

**OGLALA LAKOTA COUNTY MINUTES OF JULY 10, 2015**

The Oglala Lakota Board of County Commissioners met in regular session on July 10, 2015. Present: Lyla Hutchison, Anna Takes The Shield, Arlin Whirlwindhorse, Wendell Yellow Bull and Sue Ganje, Auditor. Absent: Art Hopkins.

The Pledge of Allegiance was given and the meeting called to order at 1:08 PM. The agenda was reviewed for conflicts; none were noted. Motion by Hutchison, seconded by Takes The Shield, to approve the agenda. With no further discussion and all voting yes, the motion carried.

Motion by Whirlwindhorse, seconded by Takes The Shield, to approve the minutes of the June 5, 2015 meeting. With no further discussion and all voting yes, the motion carried.

Motion by Hutchison, seconded by Whirlwindhorse, to approve the May, 2015 Auditor's Account with the Treasurer. With no further discussion and all voting yes, the motion carried.

**To The Honorable Board Of Oglala Lakota County Commissioners**

I Hereby submit the following report of my examination of the cash and cash items in the hands of the County Treasurer of this County on this 31<sup>st</sup> Day of May, 2015.

Total Amt Of Deposit In First Interstate Bank, HS -	\$ <u>37,381.46</u>
Total Amount Of Actual Cash -	\$ <u>1,603.80</u>
Total Amt Of Checks In Treasurer's Possession Not Exceeding Three Days -	\$ <u>1,818.24</u>
Money Market Savings: First Interstate Bank, Hot Springs -	\$ <u>524,302.30</u>
Certificates Of Deposit-First Interstate Bank, Hot Springs -	\$ <u>250,000.00</u>

Itemized list of all items, checks and drafts, which have been in the Treasurer's possession over three days:

Sheriff Change fund: \$200.00  
Election Petty Cash: \$15.00  
Treasurer Shortage:

Returned Checks:

Black Feather, David - \$75.00, Lic	Mesteth, Perry - \$63.00, Lic,
Blethen, Rene - \$48.25, Lic, 2006	Morrison, Nadine - \$15.00, Lic, 2001
Burgess, Jeanne - \$45.00, Lic,	Old Horse, John - \$15.00, Lic
Cedar Face, Gail - \$32.38, Lic, 2012	OOsahwe, Leon - \$53.40, Lic, 2015
Garnett, Aqualyne - \$64.00, Lic, 1998	Parton, Joy - \$32.00, Lic, 2006
Goings, Tanya L. - \$71.00, Lic, 1999	Pourier, Joel - \$349.00, Lic
Janis, Jennifer - \$90.50, Lic	Red Cloud, John - \$45.90, Lic
Little Hawk, Jolene - \$32.40, Lic, 2009	Rogers, Mark - \$8.00, Lic, 2015
Lone Hill, Trina - \$20.70, Lic, 2004	Ross, William - \$53.00, Lic
McDonald, John - \$983.97, Lic, 2013	Stands, Sharon- \$47.80, Lic, 2013
	<b>Total - \$817,466.10</b>

Dated This 31<sup>st</sup> Day of May, 2015

/S/Sue Ganje, Auditor

Sue Ganje, County Auditor Of Oglala Lakota County

County Monies: \$735,065.20

Held for other Entities: \$38,310.56

Held in Trust: \$44,090.34

Total: \$817,466.10

The above balance reflects county monies, monies held in trust and monies collected for and to be remitted to other entities: schools, towns and state.

Motion by Hutchison, seconded by Whirlwindhorse, to approve and place on file the June report of Veterans Services Officer Denver American Horse. With no further discussion and all voting yes, the motion carried.

Motion by Hutchison, seconded by Takes The Shield, to approve paying American Horse advance funds for travel to attend training in Pierre on Aug. 24-26, 2015. With no further discussion and all voting yes, the motion carried.

Motion by Hutchison, seconded by Whirlwindhorse, to make no comment on the Bureau of Indian Affairs request to hold certain property in trust. With no further discussion and all voting yes, the motion carried.

Motion by Whirlwindhorse, seconded by Hutchison, to approve a policy on the sale of digital data as presented. With no further discussion and all voting yes, the motion carried.

The Board reviewed the 2015 PILT funds distribution report, which total \$4,643.00.

Frank Maynard, Emergency Management, met with the Board to discuss resources for storm damage recovery. Motion by Whirlwindhorse, seconded by Takes The Shield, to approve the disaster declaration as follows. With no further discussion and all voting yes, the motion carried.

**Oglala Lakota County Resolution #2015-06**  
**Storm Damage June 17<sup>th</sup>-24<sup>th</sup>, 2015 Events**

WHEREAS, several storms have hit Oglala Lakota County, South Dakota, beginning on June 17<sup>th</sup>, 2015 through June 24<sup>th</sup>, 2015; and

WHEREAS, the storms have caused extensive damage and loss of critical infrastructure, roads and threatened the health and safety of residents within Oglala Lakota County; and

WHEREAS, the storms will require extensive debris removal, road buildup, culvert and power pole replacement in Oglala Lakota County; now, therefore,

BE IT RESOLVED by the Oglala Lakota County Board of Commissioners that they do hereby request that Oglala Lakota County be designated a disaster area due to the storms and damages; and

BE IT FURTHER RESOLVED by the Oglala Lakota Board of Commissioners that they request the Governor of the State of South Dakota to declare an emergency / disaster to exist in Oglala Lakota County, South Dakota.

Dated this 10<sup>th</sup> day of July, 2015

APPROVED BY THE  
OGLALA LAKOTA COUNTY COMMISSIONERS  
/s/ Wendell Yellow Bull  
Chairman

ATTEST:

/s/ Sue Ganje

Sue Ganje, Oglala Lakota County Auditor

Highway Superintendent Lynx Bettelyoun was present for a continued hearing on a proposal to delete a portion of Wakpamni Road from the county road system as advertised. Present were Maria, Patricia, Chuck and Calvin Conroy. Chuck Conroy stated he has had to open the road several times in the winter. Bettelyoun said he is limited on what equipment he can use on the road without getting stuck, and no work can be done when the water level is high. The road serves a mail route, but is not a school bus route. Doug Nelson said they are having the same issues on their road west of Wounded Knee Junction. Discussion was held on temporarily closing the road and seeking resources for the repair.

Hopkins joined the meeting at 2:02 PM.

Motion by Whirlwindhorse, seconded by Hutchison, to temporarily close a portion of Wakpamni Road, County Road #15; that the county will fence off the road and seek funding to fix the road; and that if no funding is available to repair the road, to permanently close the road. With no further discussion and all voting yes, the motion carried and Bettelyoun was asked to report to the Board in the next month or two.

Doug Nelson asked the Board to add two additional miles; the matter will be on the next agenda and Bettelyoun will review the section so he can report to the Board.

Hutchison relayed a request from David and Carole Cuny to have their road added to the county road system as well. Bettelyoun will talk to them and the BIA Superintendent about adding the road. Motion by Whirlwindhorse, seconded by Hutchison, to table the matter of closing a portion of Wakpamni Road until the August 7, 2015 meeting to allow for Bettelyoun's review. With no further discussion and all voting yes, the motion carried.

Private road contracts were presented for approval. Motion by Takes The Shield, seconded by Whirlwindhorse, to approve private road contracts with the Oglala Store and Oglala Laundry, each in the amount of \$210.00, which are paid. With no further discussion and all voting yes, the motion carried.

Bettelyoun asked for authorization to advertise for a full-time position, which was approved.

Motion by Hutchison, seconded by Whirlwindhorse, to approve \$435.02 in fuel transfers for fuel used by the Sheriff's Department. With no further discussion and all voting yes, the motion carried.

The board reviewed Bettelyoun's 2015 department budget request.

Takes The Shield exited the meeting at 2:39 PM.

The Board discussed a resolution to establish a wheel tax, which the state is tying to the disbursement of highway funds. State's Attorney Jim Sword was present and the Board asked him if the county was required to participate. He will research the question and report at the next meeting.

Sheriff Rex Conroy presented his monthly report and advised the Board the deadline for Homeland Security grant funds is July 31. He is applying for equipment, including a laptop, desktop computer and video recorder for his vehicle. Conroy also reported on inmate housing concerns and said a Memorandum of Understanding is being drafted to house inmates in Pine Ridge.

2016 budget requests were presented by Mel Engebretson, Register of Deeds; Kelli Rhoe, Treasurer; Susie Simkins, Director of Equalization; Auditor Ganje; and State's Attorney Sword.

Ganje asked the Board to authorize a change to the Wellmark insurance. Motion by Hutchison, seconded by Hopkins, to change of the Agent of Record for the Wellmark insurance to Roger Risty, Risty Benefits. With no further discussion and all voting yes, the motion carried.

Rhoe reported that she has not had an answer from the State on whether a DMV kiosk could be located in Oglala Lakota County, but will report back when she has had a response.

Motion by Whirlwindhorse, seconded by Hopkins, to enter into Executive Session with Conroy and Sword for legal matters, per SDCL 1-25-2(3). With no further discussion and all voting yes, the motion carried and the Board went into Executive Session at 3:49 PM.

The Board came out of Executive Session at 4:23 PM. Motion by Hopkins, seconded by Whirlwindhorse, to approve a resolution appointing Dana Hanna as a Deputy State's Attorney as follows. With no further discussion and all voting yes, the motion carried.

**OGLALA LAKOTA COUNTY RESOLUTION #2015-08**

**WHEREAS**, Dana Hanna is a licensed attorney in the State of South Dakota and is a member in good standing with the South Dakota Bar Association; and

**WHEREAS**, Dana Hanna has vast experience working with the Oglala Sioux Tribe; and

**WHEREAS**, Dana Hanna has vast experience working with child abuse cases, as recently evidenced in the United States Federal District Court for Western South Dakota entitled Oglala Sioux Tribe v. Luann Van Hunnik; and

**WHEREAS**, SDCL 7-16-3 allows the County Commission to appoint a deputy state's attorney for a limited purpose; and

**WHEREAS**, the parties related to this resolution understand that there is no money in the Oglala Lakota budget to provide monetary compensation to Dana Hanna for the appoint; and

**WHEREAS**, the people of Oglala Lakota County have a special interest in ensuring a prosecution of Wetherell-Hales for the crime of child abuse in Oglala Lakota County, South Dakota.

**NOW, THEREFORE, LET IT BE:**

**RESOLVED**, that Dana Hanna shall be appointed as a special Oglala Lakota County Deputy State's Attorney for the prosecution of Wetherell-Hales for child abuse.

**DATED** this 10<sup>th</sup> day of July, 2015.

**BY OGLALA LAKOTA COUNTY:**

/s/ Wendell Yellow Bull

Wendell Yellow Bull, Chairman

**ATTEST:**

/s/ Sue Ganje

Sue Ganje, Auditor, Oglala Lakota County

Motion by Hutchison, seconded by Hopkins, to approve a resolution supporting jury trials within Oglala Lakota County as follows. With no further discussion and all voting yes, the motion carried.

**OGLALA LAKOTA COUNTY RESOLUTION #2015-07**

**WHEREAS**, by order dated December 17, 2009, the Honorable Jeff W. Davis ordered that all cases arising from Oglala Lakota County (f/k/a Shannon County) shall be tried in Fall River County; and

**WHEREAS**, by Executive Order dated July 26, 2001, the Honorable John Yellow Bird Steele, President of the Oglala Lakota Nation, ordered that the service of process issued by any state court was not to be honored within the exterior boundaries of the Pine Ridge Indian Reservation; and

**WHEREAS**, by Proclamation issued on July 26, 2001, the Honorable John Yellow Bird Steele, President of the Oglala Lakota Nation, ordered that no state law enforcement personnel were to serve or enforce any state court subpoenas and orders upon any Oglala Sioux Tribal member within the exterior boundaries of the Pine Ridge Indian Reservation; and

**WHEREAS**, the people of Oglala Lakota County, South Dakota have a right and obligation to sit on juries impaneled in Oglala Lakota County to resolve the cases that arise in Oglala Lakota County; and

**WHEREAS**, the United States Supreme Court in *Batson v. Kentucky (1986)* recognized that all peoples regardless of race have a right and obligation to serve on criminal juries; and

**WHEREAS**, the United States Supreme Court in *Edmonson v. Leesville Concrete Company, (1991)* recognized that all peoples regardless of race have a right and obligation to serve on civil juries; and

**WHEREAS**, any order transferring criminal and civil cases from Oglala Lakota County to Fall River County for jury trials results in the people of Oglala Lakota Nation being denied the right and obligation to serve on state jury trials.

**NOW, THEREFORE, LET IT BE:**

**RESOLVED**, that Oglala Lakota County, South Dakota supports having state jury trials within Oglala Lakota County; and further

**RESOLVED**, that Oglala Lakota County will work with all the parties to help facilitate having civil and criminal jury trials in Oglala Lakota County.

**DATED** this 10<sup>th</sup> day of July, 2015.

**BY OGLALA LAKOTA COUNTY:**

/s/ Wendell Yellow Bull

Wendell Yellow Bull, Chairman

**ATTEST:**

/s/ Sue Ganje

Sue Ganje, Auditor, Oglala Lakota County

(SEAL)

Motion by Whirlwindhorse, seconded by Hutchison, to approve the bills as follows, including a bill submitted by Joe Herman, and excluding the following mental health bills: SD Human Services Center, \$32,007.67; Pennington County State’s Attorney, \$90.00; Rapid City Regional Hospital, \$1,325.00; and Audra Malcomb Consulting, \$898.53. With no further discussion and all voting yes, the motion carried.

**General Fund**

Commissioners	June Salaries	\$525.00
Auditor's Office	June Salaries	\$2,894.35

Treasurer's Office	June Salaries	\$2,875.42
State's Attorney Office	June Salaries	\$1,316.67
Director Of Equalization	June Salaries	\$1,277.37
Register Of Deeds	June Salaries	\$1,762.98
Veterans Services	June Salaries	\$1,250.00
Sheriff's Office	June Salaries	\$3,726.92
Coroner	June Salaries	\$581.00
1st Stop Gun	Supplies	\$357.19
AT&T Mobility	Wireless Phones	\$177.43
Bargain Barn Tire Center	Tire & Repair	\$421.00
Blue Cross/Blue Shield	Insurance	\$445.91
Century Business	Contract	\$11.84
Century Business	Lease	\$15.28
Takes The Shield, Anna	Mileage	\$39.96
EFTPS	Taxes	\$2,882.41
Fall River Co. Sheriff	Inmate	\$138.00
Fall River Co. Sheriff	Sheriff's Fee	\$47.20
Farrell, Farrell & Ginsbach	Contract	\$1,666.66
Cardmember Service	Supply	\$46.64
Cardmember Service	Credit Card	\$216.82
First Interstate Bank	June Service Charge	\$34.10
First Interstate Bank	Lease	\$570.24
Golden West	Telephone	\$144.35
Golden West	Phone	\$91.68
Hopkins, Arthur L	Mileage	\$62.16
Jenniges, Edith	Vic Adv	\$208.33
Martinez, Audrey	Travel	\$132.09
Mastel, Bruce	Website Hosting	\$35.00
Miller, Jacki	SDAAO Annual Conf.	\$177.10
Quill Corporation	Office Supply	\$97.77
SDPAA	Insurance	\$308.77
Secretary Of State	Permit	\$63.00
Secretary Of State	Permit	\$14.00
Sheridan Co. Sheriff	Notice Of Intent	\$58.00
Skinner, Matthew	CAAF	\$45.00
SD State Retirement	Retirement	\$2,415.22
State Treasurer	Autos/MI	\$1,185.05
SD Supplement Retirement	Retirement	\$900.00
Verizon Wireless	Wireless Plan	\$38.20
Whirlwindhorse, Arlin	Mileage	\$84.36
Winslow, Shari	Vic Adv	\$208.33
Yellow Bull, Wendell	Mileage	\$47.36
Hutchison, Lyla	Mileage	\$59.20
	<b>General Fund Total</b>	<b>\$29,655.36</b>

**Road & Bridge**

Road & Bridge	June Salaries	\$7,834.43
and overtime of		\$585.91
A & B Welding	Supply	\$42.78
AT&T Mobility	Wireless Phones	\$279.63
Blue Cross/Blue Shield	Insurance	\$1,337.73
CNH Capital	Hwy Dept Equip Parts	\$191.72
Culligan	Utilities	\$30.00
EFTPS	Taxes	\$1,944.02
Cardmember Service	Credit Card	\$121.98
Great Plains Comm.	Hwy Phone	\$185.75
Great Western Tire Inc.	Supply	\$154.75
Husker Auto Parts	Supply	\$736.25
John Deere Financial	Supply	\$336.21
LaCreek Electric Assoc	Utility	\$192.45
MCI Comm Service	Long Distance Phone	\$47.72
Pine Ridge Auto Parts	Shop Supplies	\$551.25
SD State Retirement	Retirement	\$931.82
Vallette, David R	Shop Supplies Hwy	\$296.10
Westco	Fuel	\$4,421.08
	<b>Road &amp; Bridge Total</b>	<b>\$20,221.58</b>
	<b>Grand Total</b>	<b>\$49,876.94</b>

Motion by Hopkins, seconded by Whirlwindhorse, to adjourn. With no further discussion and all voting yes, the motion carried and the Board adjourned at 4:30 PM.

ATTEST:

/s/ Sue Ganje

Sue Ganje, Oglala Lakota County Auditor

/s/ Wendell Yellow Bull

Wendell Yellow Bull, Chairman

Board of Oglala Lakota County Commissioners