

Lower Brule Sioux Tribal Council
Regular Meeting
December 5, 1984

PRESENT: William Ziegler, Secretary/Treasurer
Charles Langdeau, Chaplain
Michael B. Jandreau
Kay Gourneau

ABSENT: Pat Spears, Chairman
Winona Long, Vice-Chairman
DeWayne Goodface, Sgt.-Arms

The meeting was called to order by the Secretary-Treasurer in the absence of the Chairman. The Lord's Prayer was led by Charles Langdeau, Chaplain.

1. CERTIFICATION OF ELECTION - Mr. Neil P. Russell, Chairman of the Election Board read the results of the Election. He informed the Council that the Election had been certified by the Election Board as follows: (On Reservation) Michael Jandreau, Kay Gourneau, Darrell Middletent, Theodore Rouillard, William Ziegler, Charles Langdeau, and (Off-Reservation), William Jandreau. Michael Jandreau made a motion to accept the Certification as read. The motion was seconded by Charles Langdeau and carried with four for, none opposed, and three absent.

2. OATH OF OFFICE - Mr. William Ziegler turned the meeting over to Shirley Flute, Associate Judge for the purpose of administering the oath of office. Mrs. Flute congratulated the new Council Members.

3. ELECTION OF OFFICERS - At this time the meeting was conducted by the Agency Superintendent, Edwin Miller. Darrell Middletent nominated Michael Jandreau for Chairman. The motion was seconded by Ted Rouillard. Ted Rouillard moved that nominations for Chairman cease. The motion was seconded by Charles Langdeau and a unanimous vote was taken for Mr. Jandreau as Chairman. Ted Rouillard nominated Charles Langdeau for Vice-Chairman. The motion was seconded by Kay Gourneau. Darrell Middletent nominated Kay Gourneau for Vice-Chairperson. This motion was seconded by William Ziegler. William Ziegler made a motion that nominations cease for Vice-Chairperson. This motion was seconded by Ted Rouillard. A show of hands resulted with a vote of four for Kay Gourneau and two votes for Charles Langdeau. Kay Gourneau was voted as Vice-Chairperson. Darrell Middletent nominated William Ziegler for Secretary-Treasurer. This motion was seconded by Charles Langdeau. Kay Gourneau made a motion that nominations cease. This motion was seconded by Mr. Rouillard and a unanimous vote was taken for William Ziegler as Secretary-Treasurer. William Ziegler nominated Darrell Middletent for Sargeant-At-Arms. This motion was seconded by Ted Rouillard. Motion by William Jandreau that nominations cease. This motion was seconded by Kay Gourneau. A unanimous vote was taken for Darrell Middletent as Sargeant-At-Arms. Ted Rouillard nominated Charles Langdeau for Chaplain. This motion was seconded by William Ziegler. Mike Jandreau moved that nominations cease. This motion was seconded by Darrell Middletent. A unanimous vote was taken for Charles Langdeau.

Mr. Miller congratulated all the Members of the Council and turned the meeting over to the new Chairman, Michael Jandreau. Mr. Jandreau received a large round of applause. He stated the first item of business is to have a discussion among the Council Members to see where we are going, what we are going to do and how we are going to get it done. Mr. Jandreau stated "I believe that this group of individuals, there is a Council that will work for the best interest of the Tribe." Mr. Jandreau asked the Council if they wished to continue with the meeting or go into an Executive Session on what they wanted to do. Mr. Jandreau stated he wished to thank all the people who participated in the Council Election process.

The meeting was recessed until 1:00 PM to prepare an agenda. Meeting reconvened at 1:20 PM with all Members present.

4. RENEWAL OF LEASE - LANGDEAU BROTHERS - Charles Langdeau requested renewal of Lease #23-006-354, NW $\frac{1}{4}$ of Section 12, Township 107 North, Range 76 West, containing 160.00 acres. He requested the land be changed from farmland to pastureland. This was concurred by the Council Members. Kay Gourneau made a motion to adopt a resolution that the Langdeau Brothers lease be renewed at the established rate for pastureland. This motion was seconded by William Jandreau and carried with a vote of five for, none opposed, none absent and one not voting. Charles Langdeau did not vote.

5. SIGNATURE CARDS - After a lengthy discussion, it was decided that William Ziegler's signature would be on all checks. All actions pertaining to money would have to be approved by the Council. Ted Rouillard made a motion that Michael Jandreau, Kay Gourneau, William Ziegler and Charles Langdeau be authorized to sign the checks. The motion was seconded by Darrell Middletent and carried with a vote of six for, none opposed, none absent and none not voting. Motion was made by William Ziegler that all individuals involved on the signature cards be bonded. This motion was seconded by Ted Rouillard and carried with six for, none opposed, none absent and none not voting.

6. TRAVEL POLICIES - Mr. Ziegler requested some clarification on the travel and mileage policy so everyone knows how they stand on this issue. After discussing this matter thoroughly, Charles Langdeau made a motion to adopt a resolution establishing the following stipulations on Council travel:

- 1.) All travel by the Tribal Council Members must be approved by the Tribal Council prior to departure.
- 2.) The Off-Reservation Council Member will receive mileage for one (1) trip per month, unless otherwise approved by the Tribal Council.
- 3.) Day to day travel expenses will be submitted to the Tribal Council for approval prior to payment.

This motion was seconded by William Ziegler and carried with six for, none opposed, none absent and none not voting.

7. OLD BUSINESS - Mr. Michael Jandreau addressed the Superintendent, Mr. Miller, and stated that the old Council had conducted some business that had not been followed up on. Mr. Miller informed the Council that he had not received any approved, certified Council minutes or resolutions since September of 1983. He suggested that the Council approve those minutes and resolutions and authorize the current Council to certify them. He stated he could get a master copy and start work on it. Kay Gourneau made a motion to approve all the minutes and resolutions with corrections so we can get started reconstructing the records since September of 1983, and to authorize the present Council Members to certify them. This motion was seconded by Darrell Middletent and carried with a vote of six for, none opposed, none absent and none not voting.

8. BONDING LAND LEASES - A discussion was held on the bonding requirements on leases, and land leases in general. Mr. Rouillard requested action on a lease that he had requested, that was also given to J.W. Thompson. Kay Gourneau made a motion to rescind all the actions pertaining to that particular lease. This motion was not seconded. The Council went off the record for discussion at this time. Charles Langdeau made a motion to post all available land not under lease at this time, for a period of fifteen (15) days. This motion was seconded by William Ziegler and carried with a vote of six for, none opposed, none absent and

(#8. Bonding Land Leases Cont'd.) - and none not voting.

9. FARM BOARD - Chairman Jandreau asked the Council if they wish to have Winona Long continue as a Member of the Farm Board or replace her. Motion was made by Charles Langdeau to remove Winona Long from the Farm Board. This motion was seconded by William Ziegler and carried with six for, none opposed, none absent and none not voting. Motion was made by William Ziegler to appoint Charles Langdeau to the Farm Board. This motion was seconded by Ted Rouillard and carried with five for, none opposed, none absent and one not voting. Charles Langdeau did not vote.
10. CLARK RANCH - Motion was made by Ted Rouillard to advertise the position of Clark Ranch Project Inspector immediately for a period of (15) fifteen days. This motion was seconded by Charles Langdeau and carried with six for, none opposed, none absent and none not voting.
11. TRIBAL PROPERTY - Motion was made by William Ziegler to direct the Chairman to obtain any and all tribal property that the old Council Members may have in their possession. This motion was seconded by Darrell Middletent and carried with six for, none opposed, none absent and none not voting.
12. PERSONNEL OFFICER - Motion was made by Charles Langdeau to appoint Darrell Middletent as Personnel Officer for a period of thirty (30) days so that the position can be advertised. This motion was seconded by William Ziegler and carried with six for, none opposed, none absent and none not voting.
13. RECORDING SECRETARY - Motion was made by William Ziegler to advertise the position of Recording Secretary. This motion was seconded by Kay Gourneau and carried with five for, none opposed, one absent and none not voting.
14. HIP PROGRAM - A discussion was held in reference to a pickup and gas needed for the HIP workers when they go out in the country to inspect homes. It was discussed that the HIP Contract needed to be modified to include gas and a pickup in the budget. No action was taken at this time.
15. COMMUNITY DEVELOPMENT CORPORATION - Motion was made by William Ziegler to remove all previous Board Members on the Community Development Corporation and set up an advertisement for a period of two (2) weeks, for people who would be interested in sitting on the Corporation Board. This motion was seconded by William Jandreau and carried with six for, none opposed, none absent and none not voting.
16. TRIBAL ATTORNEY - The Tribal Attorney Contract will be ending as of December 9, 1984. William Ziegler would like to see someone just out of law school and if the expertise is needed, then hire someone else. Motion was made by William Jandreau that approval for legal services has to be done before it is paid. This motion was seconded by Kay Gourneau and carried with six for, none opposed, none absent and none not voting.
17. CONTRACTS - Motion was made by William Ziegler to adopt a resolution requesting the Bureau of Indian Affairs to withdraw their request to contract the Credit Reservation Program and the Range Technician Program, and someone be appointed in these positions for a period of thirty (30) days. This motion was seconded by Darrell Middletent and carried with six for, none opposed, none absent and none not voting.

18. SMALL LOANS PROGRAM - A request was submitted from the Small Loans Program Committee to help find funds for Christmas loans. A plan for disbursement and collection of the small Christmas loans was also submitted. Chairman Jandreau requested the Council to table any action on this request for a few days. All Council Members agreed. No action was taken at this time on the Small Loans Program Committee request. Motion was made by William Ziegler to appoint Wilma Wilson, Howard Green, Cody Russell to the Small Loans Program Committee. This motion was seconded by William Jandreau and carried with six for, none opposed, none absent and none not voting.

19. M.C.H. EDUCATOR - Darrell Middletent resigned from the position as M.C.H. Educator. Mr. Middletent made a motion to temporarily appoint Lenora Bingen as Maternal Child Health Educator while the position is being advertised for a two (2) week period. This motion was seconded by Charles Langdeau and carried with six for, none opposed, none absent and none not voting.

Recess of Council Meeting to go into the Construction Board Stockholder's Meeting.

CONSTRUCTION BOARD STOCKHOLDER'S MEETING - First order of business was to open the floor for discussion. Ted Rouillard has been working as Administrative Assistant for the Construction Company. So far they've been able to pay the bills but at present, have only one contract. Mr. Rouillard thinks some of the Board Members take advantage of that contract and feels some of the Construction Board Members should be replaced. He has been administering the CDBG Grant and two grants have to be closed out. The new proposal deadline is April 15, 1985. Motion was made by Ted Rouillard to remove DeWayne Goodface, Winona Long, Janice Bad Horse Larson and Howard Green. This motion was seconded by Darrell Middletent and carried with six for, none opposed, none absent and none not voting. Darrell Middletent nominated Ted Rouillard to sit on the Construction Board. William Ziegler nominated Charles Langdeau to sit on the Construction Board. Charles Langdeau nominated Cody Russell to sit on the Construction Board. Ted Rouillard nominated Bill Thompson sit on the Construction Board. Mr. Ken Kelly will remain as a member of the Construction Board. Motion was made by Kay Gourneau that these people nominated be appointed to sit on the Construction Board. This motion was seconded by Ted Rouillard and carried with six for, none opposed, none absent and none not voting.

At 4:45 PM, Chairman Jandreau declared the meeting adjourned.

The regular meeting of the Tribal Council reconvened at 10:15 AM on December 6, 1984, with all Members present.

20. ELECTION GRIEVANCE - Pat Spears presented a letter to the Tribal Council. He wished to file the election protest for the record. The letter presented is an election grievance from Pat Spears and Winona Long. The Council agreed to set up a grievance hearing for Pat S. and Winona L. at the next regular meeting. The Chairman will notify them by letter.

21. REQUEST FROM CHERYLL LAROCHE & JOSEPHINE SKUNK - Letters were submitted from Cheryll LaRoche and Josephine Skunk requesting retroactive pay from their previous positions with the Tribe. Motion was made by Ted Rouillard to allow the Chairman to negotiate a settlement with Cheryll LaRoche and Josephine Skunk and offer them their jobs back. This motion was seconded by Kay Gourneau and carried with six for, none opposed, none absent and none not voting.

22. HEADSTART GRANT - Motion was made by Charles Langdeau to approve and authorize Chairman Jandreau to sign the Headstart Grant. This motion was seconded by William Jandreau and carried with six for, none opposed, none absent and none not voting.
23. CONSTRUCTION COMPANY - Ted Rouillard informed the Council that Gaylord Choal, Construction Manager said a sub-contractor may be delivering pivots next week. The Bureau of Indian Affairs agreed to furnish an inspector until the position is filled.
24. TRIBAL PROGRAMS - The Chairman suggested a letter be written to all Program Directors of the change in status of the Tribal Council.
25. INDIAN CHILD WELFARE ACT - Motion was made by Ted Rouillard to authorize and appoint Rose McCauley to serve as contact person for the Indian Child Welfare Act. This motion was seconded by Darrell Middletent and carried with six for, none opposed, none absent and none not voting.

ADJOURNMENT - Motion was made by Charles Langdeau to adjourn the meeting. This motion was seconded by William Jandreau and carried six for, none opposed, none absent and none not voting.

CERTIFICATION

The foregoing is a true and correct transcript of minutes of a Regular Meeting held by the Lower Brule Sioux Tribal Council on the 5th and 6th days of December, 1984.

Kay Courneau, Recording Secretary

December 5, 1984

Lower Brule Sioux Tribe
Lower Brule, South Dakota 57548

Dear Members:

This is to file a grievance regarding the election for Tribal Council on December 4, 1984. The election ordinance and the allowance of two candidates to run for office are in conflict of Article III of the Bylaws of Constitution of the Lower Brule Sioux Tribe.

Article III of the Bylaws of the Constitution of the Lower Brule Sioux Tribe states that " no person shall be a candidate for membership in the Tribal Council unless he shall not have been convicted of a felony by any Indian, State, or Federal Court and shall not have been involved in any action involving dishonesty with money."

Documentation of convictions of felonies involving dishonesty with money by two candidates for Tribal Council, William Ziegler and Theodore Rouillard, has been provided from the South Dakota Board of Corrections and submitted to the Election Board and the Tribal Council.

William Ziegler was convicted of the felony crime of forgery and Theodore Rouillard was convicted of the felony crime of obtaining money under false pretenses. Article III of the Bylaws of the Constitution does not provide for pardons of convictions of felonies or of any action involving dishonesty with money. The only way a pardon can occur to qualify them for office is to amend the Tribal constitution.

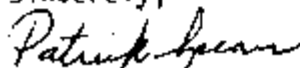
Winona Long, Vice-Chairman, filed a grievance with the Election Board on the qualifications of William Ziegler and Theodore Rouillard and received no response.


On basis of the violations of the Lower Brule Constitution and Bylaws of the Lower Brule Sioux Tribe in allowing pardons by the State of South Dakota by the Tribal Council and the Election Board, the election should be declared invalid until the constitutionality question is resolved.

We also believe that Section 16-1 of the Election Ordinance that allows the Tribal Council to hear grievances concerning their own election is violation of due process under the 1968 Civil Rights Act, 25 U.S.C. §1302(8). It is a further violation of due process in that the election ordinance contains no provision or time period for the filing of grievances prior to certification of the election.

We also request a hearing and expedited response to our stated grievances, and that the election be declared invalid and a new election be called.

Sincerely,


Patrick Spears


Winona Long

cc: Ed Miller, Superintendent
Jerry Jaeger, Area Director
John Fritz, Deputy Assist. Sec. for Operations

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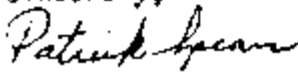
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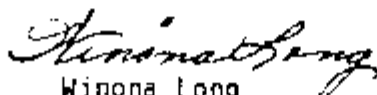
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