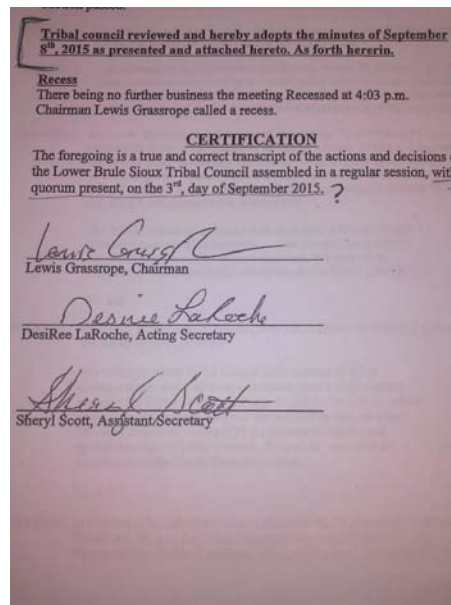


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My opinion/thoughts/views

The Not So Transparent, Unconstitutional Attempted Appointment of New Chairman



An Editorial Blog By Roquel Gourneau

A memo was sent out to all Tribal programs by the Lower Brule Sioux Tribe's Vice Chairman Kevin Wright, on Wednesday September 9th, 2015 citing a "hostile environment" as the reason he had called a special meeting that was to be held the very next day (Sept. 10th) at the Ramkota Inn of

Rapid City, SD. This special meeting being the latest example of Vice Chairman Wright's inability to adhere to the Lower Brule Sioux Tribe's Constitution and By Laws, disregards the ever touted transparency that is to be provided to the Lower Brule Tribal Members. When questioning whether or not our self proclaimed "Acting Chairman" who also refers to himself as the "elected Vice Chairman" at his convenience only, has the authority to call a special meeting as well as decide where the meeting shall be held without discussion or agreement amongst the FULL Tribal Council I refer to the LBST's Constitution and By Laws, specifically the following sections within the By Laws:

Article IV- **Meetings** Section 1. The regular meeting of the Tribal Council shall be held the first Wednesday of each month at the Lower Brule Community Hall or such other place ON THE RESERVATION DESIGNATED BY THE TRIBAL COUNCIL. Special meetings may be called by the Chairman or by the majority of the Tribal Council and when so called the Tribal Council shall have the power to transact business as in regular meetings. (Amendment II and V, September 2, 1986)

Section 2. **Quorum.** No business shall be transacted unless a quorum is **PRESENT**. A quorum **SHALL CONSIST OF FIVE (5) COUNCIL MEMBERS**. (Amendment II and V, September 2, 1986)

Section 4. **Ordinances and Resolutions.** "... In all instances, resolution, or motions the duly elected councilmen may act by two third (2.3) majority vote of the FULL TRIBAL COUNCIL, but all matters of importance shall be fully discussed and a REASONABLE ATTEMPT SHALL BE MADE TO SECURE A UNANIMOUS AGREEMENT. THE CHAIRMAN SHALL ONLY VOTE TO BREAK A TIE. (Amendment II and V, September 2, 1986)

On Thursday, September 10th, 2015, the day that the special meeting was said to be held, an account of the minutes of this meeting was made available as well as the resolutions that were supposedly passed. Although when regarding the previously cited sections of our Constitution, this entire meeting is legally invalid as it is clearly unconstitutional, I have concern as to whether a reasonable attempt to notify the full council was exerted by attending Vice Chairman Wright, and Council Members Sonny Ziegler and Desiree LaRoche. This concern comes from the inconsistent dates on the minutes that resulted in this meeting. The beginning of the transcript of the actions and decisions of the Lower Brule Tribal Council is said to have occurred **with quorum present on September 3rd**, while also stating the "Tribal Council reviewed and hereby adopts **the minutes of September 8th, 2015** as presented and attached hereto. As forth herein." If the memo notifying the Tribal members of the special meeting was sent out on September 9th, and the meeting occurred on September 3rd and consequent resolutions were adopted on September 8th, then the Tribal Members, and more importantly the remaining Council Member John McCauley and Secretary-Treasurer Orville C. Langdeau Jr. were not aware of the meeting that is documented to have been held on September 3rd.

This documentation also states those present at the meeting were Vice Chairman Wright, Council Members, Sonny Ziegler and Desiree LaRoche, as well as Sheryl Scott, *Acting Recording Secretary* (which happens to be untrue as the recognized Acting Recording Secretary is currently Scott Jones.) Those listed absent during said meeting are Orville C. Langdeau, Jr, Secretary Treasurer and Council Member John McCauley. Considering those

present and absent I refer back to the previously listed By Laws stating that “no business shall be transacted unless a quorum is **present**. A quorum **shall consist of (5) Council members**.” In an attempt to establish the validity of the meeting based on those listed present I would also like to cite the duties of the **Treasurer of the Tribal Council** as stated in the By Laws, which ends with “**He shall be present at all special or regular meetings of the Tribal Council.**”

More interesting however, than those present or absent or the correct date the meeting was actually held are the motions and resolutions that followed. In an apparent attempt to loosely adhere to the By Law stating that the Treasurer shall be present at all meetings, the first resolution is introduced as follows: “APPOINTING DESIREE LAROCHE AS ASSISTANT SECRETARY OF THE LOWER BRULE SIOUX TRIBE TO SERVE AS THE TRIBAL COUNCIL SECRETARY WHEN THE ELECTED SECRETARY IS UNAVAILABLE.” This resolution reflects that not only a new position was established as the *Assistant Secretary*, but that in the absence of **elected Secretary Treasurer Orville C. Langdeau Jr.**, Council member Desiree LaRoche (also now apparently the *Assistant Secretary*) will be the **Acting Secretary Treasurer**. This entire resolution is not only unconstitutional but unnecessary as the Members of the Lower Brule Sioux Tribe have elected a Secretary Treasurer of their choosing who is to be recognized as such, especially by his fellow Council Representatives.

Aside from the resolutions, most interesting are the motions that are listed to have been acted upon and illegally passed. These motions and resolutions were illegally and unconstitutionally passed when referring to the previously cited By Law regarding meetings in Section 4. Ordinances and Resolutions: “In all instances, resolution, or motions the duly elected councilmen **may act by two third (2.3) majority vote of the full Tribal Council**, but all matters of importance shall be fully discussed and a reasonable attempt shall be made to secure a unanimous agreement. **The Chairman shall only vote to break a tie.**” With a full Tribal Council of 6 members, 2/3 of 6 is 4 (four) votes to pass a resolution or motion. Considering Vice Chairman Wright’s inability to consistently hold either the Acting Chairman position or elected Vice Chairman position, we call to question whether or not he holds a vote as Vice Chairman or isn’t afforded a vote except in the instance of a tie as the Chairman. In this specific meeting, (as it seems to be his understanding that he can choose either at his discretion) the Vice Chairman chose to vote alongside Council Members Ziegler and LaRoche on the following motions. All of the following motions reflect an affirmative vote citing “3 votes as yes, none not voting, and 2 absent.” All motions are clearly a violation of the Constitution’s By Laws because even in the current instance, with a currently seated, elected quorum of only 5 members, it still takes 2/3 of the full council to pass a resolution. It shouldn’t be unreasonable at all for the five current members (all voting) to at least pass motions with four affirmative votes, but with the currently serving newly elected officials it has seemed impossible to reach compromise. These three elected officials have apparently took it upon themselves to interpret the Constitution to their liking as well as pass the following motions and resolutions with only 3 votes.

Motion to hire Steven C Emery, Emery Law Firm; Kevin **Wright meeting with Mr. Kernit Grimshaw of Wells Fargo, Mission, SD** (along with an attached resolution “DESIGNATING SIGNATURES FOR THE LOWER BRULE SIOUX TRIBE FOR WELLS FARGO”); **The present Lower Brule Sioux**

Tribe Farm Board be abolished and three new executive board members be seated to include Lower Brule Tribal Members : Benjamin Thompson, Todd Bowman, and William Long Turkey; Reaffirm Frank J. King, National Native Media & Consulting contract for consultation /security; Enforcement of Vice Chairman, Kevin Wright's termination letter effective immediately to General Manager Lee Brannan; Enforcement of the termination of Administrative Officer Scott Jones immediately; and last but surely not least, the following motion was also passed by Vice Chairman Wright and Council Members Ziegler and LaRoche: **"Recognize and reaffirm selection of Mr. Lewis Grassrope to fill vacant Chairman seat. Mr. Lewis Grassrope now appointed Chairman of the Lower Brule Sioux Tribe. Mr. Lewis Grassrope was sworn in as Chairman of the Lower Brule Sioux Tribe by Traditional Chief Steven C. Emery, Esq.. Statement of this appointment of this vacant seat to be made immediately to the press."**

That's right Lower Brule, our three newly elected members have taken it upon themselves to disregard the Constitution they were elected to uphold and have appointed their own Chairman. The new illegally appointed Chairman is a former employee of the Tribe who was terminated after his involvement in a December 12, 2014 attempt to overthrow the Tribal government that placed selected individuals into already elected official's positions. The Constitution's Article V (vacancies and removal from office) Section 1. states that "If an officer, councilman, selected or elected official shall die, resign, permanently leave the reservation... ***the Tribal Council shall declare the position vacant and shall appoint a qualified individual to fill the unexpired term.***" With regards to both Grassrope's termination for inability to adhere simply to the Lower Brule Sioux Tribe's Personnel Policies and Procedures, I highly doubt he can legitimately be considered a qualified individual. Although I recognize a small faction of Tribal members may support the decision to appoint Mr. Grassrope, I feel that it is in the best interest of the tribe (in the current dilemma of inability to reach a unanimous decision by our **full** Tribal Council,) that the Tribal Members should be afforded a vote in order to allow representation of the majority of the people instead of the small faction that failed to elect Grassrope during the 2014 election.

Adversely, nearly all decisions made by Vice Chairman Wright and Council Members Ziegler and LaRoche have not only failed to adhere to the Constitution and By Laws they were elected to uphold, but have also failed the people entirely in assuring transparency as well as equality within their personally motivated representation. The actions taken by Vice Chairman Wright and Council Members Ziegler and LaRoche have placed the current state of our Tribe at a standstill, the once consistent successes of all of the Tribal Council's elected before the current term are nearly all but shattered when considering the public image and credibility of our Tribe as a whole. Worse than that however, the future of our Tribe's stability and sovereignty is at stake, in the inconsistent hands of a few personally motivated leaders who have contributed very detrimental actions instead of promoting prosperity among all tribal members, not only those who elected them. It is totally understandable for elected officials to represent those who elected them, but when any leader continuously violates the Constitution they were elected to uphold while taking actions that are detrimental to both their supporters and dissenters, it is not ok. The people of the Lower Brule Sioux Tribe deserve more than a call for transparency along with actions that aren't transparent. They deserve more than inconsistency and instability, most importantly, the people of the Lower Brule Sioux Tribe deserve to elect their own Tribal Chairman.

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