



The Lower Brule Sioux Tribal Council Meeting was held at the Tribal Administration Building on February 1, 2017. The meeting was called to order by Chairman Boyd Gourneau at 10:08 AM. The Opening Prayer was led by Chaplain John McCauley.

Lower Brule Sioux Tribal Council Members Present:

Chairman Boyd Gourneau
Vice-Chairman Darrell Middletent
Secretary/Treasurer Orville Langdeau Jr.
Council Member Clyde Estes
Council Member Donnie Moore
Council Member John McCauley

Also Present:

Tribal Manager Lee Brannan
BIA Superintendent Mr. James Two Bulls
BIA Christy Wolf
LBST Attorney Tara Adamski
Personnel Manager Wilma Wilson
Bob Merritt
Amelia Felicia
Susie Short Bear
Bernetta Traversie

South Dakota State Government

Andy Gerlach Secretary of Revenue

David Reiss Department of Tribal Relations

Steve Emery Department of Tribal Relations

Alissa Olson Department of Tribal Relations

Nate Skoglund Department of Revenue

Stacy Hegge Department of Revenue

Bobbi Adams Department of Revenue

1. Approve to Close January Tribal Council Meeting

Motion was made by John McCauley to close the January 2017 Tribal Council Meeting. This motion was seconded by Donnie Moore.

Vote being: Darrell Middletent for, Orville Langdeau Jr. for, John McCauley for, Donnie Moore For, Clyde Estes for.

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

2. Chairman Gourneau Update on Chairmen's Meeting Flandreau

Discussion on Buy Back Program.

Road Loan extension meeting with Senator Thune, Senator Mike Rounds and SD Representative Christy Noem. Chairman Gourneau will get a copy of all the resolutions passed at this meeting to all the Tribal Council.

Discussion was held on the Standing Rock Camp. Clyde Estes stated Lewis Grassrope is taking down the Lower Brule camp.

3. Approve January 2017 Minutes

Motion was made by Orville Langdeau Jr. to approve the Tribal Council Minutes for the month of January, 2017. This motion was seconded by John McCauley.

Vote being: Darrell Middletent for, Orville Langdeau Jr. for, John McCauley for, Donnie Moore For, Clyde Estes for.

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

4. **Approve Contract Next Point LLC Management Consulting Services & Prior Expenditures Incurred**

Motion was made by Orville Langdeau Jr. to approve the Contract with Next Point LLC for management consulting services and prior expenditures incurred.

This motion was seconded by Darrell Middletent.

Vote being: Orville Langdeau Jr. for, Darrell Middletent for, John McCauley for, Donnie Moore For, Clyde Estes for.

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

5. **Approve to Open & Continue To Rent Safe Deposit Box-First Dakota National Bank, Chamberlain, SD**

Motion was made by John McCauley to approve and authorize Chairman Gourneau open the old safe deposit box and set up a new safe deposit box with the following authorized to sign and have access to the box:

Chairman Boyd Gourneau & Secretary/Treasurer Orville Langdeau Jr.

Vote being: Orville Langdeau Jr. for, Darrell Middletent for, John McCauley for, Donnie Moore For, Clyde Estes for.

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

6. **Cultural Program Update- Clair Green** New Website lowerbrulesiouxtribe.com will contain public Information and minutes of the Tribal Council meetings, etc.

7. **Approve Contract with U.S.G.S. for \$20,500 for final report on Shoreline Erosion Data From 2011 to 2015**

Motion was made by Orville Langdeau Jr. to approve the contract with U.S.G.S. for \$20,500 for the final report on the shoreline erosion data from 2011 to 2015. This motion was seconded by Darrell Middletent.

Vote being: Orville Langdeau Jr. for, Darrell Middletent for, John McCauley for, Donnie Moore For, Clyde Estes for.

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

8. **Approve Cultural Resource Office Utilize Shakopee Grant Funds On Work Order For Louis Berger To Produce Final Report On Shoreline Erosion**

Motion was made by Darrell Middletent to approve the Cultural Resource Office to utilize the Shakopee Grant Funds on the work order for Louis Berger to produce a final report on the shoreline erosion.

This motion was seconded by Orville Langdeau Jr.

Vote being: Orville Langdeau Jr. for, Darrell Middletent for, John McCauley for, Donnie Moore For, Clyde Estes for.

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

9. Approve EPO Office Purchase Digital Water Sampling System

Motion was made by John McCauley to approve the request from the Lower Brule EPO Office to purchase a new digital water sampling system. This motion was seconded by Donnie Moore.

Vote Being: Orville Langdeau Jr. for, Darrell Middleton for, John McCauley for, Donnie Moore For, Clyde Estes for.

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

10. Approve Lower Brule Sioux Tribes Comprehensive Economic Development Strategy Report for 2016 For Submittal To The Economic Development Agency (EDA)

Motion was made by Orville Langdeau Jr. to approve the submittal of the Lower Brule Sioux Tribe's Comprehensive Economic Development Strategy Report for 2016 to the EDA.

This motion was seconded by John McCauley.

Vote Being: Orville Langdeau Jr. for, Darrell Middleton for, John McCauley for, Donnie Moore For, Clyde Estes for.

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

11. LBST Attorney Tara Adamski presented the Joint Powers Agreement between the Lower Brule Sioux Tribe and the South Dakota Office of Attorney General. Chairman Gourneau asked this agreement be sent to the Lower Brule Judicial Committee for review.

12. Susie Short Bear came before the Council to ask about the Habitat For Humanity. They told her they were not allowed on the Lower Brule Sioux Reservation. Chairman Gourneau stated he had never heard of this kind of issue with them and ask for their contact information so he could speak to them and get this issue cleared up. Susie said she would get the information to him.

13. Approve Lease Deferment Request- Lou White Light

Motion was made by Orville Langdeau Jr. to approve the lease deferment request received from Lou White Light. This motion was seconded by John McCauley.

Vote Being: Orville Langdeau Jr. for, Darrell Middleton for, John McCauley for, Donnie Moore For, Clyde Estes absent.

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

14. A request was received from Delores Riley to transfer her Homesite to her two sons. The procedure of the Lower Brule Sioux Tribe states you cannot transfer a Homesite. She can relinquish the Homesite and then her sons can apply for the same Homesite. The Council request the BIA to let her know about this process.

15. Defer Wildlife Leases Payments

Motion was made by John McCauley to defer the Wildlife leases payments. This motion was seconded by Donnie Moore.

Vote being: Orville Langdeau Jr. for, Darrell Middletent for, John McCauley for, Donnie Moore For, Clyde Estes for.

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

16. Discussion held John Estes lease.

17. Discussion held on Larry Ness's Administrative Fee that is past due. Chairman Gourneau stated he had written him a letter about this issue early last month and had received no response from Mr. Ness. The Council requested Christy Wolf from the BIA to write him a letter requesting his current address to see he is getting his mail or to please confirm his address. If no response, there will be no other choice but to re-advertize this lease.

18. Posting of Danger Notices on Lower Brule Quarters. Houses containing lead based paint and asbestos. BIA needs to put a plan together which includes the funding for this project. The Tribal Council requests the Tribal Manager to gather all notes and discuss this issue with the Lower Brule Housing Director.

19. Discussion held on Lease T649 containing 160.00 acres. Tribal Council concurs to request Tribal Council member Donnie Moore Speak with Mr. Steve Thomas for a possible trade on this land.

20. Approve Amendment To LBST Criminal Code Section 1-3-07A "Attempted Suicide"

Motion was made by John McCauley to approve an amendment to the LBST Criminal Code Section 1-3-07A "Attempted Suicide".

Section 1-3-07A THREATENING/ATTEMPTING SUICIDE

- A. A person is guilty of threatening suicide if he/she states to anyone else that they plan to kill themselves in any way.
- B. A person is guilty of attempting suicide if he/she attempts to hurt his/her self in anyway.
- C. A person charged with threatening or attempting suicide shall be held without bond until evaluated by a Mental Health Professional. If medical treatment is needed, the individual will be treated accordingly.
- D. After being evaluated by a Mental Health Professional, the individual could bond out if the Mental Health Professional determined it was safe to do so and reduces that finding to writing for Tribal Court and Corrections. If the Mental Health Professional deems the individual not safe to be released, the Mental Health Professional shall immediately reduce that finding to writing for Tribal Court and Corrections and shall immediately contact the Tribal Prosecutor for determination of filing a Petition for Involuntary Commitment or other appropriate action.
- E. Threatening/Attempting suicide is a Class B Offense. A Class B offense carries a maximum penalty of 3 months in jail, \$200.00 fine or both. The Court may include, as part of the sentence, inpatient or outpatient counseling or treatment as recommended by the Mental Health Professional.

This motion was seconded by Donnie Moore.

Vote being: Orville Langdeau Jr. for, Darrell Middletent for, John McCauley for, Donnie Moore For, Clyde Estes for.

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

21. Approve Hire Headstart Nutrition Manager-Abram Brugier

Motion was made by Darrell Middletent to go with the recommendation received from the Headstart Director to select Mr. Abram Brugier as the Headstart Nutrition Manager. This motion was seconded by Donnie Moore.

Vote being: Orville Langdeau Jr. for, Darrell Middletent for, John McCauley for, Donnie Moore For, Clyde Estes for.

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

22. Diabetics Health & Wellness Coordinator

Motion was made by John McCauley to select Stephanie Bolman as the Diabetes Health & Wellness Coordinator. This motion was seconded by Clyde Estes.

Motion was made by Orville Langdeau Jr. to select Ted McCauley as the Diabetes Health & Wellness Coordinator. This motion was seconded by Darrell Middletent.

Tribal Council chooses to go with nominations.

Orville Langdeau Jr. nominates Ted McCauley
John McCauley nominates Stephanie Boleman

Motion was made by John McCauley for nominations to cease. This motion was seconded by Darrell Middletent.

Vote being: Orville Langdeau Jr. for, Darrell Middletent for, John McCauley for, Donnie Moore For, Clyde Estes for.

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

Ted McCauley three (3) votes for (Darrell Middletent-Orville Langdeau Jr.-Donnie Moore)
Stephanie Boleman two (2) vote for (John McCauley-Clyde Estes)

Motion was made by Orville Langdeau Jr. to go with the highest vote getter. Mr. Ted McCauley will be the Diabetes Health & Wellness Coordinator. This motion was seconded by Darrell Middletent.

Vote being: Orville Langdeau Jr. for, Darrell Middletent for, John McCauley for, Donnie Moore For, Clyde Estes for.

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

23. Approve Hire LBST Tribal Court Public Defender-Brad Reynolds

Motion was made by Orville Langdeau Jr. to go with the Chief Judge's recommendation to select Mr. Brad Reynolds for the Tribal Court Public Defenders position. This motion was seconded by Darrell Middletent.

Vote being: Orville Langdeau Jr. for, Darrell Middletent for, John McCauley for, Donnie Moore For, Clyde Estes for.

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

The Lower Brule Sioux Tribal Council recessed at 11:28 AM.
The Lower Brule Sioux Tribal Council reconvened at 1:08 PM

Present:

South Dakota State:

Andy Gerlach Secretary of Revenue

David Reiss Department of Tribal Relations

Steve Emery Department of Tribal Relations

Alissa Olson Department of Tribal Relations

Nate Skoglund Department of Revenue

Stacy Hegge Department of Revenue

Bobbi Adams Department of Revenue

Tribal Attorney Tara Adamski

Tribal Manager Lee Brannan

24. The Lower Brule Sioux Tribe is the only Tribe who does not have a Tax Collection Agreement with the State of South Dakota. The State would like to find a way to work with the Tribe on this agreement. The Tribal Council asks the State to do a Lunch & Learn to inform the Tribal members on this issue before the Tribal Council makes a decision.

25. **Approve Agreement for Renewal of a Transmission & Distribution Services Contract for the Grassrope Irrigation Project**

Motion was made by John McCauley to approve the agreement with West Central Electric Cooperative, Inc. for renewal of a transmission and distribution service contract for the Grassrope Irrigation Project. This motion was seconded by Donnie Moore.

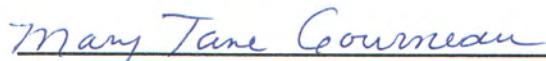
Vote being: Orville Langdeau Jr. for, Darrell Middleton absent, John McCauley for, Donnie Moore For, Clyde Estes for.

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

There being no further business the Tribal Council Meeting recessed at 1:58 P.M.

CERTIFICATION

The Foregoing is a true and correct transcript of the actions and decisions of the Lower Brule Sioux Tribal Council assembled in Regular Session, with quorum present on the 1st day February, 2017.



Mary Jane Gourneau, Recording Secretary
Lower Brule Sioux Tribe