Chief Judge Elect T. Felicia resignation
- 14-162 Appoint Lorrie Miner (non-Indian) Chief Judge
- 14-163 Approve Steve and Stuart Langdeau leases for ten years.
- 14-164 Approve John McCauley and wife horse pasture lease for 10 years.

Passed September 26, 2014

- 14-165. Approve minutes for January 2014 through September 2014
- 14-166A Approve re-contracting 16 BIA 638 contracts.
- 14-167 Approve Geraldine/Sue Ziegler HIP participants.
- 14-168 Approve establishment of Drug Court
- 14-168B Approve establishment of DUI Court
- 14-169 Approve Lower Brule liquor Ordinance.
- 14-170 Support Plan B of Fish & Wildlife annual funding.
- 14-171. Approve Sandra Abdo to operate Rodeo Concessions 2015.
- 14-172A. Approve M. Jandreau's signature for Wind Energy & LBST Utility Authority.
- 14-172B. Approve establishment of LBST Utilities Authority & Jandreau will appoint the board.
- 14-172C. Boyd Gourneau as Tribal Manager of Wind Energy project & LBST Utility Authority.
- 14-173 Boyd Gourneau as manager of RBEG, WIA, TERO & Taylor Jandreau as f/t assistant.
- 14-174. Approve purchase of Canister Extractor.
- 14-175 Approve J. Yellow Robe's request monthly increase for 75+ to Gaming Commission.
- 14-176 Accept and approve land purchases from D Isburg, L. Slowey, T. Felix.
- 14-177A. Approve Orville Langdeau to Housing Board for 4 years.
- 14-177B. Approve Darrell Middletent on Housing board for 3 years.
- 14-177C Approve Regina Box to Housing Board for 1 year.
- 14-178. Approve Les Estes as Nutrition Manager Head Start.
- 14-179. Select Lisa LaRoche and Melinda Lacota as teacher aides.
- 14-180. Select Maialan Langdeau and Julie Johnson to childcare.
- 14-181. Select Leah House as Diabetes Director.
- 14-182 Approve revised Financial Management Policies and Procedures.

We understand that this has been an especially trying time for all of us. Since we, the newest elected council members were first sworn in we have faced hurdles and challenges such as:

- **Denied Reasonable Access to Government Facilities.** Being denied basic information and access necessary for elected councilmembers such as orientation to various government operations, keys and other forms of access to government facilities.
- **Denied Access to Information About Government Operations and Finances.** Despite repeated requests, a majority of the Tribal Council, including myself, continue to be denied access to financial or other reports though it has been requested from Trish Lundell and others. We have also been denied authorization to sign checks or allocate public funds even though these responsibilities rest with the whole Tribal Council. As a result, government finances are not overseen by the full Tribal Council, Acting Chairman, or Vice-Chairman, in violation of the Constitution, federal rules, and basic standards of good governance. This situation began as soon as the new council was sworn in on October 1, 2014 and is placing federal funds at risk because the government requires full council authorization in order to receive and use funds.

Similarly, we have been denied access to prior resolutions, minutes, and other information that is supposed to be available under the constitution and Bylaws and essential for the Tribal Council to operate responsibly and effectively. We have only found 35 resolutions that had been made in September prior to October 1, 2014 from the old council. Those will be listed on a separate page to bring you up-to-date as far as we know.

Time Line of Events

On April 6, 2015, David Durkin from Washington, a DC based law firm of Olsson Frank Weeda Terman Matz (OFW law), circulated a legal opinion to the Tribal Council and other Tribal Government officials detailing a process of filling the council seat vacated by the tragic and untimely demise of Chairman Michael Jandreau on April 3, 2015.

The Tribal Council did not solicit this opinion as would be the appropriate procedure. Instead, Lee Brannon, The General Manager of the Lower Brule Sioux Tribe, apparently requested this legal opinion. Mr. Brannon is not a Tribal member but was appointed by a former Tribal Council to the senior most civil service position within the Lower Brule's Tribal Government.

Mr. Durkin is a colleague of Marshall Matz who is a principal of the law firm (OFW) law. Mr. Matz was appointed by a former Tribal Council as a lobbyist for the Lower Brule Sioux Tribe on agriculture and other issues in Washington, DC and to provide other services to the Tribal Government. In recent days, he has also acted as a spokesperson for the Jandreau Family after the Chairman became severely ill.

According to Mr. Durkin's memo, he was asked to "take the lead" as the Lower Brule Sioux Tribe's "Counsel on Governance" by Ms. Tara Adamski and Mr. Matz. Ms. Adamski was contracted by a former Tribal Council to act as the General Counsel of the Tribe. Neither Ms. Adamski, Mr. Matz, nor Mr. Durkin is a tribal member and they are not elected officials for the Lower Brule Sioux Tribe. Ms. Adamski and Mr. Matz were contracted by a former tribal Council to provide services to the Tribal Government while Mr. Durkin was apparently contracted to the Tribal Government at their discretion.

According to Article VI(a) of the Lower Brule Sioux Tribe's Constitution, only the Tribal Council has the authority to employ legal counsel for the protection and advancement of the rights of the Lower

Brule Sioux Tribe and its members. The choice of the counsel and fixing of fees is subject to the approval of the Secretary of Interior.

The decision to employ counsel requires a meeting of the Tribal Council and the passage of a Resolution authorizing such measures. The Tribal Council has not met since early March, almost one month before Chairman Jandreau's sudden illness and death.

In regard to Mr. Durkin's memo, there was no meeting of the current Tribal Council to discuss such legal representation or any Tribal Council Resolution authorizing such a memo or any related activities.

As well, the Tribal Council has not met or passed any Resolution authorizing Ms. Adamski and Mr. Matz to commission "Counsel on Governance" or any legal memos or opinion on succession or related matters. Nonetheless, Ms. Adamski, Mr. Matz and Mr. Durkin unilaterally undertook such actions without consultation or authorization of the current Tribal Council and presented this opinion to the Tribal Government on April 6, 2015.

Since Ms. Adamski, Mr. Matz and Mr. Durkin acted without appropriate authority; Acting Chairman Wright decided to terminate their work with the Tribe and has asked them to provide all documents and files related to their work with the LBST Tribe to the Lower Brule Tribal Council.

As of April 7, 2015, Mr. Matz, Ms. Adamski, and their respective firms do not represent the Lower Brule Sioux Tribal Government. Their April 6, 2015 legal opinion is purely their own and does not constitute an opinion on behalf of the Tribal Government or Tribal Council.

Acting Chairman Wright also terminated the Tribal Government's relationship with R. Dennis Ickes, another outside counsel involved in Tribal business activities on the basis of a conflict-of-interest with the Tribal Government. Mr. Ickes was closely involved in the Westrock transactions and other opaque Tribal business activities. He has also been asked to provide all documents and files related to his work with the Tribe to the Lower Brule Tribal Council.

Then Scott Jones allegedly called KELO on Easter day, April 5, 2015 and did an interview stating he was declaring the Chairman's seat vacant and illegally announcing the new Chairman, Amy Jandreau. We learned of this and contacted KELO and asked them not air this announcement since such decisions had not been made by the tribal council. Because Scott violated his own job duties and authority, he was officially terminated April 7, 2015.

The latest news is that the BIA will be investigating and monitoring how federal funds under the PL93-638 contracts for the previous fiscal year were used due to persistent allegations of financial mismanagement against the former Tribal Council and a request by me to examine the use of funds and to ensure better Tribal Council oversight. We look forward to this and will keep you informed of the results as this is our money and we need to see how it is being spent.

We as newest elected Council members are committed to a transparent transition to fill the Tribal Council seat vacated by the untimely demise of Chairman Jandreau based on the Tribal Constitution and principles of good governance. We will keep Tribal Members and the public notified of these developments a timely manner.