

SPECIAL MEETING
LOWER BRULE SIOUX TRIBAL COUNCIL

December 12, 1984

PRESENT: Michael B. Jandreau, Chairman
Kay Gourneau, Vice-Chairman
William Ziegler, Secretary/Treasurer
Charles Langdeau, Chaplain
Darrell Middjetent, Sgt.-At-Arms
Ted Rouillard

ABSENT: William Jandreau

The meeting was called to order by the Chairman and the Lord's Prayer was led by Chaplain Langdeau.

1. CONSTRUCTION COMPANY - Mr. Rouillard presented a letter to the Tribal Council in reference to the Lower Brule Construction Company Board Officers. The Lower Brule Construction Company Board met in special session on December 11, 1984 with the following members present, Charles Langdeau, Richard Thompson, Sr., Ken Kelly, Neil Russell, and Ted Rouillard. The following officers were selected by the Board: Ted Rouillard, Chairman, Charles Langdeau, Vice-Chairman, and Neil Russell, Secretary-Treasurer. The minutes of all Construction Company Board meetings will be forwarded to the Tribal Office as soon as they are complete. Chairman Jandreau request to have the 12/12/84 letter of the Construction Company Board made a part of the minutes.
2. INVESTING INACTIVE ACCOUNTS - There are some inactive accounts that are available, no business is being done out of these accounts and for various reasons, some of them have not been closed out. Chairman Jandreau wishes to have the inactive accounts be put in a singular account so that the money will be drawing interest. Motion was made by Charles Langdeau to authorize Mr. Howard Green to invest the inactive accounts money in Tri-County Bank. This motion was seconded by William Ziegler. Charles L. suggested that the money should be deposited in the bank that the Tribe does the most business. Mr. Ziegler would like to see the money from the Goose Camp Hunting Operation be invested under the same circumstances. Mr. Langdeau feels that either Tri-County or Bank West is where the Tribe should deposit the Goose Camp money. After a short discussion, the vote was taken with five for, none opposed, one absent, and none not voting.
3. GOOSE CAMP HUNTING OPERATION - Motion was made by William Ziegler to invest money from the Goose Camp Hunting Operation in a method which gains the most interest. This motion was seconded by Kay Gourneau and carried with five for, none opposed, one absent and none not voting.
4. AMERICAN STATE BANK - Motion was made by Charles Langdeau to adopt a resolution naming American State Bank for the Tribe to do business with. This motion was seconded by Darrell Middjetent and carried with five for, none opposed, one absent and none not voting.
5. CONTRACTS REPORT - The Judicial Contract, we're still working off of carry-over monies, and any monies there will be modified and carried over into FY-85. Range Technician Contract is out. TWEP Contract is in transit to the Tribe. HIP Contract for FY-84 runs through January and the FY-84/85 Contract started in October. Presently, there are two HIP Contracts, Rights Protection Contract, the Tribe presently has this contract. The Jobs Bill Contract on fencing, the Finance Office is in the process of closing that contract out. The Wildlife Management Contract runs through December 30, 1984. Core Management Contract runs through December 30, 1984. Mr. Green requests an extension on the

(#5, Cont'd.) - Core Management Contract because there will be unexpected funds. The Core Management Contract is a grant. Mr. Green would like to do a modification to extend the Core Management Contract. The JOM Contract is still in the Aberdeen Area Office, Contracts Division. Mr. Green had called Lowell Azure in Contracts Division, AAO, yesterday and Mr. Azure told Mr. Green the JOM Contract would be coming down. There was an extension granted on the Aid to Tribal Government Contract that runs through September 30, 1985. The Credit Program is out and all that is needed is the reports. Lisa Estes is checking with the BJA on the Irrigation Jobs Bill. Grassrope Irrigation has \$5,000.00 left in that contract. Road Maintenance Contract, it looks like the BIA is trying to deal directly with the Construction Company and this is cost reimbursable. Child Protection Contract runs through May, 1985. Chairman Jandreau requested Mr. Green to give the Council a more detailed report such as dollar amount balances and anticipated costs, etc. and give a copy to each Council Member before the next regular meeting in January, 1985.

6. SCHOENHARD LEASE - Mr. Lee Schoenhard and Walt Ahlers were present to discuss their lease on the Clark Ranch. Chairman Jandreau had indicated to the Council that Mr. Schoenhard was interested in leasing the Clark Ranch for a longer period of time. Discussed that hunters on the reservation, need to purchase a Tribal permit to hunt. Mr. Green has a record of how many permits were on the pivots, especially the old big pivot to the west. Five years ago when they farmed it, they knocked it down. Excavation of three pivots at the Clark Ranch should start tomorrow. The three pivots will be placed on the irrigated land. Discussed wells, type of water, and IHS water tests. Lee Schoenhard said that with putting in the new pivots, it will take two years before full production.

RECESS - The Council recessed for the lunch hour. The meeting was reconvened at 1:25 PM with all Members present except William Jandreau, absent.

(#6, Cont'd.) - The present Schoenhard lease expires on April 30, 1985. Motion was made by Kay Gourneau to give Lee Schoenhard a three (3) year lease renewal with the increases for the land that will be going under the pivot system. This motion was seconded by Charles Langdeau and carried with five for, none opposed, one absent, and none not voting.

7. LAND LEASES - TED ROUILLARD & J.W. THOMPSON - Chairman Jandreau would like specific action so that it is clear on the record that the Council did take some action. Motion was made by Kay Gourneau to adopt a resolution to cover J.W. Thompson's lease and Ted Rouillard's lease. J.W. Thompson's lease would have 58 acres of farm ground and Mr. Rouillard would have 95 acres of grass land. This motion was seconded by Charles Langdeau and carried with five for, none opposed, one absent and none no voting.

8. LOWER BRULE HOUSING AUTHORITY - Ms. Sharon LaPointe, Executive Director of the Housing Authority is present to speak with the Council. Ms. LaPointe started last week as the new Housing Director. She is in the process of getting the overall picture of the Housing Authority here in Lower Brule. She would like to get the Council's continued support in the Housing Authority's efforts in trying to collect some rent. The Housing's greatest problem right now is the delinquencies of rent. Ms. LaPointe is scheduling a meeting next Wednesday with all housing tenants, one in the afternoon and one in the evening for the people that have to work. Discussed having all tribal employees sign a deduction for rent collection. Motion was made by Kay Gourneau to continue the Council's support for the Housing Authority's efforts to collect rent. This motion was seconded

(#8. Cont'd.) - by Darrell Middleton and carried with five for, none opposed, one absent and none not voting.

9. IRENE MICHALEK BUSINESS LEASE - Ms. Janet Fast Wolf is here on behalf of her mother, Irene Michalek in reference to a request for a business lease. Mrs. Michalek is proposing a coffee shop, two gas pumps and a laundromat or mini-mart. The proposed site for the business is across the road from the Police Department. The BIA did go out and survey the proposed site. The land description for the proposed business is tribal land described as 250'x210' within the NE $\frac{1}{4}$, SE $\frac{1}{4}$, NW $\frac{1}{4}$, SW $\frac{1}{4}$ of Section 15, Township 107 North, Range 73 West, Fifth Principal Meridian, South Dakota, containing 2.00 acres. Motion was made by Darrell Middleton to approve Irene Michalek's request to lease 2.00 acres of tribal land for her proposed business venture. This motion was seconded by Charles Langdeau and carried with five for, none opposed, one absent and none not voting. Ms. Fast Wolf asked if the Construction Company would be able to construct the building for the proposed business. Chairman Jandreau said Mrs. Michalek would have to make arrangements with the Construction Company.

10. CONTRACT REPORT - Mr. Howard Green, Tribal Accountant, gave a detailed report to the Tribal Council on the contracts which the Tribe has. No action was taken at this time.

11. CHURCH DONATION - Motion was made by William Ziegler to donate the same amount which was donated last year, to the Churches. This motion was seconded by Charles Langdeau and carried with five for, none opposed, one absent and none not voting.

12. OUTDOOR RECREATION - Motion was made by Darrell Middleton to accept DeWayne Goodface's verbal resignation that was submitted to Chairman Jandreau and Vice-Chairperson Kay Gourneau, and pay Mr. Goodface for his annual leave that is accrued, and advertise the DOR Director's position for a period of thirty days. This motion was seconded by Ted Rouillard and carried with five for, none opposed, one absent and none not voting. Motion was made by Charles Langdeau to appoint Kim Thompson as temporary DOR Director for a period of thirty days. This motion was seconded by Ted Rouillard and carried with five for, none opposed, one absent and none not voting.

13. ELDERLY NUTRITION - Motion was made by Kay Gourneau to approve the repair of a doorway at the Elderly Nutrition Center. This motion was seconded by Darrell Middleton and carried with five for, none opposed, one absent and none not voting.

14. CHERYLL LAROCHE & JOSEPHINE SKUNK REQUESTS - Mrs. LaRoche and Ms. Skunk had previously submitted a written request to the Council in reference to retroactive pay on their previous tribal positions. They were present at the time to speak with the Council. Josephine Skunk presented a letter to the Council in reference to not accepting her previous tribal position as Personnel Officer but she did inform the Council that she wished to receive a monetary settlement for the retroactive salary. Mrs. LaRoche informed the Council that she wish to accept the offer of her previous position as Administrative Assistant and a monetary settlement. After a short discussion, a motion was made by Darrell Middleton to settle with Josephine Skunk and Cheryll LaRoche for \$2,000.00 a piece and Cheryll LaRoche will get her previous position back. This motion was seconded by Ted Rouillard and carried with five for, none opposed, one absent and none not voting.

15. INDIRECT COST - FINANCE STAFF - After a short discussion in reference to cost of living raises for the Finance Staff a motion was made by William Ziegler to give the Finance Staff a cost of living raise retroactive to October 1, 1984, if the amount would be covered in the Indirect Cost budget. This motion was seconded by Kay Gourneau and carried with five for, none opposed, one absent and none not voting.
16. FRANCIS KILLER & ASSOCIATES - There was a lengthy discussion in regards to the Indirect Cost Proposal and positions within the proposal. The proposed rate for the FY-85 Indirect Cost Proposal is 22.99% or 23%. Motion was made by Ted Rouillard to enter into an agreement retaining Francis Killer & Associates. This motion was seconded by Darrell Middleton and carried with five for, none opposed, one absent and none not voting.
17. AUDIT FOR SMALL FARMS - Mr. Francis Killer recommends on the audit for the Small Farms Project that the Council takes action to hold at least \$2,000.00 in a bank and recommend this to the Small Farms Board. This recommendation is because there may be a deficit as far as the final audit is concerned. In the Small Farms Agreement there is a clause where the contract can be reduced. There is a deficit that might come up, basically some outstanding travel advances that were never submitted. There is some outstanding travel advances in the CDRS Contract that were never submitted. There is a possible \$2,000.00 contingency against that contract and the Council take action on that. Motion was made by Kay Gourneau to instruct Howard Green to set up a liability against the \$43,000.00 that has been subcontracted to the Lower Brule Development Corporation. This motion was seconded by Charles Langdeau and carried with five for, none opposed, one absent and none not voting.

(#16. Francis Killer & Associates Cont'd.) - No invoices for Francis Killer & Associates has been submitted to Chairman Candreau. Mr. Killer presented three (3) invoices to the Council, one for the amount of \$1,092.00 one for \$992.00, and one for \$916.00. Motion was made by Kay Gourneau to pay the outstanding invoices in the amount of \$1,092.00, \$992.00 and \$916.00 to Francis Killer & Associates for services rendered. This motion was seconded by Ted Rouillard and carried with five for, none opposed, one absent and none not voting.

ADJOURNMENT - Motion was made by Kay Gourneau to adjourn the meeting. This motion was seconded by Darrell Middleton and carried with five for, none opposed, one absent and none not voting.

CERTIFICATION

The foregoing is a true and correct transcript of minutes of a Special meeting held by the Lower Brule Sioux Tribal Council on the 12th day of December, 1984.

Kay Gourneau, Recording Secretary

LOWER BRULE SIOUX TRIBAL COUNCIL
Special Meeting

December 20, 1984

PRESENT: Michael B. Jandreau, Chairman
Kay Gourneau
William Ziegler
Charles Langdeau
Darrell Middletent

ABSENT: William Jandreau
Ted Rouillard

The meeting was called to order by the Chairman at 1:45 PM. Chaplain Langdeau led the Lord's Prayer.

1. LOAN COMMITTEE - There is a need to approve a \$10,000 transfer from the Goose Ranch money to the Small Loans Account, for loans. Motion was made by William Ziegler to transfer the \$10,000 from the Goose Ranch to the Small Loans Account. This motion was seconded by Darrell Middletent and carried with four for, none opposed, two absent and none not voting.
2. CHERYLL LAROCHE & JOSEPHINE SKUNK - Chairman Jandreau asked that money be transferred from the license money received to the General Fund for a payment of retroactive salary of \$2,000.00 each to Cheryll LaRoche and Josephine Skunk. Also any outstanding money owed to the Tribe will be deducted from their check. Motion was made by Darrell Middletent to authorize transfer of \$10,000 from the license fees to the General Fund and to make payment to Cheryll LaRoche and Josephine Skunk, to approve cost of living raises for the Finance Office Staff, and the overdrawn balance of the General Fund. This motion was seconded by Kay Gourneau and carried with four for, none opposed, two absent and none not voting.
3. ENROLLMENT - Motion was made by Charles Langdeau to enroll the following individuals into the Lower Brule Sioux Tribe in accordance with Article II, Section 1(b) of the Constitution of the Tribe: Adelia Faith Stricker, Mary Marie Grassrope, Julia Norah Grassrope, Dayna Lynn White Light, Jennifer Joy White Light, Loren Keith Goodlow, Craig Allen Goodlow, Jaunette Renae Tom, Lawrence Avery Thompson, Christopher R. Thompson, Tasha Marie Ziegler, Sandra J. Collins, Kasey Joann Cadwell, Sara Jo Two Bulls, Lyle Levi Hawk Wing, Jesse Charles Hawk Wing, Stewart Francis Hawk Wing, Floyd Virgil Hawk Wing, Jaimee Marie Eagle Thunder, Conan Michael Lammers, Lucy Lydia Flute, Randall Ethan Quilt, Kathleen Rose Quilt, Trudy Rae Hawk Wing, Russell Ronald Thigh, RobertSamuel Thigh, Ronnie Dean Thigh, Rhonda Lee Thigh, Roberta Lynn Thigh, Raymond Lee Thigh, Jacob Michael Flute, Todd Christopher Flute, Melissa Jean LaRoche, Coy Lawrence Reinhard, Madlyn M. Pekah, Camille M. Battese, Twyla J. Battese, Rochelle Lea Thompson. This motion was seconded by Kay Gourneau and carried with four for, none opposed, two absent and none not voting.
4. PESTICIDE PROGRAM - Motion was made by Charles Langdeau to approve the Pesticide Enforcement Program grant application as submitted on the 20th day of December, 1984. This motion was seconded by Darrell Middletent and carried with four for, none opposed, two absent and none not voting.

5. JEANNE FUHRMAN & CLARENCE NITZSCHKE - They are requesting for a lease on Lot side of the $W\frac{1}{2}SW\frac{1}{4}NE\frac{1}{4}SW\frac{1}{4}$ of Section 15, approximately five (5) acres for a shopping center. In this shopping center, there will be room to lease for business places, also will have a cafe and a self-service station and Bingo Hall combined, plus a motel in the future. The lot they are requesting would be next to Irene Michalek's proposed business. Motion was made by William Ziegler to approve the business lease to Jeanne Fuhrman and Clarence Nitzschke and request the Bureau of Indian Affairs to plat the Industrial Lot descriptions. This motion was seconded by Darrell Middletent and carried with four for, none opposed, two absent and none not voting.

ADJOURNMENT - Motion was made by Kay Gourneau to adjourn the meeting. This motion was seconded by Darrell Middletent and carried with four for, none opposed, two absent and none not voting.

CERTIFICATION

The foregoing is a true and correct transcript of minutes of a Special Meeting held by the Lower Brule Sioux Tribal Council on the 20th day of December, 1984.

Kay Gourneau, Recording Secretary

LOWER BRULE SIOUX TRIBAL COUNCIL
Regular Meeting
January 2, 1985

PRESENT: Michael B. Jandreau, Chairman
Kay Gourneau
William Ziegler
Charles Langdeau
Darrell Middletent
William Jandreau

ABSENT: Theodore Rouillard (AM)

ALSO: George Valentine, Edwin Miller, Allan Carriere, William Schmidt, Gib Rogers, and Dan Yost

The meeting was called to order by the Chairman at 11:00 AM. Chaplain Langdeau led the Lord's Prayer.

1. LANDMARK CORPORATION - Mr. Allan Carriere presented a proposal to the Council in reference to a Holiday Inn and Holiday Convention Center Hotel for Pierre, South Dakota. There is UDAG grants available for Tribes (Urban Development Action Grants which could be awarded up to 100% of a proposal. To share in a \$7 million dollar project, the Tribe would have to go through a UDAB grant application, for partnership in this endeavor. There could be trade-offs between the Landmark Hotel Corporation and the Tribe, plus employment. Incorporated in the partnership could be employment with Indian preference, training, building of equity and a percentage of profits. The Tribe being a non-profit corporation, so they would not pay income taxes on the project such as this. There may be a possibility that the Tribe could get a percentage of the exchange upfront. The Lower Brule Construction Company could get part of the construction. The Tribe would have to work out the final details and negotiations with Landmark Hotel Corporation. The deadline for the UDAG grant applications to be in Washington, D.C. is February 28, 1985. The basic proposal would have to be done before the grant application is submitted. Gary M. Keller of Landmark Hotel Corporation, could come down to meet with the Council, a week from Monday. Michael Jandreau informed the Council that Amy Flowers called and indicated that UDAG material was sent to Washington, D.C. and approval had been requested at that level. Mr. John Schmitz could put the UDAG proposal together for the Tribe because he has a contract with Denver. The UDAG grants could be for any project. Mr. Carriere said this project would be a limited partnership such as held harmless on paying off of debt. If the Tribe went full partnership, they'd be responsible for all debts being paid. The partnership contract would be between Landmark Hotel Corporation and the Lower Brule Sioux Tribe. General Management would be done by Landmark Hotel Corporation. Chairman Jandreau said that any action taken today by the Council would only be that they wish to pursue this project and meet with Mr. Keller a week from today, 1/14/85 at 10:30 AM. If this project goes through construction would begin in the summer of 1985 and it would open the summer of 1986. If a UDAG grant is approved you would be notified by April 1st. Motion was made by Charles Langdeau to follow through with this project and talk to Mr. Gary Keller on the 14th of January, 1985 at 10:30 AM, about the possibility of pursuing this further. This motion was seconded by Kay Gourneau and carried with five for, none opposed, one absent and none not voting.

2. TRIBAL COUNCIL MINUTES - Motion was made by Darrell to approve the minutes to the December 5-6, 1984, December 12, 1984, and the December 20, 1984 Tribal Meetings, with corrections as stated. This motion was seconded by Charles Langdeau and carried with five for, none opposed, one

(#2. Tribal Council Minutes Cont'd.) - absent and none not voting. William Jandreau referred to a section of one set of minutes in reference to enrollment and asked what the qualifications for enrollment are because people have approached him and they have different interpretations. Chairman Jandreau quoted Article II, Section I(b) of the Tribal Constitution which deals with enrollment qualifications. Chairman Jandreau said he has sat on the Enrollment Committee for the last four years and it has been very strict to keep within the qualifications of the Lower Brule Sioux Tribal Constitution. William Jandreau said we should develop a way of informing off-reservation people, because some of them have different concepts as to what the enrollment qualifications are.

3. SD 3-14 HOUSING PROJECT - A draft resolution pertaining to a lease between the Lower Brule Sioux Tribe and the Lower Brule Housing Authority for the SD 3-14 Housing Project. Area within the townsite of Lower Brule, South Dakota, particularly described as Plat of Tract Z - Page 2. of Document 343-3701, located within the NE¼ of Section 18, Township 107 North, Range 73 West, 5th PM, South Dakota, containing 5.67 acres, more or less. The terms of this lease is to be for a period of twenty-five (25) years with the option of the Lessee to renew its lease for an additional twenty-five (25) years by serving written notice to the Lessor at least thirty (30) days prior to expiration date of the lease, and said lease is to commence on August 1, 1984. Chairman Jandreau said the previous Council had passed this resolution but it had never been processed because Mr. Spears wouldn't sign it. Motion was made by Kay Gourneau to authorize Michael B. Jandreau to sign the resolution - Lease between the Lower Brule Sioux Tribe and the Lower Brule Housing Authority for the SD 3-14 Housing Project. This motion was seconded by Charles Langdeau and carried with five for, none opposed, one absent and none not voting.
4. BANK WEST - Action was taken previously to transfer money from the FHA Bank into the BIA, Lower Brule Land Purchase Fund. There is a total of \$4,309.82 in the FHA checking and savings account at Bank West. Motion was made by Kay Gourneau to transfer the money (\$4,309.82) to the BIA Special Account for the Lower Brule Sioux Tribe to be utilized for land purchases, from Bank West. This motion was seconded by Charles Langdeau and carried with five for, none opposed, one absent and none not voting.
5. INDIRECT COST FY-85 - The Tribe will be using the indirect cost rate of 20.4% for right now. No action was taken, for informational purposes only.
6. BUREAU OF INDIAN AFFAIRS - A letter dated December 28, 1984 was received from Marvon O. Olson, Acting Superintendent, Lower Brule Agency in reference to Resolutions 85-4, 85-6, 85-7, and 85-9. Resolution 85-7 needs to have the land description corrected as "All pasture land in the NE¼ of Section 19". The advertisement on 85-9 will be posted locally and sent to all present lessees. The Agency could not find documentation to establish current rates and have requested a copy of the current rates so that there are no misunderstandings. Motion was made by Kay Gourneau to correct the land description for Resolution No. 85-7. This motion was seconded by Darrell Middletent and carried with five for, none opposed, one absent and none not voting. The Tribal Council had previously set rates and thought they went to the Bureau of Indian Affairs, but apparently they did not. Mr. Miller said the BIA has been charging whatever is specified in an adopted resolution and the BIA would like the Tribal Council to submit an established rate. The Council discussed pasture, pasture-farm rates for leases on tribal lands.

RECESS - The meeting was recessed for the lunch hour and to reconvene at 1:00 PM.

The meeting reconvened with the same members present and also present for the afternoon session were William Schmidt, Gib Rogers, and Dan Yost.

7. EDUCATION REPORT - Mr. Schmidt said these gentlemen are here to inform the Tribal Council where they're at with educational funds. Mr. Schmidt has asked the Tribe to contact Congressional Representatives about the P.L. 874 monies because there could be carry-over monies if everything goes right this year. Mr. Schmidt is trying to hire a Secondary Principal but the BIA has put a freeze on positions. He may need to hire the Principal out of the P.L. 874 monies, if the freeze is not lifted. There are fifty-three (53) employees in the education program. Mr. Gib Rogers has been acting Secondary Principal for most of this year. P.L. 874 has seven people employed. The Bilingual/Bicultural Program has eight (8) people employed. Chapter I Program has five (5) people employed. The rest of the employees are employed under Element 10. Central Office in Washington, D.C. is trying to combine the Element 10 Education Program of both Crow Creek and Lower Brule. Mr. Schmidt said that P.L. 874 monies are very vital to this school system. P.L. 874 monies is what started this school system. The BIA can only offer Adult Education to people who are one quarter (1/4) degree of Indian blood or more but Mr. Schmidt transferred money into the Adult Education account so others could participate. Mr. Gib Rogers informed the Council that fifteen (15) students have applied for Higher Education but there is not any funds available at this time. He has received a seventy percent (70%) test ratio on the students that are going to college and vocational education so far. Fifteen students are going to college or vocational education through Higher Education. (Theodore Rouillard entered the meeting at this time.) Adult Education provides services from Gib Rogers, Betty Harms, Geraldine Jensen and Winona Ferguson. It provides GED tutoring by Miss Harms and Mrs. Jensen and volunteer work by some people. The GED list is low at this time because most have been taken. Adult Education provides the GATP test at the high school for whoever wants it. Mr. Dan Yost said if we lose P.L. 874 monies, we could lose the high school. Salaries in the Elementary Education budget does not include the people funded by P.L. 874. Chapter I budget for next year is based on this year student count. This is the last year for the Bilingual/Bicultural Grant. We will need to submit another grant proposal. We won't know officially until October of 1986. The BIA does allow us to count the Bilingual kids in Kindergarten through third grade, so we should get additional money. Bilingual students are ones who have trouble with their English. Mr. Yost is trying to get an Elementary Counselor position. It would be a joint position with Lyman County because he's trying to get Title 4 monies under Lyman County. The Elementary Counselor would be at Lower Brule three days a week and two days at Lyman County. Mr. Yost gave the count of students for each grade in Elementary and High School. There is a decrease of student enrollment due to students going to other schools and closing of the Lower Brule dorms. Mr. Schmidt said there's a problem with the Pierre Learning Center's contract. Mr. Schmidt has been contacted about contracting the Pierre Learning Center contract through the Lower Brule Sioux Tribe for the Lower Brule Agency to take part or all of that contract.

8. SCHOOL BOARD - Chairman Jandreau said a draft resolution has been presented by Mr. Schmidt to affirm initial action of the Tribal Council taken in 1971. There's been defiance on the School Board as to what their responsibility really is. This resolution would clarify their responsibility. Motion was made by Darrell Middleton to adopt the draft resolution affirming the establishment of the Lower Brule School Board. This motion was seconded by William Jandreau and carried with six for, none opposed, none absent and none not voting.

(#6. Bureau of Indian Affairs Cont'd.) - A discussion was held that there is a need to establish current leasing rates for tribal land. Chairman Jandreau suggested these rates be established by resolution and use these rates forever and until changed by Council action. Motion was made by Charles Langdeau to adopt a resolution establishing grazing rates as dry farm land = \$10.00/acre; irrigated land = rate set by appraisal of development but not less than \$15.00/acre; pasture land = based on the stocking rate or \$40.00/A.U.; and farm pasture land = \$5.00/acre. This motion was seconded by William Jandreau and carried with six for, none opposed, none absent and none not voting.

8. INDIAN HEALTH SERVICE - A letter dated December 7, 1984 was received from Terrence W. Sloan, M.D., Director, Aberdeen Area Indian Health Service in reference to providing an orientation to the Council and Health Board. The letter also informed the Council that Mr. Sloan had asked Mr. Tonemah and Mr. Baybars to develop a summarization memo regarding the Mid-Dakota Proposal and the \$50,000 to be made available to the Council for administrative purposes. Motion was made by Kay Gourneau to ask Mr. Richard Bad Moccasin to provide orientation to the Tribal Council on Monday, January 14, 1985 at 1:00 PM. This motion was seconded by Darrell Middletent and carried with six for, none opposed, none absent and none not voting. Chairman Jandreau said a plan could be drawn up by then (1/14/85) for utilization of the \$50,000 for supplementing of health programs.

9. ROADS MEETING - There will be an Area Roads Meeting held in Aberdeen Area Office on January 22-23, 1985. The Area Office has requested someone from the Tribal Roads Commission to attend the meeting on January 23, 1985. Mr. Miller informed the Council that it would cost approximately \$1 million to complete the road project. Motion was made by Kay Gourneau to approve Charles Langdeau and William Ziegler to attend the Roads Meeting. This motion was seconded by Ted Rouillard and carried with six for, none opposed, none absent and none not voting.

10. RURAL VENTURES AGREEMENT - Chairman Jandreau informed the Council that Rural Ventures had participated in writing the original grant for the development of ANA grant for developing of food processing and agricultural support system through Small Farms. This would be to hire people, a Manager's position, planning, travel, rental, and soil supplies. This is based on a gardening project. The basis of this agreement is the grant being awarded. No grant award has been received as of this time. The Tribe had entered into an agreement with Rural Ventures contingent on getting funds before payment is made. Motion was made by Kay Gourneau to authorize William Ziegler, Secretary/Treasurer to sign the agreement with Rural Ventures. This motion was seconded by Charles Langdeau and carried with five for, none opposed, one absent and none not voting.

11. GENERAL COUNSEL - There was a lengthy discussion in reference to payment owed to Sidney C. Flores for attorney services. Mr. Flores has contacted Chairman Jandreau in reference to his being paid. Chairman Jandreau requested some direction from the Council as to what to tell Mr. Flores. The Council had indicated previously to Chairman Jandreau that they would wish to seek hiring an Attorney for the Tribe from within the State of South Dakota. There is a tribal case pending in court with the State of South Dakota. Chairman Jandreau has requested the State to put this case on hold until such time the Tribe has hired an Attorney as the State still recognizes Mr. Flores as the Tribe's attorney. The total Attorney payment approved by the Aberdeen Area Office is

(#11. General Counsel Contract Cont'd.) - between \$75-\$76,000. Amount for the law suit is \$52,000 and Mr. Flores informed Chairman Jandreau that he would accept payments. Chairman Jandreau has talked to Governor Janklow to have the State of South Dakota put the case on hold or until it can be negotiated. The Court wants all depositions in by the end of this month. Motion was made by William Jandreau to instruct the Chairman to notify Sidney C. Flores that his services are no longer requested by the Tribe as of December 9, 1984 and his contract will not be renewed. This motion was seconded by Charles Langdeau and carried with six for, none opposed, none absent and none not voting. Motion was made by Charles Langdeau to authorize the Chairman to negotiate the \$52,000 Election Dispute Billing with Sidney Flores. This motion was seconded by William Jandreau and carried with six for, none opposed, none absent and none not voting.

The Tribe has received proposal from three (3) different Attorneys, William Srstka, Dave Bergren and Terry Pechota. Their offers are what their basic expense would be and on an hourly basis rather than a retainer. These three (3) Attorneys have experience in Indian law. It was concurred by the Council to have these three (3) gentlemen appear before the Council on January 14, 1985 for interviewing.

Motion was made by Kay Gourneau that the separate tribal corporations have the right and responsibility to secure their own and separate legal assistance. This motion was seconded by Ted Rouillard and carried with six for, none opposed, none absent and none not voting.

12. MCH Educator Position - There were three (3) applications received for MCH Educator position, Eyvonne Dupris, Lenora LeCompte, and Marica Peterson. Motion was made by Darrell Middletent to refer these applications to the Child Protection Committee for a recommendation to the Tribal Council. This motion was seconded by Charles Langdeau and carried with six for, none opposed, none absent and none not voting.

13. TED ROUILLARD - Motion was made by Kay Gourneau to approve Ted Rouillard's payroll advance. This motion was seconded by William Jandreau and carried with five for, none opposed, none absent and one not voting, (Ted Rouillard did not vote).

14. EDWIN MILLER - He informed the Council that he has been appointed to the Title II Committee and they will be reviewing proposals on the 1st of February.

15. EDA PLANNING - Chairman Jandreau has been contacted by the EDA Office in Denver in reference to the EDA Planning Grant. The Chairman has requested approval from the Council to authorize Larry Mendoza as EDA Planner, temporarily, to get the EDA Grant Proposal submitted. Motion was made by William Ziegler to approve hiring Larry Mendoza as temporary EDA Planner. This motion was seconded by Darrell Middletent and carried with six for, none opposed, none absent and none not voting.

16. JOSEPH O. SAWALLA - A written request was received from Mr. Sawalla in reference to a loan and his pending land sale. Mr. Sawalla indicated in his letter that his land sale has been pending for three (3) years. Chairman Jandreau suggested that the Tribe inform him that there are not funds available for loans and if his land sale is in the last group of land sale applications submitted, then the Tribe could purchase his interests.

(#16. Joseph O. Sawalla Cont'd.) - provided there is a current appraisal, if not, then an appraisal can be requested. The Tribal Council concurred with Chairman Jandreau's suggestion.

17. IDA WHITE EYES - Mrs. White Eyes has asked William Jandreau to present her request for a loan because of a death in the family. She does have an IIM account and lease income but no finances available to her at this time. She is requesting some type of loan or tribal assistance.

18. TOM HANKE - FARM CORPORATION - Mr. Hanke reviewed the financial status of the Farm Corporation with the Council. He reviewed the assets, expenses, profit margin, etc. Mr. Hanke presented the Council with a check for the Tribe's share of the Farm Corporation's income. Mr. Hanke explained the Farm Corporation's cash position. The check that was given to the Tribe from Mr. Hanke will be budgeted through the Bureau of Indian Affairs for the local tribal budget and it can be drawn on for the general fund, if the local budget is modified. Mr. Hanke suggested to leave the Farm Corporation operation the way it is until the equity and cash on hand gets better. Mr. Hanke informed the Council of the balance due the Tribe on the long term agreement note.

(#17. Ida White Eyes Cont'd.) - No action was taken as funds are not available for loans at this time.

ADJOURNMENT - Motion was made by Charles Langdeau to adjourn the meeting. This motion was seconded by Ted Rouillard and carried with five fur, none opposed, one 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 2nd day of January, 1985.

Cheryll LaRoche, Recording Secretary

Lower Brule Sioux Tribal Council
Special Meeting
January 14, 1985

PRESENT: Michael B. Jandreau, Chairman
Kay Gourneau
William Ziegler (arrived late)
Darrell Middletent
Charles Langdeau (arrived late)
William S. Jandreau

ABSENT: Ted Houillard

ALSO PRESENT: Edwin Miller, BIA Superintendent,
Landmark Hotel Representatives: Al Carriere
V.B. Sibley
Dennis Potter
Gary Keller
Steve Johnson

(PM Session) IHS Representatives: Charles Tonemah
Rueben Baybars
Terence W. Sloan, M.D., IHS Area Director
Dick Archambault, Area Alcoholism Coordinator
George Howe, Service Unit Director
Ted Bolman, Tribal Health Director

(PM Session) Election Hearing: Patrick Spears
Mary Spears
Marion Buck
Noah Grassrope
Annie Flute
Jeff Grassrope

The meeting was called to order by the Chairman at 11:50AM. The Lord's Prayer was led by Darrell Middletent.

1. LANDMARK HOTEL CORPORATION - The gentlemen from the Landmark Hotel Corporation are here to discuss the potential arrangement between the Lower Brule Sioux Tribe and Landmark Hotel. Mr. Gary Keller informed the Council that he sees an opportunity to do something worthwhile in Pierre. Mr. Keller handed out brochures on hotels that Landmark Hotel Corporation operate and gave a biographical sketch on their operation. Discussed the sales tax referendum vote that was turned down by the voters of Pierre, South Dakota. Mr. Keller has prepared a preliminary budget on how this project could operate. (William Ziegler arrived at this time.) There's a possibility of locating the proposed cultural center of the Governor's on the same side as the proposed joint venture of the Holiday Inn-Holidome Convention Center. The representatives from the Landmark Hotel Corporation will meet with the Pierre City Commission today in reference to obtaining the softball diamond as the proposed site. They have check seven (7) to twelve (12) different sites in Pierre. Another good site is to place the proposed Convention Center by McDonald's, because of the traffic flow. Chairman Jandreau informed Mr. Keller that the Tribe would have to take the land into trust status so the Tribe wouldn't be taxed. There would not be any taxes on the land, but there would be on the building. Discussed at length was the issues of Industrial Revenue Bonds, taxes, City Corp of Sioux Falls, Governor's Office and the Letter of Credit in reference to this joint venture. Mr. Keller said he has done a preliminary budget and a proforma operating statement. He said the policy is to set a budget and live with it and if funds are not available, then make budget cuts. Mr. Keller said that Landmark Hotel Corporation would enter into an agreement with the Lower Brule Sioux

Tribe and each would own 50% of the property. Mr. Keller proposed a preferenced return to the Lower Brule Sioux Tribe. He proposed a preferential return to the Tribe. The first year it would be six percent (6%), second year = eight percent (8%), third year = ten percent (10%), and twelve percent (12%) thereafter. Discussed debt guarantees, proposed profit share for the Lower Brule Sioux Tribe, property taxes, and an Activity Center to be used for the city recreation. Fifty percent of the venture would be a minimum for the Tribe, at the beginning. Landmark Hotel Corporation also proposed having a Gift Shop in the Center for displaying Indian arts and crafts. (Charles Langdeau arrived at this time.) Landmark Hotel Corporation would manage the Convention Center on behalf of the owners, such as the Lower Brule Sioux Tribe. Chairman Jandreau said that the area of employment is a concern to the Tribe. Chairman Jandreau asked what would be the potential employment for members of this Tribe, in the Convention Center? Mr. Keller said it would be their feeling that if a person is equally qualified for a position, then Indian preference would be used for the selection. Mr. Keller said any job in the Hotel would be available for tribal members to apply. The hotel would employ approximately one hundred (100) people, full and part-time. They would have to discuss training possibilities at another time. Chairman Jandreau said that the initial construction will take a considerable amount of labor and such. We have a Construction Company and have an Indian owned Construction Company on the reservation, and there are others that are qualified. Mr. Keller said he'd like to get to know more about the Lower Brule Construction Company and would like to have a resume' sent to him to review. If all goes well and the JDAG grant application is approved, construction could start in May. Deadline for the JDAG grant application is January 28, 1985. Rural Ventures has expertise in putting together JDAG grants. If construction for the Convention Center started in May, it would finish a year and two months later. Mr. Miller said we'd need and assure support from the Governor, City Commission and County Commission to put the land into trust for non-taxation. Chairman Jandreau said putting the proposed land site into trust would have to be part of the deal. Discussed land, taxes and depreciation, law enforcement jurisdiction. Mr. Miller said the Tribe could issue a liquor license if the land goes into trust status. Discussed avenues of obtaining a liquor license. Mr. Miller said this Tribe requires both local and State liquor license. No Council action was taken at this time, for informational purposes only.

RECESS - The Council at 1:05PM recessed for the lunch hour. The meeting reconvened at 2:05 PM with the same members present.

2. INDIAN HEALTH SERVICE - Representatives from the Aberdeen Area Officer were present to give the Council an update on IHS. Dr. Sloan has been the IHS Area Director for the past two and a half months (2½). Dr. Sloan verbally gave his background data. His thought processes around health care. He informed the Council that infant mortality is the highest in the Aberdeen Area. This year when budget allocations were received, personnel freezes did not occur. The Pre-authorization Act was not signed by the President. There are one hundred and thirty (130) doctors in the Indian Health Service with more than ten (10) years experience and only two (2) in the Aberdeen Area. Dr. Sloan said the feelings are strong in Congress that the 94-347 Bill will be passed. He will provide the Tribe with as much data as possible. The government has asked USD to develop a proposal for Indian health care, to enhance services to the Indian people. Also, a State Task Force has been appointed. The proposal is initially for Pine Ridge, Cheyenne River, Rapid City Area and Rosebud Indian health services. The Governor is sending the proposal to all Tribal Councils for approval and he'll then submit it to Congress for approval. IHS has not entered into a contract with Mid-Dakota as of yet. The contract can be either a one (1) year contract or a three (3) year contract. If the Tribe applies and is approved for 638 funds, then a contract could be worked on for services with

the Mid-Dakota hospital. Merlin Stein, AAO, has submitted a draft proposal and it is being reviewed by three (3) different Agencies. If its approved, then the Area Office would submit it to Mid-Dakota hospital to begin negotiation services. Dr. Sloan has guaranteed Crow Creek & Lower Brule Sioux Tribal Councils that negotiations will not take place without tribal representation. Ted Bolman suggested that there should be Indian representation on the hospital's Board of Directors. Discussed at length the contracting possibility and Board of Director's, eligibility for health services, direct and contract. Mr. Bolman suggested that maybe legal counsel should sit on the Board of Director's to represent the Tribe and if possible, IHS pay for the legal services. Dr. Sloan informed the Council because of his respect for the Tribal Chairmen, all correspondence transmitted to him must have the Tribal Chairman's signature or his concurrence before he will even review it. Mr. George Howell has been selected as the Service Unit Director for Wagner Agency. His last day with Lower Brule and Crow Creek is February 3, 1985. Dr. Sloan would like to have the Tribal Council to interview or review applications for the SUD's position but Dr. Sloan will make the final selection. Someone will be Acting SUD when Mr. Howell leaves, until the position is filled permanently. Dr. Sloan said the Tribal Council is and will be part of the selection process.

3. CY MAUS - Mr. Maus is here to present a Draft "Concept Paper", a Center-State Proposal for the South Dakota Centennial Expo. Mr. Maus is the Chairman of the Chamberlain-Oacoma Museum Expo. This concept is something that different organizations in the area would deem acceptable and would attract more tourist dollars into the area. With this concept, there would be up to fifty (50) new jobs in the area. St. Joe's Indian School has been trying to develop an Indian Museum. Mr. Maus would like to get resolution from the Council expressing their general support of this concept paper. St. Joe's and Dakota Indian Foundation have paid for a feasibility study to be done for this project. They would need approximately \$100,000.00 to hire a staff and this would become a non-profit organization. Mr. Maus's organization has received four (4) different site proposals. Mr. Maus said he's here to provide an opportunity for the Tribe to get involved. He said approximately two million cars go by Chamberlain each year. Mr. Maus feels the Tribe could benefit by participating. Motion was made by William Ziegler to review the Concept Paper and get back with Cy Maus. This motion was seconded by Darrell Middleton and carried with five for, none opposed, one absent and none not voting.

4. ELECTION PROTEST HEARING - This hearing was scheduled in reference to the letter which was received from Patrick Spears and Winona Long on December 5, 1984, in reference to a protest of the election. Pat Spears told the Council that two other protests have been signed and filed by others. These protests were in reference to the 1971 Tribal Council action taken to abolish the four (4) districts and now all Council Representatives run at large. The Bureau of Indian Affairs at that time had approved the Council's action in reference to the districts but a referendum vote by the people was not held. Mr. Spears mentioned the 1968 Indian Civil Rights Act and suggested the the Tribe should have a primary election. Mr. Spears said they want a response on what the Council's position is. Pat S. said he thinks the District subject wasn't brought up last election because nobody thought to bring it up. Chairman Jandreau said that three of the signatures on the election protest were part of the Tribal Council when action was taken for redistricting. No where in the constitution does it say that a majority of votes are needed to be elected or to be seated to the Tribal Council. The Election Board had clarified Winona Long's questions brought up at a previous meeting in reference to Article III. William Ziegler brought up about the violation that was made against him in reference to Winona Long obtaining documents of his past, which was not requested by the Election Board. A check was done on every Candidate by the Election Board.

(At the beginning of the Hearing, Pat Spears informed the Council that Winona Long had called him and said she wouldn't be at the hearing today.) Pat Spears opinion is that the Constitution says you can obtain documents on people who run for election and it also says the Council will be the sole Judge. A candidate check was run on Ted Rouillard and William Ziegler and they were deemed eligible to run for Council by the Election Board. Mr. Spears thinks our Tribal Constitution should be amended and addressed, then have an election. There has been a response to Pat Spears and Winona Long's protest from the Area Office. The Area Office states in the contents of the letter, "We think Mr. Miller's summary and recommendation should adequately explain the Bureau's position in this tribal matter. We should not have to remind you that the Bureau is restricted by the Martinez decision from becoming involved in tribal issues of this nature. We must, therefore, deny your request and suggest you pursue your grievance through tribal procedures." Motion was made by Kay Courneau to take the information submitted under advisement and get with the Tribal Attorney for a written response to the allegations. This motion was seconded by William Jandreau and carried with five for, none opposed, one absent and none not voting. Mr. Miller feels that under the present Tribal Constitution there's no violation. He hopes that in the future there will be a separation of powers by Constitutional amendment, as presented in the President's report.

RECESS - The Council took a recess at this time. Chairman Jandreau reconvened the meeting.

6. WATER RATES - There is a need to approve and set a rate for the Bureau of Indian Affairs contract for water and refuse collection. The old rate was established at \$475.00 per month. Mr. Miller would like to have the Council set a new rate for the Community and Bureau of Indian Affairs because of the maintenance cost of the water and refuse facilities. Motion was made by William Ziegler to set the water, sewer and garbage rate for the Community to \$9.00 per month, and this will become effective February 1, 1985 and set the Bureau of Indian Affairs water and sewer rate at \$550.00 per month, retroactive to October 1, 1984 and the BIA contract be for a period of two (2) fiscal years. The raise of the water, sewer and garbage rate is necessary to meet the cost of facilities. This motion was seconded by Darrell Middletent and carried with five for, none opposed, one absent and none not voting.

7. GRASSROPE PROJECT - A letter was received from Superintendent Miller in reference to allotment number 1632 in the amount of \$210,000.00. Mr. Miller requested the Tribe to submit a plan for this money and he suggested it be used to purchase five (5) pivot systems remaining, etc. for the Grassrope Project. Motion was made by Kay Courneau to authorize and direct the Chairman of the Lower Brule Sioux Tribe to submit the plan for the expansion of the Grassrope Irrigation Project as requested by the Superintendent, Lower Brule Agency. This motion was seconded by William Ziegler and carried with five for, none opposed, one absent and none not voting.

8. RURAL VENTURES - Mr. Bill Hallett appeared before the Council in reference to his services to the Tribe for a UDAG grant proposal to be written. Discussed the proposal presented this morning by Landmark Hotel Corporation for a joint venture project in the Pierre area. A couple resources that are available to the Tribe to become a partner in the proposed project are a large UDAG grant and a small UDAG grant. The applications submission dates are January 31, 1985, May 31, 1985 and September 30, 1985. In addition to the threshold requirements already met, there are eleven (11) different items that need to be submitted. There is a need to execute form 424, parts 1 and 2, the site identification, evidence of control of the site, letter of intent from a private sector, letter of intent from the private financial institution, justification for the UDAG program, market feasibility, financial statement included in the balance statement, evi-

(#8. Bill Hallett Cont'd.) - dence of two (2) public hearings, and a permanent job projection. They emphasize concise statements. There may have to be specific dates assigned for an Environmental Assessment. Mr. Hallett doesn't feel the Environmental Assessment needs to be completed before the application goes in. There is a leveraging ratio of 2.5 for every UDAG dollar. In addition to UDAG resources there is a level of participation that could be affected by tribal monies such as cable television owners, BIA Direct Loan Program, BIA Guaranteed Loan Program, Economic Development Grant and the CDBG Program Grant. Under the UDAG Program, its possible to join in a development adjacent to the reservation but the Tribe would have to have a lease with the State or option, sale of State land to the Tribe, sale of fee patent, lease of federal land or the use of leased Indian owned land on or near Pierre. Mr. Hallett wants to work with the Tribe in development of the UDAG application, but he's not sure he can complete it by January 31, 1985 but he's sure he can complete an application for the May 31, 1985 deadline. Incentives for government units to exclude local taxes from given zones and industries are developed as part of a program. The Land Acquisition Act is such that you have some approval to purchase land adjacent to the reservation and put it into trust. Mr. Hallett listed Tribes who have filed applications for UDAG funds. He said if you have seventy-five percent (75%) of the application completed, then you can submit a supplement during the review period. You would have through February 20, 1985 to submit the supplement information you have, if not then, you suffer the rating. Under the Small Committee Program you are eligible for planning up to three percent (3%) of the action grant amount. If the Tribe chose to employ Mr. Hallett, it would be on a contingency fee. If Mr. Hallett was hired to prepare the UDAG application, he would bring in Mike Hackett to gather the local information. Motion was made by Charles Langdeau to have Bill Hallett start on the UDAG Application process, on the condition that the land status for the proposed project is cleared for trust status. This motion was seconded by William Ziegler and carried with five for, none opposed, one absent and none not voting.

9. EDA PLANNING GRANT AUDIT - Ron Tedrow, Certified Public Accountant, Pierre, South Dakota has submitted a proposal to do a two (2) year audit for the EDA Planning Grant. Motion was made by Kay Gourneau to hire Ron Tedrow to prepare the EDA Planning Grant for the fiscal years ending April 30, 1983 and 1984. This motion was seconded by Charles Langdeau and carried with five for, none opposed, one absent and none not voting.

10. TRIBAL COURT SYSTEM - James L. Iosty submitted his resignation on December 14, 1984 from the position of Tribal Chief Judge. The Council concurred to accept his resignation. His resignation is effective as of February 1, 1985. A letter of request was received from Shirley Flute, Associate Judge, in reference to a raise in salary. Motion was made by William Ziegler to advertise the Chief Judge's position for a period of two (2) weeks and the closing date would be February 6, 1985 and to receive a written recommendation from the Agency Superintendent for compliance to the Judicial Contract in reference to Shirley Flute's request. Also, the job announcement for the Chief Judge's position would include that the applicant must have a law degree. This motion was seconded by Charles Langdeau and carried with five for, none opposed, one absent and none not voting.

11. CROSS DEPUTIZATION OF LOWER BRULE POLICE OFFICERS - A letter was received from Shirley Flute, Tribal Court Judge in reference to Cross Deputization of Lower Brule Police Officers. The Council concurred to submit this document to the Tribe's Attorney for advisement.

12. SUPPORT FOR GRANT APPLICATION FOR REFUNDING CHILD PROTECTION PROGRAM FY-85
Motion was made by William Ziegler to adopt the draft resolution in Support for the Grant Application for Refunding Child Protection Program FY-85. This motion was seconded by Kay Gourneau and carried with five for, none opposed, one absent and none not voting.

ADJOURNMENT - Motion was made by Kay Gourneau to adjourn the meeting. This motion was seconded by William S. Jandreau and carried with five for, none opposed, one absent and none not voting.

CERTIFICATION

The foregoing is a true and correct transcript of Minutes of a Special Meeting held by the Lower Brule Sioux Tribal Council on the 14th day of January, 1985.

Cheryll LaRoche, Recording Secretary

LOWER BRULE SIOUX TRIBAL COUNCIL
Special Meeting
January 28, 1985

PRESENT: Michael B. Jandreau, Chairman
Kay Gourneau
William Ziegler
Darrell Middleton
Charles Langdeau

ABSENT: Ted Rouillard
William S. Jandreau

ALSO PRESENT: Clarence Nitzschke, Jackie Jandreau, Pat Madsen, Sylvia Ear,
Nyal Brings, Rose McCauley, Virgil Randall

The meeting was called to order by Chairman Jandreau at 11:00 AM and roll call was taken by the Recording Secretary. Chaplain Langdeau led the Lord's Prayer.

1.) LOAN REQUEST - Clarence Nitzschke approached the Council in reference to a proposal to establish a business. He requests a loan to open a cafe and purchase the building that J.W. Thompson's owns. Mr. Nitzschke informed the Council that Mr. Thompson has agreed to sell him the C.W. Bar building. The total loan request for \$22,400 is to fix the building, buy supplies, meet food standards, carpeting, etc. Mr. Thompson is asking \$7,500.00 for the building. The Council informed Mr. Nitzschke that the loan proposal would have to be under the name of Jeanne Fuhrman because she is an enrolled member and if the money was lent, the building would have a lien on it. Mr. Nitzschke said he is here on behalf of Jeanne Fuhrman. He is also requesting a loan of \$27,711 for a self-service gas station with two (2) pumps. He has a written agreement from J.W. Thompson for the building and Mr. Thompson would turn over the building lease and sell the building as is. The total loan Mr. Nitzschke's proposing is \$50,400.00. Mr. Nitzschke was informed that the Tribe had development funds to loan for businesses. Chairman Jandreau informed Mr. Nitzschke a simple base such as a business plan put together such as who's the owner, the ability to buy, etc. Chairman Jandreau recommends to the Tribal Council, if they so choose, to have Jeanne Fuhrman get with Larry Mendoza, Acting EDA Planner, to put together a proposal package. Mr. Nitzschke said he is requesting to borrow the money from the Tribe for Jeanne Fuhrman. They discussed the direct loan program and the guaranteed loan program through the Bureau of Indian Affairs. At the present time, there is not funds available in the Direct Loan Program but there is in the Guaranteed Loan Program. Initially Jeanne Fuhrman would need a basic plan put together. There was a short discussion in reference to the process for the guaranteed loan program. Chairman Jandreau informed Mr. Nitzschke that without a business plan, no repayment schedule, etc, the Council could not take action on a loan proposal. The Council referred Clarence Nitzschke to Larry Mendoza for assistance in developing a basic plan. There was discussion as to what the Council plans to do with the development funds. Mrs. Gourneau suggested one avenue would be employment through a tribal industry. William Ziegler made a statement that the interest rates, if the development funds are loaned out, should be the same as established rates of the BIA's or one percent (1%) over the prime interest rate at the time the loan is secured. Then you'd be locked into that interest rate until the duration of the loan.

2.) TRIBAL BUDGET - Council reviewed the tribal budget schedules that were prepared by the Finance Office. There is a need to renew the two loan notes at Tri-County State Bank because they were due on October 1, 1984 in the amount of \$64,000.00. The Tribe also owes Bank West \$67,000.00. The Tribe did pay off the \$13,000.00 note at Tri-County State Bank. Sidney Flores has

(#2. Tribal Budget Cont'd.) - agreed to reduce the election voucher payment to him by \$17,000, for a balance of approximate \$35,000.00. The total owed to Mr. Flores is about \$60,000.00. It was discussed that some of the funds to be paid to Mr. Flores could be taken out of the Rights Protection Contract. Anticipated attorney fees to Dave Bergren is about \$40,000 and that is a high projection. The Tribe has paid about \$11,000 in interests on notes, so far for the past year. Motion was made by Charles Langdeau to refinance the \$64,000 note at Tri-County State Bank and pay this interest for six months. This motion was seconded by Kay Courneau and carried with four for, none opposed, two absent and none not voting. Motion was made by Kay Courneau to approve the tribal budget. This motion was seconded by William Ziegler and carried with four for, none opposed, two absent and none not voting.

RECESS - The Council recessed for lunch and to reconvene at 1:00 PM. The Council reconvened at 1:10 PM with the same Members present and William Ziegler arriving late.

3.) TRIBAL VETERANS SERVICE OFFICER - A letter was received from Ernest Azure, Sr. in reference to an appointment of the Tribal Veterans Service Officer. The appointment would be for a four year term. (William Ziegler arrived at this time.) The Council concurred to table this until the regular meeting on February 6, 1985.

4.) DISASTER COORDINATOR - A letter was received from Charles H. Walker, Disaster Response Officer, Department of Military & Veterans Affairs in reference to the Tribe designating someone as the Disaster Coordinator for the Lower Brule Reservation. Motion was made by Charles Langdeau to name William Ziegler as the Disaster Coordinator for the Lower Brule Reservation. This motion was seconded by Kay Gourneau and carried with four for, none opposed, two absent and none not voting.

5.) TRIBAL RESOLUTIONS - Resolutions adopted by the 1980 Tribal Council were located in the office that had not been transmitted to the Bureau of Indian Affairs because of the seating of the 1982 Tribal Council. At that time there was controversy over resolutions passed by the 1980 Council and not being recognized by the 1982 Council. In order that there not be any misunderstandings, these resolutions need to be adopted as part of the official tribal records. Motion was made by Kay Courneau to adopt these previous resolutions as part of the official tribal records. This motion was seconded by Charles Langdeau and carried with four for, none opposed, two absent and none not voting.

6.) WILDLIFE LICENSE - A letter was received from David C. Loup, Chief, Pierre Real Estate Office, in reference to the development of a Wildlife License to the Lower Brule Sioux Tribe. Motion was made by Kay Gourneau to request a Wildlife License with the Corp of Engineers on the tracts of Corp land located adjacent to the Missouri River. This motion was seconded by William Ziegler and carried with four for, none opposed, two absent and none not voting.

7.) CORPS OF ENGINEERS - A letter was received from David C. Loup, Chief, Pierre Real Estate Office requesting to purchase a tract of land described as the Big Bend Tract No. 527, which contains approximately 2.38 acres, for the purpose of installing rip-rap along the bank to prevent further erosion, since the land can only be acquired through voluntary sale by the Tribe. Motion was made by Kay Gourneau to deny the Corps of Engineers request, but also to request that the Corps of Engineers protect the above said land from further erosion. The motion was seconded by Charles Langdeau and carried with four for, none opposed, two absent and none not voting.

- 8.) RANGE UNIT #34 - Motion was made by Kay Gourneau to lease land described as the NE $\frac{1}{4}$ of Section 9, Township 107 North, Range 74 West, Fifth Principal Meridian, Lyman County, South Dakota containing 34.40 acres to Ethel Schaefer since Fritz LaRoche had advised the Lower Brule Agency Staff that he would relinquish this land. This motion was seconded by William Ziegler and carried with three for, none opposed, three absent and none not voting.
- 9.) TRIBAL COUNCIL MINUTES - Motion was made by Kay Gourneau to approve the Tribal Council Minutes of January 2, 1985 and January 14, 1985. This motion was seconded by Darrell Middletent and carried with four for, none opposed, two absent and none not voting.
- 10.) HEALTH BOARD - A letter was received from Ted Bolman, Acting Health Director requesting that the Health Board be reinstated. Motion was made by Charles Langdeau to appoint Darrell Middletent to Health Board to compile necessary materials to present to the Council before action is taken on this request. This motion was seconded by Kay Gourneau and carried with four for, none opposed, two absent and none not voting.
- 11.) MUSEUM EXPO - A concept paper in reference to a Museum Expo to be located in the Oacoma Area was previously presented by Cy Maus. The Council has received the finalized version of the Concept Paper from Cy Maus and they have not taken final action because they are waiting to see if the joint venture with Landmark Corporation will develop. No action was taken at this time.
- 12.) PROPOSAL ON CAFE - Ron and Sharon Brown presented a proposal to open and operate a Cafe in the kitchen facilities adjacent to the present Health Offices. Motion was made by Kay Gourneau to approve the concept for a cafeteria. This motion was seconded by Darrell Middletent and carried with four for, none opposed, two absent and none not voting. The Council agreed that details of this proposal would be worked out and a written agreement would be drawn up.
- 13.) CASE STUDY - A Case Study has been received from Chuck Jacobs proposing a study be done on the Lower Brule Reservation in reference to seeing how much money goes off the reservation for taxation and how many times the dollar is turned. Mr. Jacobs had previously informed a Council Member that he would come down and make a presentation to the Council. Mr. Jacobs has subcontracted to do the study from an organization in Washington, D.C. He needs approval from the Council to come onto the Lower Brule Reservation and conduct the Case Study. Motion was made by Charles Langdeau to approve Chuck Jacobs to come onto the Lower Brule Reservation to conduct his proposed study. This motion was seconded by Darrell Middletent and carried with four for, none opposed, two absent and none not voting.
- 14.) GRASSROPE PROJECT - Questions as to the Grassrope Audit was done and submitted to the Solicitor's Office. The Solicitor has dropped this case because it was signed by DeWayne Goodface and Winona Long. The agreement was in reference to a compromise and release on the pivots that were provided. They have agreed that Milton Morris, Morris Irrigation is to keep the money in question. Mr. Tom Hanke did not sign the release. There were fifteen (15) pivots involved and eight (8) did not meet the specifications as far as CH2M Hill was concerned. Motion was made by Kay Gourneau to submit the Memorandums from the Aberdeen Area Office concerning the Field Solicitor and the center pivots on Grassrope Project for a written response. This motion was seconded by William Ziegler and carried with four for, none opposed, two absent and none not voting.

- 15.) CHILD PROTECTION TEAM - Members of the Child Protection Team were present to discuss a case they were handling. Also, they presented a list of the Lower Brule Child Protection Team Membership to be made a part of the record. The Child Protection Team is requesting the Tribal Council to appoint a temporary Judge until the position is permanently filled so that the cases which involve a conflict of interest can be handled. Chairman Jandreau suggested contacting Rochelle Lawrence, Crow Creek Tribal Judge for temporary appointment. Chairman Jandreau left the room to make a telephone contact to Ms. Lawrence. Ms. Lawrence informed Chairman Jandreau that she would be interested in coming over to Lower Brule and being Acting Chief Judge, if the Tribal Council approved, until a permanent Chief Judge is selected. Motion was made by Kay Gourneau to appoint Rochelle Lawrence as Acting Chief Judge until such time that the position is filled permanently. This motion was seconded by William Ziegler and carried with four for, none opposed, two absent and none not voting.
- 16.) WOVEN WIRE - There have been several requests to Chairman Jandreau in reference to the Tribe keeping the woven wire which is located in the bull pen. There is a total of about 320 feet. The Tribal Council concurred to keep the woven wire.
- 17.) POW-WOW AND FAIR BOARD - Cody Russell entered the meeting and presented a list of individuals who expressed interest in being on the Pow-wow and Fair Board. Motion was made by William Ziegler to appoint William Ziegler, Cody Russell, Robin LaRoche, Patti Moore, and Karil Harmon as the Pow-wow and Fair Board. This motion was seconded by Charles Langdeau and carried with three for, none opposed, three absent and none not voting.
- 18.) BILINGUAL PROGRAM PARENT ADVISORY COMMITTEE - A letter dated January 15, 1985 was received from Jackie Jandreau, PAC Chairperson, Marilyn Harmon, PAC Secretary/Treasurer and Darlene Speidel, Bilingual Education Director. The Bilingual PAC is currently conducting Bingo on Saturday nights and they have obtained permission from the School Board to use the Elementary School Gym but they hadn't obtained approval from the Tribal Council to have bingo. They are requesting Tribal Council endorsement of the use of the Elementary Gym on Saturday evenings, rent free, for a Community bingo to raise funds for student activities, cultural events, and other student needs. Motion was made by Charles Langdeau to approve the Bilingual Program Parent Advisory Committee's request to continue Bingo. This motion was seconded by Darrell Middletent and carried with four for, none opposed, two absent and none not voting.
- 19.) CROSS DEPUTIZATION - A letter was received from Shirley Flute, Tribal Judge, previously, in reference to Cross-Deputization of Police Officers. The Council at that time took action to have Dave Bergren, Tribal Attorney review this matter. A response was received from Mr. Bergren suggesting that this matter be negotiated with the State at the time when the matter of cross-deputization of conservation officers is discussed.
- 20.) SALARY INCREASE - A request was previously received from Shirley Flute in reference to a salary increase. The Council had taken previous action to submit this request to Edwin Miller, Superintendent for compliance of the Judicial Contract. Mr. Miller's recommendation was not to increase Shirley Flute's salary for the FY-84 contract. The Tribal Council concurred to go with the Superintendent's recommendation.
- 21.) LEASE REQUESTS - A lease request from John Langdeau and Marilyn Harmon were received by the previous Council and no formal action was taken. John Langdeau is requesting a lease for hayland. Discussion

(#21. Lease Requests Cont'd.) - was held in reference to where the land in question was located. Charles Langdeau had presented the previous request submitted by John Langdeau. This was tabled on February 6, 1985.

22.) HAYGROUND LEASE - Orville C. Langdeau, Sr.'s lease for hay ground was cancelled for non-payment. Mr. Langdeau had requested the Bureau of Indian Affairs' for an extension because he is presently unemployed. Mr. Langdeau is requesting the lease for hayground to be renewed. Motion was made by Charles Langdeau to approve renewal of Orville C. Langdeau's hayground lease. This motion was seconded by Darrell Middletent and carried with four for, none opposed, two absent and none not voting.

23.) FRANCIS L. KILLER & ASSOCIATES, INC. - Three billings were received from Francis L. Killer & Associates for the amount of \$662.50 under the Indirect Cost Proposal, \$1,146.25 for disallowed costs and \$950.91 for the CETA program. Orval Packard had informed Chairman Jandreau that these billings could be paid out of old CETA monies. The grants are closed out and there remains carry-over monies that could be expended. Motion was made by William Ziegler to pay Francis L. Killer & Associates billings. This motion was seconded by Charles Langdeau and carried with four for, none opposed, two absent and none not voting.

24.) GENERAL COUNSEL - The Tribal Council discussed and review the proposed General Counsel Contract presented by Dave Bergren. Motion was made by William Ziegler to approve and enter the contract with Dave Bergren for the Tribe's General Counsel. This motion was seconded by Darrell Middletent and carried with four for, none opposed, two absent and none not voting.

25.) COST OF LIVING RAISE REQUEST - A request was received from Crystal Medicine Crow in reference to a retro-active cost of living raise to 1983. Chairman Jandreau checked with the Finance Office and was informed that Mrs. Medicine Crow had received retro-active pay for a cost of living raise for that period of time. Motion was made by Kay Gourneau to allow a cost of living raise for Crystal Medicine Crow for FY-85, provided that it is allowed in the Judicial Contract. This motion was seconded by Charles Langdeau and carried with four for, none opposed, two absent and none not voting.

26.) CHR PROGRAM - A letter was received from Bessie Estes, CHR Director in reference to problems with Leroy Charging Whirl Wind. The request is to basically find him a place in Pierre, South Dakota so he can attend his medical appointments which require attendance more than once a week. Motion was made by William Ziegler to request the Indian Health Service to research and provide a dialysis machine for the Mid-Dakota Hospital at Chamberlain, South Dakota, and such dialysis machine will be made available to the Members of the Lower Brule Sioux Tribe. This motion was seconded by Kay Gourneau and carried with four for, none opposed, two absent and none not voting.

(#15. Child Protection Team Cont'd.) - Rochelle Lawrence entered the Council meeting. Chairman Jandreau informed Ms. Lawrence that he had requested the Tribal Council to appoint her as Acting Chief Judge until the position is filled permanently, and they approved such request. Ms. Lawrence informed the Council that she is committed to Crow Creek on Mondays and Tuesdays and she could probably arrange to be in Lower Brule on Wednesday, Thursdays, and maybe Fridays. The Council informed

(#15. Child Protection Team Cont'd.) - Ms. Lawrence that she would be paid on an hourly wage and it would have to be cleared with the Bureau of Indian Affairs. Ms. Lawrence informed the Council that her wages are \$83.50 per day plus her mileage. She will handle a pending case involving children today and then come back on Thursday to handle the other cases.

27.) RED HORSE LODGE - Red Horse Lodge has applied for Title II monies for two (2) Parenting Aides to work with pregnant teenage mothers. Red Horse Lodge has asked for a resolution of support and that one of the persons hired as an Aide will be from Lower Brule. Motion was made by Kay Gourneau to support development of a proposal for Health and Human Services Grant to fund the Parenting Proposal and that the Lower Brule Sioux Tribe be able to select one of the Parent Aides that are hired under this program. This motion was seconded by Charles Langdeau and carried with four for, none opposed, two absent and none not voting.

28.) FY-86 INDIRECT COST PROPOSAL - Chairman Jandreau request authorization to inform Mr. Ron Tedrow he could submit a proposal bid to do the Indirect Cost Proposal for FY-86. The Council concurred to authorize the Chairman to instruct Mr. Tedrow that he may submit a bid proposal.

29.) SIDNEY C. FLORES INVOICES - Mr. Flores informed Chairman Jandreau that he agreed to reduce the amount due on the election case. Mr. Flores has submitted seven (7) vouchers that he is requesting approval for payment. The Council review and discussed the vouchers that were submitted. Motion was made by Kay Gourneau to submit Mr. Flores' vouchers to Dave Bergren, Tribal Attorney for review of legitimate costs. This motion was seconded by Darrell Middletent and carried with four for, none opposed, two absent and none not voting. Chairman Jandreau requested authorization to draw down funds to pay Sidney C. Flores' voucher in reference to the election dispute. The Tribal Council concurred to approve authorization for the Chairman.

30.) ROADS - William Ziegler informed the Council that the State may tear up the asphalt roads going West from Lower Brule because of the maintenance cost and just have gravel roads. The Council discussed that if the State would attempt to return the asphalt road to gravel, they would want control of such road. Motion was made by William Ziegler to direct the Chairman to talk to the State Roads Officials about the paved road going West and not turn it into gravel. This motion was seconded by Kay Gourneau and carried with four for, none opposed, two absent and none not voting.

31.) LANDMARK HOTEL CORPORATION - Chairman Jandreau attempted to reach Mr. Gary Keller, Landmark Hotel Corporation but Mr. Keller could not be reached. Chairman Jandreau will try to contact Mr. Keller again then get the information back to the Council. No action was taken at this time.

32.) COMMUNITY DEVELOPMENT CORPORATION BOARD - The Council concurred to table action on this subject until the regular meeting on February 6, 1985.

33.) MARILYN HARMON'S LEASE - Marilyn Harmon had previously requested renewal of her lease #20-004-334 covering 81.00 acres of pasture land but the previous Council did not take action. Motion was made by Kay Gourneau to approve renewal of Marilyn Harmon's lease for 81.00 acres of pasture land. This motion was seconded by Charles Langdeau and carried

(#33. Marilyn Harmon's Lease Cont'd.) - with for for, none opposed, two absent and none not voting.

34.) LAND ACQUISITION REQUEST - The Council discussed William Ziegler's land acquisition request. Motion was made by Mr. Langdeau to request the Bureau of Indian Affairs, Lower Brule Agency to provide an appraisal on the land described as all of the area South of the highway including old road Right-of-Way in the SE¼NE¼ of Section 18, Township 107 North, Range 73 West, Fifth Principal Meridian, South Dakota, containing approximately 10.5 acres. This motion was seconded by Kay Gourneau and carried with three for, none opposed, two absent and one not voting (William Ziegler).

ADJOURNMENT - Motion was made by Kay Gourneau to adjourn the meeting. This motion was seconded by William Ziegler and carried with four for, none opposed, two absent and none not voting.

CERTIFICATION

The foregoing is a true and correct transcript of Minutes of a Special Meeting held by the Lower Brule Sioux Tribal Council on the 28th day of January, 1985.

Cheryll LaRoche, Recording Secretary

LOWER BRULE CHILD PROTECTION TEAM

M E M B E R S H I P

<u>NAME</u>	<u>POSITION</u>	<u>JOB TITLE</u>	<u>PROGRAM NAME</u>	<u>PHONE</u>
1. Nyal Brings	Chairman	Project Manager	Child Protection/ Indian Child Welfare	473-5400
2. Rose McCauley		Probation Officer	Tribal Court	473-5528
3. Pat Madsen	Secretary	Director	Head Start	473-5369
4. Bessie Estes		Director	CHR Program	473-5538
5. Jackie Jandreau		Technician	Mental Health	473-5372
6. Roy Griffith		Social Worker	Agcy. Soc. Svs.	473-5514
7. Virgil Randall		Police Captain	Law and Order	473-5224
8. Gib Rogers		Guid. Counselor	Lower Brule HS	473-5573
9. Clark Zephier		Director	Alcohol Treatmt. Prog.	473-5584
10. Mona Rabern		Social Worker	Dept. Social Svs.	734-6581
11. Liane Cummings		Field Nurse	IHS Public Health Svs.	473-5544

LOWER BRULE SIOUX TRIBAL COUNCIL
Regular Meeting
February 6, 7, & 8, 1985

PRESENT: Michael B. Jandreau, Chairman ABSENT: None
Kay Gourneau
William Ziegler
Ted Rouillard
Charles Langdeau
Darrell Middleton
William S. Jandreau

ALSO PRESENT: John Martin
Francis White Bird, State Indian Affairs Office
Rose McCauley, Probation Officer
Ron Lunder
Hudi Speckles, Dakota Lodges Inc.
Lyle Wrage, CPA, Dakota Lodges Inc.
Jan Brouse, Inter-Denomination Center
Ted Bojman, Inter-Denomination Center
Marvin Olson, Natural Resources Officer
Floydine Randall, Realty Specialist

The meeting was called to order by Chairman Jandreau at 11:05 AM. Roll call was taken by the Recording Secretary and the Lord's Prayer was led by Chaplain Langdeau.

1.) LIQUOR STORE - John Martin was present before the Tribal Council in reference to opening the old CW Bar as a liquor store. Chairman Jandreau informed Mr. Martin that the Liquor Ordinance has not been finalized. Mr. Martin told the Council that he got his State Liquor License approved and wants the Council's feelings on the bar being reopened. The past Tribal Attorney was going to draw up a Liquor Ordinance and get final approval from the Tribal Council, but this has not been done. The Liquor Ordinance was never formally presented to the Tribal Council. Mr. Martin said his liquor store would be strictly off-sale and closed on Sundays. He is still interested in the old CW Bar building and has the option to buy it. Mr. Martin informed the Council that J.W. Thompson gave him first option to buy the old CW Bar building, through a contract. Kay Gourneau stated that several petitions had been presented before to the Tribal Council in reference to not opening the bar. Mrs. Gourneau would like to see the people have a referendum vote to see if it is the people's desire to reopen the bar. Discussed possibility to set a date for such election or general meeting for reopening the bar discussion. Motion was made by Kay Gourneau to get a vote of the people before reopening the bar. This motion was seconded by William Ziegler and carried with six for, none opposed, none absent, and none not voting.

2.) INDIAN CHILD WELFARE ACT - Mr. Francis White Bird, State Indian Affairs Office and Rose McCauley were present to discuss a possibility of the Tribal Council adopting a Permanency Plan for foster children. Mr. White Bird informed the Council that in the Indian Child Welfare Act it states that you have to have a permanency plan for the children. Mr. White Bird presented a sample Permanency Plan that was adopted by the Rosebud Sioux Tribe. He stated that some children are placed in foster homes for one hundred (100) months at a time. Some children are placed in fifty (50) foster homes before they reach the age of eighteen (18) years. The Permanency Plan gives a time limit that each child can be in a temporary foster home. There are already three (3) tribal governments who have adopted this Permanency Plan. They are Sisseton,

(#2. Indian Child Welfare Act Cont'd.) - Yankton and Rosebud. In the Permanency Plan, there is specific steps where the Social Worker, Parents and the Judge have to take action so children aren't permanent in foster care. The Rosebud Sioux Tribe has adopted licensing codes for family foster care homes. At the present time Lower Brule does not have one. Mr. White Bird informed the Council that the State has recognized the tribal licensing codes for foster homes. Discussion held in reference to off-reservation children being placed in foster homes. When an enrolled off-reservation member is going to be placed in a foster home, the State asks the appropriate Tribe if the Tribal Court wishes jurisdiction before the child is placed. Final decision was made last summer by the State Officials to take the Permanency Plan to the Tribes for their consideration. This Permanency Plan has been in the planning stages for the past two (2) years. The State Task Force asked the State Indian Affairs Office to present the Permanency Plan to the Tribes. At the present time, Mr. White Bird said, Pine Ridge Sioux Tribe is looking at the Plan very favorably. Mrs. McCauley said she was a Task Force Member and has attended the meetings in reference to the Indian Child Welfare Act. The Plan's objectives are to either reunite the foster children with their parents or place them in a permanent home. Motion was made by Kay Gourneau to adopt Permanency Plan and Licensing Codes for Family Foster Homes as a Lower Brule Sioux Tribal Ordinance. This motion was seconded by Ted Rouillard and carried with six for, none opposed, none absent and none not voting.

3.) TRIBAL POSITIONS - The Council discussed that the wrong positons was advertised under the Wildlife Program. A job description was posted for the Wildlife Manager instead of the Wildlife Director's positon. Two applications were received for the Wildlife Director's positions and two were received for the Wildlife Manager's position. No action was taken at this time.

RECESS - The meeting was recessed for the noon hour and to reconvene at 1:00 PM. The meeting reconvened at 1:15 PM with same members present and Darrell Middletent arriving late.

4.) LAND EXCHANGE - Ron Lunder representing Dahlgren Farms was present to discuss exchanging of forty (40) acres of Tribal land for forty (40) acres of Dahlgren Farms' land. Because of the locations of both tracts of lands there is a boundary and fencing problem. The tribal land that Mr. Lunder is requesting a land exchange is presently leased by Bill Thompson. The Tribe and Dahlgren Farms' would have to get land appraisals then come back to the Council with the appraisal values. (Darrell Middletent arrived at this time.) Motion was made by Kay Gourneau to request an appraisal on the tribal land described as the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 26, Township 109 North, Range 77 West, Fifth Principal Meridian, South Dakota, containing forty (40) acres, more or less. This motion was seconded by Ted Rouillard and carried with five for, none opposed, none absent and one not voting (Charles Langdeau). Discussion was held in reference to a lease previously held by Kent Taylor and the previous Council had taken action to have it advertised locally and it has not been done. The lease will expire in March, 1985. Chairman Jandreau would like to see the land advertised locally and if no interest is shown then put it up for sealed bids. This involves approximately nine hundred acres (900).

5.) DAKOTA LODGES INC. - Mr. Hudi Speckles and Mr. Lyle Wrage were present to submit a proposal from Dakota Lodges, Inc. to the Council in reference to development of a thirty (30) unit motel located in the Oacoma area. The feasibility study has been done by Joe Schneider and Associates, Chamberlain, South Dakota. The concrete for the proposed motel is poured and ready for the main lobby to be constructed. This project is "Phase I" of an overall plan to construct an additional sixty (60) units.

(#5. Dakota Lodges Inc. Cont'd.) - The prior Contractor ceased construction due to the need for a Performance Bond.

The proposed motel will have a rustic appearance. There is an existing one hundred (100) unit motel located in Colorado that was completed. Mr. Speckles passed pictures to the Council of what the motel would look like. Dakota Lodges Inc. have invested \$250,000 to \$260,00 which includes the concrete, land and paper work. There is \$400,000 financing available to them through Norwest Bank and SBA. Dakota Lodges Inc. is offering to sell the Tribe fifty-one percent (51%) of their investment. Mr. Hudi Speckles informed the Council that the five acres (5) would be put into trust status for the Tribe. Dakota Lodges Inc. is requesting equal representation on the Board of Directors for this project. (Darrell Middletent left at this time.) Dakota Lodges Inc. is not committed to any contractor at this time. If the Tribe is interested Dakota Lodges Inc. would have the Lower Brule Construction Company build the motel with Mr. Speckles help. The Council reviewed the Land Appraisal and the appraisal of tourism market with Lyle Wrage. The land appraisal was done by Jack Adams. The financial statement was prepared by Lyle B. Wrage and Company. The Dakota Lodges Inc. is offering to sell the Tribe fifty-one percent (51%) of the common stock in the Dakota Lodges Corporation. It was discussed that when the Tribe would purchase 51% of the stock they would also assume 51% of the liabilities. (Darrell Middletent returned at this time.) Dakota Lodges Inc. obtained the liquor license for the proposed motel & lounge on Monday night. Completion for the project would be approximately three (3) months. Dakota Lodges Inc. is asking for \$130,000 in exchange for the 51% partnership with the Tribe. No action was taken at this time.

6.) INTER-DENOMINATIONAL CENTER - Jan Brouse and Ted Bolman were present to discuss the Inter-Denominational Center project. This project will involve the age group from 13-18 years of age. They would have something later for the younger children. There will be an Open House for all parents on Sunday, February 10, 1985 from 2:00-4:00 PM. The Catholic Church has agreed to pay the electrical bills. The project is located in the old St. Mary's Hall. Mrs. Brouse and Mr. Bolman are part of the group handling the Inter-Demoninational Center and seeking funds for operation. They have received some furniture from St. Joseph's Indian School. They are before the Council to seek financial assistance for the Center. The Center will be working with approximately one hundred (100) kids. The Tribe has already purchased a \$400.00 pool table for the Center. Everything offered to the kids will be free except the concessions. The Center will be open on Friday evenings, Saturdays and Sundays. They are requesting the amount of \$1,000 from the Tribe. They would like to have a phone put in but use it only for emergencies and it would have a lock on it. The monthly phone bill would be \$25.00. The Council suggested that the Center make the Police aware of the hours of operation so they can make extra patrol and periodic checks. The Center plans to have a minimum of three (3) people on duty at all times. They have tried to get pledges from individuals. An outstanding bill will be the heating expenses. They will need capital for supplies. The Center would give the Tribe all the receipts and give back any money that is left over after purchase of the supplies. Chairman Jandreau said the Tribe has helped every activity like this before but for the Council's satisfaction, they would need a list of what the Center wishes to acquire and the major areas, they would need to get two quotes. In the meantime the Council would look for some assistance. Motion was made by Darrell Middletent that the Inter-Demoninational Center bring in a budget and a pricing list of the items they wish the Tribe to acquire. This motion was seconded by William S. Jandreau and carried with five for, none opposed, one absent and none not voting.

- 7.) OLYMPIC SIZE SWIMMING POOL - Motion was made by William Ziegler to direct Larry Mendoza, Acting EDA Planner to seek funding for an Indoor/Outdoor olympic size swimming pool. This motion was seconded by Darrell Middletent and carried with five for, none opposed, one absent and none not voting.
- 8.) TRIBAL VETERANS SERVICE OFFICER - The Tribal Council was notified by letter dated December 28, 1984 from Ernest Azure, Sr., Division of Veterans Affairs, for a need of reappointment of the Tribal Veterans Service Officer. Clark Zephier is the present Tribal Veterans Service Officer. The Tribe pays half of the Officer's salary and the State pays the other half, for a total of \$2,400 per year. The Tribal Veterans Service Officer receives a salary of \$200.00 per month. Motion was made by Ted Rouillard to appoint Tony LaRoche, Jr. as the Tribal Veterans Service Officer. This motion was seconded by Darrell Middletent and carried with five for, none opposed, one absent and none not voting. This will be for a four (4) year term and to expire on December 31, 1988.
- 9.) HIP CONTRACT - The HIP Committee have met and recommend a modification to the HIP Contract that would include Category C from the C.F.R. to include down payment of modular homes up to \$5,000.00. Motion was made by Ted Rouillard to approve the HIP Contract modification. This motion was seconded by Kay Gourneau and carried with five for, none opposed, one absent and none not voting.
- 10.) TRIBAL COUNCIL MILEAGE - Mileage sheets were received from William S. Jandreau and William Ziegler, for approval. Motion was made by Kay Gourneau to approve the Council Member's mileage to William S. Jandreau and William Ziegler. This motion was seconded by Ted Rouillard and carried with four for, none opposed, one absent and one abstaining (William S. Jandreau).
- 11.) ATTORNEY BILLINGS - Statement of services were received from William Srstka for the following cases: 1.) Election Board; 2.) Goodface vs. Grassrope; 3.) Goodface vs. Grassrope; 4.) Hunting Case; and 5.) Surplus Land. Motion was made by Kay Gourneau to submit the statement of services from Mr. William Srstka to the Bureau of Indian Affairs for approval and payment. This motion was seconded by Darrell Middletent and carried with five for, none opposed, one absent and none not voting.
- 12.) MICHAEL B. JANDREAU LEASE - On June 13, 1984 Lease Advertisement No. 84-03 was posted in the Community for lease of tribal land containing 156.36 acres of pasture land. Michael B. Jandreau had submitted a written request for lease of this land at the rate of \$3.50 per acre. The previous Council had taken action on August 15, 1984 for approval of Mr. Jandreau to lease the advertised tribal land in Lease Advertisement No. 84-03 but a formal resolutions was not submitted to the BIA. Motion was made by Kay Gourneau to adopt a resolution supporting the Tribal Council action taken on August 15, 1984 for lease to Michael B. Jandreau and that he be charged the current established rates. This motion was seconded by William Ziegler and carried with five for, none opposed, one absent and none not voting.
- 13.) MEMORANDUM OF UNDERSTANDING - The Tribe needs to submit a resolution stating the Tribe would honor the Great Plains Contract on range units and that if an Range Unit Operator gives up his/her range unit, the next R.U. Operator would still have the Great Plains Contract. The Tribe would commit to assure that when a Range Unit Operator is given a range unit then the Great Plains Contract would be a part of the range unit stipulations. Motion was made by Kay Gourneau to adopt a resolution that in order to clarify

(#13. Memorandum of Understanding Cont'd.) - control of tribal grazing lands and to encourage participation under the Soil Conservation and Domestic Allotment Act as amended by Public Law 84-1021, the Lower Brule Sioux Tribe hereby declares that should any Permittee who has a Great Plains Contract composed of tribal lands, have their permit terminated for whatever reason, the new Permittee, whether under allocation or bid, must continue with the Great Plains Contract until its expiration date. This motion was seconded by Ted Rouillard and carried with five for, none opposed, one absent and none not voting.

14.) BUREAU OF LAND MANAGEMENT - The Bureau of Land Management has a horse project that is being offered to the Tribe. They are a mixture of horses. The Tribe would have to take at least one hundred (100) horses. Crow Creek is looking at this project also. The Lower Brule Sioux Reservation does not have the capacity to place 100 horses and the question of who would be responsible was discussed. The Council discussed they could ask if they would be able to participate with Crow Creek. The Tribe would need three hundred (300) acres to pasture one hundred (100) horses. No action was taken at this time.

15.) LAND SALE APPLICATION POLICY - The Bureau of Indian Affairs, Lower Brule Agency, Realty Office, through past Council Administration, have the policy not to accept Land Sale Applications. The Council discussed meeting with the Realty Office Staff, Lower Brule Agency and setting a new Land Sale Application Policy. This will be tabled until tomorrow, February 7, 1985. Discussed two (2) Off-Reservation Members requesting to sell their land interests on other Reservations.

16.) COMMUNITY DEVELOPMENT CORPORATION - Motion was made by William Ziegler to select the Tribal Council Members as the Board of Directors for the Community Development Corporation. This motion was seconded by Darrell Middletent and carried with five for, none opposed, one absent and none not voting.

17.) J.W. THOMPSON LEASES (2) - J.W. Thompson has submitted a written request to lease 60.00 acres of tribal farm land, 86.8 acres of farm land and 73.2 acres of pasture land, on June 26, 1984 but no adopted resolution was submitted to the Bureau of Indian Affairs, Lower Brule Agency. Motion was made by Kay Gourneau to adopt a resolution granting approval to J.W. Thompson for lease of the two tracts of tribal land which he has requested for a period of three years at the current established rates and that the BIA collect any income from the tribal land for past use. This motion was seconded by Darrell Middletent and carried with four for, none opposed, two absent, and none not voting.

18.) TIME AND ATTENDANCE - Time and attendance has become a problem for tribal staff. Should have a meeting with Tribal Program Directors to establish guidelines. Motion was made by William Ziegler to have a meeting with all Tribal Program Directors to correct the time and attendance problems. This motion was seconded by Darrell Middletent and carried with five for, none opposed, one absent and none not voting.

19.) REFUND REQUEST - A written request was received from Josephine Skunk in reference to her monetary settlement from the Tribe. The Tribal Council had deducted past due salary advances and a day care bill from the settlement. Ms. Skunk is requesting for payment of the balance on her monetary settlement. Motion was made by William Ziegler to send a letter to Josephine Skunk restating the reasons for such deductions, what the deductions were and she no longer has a debt with the Tribe. This motion was

(#19. Refund Request Cont'd.) - seconded by Darrell Middletent and carried with five for, none opposed, one absent and none not voting.

RECESS - The meeting recessed for the day and to continue tomorrow, February 7, 1985. The meeting reconvened on February 7, 1985 at 10:40 AM with Council Members present and Charles Langdeau arriving late.

20.) LAND SALE APPLICATION POLICY - Money has been transferred from the FHA checking and savings accounts into the Lower Brule Land Purchase Fund for purpose of purchasing fractionated land interests. At one time the Council had list of proposed land sales and appraisals to purchase fractionated interests. A written request for sale of land was received from Joseph Rouillard. A previous request was received from Joseph Sawalla for sale of his interest in LB-771, Matilda LaRoche Allotment. Motion was made by Kay Gourneau to request appraisals on Joseph Rouillard's land sale and Joseph Sawalla's land sale. This motion was seconded by William S. Jandreau and carried with five for, none opposed, one absent and none not voting. William Ziegler informed the Council that there was interest on the money that was transferred from the FHA savings and checking account into the Lower Brule Land Purchase Fund. Motion was made by Kay Gourneau to amend Resolution No. 85-18 to include the interest on the funds transferred. This motion was seconded by Darrell Middletent and carried with five for, none opposed, one absent and none not voting.

21.) ALCOHOLISM PROGRAM - Motion was made by Darrell Middletent to set up a meeting with the Alcoholism Director, Staff and Rick Jones, River Park Representative to go over the future of the Alcoholism Program. This motion was seconded by William Ziegler and carried with six for, none opposed, none absent, and none not voting.

22.) LEASE ADVERTISEMENT 85-01 - On January 14, 1985 Lease Advertisement No. 85-01 was posted in the Community which included two tracts of tribal land. Applicants for this lease advertisement were Fritz LaRoche and John Langdeau. Motion was made by Charles Langdeau to approve lease to Fritz LaRoche on the tribal land located in the SW $\frac{1}{4}$ of Section 8, Township 107 North, Range 73 West, Fifth Principal Meridian, South Dakota, containing 66.00 acres of farm land and approve lease to John Langdeau on the tribal land located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 17, Township 107 North, Range 73 West, Fifth Principal Meridian, Lyman County, South Dakota, containing 40.00 acres of farm land, for a period of three (3) years at the current established rates. This motion was seconded by Kay Courneau and carried with six for, none opposed, none absent and none not voting.

23.) DEPARTMENT OF LABOR - Discussion was held in reference to a letter dated January 31, 1985 from David O. Williams, Administrator, Office of Program & Fiscal Integrity. This letter was in reference to disallowed costs and interest owed by the JTPA Program. The Tribe might possibly have to pay this money back, at least twenty-one percent (21%). The schedule would be set up over a three (3) year period. The Tribe should offer them some financial payment and then the interest owed can be waived. No formal action was taken at this time.

24.) TRIBAL POSITIONS - Motion was made by William Ziegler to readvertise the Personnel Officer's position and the Chief Judge position for a period of thirty (30) days. This motion was seconded by William S. Jandreau and carried with six for, none opposed, none absent and none not voting. Motion was made by Ted Rouillard to advertise the Wildlife Director's position

(#24. Tribal Positions Cont'd.) - for a period of fifteen (15) days. 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 accept the recommendation from the Child Protection Team to select Lenora Bingen as the Maternal Child Health Educator. This motion was seconded by William S. Jandreau and carried with six for, none opposed, none absent and none not voting. Motion was made by William S. Jandreau to table the selection for the Alcoholism Trainee and the Halfway House Cook until after the meeting with the Alcoholism Director and Staff. This motion was seconded by William Ziegler and carried with six for, none opposed, none absent and none not voting. Motion was made by Darrell Middletent to select Inez Eagle Thunder as the JTPA Law & Order Clerk Trainee and recommend Lisa Goodlow as alternate. This motion was seconded by William Ziegler and carried with five for, none opposed, one absent and none not voting. Motion was made by William Ziegler to get a licensed Attorney on a case per case basis until the Chief Judge position is filled. This motion was seconded by Darrell Middletent and carried with five for, none opposed, one absent and none not voting. This would be pending review by the Tribal Council.

25.) WEST CENTRAL POWER RATES - Chairman Jandreau requested authorization from the Council to request assistance from the Interior Solicitor and the Department of Justice in an effort to resolve the dispute over the West Central power rates. Motion was made by William Ziegler to authorize the Chairman to request assistance in reference to resolving the dispute over the West Central power rates. This motion was seconded by Charles Langdeau and carried with six for, none opposed, none absent and none not voting. A letter dated February 1, 1985 was received from Merrill R. Norman, Main Hurdman, Certified Public Accountants in reference to working closely with the Tribe to critique the R.E.A.'s rate structure and to formulate recommended alternatives which they believe will result in substantially lower power rates to the Tribe. They proposed an hourly consultant rate of \$58.00 including a twenty percent (20%) discount. No formal Council action was taken at this time.

26.) SEWAGE SYSTEM - The Lower Brule Community has experienced sewage problems due to age and deterioration and roots within the sewer lines. Motion was made by William Ziegler to direct the Chairman to submit a project proposal to replace the sewage system lines, with any additional costs incurred by this project, such as curbs, sidewalks, streets and other necessary costs that may be charged to the sewage project, to the Indian Health Service for funding of such project. This motion was seconded by Charles Langdeau and carried with six for, none opposed, none absent and none not voting.

27.) YALE SCHOOL OF ORGANIZATION & MANAGEMENT - The First Nation Financial Project which is under the Yale School of Organization and Management began in 1978 as an alternative approach to Tribal economic development. This Project facilitates a mutual self help network among Tribes providing technical assistance, community organization and develop strategies through its Field Operations. Mr. Gib Rogers informed the Council that there is a Lower Brule Member who is interested in participating in this project. The Tribal Member is Otis Doren who is graduating from Black Hills State College. He would need a tribal resolution and two (2) letters of support from the Tribe to participate in this project. Motion was made by William Ziegler to support the selection of Otis Doren as a fellow for the First Nation Financial Project and that the Tribe agrees to provide the fellow whatever resources, information and support needed to carry out their research for the Tribe and work of implementation. This motion was seconded by William S. Jandreau and carried with six for, none opposed, none absent and none not voting.

28.) WAIVE LAND LEASE BONDING REQUIREMENTS - The enrolled Members are now required to provide bonding on the lands they lease for their cattle and farming operations. In the past, this requirement of bonding was waived because lease payments were made in advance. Motion was made by Charles Langdeau that the Lower Brule Sioux Tribal request the Bureau of Indian Affairs waive the bonding requirements on the lands leased by Indians. This motion was seconded by Ted Rouillard and carried with six for, none opposed, none absent and none not voting.

RECESS - Motion was made by Ted Rouillard to recess the meeting until tomorrow, February, 8, 1985. This motion was seconded by William S. Jandreau and carried with six for, none opposed, none absent and none not voting. The meeting reconvened on February 8, 1985 at 1:05 PM with all Council Members present and William S. Jandreau being absent.

29.) UNEMPLOYMENT BENEFITS - A letter of response dated February 4, 1985 was received from Don Kattke, Division Director, SD Department of Labor in reference to election officials are not eligible for unemployment benefits. A rebate of unemployment contributions could be made to the Tribe for elected individuals under South Dakota law at SDCL 61-5-37, minus the cost of benefits paid, in these cases. To process the refund, the would need from the Tribe, the names and social security numbers of elected officials in the years 1982, 1983, and 1984. Motion was made by Ted Rouillard to have Dave Bergren, Tribal Attorney further explore the process for a refund from the Unemployment Insurance Division to see if the Tribe is applicable. This motion was seconded by William Ziegler and carried with five for, none opposed, none absent and none not voting.

30.) GENERAL COUNSEL BILLINGS - Statement for services that were received from Sidney C. Flores, previous Tribal Attorney were reviewed. Motion was made by Darrell Middletent to approve the following invoices and submit them to the Bureau of Indian Affairs for approval of payment. The invoices approved were Voucher No. 1005; 1006; 4000; 0407; 408; 1004; and 1007. This motion was seconded by Charles Langdeau and carried with three for, one opposed, one absent and one not voting.

31.) COMMUNITY DEVELOPMENT BLOCK GRANT AUDIT - A draft copy of the Community Development Block Grant Audit was received from Francis L. Killer. Motion was made by Charles Langdeau to approve finalization of the report. This motion was seconded by Ted Rouillard and carried with five for, none opposed, one absent and none not voting.

ADJOURNMENT - Motion was made by William Ziegler to adjourn the meeting. This motion was seconded by Darrell Middletent and carried with five for, none opposed, one 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 7th day of February, 1985,

Cheryll LaRoche, Recording Secretary

LOWER BRULE SIOUX TRIBAL COUNCIL

Special Meeting
February 13, 1985

PRESENT: Michael B. Jandreau, Chairman
Kay Gourneau
William Ziegler (arrived late)
Charles Langdeau
Darrell Middletent
Ted Rouillard

ABSENT: William S. Jandreau

ALSO PRESENT: Ron Tedrow
Rick Jones

The meeting was called to order by Chairman Jandreau at 1:15 PM. The Recording Secretary noted Council Members present and absent.

1.) FY-86 INDIRECT COST PROPOSAL - Ron Tedrow is representing McGladrey, Hendricksen & Pullen and they have submitted a bid to do the Tribe's FY-86 Indirect Cost Proposal. Mr. Tedrow gave a verbal presentation. If approved by the Council, he could begin work on the FY-86 IDC proposal in about two (2) weeks after receiving the notice to proceed and he would guarantee it would be done in about a month. The deadline for submission of the FY-86 IDC Proposal is April 1, 1985 and it would begin, if approved, on October 1, 1985. Mr. Tedrow would need additional historical information on the Tribe. Mr. Tedrow would collect, review and analyze material that's available on every tribal program and activity. He would look at how the costs are allocated such as the overhead costs for the Indirect Cost as they adhere to direct costs. He would also try to develop some type of budget for FY-86. It would take about 176 hours to complete the proposal. His goal is to reduce the amount of time it would take to complete the proposal by utilizing the finance staff to collect data. Chairman Jandreau informed the Council that the Tribe does have a repayment schedule for payment on the previous Indirect Cost. To date, the Tribe has not received an indirect cost rate for FY-85. A proposal bid was submitted by Francis L. Killer & Associates Inc. for the FY-86 IDC Proposal. Motion was made by Kay Gourneau to enter into an agreement with McGladrey, Hendricksen & Pullen to develop the FY-86 Indirect Cost Proposal for the Tribe and have it submitted by April 1, 1985 and payment will not be paid to said company if the proposal is not submitted by April 1, 1985. This motion was seconded by Charles Langdeau and carried with four for, none opposed, two absent and none not voting. (William Ziegler arrived at this time.)

2.) POSITIONS DESCRIPTIONS - There are four (4) positions descriptions submitted by Francis L. Killer & Associates, Inc. that need to be adopted into the FY-85 IDC Proposal for audit purposes. Motion was made by Kay Gourneau to adopt and incorporate the four (4) descriptions of Grants & Contracts Officer, Accounting Technician, Operations Manager and the Human Resources Coordinator into the FY-85 Indirect Cost Proposal. This motion was seconded by Darrell Middletent and carried with five for, none opposed, one absent and none not voting. The Operations Manager is the position which Mr. Howard Greene now holds and the Accounting Technician position descriptions covers the Finance Staff. The position of Grants & Contracts Officer and the Human Resources Coordinator are not presently filled. The position of Human Resources Coordinator is the new title for the Personnel Manager position. The Finance Staff will be identified as Accounting Technicians for audit purposes.

- 3.) COMMUNITY HEALTH SERVICE ELIGIBILITY - Chairman Jandreau has received correspondence in reference to an enrolled Indian of another Tribe who lives within our service area who needs Community Health Services. Attached to the letter was a highlighted portion of the Indian Health Manual which read, "Individuals claiming eligibility for CHS under this category have the responsibility to furnish the SUD sufficient documentation to substantiate their claim. The individual must be certified as having close social and economic ties by a Tribe whose reservation is located within a CHSDA in which the applicant lives. This certification can be by whatever normal and proper procedure is followed by the individual Tribe; (e.g., Tribal Resolution or other process authorized by Tribal Resolution)". Motion was made by Charles Langdeau to authorize the Chairman to verify, by letter, individuals that do have close social and economic ties within the Lower Brule Sioux Tribal Reservation and are eligible for Community Health Services. This motion was seconded by Darrell Middletent and carried with five for, none opposed, one absent and none not voting.
- 4.) NATIONAL CONGRESS OF AMERICAN INDIANS - A letter was received from the National Congress of American Indians that the annual conference will be held in June, 1985. No action was taken at this time.
- 5.) COPIER MACHINE - The present Copier Machine located in the Administration Office is not adequate to handle the amount of copies that are being made. The Tribe has received two bids for a new copier, one is from Dakota Territory in Rapid City, South Dakota on a Xerox copier and one is from Century Business Products, Pierre, South Dakota on a Savin copier. The Council review and discussed both copier bids. Motion was made by Kay Gourneau to purchase the Savin copier pending further negotiations with Mr. Randy Sprinkler, Century Business Products and Mr. Howard Greene. This motion was seconded by Darrell Middletent and carried with five for, none opposed, one absent and none not voting.

ADJOURNMENT - With no further business, the Chairman entertained a motion to adjourn this meeting. Motion was made by Charles Langdeau to adjourn the meeting. This motion was seconded by Ted Rouillard and carried with five for, none opposed, one absent and none not voting.

CERTIFICATION

The foregoing is a true and correct transcript of Minutes of a Special Meeting held by the Lower Brule Sioux Tribal Council on the 13th day of February, 1985.

Cheryll LaRoche, Recording Secretary

LOWER BRULE SIOUX TRIBAL COUNCIL
Special Meeting
February 19, 1985

PRESENT: Michael B. Jandreau, Chairman ABSENT: William S. Jandreau
Kay Gourneau
William Ziegler (arrived late)
* Charles Langdeau
Darrell Middletent
* Ted Rouillard

ALSO PRESENT: Richard P. Thompson, Sr. - L.B. Construction Company Board
Gaylord Choal - L.B. Construction Company General Manager
Ken Kelly - L.B. Construction Company Board (Absent)
Cody Russell - Lower Brule Construction Company Board (Absent)
* Charles Langdeau & Ted Rouillard are also L.B.C.C. Board Members
Karil Harmon - L.B. Construction Company Secretary
Tom Hanke, Farm Manager
Dave Bergren, Tribal Attorney
Dave Neuendorf, Great Lakes Inter-Tribal Council Inc.
Edwin L. Miller, Agency Superintendent
Lowell Ericson, Aberdeen Area Office
Herbe Schulte, Electrical Engineer Contractor

The meeting was called to order at 2:30 PM by Chairman Jandreau and Roll Call was taken by the Recording Secretary. The Lord's Prayer was led by Chaplain Langdeau.

1.) LOWER BRULE CONSTRUCTION COMPANY - A joint meeting was held between the Lower Brule Construction Company Board and the Lower Brule Sioux Tribal Council. A discussion was held in reference to the record keeping system of the Construction Company. At the present time, the Finance Office Staff is handling the record keeping system because of the centralized area of the computer system. Discussion was held that there is not a problem with the Construction Company signature cards because Charles Langdeau is on the cards and he is a member of both the Council and the Construction Company. (William Ziegler arrived at this time.) Chairman Jandreau stated that the prime responsibility on contracts lies with the Tribal Council and for auditing purposes, the accounting materials have to be kept in the Finance Office to be coded into the computer. Gaylord Choal informed the Council that Ted Rouillard and the Construction Company Board have called for an audit and the books need to be in order before the audit is done. Mr. Choal feels that if the Construction Company Staff does their own accounting books, that it would take a load off the Finance Office. Chairman Jandreau stated that the Grassrope, Clark and CDBG are contracts to the Tribe not the Construction Company. Mr. Choal feels that as far as writing checks and making reimbursements, it would be better if the accounting books were at the Construction Company Office. Ted Rouillard said the reason for this request is because in the past money was spent out of the Construction Company account and they (Construction Company) didn't know about it. Chairman Jandreau stated that the past Tribal Council sat down and took action to spend the money.

(#1. L.B.C.C. Cont'd.) - William Ziegler stated that he has talked to Gaylord Choal about the vouchers being approved by the Construction Company Board before checks are made, then the General Manager could sign for payment after the Lower Brule Construction Company Board has given approval. Mr. Ziegler clarified that he wanted the Board to have a process established for the Board to approve the vouchers before he signs the checks. Ted Rouillard stated that an Executive Committee of the Construction Company Board could be formed to approve vouchers before William Ziegler signs the checks. Chairman Jandreau said he has no problem with staying out of the Construction Company affairs. Mr. Rouillard stated that they just want a want for the Company to progress. William Ziegler said some of the accounting record problems have to do with the computer system. Chairman Jandreau said he had wanted to talk to the Construction Company Board about getting rid of the present computer system and getting a system that can be utilized. The present system can only be run with two (2) terminals and that causes a big problem. Richard P. Thompson said the Board is asking to keep their own accounts so they know what's coming in and what goes out, and with this information they would be able to meet with the Tribal Council to provide information and be able to declare a dividend. Chairman Jandreau said the present computer system was suppose to produce such reports but no manual has been developed to go with the computer program for reports to be received. The audits that have been done are completed by search of vouchers. The cost for an IBM Computer System with seven (7) terminals is \$48,000.00. The last audit that was done was in 1983. Ted R. asked about the Construction Company getting their own legal counsel. Chairman Jandreau informed him that the Tribal Council took action on January 2, 1985 to have the tribal organizations obtain separate legal counsel other than the Tribal Attorney. Chairman Jandreau feels that the Construction Company should have separate legal counsel because of the happenings with the past administration. Ted Rouillard feels they could hire an Attorney on an as needed basis. There was discussion held in reference to the Annual Pow-wow and Fair. William Ziegler doesn't see a problem with the Construction Company using the Tribal Attorney for day to day business unless there becomes a dispute with the Tribe and there would be separate billings from the Attorney. Dave Bergren has already been retained by the Tribe. Chairman Jandreau said if the Construction Company wants legal service, they can use whoever they want, but he feels separate legal counsel would be better because of discrepancies. Charles Langdeau said for the day to day business, he sees no problem with the Construction Company employing Dave Bergren. Discussion was held in reference to the Annual Pow-wow and Fair. Mr. Rouillard said a proposal has been written to submit to a grant foundation but don't think the foundation will look favorable on the Annual Pow-wow and Fair budget that is proposed. The Racing Association is planning to raise their own money for the horse races to be held. Discussion was held in reference to payment requested by Archie Baumann. Discussion was held in reference to an agreement that was signed by Winona Long and DeWayne Goodface which reflected the last seven (7) pivots for the Grassrope Project. Dave Bergren suggested that if the Council didn't know about such agreement being signed, they should contact Milton Morris, Morris Irrigation, to have a meeting. Mr. Bergren feels that the agreement is not valid. There was a Surety Bond submitted in June of 1983 for fifteen (15) pivots. The agreement was a release signed by the two (2) individuals for the last seven (7) pivots for the Grassrope Project, and the pivots didn't meet specifications. Charles Langdeau said Archie Baumann informed him that he had an agreement where Morris Irrigation said they'd make the pivots good. Ted Rouillard said there is no problems with the materials as long as you have a Material Bond. Dave Bergren said he would correspond with the Council in relation to the Agreement with the seven (7) pivots and what should be done. Chairman Jandreau said Milton Morris has contacted the Tribe and does want to discuss the Agreement in question. Chairman Jandreau said Sidney C. Flores had prepared the Agreement but it was not properly approved. Dave Bergren feels an agreement should be set up with Morris Irrigation. The Bureau of Indian Af-

(#1. Lower Brule Construction Company Cont'd.) - fairs could review the Agreement for approval. There is a need to know if Morris Irrigation is going to bring the pivots up to standard. Tom Hanke had informed Chairman Jandreau that there's no way to bring the pivots up to standard. The first eight (8) pivots don't meet specifications and the last seven (7) were accepted and became a part of that agreement. The Bond is good until the final acceptance. Some of the things that did not meet specifications of the pivots were broken pads, height of the pivots and cuplings. Tom Hanke informed the Council that the pivots did meet specifications as designed by CH2M Hill. The last seven (7) pivots didn't meet specifications relative to the first eight (8) pivots and the first eight (8) pivots don't meet specifications either. Chairman Jandreau referred to a letter from received from Ellis Armstrong stating that the gear boxes, safety factor and the pivot pads did not meet specifications. Tom Hanke said the first eight (8) pivots don't meet specifications by major things, the last seven (7) pivots didn't meet some of the system specifications and the first eight (8) pivots didn't meet the whole system. One of the major problems is that the pipe sizes are too small. A final inspection has been done but it not approved. On the first eight (8) pivots, there some clear variances that have not been met. The Bonding Company has been contacted. There was no final action taken by the Council at this time.

2.) BLACK HILLS STEERING COMMITTEE - A letter was received on February 11, 1985 from Gerald M. Clifford, Coordinator, Black Hills Steering Committee requesting the Tribe, which are members of the Steering Committee, to assign one or more of their attorneys to participate in a review session of the draft working legislation on return of Black Hills lands. A meeting is scheduled for the 25th and 26th of February in Spearfish, South Dakota. A motion was made by Charles Langdeau to delegate Ted Rouillard for the Lower Brule Sioux Tribe. This motion was seconded by Kay Gourneau and carried with three for, one opposed (Ted Rouillard), two absent and none not voting.

3.) HEALTH EQUITY PROGRAM - A Memorandum of Understanding Agreement was submitted by Ted Bolman, Acting Health Director. This agreement is in reference to the Health Equity Program, Dr. Thomas Holland, Dentist of Chamberlain, and the U.S. Public Health Dental Program. The purpose of this Document is to outline the entities and what responsibilities are agreed to by each entity. The Lower Brule Health Equity Program shall provide to Dr. Thomas Holland, Indian clients for dental work. Motion was made by Darrell Middleton to enter into the Memorandum of Understanding agreement and authorize the Chairman to sign such document. This motion was seconded by Kay Gourneau and carried with three for, none opposed, three absent, and none not voting. Quorum present with the Chairman.

4.) JTPA PROGRAM - A letter was received from Orval Packard in reference to the JTPA Program. Chairman Jandreau asks the Council to table this until the March 6, 1985 regular meeting because he hasn't had a change to meet with Maria Estes, JTPA Director, in reference to this matter. The Council concurred to table this until the next regular meeting.

5.) FIRE FIGHTING TRAINING - This was a letter from United Sioux Tribe in reference to a fire fighting training that will be scheduled. Chairman Jandreau was going to discuss this with Pat Big Eagle to see if Mr. Big Eagle would be interested. The Council concurred to table this item until the next regular meeting.

- 6.) WEST CENTRAL NEGOTIATIONS - Mr. Edwin Miller, Agency Superintendent, Lowell Ericson, Aberdeen Area Office, Herb Schulte, Electrical Engineer Contractor and Tom Hanke, Farm Manager were present to discuss matters relating to the West Central Negotiations that are to be held on February 20, 1985 in Murdo, South Dakota. Other representatives from Billings, Montana, Washington, D.C. and Salt Lake City, Utah were to attend today's meeting but were unable due to flight schedules and weather conditions. Today's discussion was in reference to West Central's latest data and on how they sit with the negotiations and the Lower Brule Sioux Tribe's proposal. The big item with West Central, is they want the Tribe to give up their sovereignty. Mr. Miller has review West Central's proposal. Discussed purchasing capacity on the lines. Reviewed value and capacities. \$305,000.00 would purchase capacity on the lines. The main cost of facility determination would be to use West Central's report that was just received, Page 10, Section 17 of the report. The REA form #7 is required to be filed with REA each year and the annual charge used is the year amount paid equals some of the money taken from those line items which is the transmission expense, distribution operation, and consumer account expense. These line items would be proper, about \$11,000 - \$12,000 per year that the Farm would pay. The Farm is setting up a Maintenance Cost account. Mr. Miller proposed that the Farm Corporation set up an IIM account. This would be an Emergency Reserve Fund to pay for major maintenance items with a \$50,000 ceiling. Specify that the deposit account (Emergency Reserve Fund) would work the same as the land payment account. The Bureau of Indian Affairs' plans to enter into negotiations with West Central with no time period involved, if a stalemate happens with the negotiations, then the Solicitor in Washington, D.C. is prepared to go to the Justice Department to request a Restraining Order for our proposal, Mr. Miller said. Mr. Miller reported that Marvin Olson will be Acting Superintendent while Mr. Miller is attending the negotiations in Murdo, South Dakota with West Central.
- 7.) LOWER BRULE RACING ASSOCIATION - A letter was received from Charles Langdeau, Chairman, Lower Brule Racing Association requesting that the Lower Brule Sioux Tribal Council give its permission to the Lower Brule Racing Association to conduct weekly bingo games to raise funds for the 1985 horse races at the annual fair and pow-wow. Motion was made by Ted Rouillard to support the Lower Brule Racing Association to conduct weekly bingo, to raise funds for the 1985 horse races at the annual fair and pow-wow, the Racing Association can select the day they wish to conduct bingo. This motion was seconded by Charles Langdeau and carried with four for, none opposed, two absent and none not voting. The Council concurred that the Racing Association can work out the details with the School Board for utilization of the elementary school gym.
- 8.) SECURITY - Mel Rank, Brule County Sheriff had contacted Chairman Jandreau by telephone in reference to security patrol under his supervision for the Tail Race Area. Mr. Rank informed Chairman Jandreau that if the Council supported this effort, he would employ a Member of the Lower Brule Sioux Tribe. Motion was made by Kay Gourneau to agree with Brule County Sheriff Rank's concept of hiring a Lower Brule Member as security for the Tail Race Area. This motion was seconded by Darrell Middletent and carried with four for, none opposed, two absent and none not voting.
- 9.) CONSULTANT FEES - A written request was received from Orville C. Langdeau for consultant fees in conjunction with Rural Ventures. Chairman Jandreau requested authorization from the Council to approve payment to Mr. Langdeau. Motion was made by Kay Gourneau to pay the invoice of consultant fees to Orville C. Langdeau. This motion was seconded by Darrell Middletent and carried with four for, none opposed, two absent and none not voting.

10.) GREAT LAKES INTER-TRIBAL COUNCIL INC. - Mr. Dave Neuendorf serves as a Consultant under the Great Lakes Inter-Tribal Council Inc. His services for technical assistance are of no charge to the Lower Brule Sioux Tribe. Mr. Neuendorf can help the Tribe write up the CDBG Grant, UDAG Grant, Economic Development and Housing Rehab. He would need specifics as to what the Tribe wants then write up a plan and submit to HUD for approval before he proceeds. He can offer specific types of assistance. He would have to have someone help with the preliminary to see what the Tribe wants. Mr. Neuendorf is being paid by HUD. Chairman Jandreau asked if the Council wishes to continue utilizing Great Lakes Inter-Tribal Council Inc.'s services. Motion was made by Kay Gourneau to enter into an agreement with the Great Lakes Inter-Tribal Council Inc. for technical assistance to the Tribe. This motion was seconded by Ted Rouillard and carried with three for, none opposed, three absent and none not voting. Quorum present with Chairman Jandreau. Ted Rouillard suggested that the Council should set priorities for the CDBG Grant at the next regular meeting and have a public notice for citizens participation at the next regular meeting.

ADJOURNMENT - With no further business, Chairman Jandreau entertained a motion to adjourn. Motion was made by Darrell Middletent to adjourn the meeting. This motion was seconded by Ted Rouillard and carried with three for, none opposed, three absent and none not voting. Quorum present with Chairman Jandreau.

CERTIFICATION

The foregoing is a true and correct transcript of Minutes of a Special Meeting held by the Lower Brule Sioux Tribal Council on the 19th day of February, 1985.

Cheryl] LaRoche, Recording Secretary

LOWER BRULE SIOUX TRIBAL COUNCIL
Regular Meeting
March 6 & 7, 1985

PRESENT: Michael B. Jandreau, Chairman ABSENT: Charles Langdeau
Kay Gourneau
William Ziegler
Darrell Middletent (arrived late)
William S. Jandreau
Ted Rouillard

ALSO PRESENT: Dave Bergren, Tribal Attorney
Hudi Speckles, Dakota Lodges, Inc.
Edwin L. Miller, Superintendent
Barry Warner, Rural Ventures
Gene Guntz, Rural Ventures
Ted Bolman
Orville C. Langdeau, Sr.

The meeting was called to order at 1:50 PM by Acting Chairperson, Kay Gourneau, in the absence of Michael B. Jandreau, Chairman. Roll call was taken by the Recording Secretary and the Lord's Prayer was led by Mrs. Gourneau.

1.) DAKOTA LODGES INC. - Mr. Hudi Speckles, a Representative of Dakota Lodges, was present to answer any questions the Council Members might have in reference to the joint proposal submitted by Dakota Lodges, Inc. for a 30 Unit Motel located in the Oacoma, South Dakota area. Dakota Lodges had previous offered to sell the Tribe fifty-one percent (51%) of their Corporation stock and then Bedrock Development Inc. would have forty-nine percent (49%) of the remaining stock. Dakota Lodges, Inc. have agreed previously to put the five (5) acres of property where the proposed motel would be located, into trust status. The cost which the Tribe could buy into the venture would be \$130,000.00. If the Tribe would buy into this venture, Dakota Lodges, Inc. would increase a proposed loan from Norwest Bank and Small Business Association from \$400,000.00 to \$500,000.00. The sewer and water are already in place where the proposed motel would be located. Dakota Lodges, Inc. is prepared to handle the management portion of the motel. A discussion was held in regards to managing experience needed, etc. Mr. Speckles proposed to leave the management portion within a joint venture group status and have one (1) set of books. He proposed to be responsible for the management and would enter into a standard management employee contract with the Tribe. (Darrell Middletent arrived at this time.) The on-site Manager would be responsible to Mr. Speckles. (William Ziegler left the meeting at this time.) \$260,000.00 has been spent out of the Bedrock Corporation in Arizona for this project. The reason for the previous shut down of the project was due to contractor bonding problems. A loan of \$400,000.00 is need to complete construction of the building and another \$100,000 is needed for beds, tv's, working capital, etc. Dakota Lodges, Inc. has been granted a liquor license from the city of Oacoma. Edwin Miller, Superintendent, informed Mr. Speckles that he would need a letter of support from the City and County Commissions for land to be put into trust status. A discussion was held in regards to why the project was not initially completed. Dakota Lodges' assets are in the land and improvements. (William Ziegler returned to the meeting at this time.) The project could be completed in three (3) months.

2.) PITNEY BOWE COPIER - The contract written between the Lower Brule Sioux Tribe and Pitney Bowe is for a 4500 Copier and the Tribe is using a 9600 Copier. Mr. Dave Bergren, Tribal Attorney suggested that the Tribe pay what is owed on the 9600 Copier and have Pitney Bowe come and get the machine. The Tribal Council concurred with Mr. Bergren's suggestion.

(#1. Dakota Lodges, Inc. Cont'd.) - Dave Bergren told the Council that he feels there's nothing wrong in investing money in projects as long as its with the right people. He said there's definitely increasing competition in that area (Oacoma area). The Council and Mr. Bergren discussed the joint venture proposed by Mr. Speckles for a 30 Unit Motel. Motion was made by William Jandreau to inform Wudi Speckles that the present debt position of the Lower Brule Sioux Tribe is too great and there's not an equal share of the liability, and if Mr. Speckles wishes to discuss this project further, he may come back to the Tribal Council with another proposal. This motion was seconded by William Ziegler and carried with four for, none opposed, two absent and none not voting.

3.) INIER-TRIBAL COURT OF APPEALS - William Ziegler stated for the record that during the last Administration, he was advised that the Council was violating people's civil rights by being involved with the Inter-Tribal Court of Appeals System. Motion was made by William Ziegler to have the Tribe re-established in the Inter-Tribal Court of Appeals for Lower Brule participation. This motion was seconded by Ted Rouillard and carried with four for, none opposed, two absent and none not voting.

4.) COUNCIL TRAVEL - Due to the prior Travel Policy that was established, William Ziegler is requesting approval from the Tribal Council to go to Minneapolis to meet with Rural Ventures Representatives and the Civil Defense in reference to the contract with Rural Ventures, sometime this month. Motion was made by Darrell Middletent to approve William Ziegler's travel request. This motion was seconded by William Jandreau and carried with three for, one not voting (William Ziegler), two absent and none opposed. (Michael B. Jandreau, Chairman, entered the meeting at this time.)

5.) FIRE FIGHTING TRAINING - A letter was received from the United Sioux Tribes in reference to a Fire Fighting Training being held in Rapid City tentatively for March 15 & 16, 1985. If the Council chose to send someone to this training, the Tribe would have to pay the per diem and mileage. The Bureau of Indian Affairs is sending fire fighters to training in Presho, South Dakota. This training will be conducted by the U.S. Forest Service. No action was taken at this time.

6.) WATER PLANNING WORKSHOP - A letter was received from the United Sioux Tribes in reference to a Water Planning Workshop to be held in Rapid City on March 13 & 14, 1985. Motion was made William Ziegler to approve the Council Members to attend the Water Planning Workshop. This motion was seconded by Darrell Middletent and carried with five for, none opposed, one absent and none not voting.

7.) MISCELLANEOUS - Discussion was held in reference to the last snow storm, happenings with families during the storm such as fuel needs. Discussion was held in reference to plowing of snow on roads by the Lower Brule Construction Company. Discussed contents of the contract for snow removal by the Bureau of Indian Affairs and the Lower Brule Construction Com-

(#7. Miscellaneous Cont'd.) - pany. The first emergency assistance priority is the Ambulance Service, then fuel and food are the next priorities.

8.) IMPL MONIES - Discussed the IMPL Monies distribution and claim deadline being September 30, 1985. All unclaimed IMPL funds within the Lower Brule Agency will go to the Tribe by September 30, 1986 and if the Tribe so chooses not to use them, the unclaimed monies will then go back to the Treasury. Notices have been posted in the community with names of people who have IMPL Monies. Letters will be sent out again to the parties that have an interest in the IMPL funds. The Tribe's share of IMPL monies is approximately \$4,135.48. There is a total of \$17,000 of IMPL monies for Lower Brule. The interest on these monies have been prorated at the current rate. Motion was made by William Jandreau to accept the IMPL Monies and to transfer such funds into the Tribal Treasury. This motion was seconded by Darrell Middletent and carried with five for, none opposed, one absent and none not voting.

9.) HEALTH EQUITY PROGRAM - Discussion was held in reference to getting quotes for dental work under the Health Equity services. Discussed that Cheyenne River Sioux Tribe has a Health Equity Program. Discussed the process for dental work being done under the Health Equity Program. For informational purposes, no action was taken at this time.

RECESS - The Tribal Council recessed for the evening and the meeting will reconvene tomorrow morning at 10:00 AM.

Regular Meeting

March 7, 1985

The meeting reconvened at 10:55 AM with the all the Tribal Council Members being present.

10.) RURAL VENTURES - Barry Warner and Gene Kuntz, Rural Ventures Representatives were present to present the markets they have identified for Mini-Farms. They reviewed a list of commodities as they see would be saleable, in the form of vegetables. These two gentlemen feel there is a market with dehydrated vegetables such as corn. They recommend a small acreage of carrots, onions and potatoes then use the dehydrate facility to see if that's the business you want as far as capability. There's a potential for direct sales to tribal members to expose what Mini-farms is doing. There's wholesale potential to area chain stores. Reviewed acreage levels for different commodities. The test plots would be for different vegetables. There's no firm indicator as to the market demand. They suggested to go with what the Farm has the capability to do this year. Reviewed the proposed Wage and Incentive Plan. People hired under this program will have to be persons who will really push this project. Discussed positions under this program, salaries and an incentive payment. The Tribal Council will do the initial hiring for each position. The Program Coordinator will be responsible for reporting to the Tribal Council. Mr. Barry Warner would like to be involved in the hiring. The position which they proposed are two (2) leaders for eight (8) months, four (4) employees for seven (7) months and two (2) employees for six months on the dehydrating unit. Discussed the equipment that would be needed for this project. The start up for this project would be through the ANA Grant. There is nothing in this plan for crop insurance for vegetables crops. The Field Person should be hired in the next two weeks and Tom Hanke had recommended Paul Estes for this position, to Barry Warner. The acreage involved is eighteen

(#10. Rural Ventures Cont'd.) - (18) acres. Maybe during the planting season there would be a need to hire eight to nine more people for a few days. (Michael B. Jandreau, Chairman left the meeting at this time). Kay Gourneau suggested that Paul Estes be hired at the overall Director for the total program and she suggests he should be paid higher than the other employees. William Ziegler suggested to change the eight (8) months employment to twelve (12) months. (Michael B. Jandreau, Chairman returned to the meeting.) Motion was made by Kay Gourneau to hire Paul Estes and negotiate an agreement for him to be the overall Director for twelve (12) months. This motion was seconded by William Jandreau and carried with six for, none opposed, none absent, and none not voting.

RECESS - The meeting recessed for the lunch hour and to reconvene at 1:00 PM. The meeting reconvened at 1:30 PM with the same members present.

#11. JTPA PROGRAM - A written request was received from Orval Packard in regards to payment of Technical Assistance and Consultant Services totalling \$744.77. Maria Estes, JTPA Director, by letter, stated that payment for this request is an allowable cost, if it is properly documented. The Council discussed that Mr. Packard was paid per diem allowances for the trip where he's requesting consultant services. Motion was made by Darrell Middletent to deny Orval Packard's request for payment in the amount of \$525.00 and if the February 11, 1985 bill, if it has not been paid already. This motion was seconded by Kay Gourneau and carried with five for, none opposed, one absent and none not voting.

#12. LEASES - A letter dated February 8, 1985 was received from the Bureau of Indian Affairs, Lower Brule Agency, informing the Tribal Council that Lease #22-109-8285 to Richard P. Thompson and Lease #23-122-8285 to Michael Jandreau and Iva Jean Bolman would expire on May 31, 1985. These leases are on tribal land. Motion was made by Charles Langdeau to renew Richard P. Thompson's lease for a period of three years at the rate of \$3.50 per acre. This motion was seconded by Ted Rouillard and carried with six for, none opposed, none absent and none not voting. Chairman Jandreau requested on behalf of Iva Jean Bolman and himself to renew their lease #23-122-8285 in approximately 3,478.32 acres of pasture land for a period of three years at the rate of \$3.50 per acre. Motion was made by Ted Rouillard to grant Michael Jandreau and Iva Jean Bolman renewal of their lease for a period of three years at the rate of \$3.50 per acre. This motion was seconded by Darrell Middletent and carried with six for, none opposed, none absent and none not voting. A letter dated February 19, 1985 was received from the Bureau of Indian Affairs, Lower Brule Agency informing the Tribe that Iva Jean Bolman's lease of 500.00 acres was cancelled for non-payment. This lease is farnground. Ted Bolman entered the meeting at this time. Discussion was held with Mr. Bolman in reference to the payment amount of lease and schedule of payment. Discussed penalty interest should be paid from November 1, 1984 to the present. Motion was made by Charles Langdeau to grant a new lease to Iva Jean Bolman for the 500.00 acres with the stipulation that she pay an interest rate of one percent (1%) per month since November 1, 1984, and pay in full by April 1, 1985. This motion was seconded by William S. Jandreau and carried with six for, none opposed, none absent and none not voting. A written request was submitted by Jim Jandreau to take in fifty (50) head of cattle for a period of six (6) months and he asks the Tribal Council to meet with the Bureau of Indian Affairs on the same rates being charged. If approved, he would start taking in cattle on May 1, 1985. Discussion was held in reference to land leases, acres, animal units, taking in cattle, etc. Last year two tribal members took in cattle, with the Tribal Council's approval.

(#12. Leases Cont'd.) - Discussed the Aberdeen Area Director's rate for grazing. Motion was made by Kay Gourneau to approve Jim Jandreau's request to take in fifty (50) head of cattle for a period of six (6) months, beginning May 1, 1985 and that he be charged the same rate as he pays for his own cattle, \$40.00 per animal unit. This motion was seconded by Charles Langdeau and carried with five for, none opposed, one absent and none not voting. Discussed challenging the Area Director's rate to be changed to a one (1) year period instead of the established five (5) year period.

13.) BONDING OF LEASES - Several leases have been issued to Individuals even after a letter was received from Jerry Jaeger, Area Director, and all leases have the bond attached for the total amount of performance. The letter from Dr. Jaeger states to the effect that since the lease is paid in advance, the bond be waived and Lessees only be charged for damages to the leased property. Some people haven't brought their leases back because they can't afford to pay the bond. Chairman Jandreau requests the Tribal Council to request the Agency Superintendent to comply with the recommendation made by the Area Director in reference to those dollars being prepaid and not requiring a bond from the Individuals for the entire amount of performance and Chairman Jandreau requests the Tribal Council to act as Surety for damages on all those leases that we issue. Motion was made by Charles Langdeau that the Lower Brule Sioux Tribe is hereby assuming the responsibility for damages to tribally owned land leased by Indians by directing the Chairman to sign the Surety Bond on behalf of the Lower Brule Sioux Tribe and this action will include the leases that have been approved by this Administration. This motion was seconded by Kay Gourneau and carried with six for, none opposed, none absent and none not voting.

14.) PREVIOUS LEASE - Chairman Jandreau was granted a lease on March 7, 1985 and had requested to be charged \$3.50 per acre and he was charged \$5.00 per acre because the resolution transmitted to the Bureau of Indian Affairs, Lower Brule Agency stated, "at the current established rate". Chairman Jandreau is requesting the Council to amend the resolution to state \$3.50 per acre as he had previously requested. Motion was made by Darrell Middleton to amend Resolution No. 85-47 to charge the rate of \$3.50 per acre to Michael S. Jandreau. This motion was seconded by Kay Gourneau and carried with five for, none opposed, one absent and none not voting.

15.) CDBG PRIORITIES - Motion was made by Kay Gourneau to set the CDBG priorities as 1. Housing Rehabilitation, 2. Economic Development and document as an official meeting with notices placed in the Community for Citizens Participation in the CDBG Priorities. This motion was seconded by Charles Langdeau and carried with five for, none opposed, one absent and none not voting.

16.) SIDNEY C. FLORES BILLINGS - Sidney C. Flores submitted Voucher No. 406 for General Counsel services. Motion was made by Kay Gourneau to disapprove payment to Sidney C. Flores for Voucher No. 406. This motion was seconded by Ted Kouillard and carried with six for, none opposed, none absent and none not voting. A payment in the amount of \$590.00 was made to Big Country Travel for prepayment of roundtrip airfare from Rapid City to San Jose, California for Mario Gonzales to meet with General Counsel, Sidney C. Flores on May 23, 1984, on the Lower Brule Fishing and Hunting Case. The payment was made from the General Fund and to be reimbursed with Rights Protection Funds on approval by the Tribal Council and the Bureau of Indian Affairs. Motion was made by Charles Langdeau to approve the payment in the amount of \$590.00 to be transferred from the Rights Protection Fund into the General Fund. This motion was seconded by Kay Gourneau and carried with six for, none opposed, none absent and none not voting.

- 17.) GENERAL COUNSEL INVOICES - Dave Bergren, Tribal Attorney submitted an invoice to the Tribe in the amount of \$934.80 for the dates of January 15, 1985 through February 15, 1985. Motion was made by Darrell Middletent to approve Dave Bergren's invoice in the amount of \$934.80 and submit to the Bureau of Indian Affairs for approval of payment. This motion was seconded by Charles Langdeau and carried with six for, none opposed, none absent and none not voting.
- 18.) ROADS MAINTENANCE CONTRACT - A Road Maintenance Contract needs to be approved. The FY-85 budget for a Road Maintenance Contract is for \$49,000 including the Indirect Cost. Motion was made by Charles Langdeau to adopt a resolution request to contract the Road Maintenance Monies for FY'85 and to work with the Lower Brule Construction Company. This motion was seconded by Kay Gourneau and carried with six for, none opposed, none absent and none not voting.
- 19.) ASSOCIATION ON AMERICAN INDIAN AFFAIRS, INC. - A letter dated February 19, 1985 was received from Jerry Flute, Association on American Indian Affairs, Inc. in reference to an Area Committee for Youth and Juveniles that was created by the Area Chairman's Association. This committee has nine (9) Tribes represented. To date, Lower Brule has not appointed a person to sit on this committee. Motion was made by Darrell Middletent to appoint Kay Gourneau to represent the Lower Brule Sioux Tribe on the Area Committee for Youth and Juveniles. This motion was seconded by Ted Rouillard and carried with six for, none opposed, none absent and none not voting.
- 20.) DEVELOPMENT OF WELL WATER - Clarence Thompson, Sr. had contacted Chairman Jandreau and he is out of water services because of the cross fencing on the land in Fort Hale. He asked Chairman Jandreau if there is a way possible that he could get assistance to get a well developed. Edwin Miller thinks it should be put on a priority list, then look at the funds available. Chairman Jandreau requested Superintendent Miller to contact Clarence Thompson and follow through with this matter.
- 21.) TRACT 527 - A letter was received from the Corps of Engineers in reference to purchasing Tract 527 and that rip-rap funds are available but may not be in the next fiscal year. No action was taken at this time.
- 22.) MINERAL STUDY - A letter dated February 27, 1985 was received from the BIA, Lower Brule Agency in reference to an Aberdeen Area Office Memorandum on Mineral Assessment Phase Studies for review and direction. The Study, if requested, should tell well enough if there's minerals in the ground or not. Motion was made by William Ziegler to request monies to conduct a Phase II/III Inventory for the Lower Brule Sioux Tribe and develop a Mineral Resource Exploration Plan. This motion was seconded by Charles Langdeau and carried with five for, none opposed, one absent and none not voting.
- 23.) TRIBAL COUNCIL MINUTES - Motion was made by Kay Gourneau to approve the Tribal Council Minutes for January 28, 1985, February 6, 7, & 7, 1985, February 13, 1985 and February 19, 1985. This motion was seconded by William S. Jandreau and carried with five for, none opposed, one absent and none not voting.
- 24.) LOWER BRULE CONSTRUCTION COMPANY - Discussion was held in reference to Tribal Council Members which are on the Lower Brule Construction Company Board and receiving stipends for meetings that are held in Lower Brule during working hours. William Ziegler stated he

(#24. Lower Brule Construction Company Cont'd.) - didn't have a problem paying them a stipend provided the meeting is held elsewhere than Lower Brule and after hours, then he would sign the stipend checks but otherwise he won't. Mr. Ziegler requests the Tribal Council to clarify this matter with him. Mr. Ziegler requests through Tribal Council action that the Construction Company bring the By-laws forward for review before he signs any stipend checks. No action was taken at this time.

25.) TRIBAL COUNCIL MILEAGE - William Ziegler requested Council approval of his mileage sheet. Motion was made by Darrell Middletent to approve payment to William Ziegler for his mileage. This motion was seconded by Kay Gourneau and carried with four for, none opposed, one absent and one abstain (William Ziegler).

26.) WILDLIFE DIRECTOR - Motion was made by Charles Langdeau to select Kim Thompson as the Wildlife Director. This motion was seconded by William Ziegler and carried with five for, none opposed, one absent and none not voting.

27.) MCH SECRETARY - Lenora Lecompte, MCH Director submitted a written recommendation for Sharon Brown as the MCH Secretary and a salary amount for Mrs. Brown, if she is selected. Motion was made by Kay Gourneau to go with Lenora LeCompte's recommendation to hire Sharon Brown as the MCH Secretary. This motion was seconded by William S. Jandreau and carried with five for, none opposed, one absent and none not voting.

28.) CHIEF JUDGE POSITION - An application has been received for the Chief Judge position and a copy has been given to the Council for review. The deadline date for this position is March 13, 1985. Chairman Jandreau informed the Council that Stan Whiting is interested in this position but Mr. Jandreau hasn't had time to talk with him. It was suggested that time should be scheduled to interview applicants. No action was taken at this time.

29.) SALARY INCREASE - Elaine Thompson has submitted a request for a salary raise retroactive to May 2, 1984. Discussion was held in reference to a cost of living raise and possible forty-day probationary period. Larry Mendoza had recommended to some of the Council Members that she be placed on a forty-five (45) day probationary period then if her working habits improve, then approve a four percent (4%) salary increase retroactive to the day which she submitted the request. Motion was made by Kay Gourneau to accept the recommendation of Larry Mendoza in reference to Elaine Thompson's salary raise. This motion was seconded by Darrell Middletent and carried with five for, none opposed, none absent and none not voting.

30.) ALCOHOLISM PROGRAM DIRECTOR - A letter was submitted from Clark Zephier in reference to separation from his position as Alcoholism Program Director. Motion was made by William Ziegler to accept the written request from Clark Zephier relating to his employment as the Alcoholism Program Director. This motion was seconded by Kay Gourneau and carried with five for, none opposed, one absent and none not voting.

31.) CORE MANAGEMENT - The tentative allocation for Core Management is in the amount of \$42,240.00. Motion was made by Kay Gourneau to adopt a resolution requesting Core Management funds in the amount of \$49,166.00 of grant funds. This motion was seconded by William S. Jandreau and carried with five for, none opposed, one absent and none not voting.

32.) JTPA POSITIONS - There are three (3) positions to be selected under the JTPA Program. Each position has alot of applications that have been submitted. The Council has concurred to table selection until the Council Members have had time to review the applications.

33.) EDA PLANNING GRANT PROJECT - A draft resolution was submitted by Larry Mendoza for approval of a no cost time extension for EDA Planning Grant Project #05-05-15052-60. This is a request for a ninety (90) day continuation of the Economic Development Administration Planning Grant beginning May 1, 1985 through July 31, 1985. Motion was made by Kay Gourneau to adopt the "No Cost" time extension for EDA Planning Grant Project #05-05-15052-60 resolution. This motion was seconded by William S. Jandreau and carried with five for, none opposed, one absent and none not voting.

34.) BINGO - Chairman Jandreau request the Tribal Council to close down all bingo on the Lower Brule Reservation until the Council can meet with all the people handling bingo to straighten out some of the problems that have arisen. Motion was made by William Ziegler to close down all bingo on the Lower Brule Reservation upon Chairman Jandreau's request, effective today. This motion was seconded by Darrell Middletent and carried with five for, none opposed, one absent and none not voting. A discussion was held in reference to the possibility of the Tribe having bingo and it would provide some employment.

35.) TRIBAL COUNCIL TRAINING - A training session entitled "How To Run A Bingo Operation will be held in Las Vegas, Nevada on April 17-19, 1985. Motion was made by Darrell Middletent to approve for any Council Member that wishes to attend this training. This motion was seconded by William S. Jandreau and carried with five for, none opposed, one absent and none not voting.

36.) FRANCIS KILLER & ASSOCIATES - Francis K. Killer & Associates submitted three (3) Statements for Services Rendered in the amounts of \$332.50, \$1,590.38 and \$1,373.98 in reference to the FY'85 IDCP Negotiation, BIA Administrative Appeals, and USDOL Administrative Appeals. The \$332.50 will be the final billing for the FY-85 IDC. Motion was made by Kay Gourneau to pay these amounts for services rendered to Francis Killer and Associates. This motion was seconded by Charles Langdeau and carried with five for, none opposed, one absent and none not voting.

37.) JOHNSON O'MALLEY - A short discussion was held in reference to women representing the Johnson O'Malley Program being sent to Washington, D.C. to lobby for more funding. Discussed that the funding level for the Johnson O'Malley Program has gone down.

ADJOURNMENT - With no further business, Chairman Jandreau entertained a motion to adjourn. Motion was made by Kay Gourneau to adjourn the meeting. This motion was seconded by Darrell Middletent and carried with five for, none opposed, one 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 6th and 7th day of March, 1985.

Cheryll LaRoche, Recording Secretary

(#1. Bingo Cont'd.) - and this meeting is to clarify this. Mr. Rouillard said its the responsibility of all of us to get along. Chairman Jandreau asked the people present what their feelings are in reference to the Tribe's policy and if there's any problems with these changes as to the gym costs, etc. The question was raised as to how soon the gym could be set up for bingo and were told that it could be ready for bingo to be held this evening. Discussion was held in reference to when the gym would be set up, people getting along with each other and what bingo machine would be used. The cost price presented was an idea and it had been previously discussed by a few of the Council Members. Ted Rouillard informed the people present that the heating bill for the tribal gym was \$1,800.00 last month and basically the Tribe wouldn't be rolling in the money from the bingo proceeds. The Tribe would provide tables, chairs and set up a separate account for the bingo proceeds. For the fee charged, the Tribe would be responsible for clean up. Discussion was held in reference to people being hired to clean up the gym. Lyle Peterson presented a copy of the Community Club By-laws to Chairman Jandreau for tribal records. The group was informed that if an organization wishes to hold bingo, a request must be submitted to the Tribal Council for approval and have a list of the officers for the organization and who would be responsible for submitting the monthly financial statement to the Tribe. Each club will only be approved for one night of bingo a week. Should for any reason an Organization desire not to have bingo, any other Organization can only have bingo that night by mutual agreement between the two (2) Organizations and written approval of the Tribal Council. The Community Club usually discontinues bingo when school is out for the summer. Discussed cost of the chairs. Presently, there is no PA System in that building, and one would have to be gotten ahold of. The gym has the same lighting as the other gym. Discussed who the owner(s) of the bingo cards were and Mr. Miller stated that he could not see a problem with the same cards being utilized. He stated the cards could definitely be turned over to the Tribe, then they would become tribal property. Bernard LaRoche informed the Council that he has a big bingo scheduled for Sunday afternoon. He was informed that provided he get his request in today or by Wednesday, he could have his big bingo on Sunday. At the present time, there is only one key available for that building, Chairman Jandreau informed the people present that he would get some copies of the key made. Discussion was held in reference to maybe leasing chairs and tables from St. Mary's Church. For tonight bingo, five (5) chairs have been donated for use by the Elderly Nutrition. Edwin Miller had contacted Dan Yost, Elementary Principal, and Mr. Miller informed the people present that Mr. Yost said the cards are not government property. The people present were informed that the price cost for having bingo in the tribal gym would be ten percent (10%) of each organization's gross income at the end of each month, \$35.00 every time they have bingo, and it will be paid in full at the end of each month, to the Tribe. According to the organizations that presently want to hold bingo, there would be bingo held eight times a week in Lower Brule. Bernard LaRoche informed the Council that West Brule District has regular bingo on Thursday nights and packet bingo three Sunday afternoons in the month. Chairman Jandreau informed Bernard LaRoche that he would have to release one of his bingo slots. The School will let the Tribe use their chairs temporarily. Payment to the Tribe from each organization for bingo will be paid in a lump sum at the end of each month. Motion was made by Ted Rouillard to approve the payment from each bingo organization of \$35.00 per night plus ten percent (10%) of the gross income per month to be paid directly to the Tribe and a fund be established for payment of maintenance and utilities for the tribal gym from the bingo income; and approve the request received from Little Leaguer's Club to hold bingo on Thursday nights and Girls Softball to hold bingo on Sunday nights. Also included in this motion is the following:

(#1. Bingo Cont'd.) - 1.) Each organization will be scheduled for only one (1) night per week to hold bingo. 2.) Should for any reason an Organization desire not to have bingo, any other Organization can only have bingo that night by mutual agreement between the two (2) Organizations and written approval of the Tribal Council. 3.) A Financial Statement will be submitted from each Bingo Organization at the end of each month and a letter from the Organization designating the person who will be in charge of submitting the Financial Statement, and a list of the Officers of said Organization. 4.) The tentative schedule for bingo will be a.) Monday Night - Booster Club, b.) Tuesday Night - Community Club, c.) Wednesday night - Racing Association, d.) Thursday Night - Little Leaguers Baseball Club, e.) Friday Night - CHR's, f.) Saturday Night - Bilingual/Bicultural P.A.C., g.) Sunday Afternoon - West Brule District and h.) Sunday Night - Girls Softball. 6.) Closure or shut down of any bingo may be done after a hearing before the Lower Brule Sioux Tribal Council to determine legitimacy of allegations and charges against such group or organization. Such hearing be held only after proper notification and time allotted for the accused to obtain Counsel. 7.) Tribal Resolution No. /9-154 is and will be in effect continually by the Lower Brule Sioux Tribal Council. 8.) The Tribe may anticipate to take over bingo in the future and at such time the Tribal Council will meet with all Organizations to discuss their plans. This motion was seconded by Kay Gourneau and carried with three for, one opposed (William Ziegler), three absent and none not voting, quorum present. William Ziegler stated for the record that his reason for voting against this motion is that in his opinion he feels the Tribe needs employment and due to that fact, the Tribe should run bingo for employment and revenue as needed. He's not voting against any organization as per say. Ted Rouillard said in his own opinion the Tribe should get into their own business but be prepared with proper management.

2.) CDBG - Motion was made by Ted Rouillard to adopt a resolution approving the CDBG FY-85 Application. This motion was seconded by William Ziegler and carried with three for, none opposed, three absent and none not voting, quorum present. Motion was made by Ted Rouillard to adopt a resolution approving the Citizen's Participation Plan For FY-85 CDBG Application. This motion was seconded by William Ziegler and carried with three for, none opposed, three absent and none not voting, quorum present.

3.) TIN BUILDING - Paul Estes had requested through Chairman Jandreau, to receive permission to use the tin building as a storage area. Mr. Estes would need to move the insulation. Motion was made by William Ziegler to grant permission to Paul Estes for useage of the tin building for storage. This motion was seconded by Ted Rouillard and carrid with three for, none opposed, three absent and none not voting, quorum present.

4.) IRRIGATION PIPE - Paul Estes has requested through Chairman Jandreau to make a deal to exchange the eight inch (8") irrigation pipe up to the Clark Ranch for four inch (4") pipe. Mr. Estes requests the Tribal Council's permission before going ahead. Chairman Jandreau suggested to give Paul Estes permission to research for the four inch (4") pipe. The eight inch (8") pipe at the Clark Ranch is all tribally owned and no longer needed. Paul Estes will come back to the Tribal Council before he makes a final exchange on the pipe. Motion was made by Ted Rouillard to allow Paul Estes to research a deal to exchange the eight inch (8") irrigation pipe for four inch (4") pipe. This motion was seconded by William Ziegler and carried with three for, none opposed, three absent and none not voting, quorum present.

5.) TRIBAL VECHICLE - Paul Estes is working for Mini-Farms and he needs a vehicle. Chairman Jandreau advised the Council that he

(#5. Tribal Vehicle Cont'd.) - give the green tribal pickup to Paul Estes to use as it belongs to Mini-Farms. Chairman Jandreau wishes concurrence on this from the Tribal Council because they had given it to HIP previously. Motion was made by William Ziegler to concur with the decision of Chairman Jandreau for use of the green tribal pickup by Paul Estes, Mini-Farms. This motion was seconded by Kay Gourneau and carried with three for, none opposed, three absent and none not voting, quorum present.

6.) THEODORE ROUILLARD'S LEASE - Ted Rouillard was previously granted a lease of ninety-five (95) acres. Mr. Rouillard said he is willing to pay \$3.50 per acre. Mr. Rouillard requests the Tribal Council to clarify that his lease payment is to be \$3.50 per acre instead of what's being charged. Motion was made by Kay Gourneau to amend Resolution No. 85-13, Theodore Rouillard Lease, for a rate of \$3.50 per acre to be charged. This motion was seconded by William Ziegler and carried with three for, none opposed, three absent and none not voting, quorum present.

7.) RON & SHARON BROWN'S CAFE - Mr. Ron Brown entered the meeting and requested clarification as to the decision that was made in reference to bingo because he would want to keep his business open and some organization do sell lunch during their bingo. The Council concurred that lunch will be sold by Sharon & Ron Brown's Cafe. Any other arrangements desired by an Organization will be worked out with Mrs. & Mr. Brown.

RECESS - The meeting was recessed for the day and will reconvene on Wednesday, March 13, 1985 at 10:00 AM.

CERTIFICATION

The foregoing is a true and correct transcript of Minutes of a Special Meeting held by the Lower Brule Sioux Tribal Council on the 11th day of March, 1985.

Cheryll LaRoche, Recording Secretary

LOWER BRULE SIOUX TRIBAL COUNCIL
Special Meeting
March 13, 1985

PRESENT: Michael B. Jandreau, Chairman (arrived late) ABSENT: William S. Jandreau
Kay Gourneau
William Ziegler
Charles Langdeau
Ted Rouillard
Darrell Middletent (PM Session)

ALSO PRESENT: Sharon LaPointe, Housing Director Bernard LaRoche
Tammy Coleman Josephine Skunk
Marvin Olson, Acting Superintendent Aurelia Pourier
Helen Fallis, LBHA Board Member
Tony LaRoche, Jr., LBHA Board Member
Fritz LaRoche, LBHA Board Member
Larry Mendoza, Acting EDA Planner

The meeting was reconvened from March 11, 1985, at 10:26 AM by Acting Chairperson Kay Gourneau and Roll Call was taken by the Recording Secretary. The Lord's Prayer was led by Chaplain Langdeau.

1.) JOINT POSITIONS - Erwin LaRoche was present to speak to the Tribal Council in reference to him being responsible as the Water Treatment Plant Operator and not being compensated for such position. Mr. LaRoche requests incentive pay for being in charge of the treatment plant. He informed the Council that he does enjoy taking care of the water facility but still has his responsibility of being the TWEP Supervisor. His present salary is \$5.72 per hour. William Ziegler suggests the Council designate him a new title and give him a salary raise. In the past, Alvin Johnson was the Water Treatment Plant Operator through the Construction Company. Motion was made by Ted Rouillard to join the position of Water Treatment Plant Operator with Erwin LaRoche's responsibilities as TWEP Supervisor and increase his salary \$1.28 per hour, to become effective pay period #6. This motion was seconded by William Ziegler and carried with three for, none opposed, three absent and none not voting, quorum present.

2.) LOWER BRULE HOUSING AUTHORITY - The Lower Brule Housing Authority Staff and Board Members were here to discuss the raise in housing rents. Ted Rouillard said the Housing Authority and Council Members are aware of rental rent increases without the benefit of a ceiling. Congress raised the ciling of rental rent rates in 1982. The increase in rent is to be thirty percent (30%) of tenants income. The Bureau of Indian Affairs has a housing ceiling of \$235.00 per month. Each BIA house has been evaluated and the rent is calculated on the appraisal price, rental comparability in other houses and they have to pay their own utilities, said Marvin Olson. The tenants in rental units pay rent and the Housing Authority subsidizes the utility cost, up to a point. The Housing Authority subsidizes utilities, garbage, and maintenance on rentals. Discussion was held in reference to the electrical bills for the rentals. Sharon LaPointe, Housing Director, handed out documentation to the Council which shows how the Housing Authority is required to calculate rents. The rent ceiling was \$175.00 per month. Mrs. LaPointe informed the Council that the Mutual-Self-Help Home Buyers will receive a summary sheet on what has been paid and what is owed on their homes. The new Mutual-Self-Help law states that a home buyer within a project may pay off their house and the title will be given to them. The old Mutual-Self-Help law was written so that everyone buying a house within that project had to make payments for a period of twenty (25) years before they would own the home.

(#2. Lower Brule Housing Authority Cont'd.) - Mrs. LaPointe will submit a copy of the new Mutual-Self-Help law and a copy of the of the titles for the houses that are paid for, to the Tribal Council. Discussed the Bureau of Indian Affairs in reference to the CFR on HIP and mutual homes that are owned. After you receive the house title then a twenty-five (25) year lease must be written with the Bureau of Indian Affairs, on tribal land, between the home owner and the BIA. Until the house is owned, the lease is written between the BIA and the Housing Authority. The Housing Authority does not have any legal documents in reference to release of a house to the owner. Sharon LaPointe said such document would come from the accountant. She said she does have specific titles for ownerships. (Michael B. Jandreau, Chairman, arrived at this time.) Ted Rouillard had contacted Jim Wagenlander, Housing Authority Attorney, in reference to him meeting with the Council on high rents. Mr. Wagenlander had suggested to Ted Rouillard, that the Housing Authority and Tribal Council should just stand on the concept of no rental rent increase go into effect until every recertification is done. On March 22, 1985 all Housing Authorities will meet in Denver, Colorado to come up with a strategy on how they will hold a level on the rents, to the satisfaction of the government. On March 29, 1985, they'll meet in Billings, Montana to get support to go forward with that they develop on rent levels. The meeting will be to implement strategies until the entire group takes a stand on the rent issues. The Housing Authority had a meeting on Monday and took action to leave the rents as is until all the calculations on rents are done and then come back to the Housing Board before any increases go out to the occupants and maybe by then Congress will have placed the rent ceiling back on, if not then the Housing Board will have to figure another route. Marvin Olson said the BIA housing rent formula is different from the Tribe's rent formula. Ted Rouillard plans to attend the housing meeting in Billings, Montana on March 29, 1985. Ted Rouillard said he discussed housing alternatives with Edwin Miller, Superintendent and Mr. Miller said he researched the CFR and informed Mr. Rouillard that there's a possibility that the BIA could use their loan monies for housing. The interest rate with the guarantee and direct loan monies varies each month but right now its about eleven percent (11%). The main thing on the loan application is the capability to repay the loan. Most of the loan applications could be approved at the Agency level. There is not any direct loan money available at this time and probably will not be until next fiscal year. A Housing Conversion Program was available to the Tribe but the deadline was January 15, 1985. There has not been any summary sheets sent out to the home buyers for the past five (5) years. Individual summary sheets are only required to come out yearly. Total project summary sheets come out on a monthly basis. Some house are paid off but the owner hasn't received the title. Discussed ownership houses in reference to the equity and eviction process. Discussed position on the Housing Authority Staff. The Tribe has paid for counseling service within the Housing Authority in reference to rent collections, for the past ten (10) years and are not getting the service. There has been a two percent (2%) delinquent charge on back rent in the past but Sharon LaPointe wants to turn that concept around and have herself, Tammy Coleman and Maxine Grassrope meet with the tenants and enter into repayment plans and see what the Tenants feel they can pay on their back rents. The Tenant Accounts Receivables (TAR's) right now is up to \$100,000.00. Sharon LaPointe said the Housing Tenant Counselor could meet with individuals on their housing contract and conditions, and she will be setting up workshops with tenants. A schedule will be developed to make a home visit to every tenant. Annual inspections are made on the rental houses unless they get specific complaints from someone. An annual inspection on the rental houses is required. Also, preventive maintenance should be done. Discussed that CEAP funds were not approved for renovation because of the high TAR's. Sharon LaPointe will check on the possibility of insurance for the houses that are being vandalized. The Tribe has not received a Housing Authority resolution of support for the CDBG

(#2. Lower Brule Housing Authority Cont'd.) - Application priority for Housing Rehabilitation. If the CDBG Application is approved, the Tribe proposes to convert the heating units in the China Town section of Lower Brule. Discussed that some of the houses with basements are full of water. The damage estimate to the house that just burned down is \$35,000.00. When the insurance check comes in, the Housing Board will make a decision whether to build the house from ground up or not. Discussed force account method between the Lower Brule Construction Company and the Housing Authority. Sharon LaPointe said the Housing Authority wants to work cooperative with the Tribe in all efforts discussed here today and will support the CDBG effort. Ted Rouillard suggested that the Housing Authority and the Tribal Council should request Senator James Abdnor to support a ceiling on HUD housing. These would be two (2) separate resolutions. No action was taken at this time.

RECESS - The meeting recessed for the lunch hour and to reconvene at 1:00 PM. The meeting reconvened at 1:40 PM with the same members present in-Darrell Middletent. Also present for the afternoon session was Bernard LaRoche and Josephine Skunk.

3.) WEST BRULE DISTRICT - Bernard LaRoche handed in a financial report for West Brule District bingo for the month of February, 1985. Mr. LaRoche asked why the Tribal Council gave Clarence Nitschke Thursday nights bingo for Little Leaguers Club and Bernard L. wasn't notified. He said he'd go along with Ramona Johnson not to hold bingo until there are better facilities. He said the bathrooms are a disgrace. Bernard LaRoche brought up the subject of Brown's Cafe selling lunch during bingo games. Ron Brown had talked to Chairman Jandreau about setting up something with the bingo clubs in reference to selling lunch. Chairman Jandreau informed Bernard LaRoche that Ron Brown and come to the Council and requested to run the cafe there and he has a right and relationship with the Tribe that has to be respected too. Bernard LaRoche accused Chairman Jandreau of approving non-member's wishes over member's wishes. The Little Leaguer's Club list of workers was reviewed. The new bingo set up was to try to eliminate confusion or misunderstanding of who is responsible for conducting of gambling on this reservation. The Tribal Council has the responsibility to control gambling. Bernard LaRoche wants the Tribal Council to have a general meeting with the people on this bingo thing. Bernard LaRoche gave Chairman Jandreau a copy of the West Brule District Corporation & Bylaws. Lengthy discussion in reference to bingo being held on Thursday nights and Sunday afternoons. (Kay Gourneau left the meeting at this time.) Discussed the Financial Statement requested from each Bingo Organization, \$35.00 charge per night and ten percent (10%) of the gross income to be paid in full at the end of each month. Motion was made by Ted Rouillard that the tentative schedule for bingo that was adopted on Monday, March 11, 1985, stay as is. This motion was seconded by Charles Langdeau and carried with three for, none opposed, two absent and one not voting (William Ziegler). Bernard LaRoche informed the Council that he will be having his St. Pat's Bingo in Reliance this Sunday at the Reliance Hall because they have the seating capacity. Discussed the policy that if a Bingo Organization chooses not to have bingo on a particular night and if another Organization wants to have that night then an agreement of both parties must be joined into and final permission received from the Tribal Council. If a Bingo Organization wishes to not have bingo on their particular evening because of wake services, that decision is up to them. A list of the adopted bingo policies will be sent to each Bingo Organization. The Council will give a proper hearing if any Bingo Club is shut down.

4.) LAND EXCHANGE - Chairman Jandreau has been in the process of a Land Exchange between the land which he had purchased and the land which his house is located. He wishes to exchange the land for value vs.

- (#4. Land Exchange Cont'd.) - value. If the Tribal Council wishes to consider his Land Exchange request then he suggests they request the Appraisal documents be placed on the agenda for the next regular meeting. Motion was made by Kay Gourneau to request a copy of the Appraisal documents in reference to Michael B. Jandreau's Land Exchange, from the BIA, Lower Brule Agency, to be put on the agenda for the next regular meeting. This motion was seconded by Charles Langdeau and carried with five for, none opposed, one absent and none not voting.
- 5.) LOAN REQUEST - A loan request was received from Alberta Black Dog Iron Heart. Motion was made by Kay Gourneau to refer Mrs. Iron Heart's loan request to Nyal Brings, Chairman, Small Loans Committee and inform her that she may receive a maximum loan of \$200.00 provided she meets the Small Loans Committee requirements. This motion was seconded by Charles Langdeau and carried with five for, none opposed, one absent and none not voting.
- 6.) HOUSING MEETING - Motion was made by William Ziegler to approve for Council Members to attend the housing meeting in Billings, Montana on March 29, 1985. This motion was seconded by Kay Gourneau and carried with five for, none opposed, one absent and none not voting.
- 7.) JANITOR IHS CLINIC - A letter dated March 8, 1985 was received from Dr. Ponciano M. De La Cruz, M.D. in reference to the assigned cleaning persons for the Lower Brule Clinic and PHS Office has not been showing up for work. It was suggested to place Lynnell Ziegler into the janitor position at the Clinic and PHS office until she leaves for school (30 days) and advertise the position for a new roster of candidates. This position was never advertised. Blanche Big Eagle was the previous janitor. Motion was made by Darrell Middletent to advertise the Janitor position for the Clinic and PHS Office for thirty (30) days and the working hours for this position will be forty hours (40) bi-weekly. This motion was seconded by Kay Gourneau and carried with five for, none opposed, one absent and none not voting.
- 8.) RODEO COMMITTEE - Charles Langdeau to requested the Tribal Council to name a Rodeo Committee so they can begin plans for the upcoming Fair in August, 1985. Motion was made by Kay Gourneau to name William S. Jandreau, Ted Rouillard and Charles Langdeau as the Lower Brule Rodeo Committee. This motion was seconded by Darrell Middletent and carried with five for, none opposed, one absent and none not voting. It was discussed that you can't sanction Great Plains, NRCA and SDRA all together. The Rodeo Committee will write a letter and request bids from the Great Plains, NRCA and SDRA for putting on the rodeo. Last year the Tribe had NRCA and SDRA.
- 9.) SOLICIT BIDS - Chairman Jandreau requested permission from the Tribal Council to solicit bids for bingo chairs, about 150 chairs. The Council concurred to give Chairman Jandreau to solicit bids for bingo chairs.
- 10.) HOMESITE REQUEST - Aurelia Pourier was present to request a new homesite location because where her house is presently located the well water is contaminated. She informed the Council that Allan Hanley, BIA, will stake out the location after Tribal Council action is taken. It would be 2.5 acres in the lot south of the football field. Motion was made by William Ziegler to approve Aurelia Pourier's request for a new homesite location. This motion was seconded by Kay Gourneau and carried with five for, none opposed, one absent and none not voting. Charles Langdeau will clear it with John Langdeau because the homesite would be within his lease. It was discussed that Aurelia Pourier would be able to hook-up into the town water on her new homesite location. Her name will be added to the IHS listing for a sewage system, which is for this

(#10. Homesite Request Cont'd.) - fiscal year.

11.) STATE FOSTER CARE ASSOCIATION - Chairman Jandreau received a telephone request from Irene Harrison in reference to a donation from the Tribe to the State Foster Care Association for the Basketball Benefit on March 16-17, 1985 in Pierre, South Dakota. The money raised from the Basketball Benefit is used to send a foster child in South Dakota to a vocational school. Motion was made by Kay Gourneau to give a \$75.00 donation to the State Foster Care Association for the Basketball Benefit. This motion was seconded by Charles Langdeau and carried with five for, none opposed, one absent and none not voting.

ADJOURNMENT - With no further business, Chairman Jandreau entertained a motion to adjourn. Motion was made by Kay Gourneau to adjourn the meeting. This motion was seconded by Charles Langdeau and carried with five for, none opposed, one absent and none not voting.

CERTIFICATION

The foregoing is a true and correct transcript of Minutes of a Special Meeting held by the Lower Brule Sioux Tribal Council on the 13th day of March, 1985.

Cheryll LaRoche, Recording Secretary

LOWER BRULE SIOUX TRIBAL COUNCIL
Special Meeting
March 27, 1985

PRESENT: Michael B. Jandreau, Chairman (arrived late) ABSENT: Charles Langdeau
Kay Gourneau
William Ziegler
Darrell Middleton
Ted Rouillard
William S. Jandreau

ALSO PRESENT: Jim Wagenlander, LBHA Attorney
Sharon LaPointe, Housing Director
Fritz LaRoche, Housing Board Member
Edwin Miller, Superintendent
Dave Bergren, Tribal Attorney
Paul Estes, Mini-Farms

The meeting was called to order by Acting Chairperson, Kay Gourneau, at 11:00 AM. Roll call was taken by the Recording Secretary.

1.) LOWER BRULE HOUSING AUTHORITY - Jim Wagenlander was requested to be here by the Lower Brule Housing Authority. Mr. Wagenlander distributed a letter dated March 22, 1985 in reference to a proposed ceiling on housing authority rents through a tribal rent control ordinance. At the Denver Housing Meeting, there was twenty (20) Housing Authorities represented. During the discussion that evening there were fifteen (15) Housing Authorities representatives. The problem confronted is that high income people want to participate in the HUD program and the program is for low income people. HUD is forcing everyone to charge thirty percent (30%) of the tenant's monthly adjusted income or ten percent (10%) of gross income. HUD is now saying that under their regulations, they can't recognize rent ceilings. Some of the tenants are required to pay \$500-\$600.00 per month in order to stay in their unit. Jim Wagenlander has met twice with Assistant Secretary Warren T. Lindquist, HUD, to request an allowance for rent ceilings to exist on the reservations and Mr. Lindquist refused to allow for a rent ceiling. Representatives for the Senate Committee on Indian Affairs attended the meeting held with Mr. Lindquist. The Senate Committee is aware that Mr. Lindquist refused to authorize rent ceilings. There is legislation before Congress (Bills HR-1 and HR-153) to establish ceilings for all public housing, not only Indian housing. Bill HR-153 deals with only the ceiling issues. Mr. Wagenlander doubts that Congress will pass a ceiling for all public housing. The Bureau of Indian Affairs and Indian Health Service has a ceiling on rent payments. HUD's logic is if you're living in a Denver unit and your rent is raised, then you move. You can't do this on the reservation because there aren't any other housing available. Jim Wagenlander said the only long term solution for the rent ceilings is for the Tribe and Housing Authority to get Congress to pass law for the ceilings. He recommends the Tribe and Housing Authority lobby for those laws through the Senate Select Committee on Indian Affairs. Senator James Abdnor, Senator Mark Andrews (North Dakota) and Senator Quentin Burckick are three (3) Senators from the Dakotas who sit on the Senate Select Committee for Indian Affairs. HUD basically says, if you eliminate the rent ceilings and pay the rent, they will hold up on releasing funds. Mr. Wagenlander suggested that the Housing Authority can't do anything more, they've exploited every opportunity and there is a need to come up with a proposal that the Tribe can use. Jim Wagenlander suggested that the Tribal Council can enact a Tribal Rent Control Ordinance as law. The government is obligated to pay operating subsidizes to Housing Authorities for low-income people's rent. The federal government wants to eliminate operating

(#1. Lower Brule Housing Authority Cont'd.) - subsidizes to Housing Authorities.

Last year the government spent a billion dollars for operating subsidizes. Several Housing Authorities and Staff have been removed by Tribal Councils because solutions can't be found by them and they're charging the high rents. All rental dollars that are collected by the Housing Authority stays on the reservation. HUD may not accept a Tribal Rent Control Ordinance but in the meantime the Housing Authority has justification for not charging higher rent and can place a ceiling or limit to charge high income people and at the same time lobby in Washington for the permanent ceiling. The Ordinance would be a temporary avenue. The Housing Authority can't request rental tenants to pay for their utilities. If you do, then they have to be given a credit. HUD has a fair market rate for rents based upon bedroom size. The rent control ordinance could be a temporary solution to the problem of high rent but would not apply to ownerships. A rent control ordinance is used in cities around the country. The Council reviewed the outline draft ordinance which Jim Wagenlander presented. Mr. Wagenlander suggested that the Council adopt this Ordinance in the next few weeks and then lobby for changes in the law. Non-Indian housing are developed under other programs through the State or tax exempt housing. Another housing bill is being circulated to help solve housing problems. The Housing Authority can't discriminate is a person does not have an income, and if you get a house and don't have an income, the Housing Authority subsidizes the rent. The Housing Authority charges rent based upon your gross income. If a person becomes unemployed, they should notify the Housing Authority so the rent could be lowered. The South Dakota Welfare Department allows \$163.00 for rent by welfare recipients. Discussed utility allowances. The Housing Authority stopped overage charges in December. Sharon LaPointe, Housing Director, reviewed the calculating formulas for utilities. The cost per kilowatt is \$.056. (Michael B. Jandreau, Chairman arrived at this time.) The Housing Authority will evaluate the calculations in a six month period to see if its working. Denver HUD told the Housing Authority to take the actuals that were paid in the past year. A priority should be to put the vacant houses back on the system. Our Housing Authority is presently at the twenty-nine percent (29%) rent raise. Jim Wagenlander suggests the Tribe and Housing Authority should send a telegram or make phone contacts to Senator Abdnor, Senator Andrews, Senator Burdick and Mike Mahsetky in reference to the ceiling on rents. There was a meeting for the Housing Authorities that was scheduled for March 29, 1985 but that meeting has been postponed until April 19, 1985 in Billings, Montana. Dave Bergren, Tribal Attorney and Jim Wagenlander will work on the draft outline of the rent control ordinance.

RECESS - The meeting was recessed for lunch and to reconvene at 3:30 PM. The meeting reconvened at 3:35 PM with the same members present.

Mr. Bergen and Mr. Wagenlander distributed the draft ordinance for the tribal housing rent control. Mr. Dave Bowle, HUD Denver, had indicated to Chairman Jandreau, by telephone, that Lower Brule will not receive subsidizes until the TAR's are down. Chairman Jandreau asked the Tribal Council to adopt the draft ordinance. Under the Mutual-Help program all dollars that are paid by the individual are kept here in a savings account until the house is paidoff and the interest earned is credited to the account. After the house is paid then the money goes to HUD. If the individual leaves the project early then he receives an equity payment. A Bill of Sale or Deed Conveyance should be given to people who have paid off their houses. The Housing Authority has an obligation to get HUD's signature on the document. Motion was made by Ted Rouillard to adopt the ordinance establishing a new code chapter entitled "Housing" and establishing under such chapter, a "Section 1, Tribal Rent Control". This motion was seconded by William S. Jandreau and carried with five for, none opposed, one absent and none not voting.

(#1. Lower Brule Housing Authority Cont'd.) - Tanna Chatin and Dave Bowles, Denver HUD will be here on April 3 & 4, 1985 to have a workshop with the Tribal Council and Housing Authority. Jim Wagenlander suggests the Tribe get United Sioux Tribes in Pierre to do something in reference to the rent ceilings. Chairman Jandreau requests Council authorization to notify the Congressional Delegates of their need to assist the Tribe in the area of rent ceilings. Motion was made by William Ziegler to authorize the Chairman to contact the Congressional Delegates. This motion was seconded by Kay Gourneau and carried with five for, none opposed, one absent and none not voting.

2.) HEALTH PROPOSAL, FY-86 - Ted Bolman, Acting Health Director submitted a draft resolution to authorize continuation of the health contracts between IHS and the Lower Brule Sioux Tribe. Motion was made by William Ziegler to adopt the resolution authorizing continuation of contracting health programs between IHS and the Lower Brule Sioux Tribe. This motion was seconded by William S. Jandreau and carried with five for, none opposed, one absent and none not voting.

3.) BUSINESS LEASE - William Ziegler submitted a letter of request for a ten (10) year lease of the old CHR building to expand his business and incorporate his other business (the wreck, cable television, appliance, and laundromat). The utilities would be no cost to the Tribe and Mr. Ziegler would pay the renovating expenses. He would put in a separate heating and electrical hookup system. Chairman Jandreau suggested William Ziegler bring back his request at the next regular meeting. Discussion was held in reference to the electrical outlets and meters. William Ziegler will submit a drawing of his electrical system that he's proposing. Chairman Jandreau said previous Council action was taken establishing that building to be used for a dehydrating unit. Barry Warner and Paul Estes haven't come back to the Council as far as the facility being used for the dehydrating unit. Gourneau Brothers Construction had some windows stored in that building but they might have removed them all by now. The old CHR office used to have alot of tribal records stored there. Mr. Ziegler said he would settle for a five (5) year lease. He would leave the lease rate up to the Council. Chairman Jandreau said he would like to see a more detailed plan than what's been presented. William Ziegler said he would provide the Council with a floor plan and renovations that he would be doing. The Council concurred to table this request until April 3, 1985 regular meeting. Paul Estes spoke in reference to a dehydrating unit payment. He said the firm involved should be informed of the mistake made on the purchase order. Paul Estes said the dehydrating unit has a big dent in it and he wants to see if it will hurt the operating of the dehydrator. Discussed the possibility of marketing beef jerky in the future. Mr. Estes will be meeting with Ed Miller, Superintendent tomorrow in reference to moving the Ambulance and proper lock up of the Fire Station. Paul E. may have located some four inch (4") irrigation pipe at Cheyenne River Sioux Tribe for exchange, he will check into it.

ADJOURNMENT - With no further business, Chairman Jandreau entertained a motion to adjourn. Motion was made by Kay Gourneau to adjourn the meeting. This motion was seconded by Ted Rouillard and carried with five for, none opposed, one absent and none not voting.

CERTIFICATION

The foregoing is a true and correct transcript of Minutes of a Special Meeting held by the Lower Brule Sioux Tribal Council on the 27th day of March, 1985.

LOWER BRULE SIOUX TRIBAL COUNCIL
Regular Meeting
April 3 & 4, 1985

PRESENT: Michael B. Jandreau, Chairman ABSENT: William S. Jandreau
Kay Courneau
William Ziegler
Ted Rouillard
Darrell Middletent (arrived late)
Charles Langdeau (arrived late)

ALSO PRESENT: David C. Loup, Corps of Engineers
Cliff Weber, Big Bend Project Manager
Bob Kindrick, Big Bend Project Park Manager
Roy Leedy, Bureau of Land Management, Billings, Montana
Richard Larimer, BLM, Billings, Montana
Simon Stevens, BIA, Aberdeen Area Office
T. Charles Tonemah, IHS, Aberdeen Area Office
Stella Swiftbird, IHS, Aberdeen Area Office
Karen M. Boyle, IHS, Aberdeen Area Office
Richard Bad Moccasin, IHS, Aberdeen Area Office
Dick Archambeau, Aberdeen Area Office
Cheryl Kulas, United Tribes Educational Technical Center
Nyal Brings, Child Protection Program
Carla Michalek, House Parent, Crisis Center
Edwin L. Miller, Agency Superintendent
Marvin Olson, Natural Resources Officer
Howard Green, Tribal Accountant
Trish Londell, Finance Office
Ron Tedrow, McGladrey Hendrickson & Pullen
Ted Bolman, Acting Health Director
Lowell Azure, Contracting, Aberdeen Area Office
Tom Brewer, Aberdeen Area Office
Paul Estes, Mini-Farms Director

The meeting was called to order by Chairman Jandreau at 10:10AM. Roll call was taken by the Recording Secretary and the Lord's Prayer was led by Chaplain Langdeau.

1. CORPS OF ENGINEERS - Mr. David C. Loup, Corps of Engineers and other representatives from the Bureau of Land Management were present to discuss a survey that is to be completed from the Big Bend Dam up to the loop. (Darrell Middletent arrived at this time.) Mr. Loup, on behalf of the Corps of Engineers, is requesting permission for a right of entry and they agree to be responsible for any damages. (Charles Langdeau arrived at this time.) Richard Larimer, Bureau of Land Management, said the Cadastral Office out of Billings, Montana, will be dealing with the Take Line around Lake Sharpe area that was started in 1971. Everything is completed on the Lower Brule Reservation but they will go back in and complete the survey around Big Bend area. The Surveyors will be pretty much contained in that area but will come through Lower Brule daily and make arrangements to let the Tribe know where the crew is. They estimate if they begin in May then they should be out by the end of September. There is approximately one hundred and eighty (180) miles of line for boundary of Take Line. There would be two (2) crews here doing the work this Summer, one crew to do work for the Corps of Engineers and another crew do work for Mr. Simon Stevens, Aberdeen Area Office, request. The Corps of Engineers did have a crew here last Summer and the field work was completed. Crow Creek Reservation was not completed but the request was for additional work to be done for the Lower Brule Reservation. A discussion was held in reference to fencing lines.

(#1. Corps of Engineers Cont'd.) - Cliff Weber, Big Bend Project Manager said they had no intention of fencing the land being discussed. They did put in corner posts for boundary markers. Those were the conditions for leases that come out this year for the Corps of Engineers. Mr. Dave C. Loup said they're trying to develop a Wildlife License with the Tribe and can't see fencing the land at this point. A short discussion was held in reference to "C" Tracts. The Corps of Engineers and Bureau of Land Management will furnish the plats to the Tribe and Bureau of Indian Affairs, when finished. Discussed that there will be angle points along the corners. Red plastic posts will be put around monuments. Discussion was held in reference to who will be hired for positions on the crews. Discussed checking with the TERO office in regards to hiring Lower Brule people. Motion was made by Kay Gourneau to grant permission of ingress and egress to the Corps of Engineers and the Bureau of Land Management for a survey of their take line and tribally owned property within the boundaries of the Lower Brule Reservation as indicated per request of the Aberdeen Area Office and that they will furnish maps of this survey to the Lower Brule Sioux Tribe and the Bureau of Indian Affairs and that this Right of Entry is granted for the period of May, 1985 through October, 1985. This motion was seconded by William Ziegler and carried with five for, none opposed, one absent and none not voting.

2. HOUSE PARENT - CRISIS CENTER - Carla Michalek, House Parent for the Crisis Center has submitted a resignation from her position effective April 16, 1985 and she is also requesting pay for the annual leave which she has accrued. Her annual leave exceeds the allowed annual leave accrued by thirty-six (36) to thirty-seven (37) hours. The Council has in the past situations did approve annual leave payment in the excess of hours. Nyal Brings said they should abide by the Tribe's Personnel Policies and Procedures. Mrs. Michalek stated that she couldn't use her annual leave because if she was going to be absent then she would have to find someone to fill her position temporary and pay them out of her pocket and she couldn't afford that. She will have 137 hours of annual leave as of pay period #8. Nyal Brings has submitted a rough draft of the budget for April. Mrs. Michalek lost twenty-two (22) hours of annual leave last year. Mr. Brings said the Crisis Center averages about three (3) children a month and they stay about one (1) week. Mr. Brings said he lost twenty-eight (28) hours of annual leave last year. Nyal Brings said Carla Michalek has obligations to meet such as completing a check-out list. There are four (4) children up at the Crisis Center now and two (2) of them have chicken pox. Motion was made by Darrell Middletent to accept Carla Michalek's resignation effective as of April 16, 1985 and approve payment for her accumulated annual leave. This motion was seconded by William Ziegler and carried with five for, none opposed, one absent and none not voting. Discussed what the Child Protection Program received for direct costs last year as compared to what they will receive this year. Discussed Social Services procedures and foster children being placed in a home. The Child Protection Program can be reimbursed through Social Services on foster children provided they are placed by a Court Order. Could generate more funds if a house approved for foster care by the State. The Crisis Center rent is \$216.00 per month paid to the Lower Brule Housing Authority. The equipment which is placed at the Crisis Center are tagged by the Bureau of Indian Affairs. Title II funds were used for purchase of the equipment, therefore, the property belongs to the federal government. Nyal Brings said he needs to do some more recruiting for foster parents. Motion was made by Ted Rouillard to utilize Lower Brule local foster homes and close the Crisis Center as of April 16, 1985. This motion was seconded by William Ziegler and carried with five for, none opposed, one absent and none not voting. Discussion was held in reference to Carla Michalek living in the Crisis Center house as a private tenant provided she is eligible and approved by the Lower Brule Housing Authority Board. The equipment will be stored by the Bureau of Indian Affairs.

3. UNITED TRIBES EDUCATIONAL TECHNICAL CENTER - Ms. Cheryl Kulas is employed with the United Tribes Procurement Outreach Center from North Dakota. The purpose of this project is really to bring Indian enterprises into better procurement. Focus is basically on the Four State area and what the Center is trying to do in the interim period, is to identify Tribes potential to develop enterprise. The Center helps to see what Tribes have available to develop enterprise for potential projects. They will provide and identify capital opportunities. The Center works closely with SBA, EDA, and the Bureau of Indian Affairs. They also identify training available for businesses. They will place the Tribe's name on the mailing list to buyers, if you have a product to sell. The Center will provide technical assistance to the Tribe. They will try to look at what manufacturing the Tribes can do. Ms. Kulas said the Lower Brule Sioux Tribe should look at something in high technology because of travel costs because of the Tribe's location. She said another aspect would be to contract. There is a fee schedule available which have potential contracts available. The Center has available state of the art computer inhouse. Ms. Kulas informed the Council that the Department of Defense has contracts and the big defense item is equipment. The Tribe could establish specific incentives. The Center would do an equipment analysis for the Tribe. When the Tribe is established, then the Center would develop a contract for fee basis. It would take possibly three (3) years from the time of getting into the contract to the administration of proposed enterprise. When the Center's new Director comes on board, he will identify companies who will work with Tribes. Ms. Kulas needs an indication of willingness from the Tribe to work with her and the Planning Staff to do the paperwork, and the Council establish a liaison and time line. She will return on however the Tribe feels frequent. Motion was made by Ted Rouillard to identify Larry Mendoza, Acting EDA Planner as the liaison contact for Cheryl Kulas. This motion was seconded by Kay Gourneau and carried with five for, none opposed, one absent and none not voting.

RECESS - The meeting was recessed until 1:00 PM for the lunch hour. The meeting reconvened at 1:15 PM with the same members present and absent.

4. INDIAN HEALTH SERVICE - The Representatives from the Indian Health Service, Aberdeen Area Office are present to give the Council an update on the status of the Health Program, Health Equity, Mid-Dakota Contract and Tribal Administration. They addressed the Health Equity issue which there are extra recurring dollars available to the Lower Brule Sioux Tribe, specifically. These dollars came about through the Tribal Specific Health Plan. The Tribe did receive an amount of \$18,000.00. The Aberdeen Area Office would need a budget for the use of the \$140,000.00 and it must correspond with the needs in the Tribal Specific Health Plan and the money must be spent that way. In health equity there are five (5) levels of deficiency and every Tribe is at one (1) of those levels. Congress has passed these health equity dollars and has asked Tribes for Specific Health Plans for the Tribe specific needs on the reservations. About three (3) years ago dollars became available to Tribes who had high deficiency levels. It is very important that the Aberdeen Area Office research the Tribes Specific Health Plan to see that the dollars are being spent as identified in their Plan. The Indirect Cost for the Lower Brule Sioux Tribe would come out of the \$140,000.00. Other dollars that are available to the Tribe are primarily from the Master Health Contract which equals \$54,000.00 of carry-over dollars that Ted Bolman, Acting Health Director is working on the budget for inclusion. Discussed the process for deobligation, modifications and additions into contracts. The Mid-Dakota Contract would be in the amount of \$1.8 million between Lower Brule and Crow Creek Sioux Tribes when it comes available. Mr. Don Nieborg, Mid-Dakota Hospital Administrator has the contract now. Do have those dollars available but waiting on the contract wording and signatures. When the proposal is received then a copy will be sent to Chairman Jandreau and Chairman Wells.

(#4. IHS Cont'd.) - The contract with Mid-Dakota would allow people living on or near the reservation to receive services, and people that travel through could receive services at Mid-Dakota provided they're enrolled with a recognized Tribe. Once the contract is in place, Lower Brule and Crow Creek is assured of quality care. There is a need for a liaison monitoring function and Lower Brule was concerned about this in getting the best care for the Lower Brule people. Dennis Renville, Acting Service Unit Director has been detailed here indefinitely. The position has been opened continuously and Dr. Terrance Sloan, Area Director, Indian Health Service has asked for a certification by May 1, 1985 and Lower Brule will be involved in the interviews of applicants as well as Crow Creek. A schedule has been set for a Service Unit review and at that time the Committee will meet here to go over the program and the second day they will meet with the Executive Committee in the Chairman's Office for a close out as to what will be done. Karen M. Boyle said there are contract costs that are being incurred and until the modification is put into place, no costs are to be incurred. The carry-over for FY-84 is not incorporated into the FY'85 modification. Richard Bad Moccasin said he would like to see a separate contract for the \$50,000.00 of Tribal Administration. Karen M. Boyle said that now the final voucher is processed the budget can be readjusted. Mrs. Boyle said there was not a tribal health administration in the FY-85 contract. Charles Tonemah said the FY-85 monies carried over from FY-84 must be spent by September 30, 1985 because of the carry-over limitations. Mrs. Boyle said the Area Office would need a letter of deobligation of funds and a final budget for the FY-84 contract. The request should be that the savings of unexpended funds be deobligated from the FY-84 contract. Other health programs also have carry-over monies. The resolution and proposal has been submitted for FY-86. Mr. Bolman reviewed the budget proposed for the \$140,000.00. Dollars have been included in the budget for the River Park Employee Assistance Program. Mrs. Boyle said the \$18,000.00 for FY-84 needs to be expended by September 30, 1985 and the \$140,000 needs to be put into the FY-85 contract by modification.

5. FINANCE OFFICE - Howard Green, Tribal Accountant informed the Council of General Fund balance as of today at 8:00 AM. The bank note at Bankwest in Pierre falls due in September, 1985 and also the note at Tri-County State Bank in Chamberlain. Mr. Green informed the Council of the present status of cash in the bank. The new note was financed at 13½ percent interest. Mr. Green informed the Council what is owed to the Attorney and the amount of outstanding bills. Discussed the price for the copier that was just purchased. Mr. Green has received in regards to Workmen's Compensation, two quotes. Mr. Green said the Tribe needs this coverage and he asks for the Council's direction. Mr. Green gave the Council a copy of the Contribution Rate Notice. Quotes were also received on tribal automobile insurance. Motion was made by Charles Langdeau to go with Doss-Costello-Kelly Agency on all three (3) insurances. This motion was seconded by Darrell Middletent and carried with five for, none opposed, one absent and none not voting. The three (3) insurances would be for automobile, bus and workmen's compensation. Several companies have submitted quotes for computer software packages. Trish Londell handed out copies of quotes received from IBM and CCSI. Mr. Green has spoke with AT&T and the Burroughs Corporation. Ms. Londell traveled to Eagle Butte to review a Burroughs computer system. She recommends the Tribe go with the IBM System 36. With the IBM System, the Tribe could have up to thirty-six (36) workstations. The Aid To Tribal Government has a line item for a Computer Planner and fringe benefits. Mr. Miller feels that a modification for this contract with good justification could be submitted to Washington. Mr. Green said Milton Morris would be interested in buying our present computer system for \$5,000.00. Mr. Green and Trish Londell proposed they would wish permission to get quotes on lease agreements or purchase agreements before the Council

(#5. Finance Office Cont'd.) - makes final approval for a computer system.

Motion was made by Kay Courneau to approve Howard Green and Trish Londell to get quotes from companies on lease and purchase agreements for a computer system, and to have two (2) weeks from today. This motion was seconded by William Ziegler and carried with five for, none opposed, one absent and none not voting. Mr. Green reported that the 1986 Indirect Cost Proposal has been completed and submitted to the Inspector General's Office.

6. MCGLADREY, HENDRICKSON & PULLEN - Mr. Ron Tedrow is employed with McGladrey, Hendrickson & Pullen in Pierre, South Dakota. Their agency prepared and completed the Tribe's 1986 Indirect Cost Proposal. Mr. Tedrow said in preparing the 1986 IDC Proposal, and he had related this to Chairman Jandreau, he noticed the Finance Office was behind six (6) months in posting transactions. He had previously indicated to Chairman Jandreau that he worked for another Tribe and United Sioux Tribes installing systems before. He could provide some assistance in getting the finance system caught up. Mr. Tedrow would, if approved by the Council, go in and determine reasons for backlog and determine present workload and get things caught up. The plan would be a detailed work program. He would basically assign individuals to tasks with target dates for completion. He would initially come in once a week than once a month. Mr. Tedrow would report his findings to the Tribal Council. His role would be of a supervisor, monitor and a facilitator. Mr. Tedrow would formalize the procedures that are now being utilized. He would be revising, developing and updating the present system. He would charge around \$12,000.00 to do this project. He told the Council that the present computer system is not being utilized to the fullest extent. Chairman Jandreau suggested the Council get a written proposal from Ron Tedrow before putting this into reality. Discussed chart of accounts and accounting coding structure. Mr. Tedrow will get a more detailed plan to the Tribal Council and come back to further discuss. A motion was made by Ted Rouillard to authorize Chairman Jandreau that when Mr. Tedrow's proposal is received, to submit it to the Bureau of Indian Affairs or somewhere for funding of this type of activity. This motion was seconded by Charles Langdeau and carried with five for, none opposed, one absent and none not voting.

RECESS - Motion was made by Charles Langdeau to recess today's meeting until tomorrow, April 4, 1985 at 8:00 AM. This motion was seconded by William Ziegler and carried with five for, none opposed, one absent and none not voting.

The meeting reconvened at 10:30 AM with the same members present and absent.

7. LAKOTA OMNICIYE CLUB - Ron McNeil, President, Lakota Omniciye Club, Black Hills State College, requested by letter, a donation for it's Third Annual Pow-wow. This would be a sponsorship type of donation. The Club's representatives have contacted the tribal office and they were informed that this request would have to go before the Council for approval. Motion was made by Kay Gourneau to inform the Lakota Omniciye Club that no funds are available at this time for such donation. This motion was seconded by Charles Langdeau and carried with five for, none opposed, one absent and none not voting.

8. MATERNAL CHILD HEALTH PROGRAM - A letter of request was submitted by Lenora LeCompte, MCH Director, to attend a Seminar/Workshop on Maternal and Child Health at the Black Hills Training Center from April 22, 1985 through May 3, 1985. Chairman Jandreau brought this travel request before the Tribal Council because it is over a one (1) week period. Motion was made by Kay Courneau to allow Lenora LeCompte, MCH Director to attend the Seminar/Workshop which she is requesting. This motion was seconded by William Ziegler and carried with five for, none opposed, one absent and none not voting. Another letter of request was submitted by Mrs. LeCompte, MCH Director, for the use of the Tribal Gym, Wednesday, April 17, 1985 from 12:30 pm until 3:00 PM. The gym will be used at that time for an Open House celebrating the existence of the Maternal and Child Health Project for a year. She also requests that the tribal employees that were or are either a prenatal or postnatal since February 1984, be granted administrative leave to attend our open house. The Council concurred with Chairman Jandreau's approval for the MCH Program to use the Tribal Gym to hold an Open House on April 17, 1985.
9. PEARL LAROCHE'S REQUEST - A letter of request was received from Pearl LaRoche for assistance of funds to pay for her sewage problem. Chairman Jandreau hasn't contacted her since he received the letter. Chairman Jandreau will contact Mrs. LaRoche in regards to the amount that she is requesting. No action was taken at this time.
10. INTERNATIONAL ENVIRONMENTAL CONSULTANTS, INC. - Mr. Herbert C. Crow, President of the International Environmental Consultants, Inc. has submitted an ordinance provided under EPA Contract #68-03-1996. This document is in relation to developing a code for solid waste management and the International Environmental Consultants, Inc. implementation by the Tribe of this ordinance. The Council reviewed this document and felt this document needs to be adopted. No action was taken at this time.
- (#9. Pearl LaRoche's Request) - Pearl LaRoche contacted Chairman Jandreau by telephone and informed him the cost for her sewage repair would amount to \$126.35. Motion was made by Ted Rouillard to approve payment for Pearl LaRoche's sewage repair. This motion was seconded by Kay Gourneau and carried with five for, none opposed, one absent and none not voting.
11. BIDS ON BINGO CHAIRS - As of today, six (6) bids were received from Vendors for bingo chairs to be used in the Tribal Gym. William Ziegler said the Council should find out what type of gauge the chairs are and the type of warranty. Chairman Jandreau has requested one of the Secretaries to contact each Vendor before the Council makes a decision, except on the stackable chairs.
12. DETENTION FACILITY - A memorandum dated March 13, 1985 was received from Arthur Batin, Criminal Investigator, Lower Brule Agency in reference to the Detention Facility. In his letter, Mr. Batin stated that during the tenure of the last Tribal Council, Law Enforcement Services submitted a proposal that the Lower Brule Sioux Tribe relinquish ownership of the Detention Facility and turn the building over to the Bureau of Indian Affairs. Currently the Law Enforcement Services Branch rents the building from the Tribe, however due to budget cuts and dwindling funding the Law Enforcement Services Branch is unable to continue to pay the monthly rental rate. The currently rental rate was established approximately five (5) years ago and has not been renegotiated over the years to address the increased costs of fuel, electricity and maintenance. Chairman Jandreau asked Superintendent

(#12. Detention Facility Cont'd.) - Miller where the dollars would come from and why the Tribe can't contract for it themselves. Mr. Miller said it is contractable but if the Tribe contracts it, they would lose dollars from salaries and benefits. He said the Tribe may not contract facility management dollars on a tribal building because facility management dollars cannot be utilized on a tribal building. Funds received are based on the square footage if its a BIA building but no dollars released for leased buildings. The Detention Facility was previously titled the LEAA building, under the government. If the processed is started now for a new Detention Facility, it may be three (3) years before the dollars are received. Mr. Miller told the Council that if they do consider this request, the Tribe could get their building back at a later time if they so wish or any government facility for that matter. The building was initially built as a correctional facility not a jail, to be used as a minimal holding facility but its being used as a jail. Crow Creek Sioux Tribe is suppose to be getting a new jail. Discussed long term prisoners and patrolling of the Police Department. Mr. Miller said the Police Department has a force of seven (7) and one (1) vacancy. Discussed an incident where a Crow Creek Police Officer arrested a person within the Lower Brule jurisdiction. Mr. Miller said they have increased the police patrol in Lower Brule and the foot patrol is up. He's going by their police reports, for this information. Charles Langdeau suggested that the Police should patrol the entire reservation. Mr. Miller said he hopes that when the Chief Judge is selected, the Courthouse and Police Department will work together. Discussed an incidence which happened last night and no police patrol was seen and the incident wasn't stopped by a Police Officer. The Agency Office hasn't received a rate of operating budget for the facility for this year. Operating agency wide using the dollars they had last year. If the Tribal Council would approve of the BIA taking over the Detention Facility, then they would no longer be responsible for the maintenance, etc. The BIA has done some remodeling in the Administration Office. Tribal approval was not received for remodeling in the Agency Administration Office. The Tribe did receive rent previously on the Agency Administration Building but don't anymore. Chairman Jandreau asked the Council to table any decision on this matter until such time that Mr. Miller contacts the Aberdeen Area Office in reference to contracting facility management funds to renovate the Detention Facility. Motion was made by Charles Langdeau to table decision on this matter until such time that answer is received. This motion was seconded by Kay Gourneau and carried with four for, none opposed, two absent and none not voting.

13. TRIBAL COUNCIL MILEAGE - William S. Jandreau, Off-Reservation Council Member has requested approval for his mileage when he attended the Special Council Meeting on March 27, 1985. Motion was made by Ted Rouillard to approve William S. Jandreau's mileage for 3/27/85. This motion was seconded by Charles Langdeau and carried with four for, none opposed, two absent and none not voting.

14. HOUSING AUTHORITY BOARD VACANCY - A resignation from the Lower Brule Housing Authority Board was received from Helen Fallis. Motion was made by Ted Rouillard to accept Mrs. Fallis' resignation and place Michael B. Jandreau, Chairman on the board because they should have members on the Board who are knowledgeable with the housing regulations. The Housing Authority Office missed a deadline for renovating monies. This motion was seconded by Charles Langdeau and carried with five for, none opposed, one absent and none not voting. Printouts weren't given to homeowners because the previous Housing Director didn't get the figures to the Accountant. Discussed the meeting held last evening with Tanna Chatin and David Boehl, HUD representatives.

RECESS - The meeting recessed for the noon hour. The meeting reconvened at 1:35 PM with the same members present and Kay Gourneau and William S. Jandreau being absent.

15. GIFT DEED LAND - Mr. Orville Hicks submitted a letter dated March 15, 1985 to Edwin L. Miller, Agency Superintendent requesting to Gift Deed eighty (80) acres of his land to his grandchildren, Tanya and James Hicks, to be held in trust status. A letter dated March 20, 1985 was received from the Superintendent, Lower Brule Agency asking the Tribal Council to review the above request and notify the Lower Brule Agency of any Tribal Council action. This land in discussion is outside the Lower Brule Reservation boundaries. Chairman Jandreau said that within two (2) Acts that the Tribes can take in land within fifty (50) miles of the Lower Brule boundaries. Chairman Jandreau recommended to the Tribal Council that if such gift deed is found legal by the Bureau of Indian Affairs, then they concur with such action. Motion was made by William Ziegler that the Lower Brule Sioux Tribal Council does hereby grant permission for Orville Hicks to gift deed the above described eighty (80) acres and place such land into trust status for his grandchildren, Tanya and James Hicks, provided that this action is found legal through the Bureau of Indian Affairs. This motion was seconded by Darrell Middleton and carried with four for, none opposed, two absent and none not voting.

16. CLARK RANCH PROJECT - Expenditures for installing valves and fuel tanks at the Clark Ranch Project were made by the Lower Brule Construction Company. The Clark Ranch Project Contract has been closed and additional dollars are owed to the Construction Company. Edwin Miller, Superintendent, said there is a need to modify to add these two (2) things and request for approval by the Tribal Council. The Construction Company will request a modification if funds are available, if no funds are available, then the BIA will research for the dollars to clear this matter. Chairman Jandreau requested a motion from the Council that the Tribe seek a modification from the Lower Brule Construction Company that can be submitted to the BIA for these dollars. Motion was made by William Ziegler that the Lower Brule Sioux Tribal Council hereby requests the Bureau of Indian Affairs to include the additional costs on the Clark Ranch Irrigation Project. This motion was seconded by Charles Langdeau and carried with four for, none opposed, two absent and none not voting.

17. LAND EXCHANGE BETWEEN TRIBE & DAHLGREN FARMS - The Tribe has received the appraisals for the two (2) tracts involved in the proposed land exchange between the Tribe and Dahlgren Farms. Dahlgren Farms has requested the land exchange and if there would be a difference in price, they would pay it. Both tracts of land are farm ground. Bill Thompson has a lease on the tribal tract of land being discussed, until December 31, 1985. Motion was made by Charles Langdeau to deny Dahlgren Farms' request for a land exchange with the Tribe. This motion was seconded by William Ziegler and carried with four for, none opposed, two absent and none not voting.

18. PURCHASE OF TRIBAL LAND - WILLIAM ZIEGLER - Mr. William Ziegler has requested to purchase 10.50 acres of tribal land located on the West hill. It would be the land where his big building is located in West Brule. Mr. Ziegler also has five (5) acres in the area being discussed. Motion was made by Darrell Middleton to approve the purchase of tribal land by William Ziegler for 10.50 acres, not including Jasper Eagle Starr's homesite, for the appraised value of \$3,150.00. This motion was seconded by Ted Rouillard and carried with three for, none opposed, two absent, and one not voting (William Ziegler). William Ziegler said he'd agree to pay the appraised rate.

19. LAND SALE PURCHASES (7) - Land Sale Applications have been previously received from individuals for sale of their interests on the Lower Brule Reservation. Appraisals were received for the tracts of land that wish to be sold to the Tribe. The Land Sale Applicants are Joseph

(#19. Land Sale Purchases (7) Cont'd.) - Rouillard, Irma L. Fisherman Long, Geraldine White Turtle Ray, Joseph Sawalla, and Ramsey Roubideaux.

20. HOME IMPROVEMENT PROGRAM CONTRACT - Mr. Tom Brewer and Mr. Lowell Azure, Contracting Specialists, Aberdeen Area Office, are present in reference to the Lower Brule Home Improvement Program Contract (H.I.P.), as far as auditing the Contract. Edwin Miller, Superintendent had contacted these gentlemen in regards to this contract. They will review the expenditures out of H.I.P., seek a fund balance, and make a check compliance. Today they will use as fact finding and they will schedule another period of time to do a financial review. It was decided that April 15-16-17, 1985 will be scheduled to do the financial review. Mr. Brewer and Mr. Azure will be looking through the H.I.P. Contract for FY-84 and FY-85. No formal Council action was taken at this time.

(#19. Land Sale Purchases (7) Cont'd.) - The Council did review the appraisals for the tracts of land being purchased. These tracts of land would be in allotment LB-88, LB-196, LB-204, LB-438, LB-771, LB-312, and LB-864. The total of the land purchases amounts to \$5,828.91 which is a difference of \$1,519.09 than the balance in the Land Purchase Fund. Motion was made by Charles Langdeau to purchase the land from the above listed Individuals and that the Council authorizes a transfer of \$1,519.09 from the General Fund into the Lower Brule Land Purchase Fund, for the purpose of land purchases. This motion was seconded by Ted Rouillard and carried with four for, none opposed, two absent and none not voting.

21. LEASE ADVERTISEMENT 85-02 - Lease Advertisement No. 85-02 has been posted for lease of 960.00 acres of tribal land. Bill Thompson has requested to lease the 960.00 acres of tribal land at the same rate of the previous Lessee. Mr. Kruse is present today and has indicated that he's interested in leasing the advertised land. Mr. Roth had indicated to Chairman Jandreau yesterday that he was interested in leasing the land but did not indicate a rate. Kent Taylor, previous Lessee, had paid a rate of \$15.00 per acre. Mr. Kruse is interested in leasing the land because it is close to him. The advertisement was posted for Indian Operators to bid on the land first. Mr. Thompson had previously contacted Chairman Jandreau as he was interested in leasing the land. Motion was made by Ted Rouillard to lease the 960.00 acres of tribal land to Richard "Bill" Thompson as the same rate which the previous Lessee paid and that in order to maintain base acreage, the Lessee must sign up and participate in the ASCS Conservation Program. This motion was seconded by Charles Langdeau and carried with three for, none opposed, three absent and none not voting. Of the 960.00 acres of tribal land, 734.00 acres is farmland and 226.00 acres is pastureland. Mr. Kruse said if he was considered, he would pay \$15.50 per acre and would farm the land according to the ASCS Program. The Tribe can be penalized if the land isn't farmed in accordance with the ASCS Program.

22. LAND EXCHANGE BETWEEN TRIBE & MICHAEL B. JANDREAU - Chairman Jandreau had previously requested a land exchange of the land where his home is located for land which he owns. The Council reviewed the appraisals for both pieces of land being discussed. Chairman Jandreau would like to exchange the land by value for value. Because of the appraised value rates, Chairman Jandreau, if the exchange is approved, would receive 95.33 acres of tribal land for 80.00 acres of his land. The tribal land is located in the E½SE¼ of Section 9, Township 107 North, Range 76 West, and Chairman Jandreau's land is located in the SW¼ of Section 11, Township 107 North, Range 76 West. Motion was made by Charles Langdeau to approve the Land

- (#22. Land Exchange Between Tribe & Michael B. Jandreau Cont'd.) - Exchange between the Lower Brule Sioux Tribe and Michael B. Jandreau on a per acre basis whereby Mr. Jandreau would receive 95.33 acres in exchange for the $\frac{1}{2}$ (one-half) interest in the 160.00 acres of his land. This motion was seconded by Darrell Middletent and carried with four for, none opposed, two absent and none not voting.
23. ENROLLMENT REQUEST - An enrollment request was received from Phylis Hudson Smith for her son, Bradley Jay Smith. Motion was made by Charles Langdeau to refer this enrollment request to the Enrollment Committee. This motion was seconded by William Ziegler and carried with four for, none opposed, two absent and none not voting. Motion was made by Darrell Middletent to remove Winona Long from the Enrollment Committee and appoint Ted Rouillard in her place. This motion was seconded by Charles Langdeau and carried with four for, none opposed, two absent and none not voting.
24. OLD CHR BUILDING - William Ziegler has submitted a request to lease the old CHR building to expand his business of the "Wreck" and Cable Television and put in a laundromat. He wants to know what the Tribe plans to do with the building before he goes any further with his request.
25. MINI-FARMS - Paul Estes is present in reference to the dehydrating unit plan that he'd like to see up to the Farm Corporation. He is requesting use of the tribal tin building where the insulation and bus garage is to be used for the dehydrator unit. If his request is approved, the Transit Bus would be moved to the Ambulance Garage and the Ambulance would be moved to the Fire Station. Mr. Estes had previously discussed this move of vehicles with Edwin Miller, Superintendent and Mr. Miller then indicated there would be no cost to the Tribe but has not indicated to Mr. Estes that there would have to be a payment. The Tribal Council doesn't feel they should have to pay to store the Ambulance because Fire Hall already needs to be heated for the fire trucks and with the Ambulance being stored there, someone would check on the Fire Hall everyday. Discussion was held in reference to where the insulation would be stored. Motion was made by William Ziegler to approve for Mini-Farms to utilize the tribal tin building for the dehydrating program and associated. This motion was seconded by Darrell Middletent and carried with four for, none opposed, two absent and none not voting. The Council discussed who would be responsible for the storage and labor costs to move the insulation that is presently stored in the tribal tin building. Discussed the rents being charged on the tribal owned houses. Paul Estes had talked to William S. Jandreau about trading irrigation pipe in Eagle Butte and Mr. Estes has an opportunity to trade the pipe at Nebraska. Ted Rouillard suggested that the Tribe sell the insulation to the Housing Authority for \$2.00 per bad and rent the insulation machine. The Council concurred with this suggestion.
- (#11. Bids on Bingo Chairs Cont'd.) - Council reviewed the quotes on the bingo chairs such as the price, make and warranty from each Vendor. Motion was made by Ted Rouillard to authorize the Chairman to take the best buy provided they will deliver and have the best warranty. This motion was seconded by Darrell Middletent and carried with four for, none opposed, two absent and none not voting.
- (#24. Old CHR Building) - William Ziegler presented a map of the idea of his business breakdown which he proposes to put in the old CHR building. He would move the stuff which is stored in the old CHR building, into the tribal gym. The rate for lease is \$4.50 per foot or \$4,500.00 plus utilities. Mr. Ziegler said he had proposed a ten (10) year lease with the option to renew for another ten (10) years but he would settle for a five (5) year lease. Mr. Ziegler would pay his own insurance on that particular

(#24. Old CHR Building Cont'd.) - part of the building. Mr. Ziegler said if he got a lease for the old CHR building, then he would relinquish his lease for the "Wreck" building. In his proposed Laundromat, Mr. Ziegler would put in eight (8) or ten (10) dryers. Council concurred to table any action on this request until such time they can further review.

26. Homesite Request - ANNALISA ESTES - A request for homesite on the SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 21, Township 108 North, Range 73 West containing 2.5 acres of tribal land was received from Annalisa Estes. Mrs. Estes also requested to move her house (#44) out of the community. Motion was made by Darrell Middletent to approve the homesite request of Annalisa Estes. This motion was seconded by Charles Langdeau and carried with three for, none opposed, three absent and none not voting.

27. GIRLS SOFTBALL REQUEST - Rita Langdeau, Chairman, Girls Softball Team submitted a request to hold bingo on Saturday afternoon, April 6, 1985 because Bernard LaRoche will be holding bingo on Sunday afternoon, April 7, 1985. The Girls Softball Team has received the Bilingual PAC concurrence. Motion was made by Charles Langdeau to grant permission for the Girls Softball Team to hold bingo on Saturday afternoon, April 6, 1985. This motion was seconded by Ted Rouillard and carried with four for, none opposed, two absent and none not voting.

28. TRIBAL BINGO TABLES - Chairman Jandreau had previously employed Clarence Nitschke to build the tribal bingo tables. Mr. Nitschke has submitted a bill for payment of his services. Chairman Jandreau wishes Tribal Council authorization to pay Clarence Nitschke \$10.00 per hour for building the bingo tables. Motion was made by William Ziegler to authorize the Chairman to make payment to Clarence Nitschke for building the bingo tables. This motion was seconded by Darrell Middletent and carried with four for, none opposed, two absent and none not voting.

29. INTER-TRIBAL COURT OF APPEALS - The Tribal Council has previously re-established their participation in the Inter-Tribal Court of Appeals but there is a need to readopt the Appellate Uniform Code and appoint a Judge from Lower Brule to sit on the Appellate Court System. Motion was made by William Ziegler to readopt the Appellate Uniform Code and appoint the Chief Judge from the Lower Brule Reservation as an Appellate Court Judge. This motion was seconded by Darrell Middletent and carried with four for, none opposed, two absent and none not voting.

30. TRIBAL COUNCIL MINUTES - Motion was made by Darrell Middletent to approve the Tribal Council Minutes for March 6 & 7, 1985; March 11, 1985; March 13, 1985 and March 27, 1985. This motion was seconded by Ted Rouillard and carried with four for, none opposed, two absent and none not voting.

31. ALCOHOLISM PROGRAM - Clark Zephier, Alcoholism Program Director has submitted his resignation from his position, effective as of April 16, 1985. He is recommending the Council appoint Freeman Zephier as Alcoholism Director. Chairman Jandreau said he has no problem with Freeman Zephier being placed in the Alcoholism Program Director in an Acting capacity until the position is filled with an immediate advertisement of the position. Ted Rouillard said the reporting and such of the program is not being accomplished as to what its designed to do. Mr. Rouillard requests authorization to work with Richard Bad Moccasin for a preventive program, to present to the Tribal Council. Motion was made by Charles Langdeau to grant authorization to Ted Rouillard to work with Richard Bad Moccasin to present a preventive program

(#31. Alcoholism Program Cont'd.) - proposal to the Tribal Council. This motion was seconded by William Ziegler and carried with four for, none opposed, two absent and none not voting. Motion was made by Charles Langdeau to accept Clark Zephier's resignation as Alcoholism Director and appoint Freeman Zephier as Acting Alcoholism Program Director until the director is selected and advertise the position immediately for no less than a thirty (30) day period. This motion was seconded by William Ziegler and carried with four for, none opposed, two absent and none not voting. The positions of Alcoholism Trainee, Full-Time Cook, and Week-end Cook have been advertised and need to be filled. Willa Madison has been acting in the Alcoholism Trainee position. Motion was made by Ted Rouillard to select Willa Madison as the Alcoholism Trainee. This motion was seconded by Charles Langdeau and carried with four for, none opposed, two absent and none not voting. Gerald Ear has been acting in the capacity of Part-Time Cook (Week-end Cook) and Pearl Monroe has been acting in the capacity of Full-Time Cook. The Alcoholism Director recommended Pearl Monroe for the Full-Time Cook, Carolyn Goodlow as Alternate and Gerald Ear as the Part-Time Cook (Week-end Cook). Motion was made by Charles Langdeau to go with the Alcoholism Program Director's recommendation in filling the Cook positions. This motion was seconded by Ted Rouillard and carried with four for, none opposed, two absent and none not voting.

32. JTPA POSITIONS - Motion was made by Charles Langdeau to select Rose Eagle Star as the Janitor under the JTPA Program. This motion was seconded by Darrell Middlelent and carried with four for, none opposed, two absent and none not voting. Motion was made by Ted Rouillard to select Roberta Gonzales and Wanda Estes to fill the two (2) Accounting Clerk Trainee positions under the JTPA Program, and Diane Grassrope as an Alternate. This motion was seconded by Charles Langdeau and carried with four for, none opposed, two absent and none not voting. Motion was made by Darrell Middlelent to select Vance Jandreau to fill the position of Associate Prosecutor Trainee under the JTPA Program and Fernin Grassrope as the Alternate. This motion was seconded by Ted Rouillard and carried with four for, none opposed, two absent and none not voting. Motion was made by Ted Rouillard to hire Justin Hawkwing to fill the position of Health Office Aide under the JTPA Program and Marlita DeShequette as the Alternate. This motion was seconded by Charles Langdeau and carried with four for, none opposed, two absent and none not voting.

33. HEALTH DIRECTOR POSITION - Two applicants were received for the position of Health Director. Chairman Jandreau requests the Council keep Ted Bolman in the capacity as Acting Health Director until such time there is a determination as to whether we will have a Health Program and Contract, then readvertise the position. Motion was made by Ted Rouillard to concur with Chairman Jandreau's request. This motion was seconded by William Ziegler and carried with three for, none opposed, three absent and none not voting.

34. CHIEF JUDGE POSITION - Motion was made by Ted Rouillard to hire Mr. Stanley Whiting as the Lower Brule Chief Judge. This motion was seconded by William Ziegler and carried with four for, none opposed, two absent and none not voting.

35. H.I.P. PURCHASE ORDER - In 1982 a H.I.P. grant was given to Ron Pourier for his house and a purchase was made during 1984. The only backup data for the purchase is a 1982 purchase order and this isn't clear record for the expenditure. Chairman Jandreau has asked Joyce Estes, Agency Administrative Officer and Edwin L. Miller, Superintendent if the Tribal Council approved the Purchase Order as a valid service and that this purchase order does support this expenditure and they told him yes. If this purchase order is not approved by the Council, it would then be a disallowed cost under

(#35. HIP Purchase Order Cont'd.) - the HIP Contract. If the Purchase Order is approved, then there will have to be a modification done to the contract. Motion was made by Darrell Middleton to approve the HIP Purchase Order of 1982 in the amount of \$1,400.00. This motion was seconded by Charles Langdeau and carried with four for, none opposed, two absent and none not voting.

36. DAKOTA LODGES INCORPORATED - Mr. Rudi Speckles, a representative for the Dakota Lodges incorporated has submitted another proposal to the Tribe for a joint venture of a thirty (30) unit motel. The Council concurred that the Tribe don't entertain into any proposal with Dakota Lodges Incorporated.

37. CHEYENNE RIVER RESOLUTION NO. 64-85-CR - A copy of of Cheyenne River Resolution No. 64-85-CR was sent to the Tribe by Arlene Thompson, Cheyenne River Sioux Tribal Secretary. This resolution is in reference to the Cheyenne River Sioux Tribe withdrawing its membership from the Black Hills Steering Committee. Ted Rouillard is the Lower Brule Representative on the Black Hills Steering Committee. There will be a Steering Committee meeting on April 11, 1985 at the Pierre Indian Learning Center. Motion was made by Ted Rouillard to approve travel for any Council Member who wishes to attend the Steering Committee meeting. This motion was seconded by William Ziegler and carried with four for, none opposed, two absent and none not voting.

ADJOURNMENT - With no further business, Chairman Jandreau entertained a motion to adjourn. Motion was made by Charles Langdeau to adjourn the meeting. This motion was seconded by Ted Rouillard and carried with four for, none opposed, two 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 4th of April, 1985.

Cheryll Y. LaRoche, Recording Secretary

LOWER BRULE SIOUX TRIBE, COUNCIL.
REGULAR MEETING
May 1, 1985

PRESENT: Michael B. Jandreau, Chairman ABSENT: None
Kay Gourneau
William Ziegler
Ted Rouillard
William S. Jandreau
Charles Langdeau
Darrell Middletent

ALSO PRESENT: Robert Baldwin, IHS Sanitarian
David Mosier, IHS Sanitarian
Roy Griffith, Acting Superintendent
Howard Green, Tribal Accountant
Trish Londell, Finance
David Bergren, General Counsel
George Valentine, Capital Enterprises
Pat Henmy, Realty, Aberdeen Area Office
Boyd Brummond, Extension Agriculture Agent
Paul Estes, Mini-Farms Director

The meeting was called to order by Chairman Jandreau at 10:35 AM. Roll call was taken by the Recording Secretary and the Lord's Prayer was led by Chaplain Langdeau.

1. FINANCE OFFICE - Howard Green, Tribal Accountant gave a report to the Tribal Council in reference to status of the General Fund balance as of 8:00 AM today. Mr. Green also gave a report on the posting of each program into the computer. At the last Tribal Council meeting, Howard Green and Trish Londell were requested to present figures to the Council at this meeting in reference to leasing software packages from IBM for a new computer system. Mr. Green explained that the lease charges would be for the processor, printer and seven (7) displays. The software covers three (3) basic packages. The IBM proposal being discussed would be a lease purchase. IBM requires a one-third (1/3) down payment. The Council discussed the purchase and lease prices, also the availability of funds. Mr. Green informed the Council that the service charged would be separate from the purchase price. Maintenance charge for the computer would be \$286.75 per month. The Council directed Howard Green to contact IBM in reference to demanding a down payment because the cover letter and proposal plans don't reflect that a down payment is demanded as presented by Mr. Green, before the Council makes a decision.
2. FLYING SERVICE PROPOSAL - A letter of proposal was received from Joe Flying Horse in reference to the Tribe purchasing services from his flying service. This flying service would be used as a charter service. The Council discussed his proposal for flight costs, etc. Motion was made by Kay Gourneau to table a decision on this matter. This motion was seconded by Charles Langdeau and carried with four for, none opposed, two absent and none not voting.
3. NATIONAL CONGRESS OF AMERICAN INDIANS - The National Congress of American Indians will hold its 1985 Mid-Year Conference, June 3, 4, and 5, 1985 at John Ascuaga's Nuggett Hotel, Sparks, Nevada. The Council discussed the need for tribal involvement in national committees. The Lower Brule Sioux Tribe is a member of the National Congress of American Indians (NCAI). The Council needs to appoint a Delegate and Alternate to the

(#3. National Congress of American Indians Cont'd.) - NCAI and pay the annual dues. Motion was made by Ted Rouillard to name Kay Gourneau as the Tribe's NCAI Delegate, William S. Jandreau as Alternate, pay the Tribe's annual dues and authorize any Tribal Council Member who wishes to attend the meeting. This motion was seconded by Charles Langdeau and carried with six for, none opposed, none absent and none not voting.

4. TRIBAL COUNCIL REGULAR MEETING - The NCAI conference will be held during the time when the Council's regular meeting is held, therefore, the meeting will need to postponed a week. Chairman Jandreau needs authorization from the Council to reschedule June's regular meeting. Motion was made by Kay Gourneau to reschedule June's Regular Council Meeting day from June 5, 1985 to June 12, 1985. This motion was seconded by Darrell Middleton and carried with six for, none opposed, none absent and none not voting.

5. NCAI NEWS BULLETIN - The Council was given a copy of the Solar Energy and Energy Bank Newsletter and the NCAI News Bulletin for their information. No action was taken.

6. CAPITAL ENTERPRISES - Mr. George Valentine is a representative of Capital Enterprises in Pierre, South Dakota. Mr. Valentine made a presentation to the Council in reference to a hotel being developed on the Lower Brule Reservation. A gentleman named R.L. Montgomery from Ft. Smith, Arkansas had contacted Mr. Valentine in reference to touring the reservation, making a feasibility study and possibly building a motel on the reservation. Mr. Montgomery through Mr. Valentine is requesting exclusive rights for a period of ninety (90) days to tour the reservation, and develop a feasibility study to come up with the right figures for the cost of building a motel on the reservation. Mr. Montgomery presently owns two (2) casinos in Reno, Nevada, various motels and is presently building another motel. Mr. Valentine lobbied during the legislature for the Innkeepers Hospitality Organization. Mr. Valentine said that it is hard for tour buses to come into South Dakota because of the port of entry regulations. The interests in Indian culture is so high that they could fill a motel one hundred percent (100%) of the time during tourist season. George Valentine would stipulate to Mr. Montgomery that even if no motel is built, the Tribe would get the feasible study. If the Council approves the exclusive rights to Mr. Montgomery, he would arrive immediately. The expense for this venture would be strictly private money, not federal dollars, not city dollars and not state dollars. Motion was made by Charles Langdeau that George Valentine of Capital Enterprises of Pierre, South Dakota be given exclusive rights until August 1, 1985 to promote, encourage, attract and secure a motel enterprise to the Lower Brule Reservation. This motel shall be over twenty-five (25) units and all information collected from this effort will be available to the Tribe in one (1) year if the proposed motel project does not occur. This motion was seconded by Kay Gourneau and carried with five for, none opposed, one absent and none not voting.

7. HEALTH DIRECTOR'S POSITION - Friday the Health Contract was negotiated. The carry-over monies were put into the new contract. Chairman Jandreau had requested authorization from Dr. Terrence Sloan, Area Director, Indian Health Service, to pay Ted Bolman, Acting Health Director's salary out of the carry-over monies. Dr. Sloan informed Chairman Jandreau that Mr. Bolman's salary couldn't be paid out of direct funds because the Tribe did not have a Health Program at the time Mr. Bolman was hired. The Tribe does currently have a Health Program and Mr. Bolman's salary could be paid from this date forward. Discussion was held in reference to paying Mr. Bolman's salary from the Indirect Cost Pool. Chairman Jandreau requested authorization

(#7. Health Director's Position Cont'd.) - to pay Ted Bolman's salary from the Indirect Cost Pool, and because there is not a line item in the IDC for a health position then appoint Mr. Bolman as the Contracts & Grants Officer for the period of January 9, 1985 through May 1, 1985. Motion was made by Charles Langdeau to authorize the Chairman to pay Mr. Bolman's salary from the Indirect Cost Pool and appoint Mr. Bolman as the Contracts & Grants Officer from the period of January 9, 1985 through May 1, 1985. This motion was seconded by Kay Gourneau and carried with four for, none opposed, two absent and none not voting.

8. STATE MAINTAINED HIGHWAY - The State maintained highway being discussed refers to the twenty-six (26) miles West of Lower Brule. Chairman Jandreau had talked to Jim Meyers of the South Dakota Department of Transportation. Mr. Meyers informed Chairman Jandreau that they basically agreed not to do anything on turning the road back to gravel until they can meet with the Tribal Council. When Chairman Jandreau was at the Aberdeen Area Office last week he tried to meeting with the Roads Department Representative but the gentleman wasn't available. If the Tribes does take this road back from the State of South Dakota then it would have to be put back on the Bureau of Indian Affairs Road System. The State of South Dakota has not been maintaining this road because there is not traffic patterns and it doesn't fall in their priorities. The Council concurred that they will meet with the State Representatives soon. No action was taken at this time.

9. YANKTON SIOUX TRIBE - A letter dated April 29, 1985 was received from Mr. Alvin R. Zephier, Chairman, Yankton Sioux Tribe, Business & Claims Committee, requesting support in the Yankton Sioux Tribe's efforts in regaining all of the land and property acquired by the Corps of Engineers in the Pickstown townsite and the Ft. Randall Dam. Motion was made by Kay Gourneau to support the Yankton Sioux Tribe in their efforts to regain all of the land and property in the Pickstown townsite and Ft. Randall Dam. This motion was seconded by Charles Langdeau and carried with five for, none opposed, one absent and none not voting.

10. LOWER BRULE MEN'S SOFTBALL ORGANIZATION - A request was received from the Lower Brule Men's Softball Organization to use the bingo facility on May 18, 1985 to raise funds. They are willing to pay the \$35.00 rent and ten percent (10%) of their gross profits. Their request was to hold bingo on May 18, 1985 only. Motion was made by Charles Langdeau to grant permission to the Men's Softball Organization to hold bingo in the tribal gym on May 18, 1985. This motion was seconded by William S. Jandreau and carried with five for, none opposed, one absent and none not voting.

11. LENORA LECOMPTE'S REQUEST - Lenora LeCompte submitted a request for some excess buffalo fence. Chairman Jandreau suggested to have the Support Staff roll up the excess buffalo fence and it could be distributed in an orderly fashion, because there have been various requests for the fence. Motion was made by William Ziegler to follow through with Chairman Jandreau's suggestion. This motion was seconded by Kay Gourneau and carried with five for, none opposed, one absent and none not voting.

12. GENERAL COUNSEL - The Tribe has been informed by the Agency Superintendent that in order to approve payment for General Counsel, Dave Bergren between January 15 - 28, 1985, there is a need to modify the contract starting. Six invoices for payment were received from Dave Bergren. They are in reference to the General Counsel, CETA, Lower Brule Construction Company, Morris Irrigation, Pitney Bowes, and Unemployment Compensation. Motion was made by Kay Gourneau to amend Resolution No. 85-28, Approve General

(#12. General Counsel Cont'd.) - Counsel Contract with David L. Bergren to state the contract starting date for General Counsel, David L. Bergren is January 15, 1985 and authorize payment to General Counsel, David L. Bergren for the billings covering the period of February 14, 1985 through April 17, 1985, in the approved amounts. This motion was seconded by William Ziegler and carried with five for, none opposed, one absent and none not voting.

13. DOG CONTROL - The CHRs had approached Darrell Middletent the other day in reference to what the Council could do about all the stray dogs. The reason for their concern is because of last year's tick fever. Mr. David Mosier, Indian Health Service, informed the Council that they would help with means of destroying dogs and cats and IHS would provide supplies for spraying. The Tribe does provide rabies clinics. The rabies vaccination will be done in June by IHS personnel. They do encourage dog control. There were several incidents of dog bites here last year. Discussion was held in reference to the Council adopting a dog ordinance for the reservation. Mr. Mosier and Robert Baldwin, IHS Representatives offered their assistance in developing a dog ordinance for the Tribe. Chairman Jandreau requested the Tribal Council to appoint Darrell Middletent and William Ziegler to work with IHS in developing a dog ordinance and bring back to the Council for review at the next Tribal Council meeting. Motion was made by Charles Langdeau to approve Chairman Jandreau's request and appoint Darrell Middletent and William Ziegler to work with IHS in developing a dog ordinance to be reviewed by the Council at the next Tribal Council meeting. This motion was seconded by William S. Jandreau and carried with five for, none opposed, one absent and none not voting. The IHS Representatives offered to help the Tribe develop any future ordinances if they so request.

RECESS - The Council recessed for the lunch hour. The meeting reconvened at 1:30 PM with the same Members present.

(#1. Finance Office Cont'd.) - Howard Green returned to the meeting and gave a report to the Council on his call with IBM for installment purchase and term lease of a computer. The Council discussed that it would be cumbersome for the Tribe if they would have to make a down payment on the computer system. Chairman Jandreau recommended the Tribe struggle along with the present computer system until the Tribe has a more stable financial base. Trish Londell said if the Tribe uses the present system, then we would need to train the staff on some of the programs to be used. Initially the Tribe could do without seven (7) work stations. The Council discussed where the money would come from to purchase a new computer system. Chairman Jandreau recommended not to take it out of the Tribe's general operating budget. The IBM proposal price does include some training. Presently there are only two (2) people using the present computer system because of the time needed and only two terminals available. Trish Londell recommends the Tribe run with the old system now and start the new system chart of accounts beginning with FY-86, then the Tribe would be current with everything. Ron Tedrow had previously informed the Council that he felt this system was adequate for what we have if used to its fullest capacity. The Council discussed the down payment, purchase price and lease terms. Motion was made by Kay Gourneau to have Chairman Jandreau and William Ziegler get with the IBM Representatives to discuss their proposal before the Tribal Council makes a final decision. This motion was seconded by Ted Rouillard and carried with six for, none opposed, none absent, and none not voting.

14. FEDERAL OIL & GAS ROYALTY MANAGEMENT ACT - Pay Henmy, Aberdeen Area Office Representative was present to explain to the Tribe some of the opportunities that begin evolving in the oil and gas leasing. He said the Tribe had a previous offer to enter into an oil

17. OGLALA SIOUX TRIBE - A letter dated April 9, 1985 to Mr. Webster Two Hawk, Rosebud Sioux Tribal Chairman from Chairman Newton Cummings was received. The letter was in reference to a Cooperative Intertribal Agreement On Individual Land Exchanges. Chairman Cummings had suggested in his letter that perhaps Clarence Skye, Executive Director, United Sioux Tribes Development Corporation should include this matter on the agenda at the next United Sioux Tribes meeting. If this Cooperative Agreement were to become a reality it would mean, i.e., if you were enrolled on the Lower Brule Reservation and if you had land on Rosebud and Lower Brule, you could exchange to have all the interests on the Lower Brule Reservation. Motion was made by William S. Jandreau to authorize the Chairman and Secretary/Treasurer to enter into a cooperative agreement with other Sioux Tribes for the purpose of inventorying all land owned on each reservation by Members of other Tribes and to assist Tribal Members to exchange their interests on other reservations for land on their own reservation. This motion was seconded by Kay Gourneau and carried with six for, none opposed, none absent and none not voting. This would have to be approved by the Secretary of Interior and become a part of the BIA System.
18. TRIBAL VETERANS SERVICE OFFICER - A letter dated April 11, 1985 was received from Ernest Azure, Sr., Tribal Veterans Field Officer II, South Dakota Division of Veterans Affairs in reference to the Tribal Veterans Service Officer, Tony LaRoche, Jr. The letter indicated that according to the Guidelines for appointment of a Veterans Service Officer, the service officer must be a War Time Veteran. Mr. LaRoche had informed Mr. Azure that he was a Peace Time Veteran. A letter dated April 30, 1985 was received from Glenn R. Green, Director, South Dakota Division of Veterans Affairs in reference to the increase in salary for the Tribal Veterans Service Office and more of the cost being beared by the Tribe. Using the new salary schedule, the Tribe would have to pay salary up to or over \$4,000.00 during the Calendar Year 1985, in order to qualify for a State reimbursement of \$1,000.00. All of this, of course, is based on appropriated dollars being available, along with your Service Officer meeting all training requirements. Motion was made by Ted Rouillard to advertise the Tribal Veterans Service Officer's position for a period of two (2) weeks. This motion was seconded by William Ziegler and carried with five for, none opposed, one absent and none not voting.
19. TRIBAL COUNCIL MINUTES - Motion was made by Ted Rouillard to approve the April 1, 1985 and April 3 & 4, 1985 Tribal Council Minutes with corrections as specified by Charles Langdeau and William Ziegler. This motion was seconded by Darrell Middleton and carried with five for, none opposed, one absent and none not voting.
20. OVERALL ECONOMIC DEVELOPMENT PLAN - A draft resolution was submitted by Larry Mendoza to approve the OEDP Plan Update and Priorities for FY-85. Motion was made by Ted Rouillard to adopt this resolution. This motion was seconded by Charles Langdeau and carried with five for, none opposed, one absent and none not voting.
21. MINI-FARMS - Paul Estes, Mini-Farms Director, has requested approval for acquisition of materials which he received bids on. Paul E. had previously presented the purchase orders to Charles Langdeau and William Ziegler while Chairman Jandreau was attending a meeting. The purchase orders were to be acted on before payment was made, but because of the time frame, payment was made for purchase. Mr. Estes need action from the Council to approve the purchases because they were of better quality and more or a long lasting benefit to the program. Motion was made by William Ziegler to approve for the purchase of a mulch layer, sprayer, fertilizer, potato seed, transplant, drip

(#21. Mini-Farms Cont'd.) - tubing and mulch film, planter and cultivator and a tractor. This motion was seconded by Darrell Middletent and carried with six for, none opposed, none absent and none not voting. Boyd Brummond, Extension Agriculture Agent discussed the marketing status and analysis for the Mini-Farms with Rural Ventures. Rural Ventures has contacted three town for marketing of the produce from Mini-Farms. Paul Estes will be in contact with Rural Ventures.

22. FRANCIS L. KILLER & ASSOCIATES - Invoices for payment were received from Francis L. Killer & Associates. Discussed that questioned costs under the Grassrope Project were cleared up by Lowell Azure, Aberdeen Area Office. Council discussed whether to continue Francis L. Killer's contract with the Tribe or terminate it. Motion was made by Ted Rouillard to withhold payment on the submitted invoices until such time that Mr. Killer returns all the Tribe's documents in his possession, and terminate his contract with the Tribe. This motion was seconded by William S. Jandreau and carried with six for, none opposed, none absent and none not voting.

23. FIRST NATIONS FINANCIAL PROJECT - Chuck Jacobs, Representative of the First Nations Financial Project submitted a survey which he wished to have filled out by a person living on the reservation. Larry Mendoza, Acting EDA Planner has reviewed the survey and feels the survey indicated that the answers to the questions were just too personal and doesn't recommend completing the survey. No Council action was taken at this time, for informational purposes only.

24. TRAFFIC CITATIONS - A memorandum was received from Art Batin, Criminal Investigator in reference to enforcing traffic citations. Mr. Batin, in his memorandum, referred to the South Dakota Traffic Code. Chairman Jandreau entertained a motion that Art Batin get a copy of the South Dakota Traffic Code for Council Members to review at a special meeting within two (2) weeks. Motion was made by Kay Gourneau to so move. This motion was seconded by William Ziegler and carried with six for, none opposed, none absent and none not voting.

25. WEST BRULE - Discussed the traffic speed on the road of Brule West. Charles Langdeau recommended that Roy Griffith, Acting Superintendent direct Lowell Koepsel, Facilities Manager, to put a speed sign on the road by Brule West, of thirty-five (35) miles per hour. Motion was made by Charles Langdeau to direct the Bureau of Indian Affairs to check out all speed signs and put up a thirty-five (35) mile per hour speed sign at Brule West. This motion was seconded by William S. Jandreau and carried with five for, none opposed, one absent and none not voting.

26. INDIAN HEALTH SERVICE - The Tribe needs to develop a list of those persons eligible for Indian Health Service water for scattered sites. A list was previously sent to IHS but it was rejected. This list would include services for hookups to water and sewer, drain fields, and septic tanks. The Tribe would submit these names for water and sewer lines. The Council concurred to table this until tomorrow.

27. LISA ESTES' REQUEST - Lisa Estes submitted a written request to borrow funds from the Tribe's Rehab Account to build a basement and move her house onto her homesite. She's requesting to borrow \$8,000.00 and make payments of \$75.00 per pay period to the Tribe. Chairman Jandreau would like to see a plan put together with a repayment schedule. No action was taken at this time.

28. GUARANTEED LOAN PROGRAM - Ted Rouillard informed the Council that the Loan Specialist from the Aberdeen Area Office and Bureau of Indian Affairs have not approved housing loans since the early 1970's. There are enrolled Members of the Tribe who desire to own their own homes and there is no immediate source of funding to provide for the housing needs of these enrolled Members. In accordance with 25 CFR Part 103 3(a), the BIA can provide Direct and Guarantee Loans to those eligible enrolled tribal Members. Motion was made by Charles Langdeau to request that the Bureau of Indian Affairs take immediate action to process loan applications and provide technical assistance for those enrolled Members who are eligible under the provisions of 25 CFR Part 103 3(a). This motion was seconded by Kay Gourneau and carried with six for, none opposed, none absent and none not voting.
- (#27. Lisa Estes' Request Cont'd.) - Motion was made by Kay Gourneau to table this request until Ted Rouillard looks into the capability of monies being available through the Direct Loan Program. This motion was seconded by William S. Jandreau and carried with six for, none opposed, none absent and none not voting.
29. SELF-DETERMINATION GRANT - A letter dated April 26, 1985 was received from Edwin Miller, Agency Superintendent informing Chairman Jandreau that \$3,100.00 was available for Self-Determination. However, an application for grant funding for Self-Determination needs to be submitted. Chairman Jandreau wishes direction from the Council as to what Larry Mendoza, Acting EDA Planner should write the grant application for. Discussion was held in reference to the items that the money could be used for. Motion was made by Kay Gourneau that the Tribal Chairman be authorized and directed to sign the application, submit it to the Bureau of Indian Affairs, negotiate its terms, execute the ensuing agreement, seek and execute modifications thereto as are required during the life of the grant. This motion was seconded by William Ziegler and carried with six for, none opposed, none absent and none not voting.
30. WILDLIFE LICENSE - A letter dated April 10, 1985 was received from Mr. David C. Loup, Chief, Pierre, Real Estate Office, Corps of Engineers in reference to the Tribe applying for a Wildlife License with the Corps of Engineers. In Mr. Loup's letter he stated that he had been advised by the Omaha District Office that it would be necessary for the Tribe to agree to waive its sovereign immunity as it applies to the proposed Wildlife License. Motion was made by Ted Rouillard to deny the Corps of Engineer's request for the Tribe to waive its sovereign immunity as it pertains to the Wildlife license. This motion was seconded by Darrell Middletent and carried with five for, none opposed, one absent and none not voting.
31. COUNCIL MEMBER'S MILEAGE - Motion was made by Kay Gourneau to approve the mileage sheets submitted by Ted Rouillard, William Ziegler, and William S. Jandreau. This motion was seconded by Darrell Middletent and carried with six for, none opposed, none absent and none not voting.
32. PURCHASE OF LAND PAYMENT PLAN - William Ziegler is requesting approval of a Payment Schedule for the land which has been approved for sale by the Tribe to him. Mr. Ziegler proposed to make a payment on May 1, 1985, August 1, 1985 and the final payment on November 1, 1985. Motion was made by Kay Gourneau to approve William Ziegler's request for a payment schedule on his land purchase. This motion was seconded by Darrell Middletent and carried with five for, none opposed, none absent and one not voting (William Ziegler).

33. SERVICE UNIT DIRECTOR'S POSITION - Chairman Jandreau, Kay Gourneau and Ted Rouillard attended a meeting yesterday at Al's Oasis, Chamberlain, South Dakota, where they were part of an interviewing group for the Service Unit Director applicants. Motion was made by Ted Rouillard to recommend the following for the Service Unit Director position, 1.) Ted White, 2.) Arvada Tout Stops, and 3.) Nanny Smith. This motion was seconded by Kay Gourneau and carried with five for, none opposed, one absent and none not voting.
34. LOWER BRULE CONSTRUCTION COMPANY - The Lower Brule Construction Company has requested to have the tribal tractor which is located in the Bull Pen for use, and they will take care of all repairs. Motion was made by Charles Langdeau to grant their request. This motion was seconded by Ted Rouillard and carried with five for, none opposed, one absent and none not voting.
35. LAROCHE SCHOOLHOUSE - The LaRoche Schoolhouse needs to be moved from its present location because of the irrigation water problems. The Council discussed the possibility of moving the Schoolhouse to the Goose Camp and it could be utilized for the hunters. Motion was made by Charles Langdeau to have the Lower Brule Construction Company move the schoolhouse to the Goose Camp, and clean up the sight. This motion was seconded by Ted Rouillard and carried with five for, none opposed, one absent and none not voting.
36. OFF-RESERVATION MEMBER'S REQUEST - William S. Jandreau received a letter from Dorothy Tapley requesting assistance from the Tribe for a stove and refrigerator. Mr. Jandreau asked the Council if the tribe could provide her some assistance. Discussed the possibility of getting furniture, stoves and refrigerators from the Yankton State College, as it has closed down. Motion was made by William S. Jandreau that Dorothy Tapley be placed first preference on the list to receive a stove and refrigerator, if they are obtained from the College. This motion was seconded by William Ziegler and carried with six for, none opposed, none absent and none not voting.
37. BLACK HILLS CLAIM - DOCKET #74 - Yesterday was the deadline for the Tribe's to appeal the decision of the Black Hills Claim, Docket #74. Chairman Jandreau recommends the Tribe disseminate information to the tribal Members as to what has occurred, where we're at, and request some direction in guiding the Tribal Council in making a decision, from the tribal Members. The Council concurred with Chairman Jandreau's recommendation.
38. ED SHIELDS' REQUEST - Mr. Ed Shields has submitted a written request to purchase the Tribe's old air compressor which is stored in the Ambulance building, to be used for parts. The Council concurred to sell the air compressor to Mr. Shields.
39. TRACTOR DISK - Mr. Fay Jandreau has requested to purchase the Tribe's tractor disk which is located at the Rodeo Grounds, if the Tribe does not wish to repair and use it. The Council concurred that the Lower Brule Construction Company will repair the tractor disk and put it on their property list.
40. DETENTION FACILITY - The Bureau of Indian Affairs, Lower Brule Agency has informed the Tribe of the need to renovate the Detention Facility. The Assistant Area Director informed the Tribe they can enter into an agreement with the BIA permitting the BIA to use the facility rent free. Under this agreement the Tribe would retain ownership of the faci-

(#40. Detention Facility Cont'd.) - lity, however, it would be added to the BIA's inventory and the BIA could then use facility funds for operation, maintenance and repair. Motion was made by William Ziegler to release the Detention Facility to the Bureau of Indian Affairs for free use, provided they pick up the tribal employee currently working under the lease income. This motion was seconded by Kay Gourneau and carried with six for, none opposed, none absent and none not voting.

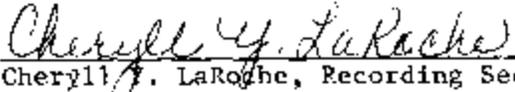
41. TRAVEL POLICY - Motion was made by Kay Gourneau to only require hotel and airfare receipts on all out of state travel, retro-active to April 1, 1985. This motion was seconded by Ted Rouillard and carried with six for, none opposed, none absent and none not voting.

42. INDIAN HEALTH SERVICE - Because of the break-out of Tick Fever in the Lower Brule Community last summer, motion was made by Darrell Middletent to request the Indian Health Service to spray the Lower Brule Reservaion for ticks. This motion was seconded by William Ziegler and carried with six for, none opposed, none absent and none not voting.

ADJOURNMENT - With no further business, Chairman Jandreau entertained a motion to adjourn. Motion was made by Kay Gourneau to adjourn the meeting. This motion was seconded by Darrell Middletent and carried with 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 1st of May, 1985.


Cheryl J. LaRoche, Recording Secretary

LOWER BRULE SIOUX TRIBAL COUNCIL
SPECIAL MEETING
May 6, 1985

PRESENT: Michael B. Jandreau, Chairman
Ted Rouillard
Charles Langdeau
Darrell Middletent

ABSENT: Kay Gourneau
William Ziegler
William S. Jandreau

The meeting was called to order by Chairman Jandreau at 4:00 PM. Roll call was taken by the Recording Secretary and Chaplain Langdeau led the Lord's Prayer.

1. JTPA PROGRAM - The Council discussed that they don't see a problem with hiring participants from JTPA on the Bureau of Land Management Survey crew that will be working on the reservation. Discussed that under the Civil Rights Act, the Indian employment clause could be used. Motion was made by Charles Langdeau to adopt a Tribal Employment Rights Office Ordinance (TERO). This motion was seconded by Darrell Middletent and carried with three for, none opposed, three absent and none not voting, quorum present.
2. FRITZ LAROCHE'S REQUEST - Fritz LaRoche has submitted a written request to the Council to take in ninety (90) head of cattle on his Range Unit for a period of five (5) months, starting immediately. Chairman Jandreau said in reference to the charge when taking in cattle, the Bureau of Indian Affairs maintains they have to charge the Area Director's rate and Chairman Jandreau said if the BIA has a problem with the rent charge granted by the Tribe for Members to take in cattle, they would have to come back to the Tribal Council because they have taken the action and they will stand on the action that has been taken. Motion was made by Ted Rouillard to grant Fritz LaRoche's request to take in another ninety (90) head of cattle on his Range Unit #34 for a period of five (5) to six (6) months and he be charged the same rate for said cattle as he is charged for his own cattle, \$40.00 per animal unit. This motion was seconded by Charles Langdeau and carried with three for, none opposed, three absent, none not voting, quorum present.
3. SCHOOL BOARD - William Schmidt submitted a draft resolution for the Council to approve the School Board to hire legal services. Motion was made by Ted Rouillard to adopt the resolution approving the authority of the Lower Brule School Board to hire a General Counsel. This motion was seconded by Darrell Middletent and carried with three for, none opposed, three absent, and none not voting, quorum present. This approval will be in effect until rescinded by the Tribal Council.
4. BLACK HILLS STEERING COMMITTEE - Charlotte Black Elk, Black Hills Steering Committee Representative, has submitted a draft resolution in reference to approval of the Sioux Nation Black Hills Act and authorizing the transmittal for introduction in the Congress of the United States. The Steering Committee is asking for the Tribe's support. Ted Rouillard attended the meeting where the Committee reviewed this Bill. The Committee does have a Senator in Congress who will introduce and support this Bill. There will be a meeting on May 13, 1985 in Rapid City in reference to this Bill. Motion was made by Ted Rouillard to authorize travel for those Council Members who wish to attend this meeting. This motion was seconded by Darrell Middletent and carried with three for, none opposed, three absent and none not voting, quorum present. The draft resolution has been reviewed many times by the Committee and this is the final draft. Dave Bergren, General Counsel had attended the Steering Committee's meeting and reviewed this bill. Chairman Jandreau sees no problem with this Bill being introduced into Congress. Motion was made

(#4. Black Hills Steering Committee Cond't.) - by Ted Rouillard to adopt this resolution submitted by the Black Hills Steering Committee, approving the Sioux Nation Black Hills Act, as transmitted and authorizes the transmittal for introduction in the Congress of the United States. This motion was seconded by Charles Langdeau and carried with three for, none opposed, three absent and none not voting, quorum present.

(#1. JTPA Program Cont'd.) - Chairman Jandreau received a phone call from Mr. Herman Narcho, JTPA Program, Washington, D.C. and Mr. Narcho indicated who the Tribe could have as their prime sponsor for the next years JTPA Program funds. Chairman Jandreau informed Mr. Narcho that he would bring this to the attention of the Council. Chairman Jandreau feels the Central Office can't take the program away from the Tribe as long as the Tribe makes an attempt to settle the disallowed costs. The Tribe has been put on a conditional designation for this year. The Council might have to schedule a meeting in Washington, D.C. to get next year's funding or preserve this year's program. Discussion was held in reference to other Tribes JTPA Programs. Chairman Jandreau had submitted the Tribe's offer for a repayment plan but the Central Office of the Department of Labor refused it. The Central Office of the Department of Labor wants the total payment of disallowed costs immediately, which totals approximately \$169,000.00. The Central Office of the Department of Labor does possess the authority to waive the interest which has accumulated on the disallowed costs. If the Council brings political pressure from the Congressional Delegates, they may get this matter resolved. Motion was made by Ted Rouillard to write the Congressional Delegates of the Tribe's position with the JTPA Program, the appeal, and request their support in resolving this matter, and authorize travel to any Council Member who wishes to travel to Washington, D.C. regarding the JTPA Program, if necessary. This motion was seconded by Charles Langdeau and carried with three for, none opposed, three absent and none not voting, quorum present.

5. FRANCIS L. KILLER & ASSOCIATES - Francis L. Killer had phoned Chairman Jandreau in reference to the Council's previous action when they terminated his contract and withheld payment on the invoices he submitted until such time he returns the Tribe's records. Mr. Killer told Chairman Jandreau he would be present at today's meeting to present the tribal records to the Council. Mr. Killer did not show up for the meeting. Dave Bergren, General Counsel, told Chairman Jandreau that now Francis Killer is in the position and responsible to get all questions answered because he's already been paid and he started the appeals. Chairman Jandreau informed the Council of his phone conversation with Janice Chattleston. No action was taken at this time.

6. JUVENILE ALCOHOL & DRUG ABUSE - A Representative from the Committee on Interior and Insular Affairs called Chairman Jandreau and informed him that they would be in Rapid City on May 29, 1985 to have field hearings on Juvenile Alcohol & Drug Abuse. They will call back to get who the Tribe wants to provide testimony.

7. ALCOHOLISM PROGRAM DIRECTOR'S POSITION - Six (6) applications were received for the position of Alcoholism Director. The Alcoholism Board held a meeting and recommended Freeman Zephier for the Director's position. Ted Rouillard suggested the Council should interview the top three (3) applicants. The Council concurred to interview Freeman Zephier, Brenda Fast Horse and Gregg Miller for the Director's position on Friday, May 10, 1985 at 1:00 PM.

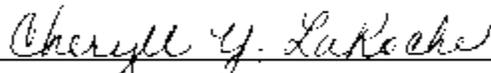
8. TRIBAL POSITIONS - The Council discussed the positions of Grants & Contracts Officer, Human Resource Coordinator and the JTPA Summer Youth positions. These positions are vacant and the Council discussed the possibility of making selections to fill these positions on Friday, May 10, 1985.

9. HOME IMPROVEMENT PROGRAM SURVEY - There is a need to do something about completing the Home Improvement Program Survey (H.I.P.). Ted Rouillard suggested that the Tribe ask the Bureau of Indian Affairs to go ahead and get the survey completed, but we will need to request a time extension. Discussion was held in reference to hiring Mr. Orville C. Langdeau to complete the whole survey. Motion was made by Darrell Middletent to request a thirty (30) day extension on the HIP Survey and to employ Orville C. Langdeau to complete the whole survey. This motion was seconded by Charles Langdeau and carried with three for, none opposed, three absent and none not voting, quorum present.

ADJOURNMENT - With no further business, Chairman Jandreau entertained a motion to adjourn. Motion was made by Charles Langdeau to adjourn the meeting. This motion was seconded by Ted Rouillard and carried with three for, none opposed, three absent and none not voting, quorum present.

CERTIFICATION

The foregoing is a true and correct transcript of Minutes of a Special Meeting held by the Lower Brule Sioux Tribal Council on the 6th day of May, 1985.



Cheryl A. LaRoche, Recording Secretary

LOWER BRULE SIOUX TRIBAL COUNCIL
SPECIAL MEETING
May 6, 1985

PRESENT: Michael B. Jandreau, Chairman
Ted Rouillard
Charles Langdeau
Darrell Middletent

ABSENT: Kay Gourneau
William Ziegler
William S. Jandreau

The meeting was called to order by Chairman Jandreau at 4:00 PM. Roll call was taken by the Recording Secretary and Chaplain Langdeau led the Lord's Prayer.

1. JTPA PROGRAM - The Council discussed that they don't see a problem with hiring participants from JTPA on the Bureau of Land Management Survey crew that will be working on the reservation. Discussed that under the Civil Rights Act, the Indian employment clause could be used. Motion was made by Charles Langdeau to adopt a Tribal Employment Rights Office Ordinance (TERO). This motion was seconded by Darrell Middletent and carried with three for, none opposed, three absent and none not voting, quorum present.
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4. BLACK HILLS STEERING COMMITTEE - Charlotte Black Elk, Black Hills Steering Committee Representative, has submitted a draft resolution in reference to approval of the Sioux Nation Black Hills Act and authorizing the transmittal for introduction in the Congress of the United States. The Steering Committee is asking for the Tribe's support. Ted Rouillard attended the meeting where the Committee reviewed this Bill. The Committee does have a Senator in Congress who will introduce and support this Bill. There will be a meeting on May 13, 1985 in Rapid City in reference to this Bill. Motion was made by Ted Rouillard to authorize travel for those Council Members who wish to attend this meeting. This motion was seconded by Darrell Middletent and carried with three for, none opposed, three absent and none not voting, quorum present. The draft resolution has been reviewed many times by the Committee and this is the final draft. Dave Bergren, General Counsel had attended the Steering Committee's meeting and reviewed this bill. Chairman Jandreau sees no problem with this Bill being introduced into Congress. Motion was made

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7. ALCOHOLISM PROGRAM DIRECTOR'S POSITION - Six (6) applications were received for the position of Alcoholism Director. The Alcoholism Board held a meeting and recommended Freeman Zephier for the Director's position. Ted Rouillard suggested the Council should interview the top three (3) applicants. The Council concurred to interview Freeman Zephier, Brenda Fast Horse and Gregg Miller for the Director's position on Friday, May 10, 1985 at 1:00 PM.

8. TRIBAL POSITIONS - The Council discussed the positions of Grants & Contracts Officer, Human Resource Coordinator and the JTPA Summer Youth positions. These positions are vacant and the Council discussed the possibility of making selections to fill these positions on Friday, May 10, 1985.

9. HOME IMPROVEMENT PROGRAM SURVEY - There is a need to do something about completing the Home Improvement Program Survey (H.I.P.). Ted Rouillard suggested that the Tribe ask the Bureau of Indian Affairs to go ahead and get the survey completed, but we will need to request a time extension. Discussion was held in reference to hiring Mr. Orville C. Langdeau to complete the whole survey. Motion was made by Darrell Middletent to request a thirty (30) day extension on the HIP Survey and to employ Orville C. Langdeau to complete the whole survey. This motion was seconded by Charles Langdeau and carried with three for, none opposed, three absent and none not voting, quorum present.

ADJOURNMENT - With no further business, Chairman Jandreau entertained a motion to adjourn. Motion was made by Charles Langdeau to adjourn the meeting. This motion was seconded by Ted Rouillard and carried with three for, none opposed, three absent and none not voting, quorum present.

CERTIFICATION

The foregoing is a true and correct transcript of Minutes of a Special Meeting held by the Lower Brule Sioux Tribal Council on the 6th day of May, 1985.

Cheryll Y. LaRoche, Recording Secretary

LOWER BRULE SIOUX TRIBAL COUNCIL
SPECIAL MEETING
May 14, 1985

PRESENT: Michael B. Jandreau, Chairman ABSENT: Charles Langdeau
Kay Gourneau William Ziegler
Ted Rouillard William S. Jandreau
Darrell Middletent

ALSO PRESENT: Alvin Thompson, Native American Criminal Justice Institute
Pamela Fahey; Orville C. Langdeau, H.I.P., George Estes,
Lakota Heritage Cultural Center, Inc.

The meeting was called to order by Chairman Jandreau at 11:03 AM. Roll Call was taken by the Recording Secretary and Chairman Jandreau led the Lord's Prayer.

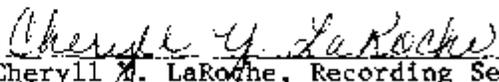
1. NATIVE AMERICAN CRIMINAL JUSTICE INSTITUTE - Mr. Alvin Thompson, Interim President of the Native American Criminal Justice Institute was present in reference to the Institute's proposal. This proposal is for funding so that NACJI can conduct research on reservation/rancherias and urban centers across the country, seeking out the causes behind maladaptive behavior. Motion was made by Kay Gourneau to support the Native American Criminal Justice Institute proposal pending availability of funds. This motion was seconded by Ted Rouillard and carried with three for, none opposed, three absent and none not voting, quorum present.
2. HOME IMPROVEMENT PROGRAM - Orville C. Langdeau presented a list of the housing needs for the reservation. Mr. Langdeau informed the Council that a format for the resolution needing to be adopted would be coming down from the Area Office. Motion was made by Darrell to approve the results of the survey. This motion was seconded by Ted Rouillard and carried with three for, none opposed, three absent and none not voting, quorum present. Motion was made by Ted Rouillard to hire Orville C. Langdeau for the purpose of getting the HIP survey together, for a period of four (4) weeks and that he be paid out of HIP funds. This motion was seconded by Darrell Middletent and carried with three for, none opposed, three absent and none not voting, quorum present.
3. INDIAN HEALTH SERVICE - Motion was made by Kay Gourneau to adopt a resolution approving the list of priorities (names) to receive water and sewer services provided by Indian Health Service, and that Abe Langdeau, Jr.'s name be added to the list. This motion was seconded by Darrell Middletent and carried with three for, none opposed, three absent and none not voting, quorum present.
4. E.D.A. PLANNING GRANT FY-85 - Motion was made by Kay Gourneau to request the continuation of the Economic Development Administration Planning Grant, as proposed, for the period of August 1, 1985 through July 31, 1986, or twelve (12) months beyond FY-84 grant ending date. This motion was seconded by Ted Rouillard and carried with three for, none opposed, three absent and none not voting, quorum present.
5. LAKOTA HERITAGE CULTURAL CENTER, INC. - Mr. George Estes, Lakota Heritage Cultural Center, Inc. Representative presented his proposal in reference to selling shares of stock to the Tribe. Motion was made by Kay Gourneau to table any decision on this matter until such time the whole Tribal Council can be present. This motion was seconded by Darrell Middletent and carried with three for, none opposed, three absent and none not voting, quorum present.

6. ALCOHOLISM PROGRAM DIRECTOR'S POSITION - The Council interviewed three (3) of the applicants for the Alcoholism Program Director's position on Friday, May 10, 1985. The interviews were with Freeman Zephier, Gregg Miller and Brenda Fast Horse. Motion was made by Kay Gourneau to go with the Interviewing Committee's recommendation for Gregg Miller as Alcoholism Program Director and also to contact the Alcoholism Commission Board Members to see if they're still interested in sitting on the Commission. This motion was seconded by Darrell Middletent and carried with three for, none opposed, three absent and none not voting.
7. TRIBAL POSITIONS - There are two (2) positions vacant for the Summer Food Service Program. They are a Cook-Aide and Cook-Janitor. Motion was made by Kay Gourneau to select Gladys LaRoche as the Cook-Aide and Doris Grassrope as Alternate. This motion was seconded by Darrell Middletent and carried with three for, none opposed, three absent and none not voting, quorum present. Motion was made by Darrell Middletent to select Pauline Middletent as Cook-Janitor and Carol Thompson as Alternate. This motion was seconded by Ted Rouillard and carried with three for, none opposed, three absent and none not voting, quorum present. Motion was made by Ted Rouillard to hire Bert Goodface as the IHS Clinic Janitor. This motion was seconded by Kay Gourneau and carried with three for, none opposed, three absent and none not voting, quorum present.

ADJOURNMENT - With no further business, Chairman Jandréau entertained a motion to adjourn. Motion was made by Kay Gourneau to adjourn the meeting. This motion was seconded by Ted Rouillard and carried with three for, none opposed, three absent and none not voting, quorum present.

CERTIFICATION

The foregoing is a true and correct transcript of Minutes of a Special Meeting held by the Lower Brule Sioux Tribal Council on the 14th day of May, 1985.


Cheryl G. LaRoche, Recording Secretary

LOWER BRULE SIOUX TRIBAL COUNCIL
SPECIAL MEETING
May 14, 1985

PRESENT: Michael B. Jandreau, Chairman
Kay Gourneau
Ted Rouillard
Darrell Middletent

ABSENT: Charles Langdeau
William Ziegler
William S. Jandreau

ALSO PRESENT: Alvin Thompson, Native American Criminal Justice Institute
Pamela Fahey; Orville C. Langdeau, M.I.P., George Estes,
Lakota Heritage Cultural Center, Inc.

The meeting was called to order by Chairman Jandreau at 11:03 AM. Roll Call was taken by the Recording Secretary and Chairman Jandreau led the Lord's Prayer.

1. NATIVE AMERICAN CRIMINAL JUSTICE INSTITUTE - Mr. Alvin Thompson, Interim President of the Native American Criminal Justice Institute was present in reference to the Institute's proposal. This proposal is for funding so that NACJI can conduct research on reservation/rancherias and urban centers across the country, seeking out the causes behind maladaptive behavior. Motion was made by Kay Gourneau to support the Native American Criminal Justice Institute proposal pending availability of funds. This motion was seconded by Ted Rouillard and carried with three for, none opposed, three absent and none not voting, quorum present.
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CERTIFICATION

The foregoing is a true and correct transcript of Minutes of a Special Meeting held by the Lower Brule Sioux Tribal Council on the 14th day of May, 1985.

Cheryl Y. LaRoche, Recording Secretary

LOWER BRULE SIOUX TRIBAL COUNCIL,
SPECIAL MEETING
May 23, 1985

PRESENT: Michael B. Jandreau, Chairman
Kay Gourneau
William Ziegler
Ted Rouillard
Charles Langdeau
Darrell Middletent

ABSENT: William S. Jandreau

The meeting was called to order by Chairman Jandreau at 10:00 AM. Roll call was taken by the Recording Secretary and the Lord's Prayer was led by Chaplain Langdeau.

1. WILLIAM J. SRSTKA, JR.'S CONTRACT & INVOICES - Invoices for William J. Srstka, Jr.'s services were previously approved by the Council and submitted to the Bureau of Indian Affairs for final approval before payment. A letter was received from Superintendent Miller stating that he had no problem with the payment but without a contract with Mr. Srstka for the period covering the invoices, no payment could be made. Mr. Srstka has been acting as In-State Counsel for the Tribe since the time that Dennis Ickes was hired as Out-of-State Counsel. Motion was made by Kay Gourneau to have the Tribe hire and enter into a contract with William J. Srstka, Jr. effective January 1, 1981, to represent it as local Counsel, to represent it on the Election Board, to draft the new Election Ordinance and hear an election contest; and to represent the Tribe on an Election Lawsuit against the Council, and that said effective date be January 1, 1981 for all purposes. This motion was seconded by Darrell Middletent and carried with five for, none opposed, one absent and none not voting.
2. LOWER BRULE SIOUX MANAGEMENT CORPORATION - A Tribal Ordinance to establish the Lower Brule Sioux Management Corporation was drafted by General Counsel, Dave Bergren. The purpose of this Ordinance is to adopt the Corporation and they would serve at the Tribe's prime sponsor for the JTPA Program. Dave Bergren informed Chairman Jandreau this this local Corporation could be established, then submit their Charter & Bylaws as the Corporation you wish to receive the JTPA funds. The Congressional Delegates who are aware of the Tribe's situation don't feel that legally the Department of Labor can deny our prime sponsorship. Chairman Jandreau has asked some people to serve on the Board of Directors for this Corporation. They've agreed to serve on this Board provided the Council selects them. The terms for the Board of Directors have been set up for two (2) year terms so that the Corporation will have some continuity. The draft Tribal Ordinance establishes a Charter and Bylaws for the Corporation. Motion was made by Kay Gourneau to adopt the draft Ordinance establishing the Lower Brule Sioux Management Corporation. This motion was seconded by Charles Langdeau and carried with four for, none opposed, two absent and none not voting. Discussion was held in reference to the Mailgram received from Herbert Fellman, Chief, Division of Indian and Native American Programs regarding the Tribe's designation as a JTPA Grantee for program years 1985-1986 was revoked. Chairman Jandreau informed the Council that he talked to six (6) people in reference to serving on the Board of Directors for this Corporation. He asks the the Council to definitely appoint Mr. Tom Kuntz because Mr. Kuntz directs the JTPA Program under the United Sioux Tribes Development Corporation and his program has established credibility with the Department of Labor. The Board would consist of three (3) tribal members, two (2) non-members and an Advisor. Motion was made by Charles Langdeau to approve the following names submitted by Chairman Jandreau to be the Board of Directors for the Corporation

(#2. Lower Brule Sioux Management Corporation Cont'd.) - Tom Kuntz, Cy Maus, Debra Isburg, Patricia Madsen, Ronald Driving Hawk and Ron Tedrow as Advisor for the Corporation. This motion was seconded by Darrell Middletent and carried with four for, one opposed (William Ziegler), one absent and none not voting.

3. DISALLOWED COSTS CONTRACTS/GRANTS - A lengthy discussion was held in reference to disallowed costs under some of the Bureau of Indian Affairs, Indian Health Service and Health & Human Service contracts/grants which occurred during the 1982 and 1983 Tribal Administrations. The disallowed costs amount to \$33,715.15. The following are the actual expenditures and amounts which need to be transferred from the General Fund in order to continue operation of these contracts/grants.

<u>BIA Contracts/Grants</u>	<u>Reason - Disallowed</u>	<u>Amount</u>
Core Management	Wages and fringe paid to Pat Spears as Chairman in Executive Director position.	\$ 4, 578.27
Jobs Bill - Fencing	Over spent in contract total.	6,286.76
Home Improvement Program	Purchase of Shirley Flute's House & overdraft.	10,000.00
TWEP	Over budget FY-84.	311.07
Intertribal Appellate	Over refund.	13.00
Child Protection	Over budget in FY-83.	<u>1,439.06</u>
		\$22,656.16
<u>IHS Contracts/Grants</u>		
Master Health Contract #241-82-0015		
CHR Program	GSA Rental & Travel	\$ 1,870.15
Ambulance Program	GSA Rental, Travel & Garage Storage	1,249.44
Health Administration	Travel, Salary & Taxes	2,159.26
Alcoholism Program	Travel & Salary	<u>737.14</u>
		\$ 6,015.99
<u>HHS Contracts/Grants</u>		
Contract #241-80-0030	Over budget	\$ 8,543.00
Contract #241-80-0059	Over budget	1,459.00
Contract #241-79-0150	Readjustment	+3,135.00
Contract #241-81-0035	Readjustment	<u>+1,824.00</u>
		\$5,043.00

Total needed to be transferred to BIA, IHS & HHS = \$33,715.15 and these disallowed costs created a shortage of funds in the cash account. Chairman Jandreau needs authorization from the Council to extract this amount from the General Fund to be transferred into the BIA, IHS, and HHS Letter of Credits. Motion was made by Charles Langdeau to grant the Chairman authorization for transfer of funds from the General Fund into the BIA, IHS, and HHS Letter of Credits to cover the disallowed costs. This motion was seconded by William Ziegler and carried with five for, none opposed, one absent and none not voting. Discussion was held in reference to who's responsibility it is to see that these disallowed costs don't occur.

4. COUNCIL MEMBER'S TRAVEL - There will be a meeting held in Rapid City on May 28, 1985 in reference to testimony of the Indian Juvenile Alcoholism & Drug Abuse Prevention. The Tribe is on the agenda to give

(#4. Council Member's Travel Cont'd.) - testimony. The JADAP is covered under House Resolution 1156. On May 29, 1985 there will be another meeting in Rapid City by the Congressional Office of Technology Assessment to obtain comments on Indian Health Service activities with Tribes. Motion was made by Charles Langdeau to allow any Council Member who wishes to travel to these two (2) meetings. This motion was seconded by William Ziegler and carried with five for, none opposed, one absent and none not voting.

5. TRANSIT PROGRAM - Discussion was held regarding the contacts made in reference to funding for the Transit Program.

6. BUREAU OF LAND MANAGEMENT SURVEY - The Bureau of Land Management Survey Crew hired two (2) people from thirty-one (31) applicants that were received. They are Ron Wright and Elvis Grassrope.

7. WILDLIFE LICENSE - The Tribe has not received a response from the Corps of Engineers in reference to the Wildlife license since the Tribal Council denied to waive the Tribe's sovereign immunity to receive a Wildlife License.

8. SUPERINTENDENT OF SCHOOLS - William Schmidt and Dr. Dennis Fox, Education Specialist with the Central Office of Indian Affairs Program were present to discuss the matter of joining the position of Superintendent of Schools for the Lower Brule and Crow Creek Agencies. Besides Lower Brule Agency, Mr. Schmidt has been serving as the Superintendent of Schools for the Crow Creek Agency on a part-time basis. The Central Office is very pleased with the administering of both Education Systems by Mr. Schmidt. The Central Office has decided to join the position of both Superintendent of Schools for Lower Brule and Crow Creek Agencies and they wish to receive the Council's support. If the Central Office didn't make a decision to join this position, then administering of the Education Systems would be out of the Area Office. One concern which Chairman Jandreau has is that if they do this with education now, that further down the years, they don't combine both Agencies to operate as one which was done when they were located at the Pierre Agency. Crow Creek Agency did hire an Education Specialist which could serve Lower Brule part of the day. Dr. Fox said Chairman Wells, Crow Creek Sioux Tribe, said they're in the process of passing a resolution to support the joining of the two positions. Motion was made by Kay Gourneau to support the Central Office's efforts to join the positions of Superintendent of Schools for both Lower Brule and Crow Creek Agencies. This motion was seconded by Darrell Middleton and carried with five for, none opposed, one absent and none not voting.

ADJOURNMENT - With no further business, the Chairman entertained a motion to adjourn. Motion was made by Charles Langdeau to adjourn the meeting. This motion was seconded by Darrell Middleton and carried with five for, none opposed, one absent and none not voting.

CERTIFICATION

The foregoing is a true and correct transcript of Minutes of a Special Meeting held by the Lower Brule Sioux Tribal Council on the 23rd of May, 1985.


Cheryll Y. LaRoche, Recording Secretary

LOWER BRULE SIOUX TRIBAL COUNCIL
SPECIAL MEETING
May 23, 1985

PRESENT: Michael B. Jandreau, Chairman
Kay Gourneau
William Ziegler
Ted Rouillard
Charles Langdeau
Darrell Middletent

ABSENT: William S. Jandreau

The meeting was called to order by Chairman Jandreau at 10:00 AM. Roll call was taken by the Recording Secretary and the Lord's Prayer was led by Chaplain Langdeau.

1. WILLIAM J. SRSTKA, JR.'S CONTRACT & INVOICES - Invoices for William J. Srstka, Jr.'s services were previously approved by the Council and submitted to the Bureau of Indian Affairs for final approval before payment. A letter was received from Superintendent Miller stating that he had no problem with the payment but without a contract with Mr. Srstka for the period covering the invoices, no payment could be made. Mr. Srstka has been acting as In-State Counsel for the Tribe since the time that Dennis Ickes was hired as Out-of-State Counsel. Motion was made by Kay Gourneau to have the Tribe hire and enter into a contract with William J. Srstka, Jr. effective January 1, 1981, to represent it as local Counsel, to represent it on the Election Board, to draft the new Election Ordinance and hear an election contest; and to represent the Tribe on an Election Lawsuit against the Council, and that said effective date be January 1, 1981 for all purposes. This motion was seconded by Darrell Middletent and carried with five for, none opposed, one absent and none not voting.
2. LOWER BRULE SIOUX MANAGEMENT CORPORATION - A Tribal Ordinance to establish the Lower Brule Sioux Management Corporation was drafted by General Counsel, Dave Bergren. The purpose of this Ordinance is to adopt the Corporation and they would serve at the Tribe's prime sponsor for the JTPA Program. Dave Bergren informed Chairman Jandreau this this local Corporation could be established, then submit their Charter & Bylaws as the Corporation you wish to receive the JTPA funds. The Congressional Delegates who are aware of the Tribe's situation don't feel that legally the Department of Labor can deny our prime sponsorship. Chairman Jandreau has asked some people to service on the Board of Directors for this Corporation. They've agreed to serve on this Board provided the Council selects them. The terms for the Board of Directors have been set up for two (2) year terms so that the Corporation will have some continuity. The draft Tribal Ordinance establishes a Charter and Bylaws for the Corporation. Motion was made by Kay Gourneau to adopt the draft Ordinance establishing the Lower Brule Sioux Management Corporation. This motion was seconded by Charles Langdeau and carried with four for, none opposed, two absent and none not voting. Discussion was held in reference to the Mailgram received from Herbert Fellman, Chief, Division of Indian and Native American Programs regarding the Tribe's designation as a JTPA Grantee for program years 1985-1986 was revoked. Chairman Jandreau informed the Council that he talked to six (6) people in reference to serving on the Board of Directors for this Corporation. He asks the the Council to definitely appoint Mr. Tom Kuntz because Mr. Kuntz directs the JTPA Program under the United Sioux Tribes Development Corporation and his program has established credibility with the Department of Labor. The Board would consist of three (3) tribal members, two (2) non-members and an Advisor. Motion was made by Charles Langdeau to approve the following names submitted by Chairman Jandreau to be the Board of Directors for the Corporation

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ADJOURNMENT - With no further business, the Chairman entertained a motion to adjourn. Motion was made by Charles Langdeau to adjourn the meeting. This motion was seconded by Darrell Middletent and carried with five for, none opposed, one absent and none not voting.

CERTIFICATION

The foregoing is a true and correct transcript of Minutes of a Special Meeting held by the Lower Brule Sioux Tribal Council on the 23rd of May, 1985.

Cheryll V. LaRoche, Recording Secretary

LOWER BRULE SIOUX TRIBAL COUNCIL
SPECIAL MEETING
May 30, 1985

PRESENT: Michael B. Jandreau, Chairman
Kay Gourneau
William Ziegler
Darrell Middletent
Charles Langdeau
Ted Rouillard

ABSENT: William S. Jandreau

The meeting was called to order at 2:45 PM by Chairman Jandreau. Roll call was taken by the Recording Secretary and the Lord's Prayer was led by Chaplain Langdeau.

1. JTPA - SUMMER YOUTH PROGRAM - The Council reviewed the Summer Youth Employment Program time and attendance policy, Summer Youth Employment Program 1985 applicant list, work schedule and work sites. As of today, there are thirty-five (35) applicants and thirty-one (31) vacant positions. Chairman Jandreau asked the Council for direction as to what should be done with the SYEP at this time, because the Council had various questions as to the applicant list, categories, recommendations from JTPA, etc. and Maria Estes, JTPA Director was not available to clarify their questions. Motion was made by Kay Gourneau to table any decision on this matter until the Council can talk to Maria Estes in an official meeting. This motion was seconded by Charles Langdeau and carried with five for, none opposed, one absent and none not voting.
2. J.O.M. APPLICATION - A draft resolution has been submitted by Patricia Madsen, Headstart Director, for support of the J.O.M. application for FY-86 funding. A request has been made for the Tribe to submit a J.O.M. application for funding of FY-86 even though budget cuts have been made. Chairman Jandreau requests the Council to adopt this resolution. Motion was made by Charles Langdeau to adopt the resolution supporting the J.O.M. Application for FY-86 funding. This motion was seconded by Darrell Middletent and carried with five for, none opposed, one absent and none not voting.
3. TRIBAL EASEMENTS - Discussion was held in reference to easements needing to be done to West Central Electric Cooperative, Inc. for the new SD3-14 Housing Project on Brule West and the electrical lines which serve the Goose Camp at the Clark Ranch. Motion was made by Kay Gourneau to grant this easement to West Central Electric Cooperative free of charge and the Council waive the escrow deposit for damages and authorizes the Tribal Chairman to sign easements across all tribal land. This motion was seconded by Charles Langdeau and carried with five for, none opposed, one absent and none not voting.
4. TRIBAL COUNCIL MINUTES - Motion was made by Kay Gourneau to approve the Council Minutes to the May 1, 1985, May 6, 1985, May 14, 1985 and May 23, 1985 meetings. This motion was seconded by Darrell Middletent and carried with five for, none opposed, one absent and none not voting.
5. INDIAN PREFERENCE ON FEDERAL-AID PROJECTS - Chairman Jandreau received a Memorandum dated February 1, 1985 from R.A. Barnhart, U.S. Department of Transportation in reference to Indian Preference on Federal-aid Projects. Specifically, the opinion states that the Federal statutory conditions on Federal-aid highway fund expenditure requiring competitive bidding, 23 U.S.C. 112, and nondiscrimination, 23 U.S.C. 140, and their implementing regulations in 23 CFR Part 635 have not been amended,

(#5. Indian Preference On Federal-aid Projects Cont'd.) - superseded, or qualified by any other Federal enactment with respect to any assertion of State or Indian claims of "sovereignty" and their clear terms preclude Indian preference in any Federal-aid project. Therefore, in accordance with this opinion, no Indian preference, expressed or implied, may be imposed on any Federal-aid project with respect to contracting, subcontracting, or implementation of labor thereon. Chairman Jandreau read a letter dated May 18, 1985 received from Superintendent Miller in reference to local construction contracts. The letter was in regards to a meeting being scheduled for next week to assist the Tribe in increasing employment of local Indians through an increase of construction contracts in local firms. Motion was made by Ted Rouillard to have the Chairman meet with Superintendent Miller on this subject and to see that a follow up to the letter from R.A. Barnhart is done. This motion was seconded by Charles Langdeau and carried with five for, none opposed, one absent and none not voting.

6. LOWER BRULE HOUSING AUTHORITY BOARD - There are presently two (2) vacancies on the Lower Brule Housing Authority Board. Chairman Jandreau submitted his resignation from the Housing Authority Board at this time. Chairman Jandreau stated his reasons for the resignation from the Board. Chairman Jandreau suggested the Council select three (3) more people to sit on the Housing Board. Motion was made by Ted Rouillard to advertise the three positions of the Housing Board Members for a period of two (2) weeks to see if anyone is interested in sitting on the Board and authorize the two (2) present Housing Board Members to conduct any business if necessary, in the interim period. This motion was made by Charles Langdeau and carried with five for, none opposed, one absent and none not voting.

ADJOURNMENT - With no further business, Chairman Jandreau entertained a motion to adjourn. Motion was made by Kay Gourneau to adjourn the meeting. This motion was seconded by Darrell Middleton and carried with five for, none opposed, one absent and none not voting.

CERTIFICATION

The foregoing is a true and correct transcript of Minutes of a Special Meeting held by the Lower Brule Sioux Tribal Council on the 30th day of May, 1985.

Cheryll LaRoche, Recording Secretary

LOWER BRULE SIOUX TRIBAL COUNCIL
REGULAR MEETING
June 12 & 13, 1985

PRESENT: Michael B. Jandreau, Chairman ABSENT: None
Kay Gourneau
William Ziegler
Darrell Middleton
Charles Langdeau
Ted Rouillard
William S. Jandreau

ALSO PRESENT: Edwin L. Miller, Superintendent
Alvin Johnson
Jamie Longbrake, Indian Health Service
T. Charles Tonemah, Indian Health Service
Arvada Tout Stops, Service Unit Director
Ted & Jean Bolman
Dorothy Jones
Truman Grooms, Acting Grants & Contracts Officer
Marvin Olson, Natural Resources Officer
Myron Sougstad, IBM Representative
Howard Green, Tribal Operations Manager
Larry Mendoza, Acting EDA Planner
Dave Bergren, General Counsel
Nyal Brings, Small Loans Committee
Marilyn Harmon, " " "

The meeting was called to order by Chairman Jandreau at 10:07 AM. Roll call was taken by the Recording Secretary and the Lord's Prayer was led by Chaplain Langdeau.

1. MINORITY STUDENT PROGRAM - A letter dated May 23, 1985 was received from Catherine J. LaCrone, Minority Student Program Southern Oregon State College regarding an inquiry she got from a student regarding the scholarships the Tribe offers to Native American Students. Chairman Jandreau said this matter would be for information purposes because there is no scholar funds set up as of yet. Discussion was held in reference to an educational assistance fund that could be used and the amount that would be granted to students as a stipend. Motion was made by Darrell Middleton to utilize the total dollars received from the bingo income for educational assistance to students attending college for clothing, travel, etc. This motion was seconded by Kay Gourneau and carried with six for, none opposed, none absent and none not voting.
2. BINGO REPORTS - Discussion was held in reference to some of the Bingo Organizations not submitting monthly financial reports to the Tribe. Chairman Jandreau reported that there is approximately \$2,071.31 in the tribal bingo account as of June 11, 1985. Discussion was held in reference to if a bingo organization does not have bingo on their designated night, they should not be charged for that night. Motion was made by Kay Gourneau to notify all Bingo Organizations that they have until July 1, 1985 to submit their financial reports and total payments of rent and ten percent (10%) profit to the Tribe or their bingo night will be opened to another organization. This motion was seconded by Charles Langdeau and carried with six for, none opposed, none absent and none not voting.
3. MCGLADREY, HENDRICKSON & PULLEN - Mr. Ron Tedrow, a Representative of McGladrey, Hendrickson & Pullen had sub-

(#3. McGladrey, Hendrickson & Pullen Cont'd.) - mitted his plan that he had previously discussed with the Tribal Council regarding the need to deal with our finance system. This report lays out what has and what can happen to make our system better. The Council concurred to table this until they can review the plan submitted by Mr. Tedrow.

4. GENERAL COUNSEL INVOICES - Mr. Dave Bergren, General Counsel has submitted five (5) billings for the period of April 15, 1985 through May 17, 1985. The billings as follows, were reviewed and discussed by the Council: CETA = \$822.00, Construction Company = \$30.00, Management Corporation = \$186.00, General Counsel = \$53.60, and Morris Irrigation = \$102.00, a total of \$1,193.60. Motion was made by Kay Gourneau to authorize payment to General Counsel, David L. Bergren for the billings covering the period of April 15, 1985 through May 17, 1985, in the approved amounts. This motion was seconded by Charles Langdeau and carried with five for, none opposed, one absent and none not voting.
5. GARBAGE COLLECTION - Alvin Johnson was present in the meeting to discuss his plan for a garbage collection contract and the lease of the equipment owned by the Tribe. He had previously discussed this matter with Chairman Jandreau and some of the Council Members. Mr. Johnson's intent is to have Council action, approve or disapprove his request for the garbage collection, subject to negotiation. If this plan is approved, Mr. Johnson would only employ himself. Discussion was held in reference to the equipment that would be needed. Motion was made by William S. Jandreau to support Alvin Johnson's idea of a garbage collection contract and lease of the equipment owned by the Tribe, with the condition that he get back to the Tribal Council with a plan for consideration. This motion was seconded by William Ziegler and carried with six for, none opposed, none absent and none not voting.
6. TWEP REQUEST - Mr. Erwin LaRoche, TWEP Supervisor submitted a list of telephone bids which he obtained to get the Tribal Blue Pickup repaired. The lowest quote was from Farmer's Union Oil Coop in Reliance, South Dakota. Motion was made by William Ziegler to accept the quotes on repair of the Tribal Blue Pickup by the Farmer's Union Oil Coop. This motion was seconded by Darrell Middletent and carried with five for, none opposed, one absent and none not voting.
7. COUNCIL MEMBER'S MILEAGE - William S. Jandreau informed the Council that as far as his mileage is concerned, he wants to lower the mileage to 20.5¢ per mile. The Council concurred to table this matter until later.
8. INDIAN HEALTH SERVICE - Arvada Tout Stops, Service Unit Director, Jamie Longbrake, Indian Health Service, Aberdeen Area Office, and T. Charles Tonemah, Indian Health Service, Aberdeen Area Office were present to discuss the Health Equity funds that came down for Lower Brule Reservation. They are requesting a Spending Plan for the use of the Health Equity dollars. The total awarded for Lower Brule was \$140,000.00. Chairman Jandreau said the Tribe would be able to utilize \$40,000.00 for eyeglass and dental care but was informed there would possibly be a problem with the dental portion. Chairman Jandreau requested the IHS people to explain to the Tribal Council why there is a reduction in the funding. Mr. Longbrake explained that the \$140,000.00 came down with a restriction that it is to be used for hospitals and clinics. The Council discussed that they don't receive reports from the Service Unit as to how the dollars are spent for our area. A lengthy discussion was held in reference to the federal deficit, dollars awarded to Lower Brule & Crow Creek, current year operating, management of Service Unit, the Tribal Specific Health Plan, and the Health Equity dollars. Arvada Tout Stops expressed that she wants to meet

(#8. Indian Health Service Cont'd.) - with the Tribal Council in the future, as often as possible, to review the budgets with the Council. It was explained that the budget figures for the Service Unit go by on-reservation population. Mr. Tonemah said the Health Equity dollars are recurring dollars every year. Mr. Tonemah said the Area Office is trying to come up with a cost effective management strategy and up the collection on medicaid/medicare. Eighty percent (80%) of the collections would be returned to the collecting Service Unit in 1986. This year the collection return was seventy-five percent (75%) and some was committed for funding. Initial ten percent (10%) of the deficit for IHS are hospitals and clinics. Charles Tonemah said there were three (3) Tribes designated in the Aberdeen Area Office this year for Health Equity funds and Lower Brule received the most for health services. He said these dollars are generated from what is provided in the Tribe's Specific Health Plan. He said an updated Tribal Specific Health Plan is due reasonably soon. Mr. Tonemah is requesting a budget and request for modification to put the \$140,000.00 in the Health Equity budget. As soon as the documents are received, Mr. Tonemah would process the modification. If the Tribe wishes indirect cost dollars from the Health Equity budget, it would come out of the \$40,000.00. The Spending Plan may not have been submitted earlier because of the questions Chairman Jandreau had that were never clarified. Discussed the possibility of contracting services. The Spending Plan is so that the Tribe will have input on how the remaining \$100,000.00 will be spent in the Service Unit budget. The deadline for obligating Service Unit dollars is September 30, 1985. If the \$100,000.00 is not expended by the Service Unit by 9/30/85, it goes back to the funding source. The Tribal Council requested Ms. Tout Stops to submit the documents needed to develop the Spending Plan, such as the hospital and clinic needs. The Tribe will only be allowed to contract \$40,000.00 of Health Equity funds and the remaining \$100,000.00 will be utilized by the Service Unit. No Council action was taken at this time.

9. WILDLIFE MANAGEMENT PROGRAM - The tribal Wildlife Management Program budget for FY-85 will expire on June 30, 1985 and the Wildlife Management Program has submitted a budget to the Council for review and approval. Motion was made by Charles Langdeau to approve the Wildlife Management Program Budget in the total amount for the period of July 1, 1985 through June 30, 1986. This motion was seconded by Kay Gourneau and carried with six for, none opposed, none absent and none not voting.

10. PIERRE INDIAN LEARNING CENTER- A letter dated May 9, 1985 was received from A. Gay Kingman, Superintendent, Pierre Indian Learning Center in reference to the Council adopting a resolution supporting the Cooperative Service Unit. In her letter, Mrs. Kingman said this resolution is needed for the FY-86 contract. Chairman Jandreau said this resolution would put the Pierre Indian Learning Center's Corporation into a position of competing with all the education systems in the Aberdeen Area Office and he doesn't know if the Tribe would want to do that. Chairman Jandreau said that according to the proposed 25 CFR Part 31 Regulations, we would no longer receive funding for students in the educational system that are less than one-fourth (1/4) Indian. These students would have to attend another school. Comments in reference to the proposed regulation have been submitted by the Lower Brule School System. Motion was made by Kay Courneau not to support the resolution submitted by the Pierre Indian Learning Center. This motion was seconded by Darrell Middletent and carried with six for, none opposed, none absent and none not voting. Chairman Jandreau requested the Council to support the comments on the proposed 25 CFR Part 31 regulation by resolution and submit these comments to the Bureau of Indian Affairs. Motion was made by William Ziegler to submit the comments presented in reference to the proposed 25 CFR Part 31 regulation to the BIA by resolution. This motion was seconded by Kay Gourneau and carried with six for, none opposed, none absent and none not voting.

RECESS - The meeting was recessed for the lunch hour. The meeting was reconvened at 1:23 PM with the same Council Members present and none being absent.

11. TRIBAL JOB POSITIONS - Victor Grassrope submitted his written resignation from the position as Transit Program Director/Bus Driver. Quentin Estes, Ambulance Program Director placed Mr. Grassrope in the Ambulance Driver/Attendant position temporarily until the position is advertised. The reason Mr. Estes selected Mr. Grassrope to fill the position temporarily is because Mr. Grassrope has had the training that is needed in this area. Mr. Jim Estes has been placed temporarily in the position of Transit Program Director/Bus Driver while this position is being advertised. Motion was made by Darrell Middleton to accept Victor Grassrope's resignation. This motion was seconded by William S. Jandreau and carried with six for, none opposed, none absent and none not voting. Maria Estes, JTPA Director submitted her letter of resignation on May 31, 1985 to the Chairman's Office and identified June 14, 1985 as the effective date. Then yesterday a Personnel Action Form was received in the Chairman's Office and Ms. Estes identified herself as being layed off from her position and was claiming eighty-one (81) hours of annual leave to be paid. Motion was made by William S. Jandreau to table any decision on Maria Estes' resignation from the position as JTPA Director and do not sign off on her Personnel Action Form until such time more information is gathered and a decision is made. This motion was seconded by Kay Gourneau and carried with six for, none opposed, none absent, and none not voting. The Council discussed that things are happening financially to the Tribe and Howard Green, Tribal Operations Manager, is not providing this information to the Tribal Council. There is also a great deal of reports under the CDBG Program that are not being done and causing the Tribe some problems. Chairman Jandreau requests the Council for removal of Howard Green as the Tribal Operations Manager but if the Council wishes to place Mr. Green in another position other than the Tribal Operations Manager, then it would be alright with the Chairman. The IBM Computer contract has arrived. Mr. Green accepted delivery of the Computer System and the contract hasn't been signed. There is no warranty in the contract for the Computer and the installation of the equipment is the sole responsibility of the Tribe. Chairman Jandreau can't see the Tribe signing the IBM Computer contract and get the Tribe in that kind of position and would expect a person in the position as Tribal Operations Manager to inform the Tribal Council of this information. Chairman Jandreau informed the IBM Representative that if no warranty and installation of the computer system is part of the agreement, then they can come and take the machine. The Purchase Agreement which Howard Green had previously submitted to the Council included installation and maintenance and its not included in the present contract. Another incident was the transfer of funds that had to be made into the various contracts for disallowed costs. A total complete audit for the Tribe has not been done since 1980. Although, there has been audits on different programs. The cost of a single audit is approximately \$30,000.00. The Tribe owes approximately \$5,000.00 to AT&T for a period over a year. Chairman Jandreau feels that if we have to give up Council's salaries to pay bills, then we have to do it. Another problem was the situation with the HIP Contract. Discussed Howard Green's salary being paid out of the CDBG Program. Howard Green was put in the position as Tribal Accountant temporarily, over a year and a half ago. Mr. Green was called into the Council Meeting and the Tribal Council went into Executive Session. At the end of the Executive Session, motion was made by William S. Jandreau that the Council go ahead with plans of removal of Howard Green as Tribal Operations Manager with the conditions that Chairman Jandreau get with Mr. Green to settle the details as to his resignation and whatever time period it takes and also appoint Larry Mendoza as Acting Tribal Operations Manager during the interim period and advertise the position for a period of thirty (30) days to get a good selection of applicants. This motion was seconded by Charles Langdeau and carried with six for, none opposed, none absent and none not voting.

12. RANGE UNIT #1 - Ted and Jean Bolman were present during the Council Meeting and submitted a written request to the Tribal Chairman to change their Range Unit #1 Grazing Contract to a Farm-Pasture Lease for the same land starting immediately. They also discussed the conditions of their Range unit and requested to run yearling calves without a brand because the branding will cause stress to the yearling calves. Motion was made by Charles Langdeau to waive the branding requirements on Range Unit #1 until November 1, 1985 so Jean and Ted Bolman may pasture yearling calves. Mr. Bolman told the Council they wish to come back at a later time and address the merits of the lease versus the Range Unit, as to their situation. Mr. Bolman also told the Council, as per his position as Acting Health Director, we would like to see the Health Board put into place to help get the programs rolling such as the Health Equity.

(#11. Tribal Job Positions Cont'd.) - Chairman Jandreau had previously appointed Truman Grooms temporarily as Acting Contracts and Grants Officer and Chairman Jandreau requests that Mr. Grooms continue acting in this capacity and if he remains in that position more than a period of thirty (30) days, he will accrue annual and sick leave. Motion was made by Charles Langeau to approve Chairman Jandreau's request regarding Truman Grooms. This motion was seconded by Kay Gourneau and carried with six for, none opposed, none absent and none not voting. Three applications were received for the Health Director's position: Ted Bolman, Velma Langdeau and Arnold Sazue. This position has been advertised three (3) times for a period of thirty (30) days each time. Votes were cast by secret ballot with Ted Bolman receiving three (3), Velma Langdeau receiving one (1) and two blank ballots. Ted Bolman was selected as the Health Director. Seven (7) applications were received for the Human Resources Officer position. Votes were cast by secret ballot with Eyvonne Dupris receiving two (2) votes, Patti Moore receiving two (2) votes, and Mary Thompson receiving two (2) votes. Because of the tie, the Council revoted by secret ballot with Eyvonne Dupris receiving one (1) vote, Patti Moore receiving three (3) votes and Mary Thompson receiving two (2) votes. Patti Moore was selected as the Human Resources Officer. Truman Grooms entered the meeting and presented the Council with a revised Summer Youth Employment Program Budget including the Upward Bound students. He has listed the participants recommended as Group A, B, C, & D through the Summer Youth Employment Program. Motion was made by Darrell Middletent to approve the recommendations submitted for selection of the Summer Youth Employment Program. This motion was seconded by Charles Langdeau and carried with six for, none opposed, none absent and none not voting. For the SYEP Supervisor, there is one (1) slot and fourteen (14) applicants. Truman Grooms recommended Jim McCauley as the SYEP Supervisor. Motion was made by Ted Rouillard to go along with Truman Grooms' recommendation as Jim McCauley for the SEYP Supervisor position. This motion was seconded by Charles Langdeau and carried with six for, none opposed, none absent and none not voting.

13. FARM BOARD APPOINTMENTS - Motion was made by Charles Langdeau to reappoint Michael B. Jandreau, Orlo Johnson and Claude Fly to the Farm Corporation Board for a term of three years. This motion was seconded by William S. Jandreau and carried with five for, none opposed, one absent and none not voting.

14. HOUSING AUTHORITY BOARD APPOINTMENTS - There were three (3) vacancies on the Lower Brule Housing Authority Board and the Tribe had advertised these positions to see if anyone would be interested in sitting on the Board. Eleven names were submitted. Votes were cast by secret ballot with Michael B. Jandreau receiving six (6), Ted Rouillard receiving four (4), Ramona Johnson receiving five (5), Pat Big Eagle receiving two (2), and Keith Middletent receiving one (1). Chairman Jandreau, Ted Rouillard and Ramona Johnson were selected to fill the three (3) vacancies on the Housing Authority Board.

15. ALCOHOLISM PROGRAM COMMISSION - There are two (2) vacancies on the Alcoholism Program Commission due to the resignations of Martha Begay and Grace Blacksmith. Motion was made by Charles Langdeau to appoint Ted Rouillard to the Alcoholism Program Commission. This motion was seconded by Kay Gourneau and carried with four for, none opposed, one not voting (Ted Rouillard) and one absent. Motion was made by Ted Rouillard to appoint Kim Thompson to the Alcoholism Program Commission. This motion was seconded by Kay Gourneau and carried with five for, none opposed, one absent and none not voting.
16. DAKOTA INDIAN FOUNDATION - A letter dated May 17, 1985 addressed to Ted Rouillard, Chairman, 1985 Fair & Pow-wow Board was received from Mr. Joseph E. Morrison, Executive Director, Dakota Indian Foundation. The 1985 Fair & Pow-wow Board had presented a grant application regarding the upcoming Fair & Pow-wow to the Dakota Indian Foundation Board for funding. The letter stated that the Foundation's existing commitments must be satisfied before they can undertake new projects such as the grant application's request. Since their budget has only small amounts of unrestricted funding for 1985, they have reluctantly decided against funding the Board's request. No action was taken, this was for informational purposes.
17. TRIBAL COUNCIL MINUTES - Motion was made by Darrell Middletent to approve the Tribal Council Minutes for the May 30, 1985 with corrections as stated. This motion was seconded by Ted Rouillard and carried with six for, none opposed, none absent and none not voting.
18. LOWER BRULE MEN'S SOFTBALL REQUEST - A written request dated May 16, 1985 was submitted by Larry Jandreau, Chairman, Lower Brule Men's Softball Organization requesting to use the Bingo Hall on Sunday nights. It was understood that Girls Softball has given the Men's Softball Organization permission to have Sunday nights for bingo. Motion was made by Darrell Middletent to approve the Lower Brule Men's Softball Organization's request to hold bingo on Sunday nights. This motion was seconded by William S. Jandreau and carried with six for, none opposed, none absent and none not voting.
19. SMALL LOANS COMMITTEE - A Progress Report dated June 12, 1985 was received from Nyal Brings, Chairman, Small Loans Committee and the report stated that there is an opening on the Committee as there are six (6) active Members and they could run into problems, if a tie ever arised. The seventh (7th) Member, Howard Green has declined to serve on the Committee. Two (2) people have indicated an interest in serving on the Committee. These people are Helen Fallis and Sue Ziegler. Motion was made by Kay Gourneau to fill the vacant position on the Small Loans Committee by appointing the person who fills the Tribal Operations Manager position. This motion was seconded by Darrell Middletent and carried with six for, none opposed, none absent and none not voting.
20. COLLECTION OF OUTSTANDING BILLS - A list of outstanding bills was submitted from the Finance Office regarding Day Care, Water, and Loans. In regards to the Bureau of Indian Affairs, Lower Brule Agency employees, Mr. Miller, Superintendent said he has met with the employees who have outstanding debts with the Tribe and some of the employees have set up repayment schedules. Motion was made by Theodore Rouillard to have the Superintendent be responsible for collection of delinquent debts to the Tribe, on all Bureau of Indian Affairs' employees. Also, that after receipt of the Superintendent's letter to the employee, if there is no response within fifteen (15) days, then delinquent debts will be submitted to the Court System. Also, the person

(#20. Collection of Outstanding Bills Cont'd.) - in charge of the Finance Office will notify all tribal employees who have tribal delinquent debts, that these debts need to be collected within receipt of fifteen (15) days of the letter and if no payment is made then they will be submitted to the Court System for collection. This motion was seconded Kay Gourneau and carried with six for, none opposed, none absent and none not voting.

21. ENROLLMENTS - Thirty-two (32) enrollment applications were reviewed by the Enrollment Committee and thirty (30) applications were approved and two (2) were found ineligible. Motion was made by Kay Gourneau to approve the Enrollment Committee's recommendation to enroll the following persons to the Lower Brule Sioux Tribe: Paul W. Souilliere, Jr., Jeshua John Estes, Joel Kaleb Blair, Jory Rayne Blair, Kael Richard Blair, Heath Traversie, Starr Traversie, Clinton Raymond Brown, Coy Brooks Fire Cloud, Vaughn P. Big Eagle, Jordon Alan Thompson, Bradley Jay Smith, Tiffany Jo Fallis, Tasha Marie Goodface Clarissa Margaret Gonzales, Carlos Lewis Gonzales, Sophia J. Black Dog, Sylvia Hermine LaRoche, Joy Velda Dawn Langdeau, Amanda Langdeau, Tyler Langdeau, Trinity James Donovan, Cody William Donovan, Lawrence Lance LaRoche, Ursula Jean Estes, Wesley Duke Estes, Raymond John Flute, Tracy Lynn Anderson, Sammi Jo Thompson, Sara Lynette Thompson. This motion was seconded by Ted Rouillard and carried with six for, none opposed, none absent and none not voting.

22. PESTICIDE PROGRAM - The Pesticide Enforcement Program grant application for FY-86 was reviewed by the Tribal Council. Motion was made by Kay Gourneau to approve the Pesticide Enforcement Program grant application as submitted this day. This motion was seconded William Ziegler and carried with six for, none opposed, none absent and none not voting.

23. FY-85 CDBG PROJECT - The Tribe is responsible for the administration of the FY-85 CDBG (Solid Waste Disposal). The HUD regulations permit the Grantee to advertise for local Indian Preference in the contracting of this project. Motion was made by Kay Gourneau to approve of putting the CDBG Project out on local Indian Preference conditions as specified in the Housing and Urban Development regulations. This motion was seconded by William S. Jandreau and carried with six for, none opposed, none absent and none not voting.

24. INDIAN PREFERENCE CONTRACTOR'S - A letter dated May 31, 1985 was received from Merlin O. Stein, Contracting Officer, Aberdeen Area Indian Health Service in reference to our letter dated May 15, 1985 requesting that Project AB-85-241 be advertised among local Indian Preference Contractor's only. The letter stated that under the Department's Buy Indian Policy and the new Competition in Contracting Act, it is a requirement to obtain competition to the maximum extent possible. All procurements that exceed \$10,000 must be advertised in the Commerce Business Daily. This method makes the requirement available to any Indian Contractor requesting bid documents. Discussion was held in reference to this letter and the TERO Ordinance. The Council concurred to table this matter until tomorrow, June 13, 1985.

25. ANIMAL & RABIES CONTROL ORDINANCE - A draft Ordinance was submitted by the Indian Health Service in reference to Animal & Rabies Control. An open hearing was held to receive any Community input regarding the proposed Ordinance and nobody showed up for the hearing. Motion was made by William S. Jandreau to adopt the Animal & Rabies Control Ordinance for the purpose of controlling animals and rabies. This motion was seconded by Ted Rouillard and carried with six for, none opposed, none absent and none not voting.

26. OMB CIRCULAR A-102 - A seminar announcement was received from the Management, Inc. They will be holding two seminars this summer on The Single Audit Act and the new Circular A-128 and two seminars on Indirect Cost. These seminars will be held in July at Reno, Nevada and in August at Las Vegas, Nevada. Motion was made by William Ziegler to authorize any Council Members travel who wish to attend these seminars and the Tribal Operations Manager. This motion was seconded by Kay Gourneau and carried with six for, none opposed, none absent and none not voting.
27. GRASSHOPPER CONTROL - The Council feels that grasshoppers may become a problem in the near future and the Bureau of Indian Affairs has funds available through the Animal, Plant and Health Service. Motion was made by William S. Jandreau to request the Bureau of Indian Affairs continuance doing grasshopper counts and be prepared to do the necessary control, if the anticipated grasshopper infestation occurs. This motion was seconded by Darrell Middletent and carried with six for, none opposed, none absent and none not voting.
28. REIMBURSEMENT TO TED BOLMAN - Ted Bolman, Health Director has submitted three (3) purchase orders for approval of postage, supplies, etc. in the total amount of \$106.14. These costs were incurred by Mr. Bolman before the Health Administration Contract came in on May 1, 1985. Motion was made by Kay Gourneau to approve the purchase orders submitted by Mr. Bolman for reimbursement. This motion was seconded by Darrell Middletent and carried with six for, none opposed, none absent and none not voting.
29. PRELIMINARY COST ESTIMATES - SWIMMING POOL - The Tribal Council had taken previous action to requests costs for a swimming pool system by the Planning Office and Larry Mendoza submitted Preliminary Cost Estimates for the swimming pool system. Motion was made by William Ziegler to have Larry Mendoza in conjunction with the Lower Brule Construction Company proceed with locating funds to construct such Swimming Pool. This motion was seconded by William S. Jandreau and carried with six for, none opposed, none absent and none not voting.
30. INTER-TRIBAL COALITION - The Oglala Sioux Tribe submitted a draft Coalition Charter to the Tribe for review and/or adoption. This Coalition is in support of a Tribal Employment Rights Ordinance. A Representative and Alternate need to be named for the Coalition from the Lower Brule Sioux Tribe. Motion was made by Kay Gourneau to name Ted Rouillard as the Tribe's Representative and Kay Gourneau as the Alternate to the Inter-Tribal Coalition. This motion was seconded by Darrell Middletent and carried with six for, none opposed, none absent and none not voting.
31. 4TH OF JULY CELEBRATION - William Ziegler presented a proposal to the Council for the Tribe to hold a 4th of July Celebration by having a Community feed and fireworks display. Motion was made by Kay Gourneau to approve William Ziegler's proposal provided he can come up with the funds. This motion was seconded by Darrell Middletent and carried with six for, none opposed, none absent and none not voting.
32. DOROTHY TAPLEY'S REQUEST - Mrs. Dorothy Tapley has requested, through William S. Jandreau, for the Tribe to purchase her an apartment size Stove and Refrigerator. The cost would be approximately \$300.00 each. Motion was made by William S. Jandreau to purchase a Stove and Refrigerator for Dorothy Tapley through the Home Improvement Program and if she doesn't qualify, then the purchase would be through the General Fund. This motion was seconded by Charles Langdeau and carried with six for, none opposed, none absent, and none not voting.

RECESS - The Council recessed the meeting for today and to reconvene tomorrow, June 13, 1985. The meeting was reconvened at 10:04 AM with the same Members present and Darrell Middletent arriving late.

33. TRIBAL LEASES - The Bureau of Indian Affairs, Lower Brule Agency had notified the Tribe, by carbon copy of letter to Jerry & Tom Mundlien dated May 3, 1985, that Lease #21-045-8285 will expire on October 1, 1985. Mr. Tom Mundlien has submitted a written request to renew this lease. (Darrell Middletent arrived at this time.) Motion was made by Charles Langdeau to locally advertise the SE $\frac{1}{4}$ of Section 29, Township 107 North, Range 75 West, Fifth Principal Meridian, South Dakota, containing 160.00 acres and if nothing is received by July 9, 1985, then put the advertisement out for sealed bid. This motion was seconded by Kay Gourneau and carried with six for, none opposed, none absent and none not voting. The Lower Brule Agency had notified the Tribe that Lease #23-003-8385 to Mr. Wayne Smith will expire on October 31, 1985. Motion was made by Kay Gourneau to locally advertise the W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 25, Township 107 North, Range 75 West, Fifth Principal Meridian, South Dakota, containing 160.00 acres, and if nothing is received by July 9, 1985, then put the advertisement out for sealed bid. This motion was seconded by Ted Rouillard and carried with six for, none opposed, none absent and none not voting. The Lower Brule Agency notified the Tribe that Lease #23-014-355 to Orville Langdeau will expire on October 31, 1985. This is a pasture lease around Mr. Langdeau's home. Motion was made by Charles Langdeau to renew Lease #23-014-355 to Orville Langdeau at the previous rate of \$1.60 per acre for a five year term. This motion was seconded by Darrell Middletent and carried with six for, none opposed, none absent and none not voting. The Lower Brule Agency notified the Tribe that a former lease to Andrew Brakke expired on June 30, 1984. Mr. Brakke had requested to renew this lease by letter dated May 20, 1984 however, their office was never notified of any action taken by the Council. Motion was made by Kay Gourneau to locally advertise the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 22, Township 108 North, Range 77 West, Fifth Principal Meridian, Lyman County, South Dakota, containing 40.00 acres of pastureland and if nothing is received by July 9, 1985, then put the advertisement out for sealed bid. This motion was seconded by Charles Langdeau and carried with six for, none opposed, none absent and none not voting. The Lower Brule Agency notified the Tribe that the land formerly leased to Lyle Peterson expired on October 31, 1984 and that this land is a gravel pit. Motion was made by Ted Rouillard to lease Lots 19, in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 21, Township 108 North, Range 73 West, Fifth Principal Meridian, Lyman County, South Dakota, containing 40.00 acres to the Lower Brule Construction Company at the total lease rate of \$65.00 per year as in the previous lease for a term of of five (5) years. This motion was seconded by Kay Gourneau and carried with six for, none opposed, none absent and none not voting. The Lower Brule Agency also informed the Tribe that the former lease to Alfred Ziegler expired on October 31, 1984. Motion was made by Ted Rouillard to locally advertise Lots 1 & 2, E $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 30, Township 107 North, Range 73 West, Fifth Principal Meridian, Lyman County, South Dakota, containing 108.33 acres of farmland and 45.20 acres of pastureland, which makes a total of 153.53 acres, and if nothing is received by July 9, 1985, to put the advertisement out for sealed bid. This motion was seconded by William Ziegler and carried with six for, none opposed, none absent and none not voting.

34. RANGE UNIT #34 - Fritz LaRoche submitted a Bill of Collection which he received from the Lower Brule Agency in regards to running outside cattle on Range Unit #34. The Tribal Council had taken previous action to allow Mr. LaRoche to take in cows at the same rate that he is charged for his own cattle. The Bureau of Indian Affairs has opposed this Council action and is attempting to make collection. Chairman Jandreau had told Mr. LaRoche that he would present this Bill of Collection to the Council. The Council discussed

the Grazing Regulations Resolution that was previously adopted by the Tribal Council. Chairman Jandreau said the Tribe can submit a resolution back to the Bureau of Indian Affairs waiving any collection of additional money on their land. He read 25 CFR Part B in its entirety. The Area Director's rate is set different for each reservation. Discussed rates for allotted land and tribal land. The carrying capacity for Range Unit #34 is 196 head of cattle and Mr. LaRoche is putting ninety (90) more head of cattle for a period of five (5) months. Chairman Jandreau requested authorization to appeal this matter to the Aberdeen Area Office and the BIA restrain from vigorous collection until this matter is cleared up. Motion was made by Charles Langdeau to authorize the Tribal Chairman to appeal the Bureau of Indian Affairs' decision in reference to the rate being charged to Fritz LaRoche for taking in outside cattle on Range Unit #34, by scheduling a meeting with the Aberdeen Area Office personnel and to request the Bureau of Indian Affairs to restrain from vigorous collection of payment. This motion was seconded by William S. Jandreau and carried with six for, none opposed, none absent and none not voting.

35. LAND SALE APPLICATIONS - Land Sale Applications were received from Geraldine Estes, Wanda Estes, Janice Larson, Carolyn Bad Horse, Jody Fisherman, Ramona Taylor and Bernice Bad Horse. The undivided interests which they wish to sell is in the Medicine Creek area. Chairman Jandreau would like to see the Tribe purchase these interests, if that's the Council's wishes, but we would need to request appraisals before making a decision. Motion was made by Charles Langdeau to request appraisals for the above land sale applications which are located on the LB-2032, John Little Elk Horn Allotment (Formerly LB-237), LB-2032, Crow Medicine Allotment (Formerly LB-514) and LB-2024, Daniel Bad Horse Allotment (Formerly LB-904) and these appraisals be provided to the Council by the next regular scheduled meeting on July 10, 1985. This motion was seconded by Kay Gourneau and carried with six for, none opposed, none absent and none not voting.

36. PROJECT AB-85-241 - A letter dated May 31, 1985 was received from Terrence W. Sloan, M.D., Director, Aberdeen Area Indian Health Service in reference to Tribal Resolution No. 85-106 and a follow-up to his May 24, 1985 letter regarding sanitation facilities construction services under P.L. 86-121 Project AB-85-241. Project AB-85-241 was appropriated to provide sanitation facilities service to homes constructed or improved under the Housing Improvement Program (HIP). Mr. Curt Bossert, Project Engineer, Pierre, will be reviewing the designated sites to determine sanitation facility needs, engineering and economic feasibility, and eligibility for service under P.L. 86-121. Motion was made by Kay Gourneau to request the Indian Health Service to take the necessary action to improve the sanitary conditions at the Orville C. Langdeau, Sr. residence. This motion was seconded by Charles Langdeau and carried with five for, none opposed, one absent and none not voting.

37. CROW CREEK SIOUX TRIBE RESOLUTION - A letter dated June 3, 1985 and draft resolution was received from Wallace Wells, Jr., Chairman, Crow Creek Sioux Tribe. The letter is asking the Tribe to support their resolution allowing the Crow Creek Sioux Tribe to take what money their people originally justified through their cattle and drought losses, back from the Credit Consortium. The Crow Creek Sioux Tribe voted to have the Bureau of Indian Affairs and their Tribal Attorney to help get their share of money from the Credit Consortium. Motion was made by Ted Rouillard to table this matter until more information can be obtained. This motion was seconded by Kay Gourneau and carried with six for, none opposed, none absent and none not voting.

38. FARM CORPORATION ATTORNEY CONTRACT - Tom Hanke, Farm Corporation Manager, has submitted to Chairman Jandreau, the Farm Corporation Attorney Contract for review and approval. The Tribal Council has taken previous action that various Tribal Boards and/or Commissions be responsible for employing their own attorney. Tribal Council approval is needed for this contract based on a request from the Bureau of Indian Affairs that a resolution be passed for each Attorney Contract submitted, even if its for a subordinate Board of the Tribe. This Attorney Contract, if adopted, authorizes Tom Hanke, Farm Corporation Manager, to employ R. Dennis Ickes if the Farm Corporation should go into a law suit concerning the Grassrope Irrigation Project and West Central Electric Cooperative. Motion was made by Kay Gourneau to approve the Attorney Contract for the Lower Brule Farm Corporation by resolution. This motion was seconded by Darrell Middletent and carried with six for, none opposed, none absent and none not voting.

39. COOPERATIVE EXTENSION SERVICE REQUEST - A written request dated June 11, 1985 was received from Boyd Brummond, Extension Agent. Mr. Brummond is requesting the Tribe donate funds to send 22-23 children to 4-H Camp and he is requesting a Bus and Bus Driver. The total cost per child is \$47.00. Motion was made by Ted Rouillard to have the Tribe donate \$400.00 to the Extension Service for the 4-H Camp. This motion was seconded by Kay Gourneau and carried with four for, none opposed, two absent and none not voting. Motion was made by Kay Gourneau to request that the Bureau of Indian Affairs provide a Bus to transport the children to 4-H Camp. This motion was seconded by Ted Rouillard and carried with six for, none opposed, none absent and none not voting.

(#7. Council Member's Mileage Cont'd.) - The Council discussed mileage at a rate of 22.5¢ per mile versus 20.5¢ per mile. Federal law states that anyone who receives more than 20.5¢ per mile for mileage must report this on their income tax. Motion was made by Kay Gourneau to set the Tribe's mileage rate for all programs at 20.5¢ per mile and approve William Ziegler's mileage in the amount of \$167.79. This motion was seconded by William S. Jandreau and carried with six for, none opposed, none absent and none not voting.

(#11. Tribal Job Positions Cont'd.) - Motion was made by Charles Langdeau to select Victor Grassrope to fill the Ambulance Driver/Attendant position. This motion was seconded by William S. Jandreau and carried with six for, none opposed, none absent and none not voting.

40. REGULAR SCHEDULED COUNCIL MEETING - Because of the 4th of July Holiday, motion was made by Darrell Middletent to schedule July 10, 1985 for the Council's July Regular Meeting. This motion was seconded by William S. Jandreau and carried with five for, none opposed, one absent and none not voting.

40. WEATHERIZATION PROJECT - The Council needs to take action to advertise a Weatherization Worker position. Motion was made by Kay Gourneau to advertise the position of Weatherization Worker for a period of thirty (30) days. This motion was seconded by Charles Langdeau and carried with six for, none opposed, none absent and none not voting.

41. IBM COMPUTER SYSTEM - Mr. Myron Sougstad, IBM Representative was present to discuss the IBM Computer long term lease/purchase contract. Chairman Jandreau won't sign this Contract because of the lack of responsibility by the Credit Corporation that this machine is not under warranty. The concern is the warranty & installation of the new computer system which the Tribe purchased from the IBM Corporation. There is no charge for maintenance

(#44. IBM Computer System Cont'd.) - of the computer equipment during the warranty period unless the repair needs to be done other than IBM's working hours, then the Tribe would have to pay a premium. Mr. Sougstad reviewed the term lease of the master agreement. Discussed installation of the equipment. Chairman Jandreau requests Dave Bergren, General Counsel to review the IBM contract and warranty before signature. Mr. Sougstad said that IBM protects maintenance for ninety (90) days only. After the warranty period expires, it would cost approximately \$200.00 per month for maintenance, even if the serviceman doesn't come out that particular month. In the Agreement it also states that the Tribe would pay sale tax and the Tribe is tax exempt. Mr. Sougstad said IBM knows that the Tribe is a tax exempt institution and IBM didn't bill for sale tax. There is no charge for changes on the IBM's Software System. Mr. Sougstad doesn't recommend a per call maintenance contract because that charge includes mileage with other costs that could amount to \$500.00 per call. In the monthly maintenance agreement it would cost \$286.00 per month and that would cover everything and the Tribe would never get billed above that. Its a maintenance agreement for parts, labor, mileage, etc. This agreement would continue on as long as the Tribe wishes. The maintenance price could change by a small increase. Chairman Jandreau requests to have Dave Bergren, with the additional information given by Myron Sougstad, review the IBM Contract and if Mr. Bergren agrees with the contents, Chairman Jandreau would request authorization to sign the Contract. Motion was made by William S. Jandreau to approve Chairman Jandreau's request regarding the IBM Computer Contract. This motion was seconded by Charles Langdeau and carried with six for, none opposed, none absent and none not voting.

(#24. Indian Preference Contractor's Cont'd.) - Motion was made by William S. Jandreau to request the Bureau of Indian Affairs that all programs on the Lower Brule Reservation involved with federal funding be contracted to local Indian Contractors. This motion was seconded by Darrell Middletent and carried with four for, none opposed, two absent and none not voting.

(#14. Housing Authority Board Appointments Cont'd.) - The Council needs to appoint a Chairman for the Housing Authority Board. Chairman Jandreau requests the Council take action to appoint Fritz LaRoche as the Board's Chairman. Motion was made by Darrell Middletent to appoint Fritz LaRoche as the Housing Authority Board Chairman. This motion was seconded by William Ziegler and carried with four for, none opposed, two absent and none not voting.

(#19. Small Loans Committee Cont'd.) - Mr. Nyal Brings and Marilyn Harmon, Small Loan Committee Members were present to discuss the big concern of delinquent accounts. The Small Loans Program has had a Bookkeeping System since March. Discussed the process of co-signers. The Finance Office gives the Small Loans Committee a copy each month of outstanding water and day care and the Small Loans Program helps recover these costs. The Christmas Loan should be paid off this pay period. No action was taken at this time, informational purposes only.

(#8. Indian Health Service Cont'd) - Motion was made by Ted Rouillard to utilize the \$40,000.00 from Health Equity funds for the eyeglasses and dental care program and extract the indirect cost from the \$40,000. This motion was seconded by Darrell Middletent and carried with five for, none opposed, one absent and none not voting.

45. CHR PROGRAM - Mr. Ted Bolman, Health Director has presented a proposal for a Uniform Policy for the CHR Program. The CHR Program budget allows for the purchase of uniforms. This would include the purchase of caps, shirts, jacket, dresses, patches, etc. Motion was made by Darrell

(#45. CHR Program Cont'd.) - Middletent to approve the Uniform Policy of the CHR Program. This motion was seconded by Charles Langdeau and carried with four for, one opposed (Ted Rouillard), one absent and none not voting.

46. EMPLOYMENT DEVELOPMENT - Discussion was held in reference to employment needed on the reservation. Motion was made by Darrell Middletent to adopt a resolution to submit to the Congressional Delegates requesting assistance from them in areas of employment, such as laws adopted for employment on the reservation. This motion was seconded by William Ziegler and carried with five for, none opposed, one absent and none not voting.

47. FRANCIS L. KILLER & COMPANY - Francis L. Killer has submitted a Mutual Release on Termination of Contract for the Council to review. Chairman Jandreau disagrees with this Contract and by previous Council action, Mr. Killer was to return all the Tribe's documents which he had in his possession. Until that time, his invoices will not be approved for payment. Mr. Killer was schedule to attend today's meeting and did not show up. Motion was made by Ted Rouillard to authorize the Tribal Chairman to negotiate with Mr. Francis L. Killer in reference to the Unilateral Contract Termination and his invoice billings, in the best interest of the Tribe. This motion was seconded by Charles Langdeau and carried with six for, none opposed, none absent and none not voting. (This excerpt was to be included in the Council Minutes for June 12, 1985).

ADJOURNMENT - With no further business, Chairman Jandreau entertained a motion to adjourn. Motion was made by Charles Langdeau to adjourn the meeting. This motion was seconded by Darrell Middletent and carried with five for, none opposed, one 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 13th of June, 1985.

Cheryll Y. LaRoche, Recording Secretary

LOWER BRULE SIOUX TRIBAL COUNCIL

REGULAR MEETING

July 10, 1985

PRESENT: Michael B. Jandreau, Chairman
Kay Gourneau
William Ziegler
Charles Langdeau
Ted Rouillard
Darrell Middletent (arrived late)
William S. Jandreau

ABSENT: None

ALSO PRESENT: Dr. Jerry Jaegar, Aberdeen Area Director
Edwin L. Miller, Superintendent
Bill Collier, Ass't. Area Director, Natural Resources
Alvin Johnson
Kay Johnson
Dave Bergren
Scott Jones
Gay Kingman, Supt., Pierre Indian Learning Center
Kay Farmer, PILC Board Member
Clarence Thompson, Sr.
Truman Grooms, Actg. Contracts & Grants Officer

The meeting was called to order by Chairman Jandreau at 10:15AM. Roll call was taken by the Recording Secretary and the Lord's Prayer was led by Chaplain Langdeau.

1. WATER & GARBAGE CONTRACT - Alvin Johnson submitted a proposal for a water and garbage contract between himself and the Lower Brule Sioux Tribe. In Mr. Johnson's proposal he stated that he would consider taking over the operation of the water system, with the understanding that all necessary chemicals and labor costs be absorbed by the Tribe. He would undertake the project with the share cost of the collections for water and garbage. (Darrell Middletent arrived at this time.) A discussion was held in reference to the costs to operate the water system and garbage collections. The Tribe does have authorization to purchase one (1) more pump through CDBC funds. Problems need to be worked out in relation to the whole water system. If the contract were approved, policies would have to be written for the tenants and inform them that this collection (water & garbage), would now be through a private entity. Under the proposed contract, the Tribe would bear costs of chemicals. In the near future approximately one hundred and twenty (120) rentals will become responsible for paying their own water and garbage, not the Housing Authority. Mr. Johnson informed the Council that he would be around twenty-four (24) hours a day and if the Tribe could get him the equipment, he could do all the repairs on the water system. Motion was made by Kay Gourneau to table a decision on this matter until Monday and in the meantime, sit down with Alvin Johnson to discuss the details. This motion was seconded by William S. Jandreau and carried with six for, none opposed, none absent and none not voting.

2. RANGE UNIT #3 - Kay Johnson approached the Council to request

land was advertised under Lease Advertisement #85-04, SE¼ of Section 29, Township 107 North, Range 75 West, Fifth Principal Meridian, Lyman County, South Dakota, containing 160.00 acres of farmland. A written request was received from the Langdeau Brothers for lease of the above described tribal land for a rate of \$15.00 per acre. The Tribe did not receive any other request for lease of this tribal land. Motion was made by Kay Gourneau to grant J.W. Thompson's request to lease the 153.53 acres of tribal land as advertised in Lease Advertisement #85-04, for a period of three (3) years at a rate of \$10.00 per acre for farmground and the same rate as charged per Animal Unit Month for the pastureland; and grant the Langdeau Brothers' request to lease the 160.00 acres of tribal land as advertised in Lease Advertisement #85-04, for a period of three (3) years at a rate of \$15.00 per acre for farmground. This motion was seconded by Darrell Middletent and carried with six for, none opposed, none absent and none not voting. There were also two (2) other tracts of land that were advertised under Lease Advertisement #85-04 that were not requested for lease by anyone. One tract of tribal land is presently leased by Wayne Smith. Chairman Jandreau contacted the Realty Office, Lower Brule Agency, and they informed him that no requests have been submitted to them for lease of the remaining two (2) tracts of tribal land. Motion was made by Charles Langdeau to advertise for sealed bids on the remaining two (2) tracts of tribal land, for a period of thirty (30) days. This motion was seconded by Kay Gourneau and carried with six for, none opposed, none absent and none not voting.

6. LEASES (6) - The Bureau of Indian Affairs, Lower Brule Agency has notified the Tribe by letter dated June 27, 1985 that the following six (6) leases will expire on December 31, 1985: Richard P. Thompson, Sr., Lease #21-014-355, James Jandreau, Lease #22-055-333, Michael B. Jandreau, Lease #21-02-355, Frederick LaRoche, Lease #23-016-355, Frederick LaRoche, Lease #23-015-355, and LeRoy Schaefer, Jr., #23-743-8385. Motion was made by Kay Gourneau to grant renewal of the above six (6) leases at the previous rate and duration of said leases. This motion was seconded by Charles Langdeau and carried with six for, none opposed, none absent and none not voting.

7. ALCOHOLISM PROGRAM POSITIONS - The Tribal Council reviewed applications for the Alcoholism Counselor and Recreational Therapist positions. The Alcoholism Program Commission had met and made a recommendation of Duane Stricker as the Alcoholism Counselor and Melvin Joseph as Alternate. They recommended Leonard Byington as the Recreational Therapist. Motion was made by Ted Rouillard to go along with the Alcoholism Program Commission recommendations for the position of Alcoholism Counselor and Recreational Therapist. This motion was seconded by Kay Gourneau and carried with six for, none opposed, none absent and none not voting.

8. TRANSFER OF BIA HOUSES & TRIBAL BUILDINGS - Edwin L. Miller, Agency Superintendent had previously talked to Chairman Jandreau about the possibility of the Tribe taking over ownership and maintenance on over half or more of the Bureau of Indian Affairs' housing units here in Lower Brule. Mr. Miller asked if the Tribal Council would be interested in going into this venture. Mr. Miller said he's talking about turning the house titles over to the Tribe and then the Tribe would be responsible for collecting the rent. Chairman Jandreau has a plan for this venture and if the Tribal Council is interested then he would work it up. There are forty-one (41) BIA units. Chairman Jandreau had asked Superintendent Miller to check into the insurance portion on these houses and Mr. Miller has not received a reply from the Area Office as of yet. The base rent on these BIA houses is \$200.00 - \$250.00 per month. The plan which Chairman Jandreau wishes to develop could employ two (2) people, build a reserve, and return funds back to the Tribe each year. Mr. Miller informed the Council that he was told they wouldn't have to have liability insurance as a requirement. Motion was made by William Ziegler to have

resolution stating that the Tribal Council on a case by case basis, to tribal members, will grant a waiver for the tribal ownership requirement; and that this waiver is based on the Tribe's wishes to fully implement the President's Policy on self-determination; and that the general concept, that the Bureau of Indian Affairs will promote, is the use of the range resource by Indians to enable them to earn a living in whole or in part through the grazing of livestock. This motion was seconded by William S. Jandreau and carried with six for, none opposed, none absent and none not voting.

RECESS - The Council recessed the meeting for the lunch hour and to reconvene at 1:00 PM. The Council reconvened the meeting at 1:20 PM with the same Members being present and none absent.

11. AGREEMENT TO MAINTAIN A STATE TRUNK HIGHWAY - The date has been moved back from October to April 1st on getting the twenty-six (26) miles of the West road paved. The State of South Dakota wants to by agreement, turn the road over to the Tribe. The Tribe might need additional maintenance funding. Chairman Jandreau was informed that the regulations are trying to be changed back to give Indian Preference for construction and maintenance projects and they do have Indian Preference listed for road construction.

12. PIERRE INDIAN LEARNING CENTER - Ms. Gay Kingman, Superintendent, Pierre Indian Learning Center and Kay Farmer, Pierre Indian Learning Center Board Member were present during the Council Meeting to discuss the funding for the Pierre Indian Learning Center (PILC) FY-86. The PILC Board is made up of Members from fifteen (15) Tribes. The School receives P.L. 93-638 funding. The Learning Center is for children with special needs such as children with no homes or behavior problems. The PILC has a large staff and access to a Psychologist. There were eleven (11) students from Lower Brule this year at the PILC. The Aberdeen Area Special Education Coop has provided outreach service to all schools in the Aberdeen Area. As the Superintendent of PILC, Ms. Kingman administers two (2) contracts for the total of about \$2 million. There is about one hundred-seventy-five (175) students attend the PILC and this includes the Special Education Coop students. Kay Farmer is the Board Representative from the Sisseton-Whapeton Sioux Tribe. She has been a Board Representative for six (6) years. The Board meets up to ten (10) times per year and they try to meet during the school session. Mrs. Farmer serves off the PILC Board in an advisory capacity to the Special Education Coop. Chairman Jandreau clarified to Ms. Kingman and Mrs. Farmer that the Council took action not to support the PILC's resolution for FY-86 funding because the Council felt they are in competition for education dollars. The Council felt this was the most sensible thing to do. Ms. Kingman requested the Tribal Council to reconsider the decision because she feels they are not in competition with Tribes for education dollars because the Board has had that Special Education Coop for several years. Chairman Jandreau informed Ms. Kingman that we may have to close down our high school facility in the next fiscal year unless there is a turn around in funding. The PILC Board has requested a change in the Bylaws. The PILC Corporation Bylaws govern both contracts which they administer. Ms. Kingman suggested the Tribe adopt a resolution to encourage and support the PILC Board to obtain funding for the Special Education Coop. Chairman Jandreau said the PILC must be supported by the Tribes they represent in order to compete for dollars, if they're a P.L. 93-638 school. The Tribe has supported the concept of the PILC since the early years. Ms. Kingman will discuss this matter at the next Board meeting and bring back a document with wording that the PILC is not in competition with the Tribe for education dollars. She invited the Council to attend the next Board meeting. She informed the Council that they may utilize the PILC building facility to hold meetings if they wish. No action was taken at this time.

River Office has requested to meet with Kay Gourneau in reference to putting together a Democratic Caucus of Indians to support Congressman Daschle. No action was taken at this time.

17. LAKOTA WATER RIGHTS STEERING COMMITTEE - A letter dated June 13, 1985 was received from Charles W. Murphy, Chairman, Standing Rock Sioux Tribe regarding tribal water rights. Chairman Murphy has requested our Tribe to take a stand on water rights and give support on their four (4) resolutions. Chairman Jandreau said this is for informational purposes but if the Council wishes to adopt a resolution to join the Lakota Water Rights Steering Committee, they can. Motion was made by Ted Rouillard to adopt a resolution urging the United Sioux Tribes of South Dakota to formally organize and join a Lakota Water Rights Steering Committee to deal directly and only with the Indian Water Rights issue and that the Chairman and Secretary of the Tribal Council be authorized and instructed to sign this resolution for and on behalf of the Lower Brule Sioux Tribe. This motion was seconded by Darrell Middletent and carried with five for, none opposed, one absent and none not voting.

18. GENERAL COUNSEL INVOICES - Six (6) General Counsel billings were submitted by David L. Bergren, General Counsel, for the period of January 15, 1985 through June 17, 1985. The six (6) billings were reviewed and discussed by the Tribal Council. Motion was made by Kay Gourneau to authorize payment to General Counsel, David L. Bergren for the billings totalling \$618.44 covering the period of January 15, 1985 through June 17, 1985, in the approved amounts. This motion was seconded by Ted Rouillard and carried with five for, none opposed, one absent and none not voting.

19. TRAVEL AUTHORIZATION - Motion was made by William Ziegler to authorize for Kay Gourneau and Michael B. Jandreau to attend the meeting with Congressman Daschle's West River Office Staff regarding development of a Democratic Indian Caucus. This motion was seconded by Kay Gourneau and carried with five for, none opposed, one absent and none not voting.

20. COUNCIL MEMBER'S MILEAGE - A mileage sheet in the amount of \$194.93 was submitted by William Ziegler for approval. Motion was made by Kay Gourneau to approve payment of Council Member's mileage. This motion was seconded by Ted Rouillard and carried with six for, none opposed, none absent and none not voting.

(#19. Travel Authorization Cont'd.) - There will be a TERO meeting held in Rapid City, South Dakota on July 16 or 17th, 1985. Motion was made by Kay Gourneau to authorize travel for any Council Member to attend the TERO meeting. This motion was seconded by William Ziegler and carried with six for, none opposed, none absent and none not voting.

21. INSULATION - William Ziegler requested to buy some insulation from the Tribe for his new laundromat building. Motion was made by Kay Gourneau to approve William Ziegler's request for insulation, free of charge. This motion was seconded by Ted Rouillard and carried with five for, none opposed, one absent and none not voting.

22. SIGNATURE CARDS - Tribal Resolution No. 85-1, Signature Cards, was adopted by the Tribal Council on December 5, 1985 stating "that each check must bear the signature of the Secretary/Treasurer, Mr. William Ziegler and either of the three (3) Michael B. Jandreau, Kay Gourneau or Charles Langdeau." Mr. Ziegler will be on vacation for a period of time and tribal checks will need to be processed. Motion was made by Charles Langdeau to amend Tribal Resolution No. 85-01 to state that during the period of which Mr. William Ziegler, Secretary/Treasurer, will be on vacation (tentatively July 26, 1985

the Police Department and checked in and out when the Game Wardens report to work. The Council reviewed the test scores taken by the Game Wardens. Motion was made by Kay Gourneau to authorize the reinstatement of firearms to the Wildlife Management Program Staff who passed their Firearms Qualifications Test Scores. This motion was seconded by Ted Rouillard and carried with six for, none opposed, none absent and none not voting.

28. ADVISORY BOARDS - The INMED Program has been in existence for ten (10) years and has graduated Physicians who are Indian. The INMED Program has developed an INMED Advisory Board to oversee the program objectives. Motion was made by Kay Gourneau to appoint Arnold Sazue to the INMED Advisory Board as the Lower Brule Sioux Tribe's Representative. This motion was seconded by Ted Rouillard and carried with five for, none opposed, one absent and none not voting. A Health Contract has been awarded to the Mid-Dakota Hospital by Indian Health Service for the health services of Indians on the Lower Brule and Crow Creek Reservations. The By-laws of Mid-Dakota Hospital have been changed to provide Membership on the Board of an Individual appointed by the Tribal Council. The meetings of the Board of Directors are held monthly on the third Thursday of the month at 7:30 PM. Motion was made by Darrell Middletent to appoint William Ziegler as the Tribe's Representative to the Mid-Dakota Board of Directors. This motion was seconded by Kay Gourneau and carried with four for, none opposed, one absent and one not voting (William Ziegler).

29. LAKOTA HERITAGE CULTURAL CENTER, INC. - A letter was submitted by George Estes requesting a written response to his proposal regarding the Tribe purchasing shares of stock in the Lakota Heritage Cultural Center, Inc. The price of which Mr. Estes is requesting is approximately \$10,000.00 of stock to be purchased. Ted Rouillard has asked Mr. Estes to submit a management plan and Mr. Estes never did submit one. George Estes verbally told Mr. Rouillard who would be managing the business for him. Mr. Estes didn't have a value on the per share cost but he does own fifty-one percent (51%). The Council discussed that there is no guarantee that the Tribe will see a return on their investment. Motion was made by William Ziegler to inform George Estes there are no funds available to invest in his Lakota Heritage Cultural Center, Inc., as per his proposal. This motion was seconded by Darrell Middletent and carried with five for, none opposed, one absent and none not voting.

30. VENDING MACHINES - Mr. Stephen McCullough, Distributor for the Eagle Vending Systems had made a presentation earlier last week regarding cooperative service vending machines. Motion was made by Charles Langdeau not to purchase any vending machines at this time. This motion was seconded by Ted Rouillard and carried with five for, none opposed, one absent and none not voting.

31. IMPL FUNDS - The Bureau of Indian Affairs has informed the Tribe by letter dated May 24, 1985 that there will be available on October 1, 1985, more but not less than \$1,591.00 of IMPL funds accumulated. The Tribe has been requested to designate a use for the unobligated balance of the IMPL funds. Funds are needed to operate the Tribal Educational Assistance Fund for students who are attending higher education. Motion was made by Kay Gourneau to authorize their acceptance of IMPL funds accumulated from the sources identified by the Bureau of Indian Affairs when those funds become available and designate use of the unobligated balance of IMPL funds for the Tribal Educational Assistance Fund. This motion was seconded by William Ziegler and carried with five for, none opposed, one absent and none not voting.

32. VOCATIONAL EDUCATION GRANT APPLICATION - The Lower Brule Agency Education System has received a CPDA #84.101 Application for grants under the program for Indian Tribes and Indian Organizations. The Lower Brule Application

Lorenda Middletent, Bobbi Jo Ducheneaux and Raechelle LaRoche attend the conference. One (1) Supervisor and three (3) youth may attend the conference. The four (4) girls are the only ones who requested by letter, to attend the conference. Motion was made by Kay Gourneau to approve the four (4) girls to attend the 4th National Indian Youth Vocational Conference and that Vesta Charger be the Supervisor and they will travel by bus to the conference. This motion was seconded by Darrell Middletent and carried with six for, none opposed, none absent and none not voting. Truman G. presented the revised Adult JTPA Budget. Mr. Grooms eliminated the Childcare Position because there is no longer a Crisis Center. The Council reviewed and discussed the budget line items. Because of questions raised pertaining to the Adult JTPA Budget, the Council concurred to have Truman Grooms meet with Larry Mendoza, Acting Tribal Operations Manager to review and revise the Comprehensive Annual Plan, Programmatic PY 1985 Budget and the Administration PY 1985 Budget for the JTPA Program and return to the Tribal Council with a final draft before a decision is made. Truman G. readopted the Secretary's position in the revised budget. Discussion was held in reference to additional administration money may come out of the SYEP. Truman G. will be Acting as the JTPA Director and Contracts & Grants Officer until September 3, 1985 and he will be advertising the JTPA Director's position until then.

38. RODEO CONTRACT - Motion was made by Kay Gourneau to approve a Rodeo Contract with Pete Longbrake in the amount of \$8,500.00 and approve payment for the two (2) sanction fees to be paid to NRCA and SDRA for this year's Annual Pow-wow and Fair. This motion was seconded by Darrell Middletent and carried with four for, none opposed, two absent and none not voting.

39. AGENDA ITEMS - The Council concurred to table the remaining agenda items until 2:00 PM on Friday, when the meeting is reconvened.

RECESS - The Council concurred to recess this meeting until 2:00 PM, Friday, July 12, 1985.

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 10th day of July, 1985.

Cheryll Y. LaRoche, Recording Secretary

LOWER BRULE SIOUX TRIBAL COUNCIL
CONTINUATION OF REGULAR MEETING
JULY 19, 1985

PRESENT: Michael B. Jandreau, Chairman
Kay Gourneau
William Ziegler
Charles Langdeau
Darrell Middletent
William S. Jandreau

ABSENT: Ted Rouillard

This meeting is a continuation of the Regular Meeting held on July 10, 1985. The meeting was called to order by Chairman Jandreau at 10:20 AM. Roll call was taken by the Recording Secretary and the Lord's Prayer was led by Chaplain Langdeau.

1. JTPA - Truman Grooms, Acting Contracts & Grants Officer submitted the revised Adult JTPA Program Budget for FY-85. Motion was made by Kay Gourneau to approve submission of the revised Adult JTPA Program Budget. This motion was seconded by William Ziegler and carried with five for, none opposed, one absent and none not voting.

2. DRAWDOWN-TRIBAL TREASURY FUNDS - The Tribe has submitted a Form 1034 in the amount of \$50,000.00 and the Tribe has received an amount of \$13,500.00 in local funds. The Tribe is in need for the remaining amount to conduct ongoing business. Because of the Installment Repayment Agreement with the Department of Labor regarding disallowed costs, this has caused an unforeseen drain on the General Fund. The remaining funds for this years' General Fund Budget are invested until August 14, 1985 and there are debts and operating expenses which have accumulated as of July 19, 1985. Motion was made by Darrell Middletent to request the Bureau of Indian Affairs release from the Treasury Investments in the amount of \$36,500.00 for transfer to the Lower Brule Sioux Tribal General Fund Account. This motion was seconded by William S. Jandreau and carried with five for, none opposed, one absent and none not voting.

3. WILDLIFE MANAGEMENT PROGRAM - The Council discussed hunting procedures by out of state hunters last year. Discussed some of the problems that arose last year because licenses were sold out of town. One of the new hunting rules would be to have a hunter accompanied by a Guide or Tribal Member. Last year there were pasture gates left open by hunters. Because there are not enough on the Wildlife Management Program Staff to be guides for everyone, a Tribal Member may go to the Wildlife office and apply for a Guide Status. There will be verbal and written handouts given to each hunter so that they will be aware of the new hunting regulations. The pheasant survey is still incomplete because the Wildlife Staff are still doing the route survey. They will start the pheasant survey next week so they will know how many there will approximately be next fall. There is a need to get the hunting seasons date set because hunters are calling and writing in. The upland game hunting dates haven't changed. Kim K. Thompson, Wildlife Management Program Director is working close with the Bureau of Indian Affairs on the hunting seasons, regulations, etc. Mr. Thompson presented the tentative hunting season dates and will come to the next regular Council meeting with the final draft and documents. Motion was made by William S. Jandreau to approve the tentative Hunting Schedule Plan as layed out to the Tribal Council and if disputes arise, they will be handled on an individual basis and Mr. Thompson is to submit the final draft to the Council at the next regular meeting on August 7, 1985. This motion was seconded by Kay Gourneau and

80.00 acres of pastureland. A written request dated July 17, 1985 was received from Wayne Smith requesting to lease the above described tribal land. The Council had previously taken action to advertised for sealed bids on this tract of land but the tribal resolution has not been transmitted to the Bureau because some of the Council became aware that Mr. Smith had intended to renew this lease. Mr. Smith leases the adjoining allotted land. Motion was made by Charles Langdeau to grant a lease of the above described tribal land to Wayne Smith at the same duration and lease rate as the previous Lessee. This motion was seconded by Kay Gourneau and carried with five for, none opposed, one absent and none not voting.

11. BIA CONTRACTS - The Lower Brule Sioux Tribe has the following contracts as supported by the FY-86 budget for contracting the Home Improvement Program, Judicial Court & Dispatcher Service, Tribal Work Experience Program, Aid To Tribal Government, Rights Protection and the Roads Maintenance Contract. Motion was made by Kay Gourneau to request to contract the above Contracts at the amounts indicated in the resolution. This motion was seconded by William S. Jandreau and carried with five for, none opposed, one absent and none not voting.

12. COMPUTER SOFTWARE PACKAGE - A letter has been presented for Chairman Jandreau's signature to give notice of termination for the Contract Maintenance & Service Agreement with Data General Corporation covering our Data General Equipment. The Tribe has purchased a new computer software package through CCSI. Motion was made by Kay Gourneau to terminate the Contract Maintenance & Service Agreement with Data General Corporation provided the time frame is developed so that the Tribe will not be without a software package until the new package from CCSI is implemented. This motion was seconded by Darrell Middletent and carried with three for, none opposed, three absent, and none not voting, quorum present.

13. HEALTH INSURANCE BENEFITS - Authorization is needed from the Council for programs to provide Health Insurance benefits to employees. Motion was made by Kay Gourneau to authorize tribal programs to enter into the tribal Health Insurance Plan, providing their program budget allows this expenditure. This motion was seconded by William Ziegler and carried with five for, none opposed, one absent and none not voting.

14. INDIAN ELDERLY RESOURCES - Charles Langdeau gave a verbal report regarding the Indian Elderly Resources meeting held in Pierre, South Dakota on July 17, 1985, which he attended.

15. BINGO - We still have one (1) organization who hasn't paid their 10% of their profit to the Tribe. The Pow-wow Committee needs a night or two to hold bingo to raise funds for the upcoming pow-wow. Motion was made by William Ziegler that all Bingo Organizations were notified of the bingo rules as set forth by the Tribal Council and if a Bingo Organization is not in compliance with the rules as set forth by the Tribal Council, then give this bingo slot to the Pow-wow Committee, and all available bingo nights will be given to the Pow-wow Committee. This motion was seconded by Darrell Middletent and carried with five for, none opposed, one absent and none not voting.

ADJOURNMENT - With no further business, Chairman Jandreau entertained a motion to adjourn. Motion was made by Charles Langdeau to adjourn the meeting. This motion was seconded by Kay Gourneau and carried with five for, none opposed, one absent and none not voting.

LOWER BRULE SIOUX TRIBAL COUNCIL
REGULAR MEETING
AUGUST 7, 1985

PRESENT: Michael B. Jandreau, Chairman
(Arrived Late)
Kay Gourneau
William Ziegler
Darrell Middletent
Charles Langdeau
Ted Rouillard
William S. Jandreau

ABSENT: None

ALSO PRESENT: Kim K. Thompson, Wildlife Management Program Director
Barry Betts, Agency Biologist
Edwin L. Miller, Agency Superintendent
Alvin Johnson
Harlan Threadgold, ASCS Office
Bessie Estes, Health Board Chairperson
Dave Mosier, IHS Sanitarian
Paul Estes, Mini-Farms Director
Boyd Brummond, Extension Service Agent
Patti Moore, Human Resources Coordinator

In the absence of Chairman Jandreau, the meeting was called to order by Acting Chairperson Kay Gourneau at 10:45 PM. Roll call was taken by the Recording Secretary and the Lord's Prayer was led by Chaplain Langdeau.

1. CDBG PROGRAM - There is a need to appoint a CDBG Program Administrator to fill the vacancy of Howard Green. The CDBG Program for FY'83 needs to be closed out as the Representative from HUD, will be arriving on August 20, 1985 to monitor this program. Indian Health Service has submitted the Plans for the Lower Brule Solid Waste Project. In reference to the Solid Waste Project, the Council needs to approve the prequalifications submitted by Gourneau Brother Construction and Lower Brule Construction Company. Ted Rouillard informed the Council that he could administer the CDBG Program. Motion was made by Darrell Middletent to appoint Ted Rouillard as CDBG Program Administrator in a temporary capacity. This motion was seconded by William S. Jandreau and carried with four for, none opposed, one absent and one not voting (Ted Rouillard). Motion was made by Darrell Middletent to qualify the local contractors, Gourneau Brothers and Lower Brule Construction Company as bidders to bid on the CDBG Solid Waste Project. This motion was seconded by Charles Langdeau and carried with five for, none opposed, one absent and none not voting.

2. BERNADETTE KING'S REQUEST - A request dated July 15, 1985 was received from Bernadette King requesting to sell her two bedroom house to the Tribe. Her house is located on Lot #36. She is wishing to sell the house for \$1,000. The Council discussed that Ms. King's house is on the Home Improvement Program (HIP) list for repairs. The Council concurred to table any decision on this matter until after the HIP Committee meeting, which will be held next week.

3. LOWER BRULE MEN'S SOFTBALL - A request dated July 22, 1985 was received

group of prairie chickens than anywhere in the State of South Dakota. The Grouse population is increasing. The Pheasant brood survey will run through August 15, 1985. The Wildlife Management Program wants to manage the Grassrope & Clark Ranch Projects as a trophy unit. 589 different deer have been counted on the reservation from the Biological Survey. There is an increasing in the deer population. Kim K. Thompson recommends to sell 150 deer licenses. This amount would be up from last year. They did the Summer Ground Survey and felt production was good for antelope. There is approximately 70-80 head of antelope. A count of twenty-seven (27) buffalo and twenty-two (22) elk were taken on June 25, 1985. They recommend that one (1) bull elk and two (2) cows be shot. Mr. Thompson presented an idea of selling raffle tickets on the reservation for an elk cow to be shot. The drawing date would be approximately November 1, 1985. He would recommend only the community people be eligible for this venture. Discussed the sale price of the proposed raffle tickets. Arrangements for the shoot would be made after the winner's name is drawn. Reviewed the long range Management Plan on the buffalo pasture. Mr. Betts recommends the Tribe to maintain a smaller buffalo herd and increase the elk herd. He feels the Tribe could get additional elk quite cheaply. Right now the hunting market is full of buffalo but not elk. Mr. Betts and Mr. Thompson recommend that one (1) or more buffalo bulls and three (3) old cows be shot this year and this Fall to shoot two (2) elk cows and one (1) elk bull. A feasibility study will be done on the possibility of increasing the land size for the buffalo pasture and doing some grain studies. It would be several months before the specifics are completed. There has been a fifty percent (50%) production on the elk herd and forty percent (40%) calf production on the buffalo. Discussed the possibility of trading for a buffalo bull. Motion was made by Kay Gourneau to approve the Hunting Package and Management Plan as presented to the Tribal Council. This motion was seconded by Charles Langdeau and carried with six for, none opposed, none absent and none not voting. The brochures listing the hunting seasons should be out by next week.

B. INTERIM BUDGET - WMP - Kim K. Thompson, Wildlife Management Program Director presented an Interim Budget for the tribal Wildlife Department. The funds within this budget are needed immediately to pay for items necessary prior to the beginning of the fall hunting program. The Interim Budget is in the amount of \$6,000.00 and the funds will be spent in August and early September (prior to license sales receipts) to pay for needed items. The items listed in this budget were to repair the Hunting Lodge, repair waterlines for the Hunting Lodge, print licenses, hunting brochures, land maps, purchase uniforms, guns and ammunition purchase and vehicle signs. Motion was made by Kay Gourneau to approve the Interim Budget for the tribal Wildlife Department in the amount of \$6,000.00 and loan these funds to the Program from the General Fund. This motion was seconded by Ted Rouillard and carried with six for, none opposed, none absent and none not voting.

RECESS - The Tribal Council recessed for the lunch hour and to reconvene at 1:00 PM. The meeting was reconvened at 1:30 PM with the same Council Members present and William Ziegler arriving late.

9. SOIL CONSERVATION - Mr. Harlan Threadgold, Soil Conservationist, was present to bring the Tribal Council up to date on the soil survey that was done a year ago and is now ready for publication. This survey is for Stanley County. The survey for Lyman County is not available at this time. The survey does include aerial maps for the whole county. (William Ziegler arrived at this time.) The survey does include the crop yield data for soils. The kinds of grasses that grow on the range sites and the average temperatures and precipitation for the County. The survey includes information on trees including the trees that are common in this area. Everyone is entitled to a copy of the survey and there is no charge, reported Mr. Threadgold.

only.

15. WEST BRULE DISTRICT CLUB - A letter dated July 25, 1985 was received from Josephine Skunk, Secretary, West Brule District Club stating that the West Brule District Club is behind four (4) rent payments on the Tribal Gym facilities. Also, that they haven't been making a profit from their bingos to pay the rent plus other outstanding bills. They are hoping to soon make a decent profit so that they can pay the rental of the gym in full. A letter dated August 7, 1985 was received from the 1985 Pow-wow Committee Members requesting to hold Bingo on Sunday afternoons. They would like to start the Sunday after the Pow-wow to start raising money for next years Pow-wow. Their reasons being is that the Organization that usually has bingo on Sundays has not been in compliance with the rules set forth by the Tribal Council in April. Discussion was held in reference to the above two (2) letters. Motion was made by Kay Gourneau shut down bingo for West Brule District Club. However, as per the rules quoted in Item #6 adopted by the Tribal Council on March 11, 1985, a hearing must be granted to any organization slated for closure. A hearing will be held at 1:00 PM on September 4, 1985. In the event that Josephine Skunk, Secretary, West Brule District Club, is unsuccessful in the hearing or fails to appear at such hearing, the Sunday afternoons shall be given to the Lower Brule Pow-wow Committee. This motion was seconded by Darrell Middletent and carried with six for, none opposed, none absent and none not voting.

16. COMMUNITY INJURY CONTROL COMMITTEE - A letter dated July 23, 1985 was received from David Mosier, IHS Sanitarian concerning the organizing of a Community Injury Control Committee. Motion was made by Kay Gourneau to appoint Darrell Middletent to this Committee and refer this matter to the Health Board. This motion was seconded by William Ziegler and carried with six for, none opposed, none absent and none not voting.

17. FARM CORPORATION - Due to the hail damage to the Farm Corporation crops this season, additional time is needed before the Farm Corporation can procure adequate operating funds without a Loan Guarantee from the Government. Motion was made by Kay Gourneau to request the Bureau of Indian Affairs, Lower Brule Agency to agree to provide three (3) additional one (1) year guarantee loans for the growing seasons of 1986, 1987, and 1988 and that this request is submitted for the Farm Corporation to reach better economic stability. This motion was seconded by Ted Rouillard and carried with six for, none opposed, none absent and none not voting.

Tom Hanke, Farm Corporation Manager has developed a proposal for the erection of additional grain storage facilities. The grain storage bin which Mr. Hanke has proposed would hold approximately 23,000 bushels and would cost approximately \$22,000.00. The grain storage bin will be used this year to store soybeans in order for the Farm Corporation to take advantage of the low Loan Rate and the new bin will hopefully enable the Farm Corporation to harvest with a minimum of field loss. Motion was made by Charles Langdeau to request the Bureau of Indian Affairs to identify dollars in the Economic Development Grant funds for purchase of a grain storage facility for the Lower Brule Farm Corporation. This motion was seconded by Kay Gourneau and carried with six for, none opposed, none absent and none not voting.

18. CHAPTER I PROGRAM - Pursuant to the P.L. 93-638, Indian Tribes are eligible to contract for programs operated by the Bureau of Indian Affairs. The Bureau of Indian Affairs operates compensatory education programs pursuant to a Memorandum of Agreement between it and the United States Department of Education specifically to carry out the intent of the Chapter I of the Elementary and Secondary Education Act as amended. Motion was made by Kay Gourneau that the Lower Brule School Board be directed and authorized to

his request for a homesite located on the SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 36, Township 109 North, Range 77 West. Discussion was held regarding that this homesite was once given to Ted Rouillard and then to Jim Donovan. Motion was made by Kay Gourneau to table any decision on this matter until the current status of this tract of land can be established. This motion was seconded by Ted Rouillard and carried with six for, none opposed, none absent and none not voting.

24. POW-WOW BUDGET - The 1985 Pow-wow Committee is requesting to receive assurances that they'll receive funds from the General Fund for the Pow-wow. Motion was made by Kay Gourneau to identify the funds for the Pow-wow from the General Fund and make the necessary arrangements for prize money on Friday. This motion was seconded by William Ziegler and carried with five for, none absent and none not voting.

25. COMPLETE TRIBAL AUDIT - There is a need to request a complete tribal audit for FY'85 and the funds are available. Ron Tedrow of McGladrey, Hendrickson and Pullen has given us a cost for doing this audit. Motion was made by Kay Gourneau to go open market and request bids from Certified Public Accountants to administer a Tribal FY'85 Complete Audit. This motion was seconded by Charles Langdeau and carried with six for, none opposed, none absent and none not voting.

26. DONATED FEED PROGRAM - A large percentage of the non-governmental reservation economy is based on the agricultural production of crops and livestock. The Indian Farm and Ranch Operators on the Lower Brule Sioux Indian Reservation are faced with operational and financial decisions in order to sustain their operations. An Agreement exists between the Department of Agriculture and the Department of Interior wherein donated feed grains for base herds can be appropriated and issued to relieve the strain on grazing lands and allow Operators to maintain basic breeding herds. This Donated Feed Grain Program would be very beneficial to the Lower Brule Sioux Indian Reservation. Motion was made by Charles Langdeau to request the Bureau of Indian Affairs, Area Director, Aberdeen Area Office, that this Tribe be allowed to participate in the Donated Feed Grain Program. This motion was seconded by Ted Rouillard and carried with five for, none opposed, one absent and none not voting.

27. DROUGHT ASSISTANCE - Governor Janklow has issued a proclamation declaring a drought emergency excluding Lyman and Stanley Counties. A preliminary survey and study reveals that the Lower Brule Sioux Indian Reservation is suffering from a drought situation that has severely limited forage growth and grain, and grazing conditions on the Reservation. Limited precipitation has caused a shortage of hay, dams and streams to go dry, deteriorated range conditions that is limiting the ability of Livestock Operators to continue in business. As much of the non-governmental economy is based on agricultural production of crops and livestock and leasing of agricultural lands, the drought is also causing stress among the business community and will cause great distress to the Reservation Tribal Government. Motion was made by Charles Langdeau to request the Department of Interior and all other supporting governmental agencies to assist in providing monetary support in the development of emergency livestock water facilities, supplemental livestock feed and a grazing land deferral program. This motion was seconded by Ted Rouillard and carried with five for, none opposed, one absent and none not voting.

28. PRINTED PAYROLL CHECKS - A mistake was made when the Accounts Payable checks were ordered in 1983. The shipment which was received consisted of 5,500 payroll checks. The price of this shipment was approximately \$200.00. There are two options: 1.) the Tribe could spend approximately \$1,500.00

sixty-eight (68) hours of annual leave. Because of the unemployment insurance expended from the JTPA Budget there is not enough funds available to pay Mrs. Flute her annual leave. Mr. Grooms is in the process of retrieving the expended unemployment insurance because the JTPA Program is not to pay that type of insurance because it is an on the job training program. Motion was made by Kay Gourneau to approve payment to Jewel Flute for her sixty-eight (68) hours of annual leave to be paid from the General Fund until the dollars are retrieved from the State and Federal unemployment insurance that were paid out of the JTPA Program Budget. This motion was seconded by Darrell Middletent and carried with six for, none opposed, none absent and none not voting.

34. TRANSIT DRIVER/OPERATOR & WEATHERIZATION WORKER POSITIONS - Patti Moore, Human Resources Coordinator recommended James Estes be hired as the Transit Director/Operator, as he is already working temporarily in this position. She also recommended that Myron Walters be selected for the Weatherization Worker's position. Motion was made by Ted Rouillard to go along with the Human Resources Coordinator's recommendations on selection of these two (2) positions. This motion was seconded by William S. Jandreau and carried with five for, none opposed, one absent and none not voting.

35. TRIBAL OPERATIONS MANAGER POSITION - Ten applications were received for the position of Tribal Operations Manager. Patti Moore, Human Resources Coordinator recommended that Georgia LaPlante be selected to fill this position. Motion was made by Kay Gourneau to request Patti Moore, Human Resources Coordinator to schedule interviews with four (4) of the applicants for this position, within two (2) weeks: 1. Georgia LaPlante, 2. Camilla L. Morgan, 3. Clarence W. Snyder and 4. Robert Goss. This motion was seconded by Darrell Middletent and carried with six for, none opposed, none absent and none not voting.

36. TRIBAL POLICE DEPUTIES - Twelve (12) individuals have signed up for the positions of Tribal Police Deputies for the Annual Pow-wow & Fair. Motion was made by Kay Gourneau to authorize Chairman Jandreau and Virgil Randall, Police Captain to select the deputies for the Fair. This motion was seconded by Ted Rouillard and carried with six for, none opposed, none absent and none not voting.

37. HEALTH ADMINISTRATION SECRETARY POSITION - As of August 23, 1985, the position of Health Administration Secretary will be vacant as the present Secretary will be leaving for college. Motion was made by Kay Gourneau to advertise the Health Administration Secretary position until the next regular scheduled meeting. This motion was seconded by Charles Langdeau and carried with six for, none opposed, none absent and none not voting.

38. REMOVAL OF HOUSES - Motion was made by Charles Langdeau to authorize the Lower Brule Construction Company to remove the old Blue House located by the Fire Department and the Green House located on Ted Rouillard's homesite, if the Construction Company has the time and manpower to do this project. If not, they are to notify this office so that individuals may be employed to complete this project as soon as possible. The lumber is to be salvaged, Construction Company may keep the fuel tanks and if anyone who burns wood, would request it, they may have the scraps of lumber to burn. This motion was seconded by Kay Gourneau and carried with six for, none opposed, none absent and none not voting.

39. NATIONAL GRASSLANDS - Senator Bill Bradley introduced the "Sioux Nation Black Hills Act" in the United States Senate. Fort Pierre Grasslands area was a part of the Lower Brule Sioux Indian Reservation and was illegally taken. Senate Bill #1453 requests the return of federally held lands

LOWER BRULE SIOUX TRIBAL COUNCIL

REGULAR MEETING

September 18 & 19, 1985

PRESENT: Michael B. Jandreau, Chairman
(Arrived Late)
William Ziegler
Charles Langdeau
Ted Rouillard
Darrell Middletent
William S. Jandreau (Arrived Late)

ABSENT: Kay Gourneau

ALSO PRESENT: Alvin Johnson
Gib Rogers, High School Counselor
William Schmidt, Superintendent of Schools
Shelby White Bear, Jr. - Housing Authority
Josephine Skunk, West Brule District Club
Melanie Battese, " " " "
Geraldine Estes
Marlin Rodriguez
Shirley Marvin, Actg. FDA Planner
Barry Werner, Rural Ventures
Don Kettler, Rural Ventures
Boyd Brummond, Extension Agent
Paul Estes, Mini-Farms Director
Gary Halverson
Ron Tedrow, McGladrey, Hendrickson & Pullen
Doug Evenstad, " " "
Sylvia Ear, Alcoholism Prevention Program
Willa Madison
Mary Spears, Alcoholism Program
Pearl Monroe, " " "
Gregg Miller, " " Director
Nyal Brings, Child Protection Program Director
Patti Moore, Human Resources Coordinator

The meeting was called to order at 11:10 AM by Acting Chairman William Ziegler. Roll call was taken by the Recording Secretary and the Lord's Prayer was led by Chaplain Langdeau.

1. TRIBAL VETERANS SERVICE OFFICER - By Tribal Resolution No. 85-46, Tony LaRoche, Jr. was appointed as the Tribe's Tribal Veterans Service Officer. Tony LaRoche, Jr. has resigned from his position with the Tribe and Ernest Azure, Sr., Division of Veterans Affairs informed the Tribe there was a need to make a new appointment to the position. Motion was made by Ted Rouillard to appoint Clyde C. Banks as the Tribal Veterans Service Officer for the rest of the year, 1985, plus one (1) year appointment to December 31, 1986. This motion was seconded by Darrell Middletent and carried with three for, none opposed, three absent and none not voting, quorum present. (William S. Jandreau arrived at this time.)

2. SERVICE LINE AGREEMENTS - Ted Rouillard and Annalisa Estes have requested Service Line Agreements be approved between the Tribe, themselves, and West Central Electric Cooperative, Inc. so that electricity will be turned on to their homes located on their homesites. The regulations of 25 CFR 169.22,

and carried with four for, none opposed, two absent and none not voting.

8. UTILITIES COMMISSION - Three (3) Individuals have submitted their names for selection of the Utilities Commission, Alvin Johnson, Sr., Shirley Flute and Steve Schneider. There is five (5) vacancies on the Commission. Motion was made by Ted Rouillard to appoint Shirley Flute and Alvin Johnson, Sr. to the Utilities Commission and readvertise the remaining three (3) vacancies for a period of two (2) weeks. This motion was seconded by Charles Langdeau and carried with four for, none opposed, two absent and none not voting.

9. HOUSING AUTHORITY BOARD - Six (6) Individuals have submitted their names for selection of the two (2) vacancies on the Housing Authority Board, Arnold Sazue, Alvin Johnson, Sr., Rose McCauley, Baunita Ness, Keith Middletent, and Steve Schneider. Darrell Middletent recommended Arnold Sazue for one (1) vacancy on the Board. William S. Jandreau recommended Baunita Ness for the other vacancy on the Board. Motion was made by Darrell Middletent to appoint Arnold Sazue and Baunita Ness to fill the two (2) vacancies on the Housing Authority Board. This motion was seconded by Ted Rouillard and carried with four for, none opposed, two absent and none not voting.

10. APPELLATE COURT JUDGE & ALTERNATE - The Lower Brule Sioux Tribe is a member of the Inter-Tribal Court of Appeals and the grant schedule requires that each of the three (3) participating Tribes appoint a Judge and an Alternate. The Tribe desires to implement the Court of Appeals which will be of benefit to the Tribe and its Members. Motion was made by Charles Langdeau to appoint Stan Whiting as the Appellate Court Judge and Rose McCauley as Alternate. This motion was seconded by William S. Jandreau and carried with four for, none opposed, two absent and none not voting.

(#5 EDUCATIONAL GRANT APPLICATIONS CONT'D.) - Gib Rogers, High School Counselor and William Schmidt, Superintendent of Schools entered the meeting at this time. Mr. Rogers anticipates approximately nine (9) or ten (10) more educational grant applications to come in from college students. Mr. Rogers clarified that the Nursing Training to become a Registered Nurse is considered higher education. Even if you're enrolled with the Tribe, you must be at least one-fourth (1/4) degree of Indian or more to qualify for the Bureau of Indian Affairs Higher Educational Grants. Motion was made by William S. Jandreau to table a decision of approving the Educational Grant Applications until October 2, 1985 because of the possibility that more will be submitted for approval. This motion was seconded by Darrell Middletent and carried with four for, none opposed, two absent and none not voting.

11. ENVIRONMENTAL TECHNICAL ASSISTANCE - A letter dated August 16, 1985 was received from Charles Gomez, Indian Program Coordinator, United State Environmental Protection Agency Region VIII regarding the Environmental Protection Agency Office of Federal Activities, Washington, D.C. recently notified EPA Region VIII that \$250,000 is available through the Council of Energy Resource Tribes to assist EPA regional offices in providing environmental technical assistance to American Indian Tribal Governments. Forty thousand of these dollars are provided to CERT for technical assistance to reservations in Region VIII states, which includes North and South Dakota, Montana, Wyoming, Utah and Colorado. This assistance can be provided to CERT member Tribes as well as non-CERT members, and is in addition to the EPA Region VIII Air Grant made to CERT for FY'85. Motion was made by Ted Rouillard to approve the submission of a proposal to the Council of Energy Resources Tribes and to authorize Chairman Michael B. Jandreau to execute the required grant documents as necessary. This motion was seconded by Charles Langdeau and carried with four for, none opposed, two absent and none not voting.

seconded by Charles Langdeau and carried with four for, none opposed, two absent and none not voting.

17. GERALDINE ESTES - Geraldine Estes was present during the meeting in regards to her Land Sale Application and she wishes to request a loan from the Tribe on the dollars she will receive from the land sale. From the land sale dollars, she wishes the Tribe to deduct her back rent to the Housing Authority, deduct her old day care bill and her water/sewer paid to the Tribe for a full year. William S. Jandreau recommends Mrs. Estes submit a workup sheet as to the cost of her land versus what she wishes deducted at the meeting scheduled for October 2, 1985. No action taken at this time.

18. ENROLLMENT (6) - Six (6) Enrollment Applications were received and reviewed by the Enrollment Committee. The Enrollment Committee recommended the following individuals become enrolled Members of the Lower Brule Sioux Tribe: Julie A. Johnson, Ramona M. Johnson, Houston Dominic Jay Estes, Staci Lynn Isburg, Kendal Justina Cadwell, and Christine Lynn LaRoche. Motion was made by Darrell Middletent to accept the recommendation from the Enrollment Committee to enroll the above list of six (6) individuals as Enrolled Members of the Lower Brule Sioux Tribe. This motion was seconded by Ted Rouillard and carried with four for, none opposed, two absent and none not voting.

19. CURFEW - A letter dated September 4, 1985 was received from Darrell Middletent, Chairman, Lower Brule School Board in reference to the Lower Brule Schools are trying to curb excessive absenteeism and tardiness in the school systems. In most cases they find that the students were out late at night and did not get enough sleep to get up in the morning. They feel that the students must get a good nights sleep in order to be on time in the morning and do their best while at school. The Lower Brule School Board voted on September 3, 1985 to ask the Tribal Council for their help in enforcing the existing curfew laws. They currently understand the existing curfew to be 11:00 PM on week nights, if so, they would prefer it be modified to 10:00 PM week nights. Motion was made by Darrell Middletent that the curfew be changed to 10:00 PM and it be enforced all seven (?) nights of the week. This motion was seconded by William S. Jandreau and carried with four for, none opposed, two absent and none not voting.

20. DOROTHY TAPLEY'S REQUEST - A letter dated September 3, 1985 was received from Dorothy Tapley thanking the Tribe for purchasing her a new stove and requesting the Tribe to purchase her a new refrigerator as her's doesn't work that good. The Tribal Council discussed that at the end of last Spring she wanted an apartment size frigerator and stove. The Tribe only committed themselves to buy her a stove, as they did. William S. Jandreau told the Council he will inform Mrs. Tapley that the Tribe could only purchase her a stove, which they have. No action was taken at this time.

21. DEPARTMENT OF TRANSPORTATION - The U.S. Department of Transportation is authorized to make grants to States through the Urban Mass Transportation Administration (UMTA) to support capital and operating assistance projects for nonurbanized public transportation systems Section 18 of the UMTA Act of 1964, as amended. The South Dakota Department of Transportation, Office of Local Government Assistance, Public Transportation Program has been designated by the Governor to administer Section 18. The contract for financial assistance will impose certain obligations upon the applicant, including provision by it of the local share of project costs. Motion was made by Ted Rouillard to authorize the Tribal Chairman to execute and file an application on behalf of the Lower Brule Sioux Tribe with the South Dakota Department of Transportation to aid in the financing of capital and/or operating assistance projects pursuant to Section 18 of the Urban Mass Transportation Act of 1964, as amended and the Tribal Chairman is authorized

have Rural Ventures submit all reports or studies for this crop season and get the potatoes harvested. Ted Rouillard would like to see more communication between Mini-Farms Project, Rural Ventures and the Tribe, for the remainder of the season than what was done in the past. Motion was made by William S. Jandreau that the Tribe would continue the contract until it is completed with Rural Ventures based on the fact that there is an extremely urgent need to get any produce left in the garden marketed, primarily potatoes, any other analysis, studies, and project market strategies to be completed and submitted to the Tribe. This motion was seconded by Charles Langdeau and carried with four for, none opposed, two absent and none not voting.

23. OFF-SALE LIQUOR STORE - Mr. Gary Halverson was present to request approval from the Tribal Council to open an off-sale package liquor store in the Lower Brule Community. William S. Jandreau feels it should be opened as a business venture for the Tribe. Mr. Halverson proposed to the Tribal Council that whatever purchases he made, the Tribe would get ten percent (10%). He would provide a copy of all invoices to the Tribe. Mr. Halverson estimated that the Tribe's share would be approximately \$15,000 - \$16,000.00 per year. Mr. Halverson informed the Council that he would rent the building owned by J.W. Thompson. William Ziegler feels the issue of a liquor store should be put to a referendum vote whether the people wish to have it open. Motion was made by William Ziegler that the Tribe establish a public hearing to be held in two (2) weeks, October 1, 1985 at 10:00 AM for placing the issue of selling a liquor license on the Lower Brule Reservation on a ballot to the vote of the people and have a referendum vote thirty (30) days from the date of the public hearing, and request the presence of Paul Picotte at the scheduled hearing. This motion was seconded by Darrell Middletent and carried with five for, none opposed, one absent and none not voting. Motion was made by William Ziegler to establish a Committee for the issues of a Constitutional revision and liquor license so that the public hearing can be carried through. The Committee shall consist of Charles Langdeau, Rose McCauley, William Ziegler, William S. Jandreau, Darrell Middletent, George Small Jumper, and Marilyn Harmon and this Committee will meet at the hearing scheduled for October 1, 1985 and William Ziegler will be designated as the Chairman of this Committee. This motion was seconded by Darrell Middletent and carried with five for, none opposed, one absent and none not voting.

24. TRIBAL PROGRAM AUDIT - Two (2) bid proposals were received for the Tribe's Program Audit. One (1) was from J.Noonan & Company, Sioux Falls, South Dakota and the other was from McGladrey, Hendrickson & Pullen, Pierre, South Dakota. The Bureau of Indian Affairs previously conducted the Tribal audits but they no longer have an audit operations section in the Aberdeen Area Office. The Tribal Council reviewed both bid proposals. Ron Tedrow and Doug Evenstad, Certified Public Accountants with McGladrey, Hendrickson & Pullen entered the meeting at this time. In August of 1985, the Tribe received a letter for non-compliance of revenue sharing funds by not having an audit completed. Mr. Tedrow, for the Tribe, contacted Mr. Art Johnson, Revenue Sharing in Washington, D.C. and requested a waiver of audit for FY'84. Mr. Tedrow informed the Tribe that Revenue Sharing audits need to be done every three (3) years. The last audit for revenue sharing was done in 1982. Mr. Tedrow informed the Tribe that the "Single Audit Act" will be in effect for next year. Mr. Johnson informed Ron Tedrow that Revenue Sharing will transmit the Tribe's funds on time for October. The "Attachment P Audit" is a government wide audit and requires the contract documentation. The bid proposal for a Tribal Program Audit does not cover the Farm Corporation and the Lower Brule Construction Company. A discussion was held regarding the bid price submitted by McGladrey, Hendrickson & Pullen for the audit. J.Noonan & Company, in their bid proposal, requested 85% of the cost as progress payments and the remaining 15% payment when the audit is completed and their bid price does not include the General Fund and Indirect Cost Pool. McGladrey,

Volunteerism as responsible for providing clothing to needy citizens. To become a distributor, an organization or agency must apply through the SDOV. Once an organization is granted distributor status, the organization must follow guidelines established by the SDOV. A handling charge of 7-9% of the cost of the clothing when it was new will be imposed to cover the federal government's cost for transporting the clothing. Each individual agency will be responsible for this cost. The SDOV will not provide funds to purchase the clothing. Motion was made by Ted Rouillard to apply for a distributor status through the Department of Social Services, Office of Volunteerism and appoint the Tribe's contact person as Mr. Larry Mendoza. This motion was seconded by William S. Jandreau and carried with four for, none opposed, two absent and none not voting.

28. FIRST NATIONS FINANCIAL PROJECT - A letter dated September 3, 1985 was received from Jean Walking Eagle, TCEP Coordinator, First Nations Financial Project regarding the issue of Tribal economic development and self-sufficiency is the number one concern for all Tribal Governments nationwide. In Mr. Walking Eagle's letter, he stated, that the Tribal Commerce and Enterprise Program is a scholarship fund and we are looking for qualified tribal people to attend Yale's School of Organization and Management to receive their Masters in Public and Private Management. Tuition, living stipend and travel expense are covered at a total of \$22,000 per student. The Tribes role in this program is essential. Each fellow must have a tribal sponsor because during the two (2) years at Yale, the intern will produce an economic plan for self sufficiency designed to their tribe sponsors needs. In the third year the intern returns to his sponsoring tribe to begin the actual implementation of the plan for self sufficiency at the tribes expense. Mr. Walking Eagle is requesting the Tribal Chairman's recommendations of individuals that they feel would be excellent candidates to this program. This program is ongoing and selection date is March 31, 1986. Chairman Jandreau feels there is an opportunity to get an individual in the program. Chairman Jandreau encourages people interested to contact the Tribal Council or the Tribal Administration Office. William S. Jandreau feels the Tribal Council should support individuals who participate in these types of programs. No action was taken at this time, for informational purposes.

29. FLANDREAU INDIAN SCHOOL - A letter dated August 19, 1985 was received from Roger A. Jourdain, Chairman of the Red Lake Band of Chippewa Indians regarding a resolution from the Flandreau Indian School Board and Resolution No. 210-85 from the Red Lake Band of Chippewa Indians. Mr. Jourdain stated that it is the feeling of the Flandreau Indian School Board and the Red Lake Tribal Council that the federal government is again attempting to close off-reservation boarding schools. The Council discussed the process when the Pierre Indian Learning Center requested support for funding from the Lower Brule Sioux Tribe but support of funds to the Flandreau Indian School would not be of conflict to the Tribe. There are approximately five (5) or six (6) students from Lower Brule going to Flandreau Indian School. Chairman Jandreau's opinion is that if the funds don't conflict reservation educational funds, then the Tribe should support this matter. Motion was made by William S. Jandreau to support, by letter, the efforts to keep open the Flandreau Indian School which is in existence and offer cash support upon the availability of funds. This motion was seconded by Darrell Middleton and carried with four for, none opposed, two absent and none not voting.

30. INDIAN TRAFFIC FATALITIES STUDY - A letter dated August 20, 1985 was received from Mr. Ron Pauley, Project Director/Principal Investigator, Indian Traffic Fatalities Study regarding the Federal Highway Administration (FHWA), recognizing its role in the overall multi-sectoral attack on alcohol abuse and its consequences, has for sometime been concerned with the abnormally high fatality rates (4.2 times higher than non-Indians) on or near

sweet corn seed provided by the Mini-Farms Program. The Farm Corporation will also apply adequate fertilizer, herbicide, and cultivation practices when needed, at cost to the Mini-Farms Program. Cost will be \$115.70 per acre at twelve (12) acres = \$1,388.00. The Mini-Farms Program will be responsible for harvest of sweet corn. The contract will only cover the twelve (12) acres involved. Motion was made by William Ziegler to approve the Contract between the Mini-Farms Program and the Farm Corporation regarding the planting of sweet corn seed. This motion was seconded by William S. Jandreau and carried with four for, none opposed, two absent and none not voting.

35. INDIAN GILL NETTING - A letter dated September 14, 1985 was received from Robert J. Jacobson, Secretary/Treasurer, South Dakota Wildlife Federation regarding Indian Gill Netting. Attached to the letter was a draft resolution which concerned itself with the wise use of our natural resources as one of those passed by the Delegates attending the recent 40th Annual Convention of the South Dakota Wildlife Federation which was held in Watertown, South Dakota, states Mr. Jacobson's letter. He states, that the Delegates directed that a copy of the resolution be forwarded to our Tribe. Motion was made by William Ziegler in response to Mr. Jacobson's letter, that we have tribal laws which pertain to gill netting and these laws are in effect on the Lower Brule Reservation. This motion was seconded by William S. Jandreau and carried with four for, none opposed, two absent and none not voting.

36. LOW-INCOME ENERGY ASSISTANCE PROGRAM - Motion was made by Darrell Middletent to apply for funds available from the Low-Income Home Energy Assistance Program for FY-86. This motion was seconded by William S. Jandreau and carried with four for, none opposed, two absent and none not voting.

37. AUTHORIZED SIGNATURES ON TRIBAL CHECKS - The Council discussed that a problem exists with the signatures of tribal checks when William Ziegler, Secretary/Treasurer is unavailable to sign the checks before one (1) of the other authorized three (3) Council Members. The Council discussed that a specific time should be designated for checks to be processed and signed by Mr. Ziegler. Motion was made by Ted Rouillard to authorize any of the two (2) Tribal Council Members, as identified on the signature cards, to sign checks for the Tribe when William Ziegler, Secretary/Treasurer is not immediately available for signature within a time frame of eight (8) hours. This motion was seconded by William Ziegler and carried with four for, none opposed, two absent and none not voting. Discussed the problem with employees getting paid early and some not showing up for work on the day after pay day. Motion was made by William Ziegler to release the salary checks to the program Directors on Thursday at noon and then it will be the responsibility of the Director to disburse the salary checks to the employees. This motion was seconded by Darrell Middletent and carried with four for, none opposed, two absent and none not voting.

38. FY-86 CDBG PRIORITIES - Ted Rouillard informed the Council that he talked with Larry Mendoza, Acting Operations Manager regarding the FY-86 CDBG priorities. Mr. Mendoza had suggested that Shirley Marvin, Acting EDA Planner, any Tribal Council Member, especially Chairman Jandreau, and himself sit down within the next two (2) weeks to prioritize the needs through the CDBG Proposal for FY-86 and present the recommendations at the next Tribal Council meeting. The grant application deadline date is February, 1986. No action was taken, informational purposes only.

39. LOWER BRULE CONSTRUCTION COMPANY - A letter dated September 17, 1985 was received from Annalisa Estes requesting a basement be built, her house moved to her homesite, an Electrician and materials for the rooms be provided through the Construction Company. Ted Rouillard has also requested to have

the specific night between Thursday or Saturday and deny the request to waive payment of 10% profit and \$35.00 per night bingo rent. This motion was seconded by Ted Rouillard and carried with four for, none opposed, two absent and none not voting.

RECESS - The Tribal Council recessed the meeting for the noon hour and to reconvene at 1:00 PM. The meeting reconvened at 1:25 PM with the same Council Members present including Charles Langdeau.

(#22. Mini-Farms Cont'd.) - Paul Estes, Mini-Farms Director entered the meeting to share information with the Tribal Council on the potatoe sales. He has contacted the Commodity Program in Rosebud and they wish to purchase some potatoes to sell to their Community. They feel they would have at least one hundred (100) customers. The potatoes price is \$3.00 per 100 weight. Mr. Estes has also contacted a couple Individuals with the Food Service in the Education System so see if they would be interested. He is not sure, at this point, whether these contacts will lead into anything. The Tribal Council concurred that Mr. Estes could made further contacts.

45. ALCOHOLISM PROGRAM - Sylvia Ear, Alcoholism Prevention Office, Willa Madison, Pearl Monroe, and Mary Spears, entered the meeting at this time. Mrs. Ear informed the Council that the issues presented here did not go through the Alcoholism Program Director, Gregg Miller. She informed the Council that she's pushing these issues and she doesn't want anyone's job on the line because of this. One of the issues raised was the selection of Gregg Miller as the Alcoholism Director by the Tribal Council. Mrs. Ear has taken her issues to the Alcoholism Commission and they referred her to the Tribal Council. Mrs. Ear thought enrolled members received first preference in the selection of positions. She doesn't feel that Mr. Miller is qualified as the Alcoholism Director. She asked the Council what grounds and guidelines did he get hired and requested the Alcoholism Commission to review the applications again putting enrolled members as first preference. William S. Jandreau stated that the Alcoholism Program needed some "fresh blood" so that no personal conflicts would be involved with relatives and no politics involved. He said the activities should be to counsel people and the Tribal Council felt that wasn't being followed at the Recovery House. Ted Rouillard stated that he felt there was not enough preventive alcoholism and the Alcoholism Director position is not just an eight (8) hour job. The selection was for fresh blood and more initiative into the program. Chairman Jandreau stated that those applications were to be turned in down here and no-one checked to see that his was turned in. The Tribal Council determined four (4) Applicants to be interviewed and after that the selection was made. William S. Jandreau stated that no politics were involved in the selection of Gregg Miller. The Tribal Council wishes to make the Alcoholism Program a better program for efficiency sake. They needed to make it a good operating program. Mr. Miller was put on a ninety (90) day probation period. Mrs. Ear informed the Council that Mr. Miller used one (1) week comp time before his probationary period was up. She thought Directors aren't to draw comp time. She said she worked with the Program seven months before she accrued any leave. The Council discussed that they can't discriminate when receiving federal funding, on selection of positions. Charles Langdeau said when the Alcoholism Commission met to hear the issues presented by Sylvia Ear, present was George Small Jumper, Roberta White, Kim Thompson and himself. They did not meet with the Director. It was noted that the Director has not met with the Alcoholism Commission or the Tribal Council, in a formal meeting, since employed. He has however, discussed the progress of the program with Chairman Jandreau on a weekly basis, and with other Council Members. Charles Langdeau feels the Council should meet with the Director. Sylvia Ear stated there are problems with the new schedule that has been drafted. They don't know who works the 2:00 PM to 10:00 PM shift and on weekends, until the last minute.

recommended for selection and Alternates by the Health Board and Truman Grooms, Acting JTPA Director: Charles D. Flute as Ambulance Attendant/Aide and Darlene Hood as Alternate and Marlita Grassrope as the CHR Secretary/Receptionist Aide and Teresa Estes as Alternate. Motion was made by Darrell Middletent to go along with the recommendation for selection of the Ambulance Attendant/Aide and CHR Secretary/Receptionist Aide. This motion was seconded by William Ziegler and carried with five for, none opposed, one absent and none not voting. Mrs. Moore recommended Lawrence LaRoche be selected for the position of Housing Maintenance Aide through the JTPA Program and Harlan Small as Alternate. Motion was made by Ted Rouillard to go along with the recommendation of Mrs. Moore for the selection of the Housing Maintenance Aide position. This motion was seconded by Charles Langdeau and carried with five for, none opposed, one absent and none not voting. For the position of JTPA Director, there were six (6) applications received. Mrs. Moore recommended that the Tribal Council choose four of the applicants for an interview. Chairman Jandreau recommended selection of Eyvonne Dupris for the position of JTPA Director because of her previous experience with the position and Mary Lee Thompson as Alternate. Motion was made by William S. Jandreau to go along with the recommendation of Chairman Jandreau for selection of the JTPA Director position. This motion was seconded by Charles Langdeau and carried with five for, none opposed, one absent and none not voting. Eight (8) applications were received for the two (2) Wildlife Conservation Officer positions. Kim K. Thompson, Wildlife Management Director and Mrs. Moore reviewed the applicants for these positions and recommended that Avery Thompson and Dallas Michalek be chosen to fill these positions. Motion was made by William S. Jandreau to go with the recommendation for the (2) Wildlife Conservation Officer positions and name Pat Big Eagle as Alternate. This motion was seconded by Charles Langdeau and carried with five for, none opposed, one absent and none not voting. The position of Parent Aide/Data Counselor for the Lower Brule Sioux Tribe inconjunction with the Red Horse Lodge was advertised but we did not receive any applicants. Motion was made by William S. Jandreau to select Bernadette King as the Counselor and Mary Lee Thompson as Alternate. This motion was seconded by Charles Langdeau and carried with four for, none opposed, two absent and none not voting.

47. HOME ASSIGNMENT - The Tribe has been assigning homesites that contain 2.5 acres and there's persons involved in livestock operations who are in need of more space to adequately provide for their operations. Ted Rouillard has requested a Home Assignment containing five (5) acres described as LB-T4011, S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 19, Township 109 North, Range 73 West, Fifth Principal Meridian, Lyman County, South Dakota. Motion was made by Charles Langdeau to grant Ted Rouillard a Home Assignment on the above described five (5) acres. This motion was seconded by Darrell Middletent and carried with four for, none opposed, one absent and one not voting (Ted Rouillard). The Council clarified that these requests for a Home Assignment will be dealt on a case by case basis.

48. LAND SALE APPLICATIONS (BAD HORSE) - Chairman Jandreau said all the heirs have requested to sell their undivided interests in Allotment LB-2032, (John Little Elk Horn Allotment), LB-2032, (Crow Medicine Allotment, formerly LB-514), and LB-2024, (Daniel Bad Horse Allotment), except one (1) heir. Chairman Jandreau requested authorization to purchase the undivided interests as per the Land Sale Applications and research the funds to complete the purchase. Motion was made by Charles Langdeau to authorize Chairman Jandreau to secure the funds to purchase the land. This motion was seconded by William S. Jandreau and carried with five for, none opposed, one absent and none not voting. A Land Sale Application has been received from Robert V. Crow to sell his undivided 1/1 mineral interest in Allotment LB-M1054. The Council must review an appraisal on the proposed land sale before a decision of

clarified that an employee can't carry over annual leave of more than one hundred (100) hours.

51. LEASE OF TRIBAL LAND - The following described tribal land was advertised for sealed bids in Lease Advertisement No. 85-05: NW¼NW¼ of Section 22, Township 108 North, Range 77 West, Fifth Principal Meridian, Lyman County, South Dakota, containing 40.00 acres of pastureland. The Tribe has been informed by the Bureau of Indian Affairs, Lower Brule Agency that one (1) bid was received, from Andrew Brakke for \$120.00 per year. Motion was made by Charles Langdeau to accept the bid of \$120.00 per year from Andrew Brakke for lease of the above described tribal land, and duration of the lease be for a three (3) period. This motion was seconded by William S. Jandreau and carried with five for, none opposed, one absent and none not voting.

52. GENERAL COUNSEL INVOICES - Five (5) General Counsel billings were submitted by David L. Bergren, General Counsel, for the period of April 9, 1985 through September 19, 1985. The billings were reviewed and discussed by the Tribal Council, CETA-103 = \$1,767.66, General Counsel-104 = \$225.00, General Counsel-105 = \$18.00, Morris Irrigation-103 = \$18.30 and General Counsel-106 (Mini-Farms) = \$126.00. Motion was made by Charles Langdeau to approve payment to General Counsel, David L. Bergren, for the billings covering the period of April 9, 1985 through September 19, 1985, in the approved amounts. This motion was seconded by William Ziegler and carried with five for, none opposed, one absent and none not voting.

53. TITLE II PROJECT, FY-85 - Motion was made by Darrell Middletent to request a modification of the budget for the Title II Project, FY-85, to reflect an additional \$10,000.00 allocation to the initial award of \$36,000.00 to an amended amount of \$46,000.00. This motion was seconded by William Ziegler and carried with five for, none opposed, one absent and none not voting. This request identifies an added staff person of a Family Counselor and that position will be advertised.

54. TRIBAL COUNCIL MINUTES - Motion was made by Darrell Middletent to approve the Tribal Council Minutes for August 7, 1985, August 23, 1985 and August 27, 1985. This motion was seconded by William S. Jandreau and carried with five for, none opposed, one absent and none not voting.

55. TRIBAL BUDGET - The Tribal Council reviewed Budget Schedules for actual and estimated income for FY'85, FY'86 and FY'87 and expenditures. Chairman Jandreau suggested the Tribal Council pass a deficit budget because of the estimated income for FY'86. Motion was made by Darrell Middletent to approve the amount as projected for the FY'86 General Fund Budget and FY'87 General Fund Budget in order that withdrawals can be made from the Tribal Treasury. This motion was seconded by William S. Jandreau and carried with five for, none opposed, one absent and none not voting.

56. WEST CENTRAL NEGOTIATIONS - Chairman Jandreau requested authorization for approval of travel when he has to attend the West Central negotiations or any Tribal Council Member can collect travel expenses prior to going. If none of the Tribal Council Members or the Tribal Chairman can attend, then a Representative from the Farm Board be the Tribe's legal Representative. Motion was made by Charles Langdeau to approve Chairman Jandreau's request. This motion was seconded by Ted Rouillard and carried with four for, none opposed, two absent and none not voting. The price of \$79,000.00 is the amount set for the Tribe to prepay to West Central Electric Cooperative, Inc.

ADJOURNMENT - With no further business, Chairman Jandreau entertained a motion to adjourn. Motion was made by Ted Rouillard to adjourn this

LOWER BRULE SIOUX TRIBAL COUNCIL
SPECIAL MEETING
August 23, 1985

PRESENT: Michael B. Jandreau
Kay Gourneau
William Ziegler
Ted Rouillard
Charles Langdeau (Arrived Late)
Darrell Middletent
William S. Jandreau (Arrived Late)

ABSENT: None

ALSO PRESENT: Clarence Thompson, Sr.
Rod Coker, Indian Health Service
Curt Bossert, Indian Health Service
Truman Grooms, Acting JTPA Director
Dr. Terrence Sloan, Aberdeen Area Director
Ted Bolman, Health Director
Jamie Longbrake, IHS, Aberdeen Area Office
Arvada Tout-Stops, Service Unit Director

The meeting was called to order by Chairman Jandreau at 2:00 PM. Roll call was taken by the Recording Secretary and the Lord's Prayer was led by Chaplain Langdeau.

1. LAND EXCHANGE - The Lower Brule Sioux Tribe assembled in Regular Session on July 10, 1985 took action to request appraisals for the proposed Land Exchange between the Tribe and Clarence Thompson, Sr. The appraisals for the proposed Land Exchanged have been received. There is a difference of \$750.00 value between the two (2) tracts of land. Clarence Thompson, Sr. was present during this meeting and informed the Tribal Council that he would make payment of the \$750.00 difference. Motion was made by Ted Rouillard to accept the proposal of Clarence Thompson, Sr. to make payment of the \$750.00 difference and proceed with the Land Exchange between him and the Lower Brule Sioux Tribe. This motion was seconded by Kay Gourneau and carried with five for, none opposed, one absent and none not voting.

2. LAND SALE APPLICATIONS - Approximately ten (10) Land Sale Applications have been received from Heirs in Allotment LB-2032, John Little Elk Horn, Allotment LB-2032, Crow Medicine and Allotment LB-2024, Daniel Bad Horse. The appraisals have been requested and received for these allotments. The appraisal value has been released to the Tribal Council by a couple of the heirs. Discussion was held in reference to where the funding would be obtained to make such land purchases. Motion was made by William Ziegler to table any decision on this matter until September 4, 1985. This motion was seconded by Kay Gourneau and carried with five for, none opposed, one absent and none not voting.

3. REMOVAL OF DIRT - The Roads Department, Lower Brule Agency, is in the process of building shoulders of the road leading West of Lower Brule. The Roads Department is in need of dirt closely located to where the shoulders of the road will be repaired. The Roads Department has submitted a request to remove dirt on the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 16, Township 107 North, Range 73 West, Fifth Principal Meridian, Lyman County, South Dakota, containing 5.00

for his homesite of five (5) acres. Appraisals for the value of lands will be needed before the Tribal Council can make a decision. Motion was made by William Ziegler to request appraisals for the lands as identified in Orville C. Langdeau's request. This motion was seconded by Kay Gourneau and carried with five for, none opposed, one absent and none not voting.

9. MISCELLANEOUS - Through the Elderly Nutrition Center Director, Janet Rouillard, Noah Grassrope has requested to tear down the old Elderly Nutrition Center located by the Fire Department, at no price, and salvage the lumber for himself. This project would be of no cost to the Tribe. Motion was made by Ted Rouillard to approve Noah Grassrope's request to tear the old Elderly Nutrition Center (Blue House) down provided the project be completed within thirty (30) days and if not, the BIA Fire Department will burn the building, and authorize the Bureau of Indian Affairs, Fire Department to burn the old green house located on Ted Rouillard's homesite, and this project be completed within two (2) weeks, and the fuel tanks will be given to the Lower Brule Construction Company. This motion was seconded by Kay Gourneau and carried with four for, none opposed, two absent and none not voting.

10. UTILITIES COMMISSION - The Indian Health Service and Housing & Urban Development has encouraged the Tribe to set up some type of collection for maintenance guarantees on the water system. Mr. Ted Rouillard met with Rod Hudspeth, HUD Representative, yesterday and they discussed that funds received from HUD for the water system (CDBG Grant) are utilized and there is some type of maintenance for long range benefits developed. The maintenance guarantees would be after the completion date of the CDEG Project. At the present time, there isn't any enforcement for the collection of water and utility bills. Previously, the Tribal Council had discussed the establishing of a Utilities Commission. Mr. Hudspeth informed Mr. Rouillard that if the Tribe starts breaking down the cost of solid waste, the Tribe would discover that its more expensive to maintain than the water treatment plant. Ted Rouillard recommends the Tribal Council establishing a Utilities Commission and appoint someone to work directly with the Indian Health Service. A resolution adopted in 1964 established a Utilities Commission that worked with the Bureau of Indian Affairs and the Corps of Engineers. (William S. Jandreau arrived at this time.) Chairman Jandreau recommended that the Tribal Council reactivate the Utilities Commission and advertise for persons to sit on this Commission. Mr. Hudspeth and Mr. Rouillard had discussed that the Tribe and Lower Brule Construction Company pretty much have supplied the solid waste system and there is a need to come up with something where the costs and income are equal. No indirect costs are received from the CDBG Project. Motion was made by Kay Gourneau to adopt a resolution to re-establish the Utilities Commission to fully operate the water, sewer, and garbage programs and that the Utilities Commission be appointed by the Tribal Council and operate under the established guidelines, as amended; and advertise for individuals interested in sitting on the Utilities Commission, until the next regular meeting scheduled for September 4, 1985. This motion was seconded by William Ziegler and carried with six for, none opposed, none absent and none not voting. The Utilities Commission would work directly under the Tribal Council. The previous Utilities Commission had been appointed to staggering terms. When the Solid Waste Project is put out with specifications, then the TERO Ordinance will be applied. Motion was made by Ted Rouillard that the TERO Ordinance be applied to the Solid Waste Project. This motion was seconded by William Ziegler and carried with six for, none opposed, none absent and none not voting.

11. SHUTOFF VALVES - When there is a problem in the water line between the Jail and the High School, you have to shut off the water leading to the High School. Motion was made by Kay Gourneau to request the Bureau of Indian Affairs to install two (2) shutoff valves in the water lines that serve the

was made by Kay Gourneau to reschedule the September Regular Meeting to September 11, 1985. This motion was seconded by William S. Jandreau and carried with four for, none opposed, two absent and none not voting. Motion was made by Kay Gourneau to authorize travel for any Council Member who wishes to attend the IHS meeting in Aberdeen. This motion was seconded by Charles Langdeau and carried with four for, none opposed, two absent and none not voting.

ADJOURNMENT - With no further business, Chairman Jandreau entertained a motion to adjourn. Motion was made by Darrell Middleton to adjourn this meeting. This motion was seconded by Charles Langdeau and carried with four for, none opposed, two absent and none not voting.

CERTIFICATION

The foregoing is a true and correct transcript of Minutes of a Special Meeting held by the Lower Brule Sioux Tribal Council on the 23rd day of August, 1985.

Cheryll LaRoche, Recording Secretary

LOWER BRULE SIOUX TRIBAL COUNCIL
REGULAR MEETING
October 2 & 3, 1985

PRESENT: Michael B. Jandreau, Chairman ABSENT: None
Kay Gourneau
William Ziegler
Ted Rouillard
Charles Langdeau
Darrell Middletent
William S. Jandreau

ALSO PRESENT: William Schmidt, Superintendent of Schools
Gib Rogers, High School Counselor
Edwin L. Miller, Agency Superintendent
Arnold Sazue, Inmed Advisory Board Member

The meeting was called to order at 10:20 AM by Chairman Michael B. Jandreau. Roll call was taken by the Recording Secretary and the Lord's Prayer was led by Chaplain Langdeau.

1. LOWER BRULE SCHOOL SYSTEM - Mr. William Schmidt, Superintendent of Schools presented an Application For Bureau Of Indian Affairs School Construction for review and approval of the Tribal Council. The application is to request construction of six (6) additional classrooms for the Elementary School. Because of the channels which this application must pass through, funding, etc. the actual construction could take five (5) or six (6) years, provided this application is approved. The classrooms are needed for the present and future classes. Motion was made by William Ziegler to approve submission of the application for request of six (6) additional classrooms to the Elementary School. This motion was seconded by William S. Jandreau and carried with six for, none opposed, none absent and none not voting.

2. EDUCATIONAL GRANT APPLICATIONS - Mr. Gib Rogers, High School Counselor has screened all the applications for Educational Grant Assistance from the Tribe. Mr. Rogers informed the Council that approximately two or three more applications may be coming in late, that haven't already been submitted. The Council reviewed the second list of applications which Mr. Rogers screened. In reference to BIA Assistance Applications, Mr. Rogers hasn't received one from Cheryl Bad Horse or Bobbi Langdeau Jacobs. William S. Jandreau is concerned that not only educational assistance dollars are needed but also moving expenses for students. There is approximately \$4,268.00 in the bingo account to be used for educational grant assistance to higher educational students. The Tribe has obligated an amount of \$2,361.07 of unobligated IMPL funds for educational assistance but these funds can't be released until approval of the resolution transmitted to the BIA is approved by the Secretary of Interior, Washington, D.C. Motion was made by William Ziegler to approve educational grant assistance in the amount of \$200.00 each, to the fifteen (15) eligible students. This motion died for lack of a second. Motion was made by William S. Jandreau to allow educational grant assistance in the amount of \$250.00 each to the fifteen (15) eligible students. This motion was seconded by Ted Rouillard and carried with six for, none opposed, none absent and none not voting. The eligible students, as of this date, are Maria Patterson, Theodore McCauley, James McCauley, John McCauley, Boyd Gourneau, Ben Janis, Carla Brugh, Pearl Colombe, Bobbie Langdeau Jacobs,

Cheryl Bad Horse, Truman Grooms, Rosita Goodface Gary, Tara Harres, Justin G. Grassrope, and Anita Rae Grassrope.

(#1. **Lower Brule School System Cont'd.**) - Mr. William Schmidt presented an Action Plan to Develop a Program to Prevent and Reduce Alcohol/Drug Abuse and Other Disruptive Behavior from the School Team for Tribal Council review and support. Mr. Schmidt said he would like to include Mr. Gregg Miller, Alcoholism Program Director on the School Team for this project. This Plan still has to be presented to the Crow Creek Sioux Tribal Council. Mr. Rogers requested a letter of support for this Plan. He estimates that approximately twenty-five percent (25%) drop outs are possibly due to drug and alcohol abuse. For Community involvement, the School Team asks the Tribal Council to review the substance abuse laws and update, if needed. One (1) of the school Teachers has started the Alateen group meeting on Wednesday nights. William S. Jandreau reported the discussion held at the Constitutional Review Committee meeting on October 1, 1985 regarding the alcohol issue. Motion was made by Kay Gourneau to adopt a letter of support of the School Team's Action Plan. This motion was seconded by William S. Jandreau and carried with six for, none opposed, none absent and none not voting.

3. **CURFEW** - During the Regular Meeting of the Tribal Council on September 18, 1985 they took action to amend the Law and Order Code, Section 1-3-86 Curfew Violation to state the curfew time will be 10:00 PM local time, seven (7) days a week. The Tribal Council requested the above curfew law be enforced in full by the Police Department. Clarification is needed on whether the Tribal Council wishes to leave the age limit to state "under the age of 18..." or change the age limit. The Tribal Council concurred to leave the age limit as stated in the Code. Discussion was held in regards to the kids running in and out of the tribal gym during bingo sessions and they are not being supervised by parents. The fire siren used to blow at curfew times and Mr. Miller will check into the possibility of getting the siren fixed in order to identify the new curfew time.

4. **TRAINING SCHEDULES** - The following training schedules may be of interest to the Council Members but they need prior authorization for anyone to attend. Policies & Progress in Reservation Development on October 29-31, 1985 in Denver, Colorado; OMB Circulars A-87 & A-102 & The Single Audit Act of 1984 on October 29-31, 1985 in Las Vegas, Nevada; Competition in Government Contracting on November 4-6, 1985 in Washington, D.C.; Computers on November 4-6, 1985 in Washington, D.C.; Economic Development on November 12-14, 1985 in Las Vegas, Nevada; Contract & Grant Administration on November 12-14, 1985 in Anchorage, Alaska; Basic Bookkeeping & Payroll Tax on November 19-21, 1985 in Phoenix, Arizona; Procurement For Engineers, Scientists & Project Managers on November 20-21, 1985 in Washington, D.C.; Tribal Council on December 3-5, 1985 in Las Vegas, Nevada; Operating Practices in Contract Administration on December 3-5, 1985 in Washington, D.C.; Secretarial Seminar on December 3-5, 1985 in Phoenix, Arizona; and the Legislative Uplate & the Law Making Process on October 29-31, 1985 in Reno, Nevada. Motion was made by William Ziegler to authorize travel for any Tribal Council Member who wishes to attend the training seminars. This motion was seconded by Darrell Middletent and carried with five for, none opposed, one absent and none not voting.

5. **DRAFT EMPLOYMENT CONTRACT** - Chairman Jandreau stated that he understood when the Tribal Council hired Mr. Stan Whiting as Chief Judge, Mr. Whiting would be paid under the Judicial Contract. Chairman Jandreau became aware that Mr. Earl Azure, Aberdeen Area Office, visited the Lower Brule Agency and through efforts, monitored the Judicial Contract, but failed to contact anyone in the Tribal Administration. After this monitoring visit, Mr. Azure then developed an Employment Contract between Stan Whiting and the Tribe.

Chairman Jandreau was unaware of this transaction until such time that a letter dated September 25, 1985, with attachments, was received from Edwin L. Miller, Superintendent. Chairman Jandreau requested Mr. Miller to inform the Council why they were not involved in any monitoring of this contract. Mr. Miller stated that he didn't know. Mr. Miller informed the Council that a quarterly review is done on that contract and that the Chairman should have been notified by the Agency and they goofed. Ted Rouillard feels we should write a letter to the Aberdeen Area Director that they should show the Tribe some courtesy. Chairman Jandreau requested the Tribal Council to table any action on this matter until such time that Stan Whiting can be available to meet with the Tribal Council on this matter. Motion was made by William Ziegler to approve Chairman Jandreau's request regarding the Draft Employment Contract with Stan Whiting. This motion was seconded by Charles Langdeau and carried with six for, none opposed, none absent and none not voting.

6. LEASE #22-003-8387 - A letter dated September 23, 1985 was received from J.W. Thompson requesting the Tribal Council to authorize the Bureau of Indian Affairs to place the land covered by Lease #22-003-8387 in his range unit. Mr. Thompson stated in his letter that unless this is made a part of his grazing unit this land is of no value to him. The tribal land is described as the NW¼ of Section 36, Township 107 North, Range 74 West containing 160.00 acres, of which 86.80 had been farmland. Mr. Thompson stated in his letter that nothing has grown on the farm ground to anyone's satisfaction so he planted it to grass and some alfalfa as prescribed by the Bureau of Indian Affairs. He has a letter from the BIA stating that there is now a successful stand established. Chairman Jandreau stated that he recalls Mr. Thompson initially wanted this piece of ground in a lease and now he wants it in his range unit. Superintendent Miller stated that it would be a reduction of income to the Tribe if the Tribal Council reverted it back. Motion was made by Kay Gourneau to deny J.W. Thompson's request because the Tribe would be losing funds if the lease was converted to his Range Unit, and if he chose not to continue leasing this land, please advise our office of release so that it may be advertised for lease to someone else. This motion was seconded by Charles Langdeau and carried with six for, none opposed, none absent and none not voting.

7. TRAVEL - GENERAL FUND - Kay Courneau stated that several months ago the Tribal Council had taken action to not request travel receipts for travel taken out of the General Fund and now Individuals have received requests for receipts. Mrs. Gourneau read the excerpt from the Minutes which the Council had taken action previously on travel. Discussion was held regarding travel taken out of contracts do require receipts, per diem, mileage, cost of meals, etc. Motion was made by Kay Gourneau to notify the Finance Staff that on all travel taken out of the General Fund, authorized by the Tribal Council, will not require receipts for travel expenditures, retroactive to April 1, 1985. This motion was seconded by Ted Rouillard and carried with six for, none opposed, none absent and none not voting. Discussion was held regarding the mileage received by William Ziegler and William S. Jandreau.

RECESS - The meeting recessed for the noon hour and to reconvene at 1:00 PM. The meeting reconvened at 1:15 PM with the same Tribal Council Members present and none absent.

8. BINGO SUPERVISOR - Ted Rouillard informed the Tribal Council that there is a need to appoint someone as Bingo Supervisor to keep track of the payments and reports. Discussion was held regarding kids disturbing the bingo players and the kids are not being supervised by the Parents. Mr. Rouillard feels that the Bingo Organizations have responsibility of the rules for their bingo night. Some kids use the cafe being open as an excuse. Motion was made

by Ted Rouillard to appoint Darrell Middletent as the Bingo Supervisor and Mr. Middletent will be notified of his responsibilities. This motion was seconded by Charles Langdeau and carried with six for, none opposed, none absent and none not voting. William Ziegler presented a verbal request for Mr. Tony LaRoche, Jr. to receive approval for one (1) night to hold bingo. The Council concurred to notify Mr. LaRoche in writing, advising him to contact Darrell Middletent in reference to his bingo request.

9. ESTABLISH A LOTTERY - Chairman Jandreau asked the Tribal Council if they would be interested in establishing a lottery. He informed the Council that a gentleman from Sioux Falls who works in conjunction with our Insurance Representative has shown interest in assisting the Tribe in developing a State lottery, if the Tribal Council approves. However, Chairman Jandreau feels that the State Legislature might develop a State lottery with an adjoining State, if Legislature passes the Bill, but this won't be in effect until next year. The gentleman would meet with the Tribal Council to discuss this issue, if they so choose. Charles Langdeau stated that he would be interested. William Ziegler would like to receive more information before the Tribal Council meets with him. The gentleman's fee would be approximately twenty-five percent (25%) of the income for arranging the set up and this price would continue as long as the lottery exists. The gentleman is a bookmaker with all the major betting establishments in the United States. Darrell Middletent feels it should be checked into. Motion was made by William Ziegler to authorize the Chairman to make initial contact with him to set a meeting to establish a lottery here on the reservation. This motion was seconded by Darrell Middletent and carried with six for, none opposed, none absent and none not voting.

10. HOMESITE REQUEST - A letter dated September 26, 1985 was received from Bernadette B. King requesting to trade her homesite for the land where she is presently living. Discussion was held regarding status of the present residence which Ms. King is occupying, is going through a court process to determine legal ownership. Chairman Jandreau requests this matter be tabled until such time that the determination of the land status is made by the Court System. Motion was made by William S. Jandreau to approve Chairman Jandreau's request regarding the matter of Bernadette B. King's homesite. This motion was seconded by Kay Gourneau and carried with six for, none opposed, none absent and none not voting.

11. TRIBAL TREASURY - Chairman Jandreau informed the Tribal Council that there is approximately \$66,000.00 in the Tribal Treasury for the FY'86 General Fund budget. There is a need to request a draw down of \$30,000.00 for operating expenses during the month of October and identify the remaining \$33,000.00 be placed into savings to draw interest. Chairman Jandreau would inform the Bureau of Indian Affairs to place the savings for a period of thirty (30) days. No action was taken at this time.

12. TRIBAL POSITIONS - The positions of Alcoholism Counselor Trainee, Part-Time Cook/House Keeper and Tribal Operations Manager have been advertised for applications. Patti Moore, Human Resources Coordinator, Gregg Miller, Alcoholism Program Director and the Alcoholism Commission recommended that Orville Langdeau, Sr. be selected as the Alcoholism Counselor Trainee and Elva Crazy Bull be selected as the Part-Time Cook/House Keeper. Motion was made by William Ziegler to go along with the recommendations for selection of the Alcoholism Counselor Trainee and Part-Time Cook/House Keeper positions. This motion was seconded by Ted Rouillard and carried with six for, none opposed, none absent and none not voting. In reference to the Tribal Operations Manager position, Chairman Jandreau spoke with Larry Mendoza who is presently acting in this position if he would consider staying in that position at the same salary he is presently receiving and Mr. Mendoza told

Chairman Jandreau that he would. There would be a considerable amount of savings of salary if the Tribal Council chose Mr. Mendoza rather than selecting another person to fill this position. Motion was made by Ted Rouillard to select Larry Mendoza as the Tribe's Operations Manager on a permanent status. This motion was seconded by William S. Jandreau and carried with six for, none opposed, none absent and none not voting. Motion was made by Kay Gourneau to advertise the EDA Planner position 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.

13. JTPA PROGRAM - The Tribal Council received a program report from Eyvonne Dupris, JTPA Director regarding basic information of the present program status and the report reflects some changes that have to be made down the line to keep the participants on the program. No action taken, informational purposes only.

14. TRIBAL BUDGET - Chairman Jandreau stated there is a need to make decisions on priorities to get the Tribe out of debt. Through Tom Hanke, Farm Manager, income from the Farm Corporation may only reach \$60,000.00. Chairman Jandreau said Mr. Hanke feels with the current project, that's the maximum he can project for the Tribe. Chairman Jandreau reported there is approximately \$40,000.00 of interest dollars from the investments including leases and when that matures, the dollars will be available for the Tribe's land payment. He said there is a need for the Tribal Council to seek more funds for the General Fund budget. He said the Tribe is experiencing not enough contracts being generated and the dollars are being spent back for the Indirect Cost Pool to function. The Staff and Council Members' salaries have to be taken out one hundred percent (100%) of the General Fund and the Indirect Cost Pool owes the General Fund an excess of \$40,000.00. Chairman Jandreau feels the Tribe will face this again next year because the contracts are not up as they should be. Chairman Jandreau feels that one of the reasons for this happening is that Howard Green, previous Operations Manager, was not fulfilling his responsibilities to the Tribe in reference to contracts. Chairman Jandreau feels that in order to survive and pay the debts in this fiscal year, then reduce, diminish, or do away with Tribal Council Member' salaries. Chairman Jandreau said he doesn't see how the Tribe will survive otherwise. He informed the Council that he put out a Memorandum stating that no raises will be given from the Indirect Cost Pool or General Fund until we know where the Tribe stands. Chairman Jandreau stated that he realizes some of the Council Members will have a hard time surviving without this salary, that it will be real tough. Chairman Jandreau told the Council that he doesn't know what else the Tribe can do. He repeated that he's talking about the whole fiscal year, as for reduction of Council Members' salaries. He informed the Council that the bank notes are due to Tri-County State Bank in Chamberlain and Bank West in Pierre. Chairman Jandreau feels the Tribe will suffer a tremendous credibility blemish if we do not meet payments of the debts that the Tribe has. Chairman Jandreau informed the Council of the federal payments that are being made by the Tribe, up to date. Chairman Jandreau said if we would have had the Indirect Cost, we could have had \$40,000.00 to pay back those loans but nobody was dealing with carry over dollars in the contracts and we lost those funds. Chairman Jandreau reviewed the cost of salaries, bank notes, federal program payments, and computer system payments. Chairman Jandreau said that one hundred percent (100%) cut in Tribal Council Members' salaries is the only way that he sees the Tribe to pay the debts we have. Discussion was held regarding the IBM Computer System. The Tribe lost \$12,000.00 with the Roads Maintenance Contract because it wasn't processed. Chairman Jandreau said some of the contracts weren't processed until July and they ended in September so the Tribe lost some indirect cost monies. The indirect cost rate is 19.4%. We have lost five percent (5%) of the indirect cost. The bank notes are costing the Tribe

13-3/4% interest and the bank note from last year was locked in at 16%. Kay Gourneau said if that's the only way to do it, then go ahead and cut the salaries. Discussion was held regarding some employees under the Indirect Cost Pool are not producing in comparison to their salaries. The Indirect Cost Pool reflects fifty percent (50%) of the Council Members time spent working on contracts and grants and they're not doing this, Chairman Jandreau feels. William S. Jandreau stated that he's willing to do anything he can to cut costs. Ted Rouillard stated he's willing to take a fifty percent (50%) cut in salary. No action was taken at this time.

15. ROAD MEETING - A meeting with the State Representatives, Stanley County Commissioners, Bureau of Indian Affairs Representatives and the Tribal Representatives regarding the road west of Lower Brule has been scheduled for October 25, 1985 at the Stanley County Courthouse in Fort Pierre. Motion was made by Ted Rouillard to authorize travel for any Council Member who wishes to attend the Road Meeting. This motion was seconded by William Ziegler and carried with five for, none opposed, one absent and none not voting.

RECESS - The meeting recessed at 2:40 PM and will reconvene tomorrow, October 3, 1985 at 10:00 AM. The meeting reconvened on 10/03/85 at 11:00 AM with the same Council Members present and William S. Jandreau being absent.

16. INMED PROGRAM - Mr. Arnold Sazue, Inmed Advisory Board Member entered the meeting and presented a written report of his INMED Advisory Board meeting which took place in September at Bismarck, North Dakota. He informed the Tribal Council that the Board requests a resolution of support to change the Board name to the "Board of Directors" and contract the Director's position with UTETC. If this position is contracted then the Board could lobby for more dollars into the program. The Program Bylaws will, if approved, state the Board name change. The INMED Secretary will be Acting as Program Director until such time that someone is selected on a permanent basis. The selection will not be made until after the position is contracted. Mr. Sazue reported that the applicants have high degrees and good credentials and all applicants were interviewed. The lapsed money from the Director's salary will be used for travel to the Board meetings. The Indian Health Service has agreed to help the Advisory Board with \$22,000 of Technical Assistance funds. Motion was made by Darrell Middletent to support the name change of the INMED Advisory Board to the "Board of Directors" and support the position of INMED Director to be contracted through the United Tribes Educational technical Center (UTETC). This motion was seconded by Charles Langdeau and carried with five for, none opposed, one absent and none not voting. Mr. Sazue reported that the Program has classes in the Summertime and there isn't a cost to the students provided they keep their criteria up and receive good grades. Mr. Sazue reported that Lorenda Middletent has gone through this program for two (2) summers and is now attending a school for nursing. If a student attends UTETC then the INMED Program pays the expenses. The Director's position is currently being paid from Indian Health Service, Aberdeen Area Office.

17. TRIBAL COUNCIL MINUTES - Motion was made by Kay Gourneau to approve the Tribal Council Minutes for September 18 & 19, 1985. This motion was seconded by Darrell Middletent and carried with five for, none opposed, one absent and none not voting.

(#11. Tribal Treasury Cont'd.) - Chairman Jandreau informed the Tribal Council that Joyce Estes, Administrative Officer, Lower Brule Agency said the Tribe needs to pass a resolution for the draw down request and the investments. Motion was made by Charles Langdeau to pass a resolution for such draw down. This motion died for lack of a second.

(# 9. Lottery Cont'd.) - Chairman Jandreau informed the Tribal Council that he was unable to reach Mr. Bob Kelly, Insurance Representative and the gentleman interested in establishing a lottery. He asked the Council if they wish to take any action regarding continuing or reduction of Tribal Council Members salary and payment of the two (2) outstanding notes which are past due at Tri-County State Bank and Bank West. William Ziegler said he would contact the Banks involved and discuss a repayment schedule for the notes, if this is ok with the Council. Chairman Jandreau requested that it be entered into the record that at this time the Tribal Council does not wish to do anything with the debts but possibly a repayment plan for the two (2) bank notes and continue Tribal Council salaries at the same rate.

18. GERALDINE ESTES - A request has been submitted by Geraldine Estes for a loan against her pending land sale with the Tribe. At the last Tribal Council meeting, the Council authorized Chairman Jandreau to seek funds for purchase of the pending Land Sales, (Bad Horse Applications). Chairman Jandreau did contact the American State Bank in Pierre, South Dakota but before the Bank gives their approval, they wish a repayment capability be developed with them that will assure they will not lose dollars, and this be done in a business like and appropriate manner, and then they'd consider loaning the dollars for the land acquisition. He did not contact the Farmers Home Administration because they've had Indian requests for monies in the amount of \$2½ million for two (2) months and the requests are still not approved. Motion was made by Charles Langdeau to table any decision on this matter until such time that funds are located for such purchase. This motion was seconded by Darrell Middletent and carried with five for, none opposed, one absent and none not voting.

19. HOME ASSIGNMENT - Fritz LaRoche has submitted a request for a Home Assignment containing five (5) acres described as the NW¼NW¼NE¼SW¼, NE¼NE¼NW¼SW¼ of Section 19, Township 107 North, Range 73 West, Fifth Principal Meridian, Lyman County, South Dakota. Motion was made by Kay Gourneau to approve Fritz LaRoche's request for a five (5) acre Home Assignment on the above described tribal land. This motion was seconded by Charles Langdeau and carried with five for, none opposed, one absent and none not voting.

20. LIQUOR LICENSE ISSUE - In reference to the Constitutional Review Committee meeting regarding the issues of Constitutional revisions and a liquor license on the reservation. The Committee will be requesting for a referendum vote to be called by the Secretary of Interior and that the Bureau of Indian Affairs be requested to conduct the vote. The Committee will need a resolution requesting the referendum vote for this issue but at the present time, they're not ready. The Committee does request a referendum vote be held regarding the liquor license sale and it be held in thirty (30) days. The Committee report was given by William S. Jandreau and William Ziegler. Motion was made by Kay Gourneau to request a Referendum Vote to the people of Lower Brule, South Dakota regarding the use of liquor on the Lower Brule Sioux Indian Reservation be conducted and request the Bureau of Indian Affairs to conduct such Referendum Vote within thirty (30) days. This motion was seconded by William Ziegler and carried with five for, none opposed, one absent and none not voting.

21. CDBG PROGRAM - Motion was made by Ted Rouillard to identify the next Tribal Council meeting as the Citizens Participation Meeting as required by HUD, for the CDBG Program. This motion was seconded by Kay Gourneau and carried with five for, none opposed, one absent and none not voting.

(# 9. Lottery Cont'd.) - Discussion was held regarding the possibility of dollars being needed to start up the lottery such as printing costs. Ted

Rouillard informed the Council that if they wish, he would write this item into the next CDBG Grant Application and the funds could be used for start up costs. He said Flandreau used their CDBG funds for start up costs for the bingo they have but it was included in their overall plan. Chairman Jandreau informed the Tribal Council that other individuals could meet with them regarding a lottery but it wouldn't be right now. The Tribal Council concurred they would meet with Individuals as soon as possible.

(¶11. Tribal Treasury Cont'd.) - The Council needs to pass a resolution requesting the draw down for operating costs from the Tribal Treasury. Motion was made by William Ziegler request withdrawal of \$30,000.00 from the Tribal Trust Funds on deposit in the U.S. Treasury and invest the remaining \$33,000.00 for a period of thirty (30) days. This motion was seconded by Darrell Middletent and carried with four for, none opposed, two absent and none not voting.

ADJOURNMENT - With no further business, Chairman Jandreau entertained a motion to adjourn. Motion was made by Ted Rouillard to adjourn the meeting. This motion was seconded by Darrell Middletent and carried with four for, none opposed, two 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 2nd and 3rd days of October, 1985.

Cheryll LaRoche, Recording Secretary

LOWER BRULE SIOUX TRIBAL COUNCIL
SPECIAL MEETING
October 18, 1985

PRESENT: Michael B. Jandreau, Chairman
Kay Gourneau
Charles Langdeau
Ted Rouillard
William S. Jandreau

ABSENT: William Ziegler
Darrell Middleton

ALSO PRESENT: Marvin Gardner, Universal Consulting Company, Inc.
Harvey Greenwald, " " " "
Clarence Skye, United Sioux Tribes
George Valentinc, Capitol Enterprises, Inc.

The meeting was called to order by Chairman Jandreau at 11:15 AM. Roll call was taken by the Recording Secretary and the Lord's Prayer was led by Chaplain Langdeau.

1. GAMING ORDINANCE - The Tribal Council reviewed a draft Gaming Ordinance which could be adopted to regulate gaming activities on the Lower Brule Sioux Indian Reservation and on lands owned by or under the control of the Tribe and to establish licensing, and compliance regulations and to establish a Tribal Gaming Commission. The gambling and gaming policy could be used to obtain further education for tribal members, along with providing such health, nutrition, housing and law enforcement benefits as deemed appropriate. Motion was made by Ted Rouillard to establish a Gaming Ordinance to regulate the gaming operations on the Lower Brule Sioux Indian Reservation with a five (5) member commission and establish a five (5) member commission appointed by the Tribal Council with staggered terms of 5-3-2 years, to enforce the Gaming Ordinance. This motion was seconded by Charles Langdeau and carried with four for, none opposed, two absent and none not voting.

2. EDUCATIONAL & CHARITABLE FUND, INC. - The Tribal Council finds that it is in the best interests of the Tribe, in terms of operating certain programs with utmost efficiency and expertise. To charter a separate corporate arm of general welfare of members of the Tribe and to acquire, by such lawful means it finds practicable, funds for the operation of Tribal educational and charitable programs. Motion was made by Charles Langdeau that a political body and incorporators of the Lower Brule Sioux Tribe be and hereby is chartered under the corporate name of Lower Brule Educational and Charitable Fund Inc., which shall be non-profit (hereinafter called the "Fund"). The entity shall have tribal property as may be identified for use in carrying out corporate operations. The Fund shall have the powers described in the Charter which follows and the Tribal Council shall be the Board of Directors for the Lower Brule Educational Charitable Fund Inc. This motion was seconded by William S. Jandreau and carried with four for, none opposed, two absent and none not voting.

3. CORPORATE CHARTER - The Tribal Council reviewed a draft Corporate Charter of the Lower Brule Educational and Charitable Fund, Inc. The location of the Fund's principal office shall be in the Tribal Office on the Lower Brule Sioux Indian Reservation. The Fund shall have perpetual succession and corporate powers, subject to any applicable restriction in federal or tribal

law. The initial members of the Board of Directors are Darrell Middleton (2 yr. term), William Ziegler (3 yr. term), William S. Jandreau (4 yr. term), Charles Langdeau (5 yr. term), Ted Rouillard (6 yr. term), Kay Courneau (6 yr. term), and Michael B. Jandreau (6 yr. term). The Board of Directors shall at its first meeting adopt By-laws, which shall be available as a matter of public record, to govern the conduct of business, including times and places of meetings, voting and record keeping and may select from its membership such other officers, including a Secretary and Treasurer, as may be deemed necessary. Motion was made by Ted Rouillard to create and authorize the appointment of seven (7) members in staggered terms to the Lower Brule Educational & Charitable Fund Inc. and ratified. The Fund is authorized to enter into negotiations and execute consulting agreements with Universal Consulting Company, Inc. This motion was seconded by Kay Gourneau and carried with four for, none opposed, none absent and none not voting.

4. DECLARATION OF AGREEMENT - The Tribe finds it in the best of interest to pursue developing its gaming operations and wishes to enact such ordinances, execute such documents and do all things necessary to develop its gaming operation. Motion was made by Ted Rouillard that the Political Body and incorporators of the Lower Brule Sioux Tribe be and hereby is authorized to execute the Memorandum of Agreement between the Lower Brule Sioux Tribe, Lower Brule Educational Charitable Fund Inc. and Universal Consulting Company Inc. This motion was seconded by William S. Jandreau and carried with four for, none opposed, two absent and none not voting.

5. MEMORANDUM OF AGREEMENT - Motion was made by Ted Rouillard to enter into a Memorandum of Agreement effective today between the Lower Brule Sioux Tribe, Lower Brule Educational & Charitable Fund, Inc. and Universal Consulting Company, Inc. This motion was seconded by Charles Langdeau and carried with four for, none opposed, two absent and none not voting.

6. CONSULTING AGREEMENT - Motion was made by Ted Rouillard to adopt the Consulting Agreement effective today between the Lower Brule Sioux Tribe, Lower Brule Educational & Charitable Fund, Inc. and the Universal Consulting Company, Inc. and to allow Attorneys from both Organizations to review and make any changes as long as its within accordance to the State and Federal laws. This motion was seconded by Charles Langdeau and carried with four for, none opposed, two absent and none not voting.

ADJOURNMENT - With no further business, Chairman Jandreau entertained a motion to adjourn. Motion was made by Ted Rouillard to adjourn the meeting. This motion was seconded by Charles Langdeau and carried with four for, none opposed, two absent and none not voting.

CERTIFICATION

The foregoing is a true and correct transcript of Minutes of a Special Meeting held by the Lower Brule Sioux Tribal Council on the 18th day of October, 1985.

Cheryll LaRoche, Recording Secretary

LOWER BRULE SIOUX TRIBAL COUNCIL
REGULAR MEETING
November 6, 1985

PRESENT: Kay Gourneau, Acting Chairperson
William Ziegler
Ted Rouillard
Darrell Middletent
William S. Jandreau (Chairman)

ABSENT: Michael B. Jandreau
Charles Langdeau

ALSO PRESENT: Larry Mendoza, Operations Manager
Rhoda Moreno
Patti Moore, Human Resources Coordinator
Mary L. Thompson, Parent Aide Data Coordinator
Shelby White Bear, Jr., Housing Authority
Mary Wynn, Housing Authority Attorney
Paul Estes, Mini-Farms Program Director

The meeting was called to order at 10:15 AM by Kay Gourneau, Acting Chairperson. Roll call was taken by the Recording Secretary and the Lord's Prayer was led by Mrs. Gourneau.

1. **RENT & ELECTRICITY PAYMENTS** - Kathy Dykes, Social Services Worker from Chamberlain contacted Ted Rouillard in reference to Ethel Quilt paying rent on a tribally owned house. Ms. Quilt hasn't paid rent and electricity since she moved into the house and has a delinquent debt with the Tribe. Mrs. Gourneau had talked to Ethel Quilt regarding her payments could be set at \$160.00 per month, then the Tribe would make the electricity payments from that amount. Ms. Dykes had contacted Mr. Rouillard again to determine Ms. Quilt's expenses. The Tribal Council discussed that the State of South Dakota, Department of Welfare allows a maximum of \$160.00 for expenses. William Ziegler informed the Tribal Council that at the time Ms. Quilt was rented the house Pat Spears had worked out the schedule for Ms. Quilt and waived the \$120.00/month rent payments and electricity payments be made by the Tribe. Mr. Ziegler said Pat Spears did this in order for Ms. Quilt to purchase furniture and fix up the house. Mrs. Gourneau feels the Tribe should at least receive the electricity payment from Ms. Quilt. Motion was made by Ted Rouillard to authorize Kay Gourneau to negotiate a payment schedule with Ethel Quilt regarding the rent and electricity payments. This motion was seconded by William Ziegler and carried with four for, none opposed, two absent and none not voting.

2. **HOUSING AUTHORITY** - A letter dated October 16, 1985 was received from Frederick LaRoche, Housing Authority Board Chairman, requesting a resolution to grant a Service Line Agreement with West Central Electric Company concerning the Housing's new Maintenance Shop. A request was received from Jim and Jan Brouse requesting a Service Line Agreement with West Central Electric Company to their shop building. Motion was made by Darrell Middletent to approve the two (2) requests for Service Line Agreements with West Central Electric. This motion was seconded by Ted Rouillard and carried with four for, none opposed, two absent and none not voting.

3. **UNMET NEEDS** - A letter dated October 16, 1985 was received from Curtis C. Bossert, P.E., District Engineer regarding the time is approaching to update the unmet needs for the reservation. In the letter, Mr. Bossert stated

the unmet needs, encompass the entire gamut of sanitation facilities that can be provided by Indian Health Service. These services would include first time services for individuals and community systems, upgrading-replacement of existing systems both individual and community, and solid waste facilities. Motion was made by Darrell Middletent to appoint Ted Rouillard, CDHC Administrator, to work with Mr. Bossert in reference to updating the unmet needs of our reservation. This motion was seconded by William S. Jandreau and carried with four for, none opposed, two absent and none not voting.

4. TRIBAL MANAGEMENT SYSTEM - The Bureau of Indian Affairs, Aberdeen Area Office is requesting the assistance of updating area records under P.L. 93-638. The Tribe has within their structure, as approved by the Tribal Council, a management system that includes 1. Financial Management, 2. Procurement, 3. Property Management, 4. Recordkeeping, and 5. Personnel. Motion was made by Ted Rouillard to adopt the above listed five (5) systems as part of the P.L. 93-638 and for future funding grants. This motion was seconded by William S. Jandreau and carried with four for, none opposed, two absent and none not voting.

5. TRAINING SCHEDULES - Motion was made by Darrell Middletent to authorize travel for Charles Langdeau and Janet Rouillard to attend the Indian Elderly Resources Meeting in Pierre, South Dakota on November 13, 1985. This motion was seconded by William S. Jandreau and carried with four for, none opposed, two absent and none not voting. Motion was made by Ted Rouillard to authorize Michael B. Jandreau, Chairman or his Representative to attend the 7th Annual Indian Health Conference in Albuquerque, New Mexico. This motion was seconded by Darrell Middletent and carried with four for, none opposed, two absent and none not voting.

6. REPAYMENT OF NOTES - William Ziegler gave a verbal report on refinancing the note at Tri-County State Bank in Chamberlain, South Dakota. He reported that Bank West in Pierre, South Dakota does not want to refinance the note, they want payment in full immediately. Mr. Ziegler presented a two (2) and three (3) year repayment schedule he negotiated with Tri-County State Bank and informed the Council that the Bank may even approve a four (4) year payment schedule. The Tribe has a Certificate of Deposit with Bank West but it cannot be used for a payment such as this, maybe the interest payment. Superintendent Miller had guaranteed the note at Bank West, that they'd get their payment in full, during the previous Council Administration. Larry Mendoza has talked to Bank West Board of Directors and they don't want to refinance the note and Mr. Linus at Bank West talked to Superintendent Miller and there seems to be discrepancies in the note. Mr. Mendoza recommends the Tribe wait until the matter is cleared up, to make payment. In reference to the Tri-County State Bank, Mr. Mendoza recommends the Council refinance it and pay the interest for six (6) months. Motion was made by Ted Rouillard to authorize Larry Mendoza to meet with Mr. Charles Burke, Bank West to negotiate a repayment schedule and table any action on repayments until Mr. Mendoza reports his findings and Edwin L. Miller, Superintendent can be present. This motion was seconded by William S. Jandreau and carried with four for, none opposed, two absent and none not voting. Mr. Mendoza said the Council needs to choose a repayment schedule to Tri-County State Bank but they need to look at the Tribe's financial standings through the end of the year. Mr. Mendoza recommends having the Lower Brule Construction Company pay off the note and the Tribe could make payments to the Company. The Tribal Council concurred to schedule a meeting with the Construction Company Board on November 13, 1985 at 1:00PM.

7. HOME ASSIGNMENTS - A letter dated October 9, 1985 was received from Edwin L. Miller, Superintendent requesting clarification and additional information on "Home Assignments". Motion was made by Ted Rouillard to amend the Land

Management Program to include Home Assignments and the maximum of a Home Assignment will be five (5) acres. This motion was seconded by Darrell Middletent and carried with three for, none opposed, three absent and none not voting.

8. WOOD CUTTING - A letter dated October 2, 1985 was received from Edwin L. Miller, Superintendent regarding the issue of wood cutting. In his letter, Mr. Miller states that in accordance with the Bureau of Indian Affairs trust responsibility for sustained yield management for forested areas on the reservation, the Tribal Council should address the issue of wood cutting for tribal members on tribal land. The Council discussed there's a provision in the Code for wood cutting (green timber). No action was taken, information only.

9. TRIBAL COUNCIL MILEAGE - Motion was made by Ted Rouillard to approve payment of mileage to William Ziegler in the amount of \$142.33 and to William S. Jandreau in the amount of \$59.86. This motion was seconded by Darrell Middletent and carried with four for, none opposed, two absent and none not voting.

10. FEDERAL SURPLUS PROGRAM - The Tribal Council had taken action previously to appoint Larry Mendoza to handle the Federal Surplus Program for the Tribe. At that time action wasn't taken to authorize the funds to allow for expenses of the clothing program. Motion was made by Darrell Middletent to authorize and obligate funds to cover the clothing expenditures under the Federal Surplus Program. This motion was seconded by William S. Jandreau and carried with four for, none opposed, two absent and none not voting. Information regarding this program will be posted when the package is complete.

11. NATIONAL RURAL DEVELOPMENT & FINANCE CORPORATION - A letter dated September 27, 1985 was received from James Bluestone, Special Assistant to the President, National Rural Development & Finance Corporation regarding a proposal from NRD&FC to provide the Tribal Council with on-site economic development programming. The Tribal Council reviewed this issue, no action was taken, information only.

12. TRIBAL COUNCIL MINUTES - Motion was made by Ted Rouillard to approve the Tribal Council Minutes for October 2-3, 1985 and October 18, 1985. This motion was seconded by William S. Jandreau and carried with four for, none opposed, two absent and none not voting.

13. PESTICIDE PROGRAM DIRECTOR POSITION - Motion was made by Ted Rouillard to advertise the Pesticide Program Director Position for a period of two (2) weeks. This motion was seconded by William Ziegler and carried with four for, none opposed, two absent and none not voting.

14. BINGO - A letter dated October 24, 1985 was received from the Racing Association requesting approval to conduct their bingo games on Monday nights instead of Wednesday. A letter was received from Scott Jones, Pow-wow Committee Chairman requesting permission to hold bingo in conjunction with the Headstart Policy Council on Saturday nights through November and then the Pow-wow Committee would take over. Darrell Middletent, Bingo Supervisor, informed the Council that he discussed Monday night bingo with Ramona Johnson and she said she's quitting because they're not making enough profit and she concurred to allow Racing Association to have Monday night bingo. Motion was made by Ted Rouillard to approve the two (2) bingo requests and allow the Racing Association to have bingo on Monday nights and the Pow-wow Committee to have bingo on Saturday nights. This motion was seconded by William S. Jandreau and carried with three for, none opposed, two absent and one not voting (William Ziegler). A letter dated October 18, 1985 was received from

Josephine Skunk, West Brule District Club, requesting another thirty (30) day extension to pay their delinquent rent, in order that they can continue holding their bingo games. Darrell Middletent informed the Council that he held a meeting with all the Bingo Clubs. Motion was made by William S. Jandreau to allow the West Brule District Club another thirty (30) day extension with the understanding that this is the last effort by the Tribal Council. If they fail to make their payment in full at the end of the thirty (30) day extension, then the other Bingo Clubs will be notified that Sundays are an open date for bingo. This motion was seconded by Darrell Middletent and carried with three for, none opposed, two absent and one not voting, (William Ziegler).

15. TRIBAL JOB POSITIONS - Two (2) applications were received for the EDA Planner's position. Shirley Marvin has been acting temporary in this position. Chairman Jandreau had recommended that Shirley Marvin be selected as EDA Planner or the Council readvertise the position. Motion was made by Darrell Middletent to select Shirley Marvin as the EDA Planner. This motion was seconded by William S. Jandreau and carried with four for, none opposed, two absent and none not voting. Patti Moore, Human Resources Coordinator, had also recommended Ms. Marvin for the position as she has already started working on some projects. Five (5) applications were received for the Recreational Therapist position. The Alcoholism Board and Ms. Moore recommend the hiring of Justin Hawking for this position. Motion was made by Ted Rouillard to go with the recommendation of Justin Hawking for Recreational Therapist. This motion was seconded by William Ziegler and carried with four for, none opposed, two absent and none not voting. Seven (7) applications were received for the three (3) Alcoholism Counselor positions. The Alcoholism Board and Ms. Moore recommended Jackie Miley, Darlene Brings, Joe Sawalla and Orrie Charger-Alternate for the Alcoholism Counselor positions. Janet Fast Wolf was recommended for the Alcoholism Counselor Trainee position by the Alcoholism Board and Ms. Moore. Three (3) applications were received for this position. Motion was made by Ted Rouillard to go along with the recommendations for the Alcoholism Counselor positions and the Alcoholism Counselor Trainee. This motion was seconded by Darrell Middletent and carried with three for, none opposed, two absent and one abstaining (William Ziegler).

16. INDIAN GAMING - A letter dated October 21, 1985 was received from Stephen Hennington Whilden in reference to Indian gaming. No action was taken, information only.

17. FLANDREAU INDIAN SCHOOL - Letters dated October 18, 1985 were received from Mona Whitney and Goldie Never Misses A Shot, students attending the Flandreau Indian School, requesting the Tribal Council to contact the Bureau of Indian Affairs officials and Congressional Delegates to request addition of the "grandfather clause" to the new "Minimum Academic Standards for the Basic Education of Indian Children and National Criteria for Dormitory Situation", so their school will continue to operate as present or request funds for new dorms so the School would meet the new regulation. Motion was made by William Ziegler to appoint Darrell Middletent to contact William Schmidt, Superintendent of Schools, to review such regulation and have Mr. Schmidt develop correspondence to be sent to the Congressional Delegates. This motion was seconded by William S. Jandreau and carried with four for, none opposed, two absent and none not voting.

18. LEASES & RANGE UNIT PAYMENTS - A letter dated October 30, 1985 was received from Iva Jean Bolman requesting an extension of payment on her leases and range unit until the end of December, 1985. The Tribal Council reviewed and discussed Mrs. Bolman's request and reasons for the extension. Based on the facts presented, motion was made by William S. Jandreau to grant the extension of payment on Iva Jean Bolman's leases and range unit until the

end of December, 1985 (about sixty (60) days). This motion was seconded by Ted Rouillard and carried with three for, none opposed, two absent and one not voting (William Ziegler).

19. HOUSE MOVING AGREEMENT - A letter dated November 4, 1985 was received from Fritz & Cheryl LaRoche requesting approval for a contract between the Lower Brule Construction Company and themselves for their house to be moved, a basement to be built, and completion of the basement. Mr. & Mrs. LaRoche have received a house through the Housing Authority and approval for the house to be moved to their Home Assignment. As collateral they offered Mrs. LaRoche's pension annuity and will make \$200.00 monthly payments. The Tribal Council needs to approve accepting the collateral and the right to negotiate a contract with the Construction Company. Motion was made by Ted Rouillard to approve the Lower Brule Construction Company to enter into an agreement between them and Mr. & Mrs. Fritz LaRoche regarding the moving of their HUD house, a basement to be built, and completion of the basement. This motion was seconded by Darrell Middletent and carried with three for, none opposed, two absent and one not voting (William Ziegler).

20. REIMBURSEMENT OF PAYMENT - Fritz LaRoche submitted a Bill of Collection receipt in the amount of \$1,660.74 for overcharge by the Bureau of Indian Affairs, for taking in outside cattle on his Range Unit. Mr. LaRoche requested this amount be reimbursed to him by the Tribe. The Tribal Council discussed this is the same case which was previously approved for James Jandreau. Motion was made by Ted Rouillard to reimburse Fritz LaRoche in the amount of 1,660.74 from the General Fund, for an overcharge by the Bureau of Indian Affairs on his Range Unit. This motion was seconded by William S. Jandreau and carried with four for, none opposed, two absent and none not voting. Fritz LaRoche has Lease #23-013-8487 for the period of November 1, 1985 through October 31, 1986 and he has requested approval from the Tribal Council to change the lease period to coincide with his other leases. He has requested the lease period be changed to January 1, 1986 through December 31, 1986. Motion was made by Ted Rouillard to approve Fritz LaRoche's request to change the period of Lease #23-013-8487 to January 1, 1986 through December 31, 1986. This motion was seconded by William S. Jandreau and carried with four for, none opposed, two absent and none not voting.

21. PROPOSED LAND EXCHANGE - A letter dated October 31, 1985 was received from Edwin L. Miller, Superintendent, stating the Aberdeen Area Office was asked to review the proposed Land Exchange between the Tribe and Mrs. Annettc Big Eagle because the site selected would require a metes and bounds description, which in turn would require a legal survey. The Aberdeen Area Office's memorandum dated 10/16/85 recommended an alternate site with an aliquot description. Mrs. Big Eagle has agreed to the site. The new site is described as the NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 22, Township 107 North, Range 73 West, Fifth Principal Meridian, South Dakota, containing 5.00 acres, more or less. Motion was made by William Ziegler to approve of the site change and request a surface and mineral appraisal on the above described tract of land. This motion was seconded by Darrell Middletent and carried with four for, none opposed, two absent and none not voting.

RECESS - The meeting was recessed for the noon hour and will reconvene at 1:00 PM. The meeting reconvened at 1:00 PM with the same Members being present and absent.

22. RHODA MORENO'S REQUEST - Rhoda Moreno entered the meeting and asked the Tribal Council if there was a way she could borrow \$100.00 to wire her son (Arnold Sazue), who was stranded in Albuquerque, New Mexico. She informed the Tribal Council that she would repay the funds at the first of the next month when she gets her check. The vehicle her son was using broke down

unexpectedly. Presently, through the Small Loans Program, the policies only allow for tribal employees to receive a loan. Discussion was held in reference to Mr. Sazue's present loan. Maximum amount for a small loan is \$200.00. William S. Jandreau recommended the Tribe loan him the difference of the balance of Mr. Sazue's loan, up to \$200.00. Discussion was held regarding the policy of manual checks being written for loans and travel. Kay Gourneau recommended the Tribe loan Mr. Sazue the funds provided he agrees to repay the loan. The Tribal Council concurred with this recommendation.

23. POLICY ON CHECKS - The Tribal Council discussed a Memorandum which was distributed by Larry Mendoza, Operations Manager regarding the process of purchase orders and checks being processed by the computer. Chairman Jandreau had recommended the policy be manual checks written for loans and travel and Sharon Brown be allowed to have access to the computer regarding small loans because she does the paperwork for the loans and has experience with computers. The Tribal Council discussed if Mrs. Brown were to have access to the computer regarding the Small Loans Program, then it would free the Finance Office Staff to handle other matters. The Tribal Council discussed if other manual checks were to be written, what would be considered an emergency. Motion was made by Darrell Middleton that the policy will be to cut manual checks for small loans and travel, but not limited to. This motion was seconded by William S. Jandreau and carried with two for, two opposed (William Ziegler & Ted Rouillard), two absent and none not voting. Acting Chairperson Gourneau broke the tie and voted in favor of the motion. Motion was made by Ted Rouillard to request the Small Loans Committee to advise the Tribal Council of their current policies and all changes. This motion was seconded by William S. Jandreau and carried with four for, none opposed, two absent and none not voting.

24. CDBG PRIORITIES FY-86 - Ted Rouillard informed the Tribal Council the priorities for the FY-86 CDBG need to be set because the application deadline date is February 15, 1986. He informed the Tribal Council that we can apply for economic development and housing rehabilitation. For FY-85 CDBG the #1 priority was housing rehabilitation and it was not approved and the #2 priority was economic development. A maximum of \$400,000.00 can be awarded through HUD. Mr. Rouillard recommended the Tribe set #1 priority as economic development, get with the individuals responsible for writing this grant, and bring back to the Tribal Council for final approval. There are thirty-one (31) Tribes in our region that we have to compete with regarding CDBG funding. Mr. Rouillard informed the Council that the rating system is scored on the population of people benefited and the thorough contents of the application. The new priority for EDA is agribusiness which was written by Larry Mendoza. Motion was made by William S. Jandreau in compliance with the U.S. Department of Housing & Urban Development regulations, to set Economic Development as #1 priority and Housing Rehabilitation as #2 priority for the FY-86 CDBG application, as its highest priorities. This motion was seconded by William Ziegler and carried with four for, none opposed, two absent and none not voting.

25. LANDLORD TENANT CODE - Mary Wynn, Housing Authority Attorney, presented a draft copy of the Landlord Tenant Code to the Tribal Council and requested approval of this Code. Mrs. Wynn informed the Council if this Code was approved, it would go into effect on January 1, 1986. Mrs. Wynn was hired initially by the Housing Authority to help with the Accounts Receivables and she is also setting up the judicial process for the draft code. Mrs. Wynn informed the Council the Code would go into effect sixty (60) days after adoption and must be publicized in the local newspapers and throughout the Community. Motion was made by Ted Rouillard to table any decision on this Code until the Tribal Council can review this document and meets with the Housing Authority, which will be the same date and time as when they meet

with the Construction Company.

26. FENCE REQUEST & CLEAN-UP DAY - A written letter was received from Otis Doren requesting to have some of the fencing material on the north side of town and he would do the work himself. He also requested a day be designated by the Council as "Clean up day" with all school kids given all or part of a day off from classes to carry garbage bags around the town and collect all the loose trash. The Tribal Council concurred to approve Mr. Doren's request for fence provided he work inconjunction with Kim K. Thompson, Wildlife Management Program Director. Also, to approve the clean up day provide Mr. Doren does the organizing and keeps the Council informed.

27. PERSONNEL POLICIES & PROCEDURES - Patti Moore, Human Resources Coordinator presented a draft of changes the program directors wanted for the personnel policies and procedures. There is a need to establish personnel policies to comply with federal program requirement and also have a means to regulate employees of the Tribe. Motion was made by Darrell Middletent to adopt proposed personnel policies & procedures with the corrections as stated. This motion was seconded by William S. Jandreau and carried with four for, none opposed, two absent and none not voting.

28. MINI-FARMS PROGRAM - Paul Estes, Mini-Farms Program Director entered the meeting and requested to transfer funds from the Special Account at Bank West to the ANA Grant account to make final payment on the dehydrator in the amount of \$3,635.00 and payment in the amount of \$13,000.00 to Rural Ventures. This past Summer the final payment was paid on the dehydrator but it was from the ANA Grant account instead of the Special Account at Bank West. Discussion was held in reference to payments made to Rural Ventures. Motion was made by Darrell Middletent to approve transfer of funds from the Special Account in Bank West to the ANA Grant account for final payment of the dehydrator and the Rural Ventures payment, and reinvest the balance of funds at Bank West for a period of thirty (30) days. This motion was seconded by Ted Rouillard and carried with four for, none opposed, two absent and none not voting. Darrell Middletent informed the Council that people are contacting him with the need for wood to be cut. Mr. Middletent asked if the Tribe would buy the chain saw and he would donate his time. Larry Mendoza recommended that possibly the chain saw could be purchased from the Mini-Farms Program. There are funds in the ANA grant. Paul Estes said it may be possible to exchange a tiller for two (2) chain saws and his program could pay the balance. The Tribal Council concurred with Mr. Estes' suggestion. Mr. Estes will report back to the Tribal Council before making the actual transaction.

29. NATIONAL INDIAN HEALTH BOARD, INC. - The 7th National Indian/Alaska Native Health Conference will be held in Albuquerque, New Mexico on November 11 - 15, 1985. The Conference is scheduled to discuss and implement additional fund seeking resolutions and amendments to P.L. 93-437 and P.L. 95-537. Motion was made by Darrell Middletent to authorize the Tribal Chairman or his Representative to support the efforts of the National Indian Health Board, Inc. where deemed necessary for the betterment of health on the Lower Brule Sioux Indian Reservation. This motion was seconded by Ted Rouillard and carried with four for, none opposed, two absent and none not voting.

30. NATIONAL RODEO FINALS - William S. Jandreau informed the Tribal Council that Marty Jandreau qualified for the National Rodeo Finals. Mr. Jandreau feels the Tribe should recognize this in some way. Motion was made by William S. Jandreau to grant Marty Jandreau \$250.00 from the educational grant assistance funds with best wishes from the Tribe, award him a plaque on return from the finals, and place a congratulations advertisement in the local newspapers to him and the Brule Sioux High football team. This motion was seconded by Ted Rouillard and carried with four for, none opposed, two absent

and none not voting.

ADJOURNMENT - With no further business, Acting Chairperson Courneau entertained a motion to adjourn. Motion was made by William Ziegler to adjourn the meeting. This motion was seconded by William S. Jandreau and carried with four for, none opposed, two 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 6th day of November, 1985.

Cheryll LaRoche, Recording Secretary

LOWER BRULE SIOUX TRIBAL COUNCIL
SPECIAL MEETING
November 13, 1985

PRESENT: Michael B. Jandreau, Chairman
Kay Gourneau
Darrell Middletent
Ted Rouillard
Charles Langdeau
William Ziegler (arrived late)

ABSENT: William S. Jandreau

The meeting was called to order by Chairman Jandreau at 2:10 PM. Roll call was taken by the Recording Secretary and the Lord's Prayer was led by Chaplain Langdeau.

1. OPERATING BUDGET - Chairman Jandreau informed the Tribal Council that the Tribe has received tentatively \$166,000.00 from the Farm Corporation instead of the proposed \$15,000.00. Therefore, there is a need to modify the Tribe's operating budget in the amount of approximately \$150,000.00. Motion was made by Kay Gourneau to approve the Fiscal Year 1986 budget in the amount of \$498,000.00, approval of withdrawals from the U.S. Treasury for FY-86, a tentative estimate of withdrawals for FY-87 at \$362,000.00, and authorize Chairman Jandreau to sign the Form 1034 for withdrawals and the Tribe's Land Payment. This motion was seconded by Charles Langdeau and carried with four for, none opposed, two absent and none not voting. The amount for the operating budget and the land payment are approximately \$50,000.00 each.

2. REIMBURSEMENT OF PAYMENT - Kay Johnson had contacted Kay Gourneau regarding a Bill of Collection in the amount of \$2,113.15 from the Bureau of Indian Affairs, an overcharge for taking in outside cattle on her Range Unit. Motion was made by Kay Gourneau when Kay Johnson makes payment to the Bureau of Indian Affairs, reimburse her in the amount of \$2,113.15 from the General Fund. This motion was seconded by Ted Rouillard and carried with four for, none opposed, two absent and none not voting.

3. FURNITURE REQUEST - A letter dated November 4, 1985 was received from Pearl LaRoche requesting the Tribe to purchase her a davenport and chair. The Tribal Council concurred to inform Mrs. LaRoche at the present time funds aren't available to honor her request.

4. BUFFALO MEAT - Kim K. Thompson, Wildlife Management Program Director had contacted Kay Gourneau and Ted Rouillard regarding the distribution of the buffalo meat which the Tribe has received. Mr. Thompson will take care of the cutting and wrapping. The Tribal Council concurred to have Mr. Thompson distribute the buffalo meat to the Elderly first, then the rest of the Community.

5. TWEP PROGRAM - A written letter dated November 13, 1985 was received from Erwin LaRoche, TWEP Supervisor, requesting approval for the use of the White Chevy Pickup owned by the Tribe. Mr. LaRoche's request stated he will be using the vehicle for the TWEP Program and there are funds available for the operation of the vehicle in his program. Motion was made by Charles Langdeau to approve Erwin LaRoche's request for use of the white Chevy Pickup. This motion was seconded by Darrell Middletent and carried with four for,

none opposed, two absent and none not voting.

6. PROPOSED BUSINESSES - A letter dated November 12, 1985 was received from Kim & Mary Thompson requesting the Tribe's support to set up a computer system on the reservation. A letter received November 12, 1985 was received from Vince D. Nelson requesting a business permit to start a catering service on the reservation. Motion was made by Kay Gourneau to authorize and support the business ventures proposed by Kim & Mary Thompson, and Vince D. Nelson, on the reservation. This motion was seconded by Charles Langdeau and carried with three for, none opposed, three absent and none not voting. (William Ziegler arrived at this time.) Jim & Jan Brouse proposed to open a small craft business on the reservation and they have requested support and recognition from the Tribe as an Indian owned business. Motion was made by Kay Gourneau to authorize and support Jim & Jan Brouse's Indian owned business for a craft store on the reservation. This motion was seconded by Darrell Middletent and carried with four for, none opposed, one absent and one not voting (William Ziegler). Alvin Thompson, Representative with the Native American Criminal Justice, California was present to request approval from the Tribal Council to open a business venture such as a card room, on the reservation. Mr. Thompson had previously presented a proposal to the Council regarding the behavior patterns among Native Americans. This proposal has been sent throughout the United States. Mr. Thompson proposes to hire approximately ten (10) people, pay salaries, give the Tribe 5-10% for operating, and the profit could go into an escrow account. Mr. Thompson is requesting permission to start the operation and the funding would be provided by the Native American Criminal Justice. Mr. Thompson feels this is a worthwhile project and the official contract will be drawn by the Justice's Attorney. Mr. Thompson proposes the profit could be used for the community such as fixing up houses, then maybe build a hospital or medical center. He needs to acquire a building to hold such venture. Mr. Thompson said he'd like to get this venture started as soon as possible. A Gambling Ordinance was adopted in November, 1973. Mr. Thompson feels this operation is something the entire Tribal Council should agree on. Mr. Thompson said they would use their own dealers for the card games. Darrell Middletent would also like to see a written proposal. Ted Rouillard suggested Mr. Thompson submit a written proposal at the next Tribal Council meeting in two (2) weeks. Mr. Thompson said he intends to have a policy statement and contract. He would like to receive permission to start, give tentative approval today, then later approve the policy and contract at that time. Chairman Jandreau informed Mr. Thompson nothing could begin until such time documents are agreed upon and signed between him and the Tribe. Kay Gourneau would like to see a written proposal be submitted. Mr. Thompson said the Justice Association would finance this venture with no matching funds from the Tribe. They would bring in security from another reservation. Mr. Rouillard informed Mr. Thompson that it has been a policy to require a written proposal for review before a decision is made. Mr. Thompson said the escrow account could be for research on Indian reservations across the country. Mr. Thompson proposed the Tribal Council grant tentative approval today, then meet on December 4, 1985 to review all documents, and in the mean time he will conduct a community survey, bring all materials in at that time, then the Council could make their final decision. William Ziegler believes a plan of operation would come before the contract. Chairman Jandreau said a tentative projection of what the return would be is also needed. Mr. Thompson agreed to meet with the Tribal Council on December 4, 1985 and present all necessary documents.

7. L.B. CONSTRUCTION COMPANY - Gaylord Choal, Construction Company Manager, Bill Thompson, Board Member, and Cody Russell, Board Member, were present for this meeting. Mr. Choal presented a financial report for the Council's review and discussion. Discussion was held in reference to the present

projects. Chairman Jandreau reported that Larry Mendoza had contacted Bank West regarding the note being renegotiated for six (6) months and the Tribe paying the interest. Larry Mendoza, Operations Manager entered the meeting and informed the Council, Bankwest would accept the negotiated figure but it would have to be in writing. Bankwest wouldn't agree to extend the note for six (6) months. The Tribe would need to pay the interest plus \$10,000.00 to reduce the note. The Council reviewed repayments of costs. The Council discussed having the Construction Company figure a projected profit. Discussion was held regarding the agreements between the Construction Company and individuals for house moving, renovation, etc. The Construction Company can set a limit on the projects as per house, family, etc., but they still would need concurrence from the Tribal Council, Mr. Rouillard reported. Mr. Rouillard said the biggest expense is not the housing moving and these individuals being helped are not eligible for the Home Improvement Program. Motion was made by Charles Langdeau to authorize William Ziegler and Larry Mendoza to negotiate a figure and repayment schedule on the note due at Bankwest in Pierre, South Dakota. This motion was seconded by Kay Gourneau and carried with four for, none opposed, one absent and one not voting (William Ziegler). The Construction Company will establish a figure on the house agreements and bring back to the Tribal Council.

8. **LANDLORD TENANT CODE** - Debra Isburg, Housing Director was present for the meeting. Kay Gourneau informed the Tribal Council regarding the telephone conversation between her, Ted Rouillard and Dave Bergren, General Council. Mr. Bergren had received a draft copy of the Landlord Tenant Code from Ms. Mary Wynn, Housing Authority Attorney. Mr. Bergren feels this Code should be reviewed further, for possible changes. Mrs. Gourneau requested Mr. Bergren to review the draft Code and submit a written recommendation to the Tribal Council at the next regular meeting. The Tribal Council concurred with Mrs. Gourneau request for Dave Bergren's services regarding the Code.

9. **TRAINING SCHEDULES** - There will be a two (2) day seminar on Program Compliance in Las Vegas, Nevada on December -6, 1985, if any Council Member wishes to attend. No action was taken, information only.

10. **DUMPSTERS** - Alvin Johnson submitted a quote from Wastainer, Inc. in Mukwonago, Wisconsin for four (4) reconditioned, eight (8) cubic yard drop bottom dumpsters. Their price is \$540.00 per dumpster plus \$640.00 freight charges. The Bureau of Indian Affairs is purchasing five (5) dumpsters from the same Vendor. Motion was made by Kay Gourneau to authorize purchase of the four (4) dumpsters from Wastainer, Inc. This motion was seconded by William Ziegler and carried with four for, none opposed, two absent, and none not voting.

11. **MATERNAL CHILD HEALTH** - A letter dated November 4, 1985 was received from Allen W. Krom, Health Services Assistant Administrator, MCH Program, S.D. Department of Health regarding the FY-86 contract for services, revised budget. The Tribe will be reimbursed 57% of the program costs and will have to document the internal 43% matching funds. Kay Gourneau had talked with Lenora LeCompte, MCH Director regarding this matter and was told the Tribe matched the same percentage last year. Mrs. LeCompte informed Mrs. Gourneau the State won't allow office space as part of the match because the building was built with federal funds. Chairman Jandreau said the Council needs to authorize or identify the 43% as a cost if the Tribe is to continue the program. Motion was made by Kay Gourneau to authorize Chairman Jandreau to sign the Contract for Services regarding the MCH 43% matching funds. This motion was seconded by William Ziegler and carried with five for, none opposed, one absent and none not voting.

ADJOURNMENT - with no further business, Chairman Jandreau entertained a motion

to adjourn. Motion was made by Ted Rouillard to adjourn the meeting. This motion was seconded by Kay Gourneau and carried with five for, none opposed, one absent and none not voting.

CERTIFICATION

The foregoing is a true and correct transcript of Minutes of a Special Meeting held by the Lower Brule Sioux Tribal Council on the 13th day of November, 1985.

Cheryll LaRoche, Recording Secretary

LOWER BRULE SIOUX TRIBAL COUNCIL

REGULAR MEETING

December 4, 1985

PRESENT: Michael B. Jandreau, Chairman
William Ziegler
Charles Langdeau
Darrell Middletent
Ted Rouillard
William S. Jandreau

ABSENT: Kay Gourneau

ALSO PRESENT: Alvin Johnson, NACJI
Richard & Flora St. Cloud
Clarence Thompson, Sr.
Edwin L. Miller, Agency Superintendent
William Schmidt, Superintendent of Schools

The meeting was called to by Chairman Jandreau at 11:00 AM. Roll call was taken by the Recording Secretary and the Lord's Prayer was led by Chaplain Langdeau.

1. LANDLORD TENANT CODE - Chairman Jandreau informed the Tribal Council that recommendations from Dave Bergren, General Counsel, have not been received regarding the Landlord Tenant Code. Chairman Jandreau requested this issue be tabled until recommendations are received from Mr. Bergren. The Tribal Council concurred with Chairman Jandreau's request.

2. NATIVE AMERICAN CRIMINAL JUSTICE ASSOCIATION - Alvin Thompson, President of the Native American Criminal Justice Association provided the Tribal Council with a copy of a Management Contract and Policy Statement. Discussion was held regarding clarification of sections in the proposed contract. William S. Jandreau informed Mr. Thompson that a Gaming Committee has already been established. Discussion was held regarding the location of the proposed Card Room. Mr. Thompson has obtained the trailer from Steve Gourneau, for the present time, located in a rural residential area. Mr. Thompson said the business will be located far from the community to eliminate problems from the area. The Council informed Mr. Thompson that if complaints are received from people in that area, then the trailer will have to be moved elsewhere. Discussion was held in reference to the escrow account. Mr. Thompson said the escrow account will be handled by the NACJI Attorney and can't be touched until the designated amount is reached. Mr. Thompson said he did conduct a verbal survey with different people looking for a negative feedback and didn't receive any, all were in support of it. Motion was made by Ted Rouillard to enter into the Agreement with NACJI, as amended, for a six (6) month period, and that during the six (6) month period, if it is not feasible, both parties will mutually terminate any agreement. This motion was seconded by William S. Jandreau and carried with four for, none opposed, one absent and one not voting (William Ziegler).

3. POSTAL FACILITY AGREEMENT - A new fixed term lease agreement was received on November 27, 1985 from David A. Manning, Real Estate Specialist, U.S. Postal Service. The agreement is for the Postal facility located in the Tribe's building at Lower Brule. This lease provides for a monthly rental of \$160.00, with an effective rental date of February 1, 1986. Motion was

made by William Ziegler to enter into the term lease agreement regarding the Postal facility at a monthly rental rate of \$160.00. This motion was seconded by Charles Langdeau and carried with five for, none opposed, one absent and none not voting.

4. BLACK HILLS NATIONAL FOREST - A letter was received on December 2, 1985 from James R. Mathers, Forest Supervisor, Black Hills National Forest regarding a conference of Indian people and the Forest Service to be held in Rapid City on Tuesday & Wednesday, December 10 & 11, 1985. Mr. Mathers had previously contacted Ted Rouillard. Motion was made by Charles Langdeau to appoint William S. Jandreau as the Tribe's Representative and Darrell Middletent as Alternate, and authorize travel expenditures to attend the meeting. This motion was seconded by Ted Rouillard and carried with five for, none opposed, one absent and none not voting.

5. BLACK HILLS STEERING COMMITTEE - A letter received November 12, 1985 from Gerald M. Clifford, Coordinator, Black Hills Steering Committee requesting financial assistance (\$5,000.00) from the Tribe. Mr. Clifford also submitted draft letters to the S.D. Congressional Delegation and Senator Mark Andrews, Chairman of the Senate Select Committee on Indian Affairs, requesting their support of "The Sioux Nation Black Hills Act". The Tribal Council concurred to inform the Black Hills Steering Committee that funds are not available to make a contribution of \$5,000.00 and they are in support of the letters addressed to the Congressional Delegates.

6. COMMUNITY DEVELOPMENT BLOCK GRANT - A letter was received December 3, 1985 from Ms. Sandra Lechman, Acting Team Leader, CDBG concerning the FY'86 CDBG Workshop scheduled for December 18-19, 1985 in Denver, Colorado. Motion was made by Ted Rouillard to authorize Shirley Marvin, EDA Planner to attend the CDBG Workshop, provided she has funds in her program budget. This motion was seconded by Charles Langdeau and carried with five for, none opposed, one absent and none not voting.

7. TRAINING SCHEDULES - The Tribal Council reviewed documents regarding various training schedules. For informational purposes, no action was taken.

8. COUNCIL MEMBER'S MILEAGE - Motion was made by Charles Langdeau to approve payment of mileage in the amount of \$70.66 to William Ziegler. This motion was seconded by Ted Rouillard and carried with four for, none opposed, one absent and one not voting (William Ziegler).

9. EDUCATIONAL GRANT ASSISTANCE - An Educational Grant Assistance Application was received by Keith Rekow, who will be attending Black Hills State College beginning the second semester. Mr. Gib Rogers, High School Counselor reviewed his application and recommended approval. Motion was made by Charles Langdeau to approve Educational Grant Assistance in the amount of \$250.00 to Keith Rekow. This motion was seconded by William Ziegler and carried with five for, none opposed, one absent and none not voting.

10. INTERTRIBAL COURT OF APPEALS - A letter was received November 26, 1985 from Violet E. Cook, Court Administrator/Clerk, Intertribal Court of Appeals regarding the Appellate Court Judges and Policy Board Members. Their office received our Tribal Resolution NO. 85-187, dated 9/18/85, which appointed Stan Whiting as regular Appellate Judge and Rose McCauley as alternate Appellate Judge for Lower Brule. If the Tribal Council wishes to appoint Rose McCauley to the office of alternate Appellate Judge, the Tribal Council may specially appoint her as an Associate Tribal Judge to sit on appeal cases only. This has been done by other Tribes, appointing "non-sitting" court Judges as their Appellate Judges. In doing this, the Tribe complies with the requirements of the Uniform Code. Second, each member Tribe appoints

two (2) Appellate Court Policy Board members. Motion was made by Charles Langdeau to appoint Ted Rouillard and William Ziegler as Policy Board Members to the Intertribal Court of Appeals and Rose McCauley be appointed as an Associate Tribal Judge to sit on appeal cases only. This motion was seconded by William S. Jandreau and carried with five for, none opposed, one absent and none not voting.

11. WEATHERIZATION PROGRAM - Richard & Flora St. Cloud entered the meeting in regards to weatherizing House #39, through the tribal program, which they occupy. Mr. St. Cloud told the Tribal Council that he has applied for Weatherization in the last three (3) years and nothing has been done. He said Elaine Thompson, Weatherization Program Director, informed him that \$1,000.00 has been spent on his house. Mr. St. Cloud would like to see where the money was spent. Chairman Jandreau informed Mr. St. Cloud to visit with Ms. Thompson to resubmit an application. Richard St. Cloud said he would do that. No action was taken, informational purposes only.

12. LOAN ASSISTANCE FOR CATTLE OPERATORS - Clarence Thompson, Sr. entered the meeting regarding a letter for assistance to cattle operators which he received from Shirley Marvin, EDA Planner. Chairman Jandreau informed Mr. Thompson that United Sioux Tribes is trying to get a commodity hay program for the Tribe but when they traveled to Washington, D.C., Sid Mills had left for Australia. The grain will be distributed out of Kennebec, and all the numbers for distribution are completed. Distribution of the grain (milo) will begin on Monday. Reason for the letter which Mr. Thompson received was because Shirley Marvin, EDA Planner has access to help anybody develop loan packages, and grant dollars are available through the Bureau of Indian Affairs, Aberdeen Area Office for different business ventures. No action was taken at this time, informational purposes only.

RECESS - The meeting recessed for the day and will reconvene at 3:30 PM on 12/12/85. The meeting convened on 12/12/85 at 2:25 PM, with the following Members being present and absent.

PRESENT: Michael B. Jandreau, Chairman
Kay Gourneau
Ted Rouillard
Darrell Middletent
Charles Langdeau
William Ziegler

ABSENT: William S. Jandreau

13. LAND SALE APPLICATIONS - Chairman Jandreau informed the Tribal Council that numerous people in reference to the Bad Horse Land Sale Applications have expressed a wish to get loans and request to know if the Tribe is going to purchase their undivided land interests. At the present time, funds can't be located to purchase such land. Some of the Applicants have informed Chairman Jandreau that if the Tribe can't purchase their land interests, then they wish to sell to another individual. Land Sale Applications were also received from Darla Rabbit and Edward Castaway. Motion was made by Kay Gourneau to inform all Land Sale Applicants that if they wish to sell their land interests to another individual, they may. This motion was seconded by Charles Langdeau and carried with five for, none opposed, one absent and none not voting.

14. TRIBAL COUNCIL MINUTES - Motion was made by Darrell Middletent to approve the Tribal Council minutes for November 6, 1985 and November 13, 1985. This motion was seconded by Charles Langdeau and carried with five for, none opposed, one absent and none not voting.

15. PESTICIDE PROGRAM DIRECTOR POSITION - Four (4) applications were received

for the Pesticide Program Director position. Patti Moore, Human Resources Coordinator recommended the Tribal Council readvertise this position for another two (2) weeks. No action was taken at this time.

16. FAMILY COUNSELOR POSITION - The Tribal Council reviewed the list of applicants for the position of Family Counselor under the Child Protection Program, and the point system used to recommend the applicants. Motion was made by Kay Gourneau with the exception of the first choice recommendation, to select Gail Ziegler for the Family Counselor position and Scott Jones as Alternate. This motion was seconded by Ted Rouillard and carried with five for, none opposed, one absent and none not voting.

17. SMALL LOAN POLICIES - Nyal Brings, Small Loans Committee Chairman, entered the meeting to discuss the Small Loan Program draft policies. The Tribal Council reviewed the draft policies and discussed changes. Motion was made by Kay Gourneau to approve the Small Loan Program Policies with the following changes: a.) Include that payroll deductions will be mandatory as an addition to #5, Part I, Eligibility; b.) Insertion #II, expanding who it really means; and c.) Mandatory for a Co-signer on loans for Tribal Employees who are Part-Time, Seasonal, and Training Participants. This motion was seconded by Darrell Middletent and carried with five for, none opposed, one absent and none not voting.

18. REMOVAL OF OLD HOUSES - A written request was received from Mike Kenyon to tear down the old Elderly Nutrition Building and salvage the lumber for his personal use. Herbie Eagle Thunder had also requested, through a Council Member, to tear down the old building located on Ted Rouillard's homesite for the purpose of wood burning. It was the consensus of the Tribal Council to approve the two (2) above requests, provided it is done within sixty (60) days.

19. TRIBAL HOUSE - A written letter was received from Ethel Quilt requesting ownership of the Tribal House (old Alcoholism Center) which she presently rents. A written letter was received from Willa Madison requesting ownership of the Tribal House (old Alcoholism Center). Motion was made by Kay Gourneau to grant ownership of the Tribal House (old Alcoholism Center), to Ethel Quilt provided that Willa Madison will occupy the house until Ms. Quilt moves back from Oregon, and cost of utilities will be their full obligation, the electricity meter will be transferred or pulled from the Tribe's name. This motion was seconded by William Ziegler and carried with five for, none opposed, one absent and none not voting.

20. REQUEST FOR STOVE - Bertha Fire Cloud has been requesting for repairs of her heating stove. Maintenance workers from the Tribe and Housing Authority have checked it over and have not been able to successfully repair it. Motion was made by Kay Gourneau to authorize payment for an outside Vendor to repair her stove. This motion was seconded by Ted Rouillard and carried with five for, none opposed, one absent and none not voting.

21. BINGO - Larry Jandreau entered the meeting to discuss the bingo payments made by the Men's Softball Club and some of the other Clubs are not making their payments. Darrell Middletent, Bingo Supervisor, informed the Council that not all the Clubs are caught up in their payments. Discussion was held in reference to the hall not having heat for the bingo players. At previous meetings, the Tribal Council has requested Edwin L. Miller, Superintendent, to have Police patrol during bingo, but they haven't. The Council concurred to have Darrell M. discuss with the Bingo Clubs to hire a Night Watchman during the bingo nights and notify Mr. Miller, Superintendent, to have the Police patrol during bingo.

{#20. Request for Stove Cont'd.) - A written letter was received from Roberta Gonzales requesting the Tribe to purchase her a wood burning stove. The Tribal Council concurred to inform Mrs. Gonzales that funds are not available for such purchase and if she receives Welfare through the BIA, she may contact them for assistance.

22. ALCOHOLISM PROGRAM - Gregg Miller, Alcoholism Program Director submitted an Alcoholism Commission Position Paper. Also submitted was a recommendation from him and the Commission of a dissolution of the present Alcoholism Commission. They recommended the Alcoholism Commission is to be replaced by Alcoholism Task Force which will be a sub-committee of the Health Board. The Alcoholism Task Force will include one (1) Member from each of the following: Alcoholism, Police Department, Mental Health, Court Services, Child Welfare, IHS Clinic, CHR Program, High School, Elementary School, BIA Social Services. The Alcoholism Director assumes the responsibility of soliciting members for each of the Departments or Programs who will serve on this Commission. A concept paper was submitted by Gregg Miller for a Social Sober Center. Motion was made by Ted Rouillard to approve the restructuring of the Alcoholism Commission, with the understanding that if the present Members wish to stay on the Commission, they may; and approve the concept paper for the Social Sober Center. This motion was seconded by Charles Langdeau and carried with four for, none opposed, two absent and none not voting. A request was received from Gregg Miller for use of the tribal gym for basketball and volleyball for the Recovery House residents and sober alcoholics in the community on Thursday evenings and either Saturday or Sunday afternoons. Motion was made by Ted Rouillard to approve the request for use of the gym on Thursday evenings and Saturday afternoons. This motion was seconded by Kay Gourneau and carried with five for, none opposed, one absent and none not voting.

{#13. Land Sale Applications Cont'd.) - Chairman Jandreau informed the Tribal Council of a conversation with Floydine Randall, Realty Specialist, Lower Brule Agency, regarding the possibility of a Buy Option with the Land Sale Applicants for their undivided land interests. The total value of their interests is approximately \$50,000.00. On a buy option the Buyer usually pays ten percent (10%) downpayment. There is approximately four hundred (400) acres involved in the land sale. The Council concurred to have a Special Meeting on Tuesday, 12/17/86 to discuss this issue.

23. FORESTRY MEETING - Darrell Middletent gave a verbal report on the Forestry meeting which he attended in Rapid City. He reported that the meeting turned out to be in regards to the Yellow Thunder Camp and Architects finding bones on reservations and giving them to the Smithsonian Institute. At the meeting, there was discussion of Indian traditions. No action was taken, informational purposes only.

24. HIP REQUEST - A letter dated December 3, 1985 was received from Charlene Thomas requesting emergency assistance from the Tribe to buy her a house and eventually fix it up. She wishes to purchase a house from Kaylene LaRoche and Blanche Big Eagle for \$750.00. Motion was made by William Ziegler to refer Mrs. Thomas' request to the HIP Committee. This motion was seconded by Kay Gourneau and carried with four for, one opposed (Ted Rouillard), one absent and none not voting. Motion was made by Ted Rouillard not to accept William Ziegler's resignation from the HIP Committee because his appointment was by Tribal Council action. This motion was seconded by Darrell Middletent and carried with four for, one opposed (William Ziegler), one absent and none not voting.

25. RANGE UNIT #9 - A letter addressed to the Lower Brule Agency from Jim Jandreau states that Mr. Jandreau relinquishes his Range Unit #9. A written

letter was received from Patti Moore requesting to lease Range Unit #9. The Council discussed that the buildings which Mr. Jandreau used are a part of the Range Unit. William Ziegler stated that Davis Grooms and Tony LaRoche have expressed an interest to lease Range Unit #9. This range unit has the capacity of about 150-175 head of cattle. Motion was made by Darrell Middletent to advertise that Range Unit #9 is available for lease until January 3, 1986. This motion was seconded by Ted Rouillard and carried with five for, none opposed, one absent and none not voting.

26. UNITED SIOUX TRIBES - A letter dated December 11, 1985 was received from Clarence W. Skye, Executive Director, United Sioux Tribes regarding emergency assistance for Tribes in need of hay. The Hay Relief Program will be administered by the Bureau of Indian Affairs for distribution under a formula of the Indian Acute Distress Donation Program. The purpose is to maintain foundation herds on the Indian reservations. The Bureau of Indian Affairs will contract with the tribes under P.L. 93-638, the Indian Self-Determination Education Assistance Act. If any funds are not committed prior to March 15, 1986, the funds left over are deobligated. Motion was made by Kay Gourneau to request to administer the emergency Hay Program through the regulations as set forth in P.L. 93-638 and the dollars received for this program will be also identified for use of transportation per tonage of hay to same individuals as identified in the Emergency Grain Program. This motion was seconded by Ted Rouillard and carried with five for, none opposed, one absent and none not voting.

27. COMMUNITY SURVEY - Chairman Jandreau requested approval to employ two (2) individuals to conduct a community survey regarding unemployment rate, fuel needs and any subject reflected in the process that shows our needs to get through the winter. Dollars utilized for this project will be the EDA contractual funds. Chairman Jandreau recommended Jeanne Bolman and Ben Middletent be hired to conduct the survey for a period of six (6) weeks at a rate of \$5.00 per hour. Motion was made by Kay Gourneau to accept and approve the recommendation of Chairman Jandreau regarding the Community Survey. This motion was seconded by Ted Rouillard and carried with five for, none opposed, one absent and none not voting.

28. PROPOSED WATER CODE - Shirley Marvin, EDA Planner entered the meeting to discuss the Water Code Ordinance which she has completed. The Council concurred they will review the proposed Code at the next meeting scheduled for Tuesday. Ms. Marvin gave a verbal report of the projects which she's been working on. She has been developing a questionnaire for community information and business development. No action was taken at this time, informational purposes.

(#15. Pesticide Program Director Position) - Motion was made by William Ziegler to accept the recommendation of Patti Moore, Human Resources Coordinator to readvertise the Pesticide Program Director's for another two (2) weeks. This motion was seconded by Kay Gourneau and carried with five for, none opposed, one absent and none not voting.

ADJOURNMENT - With no further business, Chairman Jandreau entertained a motion to adjourn. Motion was made by Kay Gourneau to adjourn the meeting. This motion was seconded by William Ziegler and carried with five for, none opposed, one 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 4th and 12th days of December, 1985.

Cheryll LaRoche, Recording Secretary

LOWER BRULE SIOUX TRIBAL COUNCIL
SPECIAL MEETING
December 17, 1985

PRESENT: Michael B. Jandreau, Chairman
William Ziegler (AM Session only)
Charles Langdeau (PM Session only)
Ted Rouillard
Darrell Middletent

ABSENT: Kay Gourneau
William S. Jandreau

ALSO PRESENT: Floydine Randall, Realty Specialist
Wanda Estes
Larry Mendoza, Operations Manager
Dave Bergren, General Counsel

The meeting was called to order at 10:50 AM by Chairman Jandreau. Roll call was taken by the Recording Secretary and the Lord's Prayer was led by Chairman Jandreau.

1. LAND SALE APPLICATIONS - Chairman Jandreau stated that for a length of time the Tribal Council has shown consideration of interest to purchase the land from the Bad Horse Land Sale Applicants, but didn't know about the deferred payment plan. Floydine Randall, Realty Specialist, Lower Brule Agency was present during the meeting and informed the Council she was made aware of the Plan last week. She stated the Agreement would be between the Land Owner and the Buyer for a down payment with a negotiated price. The minimum down payment is ten percent (10%) and whatever the Tribe negotiates out. The Tribe would go by the appraised value and the rest would be the same as a land sale. The interest rate would be seven percent (7%) of the unpaid balance and that would be negotiated between the two (2) parties. The BJA, Lower Brule Agency would need a resolution from the Tribe, the dollars would have to be on deposit then the Agency would prepare the Deed Documents and held in an escrow account until final payments are made. Bureau of Indian Affairs will distribute the dollars. Chairman Jandreau informed the Council they could modify the budget for a down payment. Mrs. Randall stated that when the documents are completed, they will be sent to the Aberdeen Area Office for approval. The BIA would have to have correspondence from the Land Owner accepting the down payment offer. After down payment is made, the Tribe has use of the land and can lease it out. A resolution is needed as an offer in the event that the Land Owner accepts that. Chairman Jandreau suggested the Council modify the budget and establish \$10,000.00 out of the treasury funds but not make the transfer until all Land Owners are in agreement. Mrs. Randall informed the Council that the lease payments are made for 1986, and the BIA will deduct that amount and return it to the Tribe, as long as the purchase is made during that permit period. Motion was made by Darrell Middletent to adopt a resolution for an offer of twenty percent (20%) as a down payment to all Land Owners who wish to sell their undivided interests in Allotments LB-2032, LB-2032, and LB-2024, and the remaining balance would be paid within two (2) years in two (2) equal payments to be made on December 1st of each year, and make an interest payment of seven percent (7%), and purchase mineral interests, if the Land Owner wishes to sell them; and authorize modification of the budget for whatever amount will be necessary. This motion was seconded by Ted Rouillard and carried with three for, none opposed, three absent and none not voting.

2. HEADSTART MEETING - There will be a Headstart meeting in Washington, D.C. on January 7-11, 1986. Chairman Jandreau asked that authorization be given to those Council Members who wish to attend. Motion was made by Ted Rouillard to authorize travel expenditures to any Council Member who wishes to attend the Headstart meeting. This motion was seconded by Darrell Middletent and carried with three for, none opposed, three absent and none not voting.

3. L.B. HOUSING AUTHORITY - A letter dated 12/16/85 was received from Debra M. Isburg, Executive Director, L.B. Housing Authority, requesting the use of the insulation that the Tribe has stored in the Storage Building located near the Rodeo Grounds. The insulation will be used to insulate Housing Units where there is a request by the tenant to assist them in defraying utility expenses. Mrs. Isburg's letter states Mutual Help and Turnkey III tenant requests will be asked to pay for any labor charges if the work is done by regular Housing Authority maintenance staff. However, if there are available TWP Workers, this service can be provided with no charge to Mutual Help and Turnkey III tenants. Motion was made by Darrell Middletent to encourage the use of TWP workers for all tenants and homeowners regarding insulating houses, and this would include no charge to Mutual Help and Turnkey III tenants. This motion was seconded by William Ziegler and carried with three for, none opposed, three absent and none not voting.

4. TRIBAL WATER CODE - The Tribal Council concurred to table any action on the proposed Water Code until the next regular meeting.

5. TRIBE VS. STATE OF SOUTH DAKOTA - Dave Bergren, General Counsel is present to discuss the law suit between the Tribe and State of South Dakota, that's on the non-Indian portion, jurisdiction within the exterior boundaries of the reservation.

6. BANK NOTE - In reference to the Bank Note due at Tri-County State Bank, motion was made by Ted Rouillard to renegotiate the note due at Tri-County State Bank with a payment of \$4,000.03 for the interest due and the remainder of the note will be made in quarterly payments, for a two (2) year period. This motion was seconded by Darrell Middletent and carried with three for, none opposed, three absent and none not voting.

7. ACCOUNTS PAYABLES - Larry Mendoza, Operations Manager entered the meeting and informed the Council there is an immediate need to make a payment on the IBM Computer and software package. He informed the Council of the present balance.

RECESS - The meeting recessed for the noon hour and to reconvene at 1:00 PM. The meeting reconvened at 1:55 PM with the same Members being present including Charles Langdeau. Absent were Kay Gourneau, William S. Jandreau and William Ziegler.

(#5. Tribe vs. State of South Dakota Cont'd.) - Dave Bergren informed the Council of his discussion with Mr. Craig Eickstad, State Representative and Chairman Jandreau's discussion with the Governor regarding our court case with the State of South Dakota. Mr. Bergren said that if the Tribe wants, the case can be settled. Chairman Jandreau stated that we are forced in a position and have no alternative but to take a stance to enforce the laws for everyone who crosses the exterior boundaries of the reservation. Mr. Bergren doesn't feel the Tribe will lose anything if the State agrees and the Tribe recites they have certain rights whether agreed to or not by the State of South Dakota, and the State could do the same. Chairman Jandreau said the issue here is hunting and fishing within the exterior boundaries of the reservation. Mr. Bergren said the Tribe could consider a two fold

and if an agreement can be written to protect the Tribe, that the Tribe has rights without defining them. Chairman Jandreau said that has been tried before but the Attorney General's Office said the State has jurisdiction over non-Indians and the Tribe has jurisdiction over Indians, and the Tribe has maintained jurisdiction over Indians. Mr. Bergren suggested the Tribal Council decide what they could live with and then meet with the State officials. Discussion was held regarding license fees, game refuges, etc. Mr. Bergren said under the Federal Wildlife Act & Treaty, it gives the Tribe half ownership of the river. Discussion was held in reference to the Tribe's case against Merrill Karlen. The Tribe hasn't received a court settlement yet. Mr. Bergren suggested the agreement would be whoever comes to hunt has to buy a license and if not, the Tribe would prosecute, or the Tribe would prosecute Indians and the State prosecute non-Indians, then remit the court fees to the Tribe. Mr. Bergren said a safe agreement would be anything within the confines of the reservation, if no license then arrest, only question is where and who prosecutes. Mr. Bergren said he would see if the State was amiable to negotiate a license for all hunters within the exterior boundaries of the reservation and Indians be prosecuted in Tribal Court and non-Indians be prosecuted in State Court. Motion was made by Charles Langdeau to have Dave Bergren research the possibilities of an agreement with the State of South Dakota, and report his findings at the meeting on January 8, 1986. This motion was seconded by Ted Rouillard and carried with three for, none opposed, three absent and none not voting.

8. REPAIR & SALES BUSINESS - A letter dated 12/17/85 was received from Orville C. Langdeau, Sr., requesting permission to operate a repair and sales business on his homesite. Motion was made by Ted Rouillard to approve Mr. Langdeau's request. This motion was seconded by Charles Langdeau and carried with three for, none opposed, three absent and none not voting.

(#7. Accounts Payables Cont'd.) - Mr. Mendoza informed the Council there is a list of expenditures to be made from the General Fund. Discussed and reviewed the revenue and expenditures balances. Mr. Mendoza informed the Council that all the indirect cost for FY'86 has been drawn. Some of the expenditures go back to May, 1985. There has been seven (7) pay periods already in FY'86. Discussion held regarding the payment of interest due on the note at Tri-County State Bank. Larry Mendoza recommended that Chairman Jandreau ask the Lower Brule Construction Company for \$50,000.00 to be put in the operating budget. Discussion was held regarding information not being put into the computer for the L.B. Construction Company except for January through May, 1985. The information put into the computer was not verified. Auditing for the Construction Company is being done by Ron Tedrow. The L.B. Construction Company Board hasn't signed Gaylord Choal's employment contract yet. The Construction Company is paying another individual at the Finance Office, half time, to enter information into the computer for them.

9. SIDNEY FLORES - Chairman Jandreau informed the Council of his letter to Sidney Flores regarding payment in full for his previous services by the last Council Administration. If Mr. Flores responds to Chairman Jandreau's letter, then final payment of \$12,000.00 will be paid to Mr. Flores at the end of this month.

10. COMMUNITY SURVEY - Chairman Jandreau informed the Council that he wishes to continue employing the two (2) individuals conducting the community survey, who's salaries come out of the EDA contractual funds, instead of the original six (6) weeks.

ADJOURNMENT - With no further business, Chairman Jandreau entertained a motion to adjourn the meeting. Motion was made by Charles Langdeau to adjourn the meeting. This motion was seconded by Darrell

Middletent and carried with three for, none opposed, three absent and none not voting.

CERTIFICATION

The foregoing is a true and correct transcript of Minutes of a Special Meeting held by the Lower Brule Sioux Tribal Council on the 17th day of December, 1985.

Cheryll LaRoche, Recording Secretary

LOWER BRULE SIOUX TRIBAL COUNCIL
SPECIAL MEETING
January 3, 1986

PRESENT: Michael B. Jandreau, Chairman
Kay Gourneau
William Ziegler
Ted Rouillard
Darrell Middletent (arrived late)
William S. Jandreau

ABSENT: Charles Langdeau

ALSO PRESENT: Edwin L. Miller, Superintendent

The meeting was called to order by Chairman Jandreau at 10:40 AM. Roll call was taken by the Recording Secretary and the Lord's Prayer was led by Chairman Jandreau.

1. EMERGENCY HAY CONTRACT - Chairman Jandreau informed the Council the reason for this meeting is because the Emergency Hay Contract was received on January 2, 1986, but was signed on December 24, 1985. Our Tribe has been allocated \$100,000.00 for purchase of hay and transportation. The BIA will identify the allowance share for hay and transportation. It will be computed by a percentage of the grain that each operator was eligible for. The amounts allocated for each operator range from \$376.00 to \$10,000.00. A monitoring scheme must be developed and submitted to the Aberdeen Area Office by Superintendent Miller. Chairman Jandreau suggested to contact each Cattle Operator and see if they could each get their own hay and transportation. Identify a certain amount for hay and transportation and if they over expend, then the Cattle Operator would pay the balance. The hay must be on their range unit before payment of the invoice is made. The maximum amounts are \$2.00 per loaded mile and \$100.00/ton of hay. The invoice must be validated by a BIA Official that their hay is there before payment of the invoice is made. Superintendent Miller stated that the individuals need to obligate their allocation by February 24, 1986 or the Aberdeen Area Office will take the funds and obligate somewhere else. There is no limit to the distance where the hay can be purchased and transported. (Darrell Middletent arrived at this time.) Chairman Jandreau informed the Council that Gaylord Coal, Manager, LBCC, said they could be hired to transport the hay, if the Cattle Operator wishes. Chairman Jandreau stated if the Trucker wants payment immediately, then the Cattle Operator can use the letter, we will forward them, as collateral for a loan at a bank, then payment will be made to the bank when the invoice is validated. Discussion was held in regards to how much hay each Cattle Operator presently has, and that they will run out of hay before the end of January. Motion was made by Kay Gourneau to administer the Emergency Hay Contract as discussed with the involvement of the Cattle Operators. This motion was seconded by Ted Rouillard and carried with five for, none opposed, one absent and none not voting. The amount ultimately allocated to the Cattle Operators will be all they will receive for purchase of hay and transportation. The BIA must inspect and validate the invoice that those are appropriate purchases and can't exceed the dollars allocated. The expenditures must be entirely obligated by February 23, 1986. The Cattle Operators must either contact Mr. Miller or Chairman Jandreau when they locate the hay they will purchase. Start immediately by notifying each Cattle Operator by telephone and inform them a letter will be forthcoming.

2. ANNUAL LEAVE PAYMENT - Gwen Jandreau was layed off from her position at the Day Care Center. She has been a permanent employee since April 23, 1985 and has accumulated annual leave. Mrs. Jandreau, through a Council Member, has requested payment for her annual leave. The annual leave must be paid from the General Fund because there are no funds in the Day Care account. Motion was made by Kay Courneau to approve payment to Gwen Jandreau for her annual leave. This motion was seconded by William Ziegler and carried with five for, none opposed, one absent and none not voting.

ADJOURNMENT - With no further business, Chairman Jandreau entertained a motion to adjourn the meeting. Motion was made by Kay Gourneau to adjourn the meeting. This motion was seconded by Ted Rouillard and carried with five for, none opposed, one absent and none not voting.

CERTIFICATION

The foregoing is a true and correct transcript of Minutes held by the Lower Brule Sioux Tribal Council on the 3rd day of January, 1986.

Cheryll LaRoche, Recording Secretary

LOWER BRULE SIOUX TRIBAL COUNCIL
REGULAR MEETING
January 8, 1986

PRESENT: Michael B. Jandreau, Chairman ABSENT: None
(arrived late)
Kay Gourneau
William Ziegler
Ted Rouillard
Darrell Middletent
Charles Langdeau
William S. Jandreau

ALSO PRESENT: Tom Hanke, Farm Manager
Kim Thompson, Wildlife Management Director
Barry Betts, BIA Biologist
Marvin Olson, Acting Superintendent
Dave Bergren, General Counsel
Roy Griffith, Social Services
Larry Mendoza, Operations Manager

The meeting was called to order by Acting Chairperson Kay Gourneau at 10:45 AM. Roll call was taken by the Recording Secretary and the Lord's Prayer was led by Chaplain Langdeau.

1. L.B. FARM CORPORATION - Tom Hanke, Farm Manager was present for the meeting and informed the Council of the basic financial numbers from the Farm Corporation for 1985. Mr. Hanke informed the Council that it was a very good year this year and financially similar to last year. Mr. Hanke presented the Council with a check in the amount of \$194,960 as the Tribe's dividend. Mr. Hanke gave the Council copies of the Farm's audit, which was done by J. Noonan & Company, Sioux Falls, SD. He said the crop was less this year than last year due to the hail insurance adjustment. Mr. Hanke gave a verbal report on the crops produced. He said the Farm is still recovering from the loss taken in the years 1981 and 1982. Can't go with the same acreage of corn next year because of the required set aside acres. He told the Council that he reports future plans to the Farm Board. Mr. Hanke informed the Council there will be no radical changes in the upcoming planting season. The Council reviewed the audit report. Mr. Hanke said the milo is still in the reserve program and has been in storage since before he came back to work with the Farm. He will probably deliver that grain to Reliance next year in March when the milo price comes up. Mr. Hanke informed the Council that no dollars are owed by the Farm Corporation to the Tribe, they are all paid off. (Chairman Jandreau arrived at this time.) The Council reviewed the Fertilizer Budget. Tom H. doesn't feel that Rural Ventures held up to their contract regarding Mini-Farms. He said we can't sell fresh produce from the Mini-Farm because we're out in the middle of nowhere. Mr. Hanke said we lost twenty (20) acres of ground that could have generated income. The Farm Corporation didn't charge Mini-Farms for anything such as lease, water, electricity, etc. Tom Hanke suggested the Tribe do Mini-Farms on a small basis to hopefully come in on something profitable.

RECESS - The meeting recessed for the noon hour and will reconvene at 1:00 PM. The meeting reconvened at 1:15 PM with the same Members present.

2. **WILDLIFE MANAGEMENT PROGRAM** - Kim K. Thompson, Wildlife Management Program Director and Berry Betts, BIA Biologist were present during the meeting to submit a Report and Recommendations for a Turkey/Prairie Chicken Trade between the Tribe and State of South Dakota. Also an Elk Project with the Windcave National Park Service and review of the FY'86 Budget planning. The Elk Project would be to obtain twenty-five (25) more Elk and the costs would be for the helicopter roundup, veterinarian and transportation fees. The cost per animal is about \$100.00, and we're requesting twenty-five (25). The Windcave National Park Service plan on trapping two hundred (200) elk. The Tribes have first preference on obtaining the surplus elk. The first step is to coordinate a meeting on Friday, authorize someone that can obligate an amount of dollars, and sign the Memorandum of Agreement that this project will be done. Chairman Jandreau informed the Council that he reviewed the documents previously. Chairman Jandreau feels the elk herd hasn't generated the Tribe that much money. Berry Betts, BIA Biologist, feels that fifteen (15) Buffalo would be a nice base herd. He said nobody ever asks for Bull Buffalo licenses but there is a strong demand for elk. The Council discussed selling ten (10) Bull Buffalo. Mr. Betts said they would bait the buffalo by strings of hay and take to the sale in February. They will haul the buffalo by use of a cattle truck. Mr. Betts estimates that after expenses about \$3,000.00 will be profit from the buffalo plus the Tribe will have twenty-five (25) more elk than they have now. He said they are still doing a feasibility study on increasing the unit someday. (William Ziegler and Chairman Jandreau left the meeting at this time.) There may be up to ten (10) elk permits available this year. Mr. Betts said they do a test on all the animals that go out of here and they have checked out healthy. He wants to set out salt blocks and trace mineral blocks. Motion was made by Charles Langdeau to adopt a resolution approving the Elk Project with the amendment that ten (10) Bull Buffalo will be sold, and authorize Chairman Jandreau to sign all official necessary documents. This motion was seconded by Ted Rouillard and carried with four for, none opposed, two absent and none not voting. In regards to the Turkey/Prairie Chicken Trade between the Tribe and State of South Dakota, Mr. Betts and Mr. Thompson have been in contact with the Regional Office of the Game, Fish & Parks at Rapid City. They said we have good turkey habitat here on the reservation. Motion was made by Ted Rouillard to approve the Turkey/Prairie Chicken Trade with the State of South Dakota. This motion was seconded by Darrell Middletent and carried with four for, none opposed, two absent and none not voting. In regards to the FY-86 Budget Plan for the Wildlife Management Program, there is a need for a letter that the Tribe wants to renew the contract under P.L. 93-638 for FY'86. Mr. Thompson wanted to the Tribal Council to be aware. He reported that he had seven (7) employees, and now has five (5). He layed off two (2) temporary individuals. Advertisement for the Wildlife Management Program Secretary position has closed. Kim Thompson, Director and Patti Moore, Human Resources Coordinator recommended Kara Gourneau be selected for the position on a permanent basis. Motion was made by Darrell Middletent to select Kara Gourneau as the Wildlife Management Program Secretary on a permanent basis. This motion was seconded by Ted Rouillard and carried with four for, none opposed, two absent and none not voting. (Chairman Jandreau and William Ziegler returned to the meeting at this time.)

3. **NEAR RESERVATION ISSUE** - Mr. Roy Griffith, Social Services, Lower Brule Agency was present during the meeting to discuss the near reservation issue. Resolution No. 83-38A adopted on July 18, 1983 was transmitted to the BIA, Lower Brule Agency and listed seven (7) counties as Near Reservation Areas. As per Memorandum dated 9/23/83, Mr. Miller, Superintendent, concurred with the designation of the counties listed in the resolution. His memorandum stated there are Lower Brule tribal members living in those counties and it is administratively feasible to provide services to the areas listed.

A letter dated November 25, 1985 was received from Hary Heitmann, Assistant Area Director, Indian Programs informing Chairman Jandreau, through Superintendent Miller, that Tribal Resolution No. 83-38A has been denied by the Acting Deputy Assistant Secretary under the effective date of November 14, 1985. He stated in the letter that one reason for this denial by the BIA is due to the lack of increased administrative funding which would be required to provide an adequate level of service to the serving area. The Aberdeen Area funding level has not been increased and the BIA does not expect to receive an increase in administrative funds. Mr. Griffith informed the Council that in the past few years his office has been providing services to near areas. Chairman Jandreau suggested the Council direct Dave Bergren, General Counsel to write a letter with the legalese and inform the BIA that its too late for denial of the resolution and the BIA should be providing services to these people. Mr. Griffith informed the Council that Superintendent Miller directed him to start terminating services. He presently has six (6) cases. Chairman Jandreau informed the Council that in accordance to our Constitution, the time limit has expired to deny the resolution. Motion was made by Ted Rouillard to direct Dave Bergren, General Counsel, to respond to this letter dated 11/25/85 from the Assistant Area Director, Indian Programs. This motion was seconded by Kay Gourneau and carried with six for, none opposed, none absent and none not voting.

4. GENERAL COUNSEL INVOICES - Two (2) billings were submitted by Dave Bergren, General Counsel for the period of August 14, 1985 through December 19, 1985. General Counsel-107 Billing in the amount of \$687.03 and CETA-104 Billing in the amount of \$546.20 were reviewed by the Council. Motion was made by Charles Langdeau to authorize payment to General Counsel, Dave Bergren, for the billings covering the period of 8/14/85 through 12/19/85, in the approved amounts. This motion was seconded by William S. Jandreau and carried with five for, none opposed, one absent and none not voting.

5. TRIBE VS. MERRILL KARLEN - Dave Bergren, General Counsel, informed the Council that he was sent the disclosure statement regarding the Merrill Karlen judgement and it doesn't include the Tribe, and the BIA never filed a Proof of Claim. Mr. Bergren has drafted a document for a Disclosure Claim. He is objecting to their proposed plan. He said the Tribe is shown as a disputed claim and unsecured creditor. He informed the Council that because our case was a judgement, we're entitled to a payment. Mr. Bergren suggested the Council could direct Superintendent Miller to file a claim and objection on behalf of the Tribe.

6. HUNTING & FISHING CASE - Dave Bergren informed the Council of his meeting with Craig Eichstad and the State Attorney General. He said they reached an agreement and he wants to see if the Tribe approves it. Mr. Bergren said the principle remains the same, the Tribe contends that within the center of the reservation (middle of the river), hunters need to have a license to hunt or fish, and the State agrees to enforce our regulations and if Indians are arrested, we handle the cases, and if non-Indians are arrested, the State handles the cases. Mr. Bergren said the issue was primarily hunting on Corp land, as far as the State was concerned. He said the issue today is the cross deputization and training in this area. Mr. Bergren said we will ask the State to have proper certification of officers. He said an arrest may be made by either party and the violaters will be prosecuted by the jurisdiction authorities. Mr. Bergren informed the Council that as far as the State was concerned, hunters have to have both licenses on Corp and Deeded land.

7. GENERAL COUNSEL CONTRACT - Dave Bergren's General Counsel Contract with the Tribe will be ending this month. Motion was made by Charles Langdeau to renew Dave Bergren's General Counsel Contract with the Tribe for another

year provided Mr. Bergren agrees to the same rate. This motion was seconded by William S. Jandreau and carried with six for, none opposed, none absent and none not voting. Motion was made by Ted Rouillard to authorize Chairman Jandreau to sign the General Council Contract. This motion was seconded by Kay Gourncau and carried with six for, none opposed, none absent and none not voting.

8. RANGE UNIT #9 - The Council had previously taken action to advertise through 1/03/86, Range Unit #9 for lease. Two (2) applications and one (1) written letter was received requesting approval for lease of Range Unit #9. The three (3) Individuals were Patti Moore, John Langdeau, and Rose McCauley. Mrs. McCauley stated in her letter she was requesting the lease for her son John McCauley. No action was taken at this time.

9. JOHNSON O'MALLEY DISTRIBUTION FORMULA - A Memorandum dated December 17, 1985 from Harry Eagle Bull, Area Education Programs Administrator, regarding a tribal vote on Johnson O'Malley Distribution Formula. The memorandum stated that with the reinstatement of JOM into the FY'86 budget the formula options have been resurrected and are being sent to the eligible tribes for a vote. William Schmidt, Superintendent of Schools, delivered the Memorandum to the Tribal Office and said the Council needs to vote on Option #4. The Council reviewed the document and Chairman Jandreau suggested he would review this document with Mr. Schmidt to determine the process which the Tribe should follow. The Council concurred with Chairman Jandreau's suggestion.

10. CIVIL DISOBEDIENCE STATUTE - A letter dated January 6, 1986 was received from Larry D. Hollmann, Tribal Prosecutor concerning a need for a civil disobedience statute. The purpose of this statute would allow the court system to better deal with violations of restraining orders issued by the judicial system. Mr. Hollmann stated that this was also a concern of Judge Stan Whiting and Associate Judge Shirley Flute. When the present Law and Order Code was redrafted and adopted, the section regarding "Disobedience To Lawful Orders Of The Court" were erroneously omitted. Motion was made by Kay Gourncau to reinstate, by Ordinance, the "Disobedience To Lawful Orders Of The Court" Section in the present Law & Order Code. This motion was seconded by Darrell Middletent and carried with five for, none opposed, one absent and none not voting.

11. ISSUE OF BOOTLEGGERS - A letter was received from Mary Middletent requesting the Council to do something about the "Bootleggers" on this reservation. The Council discussed that they have taken previous action regarding this issue. Chairman Jandreau feels that the dope selling in the community is also rapid. Ted Rouillard suggested the Tribe should write letters to the Aberdeen Area Director and our Congressional Delegates to get something done about this. Discussion was held regarding that if a non-Indian is involved in dealing with dope, the Tribe could have the State move in and make an arrest or have the State Officials make an arrest in the case of liquor being transported to the reservation. William Ziegler said the issue here is bootleggers, not the quantity of liquor on the reservation. Chairman Jandreau said he has heard of kids ten (10) and eleven (11) years of age, selling marijuana at school and nothing is being done about it. Marvin Olson, Acting Superintendent told the Council that he will inform Superintendent Miller of this discussion. The Council discussed regarding the Bootleggers, there are approximately three (3) full time good suppliers, liquor store type and the others are small. There are at least six (6) dope suppliers. The Tribe hasn't received a response from the BIA on the Liquor Referendum Vote. Motion was made by Kay Gourncau to schedule a meeting regarding enforcing laws on the issues of Bootleggers and sale of drugs on this Reservation. Individuals requested to participate in this meeting will be Edwin L. Miller, Superintendent, Dr. Jerry Jaeger, Area

Director, AAO, Virgil Randall, Police Captain, Art Batin, Criminal Investigator, and Aberdeen Area Office Representatives in the Law Enforcement Division. This meeting is to be scheduled as soon as possible. This motion was seconded by Ted Rouillard and carried with six for, none opposed, none absent and none not voting.

12. ALCOHOLISM PROGRAM - A Memorandum dated January 7, 1986 was received from Greg Miller, Alcoholism Program Director, requesting the use of the Transit Bus to transport recovering alcoholics to the AA Meetings, two nights a week. Mr. Miller stated the Program would provide a qualified driver and work out something for gas payment. Motion was made by Darrell Middletent to approve use of the Transit Bus for the Alcoholism Program. This motion was seconded by Kay Courneau and carried with six for, none opposed, none absent and none not voting.

13. TRIBAL COUNCIL MILEAGE - Motion was made by Ted Rouillard to approve payment of mileage in the amount of \$99.90 to William Ziegler. This motion was seconded by Charles Langdeau and carried with six for, none opposed, none absent and none not voting.

14. TRAINING SCHEDULES - There will be a Seminar concerning Tribes and their sovereign power to tax in New Orleans on February 12-13-14, 1986. There will be a Tax Training Seminar in Pierre, South Dakota, on January 13-14-15, 1986. Motion was made by Ted Rouillard to approve and authorize travel expenditures for anybody who wishes to attend the Seminars. This motion was seconded by Darrell Middletent and carried with six for, none opposed, none absent and none not voting. There will be a Black Hills Steering Committee meeting in Rapid City on January 30, 1986. There is a need for Council action to approve travel for a Council Member and Representative. Motion was made by Darrell Middletent to approve and authorize travel expenditures for Council Members and Representatives to attend the Black Hills Steering Committee meeting on 1/30/86. This motion was seconded by William Ziegler and carried with six for, none opposed, none absent and none not voting.

15. CHILD PROTECTION PROJECT PY'86 - The Tribe desires funding for the continuance of the child protection services, family counseling and licensing of Indian foster family homes. Based on the CFR guidelines, \$50,000.00 is needed to continue the project for the coming year. Motion was made by Darrell Middletent to adopt a resolution to support and direct that the proposal on the subject program be funded for another year. This motion was seconded by Charles Langdeau and carried with six for, none opposed, none absent and none not voting.

16. TRIBAL LAND FOR LEASE - A letter dated December 18, 1985 was received from Superintendent Miller notifying the Council there are three (3) tracts of tribal land for lease. Two (2) tracts were formally leased to James Jandreau and one (1) tract formally leased to Larry & Bart Ness. Motion was made Charles Langdeau to table action on the two (2) tracts of land formerly leased to James Jandreau until such time a decision is made on Range Unit #9. This motion was seconded by Ted Rouillard and carried with six for, none opposed, none absent and none not voting. Motion was made by Charles Langdeau to table a decision on the other tract of land formerly leased by Larry & Bart Ness until such time Chairman Jandreau makes contact with them to find out what they wish to do with the lease, and if they don't wish to lease this tribal land, then the Tribe will advertise it for lease. This motion was seconded by Darrell Middletent and carried with six for, none opposed, none absent and none not voting.

17. LAND SALE APPLICATIONS - The Tribal Council had taken previous action

to purchase the undivided land interests from the Bad Horse Heirs, as per a Buy Option. The Tribe transmitted a letter to the heirs on our proposal for the land sale but have not received a response from all the Applicants. The Tribe has received two (2) responses that wish to sell and one (1) who does not. Chairman Jandreau suggested to table any action until more responses are received, by the next regular meeting, unless the Council wants to take a blanket action as the responses comes in. It was the concensus of the Council to write a follow-up letter to the Applicants that they must respond to the Tribe's proposal by the next regular meeting. A letter dated December 19, 1985 was received from Edwin Miller, Superintendent, with attached copies of Land Sale Applications for undivided interests in LB-470, Stroking Wing Allotment from Mr. Lawrence Rufus Crow of Eagle Butte, and Mr. Patrick Crow of Cherry Creek, for Tribal Council consideration. Motion was made by Ted Rouillard to request appraisals from the BIA, Lower Brule Agency on the above mentioned allotment. This motion was seconded by Kay Gourneau and carried with six for, none opposed, none absent and none not voting.

18. TRANSIT PROGRAM - Larry Mendoza, Operations Manager entered the meeting to discuss the Transit Program contract. He informed the Council that we're suppose to get the contract on the Transit Program in March or April but there is an immediate need of funds for gas, insurance, etc. An amount of \$2,500.00 for insurance hasn't been paid. There is a need for \$6,500.00 to continue the program. Discussion was held regarding the Day Care Program. Day Care has one (1) regular employee and six (6) TWEP workers. Motion was made by Kay Gourneau to direct Larry Mendoza to schedule a meeting with appropriate officials to plan on how this program will be set up. This motion was seconded by Darrell Middletent and carried with six for, none opposed, none absent and none not voting.

19. EDA CONSULTANT AGREEMENTS - Shirley Marvin, EDA Planner, submitted a Consultant Agreement from Bryan B. Charging Cloud, First Computer Concepts, and Capitol Enterprises, for payment of consulting services. Chairman Jandreau informed the Council that Ms. Marvin didn't receive prior authorization before employing these consultants. The Council concurred to discuss these consultant agreements at the meeting when they discuss the Transit Program.

20. LANDLORD TENANT CODE - Recommendations to the proposed Landlord Tenant Code was received from Dave Bergren, General Counsel, on 12/10/86. Motion was made by Kay Gourneau to approve the proposed Landlord Tenant Code, with recommendations, and adopt the draft resolution of support. This motion was seconded by Charles Langdeau and carried with five for, none opposed, one absent and none not voting.

21. RODEO BUCKLE - Last Fall a check came to the Tribe from Jim Coleman, American Indian Credit Consortium, Rapid City to purchase a Buckle for the 1985 L.B. Annual Fair & Rodeo All-Around Cowboy. The buckle was won by Tyc Cowan, but was just received C.O.D. at the Post Office in Eagle Butte. Motion was made by Kay Gourneau to pay the C.O.D. charges for the Buckle awarded to Tyc Cowan. This motion was seconded by Charles Langdeau and carried with five for, none opposed, one absent and none not voting.

22. 1986 DIABETES PROPOSAL - A Memorandum dated 1/8/86 was received from Pat Quirk, Health Educator requesting a letter of support from the Tribe for the proposed 1986 Diabetes Proposal. The maximum money available is \$7,500.00. Motion was made by Kay Gourneau to transmit a letter of support for the 1986 Diabetes Proposal, to Ms. Quirk. This motion was seconded by Charles Langdeau and carried with five for, none opposed, one absent and none not voting.

23. APPEAL HEARING - A letter was received from A.DeWayne Goodface request

an appeal hearing regarding his verbal resignation as DOR Director, in December of 1984. Motion was made by Kay Gourneau to direct Chairman Jandreau to prepare a response to Mr. Goodface, as per the Personnel Policies and the Constitution & Bylaws of the Tribe, the time for an appeal has expired. This motion was seconded by William S. Jandreau and carried with five for, none opposed, one absent and none not voting.

24. TECHNICAL ASSISTANCE FROM UST - A Memorandum was submitted by Shirley Marvin, EDA Planner attached with a draft letter to Clarence Skye, Executive Director, United Sioux Tribe. Several people have been in requesting help with loan packages, and since Stan Collins does have a background in the BIA forms, Ms. Marvin thought the Tribe could use his services at no cost. Motion was made by Darrell Middletent to authorize Chairman Jandreau's signature on the letter to Mr. Skye, requesting Stan Collins' services, at no cost to the Tribe. This motion was seconded by William S. Jandreau and carried with five for, none opposed, one absent and none not voting.

25. PROPOSAL TO GAME, FISH & PARKS - Shirley Marvin, EDA Planner is preparing a proposal for renovation of the Ball Field through the State of South Dakota, Game, Fish & Parks. Ms. Marvin submitted a draft resolution to be adopted for the proposal package. Motion was made by Kay Gourneau to adopt the draft resolution. This motion was seconded by Darrell Middletent and carried with five for, none opposed, one absent and none not voting.

26. JTPA PARTICIPANT POSITIONS - A list of ratings for selection of four (4) JTPA Participant positions were submitted by Eyvonne Dupris, JTPA Director. The positions were for a Janitorial Maintenance Trainee, Housing Authority Maintenance Trainee, Administrative Office Aide, and Law & Order Clerk Trainee. Motion was made by Kay Gourneau to accept the Director's recommendation of the Applicant's ratings for these positions. This motion was seconded by Darrell Middletent and carried with five for, none opposed, one absent and none not voting.

27. OPERATING BUDGET - Larry Mendoza, Operations Manager entered the meeting and informed the Council there is a problem with the support dollars. The support dollars have all been expended and the Tribe is now spending our direct funds. The Indirect Cost Proposal has to be submitted in March, 1986. Discussion was held regarding personnel costs for the Judicial Contract. Chairman Jandreau suggested to have Mr. Mendoza schedule a meeting with Aberdeen Area Office Officials to clarify the contracts and indirect cost situation. The Tribal Council concurred with Chairman Jandreau's suggestion.

28. REQUEST FOR LOAN - A letter was received from Lynda Abrahamson requesting a loan in the amount of \$15,000.00 from the Tribe. If they can't approve a loan for \$15,000.00, then possibly \$9,000.00. Motion was made by Kay Gourneau to inform Ms. Abrahamson that funds are not available to grant her loan request. This motion was seconded by Charles Langdeau and carried with five for, none opposed, one absent and none not voting.

29. EDUCATIONAL GRANT ASSISTANCE - A letter was received from Emery Flute requesting for help in getting to school in Albuquerque, N.M. Mr. Flute has been accepted at SIPI. He needs \$150.00 for a plane ticket to Albuquerque, N.M. from Rapid City, SD. He has requested assistance through the BIA but has been denied because they have previously assisted him. Motion was made by Kay Gourneau to notify the BIA as per the request of Emery Flute regarding \$150.00 for transportation to Albuquerque, N.M., and if the BIA is unable to assist Mr. Flute, the Tribe will grant him \$150.00 from the Educational Grant Assistance Fund, and the check will be made payable to the Airlines. This motion was seconded by Darrell Middletent and carried with five for, none opposed, one absent and none not voting.

30. TRASH PICKUP - Darrell Middletent informed the Council that Lenora DeWitt has asked if Alvin Johnson, Sr. picks up trash in front of houses now that we have trash dumpsters. The Council concurred to have Chairman Jandreau write a letter to Mr. Johnson regarding trash pick up for the Elderly.

(#8. Range Unit #9 Cont'd.) - Marvin Olson, Acting Superintendent suggested to schedule a meeting with the Individuals who have applied for lease of Range Unit #9, to see how they will finance the payments. Ted Rouillard recommended the Council appoint a Land Committee and refer the issue of Range Unit #9 to the Committee for a recommendation to the Council. Motion was made by Ted Rouillard to appoint a five (5) member Land Committee consisting of Darrell Middletent, Charles Langdeau, Michael B. Jandreau, Fritz LaRoche and Mike Durkin.

ADJOURNMENT - With no further business, Chairman Jandreau entertained a motion to adjourn. Motion was made by Kay Gournau to adjourn the meeting. This motion was seconded by William S. Jandreau and carried with five for, none opposed, one 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 8th day of January, 1986.

Cheryll LaRoche, Recording Secretary

LOWER BRULE SIOUX TRIBAL COUNCIL

SPECIAL MEETING

January 31, 1986

PRESENT: Michael B. Jandreau, Chairman
Kay Gourneau, (arrived late)
Ted Rozillard
Darrell Middletent

ABSENT: William Ziegler
Charles Langdeau
William S. Jandreau

ALSO PRESENT: Virgil Randall, Captain of Police
Dwain Holland, BIA-Aberdeen
Art Batin, Criminal Investigator
Mary Middletent, CHR
Bessie Estes, CHR Director
Edwin L. Miller, Agency Superintendent

The meeting was called to order, informally until quorum present, by Chairman Jandreau at 1:40 PM. Recording Secretary noted those Council Members being present and absent.

1. ISSUE OF BOOTLEGGERS & SALE OF DRUGS - Chairman Jandreau stated that this meeting was prompted by a letter from a concerned Community Member. After receiving the letter, the Council developed ideas for the meeting regarding the issue of bootleggers and sale of drugs. Chairman Jandreau informed the guests present that the Tribal Council would like to understand what the big problem is which is creating no arrests regarding the activities which occur that we see in our community. Art Batin, Criminal Investigator, informed the Council that he did some research and from the Police standpoint there was an Ordinance adopted in 1953 and 1966. Mr. Batin said we have one (1) statute or ordinance which pertains to bootleggers. He said its a Class "C" misdemeanor. He said there wasn't bootlegging in the past because the bar was open so there wasn't any competition. Short discussion was held in reference to Ordinance No. 53-1. Superintendent Miller informed the Council that they could amend the existing ordinance and it doesn't have to go to the Federal Register for printing, he could approve the amendment. He said the Police could charge the bootleggers with no business license. Dwain Holland, BIA-AAO Representative, informed the Council that the cases involving Food Stamps could be presented to the U.S. Attorney. Mr. Miller suggested a stiff penalty be written as a Class "A" for bootleggers. Virgil Randall, Police Captain, informed the Council that the Prosecutor will be drafting an ordinance. Discussion was held regarding an amendment to the existing ordinance would be the penalty for such offense. Mr. Holland would recommend the Aberdeen Area Director approve such amendment. Discussion was held regarding the arrests of drug dealers. There is a drug ordinance in our present Law & Order Code and the Children's Code. Mr. Holland suggested the Tribal Council should have a citizen funnel information regarding the issues discussed today, through Art Batin. Then with the information which Mr. Batin receives, he could go through the Court System and get an Arrest of Cause Warrant. Mr. Holland recommended the Council adopt a resolution requesting a Task Force be established as this is a priority for the Aberdeen Area Office, to research funding for this type of priority. The Tribe could utilize the Task Force for approximately sixty (60) days. Chairman Jandreau informed the guests that we have children ranging from 12-15 years of age that are selling joints of marijuana at school and nothing is being done

about it. Mr. Holland said the Schools have the authority to search lockers and should have the Police present so it wouldn't be an illegal search. (Kay Gournau arrived at this time.) Discussion was held regarding undercover operations. Mr. Miller said in regards to the Referendum Vote on Liquor, more language is needed before he can act on it. Bessie Estes, CHR Coordinator said when we had the bar open there was not as much trauma as in the last two (2) years. Mr. Batin stated that when the bar was open there were more arrests because the bar was a pivot point. Superintendent Miller said if there's a state law regarding the basis for retail quantity sale, then the State Division of Criminal Investigation could step in. The Council has established a Committee and they held a meeting regarding the Referendum Vote on Liquor. Chairman Jandreau said the Council would discuss and take action regarding an amendment to Ordinance No. 53-1 next week at the regular meeting with all the Tribal Council Members being present and agreeing on the amendment. Ted Rouillard would like to see a Law & Order Committee established and going with people really interested in doing something. After the amendment to Ordinance No. 53-1 is adopted, it will be posted throughout the Community. An amendment to an ordinance becomes effective when the Superintendent sign it, but the Aberdeen Area Office Director still has ninety (90) days to review the amendment before he approves it. Bessie Estes informed Art Batin of a CHR case involving a Ft. Thompson prisoner. Mr. Batin asked Mrs. Estes to put the incident in writing and he'll follow up on it. Dwain Holland informed the Council that when an arrest is made and after the prisoner is released, it is not the responsibility of Law Enforcement to transport the prisoner home. Our Law Enforcement Program receives \$12.00 per prisoner for housing prisoners from other agencies. The costs we incur is more than that. Discussion was held in reference to prisoners from Ft. Thompson must get medical treatment from their agency before being transported to Lower Brule. Also, our agreement doesn't involve housing juveniles. Discussion was held regarding Ft. Thompson has 322 days to complete their new jail. We also receive prisoners from Wagner, South Dakota, but its suppose to be on an emergency basis only. Discussion was held regarding reimbursements being made on cost of prisoners. Superintendent Miller said when an agreement of this type occurs, the Police Department is to contact Chairman Jandreau. Discussion was held concerning the Alcoholism Program and Halfway House. Dwain Holland said he would come and attend a couple of the Law & Order Committee meetings. Chairman Jandreau thanked all the guests for their input, information and attending this meeting.

2. EQUITY HEALTH PROGRAM - Our Tribe has received \$40,000.00 for the Equity Health Program this year. With these funds, we will be able to purchase eight (8) eyeglasses and serve thirty-two (32) dental clients. A draft sub-contract was submitted by Ted Bolman, Health Director, for Dr. Michael A. Fuchs, Dentist and Dr. Monty Bechtold, Dentist. No action was taken at this time.

3. JOHNSON-O'MALLEY FUNDS - A memorandum dated December 17, 1985 was received from Harry Eagle Bull, Area Education Program Administrator regarding the tribal vote on the Johnson-O'Malley Distribution Formula. A vote was never taken on the formula options due to JOM being zeroed out of the proposed budget. With the reinstatement of JOM into the FY-86 budget the formula options have been resurrected. There are seven (7) different proposed formula options for the distribution of JOM funds. In selecting Option #4, it would allocate the most funds for the Lower Brule Sioux Tribe. Motion was made by Kay Gournau to vote for the Option #4 formula for the distribution of Johnson O'Malley funds and Mr. William Schmidt, Superintendent of Schools, prepare and submit the documentation. This motion was seconded by Ted Rouillard and carried with three for, none opposed, three absent and none not voting, quorum present.

4. DEPARTMENT OF EDUCATION GRANT APPLICATION - The federal government has authorized the making of grants to Indian Tribes to aid in financing the delivery of services to handicapped American Indians. A grant application to the Department of Education has been prepared by Shirley Marvin, EDA Planner. Motion was made by Kay Gourneau to authorize Michael B. Jandreau, Chairman, to execute and file an application on behalf of the Lower Brule Sioux Tribe with the U.S. Department of Education, for Handicapped American Indian Vocational Rehabilitation Service Projects, for a grant to aid in providing specific services to the Handicapped American Indians in our area. This motion was seconded by Darrell Middletent and carried with three for, none opposed, three absent and none not voting, quorum present.

5. EDUCATIONAL GRANT ASSISTANCE - Mr. Gib Rogers, High School Counselor, has submitted an Educational Grant Assistance Application which he recommended approval for Iva Jean Bolman. The Council discussed the check will be disbursed to Mr. Rogers because that has been the policy to date and that must be kept consistent. Discussion was held regarding nursing school to become an LPN and then further education to become an RN, is considered a four (4) year degree program under the present policies for educational grant assistance by the Tribe. Motion was made by Kay Gourneau to approve Educational Grant Assistance in the amount of \$250.00 to Iva Jean Bolman. This motion was seconded by Ted Rouillard and carried with three for, none opposed, three absent and none not voting, quorum present.

(#2. Equity Health Program Cont'd.) - Motion was made by Darrell Middletent to approve the two (2) Sub-Contracts with Dr. Fuchs and Dr. Rechtold and our tribal Equity Health Program. This motion was seconded by Kay Gourneau and carried with three for, none opposed, three absent and none not voting.

ADJOURNMENT - With no further business, Chairman Jandreau entertained a motion to adjourn. Motion was made by Kay Gourneau to adjourn the meeting. This motion was seconded by Darrell Middletent and carried with three for, none opposed, three absent and none not voting, quorum present.

CERTIFICATION

The foregoing is a true and correct transcript of Minutes of a Special Meeting held by the Lower Brule Sioux Tribal Council on the 31st day of January, 1986.

Cheryll LaRoche, Recording Secretary

LOWER BRULE SIOUX TRIBAL COUNCIL
REGULAR MEETING
February 5, 1986

PRESENT: Michael B. Jandreau, Chairman
(arrived late)
Kay Gourneau
Ted Rouillard
Darrell Middletent
Charles Langdeau
William Ziegler

ABSENT: William S. Jandreau

ALSO PRESENT: Edwin L. Miller, Agency Superintendent
Scott Jones

The meeting was called to order at 11:05 AM by Acting Chairperson, Kay Gourneau. Roll call was taken by the Recording Secretary and the Lord's Prayer was led by Chaplain Langdeau.

1. EDA CONSULTING SERVICES - Three (3) billings were submitted for payment by Shirley Marvin, EDA Planner. These consulting firms were not previously authorized for employment by Chairman Jandreau or the Tribal Council. Motion was made by Ted Rouillard to reschedule a meeting with Larry Mendoza to review and discuss these EDA Consulting Service billings before Council takes action to approve/disapprove. This motion was seconded by William Ziegler and carried with four for, none opposed, two absent and none not voting.

2. WATER CODE - The Council concurred to table action on this until later in the day.

3. ENROLLMENTS - Twenty-two applications were received for enrollment with the Lower Brule Sioux Tribe. The Enrollment Committee met and recommended enrollment of the twenty-two applicants. Motion was made by Charles Langdeau to enroll Elmira Lynn Driving Hawk, ~~Cosy~~ Allen-Slowey, Christopher Edward Slowey, Derrick Anthony Slowey, Lori Lou Slowey, Winter Ann Langdeau, Becky Marie Langdeau, Melissa Rose Durkin, Philip Michael Durkin, Danielle Josephine Ducheneaux, Emily Kay Richters, Derrik Raymond Richters, Samantha Renee Richters, LaTonn Toinette LaRoche, Ellsworth Michael LaRoche, Kayla Jaclyn Dawn Flute, Shilo Wayne Ziegler, Cheyenne Pas'a Ziegler, Eugene Travis St. Cloud, Robert Keith Goodface, Katherine Brown, and Suzanna Papke. This motion was seconded by Darrell Middletent and carried with four for, none opposed, two absent and none not voting.

4. LOWER BRULE CONSTRUCTION COMPANY - Ted Rouillard requested that when the Lower Brule Construction Company begins moving eligible houses, that the money reimbursed be placed into a special account to be utilized by others. The Construction Company Board has set a limit of \$30,000.00 per year which equals \$10,000.00 per house. The Construction Company Board Members do recommend the special account be opened. They have set up eligibility requirements for this type of project. Mr. Rouillard said this account would be on the basis of the Rehab Account. When the work is completed by the Construction Company, the project cost becomes a tribal dividend. Before any work is begun, applications will be approved prior by the Tribal Council.

Mr. Rouillard stated for the record that the Tribe should come up with a Plan. Motion was made by Charles Langdeau to have Ted Rouillard write a draft plan for this type of project and account. This motion was seconded by Ted Rouillard and carried with four for, none opposed, two absent and none not voting.

5. CDBG PARTICIPATION PLAN - The Tribal Council needs to approve the Citizens Participation Plan to submit with the FY'86 CDBG Grant Application in accordance with the HUD rules and regulations. Motion was made by Ted Rouillard to approve the CDBG Citizens Participation Plan in compliance with 24 CFR 571.604. This motion was seconded by Charles Langdeau and carried with four for, none opposed, two absent and none not voting.

6. TRIBAL COUNCIL MINUTES - Motion was made by Ted Rouillard to approve the Tribal Council Minutes for December 4, 1985, December 12, 1985, January 3, 1986 and January 8, 1986. This motion was seconded by Darrell Middletent and carried with four for, none opposed, two absent and none not voting.

7. COUNCIL MEMBERS MILEAGE - Motion was made by Ted Rouillard to approve William Ziegler's mileage in the amount of \$112.64. This motion was seconded by Charles Langdeau and carried with three for, two absent, none opposed, and one not voting (William Ziegler).

8. BIA HOUSING BACK RENT - A copy of Bill of Collection #0022494 in the amount of \$188.04 for Floyd & Shirley Flute was received from the Lower Brule Agency. Edwin L. Miller, Superintendent, said the Lower Brule Agency would request the Tribe's assistance in collecting this outstanding debt. He said he wishes the Tribal Council to encourage Mrs. Flute to make a payroll deduction and if she doesn't handle this matter they will have to take her to court and/or garnishee her wages. The Tribal Council concurred to encourage Shirley Flute to clear up this debt by signing a payroll deduction and advise her to contact either Edwin Miller, Superintendent or Joyce Estes, Administrative Office, BIA, to draw up a repayment schedule.

9. LAND SALE APPLICATIONS - The Tribal Council discussed that four (4) heirs in Allotments LB-2032, LB-2032, and LB-2024 have accepted the Tribe's offer. The other heirs didn't respond to the Tribe's offer and some withdrew. The Council needs to determine where the funds would be available for this land sale. (Michael B. Jandreau, Chairman, arrived at this time). Discussion was held in reference to the amount of funds needed to make the down payment for these undivided interests. Motion was made by Charles Langdeau to adopt a resolution to purchase undivided interests from the four (4) heirs, Mary Jane Bad Horse, Ramona Taylor, Bernice Bad Horse, and Jennifer Walks, as per the Buy-Option Plan and terms as identified in the resolution; that the Tribe will purchase the undivided interests from remaining heirs in the above described allotments, if they accept the Tribe's offer; and that the Tribe hereby modifies the FY'86 tribal operating budget to include \$2,694.62 and that amount be transferred into the Lower Brule Land Purchase Funds Account #343T009993. This motion was seconded by Kay Gourneau and carried with five for, none opposed, one absent and none not voting. A Land Sale Application was received from Charlotte Eagle Elk Fisher requesting to sell her undivided interests in LB-470, Stroking Wing Allotment. Motion was made by Charles Langdeau to inform Mrs. Fisher that funds are not available to purchase her undivided interests in LB-470, Stroking Wing Allotment. This motion was seconded by Kay Gourneau and carried with four for, none opposed, two absent and none not voting.

10. PESTICIDE PROGRAM DIRECTOR POSITION - A recommendation of Scott Jones for selection of the Pesticide Program Director position was received from Patti Moore, Human Resources Coordinator. Five (5) applications were received

for this position. The Council reviewed the applications. No action was taken at this time.

(#3. Enrollments Cont'd.) - Chairman Jandreau informed the Council in reference to the Enrollment Committee recommendations that those two (2) applicants not eligible for enrollment be adopted as members of the Tribe, because their parents were living off the reservation at the time of their birth. Their blood quantum does make them eligible for enrollment. Motion was made by Charles Langdeau to adopt Katherine Brown and Suzanne Papke as members of the Lower Brule Sioux Tribe, with full rights and benefits, effective from the date of this action. This motion was seconded by Ted Rouillard and carried with five for, none opposed, one absent and none not voting.

(#10. Pesticide Position Cont'd) - Motion was made by Ted Rouillard to concur with Patti Moore on the selection of Scott Jones for the Pesticide Program Director Position. This motion was seconded by Kay Gourneau and carried with five for, none opposed, one absent and none not voting.

RECESS - The meeting was recessed for the noon hour and to reconvene at 1:00 PM. The meeting reconvened at 1:20 PM with all Council Members being present and William S. Jandreau being absent.

11. WILDLIFE RANGER POSITION - A written letter was received from Joseph Blacksmith, Jr. requesting that the letter of warning dated January 14, 1986 which he received from Kim K. Thompson, Wildlife Management Program Director, be struck from his personnel record. The date which the letter of warning reflects, Mr. Blacksmith stated his Mother did report in for him and the reason he wasn't at work was because of a family emergency. Mr. Blacksmith had previously talked to Chairman Jandreau and Kay Gourneau and they advised him to appeal to the Tribal Council. Mr. Blacksmith fears that if he gets another letter of warning, he will be fired. Mrs. Gourneau informed the Council that Joseph Blacksmith, Jr. was not aware of the present Personnel Policies & Procedures. Discussion was held regarding Program Directors should make employees aware of all new policies. Motion was made by Darrell Middletent to strike the letter of warning dated 1/14/86 from Mr. Blacksmith's record. The reasons being were his Mother reported in for him on the day in question, it was an emergency, and he was never made aware of the Tribe's Personnel Policies & Procedures. Also notify all Directors to inform and/or provide their employees with the Tribe's present Personnel Policies & Procedures. This motion was seconded by Kay Gourneau and carried with five for, none opposed, one absent and none not voting. The Council discussed that Mr. Thompson, Director, did lay off two (2) temporary employees, Avery Thompson and Dallas Michalek.

12. TRIBAL HOUSE - Chairman Jandreau reported that Sam Flute has verbally requested clarification on the tribal house which he previously occupied. The Tribe had purchased the house in question from Shirley & Johnny Flute with tribal funds. The previous Tribal Council action was that should Sam Flute wish to dispose of the house, it would revert back to the Tribe. He's asking the Tribe to give him a clear title of the house. The Tribal Council concurred to take a stance on the previous Tribal Council action, because the house was purchased with tribal funds.

13. LAND COMMITTEE - The Land Committee held a meeting on January 13, 1986 to review and discuss the three (3) requests submitted for a grazing permit on Range Unit #9. They took action to inform the Individuals, who applied, they have a period of thirty (30) days in which to submit a written financial plan and verification that they will have the capability to pay the permit and stock the range unit. The Committee also took action to recommend the Tribal Council grant a lease to Ted Rouillard for the forty (40) acre tract

described as the SE¼NE¼ (less 1.25 acres homesite in the SE corner) of Section 31, Township 107 North, Range 73 West, Fifth Principal Meridian, Lyman County, South Dakota, containing 38.75 acres of farmland. Mr. Rouillard submitted a written request to the Committee for lease of the farmland. Motion was made by Kay Gourneau to accept the Land Committee recommendations. This motion was seconded by Charles Langdeau and carried with four for, none opposed, two absent and none not voting.

14. HOUSING AUTHORITY - A draft resolution regarding the "Support To Review & Amend Rules & Regulations Of The Lower Brule Housing Authority" was submitted by Debra Isburg, Housing Director, for adoption by the Tribal Council. The subject of this resolution was that the installation of Ceiling Rent Provisions must be established in all Indian Housing Programs to meet the basic need of housing for all Indian people. Motion was made by Kay Gourneau to adopt the resolution and request the support of the U.S. Department of Housing and Urban Development to review and amend the rules and regulations, and approve the requests as cited in the resolution, by the Tribe and Housing Authority, realizing the need for affordable, safe and decent housing for Indian people. This motion was seconded by Ted Rouillard and carried with four for, none opposed, two absent and none not voting.

15. EDUCATIONAL GRANT ASSISTANCE - Applications were received from (11) students, reviewed by Gib Rogers, High School Counselor, and recommended for approval. This application for Educational Grant Assistance is for the second quarter of school. No action was taken at this time.

16. ANDERSONS, INC. - A letter dated January 30, 1986 was received from Perry Anderson, Anderson's Inc., Pierre, South Dakota, regarding payroll deductions for tribal employees. They are using the payroll deduction system on the Pine Ridge Reservation and have just started this process on the Cheyenne River Reservation. Mr. Anderson stated in his letter that the individuals purchasing merchandise will be responsible for payment of said merchandise through the payroll deduction plan. The Tribal Council will in no way be responsible for this payment. He asks that the payroll department verify employment and agrees that in the event of resignation or termination of employment, prior to full settlement the entire balance due as of the date of payment will be withheld from final salary check. The limit of credit, method of payment and number of payments may be agreed upon by the individual and the payroll officer. Motion was made by Kay Gourneau to approve the charge plan submitted by Anderson's Inc., involving payroll deductions of employees with the Lower Brule Sioux Tribe. The plan is approved with the understanding that if an employee has a tribal debt, and leaves his position, first priority for deductions will be tribal debts, then Anderson's Inc. This motion was seconded by William Ziegler and carried with five for, none opposed, one absent and none not voting.

(#15. Educational Grant Assistance) - Discussion was held in reference to not all the Bingo Clubs are paid in full to date with their 10% profit and rent payments. Motion was made by William Ziegler to approve \$250.00 each, for eligible students who have been recommended for approval by Mr. Rogers. This motion was seconded by Kay Gourneau and carried with four for, none opposed, two absent and none not voting. The students who are recommended for approval today are Pearl Colombe, Theodore McCauley, Maria Patterson, Tara Harres, Anita Grassrope, Truman Grooms, John McCauley, Justin Grassrope, James McCauley, Carla Brugh, and Ben Janis.

17. LIQUOR ORDINANCE - The Tribal Council held a Special Meeting on January 31, 1986 to discuss alcohol and bootlegging problems on the Lower Brule Sioux Indian Reservation. It was recommended that Ordinance No. LB-53-1 be further amended and made a section into the Tribe's present Law & Order Criminal

Code. It was also recommended that the violation of Ordinance No. LB-53-1 as amended be set as a Class "A" Offense punishable by imprisonment of not more than six (6) months and a fine of not more than \$500.00. Motion was made by Darrell Middletent to amend Ordinance No. LB-53-1 "is codified into the Lower Brule Sioux Tribe's Criminal Code as Section 1-3-96 and is set as a Class "A" Offense punishable by imprisonment of not to exceed six (6) months and a fine of not more than \$500.00. This motion was seconded by Kay Gourneau and carried with five for, none opposed, one absent and none not voting. The Council wishes to have the community aware of this action, so the Ordinance will be posted for a period of two (2) weeks.

18. DEPARTMENT OF HEALTH & HUMAN SERVICES - Shirley Marvin, EDA Planner wishes to submit a draft resolution and application for funding through the Department of Health & Human Services for the Elderly Nutrition Program. The Council discussed if this application would cause problems with our present funding from the State of South Dakota. The Tribal Council concurred to table any action on this matter until such time it can be discussed with Ms. Marvin.

19. LAW & ORDER COMMITTEE - The Council discussed a need for an active Law & Order Committee. Presently the Tribe does not have one. Motion was made by Kay Gourneau to post an advertisement for a period of two (2) weeks for any interested persons wanting to be on the Law & Order Committee. This motion was seconded by William Ziegler and carried with five for, none opposed, one absent and none not voting.

20. TRIBAL VEHICLES - Ted Rouillard informed the Council that the vehicle which was being utilized by Alvin Johnson, Sr. is presently broke down. Mr. Rouillard would like to see this vehicle either traded for a newer pickup or made into a pickup. Motion was made by Kay Gourneau to appoint Ted Rouillard to plan and obtain information regarding the disposal of all old tribal vehicles and obtain a couple of used pickups. This motion was seconded by Darrell Middletent and carried with five for, none opposed, one absent and none not voting.

21. NIHTA - A brochure was sent from the NIHTA to inquire if the Tribe would be interested in joining their organization and a \$100.00 membership fee is required. The Tribal Council concurred to table any action on this until a future date.

22. PAT MADSEN'S REQUEST - A letter dated January 23, 1986 was received from Pat Madsen requesting assistance in payment of her Mother's (Helen Durkin Jensen) hospitalization billings. The medical billings were attached to the request, totaling an amount of \$8,558.44. Motion was made by Charles Langdeau to correspond with Arvada Tout-Stops, Service Unit Director, regarding assistance to Mrs. Jensen by the Indian Health Service. This motion was seconded by Kay Gourneau and carried with five for, none opposed, one absent and none not voting.

23. TRAINING SCHEDULES - The Council reviewed brochures on the following training sessions to be held in the near future: The Indian Economic Development Workshop on March 4-6, 1986 in Las Vegas, Nevada, Indian Board Member on March 11-13, 1986, The Gramm-Rudman Budget Reduction Act on February 27-28, 1986 in Phoenix, Arizona, Indian Child & Family Conference in Albuquerque, New Mexico on February 24-27, 1986, Taxation & Indian Affairs Seminar in New Orleans, Louisiana on February 12-14, 1986, Plains Indian Cultures: Past & Present Meanings on March 20-22, 1986 in Lincoln, Nebraska, 2nd Annual Health Conference in Washington, D.C. on February 14-16, 1986, Indian Fund Raising in Reno, Nevada on February 18-19, 1986 and March 22-23, 1986, Housing Construction Certification Preparation Course in Tucson, Arizona on March 3-7, 1986, Master Guide's 1st Annual Conference Round-up in New

Orleans, Louisiana on April 2-4, 1986, JTPA Workshop in Washington, D.C. on March 5-6, 1986 and in San Francisco, California on March 25-26, 1986, National Congress of American Indians on February 10-12, 1986 in Washington, D.C., 15th Financial Management Conference on March 18, 1986 in Washington, D.C., Tribal 638 Health Workshop in Rapid City, S.D. on February 26-27, 1986, Microcomputer Systems In Government in eight (8) different locations and dates, Letter & Report Writing in Spokane, Washington, D.C. on February 13-14, 1986, Financial Recordkeeping on February 13-14, 1986 in Albuquerque, New Mexico, A-102 & A-87 on February 13-14, 1986 in Albuquerque, New Mexico, Basics of Indian Law on February 12-14, 1986 in Albuquerque, New Mexico, Office Administration on February 12-14, 1986 in Albuquerque, New Mexico, Land & Natural Resource Planning & Management on February 12-14, 1986 in Albuquerque, New Mexico, Stress and Conflict on February 12-13, 1986 in Albuquerque, New Mexico, Fund Accounting on February 5-7, 1986 in Las Vegas, Nevada, Managing The Front Desk on February 4-5, 1986 in Albuquerque, New Mexico, Court Clerk Procedures on February 3-5, 1986 in Las Vegas, Nevada and Budget Preparation & Management on February 3-4, 1986 in Las Vegas, Nevada. Motion was made by Darrell Middletent to approval for travel by any Council Members and Secretaries who wish to attend the training seminars. This motion was seconded by Ted Rouillard and carried with five for, none opposed, one absent and none not voting.

24. LAKOTA OMNICIYE - A letter dated January 10, 1986 was received from Joan Conroy, President, Lakota Omnickiye requesting a donation from the Tribe to sponsor their fourth annual contest/pow-wow on April 19, 1986. Motion was made by Kay Courneau to donate \$50.00 to the Lakota Omnickiye. This motion was seconded by Darrell Middletent and carried with five for, none opposed, one absent and none not voting.

25. NEAR RESERVATION ISSUE - A letter dated January 15, 1986 was received from L.W. Collier, Jr., Acting Area Director, regarding the "near reservation" issue. He had received a letter from David L. Bergren, General Counsel, on the Tribe's behalf, asserting that the Secretary of the Interior exceeded a ninety-day period to approve or disapprove Resolution No. 83-38A in which the Tribal Council established a "near reservation" designation. Mr. Collier stated that if it is the ninety-day period in Article VI, Section 2 to which Mr. Bergren is referring, please be advised that this is not subject to the "Manner of Review" provisions. Thus, the timeframes do not apply. He stated, furthermore, 25 CFR 20.1(r) defines "near reservation" as that area designated by the Commissioner, not the Tribal Council. Chairman Jandreau feels the Tribal Council could pursue this matter in a legal fashion, if they wish. Superintendent Miller said the Agency is serving two (2) clients at the present time. The Tribal Council concurred to table any action on this matter until a later date.

26. TITLE II GRANT - A Memorandum dated January 16, 1986 was submitted to the Tribal Council through Superintendent Miller, from L.W. Collier, Jr., Acting Area Director regarding the Title II Grant "Child Protection". Mr. Collier's memorandum states that as per the Agency's Quarterly Review report covering August 1, 1985 through October 31, 1985, Items E2 and E3 indicate that the Project Director spends a portion of his workday as the Tribe's Small Loan Director. Mr. Collier is requesting, through this correspondence, the Agency Representatives contact the Tribe regarding the split services being offered by this position. Motion was made by Kay Gourneau to have Chairman Jandreau prepare a response to this matter. This motion was seconded by William Ziegler and carried with five for, none opposed, one absent and none not voting.

27. A. DEWAYNE GOODFACE - Chairman Jandreau presented a draft letter to A. DeWayne Goodface regarding his previous position as Director of the Wildlife

Management Program. Chairman Jandreau said this is the method he'd like to respond to Mr. Goodface's letter dated January 30, 1986. Discussion was held regarding this matter. Motion was made by Ted Rouillard to authorize Chairman Jandreau to send this letter to Mr. Goodface, with the necessary changes. This motion was seconded by Kay Gourneau and carried with five for, none opposed, one absent and none not voting.

28. 1986 POW-WOW - Scott Jones, Chairman, Pow-wow Committee presented a tentative budget for the 1986 Pow-wow. He also submitted a break down of the 1985 Pow-wow. The Pow-wow Bingo Club gives fifteen percent (15%) profit of their bingo nights to the Tribe, instead of the required ten percent (10%). The tentative budget for 1986 is approximately \$400.00 more than last year's budget. Mr. Jones reported that the Tribe received \$1,700.00 in donations last year. The income from the pow-wow was more than had been projected. Mr. Jones is requesting approval from the Council for the posters to be made. Discussion was held regarding a fifth place from the Junior division on down, in the dancing contest. Motion was made by William Ziegler to approve the 1986 tentative budget for the Annual Fair & Pow-wow, with changes as discussed and Mr. Jones may proceed with taking quotes on the preparation of the posters. This motion was seconded by Kay Gourneau and carried with five for, none opposed, one absent and none not voting. Mr. Jones informed the Council that he has contacted a few vendors for poster prices. William S. Jandreau is checking with the vendors in Eagle Butte. If all the organizations would like to share one poster, then they could split the cost.

(#2. Water Code Cont'd.) - The Water Code which the Council is reviewing was a model code out of United Sioux Tribes, which they developed. This Code basically shows the Tribe taking their rights over the water issues. Motion was made by Kay Gourneau to adopt the Water Code by Ordinance based on Chairman Jandreau's recommendations. This motion was seconded by Darrell Middletent and carried with five for, none opposed, one absent, and none not voting.

29. WOMENS COMMUNITY CLUB - A letter dated February 5, 1986 was submitted by Lena Estes, Vice-Chairperson, Womens Community Club, requesting to hold bingo in the tribal gym on Sunday afternoons from 2:00 pm to 5:30 pm. The letter stated the revenue they make on bingo will be used for donations, emergencies, etc. Motion was made by Kay Gourneau to approve the request submitted by the Womens Community Club, present them with the tribal bingo rules and regulations, and explain what's expected of them. This motion was seconded by Darrell Middletent and carried with five for, none opposed, one absent and none not voting.

ADJOURNMENT - With no further business, Chairman Jandreau entertained a motion to adjourn. Motion was made by Kay Gourneau to adjourn the meeting. This motion was seconded by Charles Langdeau and carried with five for, none opposed, one 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 day of February, 1986.

Cheryll LaRoche, Recording Secretary

LOWER BRDLE SIOUX TRIBAL COUNCIL
SPECIAL MEETING
February 24, 1986

PRESENT: Michael B. Jandreau, Chairman
Kay Gourneau
William Ziegler
Ted Rouillard
Darrell Middletent
Charles Langdeau (arrived late)

ABSENT: William S. Jandreau

The meeting was called to order at 11:10AM by Chairman Jandreau. Recording Secretary noted those present and absent. The Lord's Prayer was led by Ted Rouillard.

1. **ELDERLY NUTRITION PROGRAM** - The Tribal Council needs to adopt a resolution for the Elderly Nutrition Program proposal which funds are being requested directly from the federal government. If this proposal is funded it could operate for a year and if it isn't funded, then we could refund the program through the State of South Dakota. They would pick the Tribe back up under their funding. If the proposal through the federal government does get funded, we could possibly get expansion dollars for the plumbing, an addition to the present building, etc. Motion was made by Kay Gourneau to authorize Chairman Jandreau to execute and file an application on behalf of the Tribe with the U.S. Department of Health and Human Services, Administration On Aging, Title VI, for supportive services to our Elderly. This motion was seconded by Darrell Middletent and carried with four for, none opposed, two absent and none not voting.

2. **ANA GRANT** - The Tribe has a possibility of getting a portion of the Mini-Farms refunded if that proposal is attached to the Hay Program proposal. There would be a good chance of the joint package getting funding. A draft resolution has been submitted by Shirley Marvin, EDA Planner with both projects being submitted as one (1) proposal package. Motion was made by Ted Rouillard to authorize the Tribal Chairman to execute and file an application on behalf of the Tribe with the Department of Health & Human Services, O.H.D.S., A.N.a., to aid in the financing of the two (2) agriculture programs. This motion was seconded by Darrell Middletent and carried with four for, none opposed, two absent and none not voting.

3. **HAY CUBING & PELLETING** - Shirley Marvin, EDA Planner, has been requesting quotes from vendors regarding a hay cubing and pelleting operation. A cost of lease or purchase was submitted to the Tribe from the Stanley County Co-op Marketing Association for their facility, if the Tribe gets the grant. The Association has submitted a straight lease for the total facility. The leasing of the buildings and equipment would be approximately \$17,180.00 per year. Also, there would be a rent charge of \$400.00 and ten percent (10%) payment on the return of feed sales per year is included in the lease price. The grand total of the lease cost would be \$22,800.00 per year. If the Tribe purchased the land, it would be possible to put the land into trust status, and if not, the Tribe would be liable for payment of taxes. The Tribal Council concurred to have Shirley Marvin obtain more information before they proceed with any decision.

4. LIABILITY INSURANCE - A Memorandum dated February 11, 1986 was received from L.W. Collier, Jr., Acting Area Director regarding liability insurance is required as a part of all 638 contracts, Part 200.6 of the contract, Self-Determination regulations. Mr. Collier stated in his memorandum that a review of a number of P.L. 93-638 contracts indicated many Contractors were not in compliance with the insurance requirements when contracting under 93-638. The deadline is February 28, 1986 for copies of insurance policies presently in place for contracted programs where required, or verification that they will be in place by 2/28/86. Part 200.6 (c) states, "insurance companies must be satisfactory to the Contracting Officer". Chairman Jandreau said the issue of liability insurance isn't consistent with the government to government relationship between Tribes and the BIA, even though its in the federal regulations. The coverage cost for this would be \$6.25 per square foot. Motion was made by Kay Gourneau to formally oppose, by resolution, action taken by the Bureau of Indian Affairs regarding their liability insurance Memorandum. This motion was seconded by Darrell Middleton and carried with four for, none opposed, two absent and none not voting.

5. 4 STATE AREA HEALTH BOARD - Chairman Jandreau informed the Council there will be an Aberdeen Area Tribal Chairmens Meeting in South Sioux City in March 10-11, 1986 to reinstate the 4 State Area Health Board. (Charles Langdeau arrived at this time.) Chairman Jandreau reported that at the last couple of Area Tribal Chairmens meetings, it was discussed to reestablish this Board and the margin of Chairmen were in favor of this issue. Dr. Terrence Sloan, Area Director, Indian Health Service, requested some of the Chairmen be on the Board of Directors for this Board. Dr. Sloan said for the Board to remain responsible, the Tribal Chairmen should be on the Board of Directors or Representatives to the Board. Chairman Jandreau informed the Council that we need to pass a resolution that would indicate that's the position of our Tribe. He stated the resolution would have to be mailed, he will not be able to attend the Tribal Chairmens meeting at that time because of a West Central meeting which is scheduled for the same dates in Minneapolis, Minnesota. The 4 State Area Health Board would advise the Area Director and Aberdeen Area Office staff on the health care issues for reservations. The Board is basically funded by Indian Health Service, they are given administrative grants. Chairman Jandreau believes that the Board should include Tribal Chairmen or Tribal Council Members. Dr. Sloan feels it should be an elected official. William Ziegler would like to see the benefits the Board puts forth. The Tribal Council concurred to table any decision on this issue until the next regular meeting.

6. EQUITY HEALTH PROGRAM - Ted Bolman, Health Director submitted a draft Sub-Contract between the Equity Health Program and Dr. Tom Roth, Orthodontist, Pierre, South Dakota, and Dr. James Logan, Dentist, IHS. This sub-contract is the same which the Council previously approved with Dr. Fuchs, and Dr. Monty Bechtold. Dr. Roth will be coming to Dr. Holland's office in Chamberlain to see patients. Motion was made by Darrell Middleton to approve the Equity Health Program Sub-Contract between the Tribe and Dr. Tom Roth. This motion was seconded by Charles Langdeau and carried with four for, none opposed, two absent and none not voting. Mr. Bolman had submitted information copies of the anticipated budget cuts as per the Gramm Rudman Act.

7. HAY PROGRAM CONTRACT - The Council discussed the present status and possible balances in the Hay Program Contract. Chairman Jandreau said if the Tribal Council wishes, they could authorize expenditure for hay of the unobligated balance, to be purchased by the Tribe. The unobligated total may amount to a partial or complete load of hay. Chairman Jandreau feels there may be a possibility to get more dollars under this project, if we expend the total amount of the contract. Discussion was held regarding the hay could be divided amongst the cattle operators who had an unobligated balance in

their allocation. Motion was made by the Ted Rouillard to approve this concept for expending the unobligated balance in the Hay Program Contract. This motion was seconded by Charles Langdeau and carried with four for, none opposed, two absent and none not voting.

ADJOURNMENT - With no further business, Chairman Jandreau entertained a motion to adjourn. Motion was made by Ted Rouillard to adjourn the meeting. This motion was seconded by Charles Langdeau and carried with four for, none opposed, two absent and none not voting.

CERTIFICATION

The foregoing is a true and correct transcript of Minutes of a Special Meeting held by the Lower Brule Sioux Tribal Council on the 24th of February, 1986.

Cheryll LaRoche, Recording Secretary

LOWER BRULE SIOUX TRIBAL COUNCIL
REGULAR MEETING
March 5, 1986

PRESENT: Michael B. Jandreau, Chairman (arrived late) ABSENT: None
Kay Courneau
William Ziegler (arrived late)
Ted Rouillard
Darrell Middletent
Charles Langdeau (arrived late)
William S. Jandreau

ALSO PRESENT: David Mosier, Sanitarian, IHS
Robert Baldwin, Indian Health Service
Edwin L. Miller, Agency Superintendent
Fred Gillis, Aberdeen Area Realty Officer
Jerry Schmitz, Aberdeen Area Appraiser
David L. Bergren, General Counsel
Larry Mendoza, Operations Manager
Pat & Annette Big Eagle
Scott Jones

The meeting was called to order by Acting Chairperson Kay Courneau at 10:30 AM. Roll call was taken by the Recording Secretary and the Lord's Prayer was led by Ted Rouillard.

1. ELDERLY ABUSE ORDINANCE - A letter dated January 17, 1986 was received from JoAnne Oaks, Executive Director, South Dakota Association of Senior Citizens regarding whether or not the Tribe had adopted an Elderly Abuse Ordinance. Motion was made by Darrell Middletent to refer this matter to the Law & Order Committee, when formulated. This motion was seconded by Ted Rouillard and carried with four for, none opposed, two absent and none not voting.

2. SPECIAL COUNSEL - A draft resolution was received from R. Dennis Ickes, General Counsel for the Lower Brule Farm Corporation in reference to utilizing assistance of Special Counsel regarding the dispute with West Central Electric Cooperative. The Tribe has expended large amounts of money in attempting to negotiate a resolution to the dispute between the Tribe and West Central Electric Cooperative. The Tribe believes that a negotiated solution to the dispute is preferable to litigation so long as such settlement can be on fair and equitable terms. Motion was made by Ted Rouillard to adopt the resolution authorizing the Tribal Chairman to utilize the assistance of the Special Counsel to seek financial assistance from the federal government and to prepare and file such statements and documents necessary in support of such application as is required by the Code of Federal Regulations. This motion was seconded by William S. Jandreau and carried with four for, none opposed, two absent and none not voting.

3. LAND SALE APPLICATIONS - A letter dated February 10, 1986 was received from Frank Bunker offering to sell his land described as all of Section 19, Township 106 North, Range 72 West, lying West of Highway SD 47, approximately 450 acres. Those tracts identified as the E $\frac{1}{4}$ of Section 16, S $\frac{1}{4}$ of Section 15, and the NW $\frac{1}{4}$ of Section 22, all in Township 106 North, Range 72 West, approximately 734 acres. Mr. Bunker proposed to sell his land located in

Section 19 at \$200.00 per acre and the land located in Sections 15, 16, and 22, at the amount of \$175.00 per acre. Motion was made by Ted Rouillard to authorize the Tribal Chairman or someone to negotiate and talk with Mr. Bunker regarding a BIA appraisal to be done on his land before the Council makes a decision of purchase. This motion was seconded with William Ziegler and carried with four for, none opposed, two absent and none not voting. A Land Sale Application was received from Emma Rodriguez Baker for sale of her undivided interests in LB-2032, LB-2032, and LB-2024. Motion was made by Darrell Middletent to inform Mrs. Baker of the Tribe's offer which was made previously to other heirs in Allotments LB-2032, LB-2032, and LB-2024. This motion was seconded by William Ziegler and carried with four for, none opposed, two absent and none not voting. A letter dated February 18, 1986 was received from Robert V. Crow informing the Tribal Council of the appraisal value for his mineral interests in LB-1043. The Tribal Council had previously, by resolution, requested a mineral appraisal for this allotment, but due to the "Privacy Act" they cannot receive a copy without Mr. Crow's permission. Mr. Crow stated in his letter the appraisal figure seems fair to him. The Tribal Council asked Fred Gills, Aberdeen Area Realty Officer if an individual can sell their mineral interests and still maintain ownership of the surface interests. Mr. Gillis replied that mineral interests can be sold and the owner can still maintain the surface rights. Mr. Gills informed the Council file records are held on both mineral and surface interests. Motion was made by William S. Jandreau to purchase Mr. Crow's mineral interests in LB-1043 pending a copy of the appraisal, which will be supplied by Edwin L. Miller, Agency Superintendent. This motion was seconded by William Ziegler and carried with four for, none opposed, two absent and none not voting. On February 5, 1986 the Council had taken action to purchase undivided interests from four (4) heirs in Allotments LB-2032, LB-2032, and LB-2024. A resolution was developed and transmitted to the Lower Brule Agency regarding this matter but contained calculations on the estimated value, and not the appraisal value. Therefore, the resolution must be modified to contain the correct appraisal calculations. Motion was made by William Ziegler to modify and correct Resolution No. 86-39. This motion was seconded by Darrell Middletent and carried with four for, none opposed, two absent and none not voting.

4. **SEWER & WATER** - A letter dated February 11, 1986 was received from Annette Big Eagle requesting to be put on the priority list for water and sewer to her future homesite. Motion was made by William Ziegler to place Annette Big Eagle's name on the water and sewer priority list which is covered by Contract #AB-85-241. This motion was seconded by Darrell Middletent and carried with four for, none opposed, two absent and none not voting.

5. **TRIBAL WATER & SEWER ACCOUNT RECEIVABLES** - The Council was informed of the large balance, as of February 11, 1986, that has not been collected on the water and sewer account receivables. Larry Mendoza, Operations Manager entered the meeting and informed the Council that some people pay their water and sewer billings and others let their account accumulate. Edwin Miller, Superintendent said the Tribe should pull the plug on these people's water and take them to court. William Ziegler suggested that when a house becomes vacant, then have the water shut off, and when it is to be occupied again, have the tenant pay a deposit for water. Motion was made by William Ziegler to appoint the three (3) individuals who have shown interest in being on the Utilities Commission, Alvin Johnson, Sr., Shirley Flute, and Scott Jones, and refer this matter to them for a recommendation to the Tribal Council. This motion was seconded by Ted Rouillard and carried with four for, none opposed, two absent and none not voting.

6. **TRIBAL WATER CODE** - A letter dated February 18, 1986 was received from Edwin Miller, Superintendent disapproving Ordinance #LB-86-D titled "Declaration of Lower Brule Sioux Tribal Water Code". Mr. Miller stated

in his letter that in reviewing the document, in accordance with Article VI Section 2 of the Tribal Constitution, he found a Secretarial Order dated 1975, which placed a moratorium on further approval of tribal water codes by the Bureau. Mr. Miller has contacted the Assistant Area Director, Indian Programs, and was advised that this order was still in effect. Even though Mr. Miller supports the need and urgency of a comprehensive water code, he must, until the Secretarial Order is rescinded, disapprove the code. (Michael B. Jandreau, Chairman arrived at this time.) Mr. Miller informed the Council they may want to appeal this decision to see if they could jar loose the Central Office. Motion was made by Kay Gourneau to appeal the disapproval decision of the Water Code based on the principles. This motion was seconded by Darrell Middletent and carried with four for, none opposed, two absent and none not voting.

7. KO'LA COMMITTEE - A letter dated February 13, 1986 was received from Ko'la Committee requesting permission for use of the tribal gym, and selling of liquor on March 7, 1986. The Committee would like to sponsor a dance to raise necessary monies to attend the National 6 ft. and Under Tourney in Denver, Colorado next month. Motion was made by Ted Rouillard to allow the Ko'la Committee to hold the dance, receive a beer permit and they will be responsible for the inside and outside area cleanup. This motion was seconded by William S. Jandreau and carried with four for, none opposed, one absent and one not voting (William Ziegler).

8. LAND EXCHANGE - ANNETTE BIG EAGLE - The Tribe had previously requested appraisals regarding the proposed land exchange between Annette Big Eagle and the Tribe. The appraisals have been received and there is a difference of \$173.81 between the two tracts. Annette & Pat Big Eagle entered the meeting and Mrs. Big Eagle informed the Council she would pay the difference and she wishes to retain her mineral rights. Motion was made by William Ziegler to accept the proposal of Annette Big Eagle to make payment of \$173.81 difference and proceed with the Land Exchange between her and the Tribe. This motion was seconded Kay Gourneau and carried with five for, none opposed, one absent and none not voting.

9. FOOD SAFETY PROGRAM - David Mosier, Sanitarian, and Robert Baldwin, both employed with Indian Health Service entered the meeting to speak briefly regarding the issue of food service on the reservation. Mr. Mosier informed the Council there is a need for a food service sanitation program. Mr. Mosier informed the Council of his routine survey in January, 1986 of the local food store. Mr. Mosier said food surveys are something Indian Health Service does and likes to do because the main purpose of IHS, Sanitation Department, is to protect the Indian people from disease and also included is water and sewer systems. Mr. Mosier continued to inform the Council of his previous survey at the Squeaky Door Market. Mr. Mosier and Mr. Baldwin want to know whether the Tribe feels it would be worthwhile or whether there should be some kind of food safety regulation, supervision, etc. Mr. Baldwin feels anyone who sells food on the reservation should be surveyed. They do survey the cafe on a voluntary basis. Mr. Mosier said unless there's a code or authorization, then Indian Health Service has no authority to go in an establishment and conduct a survey. Mr. Mosier informed the Council that a Food Safety Program can be developed with IHS. Mr. Baldwin said they could do the survey and inform the Council of their findings. Mr. Mosier informed the Council that when the State of South Dakota releases sales license, they (sales license), do not authorize surveys. The licenses do not entitle anyone to inspect for sanitation, hygiene, etc. Discussion was held in reference to the fact that Squeaky Door does business with WIC, food orders, and food stamps, and if there would be federal regulations covering routine surveys because of the federal dollars involved. Mr. Mosier said it would be up to the Council if they wish to include food stands at the Pow-wow and lunch

sales. He said the CHRs don't have the background to conduct the surveys. Mr. Mosier handed out a temporary food service operation survey report for the Council's review. He said this document would cover the food stands at the Pow-wow. Mr. Baldwin said they could look at all the food stands and certify the ones who meet the code and recommend to the Council the ones that don't meet the code, they wouldn't be allowed to return the next year. Motion was made by Ted Rouillard to have Mr. Mosier, Mr. Baldwin, and Darrell Middleton develop a draft Code and Ordinance, research the federal regulations for vendors being bound to have surveys conducted, and present at the next regular meeting. This motion was seconded by Kay Gourncau and carried with five for, none opposed, one absent and none not voting. Mr. Baldwin said the observation of the Squeaky Door facility has been quite good.

RECESS - The meeting recessed for the noon hour and to reconvene at 1:00 PM. The meeting reconvened at 1:30 PM with the same Members present and Charles Langdeau arriving late.

10. TRIBE VS. STATE OF SOUTH DAKOTA - Dave Bergren, General Counsel informed the Council of a draft agreement with the State of South Dakota regarding hunting/fishing tags and licenses off the reservation. The State Officials feel that if hunters are on deeded land, they only need a state license. Mr. Bergren said to have a reciprocal license is what the State wants. Mr. Bergren said he needs the Tribal Council's decision on the agreement because the Judge wants to know next week. He said the State Officials want the Tribe to agree to honor state licenses on any land that is not tribal and the State would assist in policing hunters. Mr. Bergren said the State can't legally force this on the Tribe but this is an agreement. He said the Crow Creek Sioux Tribe has set a precedent for this agreement. Mr. Bergren said the Tribe doesn't have to accept this particular agreement. (Charles Langdeau arrived at this time.) Motion was made by William S. Jandreau not to accept this Agreement because it is not specific enough, it does not contain the breakdown on fees, and the cost which the Tribe incurs, etc. This motion was seconded by Darrell Middleton and carried with six for, none opposed, none absent and none not voting.

11. CLAIMS ATTORNEYS - A memorandum dated February 7, 1986 was received from Marvin J. Sonosky, Sonosky, Chambers & Sachse Law Office, regarding recommendations of the Claims Attorneys on the proposed settlement of the accounting claim in Case No. 116 before the United States Claims Court. The attorneys are recommending acceptance of \$85,000.00 in full settlement of all claims presented in Case NO. 116 before the United States Claims Court, calling for an accounting of tribal funds for the period commencing July 1, 1925. Chairman Jandreau informed the Council that he discussed this issue with Mr. Sonosky. Mr. Sonosky had indicated we could go to court and possibly get a little more money but it would cost the Tribe more money and he felt it would be in our best interest to accept this \$85,000.00 full settlement. Of the \$85,000.00, \$1,500.00 would be spent to the accounting firm for accounting fees and Sonosky, Chambers & Sachse Law Office would receive \$8,500.00. Chairman Jandreau reported the government made an offer of \$40,000.00 claim, the accounting firm reviewed the figures and submitted another accounting claim, then the government submitted a counter claim with a proposal \$85,000.00 full settlement. Mr. Sonosky recommended we proceed with this as soon as possible, if the Council is in agreement. Chairman Jandreau said it would probably be about sixty (60) days after they accept our offer acceptance before we would get the dollars. Chairman Jandreau informed the Council that by accepting this settlement, it would not hinder the issue of Docket #74. After deduction of expenses, the Tribe would receive approximately \$75,000.00. Motion was made by Charles Langdeau to accept the offer of \$85,000.00 in settlement of the Tribe's claim for an accounting in Case No. 116 in the United States Claims Court. This motion was seconded

by William S. Jandreau and carried with five for, none opposed, one absent and none not voting.

12. WEST CENTRAL ELECTRIC NEGOTIATIONS - Chairman Jandreau informed the Council final negotiations with West Central Electric Cooperative, Inc. will be held next week in Minnesota. After the negotiations the Council can decide if they'll accept a dollar figure for the wheeling cost or go to court. Chairman Jandreau asked the Council if they wish to send our General Counsel, David L. Bergren. Motion was made by William Ziegler to request Mr. Bergren to attend the negotiations with West Central which are being held next week. This motion was seconded by Charles Langdeau and carried with five for, none opposed, one absent and none not voting.

13. CURRENT LOTTERY STATUS - Chairman Jandreau has received a written indication from State Attorney, Mark Meierhenry, on how his office feels about the proposed gaming operation on our reservation. Gambling operations outside the reservation must comply with State and federal regulations. In the Tribe's proposal they offered five percent (5%) of the gross income. Mr. Bergren informed the Council that he hasn't researched the lottery issue. Chairman Jandreau suggested if the Tribe isn't going ahead with the lottery, then we should retract any action previously taken toward that goal. The BIA has disapproved the gambling proposal submitted by the Native American Criminal Justice Institute. Motion was made by William S. Jandreau to rescind all action taken regarding the proposed gaming operation because there hasn't been any activity, and submit a letter to the Universal Consuling Company informing them of the action taken. This motion was seconded by William Ziegler and carried with six for, none opposed, none absent and none not voting.

14. JANITORIAL SERVICES - A letter dated February 13, 1986 was received from Arvada Tout-Stops, Service Unit Director regarding the Lower Brule IHS Administrative Office is not receiving janitorial services at this time, and have not received them at the office since November, 1985, as per the tribal janitorial contract. In her letter she stated the janitorial services at the Lower Brule Clinic have been irregular, though more regularly received within the last month. Chairman Jandreau informed the Council he asked Patti Moore, Human Resources Coordinator, to discuss this matter with Burton Goodface, Janitor. Chairman Jandreau hasn't received a report on this from Mrs. Moore. The Council concurred to table a decision on this matter until Chairman Jandreau checks with Mrs. Moore.

15. HOME IMPROVEMENT PROGRAM (HIP) - The HIP Program for FY'86 has been allocated for \$54,000.00 and that does not include indirect cost unless the Tribe wishes to take it out of the direct costs. In the FY'86 contract, there is funds to hire a HIP Supervisor. Ted Rouillard suggested the Tribe return the HIP Program to the BIA, for them to administer. Mr. Rouillard said the BIA would have to stay with the priority list that has been developed. Mr. Rouillard said we have a HIP Committee to review and recommend action on issues, the Tribal Council then makes a decision and the BIA makes the final decision and he doesn't see why we need layers of government decisions when the BIA sets priorities anyway. Chairman Jandreau suggested the HIP contract could be modified for self-help weatherization, beautification of the community, etc. Discussion was held regarding the HIP categories. The BIA is responsible for final inspection of work completed under HIP. The Council concurred to table a decision on this matter until research is completed by Charles Langdeau.

16. TRIBAL LANGUAGE POLICIES - Scott Jones entered the meeting and submitted copies of the Tribal Language Policies developed by Pat Locke. Mr. Jones said Pat Locke points out the importance of language policies. Mr. Jones

feels there is an opportunity for tribal language in the classroom. Ms. Locke will be sending Mr. Jones statistics and analysis on this issue for other reservations. Mr. Jones is requesting a statement by the Tribe declaring the Lakota language as the Tribe's official language. Discussion was held regarding the school curriculum, bilingual program, funding cuts, and community involvement needed with this tribal language policy. William S. Jandreau recommended that Scott Jones organize a Committee to formulate this and take it to the School Board. Mr. Jones said he was informed that the funds through 638 are ciphened through the Tribe's Office of Education and that the dollars could be applied and used to develop curriculum, resources, and materials. Mr. Jones said the funds were actually appropriated. Motion was made by William Ziegler to declare the Lakota language as the Tribe's official language. This motion was seconded by William S. Jandreau and carried with four for, none opposed, two absent and none not voting.

17. SUMMER FOOD PROGRAM - A letter dated February 5, 1986 was received from William H. Schmidt, Superintendent for Education regarding informed received from the S.D. Adult & Nutrition Services. Mr. Schmidt said Baunita Ness has volunteered to serve as Director, with pay. Carol Herman, Accounting Technician will assist with payroll, etc. He said some help may be needed from the Tribe's Financial Management Office. Mr. Schmidt's office is asking the Tribe to hire a Head Cook, Janitor/Bus Driver, Cook's Helper and Green Thumb Workers. Mr. Schmidt's letter stated the Bus Driver must have a South Dakota State Bus Driver's License and be able to qualify for a government license. A letter dated February 24, 1986 was received from Sandra M. Kangas, SFSP Coordinator, Division of Education informing the Council that a search is underway for sponsors of the Summer Food Service Program, especially in areas targeted as "needy". Motion was made by William Ziegler to adopt a resolution for the Summer Food Program and authorize advertisement of the positions for a period of two (2) weeks. This motion was seconded by Darroll Middletent and carried with six for, none opposed, none absent and none not voting.

{#15. HIP Cont'd.} - Mr. Miller said under the HIP Program, a contractor must comply with Part 100. He said if the BIA took the program back, they would probably manage it on a project basis. Motion was made by Ted Rouillard to table a decision on this matter until tomorrow. This motion was seconded by Charles Langdeau and carried with six for, none opposed, none absent and none not voting. Chairman Jandreau said if the Tribe returns the contract to the BIA, we would create an additional deficit because the dollar figures are included in our cost pool. If the BIA takes the contract, they will receive the full \$69,000.00 to be utilized. Discussion was held in reference to the possibility of coordinating the HIP project in the same way as the Hay Program Contract. Mr. Miller said the 1985 HIP contract isn't closed out and we still need to get in our FY'86 HIP proposal.

18. PREVIOUS GENERAL COUNSEL INVOICES (R. DENNIS ICKES) - Previous General Counsel invoices and backup documentation has been received from R. Dennis Ickes. Chairman Jandreau requested authorization to submit these documents to the Bureau of Indian Affairs for review before approval of payment is made by the Tribal Council. Motion was made by William S. Jandreau to approve Chairman Jandreau's request. This motion was seconded by Kay Courneau and carried with five for, none opposed, one absent and none not voting.

{#2. Special Counsel Cont'd.} - Chairman Jandreau request approval of the draft resolution to utilize federal funds to pay attorney fees and legal expenses. This would be applicable only if we go through litigation. The Farm Board has spent up to \$6,500.00 in costs for negotiations. Motion was made by Kay Gourneau to approve the draft resolution and authorize payment to KMG Main Hurdman, Certified Public Accounts, in the approved amount.

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

19. MID-DAKOTA ADVISORY BOARD - Motion was made by William Ziegler to appoint Darrell Middletent to the Mid-Dakota Advisory Board. This motion was seconded by William S. Jandreau and carried with five for, none opposed, none absent and one not voting (Darrell Middletent). William Ziegler was the previous Board Member from our Tribe, but was unable to attend any of the meetings.

20. EDUCATIONAL GRANT ASSISTANCE - Three (3) tribal Educational Grant Assistance Applications were received from Gib Rogers with recommendation of approval. The Applicants were Bessie Loudner, Sandra Cadwell, and Vicki Her Many Horses. Motion was made by Kay Gourneau to approve the three (3) applications in the amount of \$250.00 each, and the checks be done for release by the end of this week. This motion was seconded by Charles Langdeau and carried with six for, none opposed, none absent and none not voting.

21. ENROLLMENTS - A letter dated February 21, 1986 was received from Edwin Miller, Agency Superintendent, which stated that Resolution No. 86-38 had been carefully reviewed and discussed with Mr. Earl Azure, Tribal Government, Aberdeen Area Office and is hereby returned without action. Mr. Miller's letter stated they find Katherine Brown and Suzanne Papke do not meet the criteria of residency as set forth in the Constitution and Bylaws of the Tribe, Article 11-Membership, Section 2, governing the adoption of new members. Mr. Miller's letter asked for a new resolution be prepared for those individuals eligible for enrollment, thus, allowing them to proceed with the enrollment of new members. Chairman Jandreau disagreed with Mr. Miller's letter because adoption of the two (2) individuals did not hold others from being enrolled. Motion was made by Charles Langdeau to adopt two (2) resolutions, one (1) for the enrollments and the other for adoption of two (2) members. This motion was seconded by Kay Gourneau and carried with six for, none opposed, none absent and none not voting. Chairman Jandreau said the BIA has previously allowed adoptees without them being residents on the reservation.

22. ABERDEEN AREA REGIONAL INDIAN HEALTH BOARD - This issue was tabled from the last Tribal Council meeting. The Tribal Chairmen's Association and Dr. Terrence Sloan, Area Director, Indian Health Service, have recommended that the Aberdeen Area Regional Indian Health Board consist of Tribal Chairmen or people who are elected officials of their particular Tribe. Motion was made by Darrell Middletent to submit the Tribe's opinion that the Aberdeen Area Regional Indian Health Board be consisted of Members who are elected Representatives of the Tribe. This motion was seconded by Ted Rouillard and carried with six for, none opposed, none absent and none not voting.

23. INDIAN ROADS COMMISSION - An unsigned letter dated February 20, 1986 was addressed to Mr. Charlie Murphy, Indian Roads Commission, regarding conditions in the Branch of Roads, Aberdeen Area Office, BIA, that people thought Mr. Murphy should be made aware of. No action was taken, informational purposes only.

24. AQUA FOODS, INC. - A letter dated February 18, 1986 was received from Paul E. Rosene regarding a proposal to provide technical advice and assistance in the building and operation of a fish raising and aqua culture operation to raise fish and possibly other food products. No action was taken, informational purposes only. A letter and invoice dated February 18, 1986 was received from John G. Woiwode, University of Minnesota, in the amount of \$585.62 for onsite work at Lower Brule regarding water analysis for fisheries development. The invoice for basic services and transportation costs included a trip report. Chairman Jandreau informed the Council that

Mr. Woiwode will submit a proposal that the Tribe can submit for funding to utilize dollars for artesian wells inconjunction with fisheries. Chairman Jandreau said payment of this invoice would come out of the EDA Grant. Motion was made by William S. Jandreau to approve payment of John G. Woiwode's invoice in the amount of \$585.62 from the EDA Grant. This motion was seconded by Kay Gourneau and carried with six for, none opposed, none absent and none not voting.

25. BLACK HILLS STEERING COMMITTEE - Ted Rouillard informed the Council that inconjunction with the Black Hills Steering Committee, the respective Tribes are requested to appoint their representatives to the congressional hearings that are tentatively scheduled for the week of April 23, 1986. Oral testimony will be limited to five (5) minutes and the Tribe or interested persons may submit unlimited written testimony. Mr. Rouillard reported the Executive Director of the Black Hills Steering Committee is willing to aid in the development of oral and written testimony for those interested persons. Motion was made by Kay Gourneau to authorize travel expenditures for Council Members who wish to attend this hearing. This motion was seconded by William S. Jandreau and carried with six for, none opposed, none absent and none not voting.

26. LOWER BRULE HOUSING AUTHORITY - A letter dated February 25, 1986 was received from Debra Isburg, LBHA Director, regarding an enclosed Resolution No. 86-03, "Comments To Proposed Modifications On Indian Preference", concerning Indian Preference. She stated the Board of Commissioners seeks support of these comments or any other comments the Tribal Council may wish to submit to the Department of Housing & Urban Development regarding the proposed changes to Indian Preference. Motion was made by Ted Rouillard to support the Lower Brule Housing Authority on their stance regarding Indian Preference. This motion was seconded by William S. Jandreau and carried with six for, none opposed, none absent and none not voting. The Housing Authority has run into a deficiency with the Tenant Account Receivables (TARs) and are requesting the Tribe if they would approve an action making it mandatory that tribal employees take payroll reductions when their rent reaches a point of delinquency. Some of the employees with the Tribe and HIA have sizeable rent delinquencies. Mrs. Isburg asks the Tribal Council to assist with the collection of rents by tribal employees, as much as possible. William S. Jandreau recommended Mrs. Isburg follow her guidelines as best as possible regarding rent collections. Motion was made by Kay Gourneau to submit a letter of encouragement for payment of rent/back rent to the tribal employees who have rent delinquencies, by utilizing the payroll deduction system. This motion was seconded by Charles Langdeau and carried with six for, none opposed, none absent and none not voting.

27. HELEN DURKIN JENSEN'S HOSPITALIZATION INVOICES - The Tribe has received a letter from Arvada Tout-Stops, Service Unit Director, denying payment of Helen Durkin Jensen's hospitalization invoices. The Tribe doesn't have funds to make this type of payment. The Tribal Council concurred to return these documents to Pat Madsen and advise her to appeal the decision to the Indian Health Service, Aberdeen Area Office.

28. LYMAN COUNTY WARRANT LIST - The Deputy Sheriff submitted a copy of the Lyman County warrant List to Chairman Jandreau and asked if the Tribal Council could assist in clearing up this matter regarding the persons listed who reside in Lower Brule. The Deputy Sheriff informed Chairman Jandreau that if these persons do not make contact for an agreement to pay the fines, the presiding Judge will not allow anymore Personal Recognizance bonds, just cash bonds. Motion was made by Kay Gourneau to refer this matter to the Court System and have them write a letter to the individuals encouraging them to make payment of the fines and explain what will happen to them if

they don't. The letter will be signed by the Court System and Tribal Chairman. This motion was seconded by Ted Rouillard and carried with six for, none opposed, none absent and none not voting.

29. INMED - A written report was submitted by Arnold Sazue, Lower Brule INMED Board Member. The report contained information regarding the status of INMED and attached was a draft resolution in reference to the INMED Executive Director's position. The Tribal Council has previously adopted such resolution. No action was taken, informational purposes only.

30. LAW & ORDER COMMITTEE - A memorandum was submitted by Patti Moore, Human Resources Coordinator in reference to persons interested in a Law & Order Committee. These who submitted their name were Scott Jones, Mary Lee Thompson, Patti Moore, Kim K. Thompson, Rose McCauley, Arnold Sazue. Bessie Estes and Mary Middletent had previously shown interest to the Council in reference to being on this Committee. Motion was made by Ted Rouillard to name the eight (8) persons who have shown an interest in being on the Law & Order Committee. This motion was seconded by Kay Gourneau and carried with five for, one opposed (William Ziegler), none absent and none not voting.

31. GENERAL COUNSEL INVOICE - David L. Bergren submitted a General Counsel invoice in the amount of \$1,732.02 for approval of payment, covering the period of February 27, 1986. Motion was made by William Ziegler to authorize payment to General Counsel, David L. Bergren, for the billing covering the period of February 27, 1986, in the approved amount. This motion was seconded by Charles Langdeau and carried with six for, none opposed, none absent and none not voting.

32. INDIRECT COST PROPOSAL FY'87 - A letter dated February 20, 1986 was received from McGladrey, Hendrickson & Pullen, Certified Public Accountants, submitting a written proposal to assist the Tribe in preparing the Tribe's FY'87 Indirect Cost Proposal. The fee estimate for this project would be \$6,500.00. Motion was made by Kay Gourneau to employ McGladrey, Hendrickson & Pullen to prepare the Tribe's FY'87 IDC Proposal. This motion was seconded by Darrell Middletent and carried with six for, none opposed, none absent and none not voting.

33. CDBG FY'84 - Ted Rouillard reported there is a carry over of funds in the FY'84 CDBG. He said the funds could be used to renovate the tribal gym. There is approximately \$37,000.00 available. Mr. Rouillard said we could rewrite the CDBG proposal to HUD but the proposal will have to rank as high as our last one, to receive the funding. If there are funds left over, it could be used to renovate the tribal administrative offices. Motion was made by Darrell Middletent to submit a modification for the FY'84 CDBG carry over monies to be used to renovate the tribal gym and request Lower Brule Construction Company to make payment of the Cozinc Electric invoice and they will be reimbursed when the CDBG modification is received. This motion was seconded by Ted Rouillard and carried with five for, none opposed, one absent and none not voting.

34. SMALL LOAN PROGRAM - A written letter was submitted by Nyal Brings, Chairman, Small Loan Program requesting the Small Loan Program be allowed to receive fidelity bonding and authorization to have cash on hand. Mr. Brings stated the fidelity bonding would allow the project staff to handle currency and checks as a protection against theft, forgery, robbery and other types of losses. Justification for cash on hand is because many payments are lost because of the unavailability of cash during certain periods of time. Some of those who do make payments with their checks wait a prolonged period of time for their reimbursement check. Chairman Jandreau disagreed with the proposed changes until there is more formulation of the organization

and he requested the Tribal Council to leave the Small Loan Program the same as it already is. Motion was made by William S. Jandreau to approve bonding for the Small Loan Program Staff, as per their request, but the signature power of the checks will remain with the Chairman and Secretary/Treasurer. This motion was seconded by Charles Langdeau and carried with six for, none opposed, none absent and none not voting.

35. COUNCIL MEMBER'S MILEAGE - Motion was made by Charles Langdeau to approve William Ziegler's mileage payment in the amount of \$55.58. This motion was seconded by William S. Jandreau and carried with five for, none opposed, none absent and one not voting (William Ziegler).

36. RANGE UNIT #9 - Chairman Jandreau informed the Council that BIA officials have asked him what the Council is going to do with Range Unit #9. Letters were previously sent to the three (3) applicants granting them thirty (30) days to submit a written financial plan showing the capability to make the grazing permit payments and stock the unit. The Tribal Council concurred to grant the applicants thirty (30) additional days in which to submit their documents, before a decision of awarding Range Unit #9 is made.

37. TRIBAL SECURITY - Some of the bingo clubs have hired security for the tribal gym during bingo nights, but this reduces the income to the Tribe. Chairman Jandreau requests the Tribe to submit a contract for "x" amount of dollars from the BIA, Law & Order funds, to hire tribal security. Motion was made by Darrell Middletent to submit a contract for BIA funds to hire tribal security. This motion was seconded by William Ziegler and carried with six for, none opposed, none absent and none not voting.

38. MISCELLANEOUS REQUESTS - William Ziegler has received a verbal request from Sam Flute for payment of hours when he has driven the Transit Bus after working hours. Mr. Flute has been driving the Bus for the Halfway House. Chairman Jandreau reported that several individuals have attempted to contact the State Department of Transportation regarding the Transit Program proposal, but haven't received any response. Mr. Ziegler reported that Mr. Flute has enough bus driving experience to satisfy the insurance company which covers the Transit Bus. No action was taken at this time.

William S. Jandreau has received a letter from Dorothy Tapley requesting the Tribe to purchase her a refrigerator. The Tribal Council had taken previous action that if we received large appliances from the University of South Dakota, such as refrigerators, Mrs. Tapley would be the first to receive one, but the Tribe didn't get any. The Tribal Council concurred to notify Mrs. Tapley that funds are not available for this type of purchase.

Charles Langdeau received a request from Frank Black Dog for repair of his well. Motion was made by Charles Langdeau to place Frank Black Dog's name on the water and sewer list covered by Contract #AB-85-241. This motion was seconded by Kay Gourneau and carried with six for, none opposed, none absent and none not voting.

ADJOURNMENT - With no further business, Chairman Jandreau entertained a motion to adjourn. Motion was made by Kay Gourneau to adjourn the the meeting. This motion was seconded by Charles Langdeau and carried with 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 day of March, 1986.

Cheryll LaRoche, Recording Secretary

LOWER BRULE SIOUX TRIBAL COUNCIL.
REGULAR MEETING
April 2, 1986

PRESENT: Michael B. Jandreau, Chairman (arrived late) ABSENT: None
Kay Gourneau
William Ziegler
Charles Langdeau
Darrell Middletent
Ted Rouillard
William S. Jandreau

ALSO PRESENT: Edwin Miller, Agency Superintendent
Richard P. Thompson, Sr.
Dave Bergren, General Counsel
Sandy Byington
Karl Kruegar, Range Technician
Dave Mosier, IHS Sanitarian
Marie Charger
Clifford Halverson, Jr.
Patti Moore, Human Resources Coordinator
Nyal Brings, Title II Grant
Shirley Marvin, EDA Planner
Sylvia Ear

The meeting was called to order by Kay Gourneau, Acting Chairperson at 10:55 AM. Roll call was taken by the Recording Secretary and the Lord's Prayer was led by Charles Langdeau.

1. LEASE MODIFICATION - Richard P. Thompson, Sr. was present and requested Tribal Council approval for modification of Lease #22-008-8588. Mr. Thompson presently leases the S $\frac{1}{4}$ of Section 35, Township 109 North, Range 77 West, Fifth Principal Meridian, Lyman County, South Dakota, containing 320.00 acres. Mr. Thompson requests to change the farmland in the S $\frac{1}{4}$ of Section 35 and replant tame grass and alfalfa. He also requests to change the lease fee from \$16.50 per acre for farmland and \$7.00 per acre for pasture land to the current lease rate of \$10.00 per acre for farmland and \$5.00 per acre for pasture land. Motion was made by Ted Rouillard to amend Lease #22-008-8588 by approving Richard P. Thompson, Sr. to convert the farmland in the S $\frac{1}{4}$ of Section 35, Township 109 North, Range 77 West, Fifth Principal Meridian, Lyman County, South Dakota, containing 320.00 acres, back to tame grass and alfalfa. This motion was seconded by Darrell Middletent and carried with five for, none opposed, one absent and none not voting.

2. REQUEST FOR ASSISTANCE - William Ziegler said there's a request for assistance from Sandy Byington. Sandy Byington entered the meeting and is asking for money to bring her daughter, Joy Bad Moccasin, back from Colorado. Mrs. Byington said her daughter ran away ten (10) days ago and is presently in Julesburg, Colorado. Mrs. Byington had asked Nyal Brings, Chairman, Small Loan Committee for an emergency loan but was informed that death in the family is only considered as an emergency. She informed the Council that she has a vehicle to use, but no gas money. Edwin Miller, Agency Superintendent informed the Council that under the Indian Child Welfare Act, the Court decrees the necessity to bring a child back, make a placement,

and a hearing will be held. From the Social Services program, he can only authorize expenditures for a Court Representative to go get the child. Mr. Miller said the Court there, in Juhelsburg, Colorado, will hold the child in a Detention Center until she can be picked up. Mr. Miller contacted Shirley Flute, Associate Judge, regarding this matter and she hasn't appointed a Court Representative yet. Mrs. Byington informed the Council that she wants to go herself. She told the Council that Annette Big Eagle had previously informed her that they (Social Services) could transport her but later Linda Thompson told Mrs. Byington that Mr. Miller wouldn't let them (Social Services) transport her. Mr. Miller said he (as Agency Superintendent) can only authorize expenditures if the child has a Court appointed Representative, then they (BIA) would have to go the cheapest route, by bus. Sandy Byington informed the Council that she doesn't want Joy to go to court, just get her back here to attend school. Mr. Miller told the Council he will contact Shirley Flute to see if Mrs. Flute could appoint Sandy Byington as the Court Representative. Mr. Miller said funds to purchase a bus ticket couldn't be used for gas money. He said Shirley Flute will make sure the child will be held until Mrs. Byington gets there. He informed the Council that he can't transport Mrs. Byington in a government vehicle. Discussion was held regarding the cost of a private plane. Mr. Miller said the BIA can only release a GTR form to the bus lines. Mrs. Byington informed the Council that her daughter said she would only come back if her Mom comes to get her, no-one else. Mrs. Byington told the Council her Social Security check did not come in today, or she would have used that for transportation funds. She informed the Council that Nyal Brings, Small Loan Committee Chairman, told her that his program cannot assist her but if the Tribe helped her, then maybe he could justify a few bucks. She said Stan Whiting told her there isn't anything in the Code about runaways. Mrs. Byington told the Council that Joy ran away because her brother did and nothing was done about it. Joy is fourteen (14) years of age. Mrs. Byington said Nyal Brings figures it would cost maybe \$150.00 for gas and eating. Acting Chairperson Kay Gourneau informed Mrs. Byington that the only way to obtain an emergency loan would be to get a co-signer and pay her other loan off. Mrs. Byington informed the Council she would proceed with getting a loan. No action was taken at this time.

3. TRANSMISSION AGREEMENT - Dave Bergren, General Counsel, entered the meeting and informed the Council regarding the negotiations with West Central Cooperative Inc. which was held in Minnesota. He gave the Council a basic rough draft of the Transmission & Distribution Service Contract for the Grassrope Project to review and if they have a problem with what is proposed, it will not be circulated to the parties involved. Mr. Miller said this Agreement will have to be approved by the Bureau of Indian Affairs and the Rural Electric Administration but neither are a part of this contract. Dave Bergren told the Council that this agreement is not cast and concrete at this point, but he wants everyone to know where we're at. The term of the contract is twenty-five (25) years and effective date will be upon signing. Mr. Bergren clarified and discussed various sections in the draft agreement. He said at the negotiation process in Minnesota, they figured the cost of service method for calculating the Farm Corporation's payment. Mr. Miller informed the Council that he will review the Computer Program of dollar flow with them when it is received by the Specialist. No action was taken at this time, informational purposes only.

4. TRIBE VS. SOUTH DAKOTA - Dave Bergren informed the Council that he attended a meeting with Governor Janklow and Mr. Bergren believes that the Governor is changing his mind about the license issue. Mr. Bergren said the Governor has discussed the possibility of having our tribal stamp on all State licenses might be good enough and the Tribe would receive funds from our stamp. Mr. Bergren said everyone that comes onto the reservation would have to have

one of these. Mr. Bergren said the Governor thought this concept would be a good way to do the licenses, but we are still going through the court system with this issue. A State Representative will be coming down to see Chairman Jandreau regarding this issue. (Chairman Jandreau arrived at this time.) Dave Bergren informed the Council that nothing has been settled regarding the Morris Irrigation issue. Morris Irrigation has previously told Chairman Jandreau they would submit a counter offer and come down for a meeting, but they haven't yet. Mr. Bergren will get ahold of Morris Irrigation and see what the status is.

RECESS - The meeting recessed for the noon hour and will reconvene at 1:00 PM. The meeting was reconvened at 1:10 PM with all Council Members present and none absent.

5. FOOD SANITATION ORDINANCE - Dave Mosier, Sanitarian with the Indian Health Service entered the meeting and presented the Council with a draft Food Sanitation Ordinance. Mr. Mosier said this draft ordinance was based upon the ones from the Cheyenne River Sioux Tribe and Oglala Sioux Tribe. The other ordinances specify that Indian Health Service do the inspection but the Tribe has license authority, said Mr. Mosier. Motion was made by William Ziegler to refer the draft Food Sanitation Ordinance to the Law & Order Committee, appoint Darrell Middleton as the Council's liaison to this Committee, and have them review this draft and make recommendations back to the Tribal Council. This motion was seconded by Darrell Middleton and carried with six for, none opposed, none absent and none not voting.

6. CROW CREEK SIOUX TRIBE - A letter dated March 5, 1986 was received from Chairman Wallace Wells, Jr., Crow Creek Sioux Tribe, stating their tribe is considering a Second Annual Fishing Tournament. Chairman Wells' stated they would like to know if our Tribe is going to enforce our fishing license and if we will honor a state fishing license during their tournament. Motion was made by William Ziegler to deny Crow Creek Sioux Tribe's request based on the fact that we will only honor a state license if it has a tribal stamp on it. This motion was seconded by William S. Jandreau and carried with five for, none opposed, one absent and none not voting.

7. MEN'S SOFTBALL TEAM - Letters dated February 27, 1986 and March 10, 1986 were received from members of the Men's Softball Team. Mrs. Marie Charger is the Team Manager. They requested to have bingo on Saturday nights or any open night except Thursday night, due to Fort Thompson having bingo on that night. The letter stated their bingo is for Higher Education Students and for the Men's Softball Team. All proceeds will go to the students and the Team. In the March 10th letter they requested to use the gym on April 5, 1986 for a dance to earn money for the Men's Softball Team entry fee to join the Lyman County Softball League. The dance will be from 10:00 PM to 2:00 AM. All proceeds from the dance will go to the Team. Motion was made by Kay Gournau to approve the dance request and inform them there aren't any open dates for bingo. This motion was seconded by Charles Langdeau and carried with six for, none opposed, none absent and none not voting.

8. HOMESITE REQUEST - A letter dated March 7, 1986 was received from Charlene Thomas requesting a homesite described as the NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 1, Township 108 North, Range 76 West, containing 5 $\frac{1}{4}$ acres. Motion was made by Charles Langdeau to table a decision on this matter until he could talk with Charlene Thomas and her husband. This motion was seconded by Kay Gournau and carried with six for, none opposed, none absent and none not voting.

9. BANKWEST NOTE - The Tribe has a bank note due at Bankwest in Pierre, South Dakota and Chairman Jandreau said he told Larry Mendoza, Operations Manager, previously to renegotiate this note. Chairman Jandreau said he

was contacted by Mr. Mendoza requesting a \$2,000.00 check payable toward the note and said the note needed to be renegotiated. William Ziegler informed the Council that he will handle this matter.

10. COMPENSATORY TIME OFF - On March 12, 1986 the Tribe received a "Notice To State and Local Government Public Officials" regarding Compensatory Time Off. Chairman Jandreau asked the Council if they wish to amend the Personnel Policies & Procedures to include this. Motion was made by William Ziegler to amend the Tribe's Personnel Policies & Procedures by including this document regarding Compensatory Time Off. This motion was seconded by Ted Rouillard and carried with six for, none opposed, none absent and none not voting.

11. UTILITIES COMMISSION - Utilities Commission Chairman Scott Jones submitted the minutes of their meeting on March 14, 1986 and recommendations regarding the issue of delinquent water/sewer accounts. The Utilities Commission recommended the following: 1.) That each customer be given a current billing on a monthly basis. 2.) That customers with delinquent bills be sent a letter stating they have thirty (30) days from the date of the letter to come in and make a schedule of repayment for their delinquent bills. After the initial thirty (30) days, the customer will have an additional ten (10) days to come in and arrange a schedule. If after the forty (40) days arrangements are not made, the customer's water service will be shut off until arrangements are made. Also included in the letter should be the place to pay bills, the person who will help make repayment schedules, and the time bills should be paid by and between what hours. Motion was made by William Ziegler to approve the policy submitted by the Utilities Commission. This motion was seconded by Kay Gourneau and carried with six for, none opposed, none absent and none not voting.

12. ELDERLY NUTRITION PROGRAM - A letter dated March 20, 1986 was received from Janet Rouillard, Elderly Nutrition Program Director, requesting the use of the tribal gym for Elderly activities on Tuesday afternoons from 1:00 PM until 2:30 PM. Occasionally they will be serving cake, cookies and coffee and plan to set up a bingo for prizes. They may also include celebrating birthdays on this day. Chairman Jandreau had previously approved this request contingent on it being presented to the Tribal Council. Motion was made by Kay Gourneau to approve the Elderly Nutrition Program request. This motion was seconded by Ted Rouillard and carried with six for, none opposed, none absent and none not voting.

13. HEALTH BOARD - A letter dated March 19, 1986 was received from Bessie Estes, Health Board Chairperson stating the Health Board, at a Special Meeting held on March 18, 1986 at the CHR Office, recommended to have Rose McCauley seated on the Health Board. The Board also recommended that Mrs. McCauley accompany Jackie Jandreau, Mental Health Technician to a meeting in Tucson, Arizona, which deals with Mental Health and Judicial matters. Discussion was held regarding that originally the Health Board was reorganized of Directors of Health Programs. For seating of an additional Board Member, it would have to be approved by the Tribal Council. Motion was made by Kay Gourneau to deny the Health Board request. This motion was seconded by Ted Rouillard and carried with six for, none opposed, none absent and none not voting.

(#7. Men's Softball Team Cont'd.) - Marie Charger entered the meeting and Chairman Jandreau informed her of the Council's action regarding the request by the Men's Softball Team. Mrs. Charger said they would like to take Thursday nights for bingo, if that's the only night open. She said they would try it and if it doesn't work out then they'd give it up. Motion was made by Ted Rouillard to grant Thursday night for bingo to the Men's Softball Team. This motion was seconded by William S. Jandreau and carried with five for,

none opposed, none absent and one not voting (William Ziegler). Darrell Middletent, Bingo Supervisor, will give them a copy of the Tribe's Bingo Rules and Regulations.

14. MINI-FARMS PROGRAM DIRECTOR POSITION - A Memorandum dated March 21, 1986 was received from Patti Moore, Human Resources Coordinator regarding the Mini-Farms Director Position. She has received only one (1) application for the position. This applicant is Mr. Jerry Christensen. Orville C. Langdeau, Sr. is currently acting in this position but did not apply. Chairman Jandreau request the Council to readvertise this position because this particular program doesn't have much funding left. The Tribal Council concurred to keep Mr. Langdeau acting temporarily in this capacity until the funding status is determined.

15. LAW & ORDER COMMITTEE - The Tribal Council clarified, at this time, that Darrell Middletent has been appointed as the Council's liaison to the Law & Order Committee.

16. LAND SALE APPLICATION - Mr. William White Light, Sr. has submitted a Land Sale Application for his undivided 5/9 mineral interest in L3-M316, Thomas Bow Allotment, described as the Mineral Rights Only, Except Gravel, in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, and all Oil, Gas and other Minerals in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 32, Township 109 North, Range 73 West, Fifth Principal Meridian, South Dakota, containing 160.00 acres, more or less. Before decision of purchase is made by the Council, an appraisal of the mineral interests is needed from the Bureau of Indian Affairs. Motion was made by William Ziegler to request a Mineral Appraisal on the above described land, from the Bureau of Indian Affairs. This motion was seconded by William S. Jandreau and carried with six for, none opposed, none absent and none not voting.

17. BUDGET MODIFICATION - Chairman Jandreau needs authorization to modify the Tribe's operating budget because all the income was not included for this year. Joyce Estes, Administrative Officer, Lower Brule Agency, is presently working on the modification. There is approximately \$100,000.00 more that is available. Motion was made by Charles Langdeau to approve modification of this year's budget to include the \$100,000.00 additional income. This motion was seconded by Darrell Middletent and carried with six for, none opposed, none absent and none not voting.

18. TRIBAL INCENTIVE PROGRAM - A Memorandum dated March 26, 1986 was received from Patti Moore, Human Resources Coordinator regarding the Tribe adopting a Tribal Incentive Program for an "Employee Of The Month". This Program would be for all tribal employees, excluding the Tribal Council. Mrs. Moore feels an award such as this would give all employees the incentive to work harder and take pride in their jobs. Criteria for this would include: performance of duties, attendance, cooperation with the public and fellow workers, loyalty to the Tribe, and the willingness to help anywhere in their respective programs. The judges for this would be the Tribal Council. The recipient of this award would get their picture in the paper, a Certificate of Appreciation signed by the entire Council and \$50.00 from the Tribe. Mrs. Moore feels this program could benefit the Tribe and maybe the current problems with attendance would be eliminated. Chairman Jandreau requested authorization from the Council to instruct Mrs. Moore to include this program as a part of the Personnel Policies and Procedures. Motion was made by William S. Jandreau to approve this request. This motion was seconded by William Ziegler and carried with six for, none opposed, none absent and none not voting.

19. APPRAISAL REPORT - A copy of letter dated March 6, 1986, addressed to Mr. Herbert Papendick, Mobridge Appraisal Office, was received from Edwin

Miller, Agency Superintendent. Mr. Miller was returning the Appraisal Report for 10.50 acres of tribal land within LB-T4002-A to Mr. Papendick's Office for a review of the fair market value. William Ziegler did request a recertification of this appraisal. No action taken at this time, for informational purposes only.

20. PROPOSED LAND EXCHANGE - Geraldine Estes has submitted a written request to exchange ten (10) acres of her heirship interests in Allotments LB-237, LB-514, and LB-2024, for ten (10) acres of tribal land described as the S $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 22, Township 107 North, Range 73 West, Fifth Principal Meridian, Lyman County, South Dakota, subject to a road right-of-way. An appraisal is needed on the land before a decision of approval/disapproval, for said proposed Land Exchange, is made by the Council. Motion was made by Darrell Middleton to request an appraisal on the mentioned land from the Bureau of Indian Affairs and when the appraisal is received a meeting will be scheduled for the Council to make a decision. This motion was seconded by William S. Jandreau and carried with six for, none opposed, none absent and none not voting.

21. MINERAL ASSESSMENT STUDY - A letter dated March 21, 1986 was received from Edwin L. Miller, Superintendent, with attachments, regarding the status report on Mineral Assessment Phase Studies in the Aberdeen Area. Although all of the reservations have had a Phase I completed on them, it appears the preponderance of tribes/reservations have not had any Phase II or Phase III inventories. Due to the recent up-surge in oil exploration activity, several brokerage firms have contacted the Arca Office regarding leasing of Indian lands, with this thought in mind, it would be advisable to request the Denver Office to initiate a Phase II/III inventory on those reservations which do not have one already completed. Motion was made by Ted Rouillard to adopt a resolution requesting the Bureau of Indian Affairs to conduct a Phase II & III Mineral Assessment Study for the Lower Brule Sioux Indian Reservation. This motion was seconded by William S. Jandreau and carried with six for, none opposed, none absent and none not voting.

22. PARTIAL RELEASE OF ALLOTMENT - The Tribal Council has received requests for proposed Land Exchanges between the Tribe and three (3) Individuals, namely, Annette Big Eagle, Orville C. Langdeau, Sr. and Geraldine Estes. The three (3) individuals propose to exchange their heirship land for tribal land located in Allotment LB-T4078. The BIA, Lower Brule Agency has notified the Tribe, as per letter dated March 21, 1986, that LB-T4078, the tribal land involved in this exchange is under Property Management Agreement #343-3598 to the Economic Development Administration. The Council discussed that this particular Agreement pertained to an industrial development area which is no longer being developed. In order to complete the three (3) proposed land exchanges, the Tribe must receive partial release from the EDA regarding the tribal Allotment LB-T4078. Motion was made by Ted Rouillard to adopt a resolution requesting a release from the Economic Development Administration covering tribal tract LB-T4078, for the proposed land exchanges to become complete. This motion was seconded by Kay Gourneau and carried with six for, none opposed, none absent and none not voting.

23. CLIFF HALVERSON LEASE - Cliff Halverson entered the meeting and informed the Council he farms a quarter of land North of Reliance. Mr. Halverson said according to the ASCS Office, he over planted wheat on that quarter. Mr. Halverson wants to combine this unit with another one that he has. He also farms another 1,000 acres. Mr. Halverson requested a five (5) year lease on this quarter of land, beginning after this year. The land leased by Cliff Halverson was previously leased by Steve Bora. Mr. Halverson presently pays \$15.00/acre for 130 acres of farmland. His present lease expires this year. Motion was made by Ted Rouillard to table a decision

on this matter until Council awards Range Unit #9. This motion was seconded by Charles Langdeau and carried with six for, none opposed, none absent and none not voting. Mr. Halverson said deadline for sign-up of the Farm Program is April 11, 1986.

24. RANGE UNIT #9 - Three (3) individuals were interested in Range Unit #9, however, the only written response was received from Patti Moore, the other two (2) did not respond to the previous two (2) tribal letters that were sent. They were John McCauley and John Langdeau. Discussion was held regarding payment and period of which the Range Unit was not leased. Mrs. Moore requested the grazing permit payment be pro-rated for the remaining seven (7) months. Motion was made by William S. Jandreau to grant a Grazing Permit for Range Unit #9 to Patricia Moore. This motion was seconded by Charles Langdeau and carried with five for, none opposed, one absent (Kay Gourneau) and none not voting. The Council informed Mrs. Moore of the quarter of farm ground which is presently leased by Cliff Halverson at \$15.00 per acre. If this piece of ground was included in the range unit, it would cost her approximately \$2,000.00 per year. Mrs. Moore will inform the Tribe by Friday if she chooses to lease this piece of ground. She would have to pay the \$15.00 per acre because its allotted land but the Tribe is the major owner. Motion was made by Charles Langdeau to grant the Grazing Permit fee be pro-rated to Patricia Moore for the remaining seven (7) month period on Range Unit #9. This motion was seconded by William S. Jandreau and carried with five for, none opposed, none absent and one not voting (Kay Gourneau). If Mrs. Moore chooses not to lease the quarter of farm ground, then we will notify the BIA, by letter, that Mr. Halverson can lease it.

25. TRIBAL VEHICLE INSURANCE - A Memorandum dated March 28, 1986 regarding 1986 Tribal Vehicle Insurance was received from Patti Moore, Human Resources Coordinator. Mrs. Moore was present and requested authorization for payment of vehicle insurance for the Dumpster, Blue Truck, Green Pickup, Transit Bus, and all Wildlife Management Program vehicles. Mrs. Moore said after the payment is made, the Insurance Company will send a breakdown of the monthly premiums and from then on the programs can make their own payments. The insurance for CHR and Ambulance vehicles have been paid. Mrs. Moore informed the Council that Sam Flute has passed the criteria for insurance coverage, to drive the Transit Bus because he had enough commercial driving experience. There may be enough funds collected off the Wildlife Management Program lease to pay their vehicle insurance. Chairman Jandreau requested authorization to expend funds, when they come available, for payment of the tribal vehicle insurance and extract such dollars from the programs where we can. Motion was made by William Ziegler to grant Chairman Jandreau's request. This motion was seconded by Charles Langdeau and carried with five for, none opposed, one absent and none not voting.

26. FRANK BUNKER'S LAND SALE REQUEST - On February 10, 1986, by written letter, Frank Bunker requested to sell his land to the Tribe. The Council had taken previous action to request an appraisal of his land from the Bureau of Indian Affairs. The BIA won't appraise this land because its fee land. The BIA appraisals are now under contract. Chairman Jandreau said the cost for a private appraisal would cost approximately \$350.00 and if we did request such appraisal, it would have to be paid from the General Fund. Motion was made by Darrell Middletent to authorize Chairman Jandreau to hire an independent appraiser. This motion was seconded by Ted Rouillard and carried with five for, none opposed, one absent and none not voting.

27. HORSE PASTURE - A request was brought forward by Sam Flute and Tony LaRoche, Jr. for a horse pasture to be designated in Brule West, for the community horses in that particular area. Such horse pasture would be located within the following described tribal land: 40.00 acres within the SE $\frac{1}{4}$ NE $\frac{1}{4}$

of Section 18, Township 107 North, Range 73 West, Fifth Principal Meridian, Lyman County, South Dakota. Motion was made by Darrell Middletent to grant a horse pasture lease on the above described tribal land to Sam Flute and Tony LaRoche, Jr. for a period of five (5) years at the rate of \$1.00. This motion was seconded by Charles Langdeau and carried with five for, none opposed, one absent and none not voting.

28. TRIBAL LANGUAGE POLICIES - Scott Jones entered the meeting and submitted a draft for language and culture codes for Council review. He informed the Council that Pat Locke will be here tomorrow for a meeting and the public is invited. Mr. Jones advertised this meeting by distributing posters and the meeting is scheduled for 3:30 PM in the Grade School Gym. No action was taken at this time, informational purposes only.

29. TITLE II GRANT - Nyal Brings, Child Protection Program Director and Shirley Marvin, EDA Planner entered the meeting for discussion regarding the letter disapproving our application for the Title II Grant. Mr. Brings informed the Council that him and Ms. Marvin are appealing the decision. He had Ms. Marvin review the proposal which was submitted to the Aberdeen Area Office. Ms. Marvin told the Council she couldn't see the criteria where the application was lacking. Ms. Marvin has contacted another individual to review the application and submit his written opinion and use his letter in the appeal process. A letter of intent has been sent out today and we have thirty (30) days from that date for the appeal, Ms. Marvin said. In her letter, she has requested the criteria to be listed on what our application was judged on. Mr. Brings informed the Council that he heard there was only six (6) programs which were funded. Motion was made by Darrell Middletent to write a letter supporting the appeal action. This motion was seconded by Ted Rouillard and carried with five for, none opposed, one absent and none not voting.

30. CDBG GRANT APPLICATION - The U.S. Department of Housing & Urban Development (HUD) is authorized to make grants to the Tribes under the Community Development Block Grant (CDBG). The Tribal Council has designated housing as one (1) of its top priorities. Motion was made by Ted Rouillard to adopt a resolution that the Tribal Council authorizes Chairman Jandreau to execute and file an application on behalf of the Tribe with the U.S. Department of HUD, for a Community Development Block Grant to aid in the Housing Rehabilitation Project for the Lower Brule Sioux Tribe. This motion was seconded by Charles Langdeau and carried with five for, none opposed, one absent and none not voting.

31. EDA CONSULTANT INVOICES - Shirley Marvin, EDA Planner, presented Consultant Invoices which she's requesting approval of payment for. Ms. Marvin received a call today that the Tribe won't get funded for the total amount of EDA grants applied for. Chairman Jandreau instructed Ms. Marvin from now on to inform either him or the Council prior to employing any consultants for the Tribe. Ms. Marvin informed the Council that EDA has the funds to pay the consultant invoices. In regards to the ball field application which Ms. Marvin submitted, she informed the Council that she should hear something on it in about three (3) weeks. The State received three hundred (300) applications for this type of funding. The State has to develop some type of criteria for funding allocation because of the Gramm-Rudman cuts. Motion was made by Darrell Middletent to approve payment of the three (3) EDA Consultant Invoices. This motion was seconded by William Jandreau and carried with four for, one opposed (William Ziegler), one absent and none not voting.

32. ALCOHOLISM PROGRAM - Sylvia Ear was present during the meeting because of her termination from the Alcoholism Program. Mrs. Ear said at the previous meeting which she attended with the Council regarding her position, she was

assured of no termination but then the next Monday, her and Freeman Zephier were both terminated. Mrs. Ear said she was previously hired by the Tribal Council. She said she plans to leave the reservation and wants her personnel record cleared. She is asking the Tribal Council to either fire her with retroactive pay and annual leave or reinstate her in her job. She understood the Director can recommend termination but not fire anyone. Sylvia E. said when she came to the Tribal Council previously, she just brought grievances to the Tribal Council and feels its unjust to her and she never received any answers. Mrs. Ear feels she was legally on the payroll because she wasn't fired by the Tribal Council. She received her termination letter of September 23, 1985 at about 9:00 AM. On October 4, 1985 she filed for unemployment and they rendered that there was not grounds for denial of unemployment benefits, so she received them. Sylvia E. feels she did a pretty good job up there (Halfway House). Chairman Jandreau suggested a meeting be scheduled for tomorrow at 9:00 AM and the Council could meet with Sylvia E. and Gregg Miller to resolve this issue, if the Tribal Council agrees. The Tribal Council concurred to Chairman Jandreau's suggestion.

33. TRIBAL COUNCIL MINUTES - Motion was made by William S. Jandreau to approve the Tribal Council Minutes for March 5, 1986. This motion was seconded by Ted Kouillard and carried with five for, none opposed, one absent and none not voting.

34. TRIBAL SECURITY - William Ziegler said he talked to some of the commercial business owners and they expressed a concern for the safeguard of the businesses against vandalism. Chairman Jandreau told Mr. Ziegler that the resolution requesting funds for Tribal Security has been transmitted to the Bureau of Indian Affairs. No action was taken at this time, informational purposes only.

35. BERNADETTE KING'S REQUEST - A letter dated April 2, 1986 was received from Bernadette King asking if there are any funds available for a Homemaker. She stated the reason why is because in the last two (2) weeks she has been taking care of some Elderly people. She stated she knows we have CHR's for this but she guesses they won't use the GSA's to do all this. She states she knows they are all being paid well. Mrs. King letter states that if these people don't want to do their jobs, she suggests a Homemaker's job should be put on this reservation for these Elderly people. Some of these people need blood pressures taken everyday and yet no-one does this, she states. She stated that she knows there must have been more than one (1) application for the AA Counselor. Mrs. King stated we people down here weren't even notified that we were not hired for this position, we know Mr. Miley was hired. She feels Mr. Gregg Miller is only here for a while, only interested in the young people. She stated they complain about the AA Counselors holding sweat baths, etc., that place should be called Holy Rollers, that's worse yet. She stated Mr. Miller doesn't make home visits to recovering alcoholics either. Mrs. King stated she is a recovering alcoholic and has been sober and on June 14, 1986 it will be two (2) years. Chairman Jandreau informed the Council that he doesn't know of any funds available for a Homemaker's position unless they terminate Eddie Shields, and he was hired for a specific function. No action was taken at this time.

36. LEASE FOR TRAILER LOT - Dale Roberts, Baptist Minister, has requested to lease the tribal land described as the SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 15, Township 107 North, Range 73 West, Fifth Principal Meridian, Lyman County, South Dakota, containing 0.63 acres, for his trailer. The Council discussed that Mr. Roberts would have to make sure the trailer lot is servicable and clean up the lot area before he moves his trailer in. Motion was made by William Ziegler to grant a lease to Dale Roberts, Baptist Minister, on the above described tribal land for a twenty-five (25) year period, with the

option to renew said lease at a rate of \$1.00. This motion was seconded by Darrell Middletent and carried with five for, none opposed, one absent and none not voting.

37. HEALTH PROGRAM - William Ziegler said Patti Moore, Human Resources Coordinator told him that Ted Bolman, Health Director has a calling card and is using it for personal calls. Chairman Jandreau informed Mr. Ziegler that Mr. Bolman has a credit card for his own program but calls have been previously billed to 473-5561 and not a separate billing for 473-5694. Chairman Jandreau has instructed his staff to research the phone billings and have the Health Program reimburse the General Fund. No action was taken at this time, informational purposes only.

ADJOURNMENT - With no further business, Acting Chairman William Ziegler entertained a motion to adjourn. Motion was made by Ted Rouillard to adjourn the meeting. This motion was seconded by William S. Jandreau and carried with three for, none opposed, three absent and none not voting, quorum present.

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 2nd day of April, 1986.

Cheryll LaRoche, Recording Secretary

LOWER BRULE SIOUX TRIBAL COUNCIL
SPECIAL MEETING
April 9, 1986

PRESENT: Michael B. Jandreau, Chairman ABSENT: Ted Rouillard
(arrived late)
Kay Gourneau
William Ziegler
Charles Langdeau
Darrell Middletent
William S. Jandreau

ALSO PRESENT: Sylvia Ear
Gregg Miller
Mary Buck

The meeting was called to order at 1:15 PM by Acting Chairperson Kay Gourneau. Roll call was taken by the Recording Secretary and the Lord's Prayer was led by Charles Langdeau.

1. EMPLOYEE GRIEVANCE HEARING - Sylvia Ear and Gregg Miller, Alcoholism Program Director were present during this discussion regarding a grievance hearing requested by Mrs. Ear. Mrs. Ear said last week she came before the Tribal Council to ask that she either be fired by the Council with back pay and annual leave or be reinstated in her job with retroactive pay and annual and have her job record cleared. She said the Tribal Council wasn't aware that she was terminated, they thought she had quit. She said she did try to meet with the Alcoholism Commission a couple of times and then found out there was no more Commission. Acting Chairperson Gourneau said Gregg Miller did say when Sylvia E. was here during a September Council meeting, that he was considering termination of her and Freeman Zephier. The Personnel Action Form was signed. Mrs. Ear stated she didn't get a letter from the Tribal Council and at the last meeting (September meeting) she didn't get any answers and then she was terminated. Mrs. Ear showed the Council the termination letter she received from Gregg Miller. Mr. Miller said he believes he did tell the Chairman regarding this termination and put copies of the letter in the Tribal Council mail boxes. He said the Personnel Action Form was stapled with Sylvia's time sheet and signed on September 26, 1985. He said the Unemployment Office called him about Sylvia's termination and he gave them the information. Mr. Miller said the next day after the Council meeting (September meeting), some of the Clients came forward and they (the employees) were trying to undermine the program and we had just attended a Council meeting about this. Darrell Middletent asked Mr. Miller is he was aware of the procedure to terminate personnel. Mr. Miller replied that now he is. Mr. Miller is now developing forms to be used as backup documentation in the files. He feels he should have wrote things down when he had discussion with Sylvia E. instead of just talking. Acting Chairperson Gourneau read the minutes of the September 18-19, 1985 meeting regarding Mr. Miller's warning of termination. William Ziegler and Charles Langdeau said they were under the impression that at the September meeting there was no action taken and Mr. Miller with the Alcoholism Commission and personnel were going to meet and work these problems out. William S. Jandreau read his notes taken from the same meeting. William S. Jandreau told Mr. Miller there is a procedure to follow so we don't violate people's rights. He said

we have also heard positive things about the program. Gregg Miller said the Sobriety Dances are for family atmosphere and saying to the people that its ok to be sober. Mr. Miller feels they are really making progress in their system. William S. Jandreau feels it appears that someone didn't like the change. Gregg Miller said Joe Sawalla was terminated at the end of his ninety (90) day probationary period. He said Mr. Sawalla didn't want to follow their process. William Ziegler asked Mr. Miller if the program does go by a sobriety policy of one (1) year. Mr. Miller replied that they try to go by that policy. Mr. Ziegler said he heard there are people working up there that have not been sober for one (1) year. Mr. Miller said the Aberdeen Area Office wants our program to shoot for that. Discussion held regarding the Concept Paper previously submitted by Mr. Miller for establishing a new Alcoholism Commission which was approved by the Tribal Council. Mr. Miller said we're in the interim period and for personnel matters, we're using the Health Board. William S. Jandreau said according to the Personnel Policies and Procedures, the Director can hire and fire. He advised Mr. Miller that he should have it clearly established who's in charge during his absence. Mr. Jandreau asked Mr. Miller if he followed through to make sure Mrs. Ear got paid for her annual leave. Mr. Miller replied no. William S. Jandreau recommended the Directors follow through on the process of annual leave being paid also. William Ziegler feels the Directors need to be aware of the Personnel Policies and Procedures so this doesn't reoccur. Motion was made by William Ziegler to have Patti Moore, Human Resources Coordinator set up a review meeting of the Personnel Policies and Procedures with all Directors so they are made aware of what's going on. This motion was seconded by William S. Jandreau and carried with four for, none opposed, two absent and none not voting. At this time, William Ziegler called for an Executive Session. (Chairman Jandreau arrived during the Executive Session). Chairman Jandreau called the meeting back to order at 2:25 PM, end of the Executive Session. (Mary Buck entered the meeting at this time). Chairman Jandreau said the subject has been discussed by the Tribal Council and a decision has been reached. He said Charles Langdeau or Kay Gourneau will explain how, why and on what grounds the decision has been reached. Mrs. Gourneau informed Sylvia E. that she should have appealed her termination at the next regular Council Meeting according to the Personnel Policies and Procedures, the Tribe does have a Personnel Action Form for her termination, Gregg Miller had explained why the termination occurred and the Tribal Council had to support him on that decision. Mrs. Ear didn't get a letter from the Tribal Council because the Personnel Policies and Procedures gives the Director discretion for termination. Gregg Miller did inform the Tribal Council that he was going to do it. William S. Jandreau said they also discussed the present status on a position that is presently open and Mrs. Ear could apply for that position as Alcoholism Counselor. Mrs. Ear said she wants recommendation from the Tribal Council to clear her personnel record because she believes when she worked up there she did a good job. She said she lost her certification as a Counselor. William Ziegler said there are no reasons on the Personnel Action Form for the termination, or explanations, either one. Sylvia E. said she only needed one (1) more credit for Alcoholism Counselor Level I which was due January 6, 1986, but she can still get it, but had she been working she'd had a better chance. William S. Jandreau told Mrs. Ear this Alcoholism Counselor position is open but there are no guarantees of the selection. Mr. Jandreau said we see the potential and capabilities and its too bad this had to happen but the Council has to support the Director and not only for that reason but also because of the chaos and there are sometimes personality conflicts, but the potential does remain there. If the differences can be worked out Mr. Jandreau feels Sylvia E. has the right to apply for the position, it is being readvertised. He feels there's been some changes from what the position was before. Chairman Jandreau asked for Council action in reference to the position put before us. Motion was made by Kay Gourneau to support the Director's previous action on the

basis of what has been discussed. This motion was seconded by William S. Jandreau and carried with four for, none opposed, one absent and one not voting (William Ziegler). William S. Jandreau told Gregg Miller that in all fairness we realize there is a certain amount of lateral freedom but also encourage coordination of information, that's what is really needed here. Charles Langdeau told Mr. Miller to make sure the Tribal Council gets their letters and know what's going on. Chairman Jandreau explained the the Tribal Council action to Mary Buck. Mrs. Buck said Freeman Zephier had called her and said if Sylvia Ear got back pay then he wanted his too.

2. HIGH SCHOOL PROM - William Ziegler said he has a request regarding the High School kids seeking assistance from the Tribe for hiring of a band to play at their Prom. It would cost approximately \$500.00 - \$600.00 to hire a band. There is approximately \$846.00 in the Educational Assistance account. Motion was made by Charles Langdeau to expend up to \$600.00 for hiring a band for the Prom, from the Educational Assistance fund. This motion was seconded by William Ziegler and carried with five for, none opposed, one absent and none not voting. Discussion was held regarding assistance to students for senior pictures. The Tribal Council concurred to discuss whether payment will be made by the Tribe for senior pictures (proofs) at the regular meeting in May.

3. BINGO REQUEST - A request was received for bingo on Tuesday night from a newly formed organization called the Lower Brule Youth & Community Service Members. The letter listed the Club's Officers and terms are three (3) years. Also listed was their Club goals. Kay Gourneau said the Community Club should run their bingos during the Summer and use the funds for these goals. A short discussion was held regarding the problems within the Community Club. William S. Jandreau recommended that if they want to start a new organization then petitions to the people are good to be used. Chairman Jandreau requested the Council table any decision on this issue and we will contact Alvin Johnson, Sr. by letter asking him to contact a cross section of people, not just his family. The Tribal Council concurred with this.

ADJOURNMENT - With no further business, Chairman Jandreau entertained a motion to adjourn. Motion was made by Kay Gourneau to adjourn the meeting. This motion was seconded by William Ziegler and carried with four for, none opposed, two absent and none not voting.

CERTIFICATION

The foregoing is a true and correct transcript of Minutes of a Special Meeting held by the Lower Brule Sioux Tribal Council on the 9th day of April, 1986.

Cheryll LaRoche, Recording Secretary

LOWER BRULE SIOUX TRIBAL COUNCIL
REGULAR MEETING
May 7, 1986

PRESENT: Michael H. Jandreau, Chairman
Kay Gourneau
William Ziegler
Charles Langdeau
Darrell Middletent (arrived late)
Ted Rouillard
William S. Jandreau

ABSENT: None

ALSO PRESENT: Barry Betts, Acting Superintendent
Roger Hanson, Stanley County Coop
Pat Feeney
Curt Bossert, Indian Health Service
John Moran, Indian Health Service
Cleveland Skunk, Wildlife Management Program
Mary Turgeon Wynn, LB Housing Authority Attorney
Darlene Brings, Alcoholism Counselor
Bessie Estes, CHR Program Director
Lena Estes, CHR
Mary Middletent, CHR

The meeting was called to order by Chairman Jandreau at 10:50 AM. Roll call was taken by the Recording Secretary and the Lord's Prayer was led by Charles Langdeau.

1. **SMALL LOAN PROGRAM** - Chairman Jandreau reported there is about \$170.00 cash off two (2) bank deposits that has been identified on the deposit tickets but the money is missing from the Finance Office to the Bank. He said William and Sue Ziegler went to the Bank to do investigation of the missing funds. Chairman Jandreau said the primary reason for this on the agenda is because Small Loan's Staff had previously requested to do their own depositing and at that time Chairman Jandreau was not in favor of it. William Ziegler said the Bank couldn't find the receipt that the money made it to the Bank. He did check with the deposits at the Finance Office there was a deposit ticket but the money is missing. Motion was made by William S. Jandreau to have Nyal Brings, Small Loans Committee Chairman, bonded and direct him to deposit any tribal funds to the Banks in Chamberlain, South Dakota, on a daily basis, and this issue be brought to the attention of the Finance Office Staff that it will not be taken lightly. This motion was seconded by William Ziegler and carried with five for, none opposed, one absent and none not voting.

2. **DIVISION OF CRIMINAL INVESTIGATION** - A letter dated April 16, 1986 was received from Gloria G. Stirling, Administrative Services Officer, Division of Criminal Investigation regarding the time criteria to have the required documents for doing non-criminal justice record checks (i.e. employment, tribal elections, etc.), a maximum of sixty (60) days in advance, but they will be able to allow a minimum of thirty (30) days. Chairman Jandreau feels the Tribal Council should be calling for the election soon and the Election Board should be made aware of this document. The Council discussed that the \$15.00 fee should be paid by the Individual when they pick up their

petition. Also discussed was whether a filing fee of \$50.00 should be paid to the Tribe by Individuals when filing their petition, should be put into effect to cover expenditures of the election. William Ziegler asked if the Tribe should submit a letter to the Solicitor to see if this filing fee would be in violation or not. Chairman Jandreau informed the Council that the language regarding the revision of the Constitution and Bylaws hasn't been submitted to Superintendent Miller by the Committee. (Darrell Middletent arrived at this time.) October 1, 1985 was the date when the Committee held their meeting. No action was taken at this time.

3. LOWER BRULE SCHOOL BOARD - A Lower Brule School Board - General Counsel Contract was received from David L. Bergren, for Council approval. The Tribal Council concurred to refer this document to the School Board for their review and approval before the Tribal Council makes a decision at the June regular meeting.

4. LAND EXCHANGE (GERALDINE ESTES) - A letter dated April 17, 1986 was received from Geraldine Estes requesting to change the land description from the original site she requested for a land exchange with the Tribe. She has requested ten (10) acres of tribal land described as the NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 22, Township 107 North, Range 73 West, Fifth Principal Meridian, Lyman County, South Dakota. Mrs. Estes would be exchanging 9.37 acres of her heirship interests described as the N $\frac{1}{2}$ SE $\frac{1}{4}$ W $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ West of the road of Section 22, Township 107 North, Range 73 West, Fifth Principal Meridian, Lyman County, South Dakota. Within the request for this land exchange, Mrs. Estes has accepted the Tribe's offer to purchase her remaining land interests in LB-237, LB-514 and LB-2024, except the mineral rights. The Tribal Council discussed water possibilities for the proposed site. Motion was made by Darrell Middletent to approve the Land Exchange between the Tribe and Geraldine Estes covering the above mentioned land descriptions. This motion was seconded by Charles Langdcau and carried with six for, none opposed, none absent and none not voting.

5. RICHARD P. THOMPSON, SR.'s LEASE - A letter dated April 15, 1986 was received from Edwin L. Miller, Superintendent regarding the decrease of annual rental rate, as per Tribal Resolution #86-66 and the breakdown of the rental change (rental reduction of \$6,493.00), for the Tribe's information. Chairman Jandreau said he put this matter back on the agenda because by taking the previous action, the Tribe set a precedent in the land that they reduced the rates. Chairman Jandreau said if the Council does this for Mr. Thompson then we will have to be the same degree lenient with the other Cattle Operators if they come in who are under financial stress. Chairman Jandreau reported that after the payment received for the lease through the ASCS Program, Mr. Thompson would have to pay \$1.50 per acre on the land. The Tribe put this piece of ground, (as described in Lease #22-008-8588), into the ASCS Program. Chairman Jandreau said he wants the Council to know the impact of the action that was previously taken. Richard P. Thompson, Sr. has also requested the Homesite which was originally assigned to Josephine Moore be put in his name. She has released ownership of the house to Mr. Thompson but the homesite remains in Mrs. Moore's name. The Tribal Council concurred to not take any action on this matter until such time a written release of the homesite it received from Josephine Moore. William Ziegler said for the record, he is opposed to the Tribe losing any income due to this land deal and he knows very little about land and leases, and he didn't fully understand the action, and he is opposed to the action taken by the Tribal Council. William S. Jandreau said for the record, he misunderstood the action and he didn't know all the facts when he voted. He thought Mr. Thompson wanted to keep the lease and just change the rate, Mr. Jandreau didn't know Mr. Thompson was getting a payment on top of it.

6. LAND EXCHANGE - ORVILLE C. LANGDEAU, SR. - The two (2) appraisals which have been requested for the proposed land exchange between the Tribe and Orville C. Langdeau, Sr. have been received. The Tribe's share is appraised for \$680.00 and Mr. Langdeau's interests are appraised for \$1,031.00, a difference of \$351.00. Motion was made by Kay Gourncau to approve the land exchange between the Tribe and Orville C. Langdeau, Sr. and work out the details of dollar difference with Mr. Langdeau. This motion was seconded by William S. Jandreau and carried with six for, none opposed, none absent and none not voting.

(#5. Richard P. Thompson, Sr.'s Lease Cont'd.) - Motion was made by William Ziegler to rescind Tribal Resolution No. 86-66, "Amend Lease #22-009-8588, Richard P. Thompson", and put the Lease back to its original rate that Mr. Thompson bid on, and that this action is taken because if all the Cattle Operators came into the Tribal Council and wanted their lease rates changed, the Tribe couldn't stand the loss at this time. This motion was seconded by William S. Jandreau and carried with three for, two opposed (Charles Langdeau and Ted Rouillard), none absent and one not voting (Kay Gourncau). William S. Jandreau said for the record, as far as one (1) of the reasons for bringing the action back to the Tribal Council, its inconsistent with the action taken on the other pieces of land and leases, and Mr. William Jandreau didn't understand that this lease was in the set aside program and that Mr. Thompson's the beneficiary of the payment.

7. RANGE UNIT #1 - A letter dated April 8, 1986 was received from Edwin L. Miller, Superintendent regarding a request has been made by permittee Iva Jean Bolman to introduce livestock on Range Unit 1 prior to the established May 1st date as shown on the permit. Mr. Miller's letter stated that he informed Mrs. Bolman that any alteration or modification would have to be adopted by Tribal Resolution. He also informed Mrs. Bolman that those A.U.M.'s utilized would have to be subtracted from the total A.U.M.'s allowed under the seasonal grazing use. This would be approximately 30 A.U.M.s. Mr. Miller didn't think this specific action would be detrimental to the range. Chairman Jandreau said all the Council could do is concur with the BIA's decision in the event that this matter will take place and if there is a reduction of A.U.M.s. No action was taken at this time.

8. FRANK BUNKER'S LAND SALE - Mrs. Selma Bunker presented the written appraisal to Chairman Jandreau for the ground which is available for sale. She had talked to Chairman Jandreau and asked when the Tribe would be able to make the purchase. Chairman Jandreau had told her if the Tribal Council was interested they would probably make her a counter offer. No action was taken at this time.

9. HAY CUBING PROJECT - Pat Feeney and Roger Hanson, Stanley County Coop were present to discuss the possibility of the Tribe leasing the Stanley County Elevator, to be tied in with the Hay Cubing Project. These gentlemen feel they have a good deal to offer the Tribe in regards to storage, railroad services, marketing, etc. Mr. Feeney said we need a feed processing plant in this area so him and Mr. Hanson thought maybe the Tribe and the Elevator could make a joint venture. He said the Tribe could have a portable cuber on the reservation to make alfalfa cubes. Mr. Hanson said the Elevator has a mill facility with a 25,000 bushel capacity. Discussion was held in reference to equipment needed and what is on hand, etc. Pat Feeney feels Shirley Marvin's plan could be adopted fairly well. No action was taken at this time.

RECESS - The meeting recessed for the noon hour and will reconvene at 1:00 PM. The meeting reconvened at 1:15 PM with the same Council Members present and none absent.

10. EASEMENTS - HILLSIDE PUMP STATION - Curt Bossert, P.E., District Engineer and John Moran, Indian Health Service entered the meeting and requested two (2) resolutions for easements regarding the Hillside Pump Station. One (1) resolution is granting an easement to Indian Health Service for relocation of the Hillside Pump Station and the other is to West Central Electric Cooperative, Inc. to cross the tribal land without compensation. Motion was made by Ted Rouillard to grant a permanent easement to the Indian Health Service for the construction purposes of the Hillside Pump Station and grant a permanent easement to the West Central Electric Cooperative, Inc. for the construction and maintenance of a power line, regarding the Pump Station. This motion was seconded by Charles Langdeau and carried with six for, none opposed, none absent and none not voting. Mr. Bossert informed the Tribe when relocating the Hillside Pump Station, the Contractor will notify the Tribe three (3) days before removing everything in case the Tribe wants to save anything.

11. JOBS BILL - INDIAN HEALTH SERVICE - A letter dated April 25, 1986 was received from Curtis C. Bossert, P.E., District Engineer, Indian Health Service informing the Tribe that next week the bid opening for work to be done with "Jobs Bill" funding under Project #AB-83-349 will be held. Mr. Bossert said the money to fund the project will have to be turned back if not obligated in the very near future. It may be the only funding available not tied directly to HIP or HUD housing and therefore provide more flexibility in its operation. Mr. Bossert requests the Tribe to submit a Participants List for this project. Mr. Bossert informed the Council this project was opened for bid by Indian Preference and no bids were received and now it will be advertised by open market. He said the construction companies who bid do have to be bonded, Letter of Credit is no longer acceptable. He said in reference to the Force Account Method, the Tribe would have to contact Archie Clifford. He said the '86 HIP job #86-257 got their budget this month. The Indian Health Service needs a list of participants for the Jobs Bill and a list for the '86 HIP. Names submitted cannot be used for both lists. The dollars will be available soon but it will take approximately forty-five (45) days for the bid opening. There is an estimation of \$50,000.00 available for '86 HIP. Motion was made by Charles Langdeau to look into the Force Account Method and contract both projects through the Indian Health Service, Jobs Bill and '86 HIP. This motion was seconded by Kay Gourneau and carried with six for, none opposed, none absent and none not voting. Chairman Jandreau left the meeting at this time to contact Mr. Archie Clifford regarding the possibility of the Tribe contracting these two (2) projects. At this time Kay Gourneau is Acting Chairperson.

12. BUSINESS DEVELOPMENT PLAN - Motion was made by William Ziegler to direct the Planning Office to develop a Business Development Plan for expansion of business on tribal land located South of the Lower Brule Community. This Plan will be utilized to help people acquire grant funds for water and sewer facilities to business and homesites. This motion was seconded by Ted Rouillard and carried with five for, none opposed, one absent and none not voting.

13. HOME ASSIGNMENT - DEAN JANDREAU - A written request was received from Dean Jandreau for a Home Assignment containing five (5) acres described as the S $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 17, Township 107 North, Range 73 West, Fifth Principal Meridian, Lyman County, South Dakota. Also, a written request to commercially fish for catfish. He intends to set traps, etc. Motion was made by Charles Langdeau to grant Dean Jandreau a Home Assignment on the above described five (5) acres. This motion was seconded by Ted Rouillard and carried with five for, none opposed, one absent and none not voting. Motion was made by Ted Rouillard to grant Dean Jandreau's request to

commercially fish for catfish provided he follows the applicable game laws. This motion was seconded by William S. Jandreau and carried with five for, none opposed, one absent and none not voting.

14. LAND SALE - BAD HORSE ALLOTMENT - The Lower Brule Agency transmitted a copy of Mary Jane Bad Horse Connot's letter in which she states she decided not to sell her undivided heirship interests in Allotments LB-2032, LB-2032, and LB-2024. Motion was made by Ted Rouillard to amend Tribal Resolution No. 86-46 by deleting the name and undivided interests of Mary Jane Bad Horse. This motion was seconded by William Zicler and carried with five for, none opposed, one absent and none not voting.

15. LAND TRADE USE - Charles Langdeau informed the Council that he leases a piece of tribal land located next to the land which Wayne Smith leases and Mr. Smith wants to put in a fence and have a trade use with Mr. Langdeau. The lease expires in 1988. There is not a fence at the present time. Mr. Langdeau said they can work out an agreement between themselves but he wanted the Council to know. He said its grazing land but he's uses it for hay because its not good grazing land. Motion was made by William S. Jandreau to approve Charles Langdeau's request. This motion was seconded by Ted Rouillard and carried with four for, none opposed, one absent and one not voting (Charles Langdeau).

16. NATIONAL MEMORIAL TO NATIVE AMERICANS - A letter dated March 18, 1986 was received from Tom Daschle, Congressman regarding an update on his attempt to establish a national memorial to Native American veterans. Motion was made by Ted Rouillard to submit a letter of support for a national memorial to Native American veterans. This motion was seconded by Charles Langdeau and carried with five for, none opposed, one absent and none not voting.

17. COUNCIL MEMBER'S MILEAGE - Motion was made by Ted Rouillard to approve William S. Jandreau's mileage for the Special Meeting on April 9, 1986. This motion was seconded by Charles Langdeau and carried with five for, none opposed, one absent and none not voting.

18. L.B. YOUTH & ACTIVITIES SERVICE - A letter received April 11, 1986 from Alvin Johnson, Sr., Treasurer, L.B. Youth & Activities Service requesting that the Tribal Council grant them permission to hold bingo on Tuesday evenings when the Community Club discontinues in May. Motion was made by Darrell Middletent to approve the L.B. Youth & Activities Service request to hold bingo on Tuesday evenings. This motion was seconded by William S. Jandreau and carried with five for, none opposed, one absent and none not voting.

(#11. Jobs Bill - IBS Cont'd.) - Chairman Jandreau returned to the meeting and informed the Council that Archie Clifford thinks the Tribe can 638 contract the two projects by submitting an application.

19. OSHA REPORT - On April 9, 1986 the Tribe received a copy of the Occupational Safety & Health Administration (OSHA) report of unhealthy working conditions at the Tribal Administration building in which the Council meets. Attached was a copy of Bob Lawrence's research of the problem and Mr. Miller's reply to OSHA. No action was taken at this time, informational purposes.

20. HEALTH PROPOSAL - Ted Bolman, Health Director submitted a draft resolution to be adopted by the Council for the FY'87 Health Proposal. He also submitted an Optometry Agreement between the Equity Health Care Fund and Dr. L.L. Menning, Optometrist for approval. Motion was made by Charles Langdeau to adopt the resolution for the Health Proposal FY'87 and approve the Optometry Agreement between the Equity Health Care Fund and Dr. L.L. Menning. This motion was seconded by William S. Jandreau and carried with six for, none

opposed, none absent and none not voting. Chairman Jandreau informed the council that Dr. Sloan has assured him we will continue to get \$50,000.00 for the Equity Health Program.

21. KMG MAIN HURDMAN - A invoice dated April 4, 1986 has been received from KMG Main Hurdman for an additional \$17,481.04. Chairman Jandreau informed the Council that we have the funds available to make payment in the Rights Protection account upon approval from the Bureau of Indian Affairs on the agreement with KMG Main Hurdman. KMG Main Hurdman has provided technical assistance for negotiations with West Central Electric. Motion was made by Darrell Middletent to approve payment of the KMG Main Hurdman invoice. This motion was seconded by William S. Jandreau and carried with five for, none opposed, one absent and none not voting.

22. GENERAL COUNSEL INVOICES - Five (5) General Counsel invoices were received from David L. Bergren, General Counsel for the period of March 5, 1986 through May 1, 1986. The invoices were General Counsel -110 = \$1,094.12, Morris Irrigation-104 = \$390.00, West Central-101 = \$2,082.68, West Central-100 = \$3,966.20, and General Counsel-109 = \$2,355.20. Chairman Jandreau informed the Council that we will try to pay as much of these from the Rights Protection Fund and reimburse the General Fund when funds become available. Motion was made by Kay Gourneau to authorize payment to General Counsel, David L. Bergren, for the invoices covering the period of March 5, 1986 through May 1, 1986, in the approved amount. This motion was seconded by Darrell Middletent and carried with six for, none opposed, none absent and none not voting.

23. TRAINING SCHEDULES - The Council reviewed training schedules for Office Management on June 10-12, 1986 in Albuquerque, New Mexico; Accounting & Budget Management on June 17-19, 1986 in Reno, Nevada; Contract & Grant Administration on June 25-27, 1986 in Aspen, Colorado; and 43rd Annual Convention of the National Congress of American Indians on September 22-26, 1986 in Phoenix, Arizona. Chairman Jandreau requested a motion to approve training schedules and authorize travel expenditures for any Council Member who wishes to attend these trainings. Motion was made by Ted Rouillard to approve the training schedules. This motion was seconded by Darrell Middletent and carried with six for, none opposed, none absent and none not voting.

24. TRIBAL COUNCIL MINUTES - Motion was made by Kay Gourneau to approve the Tribal Council Minutes for April 2, 1986 and April 9, 1986, with the corrections as discussed. This motion was seconded by William Ziegler and carried with six for, none opposed, none absent and none not voting.

25. WILDLIFE MANAGEMENT PROGRAM - A letter dated April 22, 1986 was received from Kim K. Thompson, Wildlife Management Program Director requesting the use of the Mini-Farms tractor for the purpose of taking care of the habitat at the Grassrope Irrigation Project. They would be using it on and off through the whole summer. Chairman Jandreau said the Wildlife Management Program has planted corners of the Grassrope Irrigation Project for habitat but the Mini-Farms Project may need the tractor back when they pick potatoes. The Wildlife Management Program could also use the tractor for putting up hay. Motion was made by Darrell Middletent to approve the Wildlife Management Program's request for use of the Mini-Farms tractor and the details may be worked out between Mr. Thompson and Orville C. Langdeau, Sr., Acting Mini-Farms Program Director. Barry Betts, Acting Superintendent and Cleveland Skunk, Wildlife Management Program, were present and submitted a draft resolution and 1986 Special Hunting Season Package for the Lower Brule Sioux Indian Reservation. Mr. Betts told the Council they are early with the recommendations for a special hunting season package because they have alot of hunters who want to get booked in now, and some of them are already sending

their payments in. There's a gentleman from Costa Rica who wants to hire a hunting guide. The Council reviewed the draft package. Mr. Betts said the early snow cost the program about \$30-35,000.00 of hunting income. The Council had previously approved for a reduction of ten (10) buffalo bulls but they were not removed so the Wildlife will be selling more permits on the buffalo this year. The special hunting package will be offered through a brochure separate from the regular hunting brochure. Mr. Betts informed the Council they did a deer survey by airplane and despite the winter, the deer held up good and they're increasing in size about 450 each of mule and white tail. Mr. Betts projected the minimum income from this special hunting package would be \$60,000.00. They will ask for fifty percent (50%) cash deposit when booking for the special hunting package. Motion was made by Darrell Middletent to approve the 1986 Special Hunting Season, pursuant to the Wildlife Management Code. This motion was seconded by Kay Gourneau and carried with five for, none opposed, one absent and none not voting.

26. LANDLORD TENANT CODE - Mary Turgeon Wynn, Lower Brule Housing Authority Attorney entered the meeting and submitted the revised Landlord Tenant Code with the inclusions of David L. Bergren, General Counsel, except for the "federal statute" clause. This Code was developed from the model code which was handed out at the last National Housing Conference which was held in Billings, Montana. The Housing Authority is in the middle of their second eviction case. This Landlord Tenant Code will be included in the Tribal Law & Order Code. Motion was made by Kay Gourneau to adopt an Ordinance for the Landlord Tenant Code and it shall be enacted as Chapter 21 of the Lower Brule Sioux Tribal Code. This motion was seconded by William S. Jandreau and carried with six for, none opposed, none absent and none not voting.

27. SENIOR PICTURES (PROOFS) - The Council discussed the possibility of contracting with a vendor for taking the senior class pictures (proofs only). Motion was made by Kay Gourneau to have the School Advisor contact vendors for quotes on senior pictures (proofs) and approve payment for such pictures. This motion was seconded by William S. Jandreau and carried with six for, none opposed, none absent and none not voting. Darrell Middletent has received a request to give the 8th Graders something for graduation, maybe funds for graduation clothes. The request came from an enrolled member living off the reservation. Motion was made by William Ziegler to refer this request to William S. Jandreau, Off-Reservation Representative. This motion was seconded by Darrell Middletent and no vote was taken at this time.

28. ANA GRANT - There is a balance of approximately \$2,601.00 which needs to be expended from the ANA Grant. Motion was made by Ted Rouillard to approve utilization of the balance of the ANA Grant funds (\$2,601.00) for repairs on the tribal TWEP pickup. This motion was seconded by Charles Langdeau and carried with six for, none opposed,

29. CHR PROGRAM POLICY - A letter dated April 29, 1986 was received from Lena Estes requesting an additional month in which to obtain a vehicle. She feels that her many years as a devoted employee with the CHR Program should stand for something and she's sure that for many people, getting financing is not an easy thing to do. When she originally obtained her position with the CHR Program she did have a vehicle but as the years went by it could no longer be repaired. She states that if the need arises she can resign from her position or get financing for another vehicle. Chairman Jandreau said this letter is received because they got a letter that as per the CHR Contract, each CHR must have a personal vehicle. Motion was made by Kay Gourneau to grant Lena Estes' request. This motion was seconded by Darrell Middletent and carried with six for, none opposed, none absent and none not voting.

30. KODAK NALA ALL-AMERICAN WOMEN'S BASKETBALL TEAM - A letter dated April 26, 1986 was received from Ron Wilhelm informing the Tribe that his daughter Amy Wilhelm (a Lower Brule Sioux Tribal Member) was named to the Kodak All-American Women's Basketball Team. Mr. Wilhelm enclosed a copy of the newspaper clipping for the Council's information. Chairman Jandreau stated for the record, that the Lower Brule Sioux Tribe wishes to extend their congratulations to Miss Amy Wilhelm for making the team. No action was taken at this time, informational purposes only.

31. REQUEST FOR STOVE - A letter dated April 30, 1986 was received from Flora St. Cloud requesting the Tribe purchase her a cook stove as her stove is stripped and leaking gas. She has been cooking at her Mother's and it is getting complicated. Motion was made by Kay Courneau to refer this request to Social Services, Lower Brule Agency. This motion was seconded by Charles Langdeau and carried with five for, none opposed, none absent and one not voting (William Ziegler).

32. REQUEST FOR USE OF TREE SPADE - A letter dated April 29, 1986 was received from Bernard LaRoche requesting use of the Tribe's tree spade to move some trees around his house in Brule West. The Tribal Council concurred to inform Mr. LaRoche that the tribal tree spade is presently being utilized. The tribal tree spade was purchased in 1974.

33. IHS PROJECT #AB-83-349 PARTICIPANT LIST - Motion was made by Kay Courneau to declare that the following names are eligible to receive services provided under Project #AB-83-349, by the Indian Health Service: 1. Geraldine Estes, 2. Booster Pump Station; 3. Helen Fallis; 4. Randy & Tim Jandreau; 5. Ron Driving Hawk; 6. Orville C. Langdeau, Sr.; 7. Richard P. "Bill" Thompson, Sr.; 8. Delmar Smith; 9. Dean Jandreau; and 10. Alcoholism Program. This motion was seconded by William S. Jandreau and carried with six for, none opposed, none absent and none not voting.

34. ROOF REPAIRS QUOTE - Chairman Jandreau submitted a quote he received from the United Building Center for repair on the roofs of the tribal office buildings. He has also requested a quote from LIFE Construction but has not yet received one. Chairman Jandreau asked the Council if we could hire two (2) people to paint the tribal gym building. Kay Courneau said she had Cozine Electric check the heating system in the tribal gym but was informed that the air conditioning needs to be checked before starting it up. It would take approximately 150 gallons of paint to paint the outside of the tribal gym. Chairman Jandreau will get an estimate of the total cost and then bring back to the Tribal Council for a final decision. No action was taken at this time, informational purposes only.

35. ALCOHOLISM PROGRAM POSITIONS - On April 30, 1986 the Health Board concurred with Gregg Miller, Alcoholism Program Director and Patti Moore, Human Resources Coordinator's recommendations to select Carolyn Stricker for the Part-Time Cook position and Toni Grassrope as Alternate. Also, the recommendation for Recreational Therapist was selection of Ben Middletent. Motion was made by Kay Courneau to select the individuals who have been recommended. This motion was seconded by Charles Langdeau and carried with six for, none opposed, none absent and none not voting.

36. TRIBAL INCENTIVE PROGRAM - A memorandum was submitted by Patti Moore, Human Resources Coordinator with a list of employees who were recommended by their Directors for the Employee of the Month Incentive Award. Of the employees listed, Mrs. Moore received only two (2) written recommendations. Ten (10) names were recommended for the award. Chairman Jandreau said he told Mrs. Moore to have the Directors submit a narrative report on the employee they recommend. The Tribal Council concurred to table any decision on this

issue until a system can be developed.

37. ALCOHOLISM PROGRAM ACTIVITIES - A memorandum was received from Gregg Miller, Alcoholism Program Director regarding the use of the tribal gym on Thursday evenings. At a Council meeting in December, 1985, the Council approved use of the gym on Thursday evenings for the Alcoholism clients. At a Council meeting in April, 1986, the Council gave use of the gym to the Men's Softball Team to hold bingo. Mr. Miller is appealing the Council's decision which was made in April, 1986, asking that the Council rescind their action and return use of the gym to the Alcoholism Program on Thursday evenings. Motion was made by Kay Gourneau to notify Marie Charqer, Manager, Men's Softball Team that they will be unable to hold any further bingos on Thursday nights because granting their request was an oversight of the Tribal Council because they had previously granted the gym on Thursday nights to the Alcoholism Program. This motion was seconded by Charles Langdeau and carried with five for, none opposed, one absent and none not voting.

38. NORTHWESTERN BELL TELEPHONE COMPANY - William S. Jandreau informed the Council that Lower Brule covers similar issues with the telephone company as does Eagle Butte. He said he can't get any information out of the Northwestern Bell Telephone Company. Mr. Jandreau said the Tribe should document any and all phone trouble, call failures and he will incorporate the information because this would be needed when the complaints are taken to the Public Utilities Commission. The complaint information would be used as a case history. He said NW Bell Company doesn't have to submit a forecast to the Public Utilities Commission but independent phone companies have to. William S. Jandreau informed the Council he will work with Shirley Marvin, SDA Planner on a grant package and possibly down the road the Tribe could be provided with funds to get our own telephone company. He will also develop a form for telephone reports and complaints.

39. TRIBAL BINGO MANAGEMENT CONTRACTS - A letter dated April 7, 1986 was received from Ross O. Swimmer, Assistant Secretary, Indian Affairs regarding a review of Tribal Bingo Management Contracts. A short discussion was held regarding that the Tribe doesn't have a bingo management contract. No action was taken at this time, informational purposes only.

(#38. NW Bell Telephone Co. Cont'd.) - William S. Jandreau said there exists a possibility that in about five (5) years the phone company could force the Tribe to pay any upgrade in the phone lines.

40. CHR PROGRAM OBJECTIVES - A letter was received from Bessie Estes, CHR Program Director regarding the objectives of the program and requests Council support in clearing up certain problems in the community. Mrs. Estes previously wrote a letter to the community with Chairman Jandreau's concurrence and wants to do this again. Darrell Middleton suggests Mrs. Estes submit a letter to Indian Health Service staff on what the CHR position consists of. Chairman Jandreau said there isn't any third party billing being done yet and we had previously sent someone to training for this. Mrs. Estes said Brenda Estes is now taking the training to do the third party billing. Chairman Jandreau believes the funds would return to the program that provides the services. Motion was made by William S. Jandreau to have Bessie Estes provide the Tribal Council with a list of recommendations that could make the CHR Program more effective, then this Office can support a letter of the CHR's efforts. This motion was seconded by Kay Courneau and carried with six for, none opposed, none absent and none not voting.

41. IHS - ESTABLISH ELIGIBILITY - A letter dated April 22, 1986 was received from Dr. Terrence W. Sloan, Area Director, Indian Health Service with the attached memorandum from John M. Peebles. Mr. Peebles' memorandum is addressed

to Dr. Sloan and in reference to the Santee Sioux Tribe of Nebraska. Dr. Sloan said the memorandum from Mr. Peebles is self-explanatory and may be utilized if the Tribe sees fit. Chairman Jandreau said the memorandum from Mr. Peebles basically means that if you're less than one-quarter (1/4) degree of Indian blood, then you won't receive any services. We have members who are less than 1/4 degree Indian blood but are enrolled. Motion was made by William Ziegler that the Tribe take a stance and appeal this issue. This motion was seconded by Darrell Middletent and carried with five for, none opposed, one absent and none not voting.

42. MEN'S SOFTBALL TEAM - A letter dated April 22, 1986 was received from the Manager and Team Members requesting use of the tribal gym on May 16, 1986 to have a dance from 10:00 PM to 2:00 AM. All proceeds will go to the Team. The Council discussed that the last time this Men's Softball Club had a dance in the tribal gym it was left in a mess and it took Eddie Shields two (2) days to clean it up. Chairman Jandreau recommended the Council get the \$50.00 for cleaning of the last dance, \$35.00 rent use for this dance, and the \$50.00 cleaning deposit for this dance. The Council discussed that there's suppose to be a \$50.00 cleaning deposit made before any dance is held and if the particular club cleans up the gym then they receive a refund of the \$50.00 cleaning deposit. Motion was made by Charles Langdeau to approve the Men's Softball Team's request for use of the tribal gym on May 16, 1986 contingent on payment of \$135.00 from the Club to the Tribe. This motion was seconded by Darrell Middletent and carried with six for, none opposed, none absent and none not voting.

43. HOUSING AUTHORITY CONTRACT HIP PROGRAM - The Housing Authority has submitted a draft proposal to sub-contract the HIP Program from the Tribe. Motion was made by Ted Rouillard to approve the proposal of the Lower Brule Housing Authority to contract the Home Improvement Program (HIP). This motion was seconded by Charles Langdeau and carried with six for, none opposed, none absent and none not voting.

44. SAVE THE CHILDREN, INC. - Chairman Jandreau reported he was visited by Mr. Birgil Kills Straight, a Representative of Save the Children, Inc. and Mr. Kills Straight asked if the Tribe would support being a part of Save the Children and allow the use of demographic information from this reservation in conjunction with Save the Children Foundation. Motion was made by Kay Gourneau to support the Foundation and allow information to be released and utilized for this purpose. This motion was seconded by William S. Jandreau and carried with six for, none opposed, none absent and none not voting.

45. MCNABB DECISION - A memorandum dated April 3, 1986 was received from J. Mike Wood, Program Management Officer, Health Systems Planning, with an attached copy of the statement which was made by IHS on the alternate resource rule, McNabb decision, before the National Tribal Chairmen's Association during their health conference held in February. No action was taken at this time, informational purposes only.

(#8 Frank Bunker's Land Sale Cont'd.) - Chairman Jandreau suggested the Tribe make a counter offer to Mr. Bunker of \$150.00 per acre for the farm ground. Motion was made by William Ziegler to authorize the Tribal Chairman to negotiate with Mr. Bunker for a total offer of \$100,000.00 and notify Mr. Bunker that the appraisal is too high. This motion was seconded by Darrell Middletent and carried with six for, none opposed, none absent and none not voting.

46. UTILITIES COMMISSION - The Utilities Commission held a meeting on April 25, 1986 and have submitted a list of recommendations for review by the Tribal Council. The recommendations were: #1. The Tribe not bill those members

of the community who are 65 years of age or older; #2. Nyal Brings be appointed to the Utilities Commission as a member; #3. Would the Council consider approving a .50¢ per hour raise for Alvin Johnson, Sr., Treatment Plant Operator; and #4. Why does only one (1) church out of five (5) have to pay for water/sewer services and not the rest. The Tribal Council concurred to disapprove recommendation #1 because the water/sewer income is so low at this time and have the Commission research and submit information regarding the costs involved before this matter is further discussed and a decision is made. Motion was made by Kay Goureau to approve appointment of Nyal Brings to the Utilities Commission. This motion was seconded by Charles Langdeau and carried with six for, none opposed, none absent and none not voting. #3 - have William Ziegler research Alvin Johnson's Personnel Action Form and inform the Council of his findings; #4 - bill all the Churches for the water/sewer services.

(#9 Hay Cubing Project Cont'd.) - The Tribal Council concurred to continue negotiations with the Stanley County Coop regarding the Hay Cubing Project but the final approval is contingent upon the proposal for funding being approved.

47. BID CONTRACT STUDY - Chairman Jandreau requests Council action be taken that the Tribe be informed before any BIA contracts are considered or let and the Tribe be informed of the dollars to contract. He believes there are abuses of contracts occurring at the present time. The Tribe needs a feasibility study before they consider contracting Facilities Management. It would take approximately ninety (90) days and cost approximately \$10,000.00. Mr. Ross O. Swimmer, Assistant Secretary, Indian Affairs, previously informed Chairman Jandreau to contract the entire agency if the Tribe wants better services. Motion was made by Darrell Middleton to submit a letter and tribal resolution requesting a feasibility study to contract the Facilities Management. This motion was seconded by Ted Rouillard and carried with six for, none opposed, none absent and none not voting.

48. CORE MANAGEMENT FY'86 - Motion was made by Kay Gourneau to adopt the draft resolution requesting to contract Core Management funds for FY'86. This motion was seconded by William Ziegler and carried with six for, none opposed, none absent and none not voting.

#49. AIR CONDITION INVOICE - Lengthy discussion was held regarding an invoice from Ieland Chilson, Chilson Electric & Refrigeration, Chamberlain, South Dakota regarding previous use of an air conditioner, which was presented by William Ziegler. No action was taken at this time.

ADJOURNMENT - With no further business, Chairman Jandreau entertained a motion to adjourn. Motion was made by Kay Gourneau to adjourn the meeting. This motion was seconded by Charles Langdeau and carried with 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 7th day of May, 1986.

Cheryll LaRoche, Recording Secretary

LOWER BRULE SIOUX TRIBAL COUNCIL

SPECIAL MEETING

May 12, 1986

PRESENT: Michael B. Jandreau, Chairman
William Ziegler
Darrell Middletent
William S. Jandreau

ABSENT: Ted Rouillard
Charles Langdeau
Kay Gourneau

ALSO PRESENT: Joyce Estes, Administrative Officer, LB Agency

The meeting was called to order by Chairman Jandreau at 1:30 PM. Roll call was taken by the Recording Secretary and the Lord's Prayer was led by Chairman Jandreau.

1. ENROLLMENT - In reference to enrollment, there are three (3) applications for the children of Pat and Mary Spears. Chairman Jandreau informed the Council that he tried to reach Mr. Spears regarding these enrollments because he feels if the children are enrolled here instead of with the Tribe which Mary Spears is enrolled, it would be a disservice to the children. The reason being because Mr. Spears' children would be on the our tribal rolls as 1/8 degree because the present policy being used for figuring of blood quantum is by Lower Brule blood only. Chairman Jandreau said if they were to be enrolled in Rosebud, their blood degree would be figured as 5/8, but they have requested to be enrolled here. Chairman Jandreau was unable to reach Pat Spears. Fourteen (14) enrollment applications were reviewed. Of the Enrollment Committee, Ted Rouillard, Chairman Jandreau, and Robin LaRoche reviewed the applications. The applications were then verified by Ms. LaRoche as the Enrollment Clerk. Motion was made by Darrell Middletent to enroll Matthew James Spears, Clay Thompson Spears, Edward Norman Spears, Rodney Wade Smith, Shaun Kyle Mills, Byron Scott Big Eagle, Debra Ann Schoenefeld AKA Mary Louise Reeves, Michael Lee Langdeau, Julius Flute, Julia Michelle McCauley, Christopher Garrett Brown, Caroline Faye Kennedy, and Rick Wayne Brown. This motion was seconded by William S. Jandreau and carried with three for, none opposed, three absent and none not voting, quorum present.

2. TRANSIT PROGRAM BUS DRIVER - Chairman Jandreau reported that Sam Flute has been temporarily driving the Transit Bus but he's receiving his salary through the JTPA Program. Chairman Jandreau informed the Council that we have received verbal notification that our proposal through the State of South Dakota for the Transit Program is going to be approved and possibly retroactive to May 1, 1986. Chairman Jandreau said the Tribe would make a positive determination that when the approved proposal is received from the State, that Sam Flute be placed permanently as the Transit Bus Driver. Motion was made by Darrell Middletent to approve placement of Sam Flute as the permanent Transit Program Bus Driver, upon the Tribe receiving funding for this program from the State of South Dakota. This motion was seconded by William S. Jandreau and carried with three for, none opposed, three absent and none not voting, quorum present.

3. DENTAL CLINIC - Chairman Jandreau reported there exists a possibility for the Tribe to receive personnel and funds from IHS to establish a Dental Clinic on our reservation. But there exists a problem of where to locate

the proposed Dental Clinic in the community because the lack of building space. The BIA house which is located adjacent to the Service Unit Office is presently vacant and would serve well as a Dental Clinic. Motion was made by William Ziegler to request use of the BIA house located adjacent to the Service Unit Office to serve as a Dental Clinic for the Lower Brule Sioux Indian Reservation and authorize utilization of Tribal personnel services to help with the construction of such Dental Clinic in order to cut costs for IHS. This motion was seconded by William Ziegler and carried with three for, none opposed, three absent and none not voting, quorum present.

4. **BANK WEST NOTE** - The Tribe has a bank note with Bank West in Pierre, South Dakota which is now due. Tribal funds are unavailable at this time to make full payment of the bank note. William Ziegler has met with officials of Bank West in reference to renegotiating the bank note, which is approximately \$61,880.00. Motion was made by Darrell Middletent to authorize quarterly payments be made to Bank West in the amounts of which to be calculated at the time of note renegotiations, to cover a period of two (2) years. This motion was seconded by William S. Jandreau and carried with three for, none opposed, three absent and none not voting, quorum present.

5. **COUNCIL MEMBER'S MILEAGE** - Motion was made by William Ziegler to approve mileage to William S. Jandreau for today's special Council meeting. This motion was seconded by Darrell Middletent and carried with three for, none opposed, three absent and none not voting, quorum present.

6. **GRADUATION ANNOUNCEMENT** - William Ziegler presented a written invitation received from Truman Grooms to attend his college graduation on May 18, 1986 in Mitchell, South Dakota. The Tribal Council concurred to congratulate Mr. Grooms for his college graduation, but may not be able to attend.

7. **PPF FY'88** - Joyce Estes entered the meeting to discuss the PPE for FY'88. The Council reviewed the set of instructions package. Mrs. Estes informed the Council the deadline for Phase I is May 23, 1986 and deadline for Phase II is June 20, 1986. There will be a 2.4% decrease in the indirect cost. Short discussion was held in reference to Rights Protection funds are unbanded funds. The Council reviewed the adjusted totals of the budget package. Discussion was also held regarding the figures for base funding of FY'87 and FY'88 planning. The Tribal Council concurred to schedule the PPF meeting for tomorrow at 1:00 PM in the Council chambers. Mrs. Estes informed the Council that the Tribe will have to write the narratives of needs for the contracts that we have. Short discussion was held regarding the Fire Fighters monies. The Tribe now has the electric transfer process for treasury draw downs. Our Tribe is the first in the Aberdeen Area Office to complete the electric transfer process. Discussed transfers of lease income and payments. No action was taken at this time, informational purposes only.

ADJOURNMENT - With no further business, Chairman Jandreau entertained a motion to adjourn. Motion was made by Darrell Middletent to adjourn the meeting. This motion was seconded by William S. Jandreau and carried with three for, none opposed, three absent and none not voting, quorum present.

CERTIFICATION

The foregoing is a true and correct transcript of Minutes of a Special Meeting held by the Lower Brule Sioux Tribal Council on the 12th day of May, 1986.

Cheryll LaRoche, Recording Secretary

and then schedule a negotiation with the State officials regarding the percentage match. Mrs. LeCompte informed the Council this program was a pilot project for the first year and then the State wanted the Tribe to fund the total program cost but it has been refunded twice now. Motion was made by Charles Langdeau to approve the revised budget for the MCH Program FY'86, transmit to the appropriate official and then negotiate the percentage match. This motion was seconded by Darrell Middletent and carried with three for, none opposed, three absent and none not voting, quorum present. Kay Gourneau informed the Council she will talk to Larry Mendoza, Operations Manager about negotiating the match.

4. TRIBAL POLICE OFFICER - A request was received from Scott Jones, Pesticide Officer to be appointed as a Tribal Police Officer which would enable him to enforce the Environmental Protection Agency (EPA) laws which are applicable to his program. Motion was made by William Ziegler to appoint Scott Jones as a Tribal Police Officer to enforce the EPA laws which are related to his position as Pesticide Officer. This motion was seconded by Charles Langdeau and carried with three for, none opposed, three absent and none not voting, quorum present.

5. CORPS OF ENGINEERS - The Corps of Engineers has offered a contract with the Tribe for funds to plant 2,000 trees and install fence on Corps land. This project would enable the Tribe to employ approximately eight (8) individuals for a temporary period. Funds for this project would be received from the Corps of Engineers through a purchase order process. Expenditures will be made from the General Fund until reimbursement funds are received from the Corps of Engineers. Motion was made by William Ziegler to authorize the Tribal Chairman to execute a contract with the Corps of Engineers for the purpose of planting trees and to install a fence on Corps land, and authorize expenditures from the General Fund for the above said contract and reimbursements will be made when funding is received from the Corps of Engineers, and authorize the Tribal Chairman to make selection of individuals, for this project, on a temporary basis. (Chairman Jandreau arrived at this time).

6. LAND EXCHANGE - ORVILLE C. LANGDEAU, SR. - The Council had taken previous action to approve the Land Exchange between the Tribe and Orville C. Langdeau, Sr. and the details of the difference in the land appraisals, be worked out with Mr. Langdeau. Mr. Langdeau has notified Chairman Jandreau that he wishes to exchange acre for acre. Therefore, this would increase the acreage involved in the land exchange and change the land description. Motion was made by Kay Gourneau to approve the land exchange, with the increase in acreage, between the Tribe and Orville C. Langdeau, Sr. This motion was seconded by Darrell Middletent and carried with four for, none opposed, two absent and none not voting.

7. RIGHT-OF-WAY - Annalisa Estes has been granted a Homesite and received approval for a Service Line Agreement with West Central Electric Cooperative, Inc. However, there is a need for approval of a Right-of-Way to Mrs. Estes and permission to West Central Electric Coop, Inc. to survey before installation of any electric poles. Motion was made by Kay Gourneau to grant a Right-of-Way to Annalisa Estes and permission for surveying to West Central Electric Cooperative, Inc., on Mrs. Estes' homesite. This motion was seconded by William Ziegler and carried with four for, none opposed, two absent and none not voting.

8. EDUCATION SYSTEM - Chairman Jandreau informed the Council that 874 funds have been cut out completely under the new regulations. There is a possibility that next year we will lose five (5) teaching positions, or the following school year. Darrell Middletent said there is enough funds for two (2) years

then we will lose the positions after that. No action was taken, informational purposes only.

ADJOURNMENT - With no further business, Chairman Jandreau entertained a motion to adjourn. Motion was made by Kay Gourneau to adjourn the meeting. This motion was seconded by Charles Langdeau and carried with four for, none opposed, two absent and none not voting.

CERTIFICATION

The foregoing is a true and correct transcript of Minutes of a Special Meeting held by the Lower Brule Sioux Tribal Council held on the 23rd day of May, 1986.

Cheryll LaRoche, Recording Secretary

LOWER BRULE SIOUX TRIBAL COUNCIL

REGULAR MEETING

June 4, 1986

PRESENT: Michael B. Jandreau, Chairman
Kay Gourneau
William Ziegler
Charles Langdeau
Darrell Middletent
Ted Rouillard
William S. Jandreau

ABSENT: None

ALSO PRESENT: Richard P. Thompson, Sr.
Edwin L. Miller, Agency Superintendent
Barry Betts, Act. Natural Resources Officer
Kim Thompson, Wildlife Management Program Director
Dave Bergren, General Counsel
Dennis Clark, State Weed & Pest Coordinator
Bruce Helvig, USDA
Scott Jones, Pesticide Officer
Nyal Brings, Title II Grant Officer

The meeting was called to order at 10:55 AM by Chairman Jandreau. Roll call was taken by the Recording Secretary and the Lord's Prayer was led by Charles Langdeau.

1. RICHARD P. THOMPSON, SR. LEASE - Richard P. Thompson, Sr. was present to appeal the last Tribal Council decision on his farm ground. He said he was here two (2) months ago and asked for an agreement, felt he went home with a bonified deal and made his yearly plans. Mr. Thompson, Sr. said he was on the verge of Chapter 11, but after the deal was made with the Tribal Council and he received a reduction of lease rates, he could see to get by this Fall and keep in operation. Then at the next Council meeting, the decision stunned him and he doesn't know which way to go. He informed the Council that he has no funds available and can't raise anymore, and that's the reason he's here today to appeal the Council's decision. Chairman Jandreau informed Mr. Thompson that he was the one who brought this matter back to the Tribal Council. Chairman Jandreau said the basic reason was because he was getting criticism from people for giving the Tribe's money away. He wanted the Tribal Council to clarify that if any Cattle Operator came in then they'd have to give them the same cognizant which they gave Mr. Thompson. Chairman Jandreau said if they take this practice then the criticism which comes will be taken by all the Council Members. William Ziegler informed Mr. Thompson that he made the motion and he doesn't think this Tribe can afford to reduce its income and for the coming two (2) years there will be a battle to maintain operation. Mr. Ziegler said the reduction will help Cattle Operators but it might drive the Tribe into bankruptcy, and that was his reason for making the motion. Richard P. Thompson, Sr. said that would have been ok two (2) months ago at that meeting, but now he's started farming and it takes alot of money for the irrigation. William Ziegler said he had no problem with helping Mr. Thompson out but the reduction and loss that the Tribe was going to take was high and if all Cattle Operators came in with the same request, it would be tremendous. William S. Jandreau informed Mr. Thompson that it was an error on the Council's part but we have to accept that decision. Mr. Jandreau said two (2) months that it was a clear and

legal way to help Mr. Thompson and anyone else that we could. Mr. Jandreau said the ASCS Program make the payment out in Mr. Thompson's favor, and the Council would have to go back and roll everybody else's back. He said if we allow everyone to adjust their lease rates, then we are not taking on the trust responsibilities that we're suppose to, and that's what I based my decision on. Mr. Jandreau said somewhere we have to make it right with everyone else. Chairman Jandreau informed Mr. Thompson that the Tribe could modify the lease to allow him the opportunity to still allow a break and have the payment made at harvest time. Mr. Thompson informed the Council that there will not be a harvest at his place this year and that's why he wanted the two (2) quarters put back to grass and the other two (2) quarters are a lake bed, and he could absorb that loss. Mr. Thompson said he wants to make an agreement today because he got in a bind with the first agreement and he doesn't have anymore funds. Mr. Thompson said he won't get any income off that land this year, maybe hay, but he didn't even get hay off the land last year. Mr. Thompson said if he could get by this year with the reduction, he could look at next year to be a better year. Chairman Jandreau asked Mr. Thompson if he would request the reduction for a one (1) year duration? Mr. Thompson said yes, because he already got in this deal. Motion was made by Ted Rouillard to amend Lease # #22-008-8588 by approving Richard P. Thompson, Sr. to convert the farmland in the S $\frac{1}{4}$ of Section 35, Township 109 North, Range 77 West, Fifth Principal Meridian, Lyman County, South Dakota, containing 320.00 acres, back to tame grass and alfalfa; and approve the request of Mr. Thompson to be charged the current lease rates of \$10.00 per acre for farmland and \$5.00 per acre for pasture land; and this lease amendment will be for only a one (1) year period. This motion was seconded by Darrell Middletent and carried with four for, two opposed (William Ziegler and William S. Jandreau), none absent and none not voting.

2. RICHARD P. THOMPSON, SR.'s HOMESITE - Josephine Moore has submitted a written relinquishment of her homesite on tribal land described as the S $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 2, Township 109 North, Range 77 West, containing five (5) acres. Richard P. Thompson, Sr. has requested to obtain Mrs. Moore's homesite due to the fact that the house he owned located on his previous homesite, burned to the ground. Mrs. Moore has converted the house located on the homesite, to the ownership of Mr. Thompson. Motion was made by William Ziegler to grant a Homesite to Richard P. Thompson, Sr. on the above described tribal land for a period of twenty-five (25) years, with the option to renew, at a lease rate of \$1.00. This motion was seconded by Charles Langdeau and carried with six for, none opposed, none absent and none not voting.

3. STATE AGREEMENT - David L. Bergren, General Counsel submitted a copy of the potential agreement regarding hunting and fishing between the State and the Lower Brule Sioux Tribe, and if the Council approves this, it will not be with the portion which goes into litigation. Mr. Bergren told the Council that this is the State's proposal. He said it basically says the State will sell licenses for the Tribe and submit the money to the Tribe. Chairman Jandreau said the Tribe previously had outside vendors sell licenses and it created alot of misdirection and confusion. Discussion was held in reference to certain amount of licenses being sold annually and a financial determination will have to be made by the Tribe for how many licenses to have the State sell for the Tribe. Chairman Jandreau said we should have an understanding in regards to the limit of license sales under the State management. Mr. Bergren said the State doesn't have a problem with this their just concerned with the game management. Their interest is that the Tribe use the same game protection policy. Discussion was held in reference to steel shot being used by hunters will always be a subject to review. Also discussed was that the agreement would recognize a gate principal because when you come onto the reservation, you have to have a tribal permit, and this will be required by State law. Barry Betts, Acting Natural Resources

Officer recommended to strike the dollar figure which stipulates the license amount in case of a dollar change. Mr. Bergren said the reason that the dollar figure is in there because it has to be set before taking this to the legislation for approval. Chairman Jandreau said Crow Creek Sioux Tribe is considering to abolish the Peace Pipe Agreement and approve an agreement like this. Mr. Bergren said if someone is fishing in waters which we claim as tribal water and they don't have a tribal stamp, they can be arrested. William S. Jandreau suggested it be clarified that you must have a tribal stamp if you fish within the boundaries of our territorial waters. Mr. Bergren said he will get clarification on this and bring it back to the Tribal Council but they could approve the agreement concept. Chairman Jandreau suggested Dave Bergren take the agreement back to discuss the changes made and during that time a copy of the agreement be published and establish a meeting date for people to agree or disagree with the agreement. Barry Betts said the Wildlife Management Program would have to be a licensing agent to sell the State licenses. Chairman Jandreau informed the Council that we are still pursuing the other portion of this case. Mr. Betts said if the Wildlife Management Program becomes a licensing agent, there would be some administering costs to the program. Motion was made by William S. Jandreau to generally support the Agreement, the details be worked with Kim K. Thompson, WMP Director, Dave Bergren, General Counsel, and Barry Betts, Acting Natural Resources Officer to submit a detailed format back to the Tribal Council; and direct the Wildlife Management Program to establish a hearing and publication of the Agreement to the community for comments. This motion was seconded by Kay Gourneau and carried with six for, none opposed, none absent and none not voting.

4. WILDLIFE MANAGEMENT PROGRAM - The tribal Wildlife Management program budget for FY'86 will expire on June 30, 1986. The Wildlife Department has submitted a budget to the Tribal Council for review and approval. The program does have some carry over funds. The new contract amount is \$52,500 and this is less than last year but this program started out as a pilot program and is presently in the third year and at this point it has to be a 50-50 match for funds with the Tribe. Motion was made by Kay Gourneau to approve the budget for the Tribal Wildlife Management Program in the total amount of \$135,000.00 for the period of July 1, 1986 through June 30, 1987; of which \$30,000.00 will be 93-638 contract carry over funds, \$52,500.00 will be the new 93-638 Wildlife Contract beginning July 1, 1986 with the Bureau of Indian Affairs and \$52,500.00 will be provided by the Lower Brule Sioux Tribal Budget. This motion was seconded by Charles Langdeau and carried with six for, none opposed, none absent and none not voting.

RECESS - The meeting was recessed for the noon hour and to reconvene at 1:00 PM. The meeting reconvened at 1:15 PM with the same Council Members present and none absent.

5. S.D. STATE DEPARTMENT OF AGRICULTURE - Mr. Dennis C. Clarke, State Weevil & Pest Coordinator and Mr. Bruce Helvig, USDA were present to provide information regarding the Grasshopper Control Program. (Charles Langdeau arrived at this time.) The two (2) programs will be available from USDA-APHIS are rangeland and crop protection. Mr. Clarke reviewed the objectives of the rangeland and crop protection portions of the program. These are '86 grasshopper programs. Mr. Clarke informed the Council if there is damage to the land which is done by grasshoppers, they can call him and he will send in a Surveyor. Discussion was held regarding the Bureau of Indian Affairs and tribal lands would need an Environmental Impact Study (EIS) completed first. Mr. Clarke said the chemical work up is done already and they know where the insects are and where they'll pollinate. He said they may run into problems with fee land. Mr. Clarke informed the Council that if there is rangeland adjacent to the fee land, then it could be covered under the

program. The cost for this would be \$3.00 per acre for grassland and \$2.00 per acre for rangeland, if it was blocked up. Mr. Clarke said they would have to open an escrow account for the funds collected. Mr. Clarke said they could spray wheat and not hurt the grain. Discussion was also held in reference to chemicals used. No action was taken at this time, informational purposes only.

6. JTPA SUMMER YOUTH PROGRAM - A recommendation for two (2) Supervisors and eighteen (18) participants for the Summer Youth Program was received from Eyvonne Dupris, JTPA Director. Ms. Dupris recommended Dawn Johnson and Charles Plute as Supervisors and the first eighteen (18) eligible Lower Brule Sioux Members for participants: Dana Goodlow, Philip Touche, Jr., Waylon Grassrope, Douglas LaRoche, Russell Crazy Bull, Errol Hawk, Roger Rodriguez, John Black Bear, Sam Charger, Nicki Ziegler, Darren Grassrope, Shannon Skunk, Calvin Johnson, Cynthia Fire Cloud, Seth Bad Horse, Jill Brousc, Janelle Medicine Eagle and Lynelle Fallis. In the recommendation, Ms. Dupris informed the Council of these persons listed, three (3) are non-members of this Tribe but only one (1) person per family is permitted to participate at any time. This can be waived in the event that there are no other eligible participants. Motion was made by Charles Langdeau to go with the recommendations and selections made by the JTPA Director for the Summer Youth Program. This motion was seconded by Kay Gourneau and carried with six for, none opposed, none absent and none not voting.

7. PESTICIDE COOPERATIVE AGREEMENT - A letter dated May 7, 1986 addressed to Scott Jones, Pesticide Enforcement Officer was received from Dallas Miller, State Program Manager with the attached Cooperative Agreement which needs to be approved by the Tribal Council. The Council discussed they had previously approved an agreement but apparently it got misplaced. Motion was made by Kay Gourneau to again approve the Pesticide Cooperative Agreement. This motion was seconded by William S. Jandreau and carried with six for, none opposed, none absent and none not voting. Mr. Jones submitted documentation to the Council regarding at Indian Policy at EPA. No action was taken, informational purposes only.

8. EDUCATIONAL GRANT ASSISTANCE - Three (3) requests were submitted for educational grant assistance for summer school. The students are Anita Grassrope, Jeanne Bolman and Carla Brugh and they indicated the summer school was part of their college program. Kay Gourneau had suggested the Council set a deadline for requests so the fund can build up for the fall session. The Council reviewed the present balance and what is owed to the fund from the Bingo Clubs. Motion was made by William S. Jandreau to grant \$125.00 each to Anita Grassrope, Jeanne Bolman and Carla Brugh, and the amount identified is half of what is granted for the regular school session. This motion was seconded by Darrell Middletent and carried with five for, none opposed, one absent and none not voting.

9. UNITED SIOUX TRIBES - A letter dated May 23, 1986 was received from Clarence W. Skyc, Executive Director, United Sioux Tribes informing the Tribe that due to the problems with the FY'85 Emergency Food and Shelter Program, the program for FY'86 will be administered by the Episcopal Church. UST is still waiting on two (2) reservations' receipts for funds disbursed. No action was taken, informational purposes only.

10. TRIBAL COUNCIL MINUTES - Motion was made by Kay Gourneau to approve the Tribal Council Minutes for May 7, 1986, May 12, 1986 and May 23, 1986. This motion was seconded by William S. Jandreau and carried with six for, none opposed, none absent and none not voting.

11. LEASERS - TRIBAL LAND - The Tribe was notified by letter dated May 15, 1986 from Superintendent Miller that tribal land described as the NE $\frac{1}{4}$ of Section 31, Township 107 North, Range 73 West, Fifth Principal Meridian, Lyman County, South Dakota, containing 160.00 acres of which 84.00 is farmland and 76.00

is pastureland, was formerly leased to James Jandreau, is available for lease. The Tribal Council has received a written request from Patricia Moore to lease the above said land in conjunction with her range unit. Motion was made by Charles Langdeau to grant a lease of the above described tribal land to Patricia Moore and she be charged the current established leasing rates. This motion was seconded by Ted Rouillard and carried with six for, none opposed, none absent and none not voting. Included in Mr. Miller's letter was a tract of tribal land containing 333.80 acres which was formerly leased to Larry & Bart Ness, was cancelled for non-payment on November 18, 1985, and has been idle for approximately five (5) months. William S. Jandreau said they moved off the land last Thursday and if they're not interested and haven't applied for the lease, he made a motion to request the Bureau of Indian Affairs advertise the above described tribal land for lease, for a period of thirty (30) days. This motion was seconded by Charles Langdeau and carried with six for, none opposed, none absent and none not voting. Superintendent Miller had previously talked to Chairman Jandreau about placing this piece of land into Kay Gourneau's range unit.

12. LAC DU FLAMBEAU VOCATIONAL/TECHNICAL CENTER - The Lac du Flambeau Bank of Lake Superior Chippewa Indians are developing a Vocational/Technical Training Center to provide educational opportunities for the development of "para-professional" Natural Resources Managers. A letter dated May 12, 1986 was received from Jerry Maulson, Tribal Vice Chairman, stating that additional support from the Department of Education may be available to individual tribes who request it specifically to send tribal members to the Lac du Flambeau Vocational/Technical Center. Mr. Maulson has requested support from the Tribe. Motion was made by Darrell Middleton to request the Department of Education support the Lac du Flambeau Band in its efforts to develop a Vocational/Technical Training Center which will provide "paraprofessional" natural resources management training to interested tribes throughout the nation. This motion was seconded by Kay Gourneau and carried with six for, none opposed, none absent and none not voting.

13. AMERICAN INDIAN SERVICES, INC. - A letter dated May 20, 1986 was received from Marlene Iron Shell, Acting Director, American Indian Services, Inc. informing the Tribe that they're currently undergoing an interim phase at American Indian Services. Ms. Iron Shell requested a letter of support from the Tribe and it will enable them to continue offering services to all Indian people living in Sioux Falls. Motion was made by William S. Jandreau to draft a support letter for the American Indian Services, Inc. This motion was seconded by Charles Langdeau and carried with six for, none opposed, none absent and none not voting.

14. SERVICE UNIT - A letter dated May 12, 1986 was received from Arvada Tout-Stops, Service Unit Director informing the Tribe of the Service Unit Review/Governing Body meeting. The Service Unit Review will be held on July 30th and the Governing Body meeting on July 31, 1986. No action was taken, informational purposes only.

15. CONGRESSIONAL DELEGATE - A letter was received on May 14, 1986 from Ben Nighhorse Campbell, a Northern Cheyenne Indian, and a Democratic candidate for Congress from the Third Congressional District in Colorado. Mr. Campbell was asking for the Tribe's support in his campaign, both financially and in any other way which the Tribe might be helpful. Motion was made by William S. Jandreau to table a decision on this issue at this time because the Tribe doesn't see any funds available to make such contribution, and can't see how Mr. Campbell could come back and help the Tribe. This motion was seconded by Charles Langdeau and carried with six for, none opposed, none absent and none not voting.

16. SEATTLE INDIAN CENTER - A letter dated March 24, 1986 was received from Bob Torres, Project Director, Seattle Indian Center informing the Tribe they have been awarded a three (3) year grant from the Department of Vocational Education for a project called the Northwest Indian Vocational Training Project. This project is designed to serve enrolled members of specific federally recognized Tribes. In developing this program design all parties involved must understand that participating will be limited to those individuals who have a significant membership in the Seattle-King area, and whose governing body have executed a bona fide resolution authorizing the them to serve and train its tribal members. Motion was made by Kay Gourneau to adopt a resolution endorsing and authorizing the Seattle Indian Center's Education Department to provide vocational training to members of our Tribe residing in the Seattle area, and who apply for participation in their vocational training programs. This motion was seconded by William S. Jandreau and carried with six for, none opposed, none absent and none not voting.

17. LAND PURCHASE - WILLIAM ZIEGLER - The Tribe Council had previously adopted Tribal Resolution No. 85-105, "Payment and Schedule (Purchase of Land by William Ziegler)", in Regular Session on May 1, 1985. As per Resolution No. 85-105 the final payment for the land purchase by Mr. Ziegler was set as November 1, 1985. A partial release of Assignment of Income from the Farmers Home Administration was needed before the Bureau of Indian Affairs could proceed with the land sale. An Appraisal Review for the 10.50 acres of tribal land which Mr. Ziegler proposes to purchase was received from Herb Papendick, Review Appraiser. The Appraisal Review showed a reduction of the appraised price from the original appraisal. William Ziegler told the Council he would like to stretch out the payments further and if that can't be done, then he would request a use assignment for the five (5) acres located next to his land. Mr. Ziegler has informed the Council he has already paid \$1,000.00. He informed the Council he could make a payment now and then another payment next year. Mr. Ziegler requested approval from the Council for an extension of one (1) year on his land sale payments. Motion was made by Charles Langdeau to grant a one (1) year extension to William Ziegler regarding his land payments: Second Payment due December 31, 1986 and Final Payment due December 31, 1987, plus 4% interest per annum on the unpaid balance. This motion was seconded by Darrell Middletent and carried with five for, none opposed, none absent and one not voting (William Ziegler).

18. BANK WEST NOTE - William Ziegler reported he met with officials with Bank West, Pierre, South Dakota regarding the Tribe's bank note. Bank West Officials said the resolution carried improper signatures because Kay Courneau signed for Chairman Jandreau. Bank West requests a resolution with proper signatures, contain authorization of who will negotiate the note, and contain the tribal seal. Motion was made by Charles Langdeau to authorize William Ziegler, Secretary/Treasurer to renegotiate the loan payments to Bank West on behalf of the Lower Brule Sioux Tribe. This motion was seconded by William S. Jandreau and carried with six for, none opposed, none absent and none not voting. Mr. Ziegler informed the Council that Bank West accepted the repayment schedule.

19. NATIONAL TRIBAL CHAIRMEN'S ASSOCIATION - The National Tribal Chairmen's Association has requested the Tribe's support for the "Tribally Oriented Consultation and Direction for the Indian Health Services". Motion was made by William S. Jandreau to strongly support and endorse the National Tribal Chairmen's Association in their efforts to provide "Tribally Oriented Consultation and Direction for the Indian Health Service". This motion was seconded by Darrell Middletent and carried with six for, none opposed, none absent and none not voting.

20. GENERAL COUNSEL CONTRACT - L.B. SCHOOL BOARD - The Lower Brule Day School

25. FY 1988 BUREAU BUDGET - A letter dated May 27, 1986 was received from Dr. Jerry Jaegar, Area Director, Aberdeen Area Office, Bureau of Indian Affairs regarding a May 20, 1986 memorandum from Assistant Secretary of Indian Affairs, Mr. Ross Swimmer, inviting the Tribes to assist him in identifying national priorities and improvements for the operation of the Bureau. The Tribe's thoughts and suggestions will be used to structure the Bureau budget for FY-1988 and will assist Mr. Swimmer in defending a Bureau budget which has the Tribe's input and support. No action was taken at this time, informational purposes.

26. LABOR FORCE REPORT - A letter dated May 27, 1986 was received from Superintendent Miller informing the Tribe that the Agency has been directed by the Central Office to prepare and submit a current Indian Service Population and Labor Force Report for the Lower Brule Reservation. The actual count on the reservation would be done during the month of June, 1986. The Tribe received a Purchase Order from the BIA in the amount of \$800.00 for costs to administer the Labor Force Report. Chairman Jandreau suggested the Tribe could employ two (2) Individuals and they would have to make at least nine (9) contacts per day. Motion was made by William Ziegler to authorize Chairman Jandreau to employ two (2) Individuals with the Tribe to conduct the Labor Force Report. This motion was seconded by Ted Rouillard and carried with four for, none opposed, two absent and none not voting.

27. GRAVITY STUDIES - The Bureau Division of Energy and Minerals Resources in Golden, Colorado has requested, through the Aberdeen Area Office, to conduct a gravity study on the precambrian basement rocks which underly the Lower Brule Sioux Indian Reservation. During the past seven (7) years the U.S. Geological Survey has been conducting geophysical and geological studies in both North and South Dakota to determine the nature and origin of the precambrian basement rocks in these two (2) states. Part of their studies involve the analyses of gravity data and such information is needed by the BIA before any Mineral Leases may be written. Chairman Jandreau informed the Council these are seismic studies for gas and oils below the ground. The survey results would become the property of the U.S. Geological Survey. Superintendent Miller recommends the Council approve this request with the stipulation that a copy of the preliminary work and final results comes back to the BIA and the Tribe. Motion was made by Charles Langdeau to approve the Bureau Division of Energy and Minerals Resources in Golden, Colorado to conduct a gravity study on the Lower Brule Sioux Indian Reservation and that this approval is given provided the Bureau of Indian Affairs and Lower Brule Sioux Tribe receives a copy of the preliminary work and the final report. This motion was seconded by William S. Jandreau and carried with five for, none opposed, one absent and none not voting.

28. DANCE REQUEST - A letter dated May 29, 1986 was received from the Lower Brule Men's Softball Team (Marie Charger, Manager), requesting use of the tribal gym on June 6, 1986 for a dance from 11:00 PM to 3:00 AM. Discussion was held in reference to the Club's delinquent bingo account. Motion was made by Charles Langdeau to approve the Men's Softball Team's request to hold a dance on June 6, 1986 provided the Club make a payment of \$35.00 for rent use, pay a clean up deposit of \$50.00, and make an effort to pay the \$175.00 (owcd) for bingo rent and the ten percent (10%) profit payment. This motion was seconded by Kay Courneau and carried with five for, none opposed, one absent and none not voting.

29. HOUSE MOVING - A letter dated June 3, 1986 was received from Annette Big Eagle requesting assistance from the Tribe in moving her house and obtaining a easement. She wishes to live on their homesite South of the football field. A letter dated June 3, 1986 was received from Dean Jandreau request the possibility of getting his house moved, through the Lower Brule

Construction Company Board and Tribal Council had previously identified three (3) houses for assistance which were Ted Rouillard, Fritz LaRoche and Annalisa Estes. The amount will be \$10,000.00 per family and a maximum of \$30,000.00 per year which can be expended. Repayments will be made to the Tribe as their dividend share from the Construction Company. Discussion was held regarding previous discussion regarding these house issues and Kay Gourneau read the section pertaining to this issue in the Council Minutes of September 18 & 19, 1986. Mr. Rouillard's house was moved in October, 1985. Chairman Jandreau said these Individuals are depending on an answer from the Council because moving of houses will be taking place in the next two (2) weeks and if most of the houses can be moved within the same time frame, the Mover will give a cost break. Discussion was held regarding the availability of funds and Mr. Rouillard reported the information for the Construction Company is now on the computer and there is a need to contact Ron Tedrow, McGladrey, Hendrickson & Pullen, for an audit. The Council concurred to table any decision on these two (2) requests until after the Construction Company Board meeting scheduled for next Wednesday.

30. RIGHT-OF-WAY & SURVEY - Annette Big Eagle has been granted a homesite on tribal land and a need exists for a survey and Right-of-Way by West Central Electric Cooperative, Inc. before a powerline can be constructed for electricity. Motion was made by Charles Langdeau to grant permission to West Central Electric Cooperative, Inc. for a survey and Right-of-Way on Mrs. Big Eagle's homesite. This motion was seconded by Kay Gourneau and carried with five for, none opposed, one absent and none not voting.

31. TRAINING SCHEDULES - The Council reviewed training schedules for the National American Indian Housing Council on June 8-11, 1986 in Spokane, Washington, National Tribal Chairmen's Association's National Treaty Convention on June 24-26, 1986 in Washington, D.C., Indian Education 1986 on July 22-23, 1986 in Albuquerque, New Mexico, Constitutions on July 15-17, 1986 in Reno, Nevada, Personnel Management on July 29-31, 1986 in Seattle, Washington, Tribal Enrollment on August 5-7, 1986 in Reno, Nevada, Performance & Conduct: Role of the Supervisor & Manager on August 19-21, 1986, Negotiating Labor Agreements on July 28-August 1, 1986, 5th National Indian Youth Vocational Conference on July 21-25, 1986 in Tahlequah, Oklahoma, Office Administration on June 9-11, 1986 in Las Vegas, Nevada, BIA 638 Program Management on June 9-12, 1986 in Window Rock, Arizona, Human Relations on June 10-11, 1986 in Las Vegas, Nevada, Oil & Gas Development Leasing on June 17-19, 1986 in Reno, Nevada, The Council & Tribal Government on June 17-19, 1986 in Green Bay, Wisconsin, Complying With The Federal Wage & Hour Standards on June 17-19, 1986 in Albuquerque, New Mexico, Financial Recordkeeping on June 18-19, 1986 in Albuquerque, New Mexico, Indian Child Welfare Act on June 18-20, 1986 in Billings, Montana, Fund Accounting on June 23-25, 1986 in Window Rock, Arizona, A-128: The Single Audit on June 26-27, 1986 in Albuquerque, New Mexico, Skills for Secretaries on June 30-July 2, 1986 in Seattle, Washington and Land & Natural Resource Planning & Management on June 3-5, 1986 in Las Vegas, Nevada. Motion was made by Ted Rouillard to approve travel expenditures for any Council Members who wish to attend the trainings. This motion was seconded by Kay Gourneau and carried with five for, none opposed, one absent and none not voting.

32. SERVICE LINE AGREEMENT - The BIA Police Department has a Garage adjacent to the Jail facilities located on tribal land in Allotment LB-T4001 and West Central Electric Cooperative, Inc. will not put in a "drop line" for electricity to the Garage until such time there is a Service Line Agreement. Motion was made by Kay Gourneau to grant permission to West Central Electric Cooperative, Inc. and the Bureau of Indian Affairs for a Service Line Agreement.

on the tribal land. This motion was seconded by Charles Langdeau and carried with five for, none opposed, one absent and none not voting.

33. RANGE UNIT #34 - Fritz LaRoche has a Grazing Permit for Range Unit #34 and there are comingled lands which are deeded and trust lands which are unfenced within his range unit. Medicine Creek Grazing Association has two (2) quarters of land with water available located within Range Unit #34. Mr. LaRoche has requested approval from the Tribal Council to "run cattle in common" with Medicine Creek Grazing Association on his range unit because he doesn't have water on the tribal land which is located adjacent to the Association's land. Motion was made by Kay Gourneau to approve Fritz LaRoche's request to "run cattle in common" with Medicine Creek Grazing Association on Range Unit #34. This motion was seconded by Ted Rouillard and carried with five for, none opposed, one absent and none not voting.

34. DAY CARE CENTER - A letter dated June 3, 1986 was received from Grace Blacksmith, Day Care Center Director, requesting permission to purchase a dishwasher for the Day Care Center. She has obtained quotes from two (2) Chamberlain merchants. Motion was made by Kay Gourneau to approve Mrs. Blacksmith's Request for the Day Care Center to purchase a new dishwasher. This motion was seconded by Charles Langdeau and carried with five for, none opposed, one absent and none not voting.

35. ALCOHOLISM COUNSELOR POSITION - On June 3, 1986 the Health Board recommended Janet Fast Wolf be selected for the Alcoholism Counselor position. Motion was made by Kay Gourneau to go with the Board's recommendation for selection of Janet Fast Wolf as the Alcoholism Counselor. This motion was seconded by William S. Jandreau and carried with four for, none opposed, two absent and none not voting.

36. TITLE II PROJECT GRANT & SMALL LOAN PROGRAM - A letter dated June 4, 1986 was received from Nyal Brings, Title II Project Manager (Child Protection Project) regarding the appeal status for the FY'86 Title II Project/ICWA Grant. Included was a request to modify the program which was sent to the Aberdeen Area Office which asked for an extension of the Program from May 15, 1986 through June 30, 1986. It would allow the project to expend unused funds beyond the former program ending date. Line items in the budget modified to accomplish the activities. Mr. Brings also requested payment of annual leave hours which have accumulated for himself and Gayle Ziegler. Attached was another letter from Mr. Brings requesting to be employed full time by the Small Loan Program. He stated there are enough funds in the project to support two (2) staff people and still be able to carry out its loan transactions. The Tribe should receive a response to the appeal on July 1, 1986. Eleven (11) Tribes have submitted an appeal for funding. An amount of sixty (60) days is allowed for the appeal response. Mr. Brings informed the Council there are enough funds to continue through Pay Period #12. Motion was made by Charles Langdeau to approve payment of annual leave for the two (2) employees under the Title II Project Grant. This motion was seconded by William Ziegler and carried with five for, none opposed, one absent and none not voting. The Tribal Council concurred to table any decision on the request for full time employment with the Small Loan Program until such time we receive a response on our appeal regarding FY'86 funding for the Title II Project Grant.

38. VOCATIONAL & ADULT EDUCATION - The U.S. Department of Education is authorized to make grants to Indian Tribes through the Office of Vocational and Adult Education and the appropriation under this program is \$6,127,643.00. A need exists for a Vocational Education Program for adults on the Lower Brule Sioux Indian Reservation. Motion was made by Ted Rouillard to authorize the Tribal Chairman to execute and file an application on behalf of the Tribe

requests the Tribe advertise this position from now until the regular meeting in August, 1986. Motion was made by William S. Jandreau to accept Ted Bolman's resignation as Health Director effective July 22, 1986 and advertise this position immediately throughout the State until the first meeting in August, 1986. This motion was seconded by Charles Langdeau and carried with five for, none opposed, one absent and none not voting.

45. GENERAL COUNSEL INVOICES - Two (2) General Counsel Invoices have been received from David L. Bergren, General Counsel for the period of April 16, 1986 through June 2, 1986. The invoices were reviewed and discussed by the Tribal Council. Motion was made by Kay Gourneau to authorize payment to General Counsel, David L. Bergren, for the billings covering the period of April 16, 1986 through June 2, 1986, in the approved amount. This motion was seconded by William Ziegler and carried with five for, none opposed, one absent and none not voting.

46. 1990 CENSUS MEETING - There will be a meeting in Rapid City, South Dakota on June 23-25, 1986 regarding the 1990 Census and people from the Census Bureau will be present. Chairman Jandreau feels it would be beneficial to have someone attend the meeting and bring back information. No action was taken at this time.

47. FUTURE MEETING - Chairman Jandreau requested the Tribal Council to attend a meeting next week in the Council Chambers because the Tribe is one (1) of his creditors. No action was taken at this time, informational purposes only.

ADJOURNMENT With no further business, Chairman Jandreau entertained a motion to adjourn. Motion was made by Kay Gourneau to adjourn the meeting. This motion was seconded by Charles Langdeau and carried with five for, none opposed, one 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 4th day of June, 1986.

Cheryll LaRoche, Recording Secretary

LOWRR BRULE SIOUX TRIBAL COUNCIL
SPECIAL MEETING
June 16, 1986

PRESENT: Michael B. Jandreau, Chairman ABSENT: Kay Gourneau
William Ziegler
Darrell Middletent
Charles Langdeau (arrived late)
Ted Rouillard
William S. Jandreau

ALSO PRESENT: Lisa Estes, Jr. Accountant
Effie Shields

The meeting was called to order at 1:45 PM by Chairman Jandreau. Roll call was taken by the Recording Secretary and the Lord's Prayer was led by Chairman Jandreau.

1. TRIBAL BUDGET - Tribal Council salaries, Larry Mendoza's salary and Trish Lundell's salary are paid from the General Fund and Indirect Cost Pool. Chairman Jandreau said the General Fund and Indirect Cost Pool can no longer absorb expenditures at that level. The Indirect Cost Pool has been supplemented by the General Fund lately. Reviewed the funds which have to be returned to the granting agency. The Tribe's electricity costs for the month are approximately \$5,000.00. Discussed funds available in the General Fund and the amount left to draw down. Chairman Jandreau said he had previously asked the Council Members to reduce their salaries. Reviewed the cost of Council Members' salaries and Indirect Cost Staff per month. Reviewed the funds collected and expended from the Indirect Cost Pool. Chairman Jandreau said the Tribe needs a major modification of the budget with funds from the Reserve or cut back costs. Chairman Jandreau feels even if the Tribe takes money out of the Reserve, we won't make it through the end of the year at the current spending level. (Charles Langdeau arrived at this time). Chairman Jandreau told the Council that he feels his responsibility is to inform the Finance Office to cut Council Members' salaries except Ted Rouillard's because he's paid from a contract. Chairman Jandreau said he doesn't know where to get the dollars needed and continue payments that have to be made. The Council reviewed the basic amount that is needed at the rate of the present operation. If the Tribe cuts the Indirect Cost Staff then we would get our Indirect Cost rate cut next year because the positions is part of what the rate is based on. Chairman Jandreau said if we reduce the Council Members' salaries, it would reduce the costs by approximately \$70,000.00 and at this point we can't do away with Trish Lundell's position because the computer system is doing good now. Discussed Larry Mendoza's salary rate. Discussed the status of the Core Management grant. Lengthy discussion held regarding grant and contract funds which have to be returned to different funding agencies because of disallowed questioned costs. Chairman Jandreau said the employee moral is bad under the Indirect Cost Pool because the contract employees get salary raises and the IDC Staff haven't even received a 2-3% cost of living raise. Discussed IDC collection and program funds for FY'87. The Tribe has been operating at a 75% level of the program funding. The Tribe wasn't paying out as much in expenditures last year as they are this year and for practical purposes we do have a bare bone budget. Chairman Jandreau said if we cut anything

other than Council Members' salaries, we cut services. William Ziegler said maybe we should go back to the old base pay and per diem. Discussed what is committed for payments to the banks on old loans. Ted Rouillard said this Administration inherited old debts but are still obligated to pay them. Short discussion held regarding a law which may come into effect that in the future, Individuals less than 1/4 Indian Blood may not be able to receive services. Discussed future payments which will be due to Bank West and Tri-County State Bank. Ted Rouillard suggested to cut Council Members' salaries and Larry Mendoza's salary, appoint someone to absorb Larry Mendoza's responsibilities with the contracts, and place William Ziegler in charge of that and he be fully responsible for the Finance Office and continue Michael B. Jandreau's salary in the Chairman's Office because there is a need to have someone here for day to day operations. The deadline date for all FY'87 contract and grant applications is June 30, 1986. Ted Rouillard said he would help with the contracts and getting them submitted. He said the rest of the Council Member's would have to go back to a monthly deal. Discussed the outstanding bills which have to be paid for KMG Main Hurdman and David L. Bergren, General Counsel.

2. ELECTRICITY PAYMENT REQUEST - Effie Shields entered the meeting and requested emergency funds to pay her electricity bill of \$124.32. She informed the Council of her income from unemployment and the negative rent she's paid from the Housing Authority is applied to her back rent. Chairman Jandreau informed the Council the amount of negative rent Ms. Shields receives is applied to her back rent and with that payment, she doesn't have to pay monthly rent. Then when the back rent is paid off, the balance is used to pay her utilities. Ms. Shields doesn't get the actual cash until the back rent is paid off. Ms. Shields said she works at the Headstart but not during the Summer months. Chairman Jandreau informed Ms. Shields that the Tribe is suppose to get funds from the Episcopal Church but haven't received anything yet. The reason this program was taken from United Sioux Tribes is because Rosebud Sioux Tribe and Flandreau wouldn't submit their documents and receipts. Ms. Shields informed the Council that she hasn't talked to West Central Electric Cooperative, Inc. about her electricity bill as yet. William S. Jandreau recommended that Ms. Shields talk to West Central about making a partial payment. Chairman Jandreau informed Ms. Shields that he will talk to West Central regarding her electricity bill. No action was taken at this time.

3. TELEPHONE SERVICE - William S. Jandreau presented forms which he had printed for logging telephone complaints. He talked with a Telephone Representative from Sioux Falls, South Dakota and the Representative saw the form before it was released. Mr. Jandreau informed the Council that when another small town gets a cost increase, it also affects us. Mr. Jandreau said our phone systems are on carrier lines. William S. Jandreau said these documents are needed for the Public Utilities Commission, if we are ever to have a hearing regarding our phone system. Mr. Jandreau said if we establish that Northwestern Bell is not giving us adequate service, then we could go to the Public Utilities Commission with the proper records and then maybe in two (2) years we could get our own switching system here and apply for grant funds through the Economic Development Administration. He said there are a number of ways to do it but we must have the proper documentation. Chairman Jandreau informed the Council that Larry Mendoza will be leaving on Wednesday, and he'll be gone for a week. No action was taken at this time.

(#1. Tribal Budget Cont'd.) - William S. Jandreau said we should have the Tribe issue some documentation regarding our salaries, if a cut is made, to reflect on our taxes. Chairman Jandreau said he needs a direction from the Council in this issue because we will be overexpended in the budget. Real efforts must be made to reflect the improprieties on the Tribe's budget

if we don't take some action. Chairman Jandreau said we could be held criminally liable if this issue becomes detrimental to the people it serves. The Tribal Council concurred to have Lisa Estes, Jr. Accountant, prepare the exact figures of income and expenditures for a meeting on Wednesday or Thursday.

4. LUMMI INDIAN BUSINESS COUNCIL - A letter dated June 9, 1986 was received from Larry Kinley, Chairman and Sam Cagey, Secretary, of the Lummi Indian Business Council regarding tribal government letters needed for Senators to encourage Senate signatures on a letter to the administration opposing IRS attempts to tax Tribal Treaty-protected resources. The letter stated the Indian Tribes in the Pacific Northwest are fighting a serious treaty rights issue with the current administration. The IRS, since 1982, has been attempting to impose Federal income taxes on Tribal fishermen for income derived from fishing in treaty-designated waters. The implication, of course, is that if the IRS is successful, all Tribal resources nationwide will be in jeopardy from the long fingers of the IRS. Motion was made by William Ziegler to support the Lummi Indian Business Council's efforts in fighting the U.S. IRS regarding the treaty rights. This motion was seconded by William S. Jandreau and carried with five for, none opposed, one absent and none not voting.

5. REHAB FUNDS - A letter dated June 5, 1986 was received from Patti Moore requesting to borrow \$10,000.00 from the Rehab Funds to purchase some cattle. Mrs. Moore would be willing to make a payroll deduction of \$50.00 each pay period and a more substantial payment in the Fall when calves are sold. The Tribal Council concurred to have Mrs. Moore submit a Rehab Application, a current financial statement and a repayment schedule, before a final decision is made.

6. WOOD POSTS & FENCING - A letter dated June 16, 1986 was received from Tamara Coleman requesting thirteen (13) wood posts and thirty-five (35) steel posts. Mrs. Coleman would be using these posts to put a fence around her unit. Chairman Jandreau informed the Council that Nathan Middletent and Richard Menzie have also requested to buy a roll of wire located in the Tribe's Bull Pen. The Baptist Church took one (1) or two (2) rolls of wire for their cemetery. William Ziegler informed the Council that Pat Spears gave the wire to Grover Fallis and he in turn gave it to the Church. Mr. Ziegler didn't know the status of the wire at that time so he told them not to put it up. The Tribal Council concurred to sell the posts and wire to Tamara Coleman, Nathan Middletent and Richard Menzie. Chairman Jandreau will negotiate the price with the Individuals involved.

7. DAY CARE CENTER - A letter addressed to William Ziegler dated June 16, 1986 was received from Darlene Hood requesting payment for twenty (20) hours of annual leave while employed with the Day Care Center. Mrs. Hood was layed off from her position at the Day Care Center in December, 1985. Discussion was held regarding temporary employees don't accrue annual and sick leave. Motion was made by William Ziegler that if Darlene Hood has it legitimately coming (annual leave), then she should be paid for it. This motion was seconded by William S. Jandreau and carried with five for, none opposed, one absent and none not voting.

8. DANCE REQUEST - A letter dated June 12, 1986 was received from the Men's Softball Team Members, Maric Charger, Manager, requesting use of the Tribal Cym for a dance and sell beer on June 27, 1986 from 11:00 PM to 3:00 AM. Discussion was held regarding the sale of beer has been restricted to only a direct tribal function. No action was taken at this time.

9. 4TH OF JULY CELEBRATION - William Ziegler requested approval from the

Council to solicit funds from various organizations, who wish to donate, to purchase fireworks and have a picnic for the 4th of July Celebration. Mr. Ziegler projects the cost at approximately \$3,000.00. The funds collected will be deposited into the tribe's General Fund and purchases will be made with the Purchase Order process. The Celebration will be held the evening of July 3, 1986. Mr. Ziegler said the fireworks supply will be increased by \$500.00. Motion was made by Darrell Middletent to approve William Ziegler to solicit funds from various organizations for the 4th of July Celebration. This motion was seconded by William S. Jandreau and carried with five for, none opposed, one absent and none not voting. Mr. Ziegler said if enough funds aren't collected, the General Fund will absorb the balance.

ADJOURNMENT - With no further business, Chairman Jandreau entertained a motion to adjourn. Motion was made by Charles Langdeau to adjourn the meeting. This motion was seconded by Darrell Middletent and carried with five for, none opposed, one absent and none not voting.

CERTIFICATION

The foregoing is a true and correct transcript of Minutes of a Special Meeting held by the Lower Brule Sioux Tribal Council, on the 16th day of June, 1986.

Cheryll LaRoche, Recording Secretary

LOWER BRULE SIOUX TRIBAL COUNCIL

SPECIAL MEETING

June 24, 1986

PRESENT: Michael B. Jandreau, Chairman ABSENT: William S. Jandreau
Kay Gourneau
William Ziegler
Darrell Middletent
Ted Rouillard
Charles Langdeau (arrived late)

ALSO PRESENT: Larry Mendoza, Operations Manager

The meeting was called to order at 1:30 PM by Chairman Jandreau. Roll call was taken by the Recording Secretary and the Lord's Prayer was led by Chairman Jandreau.

1. PROGRAM FUNDING - The Tribal Council needs to pass a resolution for the J.O.M. Application for the Lower Brule Headstart Program and support the Lower Brule Housing Authority CIAP Application for FY'86 funding. Motion was made by Ted Rouillard to adopt a resolution for the Headstart Program funding and the Housing Authority CIAP Application. This motion was seconded by William Ziegler and carried with four for, none opposed, two absent and none not voting.

2. CONTRACT SUPPORT FUNDS - A letter dated June 12, 1986 was received from Dr. Jerry Jaeger, Area Director, informing the Tribe of a Central Office mailgram dated May 20, 1986 concerning distribution of Contract Support Funds (CSF) for new FY'85 and FY'86 P.L. 93-638 contracts. The BIA is experiencing a significant shortfall, new FY'85 and FY'86 contracts will receive approximately 28.3% of their projected need. Dr. Jaeger cautions all contractors that if direct funds are used, a significant reduction in services must not occur by the movement of these funds. Efforts are being made to obtain additional funding to bring contracts up to the 92.5% level. Chairman Jandreau suggested that letters be written to the Congressional Delegates regarding this issue. No action was taken at this time, informational only.

3. DANCE REQUEST - A letter dated June 12, 1986 was received from the Men's Softball Team, Marie Charger, Manager, requesting to use the Tribal Gym on June 27, 1986 for a dance and sell beer. This request was previously presented to the Tribal Council and no action was taken. Discussion was held regarding the incidents which have occurred during and after the past dances held in Lower Brule and Reliance. Darrell Middletent informed the Council that this Club has to pay last year's membership dues because they weren't cleared up. The Tribal Council concurred to deny the Men's Softball Team's request for a dance and to sell beer because of the various problems arising with the past dances.

4. ANNUAL POW-WOW & FAIR - A letter dated June 23, 1986 was received from Scott Jones, Pow-wow Committee Chairman, requesting \$1,000.00 from the Revenue Sharing account to purchase Pow-wow buttons, posters and unperishable items to be used for the feed. Discussion was held regarding the Revenue Sharing funds are used to supplement the Day Care Center. The Day Care Center presently has twenty-nine (29) children. The Tribal Council concurred to

Administrations. Also, other programs that have to be paid back. Discussed payments made to Sidney Flores, previous Administration's General Counsel. William Ziegler said Council salaries were set up on an hourly base at \$8.29 per hour and maybe Council Members should get paid for the hours put in because that was the original way it was set up. Chairman Jandreau said also, different areas where Council Members were suppose to be responsible for. Mr. Mendoza said the next pay period is going to be tough. Charles Langdeau said if we go on like this without salaries and just pay the bills by September 30, 1986 then we'll know about the Farm dividend, we should know about then. Larry Mendoza suggested the Council RIF three (3) positions in the Finance Office and that should do it. Kay Gourneau informed the Council she received a letter of resignation from Patti Moore as Human Resources Coordinator. Mr. Mendoza informed the Council not to worry about his salary either because he's leaving too. Chairman Jandreau emphasized payment due to Core Management and Mr. Mendoza said we don't receive indirect cost funds from the Core Management Grant. Mr. Mendoza said with Mrs. Moore's position and his position being vacant there would be a Core Management Secretary and four (4) other positions in the Finance Office. Discussion was held regarding the twenty percent (20%) cut would be all employees covered by the General Fund and the Indirect Cost Pool. Ted Rouillard feels one (1) of the priorities should be the bank payments. Bank West note is due three (3) months from now and Tri-County State Bank note is due now. Larry Mendoza said when William Ziegler negotiated the note with Tri-County State Bank, the Tribe paid the interest, we made a payment in April and now we owe a payment of \$7,000.00. Mr. Mendoza said we owe another \$10,000.00 for health insurance until September 30, 1986. Chairman Jandreau said we would save some dollars on the annuity, \$400.00 to \$500.00 a piece on whoever (Council Member) is drawing it. Mr. Mendoza asked the Council, if they won't RIF him, would they accept his resignation? Chairman Jandreau informed the Council there's approximately \$361,000.00 in the Treasury Reserve and of that \$263,000.00 is ear marked for land payments. That leaves a balance of about \$98,000.00 for next year's operations. This last year, we started the fiscal year with about \$105,000.00. Chairman Jandreau said we're doing the same thing as last year except that we paid back some of these debts and if we continue to operate like we have over the last several years, we can't continue to pay salaries and all that but carry forward a larger and larger deficit. Chairman Jandreau said the question he has is that if we do that lets do it knowingly or do something about it now, that's the basic position we're in. Chairman Jandreau said he previously told the council the morale is down because people were not given a raise and he was given a raise and approved documents and he didn't take it. Chairman Jandreau said there's a raise in the Indirect Cost Proposal for the Chairman position but it didn't take it because there's no dollars. He said he couldn't give the employees a raise because there's no dollars to give it. He said there were some raises due legitimately and they weren't taken. Larry Mendoza told the Council if someone pays his gas, he'll come down and work. Charles Langdeau said if nobody took a salary that would save \$40,000.00 and we'd still have to dig up some money. Mr. Mendoza told the Council even if we reduce salary in the Support Staff, it won't help that much. Charles Langdeau said the Lower Brule Construction Company Board would loan the Tribe some money and when the Tribe gets some in, they could pay it back. Chairman Jandreau said we could get \$30,000.00 from the Lower Brule Construction Company, modify the tribal budget for \$30,000.00 from investments and with what we got coming we would be able to put on the Fair and have \$10,000.00 to pay bills. A payment of \$7,000.00 goes to the Bank. Charles Langdeau suggested to have Larry Mendoza submit a financial statement on a monthly basis. Kay Gourneau suggested to have Eddie Shields' salary come out of the Bingo Account and somehow cut down on the phone bill. Chairman Jandreau said our bill is about \$300.00 per month and the phone bill at the Finance Office is far more than it should be, and we let people use our phone as part of the services we provide. He said we pay for phones we don't even

use. Chairman Jandreau wants Larry Mendoza to do something about the phones. Chairman Jandreau said our phone bill was high for a while because the Health Administration calls were on our bill instead of a separate billing but now the billings are straightened out. Kay Gourneau said there are personal phone calls on our billing. Chairman Jandreau said because people come in and use our phone for services. He suggested that people be written a letter, who we have a sizeable bill with, that they won't be paid for a period of time. Mrs. Gourneau said she has no problem with people using the phone as services being provided, but not use the phones for personal long distance calls. Darrell Middletent said when the CHRs use the phone for personal calls, the amount is taken from their check. Mrs. Gourneau said she's in favor of taking any cut but we must make an effort in some other areas to save too. Charles Langdeau said every month we should look at everything to see where there's any savings. Mrs. Gourneau said we have alot of hours being wasted and we're losing money there too and that goes for us. She said if it was honest and leave was used right, it would save us in the long run. Chairman Jandreau said we need to take a particular action to do it, regarding the tribal budget. He said if we take Eddie Shields' salary out of the bingo account, we could adjust his hours so he could watch the tribal gym building. After discussion regarding the salary cuts, motion was made by Ted Rouillard to cut the salaries by twenty percent (20%) for all employees paid under the General Fund and Indirect Cost Pool, draw down \$30,000.00 from the Treasury Reserve, request \$30,000.00 from the Lower Brule Construction Company and Eddie Shields' salary will be taken from the Bingo Account. This motion was seconded by Charles Langdeau and carried with five for, none opposed, one absent and none not voting. Patti Moore has submitted her resignation as the Human Resources Coordinator. Chairman Jandreau requested this issue be put on hold until the next regular meeting. The Tribal Council concurred with Chairman Jandreau's request.

6. PESTICIDE OFFICER - Scott Jones entered the meeting and discussed previous interactions with the Tribal Council and invited them to visit his office. No action was taken, informational purposes only.

ADJOURN - With no further business, Chairman Jandreau entertained a motion to adjourn. Motion was made by Kay Gourneau to adjourn the meeting. This motion was seconded by Darrell Middletent and carried with five for, none opposed, one absent and none not voting.

CERTIFICATION

The foregoing is a true and correct transcript of Minutes of a Special Meeting held by the Lower Brule Sioux Tribal Council on the 24th day of June, 1986.

Cheryll LaRoche, Recording Secretary

LOWER BRULE SIOUX TRIBAL COUNCIL
REGULAR MEETING
July 2, 1986

PRESENT: Michael B. Jandreau, Chairman ABSENT: Kay Gourneau
William Ziegler
Charles Langdeau
Darrell Middletent
Ted Rouillard
William S. Jandreau

ALSO PRESENT: Richard P. Thompson, Sr.
Gregg Miller, Alcoholism Program Director
Edwin L. Miller, Agency Superintendent
Geraldine Estes
Wanda Estes
Marlin Rodriguez
David L. Bergren, General Counsel
Scott Jones, Pesticide Officer
Nyal Brings, Small Loans Committee Chairman
John Klasner, Geologist, U.S. Geological Survey
Tom Suszek, " " " "
Doug Burge, " " " "

The meeting was called to order at 11:35 AM by Chairman Jandreau. Roll call was taken by the Recording Secretary and the Lord's Prayer was led by Charles Langdeau, Chaplain.

1. PIERRE INDIAN LEARNING CENTER - Richard P. Thompson, Sr., Pierre Indian Learning Center Board Member was present and informed the Tribal Council he has been on the Board for six (6) years and his term is expiring. Mr. Thompson asked the Council to renew his appointment. He also presented a draft resolution of support for PILC to receive operating funds. Motion was made by Ted Rouillard to reappoint Richard P. Thompson, Sr. as the PILC Board Representative and adopt the resolution of support for PILC to receive operating funds. This motion was seconded by William S. Jandreau and carried with five for, none opposed, one absent and none not voting.

2. U.S. GEOLOGICAL SURVEY - Mr. John Klasner, Geologist, Tom Suszek, Geologist, and Doug Burge, Geologist entered the meeting to discuss their crew is conducting a gravity survey in South Central, South Dakota. These gentlemen are with the U.S. Geological Survey. The survey they are conducting is from Mitchell to Pine Ridge, South Dakota and it includes part of the Southern portion of the Lower Brule Sioux Indian Reservation. They are requesting permission to conduct gravity readings on the Lower Brule Reservation. Chairman Jandreau informed these gentlemen that the Tribal Council previously adopted a resolution, (June 4, 1986), to have studies conducted and were under the impression that the survey included the whole reservation. Chairman Jandreau said the idea was the Tribal Council would be provided with the information of the seismic study and unless the study is conducted on the entire reservation, it would be of no great value. Mr. Klasner said the purpose of this study is to understand the broad base of geological basement rocks, not minerals such as gas and oil. Mr. Klasner said their initial plan was to do Mitchell and Martin, South Dakota and there other priorities. Chairman Jandreau read the letters we received regarding

the gravity study which would be conducted on the reservation. Mr. Klasner said the crew would be doing work along the roadways. Mr. Klasner said he originally works for the Western Illinois University. Chairman Jandreau said the Tribe was led to believe it was a total study. Mr. Klasner said the Tribe is welcome to have a copy of the data for the whole area. He said the end purpose is to understand the nature of the precambrian basement rocks. How these precambrian basement rocks form through the geological time, they are not looking for minerals or oils at this time. Chairman Jandreau said but through this study they'll get information though. Mr. Klasner said yes, the data could be looked at in different ways by different people. Mr. Klasner said he started making contacts last week and part of his proposal was to do Mitchell to Martin, South Dakota, one (1) degree by two (2) degree. They informed the Council they don't go walking across people's land. William S. Jandreau recommended that Mr. Klasner see if the whole reservation could get surveyed. After a short discussion regarding maps, roads, etc., Mr. Klasner said it looks like it would take about a day to survey the reservation and it would be faster if someone could show them around. He said immediately after they're finished, they would give the Tribe a copy of the data. He said he couldn't give more than a day because he has a moral obligation to the proposal which he was given. He said they would need maps and would still want a copy of the survey data and the Tribe could have a Geologist interpret the information for them. If the Tribe wants their interpretation of the data, they are welcome to it but it takes about two (2) years. Mr. Klasner said if the Tribe wants to look for gas and oil, a seismic study gives you more information than a gravity study. He said the U.S. Geological Survey is not in the mineral exploration business. He said the seismic study will provide data where to look to drill for oil. Mr. Klasner said he would provide two (2) crews for one (1) day and would inform the Tribe in advance when they move into this area. No action was taken at this time, informational purposes only.

3. WEST CENTRAL ELECTRIC COOPERATIVE, INC. - A letter dated June 10, 1986 was received from Edwin L. Miller, Superintendent in reference to a copy of the letter received from Tim Tescher, Assistant Engineer, West Central Electric Cooperative, Inc. Mr. Tescher's letter stated they need two (2) resolutions from the Council for every easement process. One (1) resolution for the Grant of Permission to survey and a separate one (1) for Grant of Right of Way easement. These grants must be made to West Central Electric only and cannot be combined to include any rights granted to whomever is requesting the service. He also requested a document listing those personnel with authorization to sign documents for the Tribal Council. The Tribal Council concurred to submit Mr. Tescher a list of the present Tribal Council's names.

4. TRANSMISSION & DISTRIBUTION SERVICE CONTRACT - The Tribal Council was given another draft of the proposed Contract with West Central Electric Cooperative, Inc. for review and approval. This Transmission & Distribution Service Contract is for the Grassrope Project. All parties involved have been working on this Contract for the past three (3) years. Within this Contract, West Central requests authorization to construct and install lines for this project. The Contract is for a twenty-five (25) year period and will expire in the year 2011. This is the best time period for the Contract because of the capital contribution. The Tribal Council reviewed the contents, terms and conditions of the Contract. Motion was made by William S. Jandreau to accept the agreement as stated here in the Transmission & Distribution Service Contract and authorize signatures of Michael B. Jandreau, Chairman and William Ziegler, Secretary/Treasurer. This motion was seconded by Charles Langdcau and carried with five for, none opposed, one absent and none not voting.

RECESS - The meeting recessed at 12:55 PM for the noon hour and reconvene at 1:55 PM. The meeting reconvened at 1:55 PM with the same Members present, Michael B. Jandreau, Chairman and Darrell Middletent arriving late. William Ziegler is Acting Chairman in the absence of Chairman Jandreau.

5. **TRIBUTE TO TRIBAL ELDERS** - Motion was made by Charles Langdeau to adopt a resolution in honor and tribute to Tribal Elders and officially recognize a day in June and each subsequent anniversary thereof, as "American Indian Tribal Elders Day". This motion was seconded by Ted Rouillard and carried with three for, none opposed, three absent and none not voting, quorum present.

6. **SIoux INDIAN ARTISANS, INC.** - A letter dated June 15, 1986 was received from Charles Rencountre, Chairman, Sioux Indian Artisans, Inc. (SIAI) regarding the promoting and coordinating the first annual Missouri River Inter-Tribal Arts Festival on July 12-13, 1986 in Chamberlain, South Dakota. Also, they would at this time like to honor the Lower Brule Sioux Tribe people for their dedication to the Lakota art forms. The SIAI is asking the Tribe to provide a feed honoring our local artists and elderly. They have also requested the Tribe support the SIAI with a reasonable contribution. Motion was made by William S. Jandreau to respond to Mr. Rencountre that no funds are available at this time to honor his request. This motion was seconded by Charles Langdeau and carried with three for, none opposed, three absent and none not voting. (Darrell Middletent arrived at this time.)

7. **REHAB LOAN REQUEST** - A letter dated June 30, 1986 was received from Patti J. Moore informing the Tribal Council that due to her resignation as Human Resources Coordinator, she wishes to withdraw her recent request for a \$10,000.00 loan from the Rehab Account, for the purpose of purchasing cattle. No action was taken at this time, for informational purposes only.

8. **LAND SALES** - A Land Sale Application was received from Carla Brugh for sale of her undivided 1/7 interest in LB-2002, Floyd W. Thompson (LB-750) Allotment, to the Tribe, surface rights only. Motion was made by Charles Langdeau to request a Surface Appraisal on LB-2002, Floyd W. Thompson Allotment before a decision to purchase is made. This motion was seconded by Darrell Middletent and carried with four for, none opposed, two absent and none not voting. The Tribal Council had previously taken action to request a Mineral Appraisal regarding the undivided 5/9 Mineral Interests of William White Light, Sr., in LEM-316, Thomas Bow Allotment. Mr. White Light, Sr. informed the Tribe that the amount of his Mineral Appraisal is \$88.89 and he wishes to continue with the sale. Motion was made by Charles Langdeau to purchase the undivided 5/9 Mineral Interests of William White Light, Sr. in LEM-316, Thomas Bow Allotment and the funds for this purchase be withdrawn from the Lower Brule Land Purchase Funds Account #343T009993. This motion was seconded by Ted Rouillard and carried with four for, none opposed, two absent and none not voting.

9. **HOFMEISTER FUNERAL HOME** - A letter dated June 3, 1986 was received from L.D. Hofmeister and he suggested the Tribe should have their own hearse and have the services contracted with some funeral home to do the embalming and to furnish the casket. He stated with no mileage involved and with no services involved, a little better casket could be used. He does have a hearse that he would sell to the Tribe if they're interested and Mr. Hofmeister would be happy to meet with the Tribe sometime and explain what could be done. The Tribal Council concurred to utilize the Ambulance, when available, for transporting bodies to and from a funeral home and the CHRS will assume responsibility for scheduling and follow up of such matters.

10. **DANCE REQUEST** - A letter dated June 5, 1986 was received from Cody

Russell, Business Manager, Gournau Brothers Construction Softball Team requesting the Tribal Gym on Friday and Saturday nights during the 1986 Annual Fair & Pow-wow, to hold a dance. He also requested to sell beer at each dance. A request dated June 19, 1986 was received from Charles Langdeau and Marily Harmon, Secretary/Treasurer, Lower Brule Racing Association requesting use of the Tribal Gym for Saturday night, August 9, 1986 to put on a dance. They also requested use of the Rodeo Grounds Concession Stand for August 9-10, 1986. A request dated June 20, 1986 was received from Mr. Langdeau and Mrs. Harmon to sell beer during the Fair, at the Rodeo and at the dance. Motion was made by Charles Langdeau to approve the Gournau Brothers Construction Softball Team to hold a dance and sell beer, in the Tribal Gym on Friday, August 8, 1986; and approve the Lower Brule Racing Association to hold a dance and sell beer in the Tribal Gym on Saturday, August 9, 1986; and approve the Racing Association's request to sell beer during the Rodeo on August 9-10, 1986 and utilize the concession stand within the Rodeo Grounds. This motion was seconded by Darrell Middletent and carried with four for, none opposed, two absent and none not voting.

11. HOUSING MOVING REQUESTS - The Council had requests from Dean Jandreau and Annette Big Eagle for assistance to move their houses. Ted Rouillard informed the Council that Mr. Jandreau withdrew his request and Mrs. Big Eagle's request has been taken care of. No action was taken, informational purposes only.

12. YOUTH WORK LEARN PROGRAM - The Tribal Council reviewed the applications received for Laborers and Supervisors under the Youth Work Learn Program. Thirty-one (31) applications were received for the Laborer positions and twenty-five (25) applications were received for the Supervisor positions. A recommendation was received from Patti Moore, Human Resources Coordinator to select the first twenty-five (25) eligible applications for the Laborer positions and Dale Middletent and Ben Janis be selected for the Supervisor positions. Motion was made by Ted Rouillard to select the first twenty-four (24) eligible enrolled members as Laborers for the Youth Work Learn Program. This motion was seconded by William S. Jandreau and carried with four for, none opposed, two absent and none not voting. Motion was made by William S. Jandreau to go with the recommendation of Dale Middletent and Ben Janis as Supervisors for the Youth Work Learn Program. This motion was seconded by Darrell Middletent and carried with four for, none opposed, two absent and none not voting.

13. REQUEST FOR HEARING - A letter dated June 23, 1986 was received from Larry W. Mamula, Dakota Plains Legal Services requesting a hearing before the Tribal Council for Charlene Thomas. Charlene Thomas was previously employed with the JTPA Program and was terminated from her position on December 6, 1985. Motion was made by Darrell Middletent to grant a hearing, as stated in the Personnel Policies & Procedures, to Mrs. Thomas. This motion was seconded by Charles Langdeau and carried with four for, none opposed, two absent and none not voting.

14. JTPA SECRETARY POSITION - Thirteen (13) applications were received for the JTPA Secretary position. A recommendation was received from Eyvonne Dupris, JTPA Director, for selection of Laureen Ziegler as the JTPA Secretary and Winona Quilt and Lana LaRoche as Alternates. Motion was made by Ted Rouillard to go with the recommendation of Laureen Ziegler as JTPA Secretary and Winona Quilt and Lana LaRoche as Alternates. This motion was seconded by William S. Jandreau and carried with four for, none opposed, two absent and none not voting.

15. HUMAN RESOURCES COORDINATOR - A letter dated June 24, 1986 was received from Patti Moore, Human Resources Coordinator resigning from her position

effective July 9, 1986. Motion was made by Darrell Middletent to accept Mrs. Moore's resignation as Human Resources Coordinator and table any decision for advertisement of this position until such time all Council Members are present. This motion was seconded by Charles Langdeau and carried with four for, none opposed, two absent and none not voting.

16. GAME MANAGEMENT AIDE POSITION - A recommendation was received from Patti Moore, Human Resources Coordinator and Kim K. Thompson, Wildlife Management Program Director, for the selection of Dallas Michalek as the Game Management Aide and Patrick Big Eagle and Boyd Gournau as Alternates. Motion was made by Ted Rouillard to accept the recommendation for selection of Dallas Michalek as Game Management Aide and Patrick Big Eagle and Boyd Gournau as Alternates. This motion was seconded by William S. Jandreau and carried with three for, none opposed, three absent and none not voting, quorum present.

17. ALCOHOLISM COUNSELOR & ALCOHOLISM COUNSELOR TRAINEE POSITIONS - A recommendation was received from the Health Board for selection of Carolyn Stricker as the Alcoholism Counselor Trainee and Laureen Ziegler as Alternate; and selection of Clarence Wilson as Alcoholism Counselor and Anita Grassrope as Alternate. Motion was made by Charles Langdeau to go with the recommendation for selection of Carolyn Stricker as the Alcoholism Counselor Trainee, Laureen Ziegler as Alternate, and Clarence Wilson as Alcoholism Counselor, Anita Grassrope as Alternate. This motion was seconded by Ted Rouillard and carried with four for, none opposed, two absent and none not voting.

18. LIEAP COORDINATOR - A letter dated July 1, 1986 was received from Emma LaRoche, LIEAP Coordinator requesting a .75¢ per hour raise from the LIEAP Program. The reason for such request is due to the fact that employees are taking a cut in salary under the Indirect Cost Pool. Motion was made by Ted Rouillard to approve Emma LaRoche's request provided it is within her program grant. This motion was seconded by Charles Langdeau and carried with four for, none opposed, two absent and none not voting.

19. COMPLAINTS - POLICE DEPARTMENT & JUDICIAL SYSTEM - Geraldine Estes, Wanda Estes, and Marlin Rodriguez entered the meeting in reference to complaints they have regarding the Court System. They previously presented their complaints before the Law & Order Committee. Mrs. Estes asked the Tribal Council what they're going to do about the beatings that have been occurring. Mrs. Estes, Ms. Estes and Mr. Rodriguez requested the Tribal Council to have two (2) Aberdeen Area Office Officials come down and investigate the Police Department and Judicial System. They request Aberdeen Area Office send Duane Holland and Bill Collier to investigate how cases are being held through the Police Department and Court System, and make sure the contract is being lived up to. They discussed the latest incident which involved Marlin Rodriguez as a beating victim. William S. Jandreau said, also find out at the local level what the Superintendent's position is regarding these incidents. William Ziegler, Acting Chairman informed those present that the Tribal Council has talked to the Superintendent about the lack of response to the Public by the Police. Motion was made by Darrell Middletent to request the Bureau of Indian Affairs, Aberdeen Area Office, investigate the Police Department and Judicial System and the Tribal Council be submitted a copy of the completed report of such investigation. This motion was seconded by William S. Jandreau and carried with four for, none opposed, two absent and none not voting. Discussion was held in reference to whether there is a conflict of interest with Shirley Flute as Associate Judge and complaints that are signed on her family. William Ziegler, Acting Chairman said any elected official can be removed from their position if you have probable cause and proof of misconduct for dismissal, but you have to go through a Court System. Dave Bergren, General Counsel, said the Tribal Council could

appoint an Alternate Judge. Acting Chairman Ziegler said if the BIA pulls the investigation then the Tribal Council can take some steps. He said the Tribal Council should wait on the investigation and appoint an Alternate Judge to take Shirley Flute's place when any cases involve her family. Mr. Bergren suggested to have the Police Captain attend a meeting and have the people come in to discuss their complaints. The Tribal Council has discussed these issues previously with Superintendent Miller. Dave Bergren suggested the Tribal Council could make specific deals with the Police Department to handle complaints, issue warrants and make arrests, and the Council could appoint an Alternate Judge. Mr. Bergren wants to research this matter for about a week before the Tribal Council appoints an Alternate Judge. William S. Jandreau recommends that a formal letter be written to the Superintendent with a copy of the submitted statements from Geraldine Estes, Wanda Estes, and Marlin Rodriguez, and request results. Motion was made by William S. Jandreau to request from the Police Captain that he provide a written response regarding these complaints, back to the Tribal Council and if he refuses or turns it over to the Superintendent, we'll go from there. This motion was seconded by Charles Langdeau and carried with four for, none opposed, two absent and none not voting.

20. COPIER MAINTENANCE AGREEMENT - Motion was made by Ted Rouillard to approve payment of the Copier Maintenance Agreement for the Savin 5030 Copier in the amount of \$1,359.00. This motion was seconded by William S. Jandreau and carried with four for, none opposed, two absent and none not voting.

21. GENERAL COUNSEL INVOICES - Three (3) General Counsel invoices were received from David L. Bergren, General Counsel. The Tribal Council reviewed and discussed the invoices as follows: Morris Irrigation-105 = \$24.00, West Central-103 = \$3,044.78, and General Counsel-112 = \$318.00. Motion was made by Charles Langdeau to authorize payment to General Counsel, David L. Bergren, for the invoices covering the period of May 12, 1986 through July 1, 1986, in the approved amount. This motion was seconded by Darrell Middletent and carried with four for, none opposed, two absent and none not voting.

22. TRIBAL COUNCIL MINUTES - Motion was made by Darrell Middletent to approve the Tribal Council Minutes for June 4, 1986, June 16, 1986 and June 24, 1986. This motion was seconded by William S. Jandreau and carried with four for, none opposed, two absent and none not voting.

23. UNITED SIOUX TRIBES - A letter dated June 24, 1986 was received from Clarence Skye, Executive Director, United Sioux Tribes, regarding the BIA 7(b) Policy Implementation Memorandum. No action was taken at this time, informational purposes only.

24. OGLALA SIOUX TRIBE - A letter was received on June 26, 1986 from Charmaine Wisecarver, Director, OST Transportation Department, regarding "A Seminar on Transportation on Reservations" will be held on July 24-25, 1986 at the Holiday Inn in Rapid City, South Dakota. The Oglala Sioux Tribe will be hosting the seminar. Motion was made by Darrell Middletent to authorize the Roads Commission Members to attend this seminar. This motion was seconded by William S. Jandreau and carried with four for, none opposed, two absent and none not voting.

25. WEATHERIZATION PROGRAM - A letter dated June 20, 1986 was received from Terril A. Overton, Contracting Officer, Department of Energy in reference to the monitoring visit made on the Lower Brule Sioux Tribe Weatherization Program to determine compliance with the written objectives of the approved 1985 Weatherization Program Plan. The letter contained a list of serious administrative and production deficiencies which must be immediately and fully corrected. Mr. Overton requested within thirty (30) days of his letter,

the Tribe provide his office with a status update of all corrective actions taken relative to the problems described in his letter. The continuation of the Weatherization Program is highly dependent upon the progress that is made in correcting the identified deficiencies. Motion was made by Ted Rouillard to have Elaine Thompson, Weatherization Program Director, respond to this letter within thirty (30) days of the date of this letter. This motion was seconded by Charles Langdeau and carried with three for, none opposed, three absent and none not voting, quorum present.

26. EDUCATIONAL GRANT ASSISTANCE - An Educational Grant Assistance Application was received from Robert Kennedy. The application was submitted to Gib Rogers, High School Counselor for review and recommendation of approval/disapproval. A letter dated June 20, 1986 was received from Mr. Rogers informing the Council that Mr. Kennedy is enrolled in a three (3) hour course at the Black Hills State College this Summer and Mr. Kennedy's grades are too low to be considered for Bureau funding, therefore, Mr. Rogers cannot recommend Robert Kennedy for a Tribal grant. The Tribal Council has previously accepted Mr. Rogers' recommendations regarding these applications. Motion was made by Darrell Middletent to accept Gib Rogers' recommendation and deny Robert Kennedy's request for Educational Grant Assistance. This motion was seconded by Charles Langdeau and carried with four for, none opposed, two absent and none not voting.

27. TRAINING SCHEDULES - Motion was made by Charles Langdeau to authorize Chairman Jandreau to attend the BIA Hearing in Aberdeen, South Dakota on July 11, 1986. This motion was seconded by Darrell Middletent and carried with four for, none opposed, two absent and none not voting. A Representative from Ross Swimmer, Assistant Secretary of Indian Affairs's Office will be present at the BIA Hearing. Ted Rouillard informed the Council there will be a meeting in Rapid City on July 30, 1986 regarding the Appellate Court System. Motion was made by Ted Rouillard to authorize travel for Council Members who wish to attend the Appellate Court meeting in Rapid City, South Dakota on July 30, 1986; Housing Services Association Workshop in Green Bay, Wisconsin on July 14 & 15, 1986; and the IHS Education Conference and Celebration at the Aberdeen Sheraton Inn Convention Center during the period of September 9-11, 1986. This motion was seconded by Charles Langdeau and carried with four for, none opposed, two absent and none not voting.

28. DECLARE PROHIBITION - RESERVATION WIDE - Chairman Jandreau placed this item on the agenda for Tribal Council's consideration because of the incidents that have been occurring which are alcohol related. Charles Langdeau said this matter should be put to the vote of the people. William S. Jandreau said this item is on the referendum vote which will be coming up. Motion was made by William S. Jandreau that the Tribal Council allow the Referendum Vote take care of a decision regarding prohibition on the reservation. This motion was seconded by Charles Langdeau and carried with four for, none opposed, two absent and none not voting.

29. ENROLLMENT - Eleven (11) Enrollment Applications were received and reviewed by the Enrollment Committee. The Enrollment Committee recommended enrollment of two (2) Applicants and referred the remaining nine (9) Applicants for Tribal Council's decision. Motion was made by Ted Rouillard to enroll Julie Ann Brown, Rance Eugene Brown, Ronald Gene Brown, Jr., Randall James Brown, Myron Seth Walters Ziegler, Angelina Lacey Walters Ziegler, Signey Frances Walters Ziegler, Carrie Frances Milwee Enloe, Kashonna Ember Sinkler, and Kyle James Thompson, as Members of the Lower Brule Sioux Tribe. This motion was seconded by William S. Jandreau and carried with four for, none opposed, two absent and none not voting.

30. CALL FOR ELECTION - Motion was made by Ted Rouillard to call for the Election of Tribal Council Members in accordance with Article VI of the

Constitution and Bylaws of the Lower Brule Sioux Tribe. This motion was seconded by Charles Langdeau and carried with four for, none opposed, two absent and none not voting.

31. CONSTITUTIONAL AMENDMENTS - The Constitutional & Bylaws Committee in conjunction with Edwin L. Miller, Superintendent have been working on proposed changes to the Tribe's Constitution & Bylaws. These changes will be made by Referendum Vote, conducted by the Bureau of Indian Affairs, to the people. By the end of the month the proposed package should be complete for Tribal Council review. The Council wants this referendum vote separate because it could reflect on the upcoming election. No action was taken at this time, informational purposes only.

32. JUDGES' ELECTION - The last Judges' Election was held on August 18, 1982 and certified by the Tribal Council on August 20, 1982 as per Resolution No. 82-126. The four (4) year term for the Chief Judge and Associate Judge will expire in the Fall of 1986. Motion was made by Darrell Middletent to call for the Election of Chief Judge and Associate Judge in accordance with the Lower Brule Sioux Tribal Law & Order Code. This motion was seconded by William S. Jandreau and carried with four for, none opposed, two absent and none not voting.

33. ELECTION ORDINANCE - The Council reviewed the Election Ordinance (6th draft) with the inclusions from the Council meeting on October 30, 1984. The Tribal Council concurred to table a decision on the Election Ordinance until they have had a chance to further review the document.

34. COUNCIL MEMBER'S MILEAGE - Motion was made by Ted Rouillard to approve payment of mileage to William S. Jandreau. This motion was seconded by Charles Langdeau and carried with four for, none opposed, two absent and none not voting.

35. SENIOR PICTURES - Gib Rogers, Counselor, Brule Sioux High, submitted a quote which he obtained from Photography by Scott regarding Senior Pictures. Photography by Scott quoted a cost of \$3.00 for each proof. Motion was made by Darrell Middletent to approve payment for 1986 Senior Pictures Proofs, up to five (5) proofs each, from the Tribe's Educational Grant Assistance account. This motion was seconded by William S. Jandreau and carried with four for, none opposed, two absent and none not voting.

36. YAPP REQUEST - A letter dated July 1, 1986 was received from Gregg Miller, Alcoholism Program Director requesting the use of the land directly West of the Lower Brule Construction Company property for the six (6) weeks of the YAPP Program. He stated this area is ideally suited to a temporary Moto Cross Track for bicycles. Motion was made by Ted Rouillard to grant the YAPP request. This motion was seconded by William S. Jandreau and carried with four for, none opposed, two absent and none not voting.

37. LAW & ORDER COMMITTEE - The Tribe had been notified by Joanne Oaks, Executive Director, South Dakota Association of Senior Centers, regarding legislation being introduced to the South Dakota State Legislature in reference to Elderly Abuse Code. The Tribal Council referred the proposed Code to the Law & Order Committee for review and recommendations. The Law & Order Committee recommended approval of a Tribal Elderly Abuse Code. Motion was made by Darrell Middletent to adopt the Lower Brule Sioux Tribal Elderly Abuse Code. This motion was seconded by Ted Rouillard and carried with four for, none opposed, two absent and none not voting. Scott Jones, Law & Order Committee Chairman entered the meeting to inform the Council that the Committee has been working with Indian Health Service on a Food Safety Ordinance. He said the State of South Dakota follows the 1976 Food Safety Inspection

Manual. Mr. Jones said IHS' main concern is the Pow-wow and he has to agree because there is nothing on the books as to how the food is handled or labeled. Mr. Jones said they don't want to jeopardize the Cafe, Store or Arcade. IHS had told Mr. Jones that this Code won't jeopardize the businesses and it will work and become effective over the years. Mr. Jones said whoever sells lunch needs to have a permit, and that's already on the books. William Ziegler said if this Code is adopted, it should effect everyone all across the board. Mr. Jones said in reference to the Pow-wow stands, other Tribes have agreed to give us a list of undesirable vendors. Motion was made by William S. Jandreau to adopt the Lower Brule Sioux Tribal Food Safety Ordinance. This motion was seconded by Charles Langdeau and carried with four for, none opposed, two absent and none not voting. Scott Jones, Committee Chairman, submitted verbally, the Committee's recommendations and amendment of the Law & Order Code Section 1-3-86, Curfew Violation: (1.) Parents become responsible for their child(ren)'s criminal activities; (2.) Parents be held liable for any repayment of damages made by their child(ren); and (3.) The fine for Curfew Violation be strengthened. Mr. Jones informed the Council that Virgil Randall, Police Captain, did attend the Law & Order Committee meeting when this item was discussed. Mr. Jones asked the Council to submit a written outline of functions to be performed by the Law & Order Committee. Motion was made by Darrell Middletent to have the Law & Order Committee draft an outline of what they feel their functions should be and submit to the Tribal Council for approval. This motion was seconded by Ted Rouillard and carried with four for, none opposed, two absent and none not voting. Motion was made by William S. Jandreau to amend the Law & Order Code, Section 1-3-86 Curfew Violation to state the following: **SECTION 1-3-86** - Every unmarried Individual who is under the age of eighteen (18) years shall be subject to the curfew regulations within the Lower Brule Sioux Indian Reservation. The curfew regulation shall be in effect from the hours of 10:00 PM to 6:00 AM every day of the week except where there is a direct supervision by a Parent, Guardian or some adult person so appointed for meetings, dances or gatherings. Any Parent, Guardian or appointed person whose children shall fail to obey the curfew regulation shall be deemed guilty of an offense and upon conviction thereof shall be sentenced to a period of imprisonment not to exceed forty-five (45) days or to a fine not to exceed \$100.00 or to both, such imprisonment and fine, with Court costs. This motion was seconded by Charles Langdeau and carried with four for, none opposed, two absent and none not voting.

38. SMALL LOANS PROGRAM - Nyal Brings, Small Loans Committee Chairman entered the meeting requesting he be paid a salary from the Small Loans Program. At this time he is asking for at least sixty (60) days and he hasn't heard about the appeal regarding his program, the Title II Grant. Mr. Brings had discussed this at the last Small Loans Committee meeting but they tabled any decision because personnel decisions are up to the Tribal Council. Mr. Brings stated that he's not asking for anything beyond sixty (60) days. Motion was made by Darrell Middletent to approve a salary for Nyal Brings at a rate of \$6.00 per hour for a period of sixty (60) days at twenty-four (24) hours per week. This motion was seconded by Charles Langdeau and carried with four for, none opposed, two absent and none not voting. The \$1.00 per hour which Mr. Brings presently receives from the Small Loans Program would be included in the \$6.00 per hour rate. (Michael B. Jandreau, Chairman returned to the meeting at this time.)

39. LEASES & RANGE UNIT - A written request has been received from Iva Jean Bolman to amend her Leases and Range Unit Grazing Permit to include the name of Todd Bolman. Mrs. Bolman had met with Superintendent Miller and he referred her to the Tribal Council for action. Motion was made by Charles Langdeau to approve the request of Iva Jean Bolman to amend her Leases and Range Unit Grazing Permit to include the name of Todd Bolman. This motion was seconded

by Ted Rouillard and carried with five for, none opposed, one absent and none not voting.

40. RANGE UNIT #8 - John Langdeau has a Grazing Permit for Range Unit #8 and he has verbally requested, through the Tribal Chairman, to take in outside cattle on his Range Unit #8 until the expiration of his Grazing Permit on October 31, 1986. Motion was made by Ted Rouillard to grant approval of John Langdeau's request to take in outside cattle on his Range Unit #8, effective immediately until the expiration of his Grazing Permit on October 31, 1986. This motion was seconded by Darrell Middletent and carried with four for, none opposed, one absent, and one not voting (William Ziegler).

41. TRIBAL BUDGET - Chairman Jandreau said the Council has received a letter which is signed by a number of the Staff in which they request a real serious look be taken at the action that has occurred, the twenty percent (20%) salary cut for Staff and Council Members. Chairman Jandreau said earlier Larry Mendoza, Operations Manager, informed him of a possibility that IBM might release the dollars we have in a special deposit back to the General Fund. These dollars were deposited in the special account when the Tribe purchased the computer system. Chairman Jandreau said if we could receive those dollars, then maybe restore to forty (40) hours per week at a full salary. Lisa Estes, Junior Accountant, has indicated to Chairman Jandreau that we won't know IBM's definite decision until next Monday. Chairman Jandreau believes the salary cut did create alot more hostility, frustration and more low morale. Chairman Jandreau said if the dollars from the special deposit become available we should restore salaries. Motion was made by Darrell Middletent to transfer the \$21,000.00 Certificate of Deposit, Letter of Credit, which is assigned to IBM, into the General Fund, and with this transaction, restore the salaries of employees covered by the General Fund and Indirect Cost Pool. This transfer will be contingent upon the release of the Letter of Credit by IBM. This motion was seconded by William S. Jandreau and carried with five for, none opposed, one absent and none not voting.

42. DOROTHY TAPLEY'S REQUEST - The Tribe has received a letter dated June 27, 1986 from Senator James Abdnor in reference to a request from Dorothy Tapley for the Tribe to purchase her a refrigerator. The Tribe did previously purchase Mrs. Tapley a stove. The Tribal Council concurred to inform Senator Abdnor, with a copy to Mrs. Tapley, at the present time no funds are available for such purchase by the Tribe.

43. ANNUAL FAIR - Short discussion in reference to posters and dates being set for the Tribe's Annual Fair.

ADJOURNMENT - With no further business, Chairman Jandreau entertained a motion to adjourn. Motion was made by Ted Rouillard to adjourn the meeting. This motion was seconded by Charles Langdeau and carried with four for, none opposed, two 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 2nd day of July, 1986.

Cheryll LaRoche, Recording Secretary

LOWER BRULE SIOUX TRIBAL COUNCIL

SPECIAL MEETING

July 9, 1986

PRESENT: Michael B. Jandreau, Chairman
Kay Gourneau
William Ziegler (arrived late)
Darrell Middletent
Charles Langdeau
Ted Rouillard
William S. Jandreau

ABSENT: None

ALSO PRESENT: Art Batin, Criminal Investigator
Shirley Flute, Associate Judge
Johnny Flute
Geraldine Estes
Marlin Rodriguez
Edwin L. Miller, Superintendent
Paul Picotte, Aberdeen Area Office
Marilyn Harmon, Constitutional & Bylaws Committee Member
Rose McCauley, " " " " "
George Small Jumper, " " " " "

The meeting was called to order at 1:20 PM by Chairman Jandreau. Roll call was taken by the Recording Secretary and the Lord's Prayer was led by Charles Langdeau, Chaplain.

1. JUDICIAL SYSTEM & POLICE DEPARTMENT - A letter dated July 10, 1986 was received from Geraldine M. Estes regarding complaints with the Judicial System and Police Department. Virgil Randall, Police Captain and Shirley Flute, Associate Judge were sent a letter requesting them to be present and submit a written response to the Tribal Council at today's meeting. Art Batin, Criminal Investigator and Shirley Flute, Associate Judge were present at the meeting and submitted their written responses to the allegations made by Geraldine Estes. Motion was made by Darrell Middletent that the written responses submitted by Mr. Batin and Mrs. Flute be made a part of the record and a copy of such responses be submitted to Geraldine Estes. This motion was seconded by Kay Gourneau and carried with five for, none opposed, one absent and none not voting. Mr. Batin informed the Council that until the case is finished this (see attached) is all the response that can be furnished. Discussion was held regarding complaints being signed. Shirley Flute informed the Council that there are three (3) employees who can take complaints through the Court System on a twenty-four (24) hour basis, they are Vance Jandreau, Crystal Medicine Crow and herself. She said the Police do follow up on the complaints because the Court System receives the incident reports. Geraldine Estes and Marlin Rodriguez entered the meeting at this time. Chairman Jandreau informed Mrs. Estes and Mr. Rodriguez of the two (2) written responses which the Council received, reviewed and the action which was taken. At this time copies of the written responses were given to Mrs. Estes. A lengthy discussion was held in reference to the allegations made towards the Judicial System and Police Department. Chairman Jandreau informed Mrs. Estes of the previous Tribal Council action taken to request investigation by the Aberdeen Area Office into the Judicial System and Police Department. The resolution has been transmitted to the Lower Brule Agency. Discussion was held in reference

to bootlegging on the reservation and arrests aren't happening. The Tribal Council had a meeting last November, 1985 with Bureau of Indian Affairs Officials about the bootlegging. (William Ziegler, Edwin L. Miller, Superintendent and Paul Picotte entered the meeting at this time). Mr. Miller informed the Tribal Council the resolution regarding the above mentioned investigation has been transmitted to the Aberdeen Area Office and the previous request, before this one, is already in the Central Office and he should hear something hopefully before the end of July. The latest resolution is now on Duane Holland's desk in the Aberdeen Area Office.

2. JUDGEMENT CLAIM NO. 116 - The Tribe has been notified by Sonosky, Chambers and Sachse, by Memorandum No. 136-86, stating they expect the Court to enter a judgement on Monday, July 7, 1986, and advising the Council to discuss this matter with the Superintendent for adoption and approval of a program for the use of the money. After a discussion, motion was made by William S. Jandreau to establish an irrevocable trust, for a period of ten (10) years, for the monetary award received from the Judgement Claim No. 116, the interest preceeded from the principal amount of such trust be utilized in conjunction with the Tribe's Educational Assistance Grant Program and that the above mentioned irrevocable trust may only be rescinded by a referendum vote of the Lower Brule Sioux Tribal Members. This motion was seconded by Charles Langdeau and carried with six for, none opposed, none absent and none not voting.

3. CONSTITUTIONAL & BYLAWS AMENDMENTS - The Tribal Council reviewed and discussed the proposed amendments to the Tribe's Constitution & Bylaws. William S. Jandreau informed the Council the Constitutional & Bylaws Committee held two (2) meetings and only two (2) people from the Community attended. Discussion was held in reference to sample ballots are to be published for enrolled Members to review. After a lengthy discussion, motion was made by William Ziegler to request the Secretary of the Interior to call an election to propose amendments to the Tribe's Constitution & Bylaws and preparation of ballots. This motion was seconded by William S. Jandreau and carried with six for, none opposed, none absent and none not voting.

4. ELECTION ORDINANCE - The Council was submitted a copy of the Election Ordinance (6th Draft) with the inclusions from the Tribal Council meeting of October 30, 1984, for approval/disapproval. The Tribal Council concurred to table any decision on this matter until after the upcoming Referendum Vote.

5. REHAB LOAN REQUEST - A request was received from Ted Rouillard for the balance of his previous approved Rehab Loan. At the time Mr. Rouillard's request was approved there was an amount of \$9,500.00 in the Rehab Account and the Tribal Council (previously) took action to give him that amount and consider giving him the rest when more dollars were available. Today's request is for the balance amount of \$2,900.00, on his previous Rehab loan. Motion was made by Charles Langdeau, because his loan payments are current, to approve Ted Rouillard's request for the balance of \$2,900.00, on his previous Rehab Loan. This motion was seconded by William S. Jandreau and carried with six for, none opposed, none absent and none not voting. William S. Jandreau stated for the record, that's what the Rehab Account is for. The repayment schedule will remain the same, regarding Mr. Rouillard's request, on a monthly basis.

6. REQUESTS CONTRACTS FY'87 - Motion was made by Kay Gournau to request to contract the Aid To Tribal Government, Judicial Court & Dispatcher Service, Tribal Work Experience Program, Core Management, Roads Maintenance, and Rights Protection for FY'87 and authorize the Tribal Chairman to negotiate such contracts and modifications as may be needed. This motion was seconded by Ted Rouillard and carried with six for, none opposed, none absent and none

not voting.

7. **TWEP PROGRAM** - A letter was received from Rachel LaRoche in reference to her dismissal from the TWEP Program. The Council discussed the incident which occurred at the Day Care Center involving Mrs. LaRoche. Motion was made by Kay Gourneau to approve Rachel LaRoche be re-employed with the TWEP Program and she be placed somewhere other than the Day Care Center. This motion was seconded by Ted Rouillard and carried with six for, none opposed, none absent and none not voting.

8. **SDRA SANCTION FEE & RODEO CONTRACTOR** - Motion was made by Ted Rouillard to approve payment of \$30.00 sanction fee to the South Dakota Rodeo Association for the Tribe's Rodeo which is scheduled for August 9-10, 1986 and approve Pete Longbrake as the Contractor for such rodeo. This motion was seconded by Charles Langdeau and carried with six for, none opposed, none absent and none not voting. William S. Jandreau informed the Council that Mr. Longbrake said he would go with the same contract price as last year.

9. **COUNCIL MEMBER'S MILEAGE** - Motion was made by Ted Rouillard to approve payment of mileage to William S. Jandreau for today's meeting. This motion was seconded by Kay Gourneau and carried with six for, none opposed, none absent and none not voting.

10. **RACE TRACK** - A short discussion was held in reference to the race track at the Rodeo Grounds getting disked so people can work their horses.

ADJOURNMENT With no further business, Chairman Jandreau entertained a motion to adjourn the meeting. Motion was made by Kay Courneau to adjourn the meeting. This motion was seconded by Ted Rouillard and carried with six for, none opposed, none absent and none not voting.

CERTIFICATION

The foregoing is a true and correct transcript of Minutes of a Special Meeting held by the Lower Brule Sioux Tribal Council on the 9th day of July, 1986.

Cheryll LaRoche, Recording Secretary

LOWER BRULE SIOUX TRIBAL COUNCIL

SPECIAL MEETING

July 21, 1986

PRESENT: Michael B. Jandreau, Chairman
Ted Rouillard
Charles Langdeau
Darrell Middletent

ABSENT: Kay Gourneau
William Ziegler
William S. Jandreau

ALSO PRESENT: Ron Sieler, IHS Contracting, Aberdeen Area Office
Curt Bossert, IHS Project/District Engineer, Pierre
Bruce Bad Moccasin, IHS, AAO
Terry Hausken, IHS, AAO
Roger Condon, IHS, AAO
Larry Mendoza, Operations Manager
Arnold Sazue, Acting Health Director
Jackie Jandreau, Mental Health Technician

There was an informal meeting of the Council Members with the above mentioned Representatives from the Indian Health Service regarding water and sewer projects on the Lower Brule Sioux Indian Reservation.

The meeting was called to order at 2:50 PM by Chairman Jandreau. Roll call was taken by the Recording Secretary and the Lord's Prayer was led by Charles Langdeau, Chaplain.

1. **INDIAN HEALTH SERVICE PROJECTS** - Motion was made by Ted Rouillard to adopt a resolution requesting that the Indian Health Service Project #AB-83-349 and #AB-86-257 be implemented through the Buy-Indian Sole Source Method. This motion was seconded by Charles Langdeau and carried with three for, none opposed, three absent and none not voting, quorum present.

2. **WORKMEN'S COMPENSATION** - A letter dated July 9, 1986 was received from Patricia A. Meyers of May, Adam, Gerdes & Thompson in reference to a claim by Mrs. Jackie Miley. Discussion was held regarding the Tribe's workmen's compensation. Motion was made by Ted Rouillard to refer the letter from Ms. Meyers to General Counsel, David L. Bergren, for review and seek options to resolve this matter as expediently as possible. This motion was seconded by Charles Langdeau and carried with three for, none opposed, three absent and none not voting, quorum present.

3. **LAND SALE APPLICATION** - A letter was previously received from Carolyn Bad Horse wishing to sell her undivided interests in Allotments LB-2032, LB-2032, and LB-2024. Ms. Bad Horse was submitted the Tribe's offer of a twenty percent (20%) down payment and the balance would be paid within two (2) years in two (2) equal payments to be made on December 1st of each year. Also included in the offer would be to make an interest payment of seven percent (7%). A letter dated July 16, 1986 was received from Carolyn Bad Horse accepting the Tribe's offer. Motion was made by Charles Langdeau to purchase the undivided interests from Carolyn Bad Horse in the Allotments LB-2032, LB-2032, and LB-2024 as per the Buy-Option Plan and terms identified. This motion was seconded by Ted Rouillard and carried with three for, none opposed, three absent and none not voting, quorum present. Another letter dated July 16, 1986 was received Ms. Bad Horse requesting a loan from the

Tribe in the amount of \$500.00 and repayment could be made from her land sale. The Tribal Council concurred to deny Carolyn Bad Horse's request for a loan based on the fact that the Tribe doesn't give loans on any land sales.

4. ASSISTANCE - DANIEL BAD HORSE - A letter dated July 7, 1986 addressed to the Lower Brule Health Board was received from Bernetta Traversie requesting assistance for Daniel Bad Horse and informing the Board that she is not Mr. Bad Horse's legal guardian. A letter dated July 14, 1986 addressed to Bessie Estes was received from Maria Patterson in reference to assistance for Daniel Bad Horse and stating she is not his legal guardian. Arnold Sazue, Acting Health Director and Jackie Jandreau, Mental Health Technician entered the meeting and discussion was held in reference to contacts have been made regarding assistance for Mr. Bad Horse. No action was taken at this time, informational purposes only.

5. WATER LINE REQUEST - A letter dated July 21, 1986 was received from Debra Isburg requesting the Indian Health Service to install a water line from Brule West to her residence. Chairman Jandreau said Mrs. Isburg has been trying for sometime now to get a quality source of water to her residence. Ted Rouillard informed the Council of a need to put people on a priority list for the FY'86 HIP (IHS) project. Mrs. Isburg's name is on a priority list for IHS Project #AB-85-241. The Tribal Council concurred to invite Mrs. Isburg, Curt Bossert, Project/District Engineer, Indian Health Service, and Gourncau Brothers Construction, Contractor to the next regular scheduled meeting on Wednesday, August 6, 1986 at 10:00 AM, to discuss her request.

ADJOURNMENT - With no further business, Chairman Jandreau entertained a motion to adjourn. Motion was made by Darrell Middleton to adjourn the meeting. This motion was seconded by Charles Langdeau and carried with three for, none opposed, three absent and none not voting.

CERTIFICATION

The foregoing is a true and correct transcript of Minutes of a Special Meeting held by the Lower Brule Sioux Tribal Council on the 21st day of July, 1986.

Cheryll LaRoche, Recording Secretary

LOWER BRULE SIOUX TRIBAL COUNCIL
REGULAR MEETING
August 7, 1986

PRESENT: Michael B. Jandreau, Chairman
Kay Gourneau
William Ziegler
Charles Langdeau
Ted Rouillard
William S. Jandreau
Darrell Middletent (PM Session)

ABSENT: Darrell Middletent
(AM Session)

ALSO PRESENT: Richard P. Thompson, Sr.
William Schmidt, Superintendent of Schools
Joyce Estes
Rose Gingrich, KGFX
Debra Hare, IHS Representative
Paul Picotte, AAO Representative
Kim K. Thompson, Wildlife Management Program Director
Barry Betts, Acting Superintendent
Cleveland Skunk

The meeting was called to order at 10:30 AM by Chairman Jandreau. Roll call was taken by the Recording Secretary and the Lord's Prayer was led by Charles Langdeau, Chaplain.

1. **WATER LINE - DEBRA ISBURG'S RESIDENCE** - A letter dated July 21, 1986 was received from Debra M. Isburg requesting Indian Health Service install a water line from West Brule to her residence. The Tribal Council assembled in Special Session on July 21, 1986 concurred to invite Curt Bossert, Indian Health Service, Gourneau Brothers Construction, Contractor, and Mrs. Isburg to the next regular scheduled meeting on Wednesday, August 6, 1986 at 10:00 to discuss this matter. Mrs. Joyce Estes was representing Debra Isburg and Debra Hare was representing Curt Bossert. Discussion was held regarding Mrs. Isburg was originally to have a shallow well installed. Discussion was held regarding the cost for a deep well would be approximately \$16,000.00. The Contractor's price (Gourneau Brothers Construction) for the water line is approximately \$9,000.00. Discussion was held regarding the size of pipe which could be used for the water line. The Council discussed the possibility of future housing units in Brule West and there would be an easy access to an already established water line and this could be IHS's justification. Discussion was held regarding when the Contractor bid this project, Curt Bossert, IHS, said they were thinking of going with a sistern. The Council discussed the Tribe should identify that our desire is for a water line in this particular situation. Motion was made by Charles Langdeau to request the Indian Health Service to install a water line from Brule West to Debra Isburg's residence, as per Project #AB-85-241. This motion was seconded by Ted Rouillard and carried with five for, none opposed, one absent and none not voting. Mrs. Estes informed the Council that the BIA is hoping all ballots for the upcoming Referendum Vote (Secretarial Election) will be mailed tomorrow. There will be 318 people voting. Informational purposes, no action taken at this time.

2. **EDUCATION** - Mr. William Schmidt, Superintendent of Schools was present

and submitted copies of the school calendar for the upcoming year. Mr. Schmidt informed the Council that a Chapter I Office will be open. Mr. Schmidt presented copies to the Council regarding a Drug & Alcohol Program which will be introduced in the school system. No action was taken, informational purposes only.

3. **KGFX RADIO STATION** - Ms. Rose Gingrich, Representative of KGFX Radio Station, Pierre, South Dakota was present to discuss a bartering process between the Tribe and the KGFX Radio Station. The Radio Station wishes to barter radio advertising for Tribal hunting licenses/privileges. Discussion was held regarding potatoes which were given away, through John Artichoker's Office & KGFX, in different areas, but Lower Brule didn't receive any. Chairman Jandreau told Ms. Gingrich that he didn't see the radio advertising would be generating any income capital for the Tribe. Ms. Gingrich said she didn't mean to offend the Council by asking the Tribe to barter. Chairman Jandreau said previously the same request came before the Tribal Council and they didn't go along with it then because it won't benefit the Wildlife Management Program and they need the cash flow to operate the program. No action was taken at this time, informational purposes only.

4. **INDIAN HEALTH SERVICE** - Discussion was held regarding the electricity to Annalisa Estes' house. The Agreement/Easement is between the Bureau of Indian Affairs and West Central Electric Cooperative, Inc. Debra Hare, Indian Health Service said Mrs. Estes doesn't need power for the water and sewer system but she does need power for her home. Chairman Jandreau informed the Council that the Application from West Central is in the BIA Central Office for approval. No action taken at this time, informational purposes only. Ms. Hare informed the Council that a 100 foot square of land adjacent to Rose McCauley's homesite, is needed for an individual lagoon for the Orville C. Langdeau, Sr. residence. Ms. Hare said the IHS will build Mrs. McCauley's lagoon larger to accomodate for Mr. Langdeau's lagoon. Mr. Langdeau is on the priority list to receive services under the IHS Project #AB-85-241. Motion was made by Charles Langdeau to grant a lease to Orville C. Langdeau, Sr. on tribal land described as the SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 22, Township 107 North, Range 73 West, Fifth Principal Meridian, Lyman County, South Dakota, containing 2.50 acres; plus the twenty (20) foot easement for the solid sewer line from the existing septic tank, to construct an Individual Lagoon for his waste disposal, for a period of twenty-five (25) years, with the option to renew, at the rate of \$1.00. This motion was seconded by Kay Gourneau and carried with five for, none opposed, one absent and none not voting. Chairman Jandreau has received a request for construction of a small solid waste disposal system in the Ft. Hale area for about six (6) families who would use it. Discussion was held in reference to putting this project on the priority list for the IHS Jobs Bill money. Motion was made by Ted Rouillard to request the Indian Health Service to conduct a Feasibility Site Study and Cost Estimate for a Solid Waste Disposal System in the Ft. Hale area, Cedar Creek area, and the Ft. George area, and such Study be compiled as expediently as possible so as to complete construction during the calendar year of 1986. This motion was seconded by Charles Langdeau and carried with five for, none opposed, one absent and none not voting. Discussion was held in reference to water/sewer facilities for Abe Langdeau's residence.

5. **RICHARD P. THOMPSON, SR.'S LEASE** - Mr. Richard P. Thompson, Sr. was present to discuss his Lease #22-008-8588 which was cancelled by the Bureau of Indian Affairs, Lower Brule Agency on July 29, 1986 for non-payment. Mr. Thompson has applied for a Quaranteed Loan but the details are being worked out between the Aberdeen Area Office and the Bank. Mr. Thompson informed the Council that as of today, the Loan hasn't been finalized and the bills are past due. Mr. Thompson requested an additional sixty (60) days to submit payment on the above mentioned Lease. Motion was made by Kay Gourneau to amend Richard

P. Thompson, Sr.'s Lease #22-008-8588 granting him an additional sixty (60) days to submit the Lease payment. This motion was seconded by Ted Rouillard and carried with five for, none opposed, one absent and none not voting.

6. **THELMA BUNKER'S LAND SALE** - Chairman Jandreau informed the Council that Thelma Bunker has agreed to the offer of \$100,000.00 regarding her land sale proposed to the Tribe. Chairman Jandreau said she would sell the whole amount of land or just one (1) piece of approximately seven hundred (700) acres. Chairman Jandreau informed the Council that Mrs. Bunker has retained Paul Mueller as her Attorney. Chairman Jandreau and Mr. Mueller met and discussed the details of the proposed land sale. Discussion was held regarding the Abstracts would have to be up to date, identify proposed date of the sale, the Tribe will not pay any outstanding taxes, the cost per acre would be approximately \$81.00. Chairman Jandreau will call a Tribal Council meeting when the letter is received from Mr. Mueller or Mrs. Bunker regarding the proposed land sale.

7. **CONSTITUTION & BYLAWS AMENDMENT** - Paul Picotte, Aberdeen Area Office Representative entered the meeting and informed the Council that within Resolution No. 86-132, there is a section which authorizes the Secretarial Election Board to make changes and correct errors within the proposed Constitution & Bylaws Amendment. The Secretarial Election Board consists of Michael B. Jandreau, Chairman, William Ziegler, Secretary/Treasurer, and Edwin L. Miller, Superintendent. Mr. Picotte informed the Council that the errors have been corrected. He discussed Amendment A, C & F. This election will be held by mail and the deadline is August 22, 1986. Mr. Picotte informed the Council that he has materials to hold an open voter education session for voters. Discussion was held regarding a session could be held for Tribal and BIA Employees, and a session for the public in the evening. No action was taken at this time, informational purposes only.

RECESS - The meeting recessed for noon hour and will reconvene at 1:00 PM. The meeting reconvened at 1:25 PM with all Council Members present.

8. **1986 HUNTING REGULATIONS** - Kim K. Thompson, Wildlife Management Program Director and Berry Betts, Acting Superintendent were present to review the 1986 hunting seasons and regulations with the changes from last year. Mr. Thompson informed the Council that the Wildlife Management Program has sold some package hunts, which was approved by the Tribal Council in April. Motion was made by Charles Langdeau to approve (pursuant to the Wildlife Management Code), the 1986 hunting fees, permits, seasons and other conditions are established for hunting and fishing on the Lower Brule Sioux Indian Reservation. This motion was seconded by Kay Gourneau and carried with six for, none opposed, none absent and none not voting. Discussion was held regarding Grassrope Project hunts will be \$25.00 per day for Tribal Members and they must check in with the Hunting Lodge each day before hunting within the Project.

9. **LAND SALE APPLICATION** - A Land Sale Application has been received from Geraldine M. Wood for sale of her undivided interests in LB-522, Helen Black Partisan Allotment and LB-523, Herbert Black Partisan Allotment. As per her Land Sale Application, Ms. Wood doesn't wish to retain her mineral rights. Before a decision of purchase is made by the Council, an appraisal of the surface and mineral interests is needed from the BIA. Motion was made by Charles Langdeau to request a Surface and Mineral Appraisal on the above mentioned Allotments from the Bureau of Indian Affairs. This motion was seconded by William S. Jandreau and carried with six for, none opposed, none absent and none not voting.

10. **LEASES** - Letters dated June 30, 1986 have been received regarding Lease

#22-002-8686 to Iva Jean Bolman and Lease #23-009-8486 to Kelly L. Madsen. These leases will expire on December 31, 1986. The Tribal Council concurred to inform Ms. Bolman and Mr. Madsen that if they wish to renew the above said Leases, to submit a written letter to the Tribal Council before the next regular scheduled meeting on Wednesday, September 3, 1986. A copy of letter dated July 31, 1986 was received from the Bureau of Indian Affairs, Lower Brule Agency, informing the Tribe that Lease #23-027-8688 to Iva Jean Bolman was cancelled for non-payment on July 29, 1986. Chairman Jandreau informed the Council that Ms. Bolman has requested approval for an additional sixty (60) days to submit the Lease payment. Motion was made by Ted Rouillard to grant the same approval to Iva Jean Bolman as the Council did for Richard P. Thompson, Sr.'s Lease, for an additional sixty (60) days to submit the Lease payment. This motion was seconded by Charles Langdeau and carried with six for, none opposed, none absent and none not voting.

11. INDIAN LAND ACQUISITION - A letter dated July 23, 1986 was received from Ronald W. Wright, County Supervisor, Farmers Home Administration informing the Tribe that all Indian Land Acquisition files and records for the Lower Brule Sioux Tribe have been transferred to the Farmers Home Administration District Office in Mitchell. All future contacts and servicing will be handled through Mr. Melvin T. Simek, District Director and/or Robert Bothwell, District Loan Specialist. No action was taken at this time, informational purposes only. A copy of letters dated July 8, 1986 addressed to the BIA, Lower Brule Agency received from Ronald W. Wright, County Supervisor, PHA asking the Council if they wish to purchase two pieces of land, (Iva Jean Bolman and Lawrence Thompson), and if so, at what price. Floydine Randall, Realty Specialist notified Chairman Jandreau that Appraisal Requests for these pieces of land have been requested on 7/11/86. The Tribal Council concurred to table a decision on this issue until such time that the Appraisals are received.

(#10. Leases Cont'd.) - A letter dated August 4, 1986 was received from J.W. Thompson informing the Council that the BIA, Realty Office, has advised him that Lease #22-006-356 on tribal land will expire on October 31, 1986. The tribal land is described as Lots 1, 2 & 3, E $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ of Section 19, Township 107 North, Range 73 West, Fifth Principal Meridian, Lyman County, South Dakota, containing 431.53 acres of farmland and 261.53 of pastureland. Mr. Thompson has requested to renew this lease for a period of three (3) years. Motion was made by Charles Langdeau to grant renewal of Lease #22-006-356 to J.W. Thompson for a period of three (3) years, at the current established leasing rates. This motion was seconded by Kay Gournau and carried with six for, none opposed, none absent and none not voting.

12. AREA RESOURCE ALLOCATION METHODOLOGY-SERVICE UNIT RESOURCE ALLOCATION METHODOLOGY (ARAM-SURAM) - Discussion was held regarding the two (2) referenced methodologies (ARAM-SURAM) provide to the Aberdeen Area Tribes, Aberdeen Area Office and Service Units, a new procedure for allocation of funds. Such methodologies possess the capacity to bring greater services to some programs, Service Units, Tribes, etc. It is the stance of the Lower Brule Sioux Tribe that mutual benefits for the Aberdeen Area are a goal in health service we all must seek. The methodologies in the case of 100% contracted health services do possess and innate capacity to diminish real services to the beneficiaries of that Service Unit contract program, etc. Short discussion held regarding the Mid-Dakota Contract. Motion was made by Kay Gournau to formally request Indian Health Service does not implement any form of these processes until there is a clear understanding and acceptance by all parties involved. This motion was seconded by William S. Jandreau and carried with six for, none opposed, none absent and none not voting.

13. ROADS MAINTENANCE CONTRACT - Patricia Madsen, through the Tribal Chairman's

Office, has requested her road be identified within the Roads Maintenance Contract to receive gravel maintenance, because her road is sometimes impassable due to various weather conditions. Mrs. Madsen maintains a rural homesite, travels a distance to and from her work station each day and does have family members within her household who do attend school in the Lower Brule Community. Motion was made by Kay Gourneau to request the BIA to identify Patricia Madsen's road within the FY'86 Roads Maintenance Contract #A00C14202253, and the funds necessary to complete the above said road work be included and amended into the Contract. This motion was seconded by Charles Langdeau and carried with six for, none opposed, none absent and none not voting.

14. TRIBAL COUNCIL MINUTES - Motion was made by Ted Rouillard to approve the Tribal Council Minutes of July 2, 1986, July 9, 1986 and July 21, 1986, with corrections as identified. This motion was seconded by William S. Jandreau and carried with six for, none opposed, none absent and none not voting.

15. TRIBAL POSITIONS - There are twenty-four (24) names which have been submitted for Tribal Deputies during the Annual Pow-wow & Fair. Last year the Tribe employed ten (10) Tribal Deputies at \$5.00 per hour. Chairman Jandreau contacted the BIA, Lower Brule Agency, for any financial assistance to pay the Deputies, he reported they informed him that no funds were available. Chairman Jandreau reported there is approximately \$534.00 in the Court Fund. No action was taken at this time. Eight (8) applications were received for the position of Health Director. Motion was made by Kay Gourneau to refer the Health Director Applications to the Health Board for screening and recommendation to the Tribal Council. This motion was seconded by Ted Rouillard and carried with five for, none opposed, one absent and none not voting. A letter was received from the Health Board recommending selection of Burdell Knudson for the Counselor I position, Jewel Flute be considered as a Counselor Trainee, when position becomes available, and Leonard Byington as the temporary Recreational Therapist, while this position is being readvertised. The Tribal Council had previously made a selection for the Counselor position but the person selected and Alternate declined. Motion was made by William S. Jandreau to go with the recommendation of the Health Board for the Alcoholism Program positions. This motion was seconded by Kay Gourneau and carried with three for, one opposed (William Ziegler), none absent and two not voting (Ted Rouillard & Darrell Middletent). A Memorandum was received from Eyvonne Dupris, JTPA Director regarding four (4) positions available under the JTPA Program. Ms. Dupris informed the Council that all Applicants have been rated according to the point system. Her recommendation is that the Individuals be selected for each position as they have been rated. Motion was made by Darrell Middletent to go with the Director's recommendations for selection of the JTPA Positions. This motion was seconded by William S. Jandreau and carried with five for, none opposed, one absent and none not voting. Persons selected: Health Secretary-Lana LaRoche, Alternate-Darlene Hood; Clerk Trainee-Barbara Bad Horse, Alternate-Fred Goodface; Janitor-Winona Quilt, Alternate-Aleta Johnson; and Day Care Aide-Ellen Grassrope, Alternate-Aleta Johnson.

16. SOFTBALL TOURNAMENT - A letter dated July 15, 1986 was received from Cody Russell, Courneau Brothers Softball Club requesting permission to sell hi-point beer during the Softball Tournament on August 9 & 10, 1986. Motion was made by Charles Langdeau to approve Gourneau Brothers Softball Club to sell hi-point beer during the Softball Tournament on August 9 & 10, 1986. This motion was seconded by William S. Jandreau and carried with four for, none opposed, one absent and one not voting (William Ziegler).

17. SANCTION FEE - Motion was made by Charles Langdeau to approve payment

of the NRCA Sanction Fee for the Tribe's Annual Rodeo on August 9 & 10, 1986. This motion was seconded by Darrell Middletent and carried with five for, none opposed, one absent and none not voting.

18. 4TH OF JULY EXPENSES - A bill has been received for the balance due for the 4th of July fireworks. William Ziegler informed the Council that all the Clubs/Organizations haven't paid in their donations as of yet. Mr. Ziegler said he will contact the Clubs/Organizations and collect the donations. No action was taken at this time.

19. PARTICIPANT LISTS - IHS - A letter dated July 8, 1986 was received from Curtis C. Bossert, Project/District Engineer requesting names for Projects AB-86-257 and AB-83-349. Tribal Resolution No. 86-78 was submitted with ten (10) names for Project #AB-83-349. Mr. Bossert stated the proposed sites must be evaluated and appropriate systems designed in order to allow for timely construction to proceed. Motion was made by Ted Rouillard to post an advertisement for a period of two (2) weeks for eligible participants to sign up at the Tribal Administration Office. This motion was seconded by Charles Langdeau and carried with four for, none opposed, two absent and none not voting.

20. GENERAL COUNSEL INVOICES - A letter dated July 23, 1986 was received from Joyce Estes, Acting Superintendent, approving payment of \$342.00 to David L. Bergren, General Counsel. Mrs. Estes informed the Tribe that the West Central invoices submitted by Mr. Bergren are being paid by the Farm Corporation. Motion was made by Charles Langdeau to submit payment to Mr. Bergren in the amount \$342.00. This motion was seconded by William S. Jandreau and carried with four for, none opposed, two absent and none not voting. Mrs. Estes informed the Council that she is still conducting a payment research regarding the previous invoices submitted by R. Dennis Ickes. Mrs. Estes would like to further research the invoices. The Council informed Mrs. Estes that Mr. Ickes is charging the Tribe interest on the unpaid balance. Mrs. Estes said the BIA won't allow payment of interest and they will submit a document to this fact, to the Tribe. When the research is completed, Mrs. Estes will submit a written letter with her findings and she projects that the Tribe doesn't owe Mr. Ickes. The Tribal Council concurred to inform Mr. Ickes', upon completion of Mrs. Estes research findings, that the Tribe doesn't owe him anything.

21. HOUSING BOARD COMMISSIONER - A letter dated July 1, 1986 was received from Debra M. Isburg, Executive Director, Lower Brule Housing Authority regarding the expiration of term of office for Baunita Ness, Housing Board Commissioner. Ms. Ness' term will expire on September 4, 1986. The term of office to be advertised is for one (1) year. Motion was made by Ted Rouillard to advertise the position of Housing Board Commissioner Member for a period of thirty (30) days. Post notices throughout the Community for interested persons to submit their name at the Tribal Administration Office. This motion was seconded by Charles Langdeau and carried with four for, none opposed, two absent and none not voting.

22. UNDERGRADUATE COURSE - A letter dated July 22, 1986 was received from Arnold Sazue, Acting Health Director, regarding an Undergraduate Course which Ted Bolman, previous Health Director, was enrolled in at the University of South Dakota, (USD). Mr. Barta, USD, informed Mr. Sazue to find someone who is interested in the course to fill Mr. Bolman's slot, if Mr. Bolman would not attend. Mr. Sazue recommended Sue Ziegler be allowed to attend the course, as it will benefit her and the Tribe, in her present position. The course is entitled, "Indian Health Management/Administration" on August 21-23, 1986. The previous Applicants for this course were reviewed and approved by the University of South Dakota. Mr. Sazue has selected Mrs.

Ziegler because she works with the health contracts. Kay Gourneau recommended to have whoever is interested in this course, fill out an application and send them in. The Tribal Council concurred to inform all Tribal Program Directors who are interested in the above mentioned course, to complete applications and send them into the University of South Dakota.

23. IHS PROGRESS REVIEWS - A letter dated July 21, 1986 was received from Arvada Tout-Stops, Service Unit Director, regarding the Progress Reviews for the Lower Brule IHS Staff on September 18, 1986 in the morning will be held at the Lower Brule Administrative Office (IHS). In the Progress Reviews, each department makes a presentation of their FY'86 goals and objectives. Chairman Jandreau informed the Council that this letter is informational for whoever wishes to attend the meeting. No action was taken at this time.

24. ROSEBUD SIOUX TRIBE - A letter dated July 18, 1986 was received from Linda R. Sedlmajer, Acting TERO Director, Rosebud Sioux Tribe, informed our Tribe that they have filed a discrimination charge against the State of South Dakota with FHWA, OFCCP and EEOC on July 14, 1986. She informed the Tribe that this action was pursuant to Dan Press' letter of June 17, 1986 recommending that the Tribes' file a discrimination charge against the State of South Dakota. The Council discussed we should file letters supporting the same discriminatory charges, except in our instances, such as the road contracts which we weren't allowed to participate in whatsoever. The Tribal Council concurred to support the Rosebud Sioux Tribe's efforts regarding TERO because there have been non-Indian road contracts within the exterior boundaries of the Lower Brule Sioux Indian Reservation which we weren't allowed to participate in whatsoever.

25. UST - DIRECT EMPLOYMENT PROGRAM - A letter dated July 8, 1986 was received from Clarence Skye, Executive Director, United Sioux Tribes seeking a resolution, passed by the Tribal Council, supporting their efforts in the implementation of their Direct Employment Program contract from the BIA. United Sioux Tribes has contracted the Direct Employment Program from the BIA since 1971, to expedite disbursement of funds to Clients and expand the job development and placement efforts. The FY'87 Direct Employment Program will focus on assisting the Indian person to develop his self-reliance skills. Motion was made by Kay Gourneau to support the United Sioux Tribes' efforts to contract the Direct Employment Program from the Bureau of Indian Affairs. This motion was seconded by Charles Langdeau and carried with six for, none opposed, none absent and none not voting.

(#18. 4TH OF JULY CONT'D.) - William Ziegler reported to the Council that he has collected \$825.00 from various Clubs/Organizations for the previous 4th of July Celebration. Out of that amount, \$500.00 for expenses has been paid. Approximately \$2,541.00 is still due. The Tribal Council concurred to have William Ziegler contact the remaining Clubs/Organizations and collect the balance.

26. YANKTON SIOUX TRIBE - Chairman Jandreau informed the Council that he was contacted by Brian Collins regarding the 8th Circuit Court of Appeals Decision for the Yankton Sioux Tribe, which overturned the District Court Decision in determining the Lake Bed in Lake Andes, South Dakota is not Indian country and it was conveyed during the Louisiana Purchase Acquisition. Chairman Jandreau informed the Council that Mr. Collins is working on this case and the Yankton Sioux Tribe plans to request a rehearing with the 8th Circuit Court of Appeals and if that is denied, they may possibly file an appeal with the Supreme Court. Chairman Jandreau said the Yankton Sioux Tribe has requested we support them in the CERT, at least be supportive of that. Motion was made by Kay Gourneau to support the Yankton Sioux Tribe's position for a rehearing with the 8th Circuit Court of Appeals and if that

is unsuccessful, the Lower Brule Sioux Tribe will join their efforts before the Supreme Court. This motion was seconded by William S. Jandreau and carried with six for, none opposed, none absent and none not voting.

27. PUBLIC TRANSPORTATION PROPOSAL FY'87 - Section 18 of the Urban Mass Transportation Act of 1964, as amended, provides funds to establish a Public Transportation System for the Lower Brule Community. The Tribal Members have a need for such Project. Motion was made by Kay Gourneau to authorize the Planning Director to proceed with the Proposal and Application to secure funding of a Public Transportation Project for the Lower Brule Reservation. This motion was seconded by William S. Jandreau and carried with six for, none opposed, none absent and none not voting.

28. MINI-FARMS PROGRAM - The Tribe presently has an ANA Grant for the Mini-Farms Program. There are six (6) employees including a Program Director receiving salary from the Mini-Farms Program. Transfer of funds into the Mini-Farms Program is needed in order to extend the program date until September 2, 1986. There are funds in the Dehydrator Project Account which could be transferred into the Mini-Farms Program and reimbursement be made when future ANA Grant funds are received. Motion was made by Kay Gourneau to approve transferring an amount of \$6,899.20 Dehydrator Project funds into the ANA Grant Account (Mini-Farms Program). This motion was seconded by Ted Rouillard and carried with six for, none opposed, none absent and none not voting.

29. ANNUAL POW-WOW & PAIR - Short discussion was held in reference to the cost for the Annual Pow-wow is approximately \$18,730.00. No action was taken, informational purposes only.

30. NATIVE AMERICAN COUNCIL OF TRIBES - A letter was received from Members of the Native American Council of Tribes (NACT), as a Lakota organization, they are organized to and for the betterment of the Lakota prisoners at the South Dakota State Penitentiary, Sioux Falls, South Dakota. They are reaching out to each individual Tribe for assistance. The assistance sought is in the form of work for prisoners and guidance towards and for rehabilitation. No action was taken at this time, informational purposes only.

31. CHR PROGRAM - A letter dated August 5, 1986 was received from Bessie Estes, CHR Program Coordinator, requesting approval of a proposed part-time work schedule. Mrs. Estes would work three (3) days per week, six (6) days per week, on Tuesday, Wednesday and Thursday. If approved, this would be effective September 3, 1986. Motion was made by Kay Gourneau to approve Bessie Estes' proposed work schedule. This motion was seconded by Charles Langdeau and carried with six for, none opposed, none absent and none not voting.

32. LOWER BRULE RACING ASSOCIATION - A letter dated July 22, 1986 was received from Charles Langdeau, L.B. Racing Association Chairman, requesting funds in the amount of \$2,000.00 from the 1986 Fair & Pow-wow budget. The funds will be used to help defray the cost of purses. The total purses for both days will be \$4,900.00. Motion was made by Kay Gourneau to approve the Lower Brule Racing Association's request for \$2,000.00 from the 1986 Fair & Pow-wow Budget. This motion was seconded by William S. Jandreau and carried with six for, none opposed, none absent and none not voting.

33. REHAB LOAN REQUEST - A letter dated August 5, 1986 was received from Cleveland Skunk requesting a loan from the Rehab Account in the amount of \$3,350.00 to implement a hunting guide service which will include upland, predator and big game hunting. His wife, Betty Skunk, is employed with the Headstart Program and is willing to make \$50.00 payments each pay period through the payroll deduction beginning 9/17/86. Mr. Skunk informed the Council that this business would be on his own but he would coordinate the

hunting licenses with the Wildlife Management Program. Chairman Jandreau asked Mr. Skunk if he could submit to the Council, a Cash Flow Statement and Anticipated Income Plan, for review before any action is taken. William S. Jandreau informed Mr. Skunk that he would like to review a Plan and go from there. Cleveland Skunk agreed to submit a written proposal plan of operation for the next Tribal Council meeting, whether Special or Regularly scheduled.

34. FINANCIAL ASSISTANCE - A letter was received from Emery D. Flute requesting some financial assistance to travel to Albuquerque, New Mexico, for the fall term of school. He is requesting assistance for airfare or gas money if he returns to New Mexico with his Sister. The Tribal Council concurred to have Chairman Jandreau obtain more specific information and confirm that Emery D. Flute is enrolled in school in Albuquerque, New Mexico.

(Tribal Deputies Cont'd) - Motion was made by Kay Gourneau to select the first six (6) names submitted for Tribal Deputies, and then the remaining names will be Alternates as they are signed up. This motion was seconded by Ted Rouillard and carried with six for, none opposed, none absent and none not voting.

ADJOURNMENT - With no further business, Chairman Jandreau entertained a motion to adjourn. Motion was made by Kay Gourneau to adjourn the meeting. This motion was seconded by Ted Rouillard and carried with 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 7th day of August, 1986.

Cheryll LaRoche, Recording Secretary

LOWER BRULE SIOUX TRIBAL COUNCIL
SPECIAL MEETING
August 20, 1986

PRESENT: Kay Gourneau, Actg. Chairperson
William Ziegler
Charles Langdeau
Darrell Middletent
William S. Jandreau

ABSENT: Michael B. Jandreau
Ted Rouillard

ALSO PRESENT: Edwin Miller, Superintendent
Larry Mendoza, Operations Manager
Orville D. Packard

The meeting was called to order at 10:40 AM by Acting Chairperson, Kay Gourneau, in the absence of Michael B. Jandreau, Chairman. Roll call was taken by the Recording Secretary and the Lord's Prayer was led by Charles Langdeau, Chaplain.

1. TRIBAL BUDGET - Larry Mendoza, Operations Manager entered the meeting and submitted a report of anticipated income, monthly bills and outstanding bills. Discussion was held regarding disallowed costs owed to the Public Health Service. The Council reviewed indirect costs on BIA and IHS contracts. Discussion was held regarding the water/sewer system. Larry Mendoza informed the Council that the water system expenditures are amounting to more than the tribe is collecting for water/sewer. One (1) water pump was paid by the CDBG Program. Mr. Mendoza recommends the Tribe have BIA and IHS replace the whole water/sewer system because its twenty (20) years old. Discussion was held regarding Richard P. Thompson, Sr.'s pump which is being billed to the Tribe. Discussion was held regarding the invoice received from Chilson Electric. William Ziegler was informed that the Tribe had lesased this air conditioner for Elvis Grassrope through Indian Health Service to Chilson Electric, during the last Tribal Administration, but no lease for reimbursement was done with IHS. Discussion was held regarding funds expended for the Pow-wow. Mr. Mendoza recommended the Council should pass a resolution authorizing to Tribal Chairman to project the budget for FY'87 and submit it quick like so the Tribe will have the dollars right away on October 1, 1986. Discussion was held regarding the dollars needed to complete FY'86, through September 30, 1986. Edwin L. Miller, Superintendent, recommended the Tribal Council have the Wildlife Management Program license and permit fees which are collected, and fees received from the Clark Ranch Goose Camp, deposited with the BIA treasury deposit. Discussion was held regarding the possibility of appointing Nyal Brings, Small Loans Committee Chairman, to be responsible for collecting outstanding debts. Mr. Miller informed the Council that the Tribe expended \$75,600.00 last year to operate the water/sewer system and collections amounted to \$45,000.00. He said the initial cost for a water meter system would be \$150,000.00. Kay Gourneau, Acting Chairperson, suggested the Tribe borrow the dollars to consolidate on payment for the bills, bring all payments current, obligate the remainder of funds, and live within the remaining budget. Mrs. Gourneau suggested the Tribe, for this process, go through the BIA or another lending institution. Mr. Miller said the BIA is the Federal Administrator of the loans for the Tribe's land purchases and payments are made from the lease income. Discussion was held regarding the possibility of depositing the license and permit fees with the BIA, and consolidating all the Tribal debts. Discussion was held regarding the possibility of having Debra Isburg, Housing Authority Director, recruit

persons to attend some type of budget management training. The Tribal Council concurred to have Larry Mendoza, Operations Manager in conjunction with Edwin L. Miller, Superintendent and Joyce Estes, BIA Administrative Officer, compute a history of tribal revenue and expenditures for the last two-three years develop the firm cost figures and projections needed to operate the Tribe for the next five (5) years, and upon completion submit to the Chairman and meeting will be called next week to discuss this issue. Charles Langdeau said a line item in the budget should be in place for emergency needs. Mr. Miller told the Council that he will submit his suggestions at the meeting next week.

RECESS - The meeting recessed for the noon hour and scheduled to reconvene at 1:00 PM. The meeting reconvened at 1:15 PM with the same Council Members present.

2. CONSTITUTIONAL & BYLAWS AMENDMENT - A letter dated July 25, 1986 was received from Orville C. Packard regarding his views on the upcoming Secretarial Election for the Constitution and Bylaws Amendment. Mr. Packard is in Lower Brule today but not present for this session. The Council informed Mr. Miller that before anything was sent out regarding the Secretarial Election, there were to be sample ballots submitted for review and public hearings were to be held for the Public's information. Mr. Miller said it was his understanding that Paul Picotte, Aberdeen Office Representative, was going to hold a meeting with the Tribal Council and have public hearings but that wasn't done. Discussion was held regarding updated lists for current addresses for mailing of registration forms. Discussion was held regarding the letter dated July 31, 1986 received from Harold L. LaRoche. Discussion was held regarding qualifications and interpretations for enrollment. Mr. Miller suggested the Tribe have the upcoming Secretarial Election, then in five to six months see what the repercussions are and then have another election next year on those particular issues. No action was taken at this time, informational purposes only.

3. ELDERLY NUTRITION PROGRAM - A letter dated August 18, 1986 was received from Janet Rouillard, Elderly Nutrition Program Director requesting use of the Kitchen and adjacent room in the Tribal Gym. She stated that it has grown increasingly difficult to cook and serve the Elderly in their present area due to the fact they don't have any sinks, water or cupboards. The Program now serves approximately forty-seven (47) unduplicated people on an average day. She informed the Council they have a proposal pending for Title IV. Motion was made by Charles Langdeau to approve the Elderly Nutrition Program request. This motion was seconded by William S. Jandreau and carried with four for, none opposed, two absent and none not voting.

(#2. Constitutional & Bylaws Amendment Cont'd.) - Mr. Miller said the deadline for submitting ballots is Friday, 8/22/86 at 4:30 PM. The Secretarial Election Board will open and count the ballots. This Board consists of William Ziegler, Michael B. Jandreau, Chairman and Edwin L. Miller, Superintendent. After counting the ballots, the Board will certify the election. Mr. Miller informed the Council that 318 ballots were sent out and there has to be ninety-six (96) received, thirty percent (30%) of the registered voters, to count and certify the election. Mr. Miller clarified that a registered voter doesn't have to vote on all the proposed issues for the voted ballots to be valid. No action was taken at this time, informational purposes only.

4. COUNCIL MEMBER'S MILEAGE - William S. Jandreau submitted his mileage sheet for today's Special Meeting, for Council approval. Motion was made by Charles Langdeau to approve mileage payment for today's meeting to William S. Jandreau. This motion was seconded by William Ziegler and carried with four for, none

opposed, two absent and none not voting.

ADJOURNMENT - With no further business, Acting Chairperson, Kay Gourneau entertained a motion to adjourn. Motion was made by Charles Langdeau to adjourn the meeting. This motion was seconded by William S. Jandreau and carried with four for, none opposed, two absent and none not voting.

CERTIFICATION

The foregoing is a true and correct transcript of Minutes of a Special Meeting held by the Lower Brule Sioux Tribal Council on the 20th day of August, 1986.

Cheryll Y. LaRoche, Recording Secretary

LOWER BRULE SIOUX TRIBAL COUNCIL

REGULAR MEETING

September 3, 1986

PRESENT: Michael B. Jandreau
William Ziegler
Charles Langdeau
Ted Rouillard
Darrell Middletent
William S. Jandreau

ABSENT: Kay Gourneau

ALSO PRESENT: Edwin T. Miller, Superintendent
Larry Mamula, Attorney
William H. Schmidt, Superintendent of Education

The meeting was called to order at 1:25 PM by Chairman Jandreau. Roll call was taken by Chairman Jandreau and the Lord's Prayer was led by Charles Langdeau Chaplain.

1. CHARLENE THOMAS HEARING - Attorney Larry Mamula, was present to represent Charlene Thomas in an appeal of her termination. Charlene is requesting three (3) weeks pay as damages for undue termination. The Council heard Mr. Mamula's appeal on behalf of Charlene Thomas and also reviewed the documented attendance sheets and letters of correspondence to Mrs. Thomas, as provided by the JTPA Director, EYvonne Dupris. Motion was made by Darrell Middletent to disapprove Charlene's request. This motion was seconded by Ted Rouillard and carried with five for, none opposed, one absent and none not voting.

2. HIGHER EDUCATION - Mr. Schmidt, Superintendent of Education, handed out proposed rules for the Indian School Equalization Program. Discussion was held regarding the proposed rules. The 638 Contracting, New 25 CFR, Part 40, Administration of the Higher Education Grant Program was also discussed at this time. Informational purposes only.

3. FY-87 LOW-INCOME ENERGY ASSISTANCE PROGRAM - The Council reviewed the FY-86 Resolution requesting funds for the LIHEAP Program. The Resolution needs to be re-approved for FY-87. Motion was made by Charles Langdeau to renew the Resolution for FY-87. This motion was seconded by William S. Jandreau and carried with five for, none opposed, one absent and none not voting.

4. LAND SALE APPLICATION - A letter dated 8-7-86 was received from Emma Baker, informing the Council that she will accept the Tribe's offer to buy her land. She also requested for her records that her last name be changed from Baker to Morton. Motion was made by Ted Rouillard to proceed with the Land Sale. This motion was seconded by Charles Langdeau and carried with five for, none opposed, one absent and none not voting.

5. CORE MANAGEMENT RESOLUTION - The Tribe needs to adopt a Resolution requesting a drawdown for \$27,000. for Core Management FY-87. Motion was made by Charles Langdeau to approve this request for funds. This Motion was seconded by William S. Jandreau and carried with five for, none opposed, one absent, and none not voting.

6. SEPTEMBER DRAWDOWN RESOLUTION - Motion was made by Charles Langdeau request for the September drawdown. This motion was seconded by William S. Jandreau and carried with five for, none opposed, one absent and none not voting.

7. PIPER, JAFFRAY & HOPWOOD - A letter dated August 1, 1986 was received from Lynn Boensch, Piper Jaffray and Hopwood concerning a Retirement Plan for the Tribal Employees, after discussing this issue, the Council decided to submit this plan to all programs for their interest. Informational purposes only.

8. GENERAL COUNSEL INVOICES - Two (2) General Counsel billings were submitted by David L. Bergren, General Counsel, for the period of June 6, 1986 through August 6, 1986. The billings were reviewed and discussed by the Council, West Central-104 = \$239.14, General Counsel-113 = \$1,421.20. Motion was made by Charles Langdeau to approve payment to General Counsel, David L. Bergren for the billings covering the period of June 6, 1986, through August 6, 1986. This motion was seconded by William S. Jandreau and carried with five for, none opposed, one absent, and none not voting.

9. TRIBAL COUNCIL MINUTES - 8/7/86 - 8/20/86 - The Council reviewed the tribal council minutes dated August 7th and 20th. In August 20th minutes William Ziegler stated that in item #1 which read William Ziegler informed the council that the Tribe had leased this air conditioner for Elvis Grassrope, this should have read, William was informed that the Tribe had leased the air conditioner for Elvis Grassrope. Motion was made by William S. Jandreau to approve the minutes dated August 7, and August 20th, 1986. This motion was seconded by Darrell Middletent and carried with five for, none opposed, one absent, and none not voting.

10. TRIBAL POSITIONS - Lower Brule Housing Authority Board Member, Part-time cook, Halfway House, Health Program Director. Motion was made by Charles Langdeau to approve the selection of Baunita Ness for Housing Authority Board Member. This motion was seconded by Ted Rouillard and carried with five for, none opposed, one absent and none not voting. Motion was made by Ted Rouillard to re-advertise the position of Part-time cook. This motion was seconded by William S. Jandreau and carried with five for, none opposed, one absent and none not voting. Motion was made by Charles Langdeau to go along with the Health Board's recommendation to hire Nyal Brings as Health Program Director and Nyal will continue with the small loans program at the new salary level, salary from small loans will no longer be forthcoming to him. This motion was seconded by Darrell Middletent and carried with three for, one opposed, one absent and one not voting. Motion was made by Charles Langdeau to go along with the Health Board recommendation to hire Burton Goodface as Recreational Therapist. This motion was seconded by Darrell Middletent and carried with five for, none opposed, one absent and none not voting.

11. THACHER & ASSOCIATES - A letter dated August 15, 1986 was received from William W. Thacher, Thacher & Associates concerning the development of a propane business on our reservation - owned and operated by tribal members, the tribe, or both. Discussion was held concerning this, and the Native American Fundraisers Conference. Motion was made by William Ziegler to approve the authorization of any council member who wished to attend either of these. This motion was seconded by Ted Rouillard and carried with five for, none opposed, one absent and none not voting.

12. TERO ORDINANCE - Motion was made by Ted Rouillard to adopt the Ordinance IB-85-C (as amended) and instruct the TERO Director to proceed with the setting up of the Commission on compliance. This motion was seconded by Charles Langdeau and carried with five for, none opposed, one absent and none not voting.

13. PARTICIPANTS LIST - AU-86-257, Motion was made by Ted Rouillard to approve the list and request a session with IHS, Curt Bossett. This motion was seconded

by Charles Langdeau and carried with five for, none opposed, one absent and none not voting.

14. IVA JEAN BOLMAN & KELLY MADSEN'S LEASE - This item was tabled with the concurrence of the Tribal Council.

15. REQUEST TRANSFER OF OLD RODEO GROUNDS AND CONSTRUCTION BUILDINGS Motion was made by Charles Langdeau to adopt a resolution to request the transfer of these buildings. This motion was seconded by Ted Rouillard and carried with five for, none opposed, one absent and none not voting.

16. CORRECT RESOLUTION - Iva Jean Bolman and Richard Thompson, Sr. Motion was made by Ted Rouillard to correct Resolution Nos. 86-142 & 86-143 reinstating leases for Iva Jean Bolman and Richard Thompson, Sr. This motion was seconded by Charles Langdeau and carried with five for, none opposed, one absent and none not voting.

17. SERVICE LINE AGREEMENT - Jan Brouse submitted a letter requesting a service line agreement to get electricity to her trailer on her land. Motion was made by Darrell Middleton to approve this request. This motion was seconded by William S. Jandreau and carried with five for, none opposed, one absent and none not voting.

18. CHERYLL LAROCHE'S RESIGNATION - Motion was made by Ted Rouillard to accept Cheryll LaRoche's resignation and to advertise her position for a two week period. This motion was seconded by Darrell Middleton and carried with four for, none opposed, one absent and one not voting.

19. LAND LEASE - A letter dated 9/3/86 was received from Cecelia L. Howe requesting to lease the following land description, NW $\frac{1}{4}$ 26-107-77 160 acres. Motion was made by William S. Jandreau to approve the lease for Cecelia Howe. This motion was seconded by Ted Rouillard and carried with five for, none opposed, one absent and none not voting.

20. ENROLLMENT - A list of thirty eight (38) applicants was submitted to the council to be enrolled. Motion was made by Ted Rouillard to submit this back to the Enrollment committee for review. This motion was seconded by Charles Langdeau and carried with five for, none oppose, one absent and none not voting.

21. BART NESS - Motion was made by William S. Jandreau to approve a loan for Bart Ness provided that the proper loan documents are provided to the Tribal Council prior to the release of any funds, such action shall also constitute the modification of the present budget in the amount of \$20,000.00. This motion was seconded by Charles Langdeau and carried with four for, none opposed, one absent, and one not voting.

22. CONSTRUCTION COMPANY - A meeting is scheduled for Friday, September 5, 1986 to discuss the problems with comp time.

ADJOURNMENT - With no further business, Chairman Jandreau entertained a motion to adjourn. Motion was made by Charles Langdeau to adjourn the meeting. This motion was seconded by William S. Jandreau and carried with five for, none opposed, one 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 3rd of September, 1986

Michael B. Jandreau, Recording Secretary

LOWER BRULE SIOUX TRIBAL COUNCIL
SPECIAL MEETING
September 19, 1986

PRESENT: Michael B. Jandreau
William Ziegler
Ted Rouillard
Darrell Middletent
Charles Langdeau, (arrived late)

ABSENT: Kay Gourneau
William S. Jandreau

ALSO PRESENT: Mr. Richard Martinez
Donna Nibblelink
Violet Rekow

The meeting was called to order at 1:20 PM by Chairman Jandreau. Roll call was taken by Chairman Jandreau and the Lord's Prayer was also led by Chairman Jandreau.

1. LEASE RENEWAL - RICHARD P. THOMPSON, SR. - #24-001-306; Richard P. Thompson, Sr. requested renewal of this lease described as: LB-Tribal, NE $\frac{1}{4}$, taking area in Section 1, Township 109 North, Range 77 West, Fifth Principal Meridian, Stanley County, South Dakota, containing 98.55 acres of irrigated land. Motion was made by Ted Rouillard to renew this lease at the rate of \$10.00 per acre for a five (5) year period. This motion was seconded by Darrell Middletent and carried with two for, none opposed, two absent and one not voting. At this time the Langdeau Brothers also requested the renewal of their lease #23-010-8386 described as; LB-Tribal, SW $\frac{1}{4}$ of Section 1, Township 107 North, Range 76 West, Fifth Principal Meridian, Lyman County, South Dakota, containing 160.00 acres of pasture land. Motion was made by Ted Rouillard to renew this lease for the Langdeau brothers at the rate of \$5.00 per acre, for a five (5) year period. This motion was seconded by Darrell Middletent and carried with two for, none opposed, two absent and one not voting.

2. VOTER REGISTRATION DRIVE - Mr. Richard Martinez of the Southwest Registration Drive was present and explained his project to the Tribal Council. Motion was made by Charles Langdeau to form a voter registration committee. This motion was seconded by William Ziegler and carried with four for, none opposed, two absent and none not voting. Motion was made by Ted Rouillard to appoint Mrs. Donna Nibblelink as Chairman, Violet Rekow as Treasurer and Shirley Marvin as Coordinator for this Registration Committee. This motion was seconded by Darrell Middletent and carried with four for, none opposed, two absent and none not voting.

3. MEMORANDUM OF AGREEMENT WITH STATE ON GAME & FISH - Motion was made by William Ziegler that this agreement be sent back to Mr. David L. Bergren, General Counsel stating that the Tribal Council disagrees with the content of this agreement. This motion was seconded by Darrell Middletent and carried with four for, none opposed, two absent and none not voting.

4. CHRISTIAN CHILDREN'S FUND - Motion was made by William Ziegler to recognize this organization, but Mr. Ziegler requested a specific plan of the operation, Board of Directors, and Program personnel needed before space can be leased

to them. This motion was seconded by Ted Rouillard and carried with four for, none opposed, two absent and none not voting.

5. AMENDMENT V OF THE SECRETARIAL ELECTION - Motion was made by Ted Rouillard to request interpretation of Amendment V, from our attorney Mr. David L. Bergren and the Bureau of Indian Affairs Area Office, before implementation of such amendment. This motion was seconded by Charles Langdeau and carried with four for, none opposed, two absent and none not voting.

6. ELECTION ORDINANCE Motion was made by William Ziegler to adopt the newly revised Election Ordinance and to have it posted throughout the community. This motion was seconded by Darrell Middletent and carried with four for, none opposed, two absent and none not voting.

7. ELECTION BOARD MEMBERS - Motion was made by Charles Langdeau to appoint the following people to the Election Board and the Alternates.

		Alternates:
1. Robin LaRoche		1. Emma LaRoche
2. Nyal Brings		2. Trish Lundell
3. Larry Mendoza		3. Mike Durkin
4. Bim Estes		4. Lisa Estes
5. Greg Miller		5. Shirley Marvin

This motion was seconded by Darrell Middletent and carried with four for, none opposed, two absent and none not voting.

8. TRIBAL COUNCIL MINUTES - September 12, 1986 - Motion was made by Charles Langdeau to approve the minutes of Special Meeting held September 12, 1986, by the Lower Brule Sioux Tribal Council. This motion was seconded by William Ziegler and carried with four for, none opposed, two absent and none not voting.

9. CDBG PRIORITIES - Motion was made by Ted Rouillard to set up the first of two Citizen Participation with priorities as: 1. Propane and Fuel Oil Business, 2. Water, Sewer - Utilities System, 3. Recreational Project - Marina, 4. Garbage Recycling (using hay pelleting equipment), 5. Telephone System (switching) Research. This motion was seconded by William Ziegler and carried with four for, none opposed, two absent and none not voting.

10. BART NESS* LOAN REQUEST - Motion was made by Darrell Middletent that the monthly income and expense statement presented by Bart Ness were acceptable to proceed with the loan he requested. This motion was seconded by Charles Langdeau and carried with three for, one opposed, two absent and none not voting.

ADJOURNMENT; - With no further business, Chairman Jandreau entertained a motion to adjourn. Motion was made by Ted Rouillard to adjourn the meeting. This motion was seconded by Darrell Middletent and carried with four for, none opposed, two absent and none not voting.

CERTIFICATION

The foregoing is a true and correct transcript of Minutes of a Special Meeting held by the Lower Brule Sioux Tribal Council on the 19th day of September, 1986.

Michael B. Jandreau, Recording Secretary

**LOWER BRULE SIOUX TRIBAL COUNCIL
SPECIAL MEETING
September 26, 1986**

PRESENT: Michael B. Jandreau
Kay Gourneau
William Ziegler
Ted Rouillard

ABSENT: William S. Jandreau
Darrell Middletent
Charles Langdeau

Meeting was called to order at 1:30 PM by Chairman Jandreau. Roll call was taken by Chairman Jandreau and the Lord's Prayer was led by Chairman Jandreau.

1. **MODIFICATION OF FY-86 BUDGET** - The budget was modified allowing monies to be drawn for October 1986 expenditures because the U.S. Treasury Computers handling the Election transfers, will be down from October 1, 1986 until October 13th. Motion to modify this budget was made by Ted Rouillard. This motion was seconded by Kay Gourneau and carried with three for, none opposed, three absent and none not voting.

ADJOURNMENT - With no further business Chairman Jandreau entertained a motion to adjourn. Motion was made by Kay Gourneau to adjourn the meeting. This motion was seconded by William Ziegler and carried with three for, none opposed, three absent and none not voting.

CERTIFICATION

The foregoing is a true and correct transcript of Minutes of a Special Meeting held by the Lower Brule Sioux Tribal Council on the 26th day of September, 1986.

Michael B. Jandreau, Recording Secretary

LOWER BRULE SIOUX TRIBAL COUNCIL
REGULAR MEETING
October 3, 1986

PRESENT: Michael B. Jandreau ABSENT: None
Kay Gourneau
William Ziegler
Ted Rouillard
Charles Langdeau
Darrell Middletent
William S. Jandreau

ALSO PRESENT: Eugene Jensen, Area Supervisor, N.W. Bell Telephone
Bob D. Voorhis, New York Life Insurance

The Meeting was called to order at 11:00 a.m. by Chairman Jandreau. Roll call was taken by Chairman Jandreau, and the Lord's Prayer was led by Charles Langdeau, Chaplain.

1. NORTHWESTERN BELL TELEPHONE - Mr. Eugene "Red" Jensen, Area Supervisor appeared before the Council to discuss the ongoing problems we have experienced with our telephone system. Throughout the community Mr. Jensen indicated solutions that can and would be taken, once the Phone Company was notified, at this time he was given numerous verbal complaints, Mr. Jensen did check these problems, and found out what the trouble was. He was asked to attend this meeting by William S. Jandreau. Discussion was held regarding the logging of all these problems we have with our phones. A form will be sent to all directors informing them to please log all problems they experience with their telephone, when the forms are completely filled out they can hand them in at the Tribal office.

2. BERNARD LAROCHE'S RENEWAL OF HOMESITE LEASE - A letter dated September 3, 1986 was received from Bernard LaRoche to renew his homesite lease as described; NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 13, Township 107 North, Range 74 West. Motion was made by Charles Langdeau to renew Bernard's lease. This motion was seconded by Ted Rouillard and carried with six for, none opposed, none absent and none not voting.

3. CHR COORDINATOR POSITION AND THE HEALTH BOARD Two letters were received from Arnold Sazuc, Acting Health Director concerning the CHR Coordinator position. The letter was read to the Council and the Council decided that the action taken on August 7, 1986 to stand as it is. The letter in reference to the Health Board and the make up of it was referred to the present Health Director, Mr. Nyal Brings, with the request for him to develop a Study or Plan as to how to make the Health Board more effective. Motion was made by Kay Gourneau to refer this to the present Health Director. This motion was seconded by Charles Langdeau and carried with six for, none opposed, none absent and none not voting.

4. LANDSALE APPLICATIONS - Three land sale requests were received from Pearl Monroe, Ethel Shields and Lonnie Goodlow. Motion was made by Kay Gourneau to request appraisals on these three tracts of land. This motion was seconded by Darrell Middletent and carried with six for, none opposed, none absent and none not voting.

5. CANDIDATE OF THE MONTH - A memorandum was received from the Tribal Planning Office requesting that Winona Quilt be named as candidate of the Month for September. Motion was made by Kay Gourneau to approve this nomination. This Motion was seconded by Charles Langdeau and carried with six for, none opposed, none absent and none not voting.

6. NEW YORK LIFE INSURANCE PROPOSAL - This item was tabled until the Tribal Council has a chance to review the material.

7. IHS RECOMMENDATION - Two policies were presented to the Tribal Council from the Field Health Nurse, one was a policy on Head Lice and what procedures would be used, and the other was on eye glasses for students in school. Motion was made by Darrell Middletent to concur with these recommendations. This motion was seconded by Kay Gourneau and carried with six for, none opposed, none absent and none not voting.

8. WILLIAM ZIEGLER, LAND PURCHASE AGREEMENT - A letter dated September 17, 1986 was received from Mr. Edwin Miller, Superintendent indicating that Mr. Ziegler had not completed a land sale agreement that had been sent to Mr. Ziegler sometime ago, at this time Mr. Ziegler informed the Council that he did not wish to pursue the purchasing of the land in question, but that he would instead like a five (5) year lease. Motion was made by Kay Gourneau to lease the land described as: all of the area south of the Highway including all road right-of-way in the W $\frac{1}{2}$ SE $\frac{1}{2}$ SE $\frac{1}{2}$ NE $\frac{1}{2}$ SW $\frac{1}{2}$ SE $\frac{1}{2}$ NE $\frac{1}{2}$ of Section 18, Township 107 North, Range 73 West, Fifth Principal Meridian, Lyman County South Dakota, containing 10.50 acres to William Ziegler for a five (5) year period at \$5.00 dollars per acre and to return Mr. Ziegler's down payment to him thereby invalidating any standing Land Purchase Agreement. This motion was seconded by Ted Rouillard and carried with five for, none opposed, none absent and one not voting.

9. LOWER BRULE FARM CORPORATION, DISPOSAL FACILITY - A request was received from the Executive Board, Lower Brule Farm Corporation to locate a disposal site for containers at the following described property, Legal Description, NW Section 8, Township 108, Range 73 North. Motion was made by Ted Rouillard that we allow this provided the Farm Corporation Manager comply with the prescribed disposal methods. This motion was seconded by Kay Gourneau and carried with six for, none opposed, none absent and none not voting.

10. AMENDMENT V - Motion was made by Kay Gourneau to adopt the Interpretation (attached) provided by the Legal Counsel, as the method of payment for stipends. This motion was seconded by Darrell Middletent and carried with six for, none opposed, none absent and none not voting.

11. REQUEST FOR LEASE AND SERVICE LINE AGREEMENT FROM THE BIA - A letter dated September 29, 1986 was received from Mr. Edwin L. Miller, Superintendent, BIA requesting (1) the lease of 3500 square feet directly across from the BIA building for a fenced parking area and approval to regrade, remove and replace the sidewalks around the BIA offices. (2) A Service Line Agreement to provide lighting to the fenced parking area. Motion was made by Ted Rouillard to approve the BIA's request. This motion was seconded by Kay Gourneau and carried with six for, none opposed, none absent and none not voting.

12. DEPARTMENT OF TRANSPORTATION - This item was tabled until October 8, 1986.

Kay Gourneau left the meeting at this time.

13. INDIAN SOLE SOURCE - Motion was made by Ted Rouillard to amend Resolution No. 86-136 and 86-137 indicating the Lower Brule Construction Company as the entity for Sole Source. This motion was seconded by William S. Jandreau and carried with five for, none opposed, one absent and none not voting.
14. EQUITY HEALTH PROPOSAL - A request was presented by the Service Unit Director and Health Director for the Tribe to contract for the provision of Dental Services at the Lower Brule Site, and to hold out enough money to complete outstanding work under the past Equity Health contracts. Motion was made by William S. Jandreau to accept this proposal. This motion was seconded by Ted Rouillard and carried with four for, none opposed, two absent and none not voting.
15. JTPA PARTICIPANT SELECTION - Motion was made by Charles Langdeau to approve the following selections, as recommended by the JTPA Director, Eyvonne Dupris. Russell Crazy Bull as Day Care Aide, Carolyn Stricker as alternate, Jean Bolman as Law & Order Clerk, Willa Madison as alternate, and Lisa Grooms as Accounting Clerk Trainee and Willa Madison as alternate. This motion was seconded by William S. Jandreau and carried with five for, none opposed, one absent and none not voting. Administrative Assistant: Motion was made by William S. Jandreau to readvertise for a two week period. This motion was seconded by Ted Rouillard and carried with five for, none opposed, one absent and none not voting.
16. Sylvester Peck Request - A letter dated September 26, 1986 was received from Sylvester H. Peck requesting a loan from the Lower Brule Sioux Tribe in the amount of \$1,895.00. Motion was made by William S. Jandreau that a letter be sent to Mr. Peck asking him to go through the process of applying for a Rehab loan. This motion was seconded by Ted Rouillard and carried with five for, none opposed, one absent and none not voting.
17. BUNKER LAND SALE - Mrs. Bunker was asked to return with her Lawyer on October 8, 1986 at 1:00 p.m., this item was tabled at this time.
18. TRIBAL COUNCIL MINUTES 9/19/86 and 9/26/86 - Motion was made by Charles Langdeau to approve the minutes of two Special Meetings on September 19, & 26, 1986. This motion was seconded by William S. Jandreau and carried with five for, none opposed, one absent and none not voting.
19. AMOCO OIL OVERAGE SETTLEMENT - Because there appears to be a discrepancy in the population figures used to determine the share of funds due to each Tribe. Motion was made by Ted Rouillard to have the Chairman check and find out how these figures were determined. This motion was seconded by William Ziegler and carried with five for, none opposed, one absent and none not voting.
20. THACHER AND ASSOCIATES - Since the service this firm provides is already available to the Tribe, there is no need for further action, concurrence of the Tribal Council.
21. ENROLLMENTS - Thirty Five (35) applications were received for Enrollment. Motion was made by Darrell Middlelent to approve the applicants for enrollment for the following people: Jordan Blaine Gourneau, Lacey Ann Janis, Rochelle Marie Goodface, Byron Lloyd Grant, Teresa Marie Rodriguez, Ian Bryce Grassrope, Arielle Irene Flute Langdeau, Thomas Christain Estes, II, Robert Henry Estes, Nicholas James Estes, Rashcedah Nailah Ewing, Keesha James Ewing, James Edward Ewing, Jr., Charles Everette Ewing, Neoma Mae Michalek, Michael Duane Michalek,

Darrell Evans Michalek, Kara D'Ann St. John, Antoinette Francis Fast Wolf, Hank Evans Fast Wolf, Jera Louise Brouse, Jana Leigh Brouse, Joshua James Brouse, Jacob James Brouse, Melissa Rae Michalek, Theresa Irene Michalek, Lynda Marie Michalek, Monica Louise Michalek, Louis Raymond Michalek, Sara Jo Doren, Mary Elizabeth Doren, Lyal Wayne Doren, Sonnie Jean Flute, Ervin George Flute, and Alvita Joy Johnson. This motion was seconded by Charles Langdeau and carried with five for, none opposed, one absent and none not voting.

22. EDUCATIONAL GRANTS - Motion was made by William Ziegler to approve the following recommended grants, pending the availability of funds for these students: Donna Stroup, Fay Jandreau, DaFany Sinkler, Janelle Hollmann, Anita Grassrope, Pearl Colombe, Lorenda Middletent, Jim McCauley, Ted McCauley, Wanda Hallock, Linda Engel Flam, Tara Harris, Duane M. Chase, Carrie M. Enloe and Paul Estes. This motion was seconded by William S. Jandreau and carried with five for, none opposed, one absent and none not voting.

23. BERNADETTE KING'S REQUEST - A letter dated October 3, 1986 was received from Bernadette King requesting sixteen (16) hours of pay that she felt she had coming for work at the Elderly Nutrition Program. Motion was made by Ted Rouillard to deny Bernadette's request. This motion was seconded by Darrell Middletent and carried with five for, none opposed, one absent and none not voting.

24. SERVICE LINE AGREEMENT - A letter dated September 3, 1986 was received from the Alcoholism Director, Greg Miller requesting a Service Line Agreement to get electricity to the Trailer at the Halfway House. Motion was made by Darrell Middletent to approve Mr. Miller's request. This motion was seconded by William Ziegler and carried with five for, none opposed, one absent and none not voting.

25. LOWER BRULE CONSTRUCTION COMPANY - At the Regular Meeting of the Construction Board, action was taken to relieve the Manager, and to advertise this position for a sixty (60) day period. In the interim, Mr. Ted Rouillard is to be the Acting Manager. Because Mr. Rouillard was under the C.D.B.G. Program, this new opportunity would put him in a conflict of interest, to relieve that problem, Mr. Ted Rouillard made a motion that Shirley Marvin be assigned the responsibility for C.D.B.G. Administration. This motion was seconded by Darrell Middletent and carried with five for, none opposed, one absent and none not voting.

26. COUNCIL MEMBERS MILEAGE - Motion was made by Ted Rouillard to pay Mr. William Ziegler's accumulated mileage for September. This motion was seconded by William S. Jandreau and carried with four for, none opposed, one absent and one not voting.

27. CHRISTIANS CHILDREN'S FUND PROGRAM - A letter dated October 3, 1986 was received from Jewel Flute requesting the use of the old Elderly Nutrition Room. Motion was made by William Ziegler to pass a resolution permitting the operation and granting the use of the old Elderly Nutrition Building located in the Day Care, at the rate of \$60.00 per month. This motion was seconded by William S. Jandreau and carried with five for, none opposed, one absent and none not voting.

ADJOURNMENT - With no further business, Chairman Jandreau entertained a motion to adjourn. Motion was made by Darrell Middletent to adjourn the meeting. This motion was seconded by Ted Rouillard and carried

with five for, none opposed, one 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 Tribal Council on the 3rd day of October, 1986.

Michael B. Jandreau, Recording Secretary

LOWER BRULE SIOUX TRIBAL COUNCIL

SPECIAL MEETING

October 24, 1986

PRESENT: Michael B. Jandreau, Chairman
Billy Ziegler
Kay Gourneau
Charles Langdeau
Darrell Middletent
Bill Jandreau by telephone

ABSENT: Ted Rouillard

ALSO PRESENT: Dave Bergren, Tribal Attorney
Barry Betts, Conservation Specialist, Bureau of Indian Affairs

The meeting was called to order at 11:00 A.M. by Chairman Jandreau. Roll call was taken by Chairman Jandreau and the Lord's Prayer was led by Charles Langdeau, Chaplain.

1. MEMORANDUM OF AGREEMENT - The Agreement for management of fishing and hunting wildlife was presented to the Lower Brule Tribal Council for approval or disapproval after a lengthy discussion, motion was made by Kay Gourneau, Vice-Chairperson, to approve the Agreement for the following reasons:

- (A) The Agreement recognizes Tribal Jurisdiction over all persons hunting within the exterior boundary of the Lower Brule Sioux Reservation.
- (B) The Agreement does not infringe upon Tribal Member's Rights to hunt and fish under Tribal Licensing.
- (C) The Agreement is flexible and can be modified if necessary.
- (D) The Agreement allows maximum input on behalf of the Lower Brule Sioux Tribe.
- (E) The Agreement will save the expense of a long costly law suit against the State, which we are not certain we will win.
- (F) Approval of the Agreement does not prevent the Tribe from subsequent litigation.

This motion was seconded by Charles Langdeau, and carried with four for, (telephone response by William S. Jandreau), one opposed, one absent and none not voting.

CERTIFICATION

The foregoing is a true and correct Transcript of Minutes of a Special Meeting held by the Lower Brule Sioux Tribal Council on the 24th day of October, 1986.

MICHAEL B. JANDREAU, RECORDING SECRETARY

LOWER BRULE SIOUX TRIBAL COUNCIL
REGULAR MEETING
NOVEMBER 12 & 13, 1986

PRESENT: Michael B. Jandreau, Chairman
Bill Ziegler
Ted Rouillard
Darrell Middletent
Charles Langdeau
Bill Jandreau

ABSENT: Kay Gourneau

The meeting was called to order by Chairman Michael Jandreau at 1:18 PM. Roll call was taken by the Recording Secretary and the Lord's Prayer was led by Charles Langdeau.

1. **DELTA DENTAL PLAN** - Mr. Scott Jones of Pierre explained the Dental Plan to the Tribal Council. Ted Rouillard suggested that the Health Programs do a survey to see if the interest among the employees is there and to return the information from the survey to the Council for action by the December Regular Meeting.

2. **GENERAL COUNSEL** - (Bill Ziegler left the meeting at this time.) Amounts were presented to the Tribal Council for payment to the General Counsel in the following: \$3,800.42, \$1,975.79, \$36.00, \$1,223.98 and \$246.60. Charles Langdeau made the motion to submit such bills to the Agency for review and approval for payment. Bill Jandreau seconded the motion. The motion carried with the vote being 4 members for, none opposing, 2 absent and none not voting.

3. **JEAN BOLMAN REQUEST** - Mrs. Jean Bolman requested the Council to support her appeal to Indian Health Services for payment of medical bills incurred from her accident. Motion was made by Charles Langdeau to support Mrs. Bolman. This motion was seconded by Darrell Middletent. Motion carried with the vote being 4 members for, none opposing, 2 absent and none not voting.

4. **PEARL LAROCHE REQUEST** - (Bill Ziegler returned to the meeting at this time.) Pearl LaRoche submitted a request for plumbing repairs to be done to her house in Oacoma, SD. Ted Rouillard made a motion to refer this request to the Off-Reservation Representative. Motion died for a lack of second. This matter was then tabled.

5. **N.T.C.A.** - Dues of \$250.00. Bill Jandreau made a motion to table this matter until the December Regular Meeting. Charles Langdeau seconded the motion. Motion carried with the vote being 5 members for, none opposing, 1 absent and none not voting.

6. **ETHEL SHAEFER REQUEST** - Motion was made by Charles Langdeau to grant Mrs. Shaefer's renewal on this lease. Bill Jandreau seconded this motion. Motion carried with the vote being 5 members for, none opposing, 1 absent and none not voting.

7. **PAY JANDREAU RANGE UNIT** - Motion was made by Charles Langdeau to reduce Fay Jandreau's range unit by approximately 2,400 acres and to advertise this 2,400 acres to Tribal Members. If there is no response from Tribal Members then this land will be put on the open market. The following are descriptions of the 2,400 acres which is to be advertised for lease, and of the land left

on Fay Jandreau's lease:

Description of land (2,399.72 acres) to be advertised:

160 acres-SW4 of Section 27, Township 107N, Range 74W, Fifth Principal Meridian, Lyman County; 640 acres-ALL, Section 28, Township 107N, Range 74W, Fifth Principal Meridian, Lyman County; 640 acres-ALL, Section 22, Township 107N, Range 74W, Fifth Principal Meridian, Lyman County; 320 acres-S2, Section 21, Township 107N, Range 74W, Fifth Principal Meridian, Lyman County; 10 acres-NW4NW4SE4, Section 20, Township 107N, Range 74W, Fifth Principal Meridian, Lyman County; 79.72 acres-S2SE4, Section 20, Township 107N, Fifth Principal Meridian, Lyman County; 160 acres-NW4, Section 27, Township 107N, Range 74W, Fifth Principal Meridian, Lyman County; 160 acres-NE4, Section 20, Township 107N, Range 74W, Fifth Principal Meridian, Lyman County; 160 acres-NE4, Section 29, Township 107N, Range 74W, Fifth Principal Meridian, Lyman County; 30 acres-NE4NW4SE4 S2NW4SE4, Section 20, Township 107N, Range 74W, Fifth Principal Meridian, Lyman County; and 40 acres-NE4SE4, Section 20, Township 107N, Range 74W, Fifth Principal Meridian, Lyman County.

Description of land left on Fay Jandreau's Lease:

160 acres-SE4, Section 18, Township 107N, Range 74W, Fifth Principal Meridian, Lyman County; 158 acres-L1 L2 E2NW4, Section 19, Township 107N, Range 74W, Fifth Principal Meridian, Lyman County; 160 acres-SE4, Section 31, Township 107N, Range 74W, Fifth Principal Meridian, Lyman County; 159.12 acres-L4 SE4SW4 S2SE4, Section 30, Township 107N, Range 74W, Fifth Principal Meridian, Lyman County; 160 acres-SW4, Section 15, Township 107N, Range 75W, Fifth Principal Meridian, Lyman County; 160 acres-SW4, Section 36, Township 107N, Range 75W, Fifth Principal Meridian, Lyman County; 43 acres-TA Part of E2NE4, Section 15, Township 107N, Range 75W, Fifth Principal Meridian, Lyman County; 97 acres-TA Part of SE4, Section 10, Township 107N, Range 75W, Fifth Principal Meridian, Lyman County; 160 acres-TA NW4, Section 13, Township 107N, Range 75W, Fifth Principal Meridian, Lyman County; 31.20 acres-TA Part of S2SW4, Section 12, Township 107N, Range 75W, Fifth Principal Meridian, Lyman County; 80 acres-TA S2SE4, Section 19, Township 107N, Range 74W, Fifth Principal Meridian, Lyman County; 80 acres-TA N2NE4, Section 30, Township 107N, Range 74W, Fifth Principal Meridian, Lyman County; 160 acres-NE4, Section 24, Township 107N, Range 75W, Fifth Principal Meridian, Lyman County; 79.54 acres-LT 1 NE4NW4, Section 30, Township 107N, Range 74W, Fifth Principal Meridian, Lyman County; 476.40 acres-NE4 SE4 SW4 Less Cropland, Section 12, Township 107N, Range 75W, Fifth Principal Meridian, Lyman County; 480 acres-NW4 E2, Section 11, Township 107N, Range 75W, Fifth Principal Meridian, Lyman County; 398.80 acres-NE4 N2SE4 E2SW4 L3 4, Section 19, Township 107N, Range 74W, Fifth Principal Meridian, Lyman County; 156.60 acres- L3 4 E2SE4, Section 18, Township 107N, Range 74W, Fifth Principal Meridian, Lyman County; 63 acres-SE Less Farm, Section 10, Township 107N, Range 75W, Fifth Principal Meridian, Lyman County; 117 acres-NE4 Less Farm, Section 15, Township 107N, Range 75W, Fifth Principal Meridian, Lyman County; 480 acres-E2 SW4, Section 17, Township 107N, Range 75W, Fifth Principal Meridian, Lyman County; 80 acres-N2NE4, Section 25, Township 107N, Range 75W, Fifth Principal Meridian, Lyman County; 160 acres-NW4, Section 15, Township 107N, Range 75W, Fifth Principal Meridian, Lyman County; 160 acres-SE4, Section 36, Township 107N, Range 75W, Fifth Principal Meridian, Lyman County; 480 acres-NW4 S2, Section

24, Township 107N, Range 75W, Fifth Principal Meridian, Lyman County; 160 acres-SE4, Section 13, Township 107N, Range 75W, Fifth Principal Meridian, Lyman County; 240 acres-NW4 W2NE4, Section 32, Township 107N, Range 74W, Fifth Principal Meridian, Lyman County; 317.58 acres-L1 2 NE4 E2NW4, Section 31, Township 107N, Range 74W, Fifth Principal Meridian, Lyman County; 40 acres-E2NE4SE4 E2SE4NE4, Section 30, Township 107N, Range 74W, Fifth Principal Meridian, Lyman County; and 320 acres-W2SE4 SW4 S2NW4, Section 29, Township 107N, Range 74W, Fifth Principal Meridian, Lyman County.

Motion was seconded by Bill Jandreau. Motion carried with the vote being 5 members for, none opposing, 1 absent and none not voting.

8. LEASES 22-011-8386, ALLOTTED LEASE 22001-8386 - Motion was made by Charles Langdeau to have the Bureau of Indian Affairs contact the holders of Range Units 3, 4, 5, and 14 to give, in writing, their wishes to the Council concerning these range units and also to obtain the allottees responses. Motion was seconded by Darrell Middletent. Motion carried with the vote being 5 members for, none opposing, 1 absent and none not voting.

9. RICHARD P. THOMPSON LEASE - Motion was made by Charles Langdeau to leave Richard P. Thompson's lease as it is at \$10.00 per acre. Motion was seconded by Ted Rouillard. Motion carried with the vote being 4 members for, 1 opposing, 1 absent and none not voting.

10. LAND SALE APPLICATIONS - LAURIE KING KENOBBIE - Four (4) land sale applications were received from Laurie King Kenobbie for Allotments LB50, OLB53, LB488 and LB489. Ted Rouillard made a motion to request an appraisal on Laurie King Kenobbie's holdings in these allotments. The motion was seconded by Darrell Middletent. Motion carried with the vote being 5 members for, none opposing, 1 absent and none not voting.

11. NOAH GRASSROPE EASEMENT - By Council concurrence, it was decided that this matter should be tabled until the BIA Roads Maintenance Contract is negotiated and funds become available.

12. ANNETTE BIG EAGLE REQUEST - Mrs. Annette Big Eagle requested that her payments on her Home Renovation Loan be lowered from \$200.00 per month to \$100.00 per month. Her total Loan is \$4,150.00. She also stated that she wants this arrangement for a 3 year period. Mrs. Big Eagle stated that if her husband found employment, she would agree to increase her payments to the original amount of \$200.00 per month. Motion was made by Bill Jandreau to approve this arrangement on a 6 month trial basis, and at the end of the 6 month period, this arrangement would again be reviewed to decide whether to continue with it or not. Motion was seconded by Charles Langdeau. Motion carried with the vote being 5 members for, none opposing, 1 absent and none not voting.

13. TELEPHONE SYSTEMS - Discussion was held on getting a new telephone system for the office. It was stated that an official quote would need to be obtained. Bill Jandreau agreed to have one available for Council review by the December Regular Meeting.

The meeting was recessed at this time and was to be reconvened at 10:00 AM on December 13, 1986.

The meeting was reconvened at 1:30 PM on November 13, 1986 with the following Council Members present: Michael B. Jandreau, Charles Langdeau, Ted Rouillard,

and Darrell Middletent. Absent from the Meeting were Kay Gourneau, Bill Ziegler, and Bill Jandreau.

14. IHS CONSTRUCTION PROJECTS - A motion was made by Ted Rouillard to have the Tribal Council pass a resolution asking the Area Director to direct the District Engineer, Kurt Bossert, to work with the Tribe in a more timely manner, and also to utilize a more consistent communication approach in carrying out these projects. Motion was seconded by Charles Langdeau. Motion carried with the vote being 3 members for, none opposing, 3 absent and none not voting.

15. PESTICIDE REQUEST - A request was made by Scott Jones, Pesticide Enforcement Officer, to refund the Pesticide Contract. Motion was made by Darrell Middletent to grant the request. Motion was seconded by Charles Langdeau. Motion carried with the vote being 3 members for, none opposing, 3 absent and none not voting.

16. ANNALISA ESTES' REQUEST - Request was made by Annalisa Estes to reduce her payments on her Home Renovation loan. Motion was made by Charles Langdeau to set up a repayment schedule, with the same arrangements that were agreed upon with Annette Hig Eagle. Motion was seconded by Darrell Middletent. Motion carried with the vote being 3 members for, none opposing, 3 absent and none not voting.

17. IHS HEALTH CENTER FACILITIES PROGRESS - Motion was made by Ted Rouillard to appoint Chairman Jandreau to start the process of acquiring a lobbyist to obtain a Health Center in Lower Brule. Motion was seconded by Darrell Middletent. Motion carried with the vote being 3 members for, none against, 3 absent and none not voting.

18. DANCE REQUEST - Request was made by Marie Charger to use the Tribal Gym for a benefit dance on November 14 and November 21, 1986. It was decided by Council concurrence that Marie be granted use of the Tribal Gym on November 14, and see how it worked out before granting her use of the Gym on November 21, 1986.

19. APPROVAL OF MINUTES FOR 10-3-86 AND 10-24-86 - Motion was made to approve the minutes from the Tribal Council meetings held on the abovementioned dates. Motion was seconded by Ted Rouillard. Motion carried with 3 members for, none opposing, 3 absent and none not voting.

20. PAYMENT OF MARKEN TRENCHING & MORRIS IRRIGATION - Motion was made by Ted Rouillard to pay these two (2) bills out of the General Fund and to try to get the money reimbursed from the Indian Health Services. Motion was seconded by Darrell Middletent. Motion carried with the vote being 3 members for, none opposing, 3 absent and none not voting.

21. MILEAGE FOR COUNCIL MEMBERS BILL ZIEGLER AND BILL JANDREAU - Darrell Middletent made a motion to table this matter until the next Regular Meeting to be held on December 3, 1986. This motion was seconded by Charles Langdeau. Motion carried with the vote being 3 members for, none opposing, 3 absent and none not voting.

22. LOWER BRULE CONSTRUCTION COMPANY REQUEST - The Lower Brule Construction Company Board of Directors requested that the Lower Brule Sioux Tribal Council pass a resolution supporting the Lower Brule Construction Company in their request to Tri-County State Bank for funds. Motion was made by Charles Langdeau to grant this request. Motion was seconded by Darrell Middletent. Motion carried with the vote being 3 members for, none opposing, 3 absent and none not voting.

ADJOURNMENT - With no further business, Chairman Jandreau entertained a motion to adjourn. Motion was made by Charles Langdeau to adjourn the meeting. Motion was seconded by Ted Rouillard. Motion carried with the vote being 3 members for, none opposing, 3 absent and none not voting.

CERTIFICATION

The foregoing is a true and correct transcript of the Minutes of a Regular Meeting held by the Lower Brule Sioux Tribal Council on the 12th and 13th days of November, 1986.


Michael B. Jandreau, Recording Secretary

LOWER BRULE SIOUX TRIBAL COUNCIL
REGULAR MEETING
DECEMBER 3, 1986

PRESENT: Michael B. Jandreau, Chairman
Kay Gourneau
William Ziegler
Darrell Middletent
Charles Langdeau
William Jandreau

ABSENT: Ted Rouillard

ALSO PRESENT: Barry Betts, BIA Land Operations Manager
Hilario Mendoza, Tribal Operations Manager
Eyvonne T. Dupris, JTPA/TERO Director
Scott Jones, Law & Order Committee Chairman

The 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 Charles Langdeau.

1. FY-87 BUDGET & GENERAL FUND STATUS - Hilario Mendoza, Tribal Operations Manager, presented a tentative budget for FY-87, an estimated budget for FY-88 and a listing of outstanding bills on the General Fund. Charles Langdeau made a motion to approve the budget for FY-87, the estimated budget for FY-87 and also to pay the outstanding bills which were due immediately. William Jandreau seconded this motion. Motion carried with the vote being 5 members for, none opposing, 1 absent and none not voting.

2. AUDITORIUM ACCOUNT (EDUCATIONAL GRANTS) - Discussion was held in regard to the Bingo organizations & some delinquent accounts from these organizations. Discussion was also held in regard to several applications for Educational Grants which had already been approved. Motion was made by Kay Gourneau to set aside \$15,000.00 for Educational Grants. This motion was seconded by William Jandreau. Motion carried with the vote being 5 members for, none opposing, 1 absent and none not voting. Motion was made by Charles Langdeau to reduce the payments which the Bingo organizations make to the Tribe to rental on the Tribal Gym only. This motion was seconded by Kay Gourneau. Motion carried with the vote being 5 members for, none opposing, 1 absent and none not voting.

3. ROSEBUD SIOUX TRIBE - Two (2) letters were received from the Rosebud Sioux Tribe. Motion was made by Charles Langdeau to table this matter until the January Regular Meeting. This motion was seconded by Darrell Middletent. Motion carried with the vote being 5 members for, none opposing, 1 absent and none not voting.

4. TERO COMMISSION WORKSHOP - A registration form was received for a Basic TERO & TERO Commission Workshop to be held December 8-11, 1986 in Phoenix, AZ. Discussion was held in regards to whom to send to this workshop. (Chairman Jandreau left the meeting at this time.) Motion was made by Charles Langdeau to lay-off Eyvonne T. Dupris, the present JTPA/TERO Director, effective January 6, 1987 because the Tribal Council would like to find someone with a better educational background and a more extensive experience record; and to advertise this position until January 6, 1987. Ms. Dupris was called into the meeting at this

time and asked if she had any complaints with this motion. (Chairman Jandreau returned to the meeting at this time.) Ms. Dupris stated that she had no complaints. This motion was seconded by William Jandreau. Motion carried with the vote being 5 members for, none opposing, 1 absent and none not voting. By Council concurrence, it was decided to leave the TERO Workshop issue open.

5. AMOCO ESCROW ACCOUNT - Motion was made by Charles Langdeau to accept the amount stated and to use this money as suggested. This motion was seconded by William Jandreau. Motion carried with the vote being 5 members for, none opposing, 1 absent and none not voting.

6. EXXON OVERCHARGE FUNDS - This matter was included in the same motion as was stated in #5, Amoco Escrow Account.

7. C.R.S.T. TELEPHONE AUTHORITY - Discussion was held in regard to a proposal from the Cheyenne River Sioux Tribe Telephone Authority to install a new telephone system in the Administrative Office and the Finance Office. Motion was made by Charles Langdeau to accept the proposal and have the new system installed. This motion was seconded by Darrell Middletent. Motion carried with the vote being 5 members for, none opposing, 1 absent and none not voting.

8. EMERY FLUTE REQUEST - Shirley Flute, on Emery Flute's behalf, requested assistance to fly Emery home from school for Christmas. By Council concurrence, it was decided to table this matter.

The meeting recessed at 12:25 PM. The meeting was to be reconvened at 1:30 PM.

The meeting reconvened at 1:35 PM with the same members present, with the exception of Kay Gourneau whom was not present.

9. RURAL AMERICA INITIATIVES - Motion was made by Darrell Middletent to support the Rural America Initiatives in their attempt to extend the teen project at Lower Brule. This motion was seconded by William Jandreau. Motion carried with the vote being 4 members for, none opposing, 2 absent and none not voting.

10. PEARL LAROCHE REQUEST - Motion was made by William Ziegler to deny this request on the basis that Ms. LaRoche is renting her home and therefore the responsibility for repairs to this home lies with her landlord. This motion was seconded by Darrell Middletent. Motion carried with the vote being 4 members for, none opposing, 2 absent and none not voting.

11. MARY L. GOODLOW BAD WARRIOR REQUEST - Motion was made by William Ziegler to respond to this request denying it until such time as both parents can come to an agreement. This motion was seconded by Charles Langdeau. Motion carried with the vote being 4 members for, none opposing, 2 absent and none not voting.

12. OGLALA SIOUX TRIBE - A letter was received from the Oglala Sioux Tribe Transportation Dept. asking the Lower Brule Sioux Tribe to enter into a reciprocal recognition agreement in reference to motor vehicle registration and licensing ordinances. Charles Langdeau made a motion to table this matter. This motion was seconded by William Ziegler. Motion carried with the vote being 4 members for, none opposing, 2 absent and none not voting.

13. N.T.C.A. MEMBERSHIP DUES - A letter was received informing the Tribal Council that dues of \$250.00 to the National Tribal Chairman's Association are due January 1, 1987. By Council concurrence, it was decided to table this matter until a later date.

14. MILEAGE FOR COUNCIL MEMBERS WILLIAM ZIEGLER & WILLIAM JANDREAU - Motion was made by Darrell Middletent to approve mileage to be paid to these two Council members. This motion was seconded by Charles Langdeau. Motion carried with the vote being 4 members for, none opposing, 2 absent and none not voting.

15. HAROLD HIGH ELK REQUEST - (William Ziegler left the meeting at this time.) A letter was received from Harold High Elk in regards to his request to sell his land to the Tribe. Motion was made by Charles Langdeau to request an appraisal from the Bureau of Indian Affairs on this land. This motion was seconded by William Jandreaus. Motion carried with the vote being 3 members for, none opposing, 3 absent and none not voting.

16. CROW CREEK SIOUX TRIBE - A letter was received from the Crow Creek Sioux Tribe requesting a resolution from the Lower Brule Sioux Tribe concerning Recognition of the United Sioux Enrollment Committee and a resolution recognizing other Tribe's Sioux Blood in enrollments. (William Ziegler returned to the meeting at this time.) Motion was made William Jandreau to pass the resolution Recognizing the United Sioux Enrollment Committee and to pass a resolution asking for a referendum on recognizing other Tribe's Sioux Blood in enrollments. This motion was seconded by Darrell Middletent. Motion carried with the vote being 4 members for, none opposing, 2 absent and none not voting.

17. TIYOSPAYE COUNCIL, USD, REQUEST - A letter was received from the Tiyospaye Council of the University of South Dakota requesting donations to sponsor a Christmas party for students and their families who will not be home for Christmas. Motion was made by Charles Langdeau to deny this request. This motion was seconded by William Ziegler. Motion carried with the vote being 4 members for, none opposing, 2 absent and none not voting.

18. RIVER PARK BILLING-SAM FLOTE - A bill was sent to the Lower Brule Sioux Tribe for payment of alcohol treatment for Sam Flote. Motion was made by William Jandreau to send this billing to Indian Health Services for payment. This motion was seconded by Charles Langdeau. Motion carried with the vote being 4 members for, none opposing, 2 absent and none not voting.

19. UTILITIES COMMISSION - Motion was made by William Jandreau to support the Utilities Commission's efforts to eliminate past due accounts and to give them authorization to take a survey concerning consumer's water/sewer services. This motion was seconded by Darrell Middletent. Motion carried with the vote being 3 members for, none opposing 2 absent and 1 not voting.

20. NEW YORK LIFE HEALTH PLAN - A proposal was received from Bob Voorhis, New York Life Agent, concerning a Health Plan for the Tribe. By Council concurrence, it was decided to table this matter.

21. LAW & ORDER COMMITTEE - A draft copy of the proposed Tribal Codes for Sexual Offenses and the Reporting of Child Abuse were presented to the Tribal Council. Scott Jones, Chairman of the Law & Order

Committee, was brought into the meeting to explain these new codes. Mr. Jones informed the Council that these codes would replace Section 2.12 of the Children's Code. Motion was made by William Jandreau to adopt an Ordinance to replace Section 2.12 of the Children's Code with these new codes. This motion was seconded by Charles Langdeau. Motion carried with the vote being 4 members for, none opposing, 2 absent and none not voting.

22. INDIAN CATTLE OPERATORS IN ABERDEEN AREA - A resolution was received regarding Indian Cattle Operators in the Aberdeen Area. It was recommended that Charles Langdeau mail copies of this resolution to Indian cattle operators on the Lower Brule Reservation.

23. ENROLLMENT APPLICATIONS - Nine (9) applications were received for enrollment. Motion was made by Charles Langdeau to approve the applicants for enrollment for the following people: Tina Marie Estes, Jennifer Joan Driving Hawk, Deanna Amelia Driving Hawk, Dominique Odell Estes, Liza Francine Estes and Angelena Christine Estes. Included in this motion was rejection of the following applicants for enrollment on the basis that they did not meet the Enrollment requirements: Alison Faye Hill, Marissa Leigh Herron, and Schuyler Adrian Lammers. This motion was seconded by William Jandreau. Motion carried with the vote being 4 members for, none opposing, 2 absent and none not voting.

24. APPROVAL OF MINUTES - NOVEMBER 12 & 13, 1986 - Motion was made by Charles Langdeau to approve the minutes for the Regular Meeting held on the abovementioned dates. This motion was seconded by William Jandreau. Motion carried with the vote being 4 members for, none opposing, 2 absent and none not voting.

25. OMNIBUS INDIAN YOUTH ALCOHOL BILL - Motion was made by William Ziegler to pass a Resolution to implement the Omnibus Indian Youth Alcohol Bill. This motion was seconded by William Jandreau. Motion carried with the vote being 4 members for, none opposing, 2 absent and none not voting.

26. SALARY INCREASES - Chairman Jandreau recommended to the Tribal Council that all employees under the Indirect Cost Pool be given a 4% cost of living raise. Chairman Jandreau also recommended that Bettina Rekow, who was hired temporary and has generally been doing most of the duties of the Recording Secretary, be given a raise in salary on the basis that she be able to fulfill all duties of the Recording Secretary, plus also continue to help with Lower Brule Construction Company secretarial duties on an as-need basis. Motion was made by Charles Langdeau to go along with Chairman Jandreau's recommendations. This motion was seconded by Darrell Middleton. Motion carried with the vote being 4 members for, none opposing, 2 absent and none not voting.

27. CROW CREEK SIOUX TRIBE REQUEST - William Ziegler informed the Tribal Council that the Crow Creek Sioux Tribe is asking for resolutions of support in their attempt to get the Inter-Tribal Appellate Court. Motion was made by William Jandreau to table this request. This motion was seconded by Charles Langdeau. Motion carried with the vote being 4 members for, none opposing, 2 absent and none not voting.

28. COMMERCIAL BUSINESS - Motion was made by William Ziegler to request that the Bureau of Indian Affairs include Commercial Businesses on their Resolution concerning Indian Cattle Operators in the Aberdeen Area. This motion was seconded by Charles Langdeau. Motion carried

Committee, was brought into the meeting to explain these new codes. Mr. Jones informed the Council that these codes would replace Section 2.12 of the Children's Code. Motion was made by William Jandreau to adopt an Ordinance to replace Section 2.12 of the Children's Code with these new codes. This motion was seconded by Charles Langdeau. Motion carried with the vote being 4 members for, none opposing, 2 absent and none not voting.

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with the vote being 4 members for, none opposing, 2 absent and none not voting.

ADJOURNMENT -With no further business, Chairman Jandreau entertained a motion to adjourn. Motion was made by Charles Langdeau to adjourn the meeting. This motion was seconded by William Jandreau. Motion carried with the vote being 4 members for, none opposing, 2 absent and none not voting.

CERTIFICATION

The foregoing is a true and correct transcript of the Minutes of a Regular Meeting held by the Lower Brule Sioux Tribal Council on the 3rd day of December, 1986.



Bettina E. Bekow, Recording Secretary

5. APPROVAL OF MINUTES-DECEMBER 3, 1986 - Motion was made by Darrell Middletent to approve the minutes from the Regular Meeting held on the abovementioned date. This motion was seconded by Ted Rouillard. Motion carried with the vote being 3 members for, none opposing, 3 absent and none not voting.

6. DEBRA ISBURG WATER LINE - A letter was received from Curtis Bossert, Indian Health Services District Engineer, requesting that the Tribal Council not allow the water from this water line to be used for livestock supply. Motion was made by Ted Rouillard to honor Mr. Bossert's request. This motion was seconded by Charles Langdeau. Motion carried with the vote being 3 members for, none opposing, 3 absent and none not voting.

7. FAY JANDREAU REQUEST - A request was received from Fay Jandreau requesting the Tribal Council to contact Indian Health Services in regards to Mr. Jandreau's medical bills. Motion was made by Charles Langdeau to pass a Resolution requesting Indian Health Services to pay Mr. Jandreau's medical bills. This motion was seconded by Ted Rouillard. Motion carried with the vote being 3 members for, none opposing, 3 absent and none not voting.

8. REQUEST TECHNICAL ASSISTANCE - Chairman Jandreau recommended to the Tribal Council that they pass a Resolution to: 1) request technical assistance from the Bureau of Indian Affairs in the amount of \$3,300.00 to assist in putting together loan packages for commercial and cattle operators; and 2) if the Bureau of Indian Affairs cannot provide technical assistance, to authorize the amount of \$3,300.00 for the above mentioned purpose to become part of the Tribal Operating Budget. Motion was made by Ted Rouillard to pass a Resolution as per Chairman Jandreau's recommendation. This motion was seconded by Darrell Middletent. Motion carried with the vote being 3 members for, none opposing, 3 absent and none not voting.

ADJOURNMENT - With no further business, Chairman Jandreau entertained a motion to adjourn the meeting. Motion was made by Charles Langdeau to adjourn. This motion was seconded by Darrell Middletent. Motion was carried with the vote being 3 members for, none opposing, 3 absent and none not voting. The meeting was adjourned at 12:30 PM.

CERTIFICATION

The foregoing is a true and correct transcript of the Minutes from a Special Meeting held by the Lower Brule Sioux Tribal Council on the 23rd day of December, 1986.


Bettina R. Rckow, Recording Secretary