

Oglala Lakota County, South Dakota

Oglala Lakota County (formerly Shannon County) for years was the poorest county in the Nation! We have now graduated to the second poorest in the nation, only to be replaced by a neighboring South Dakota county which is also an Indian Reservation. There are 11 counties in South Dakota which contain Indian Reservation land. Lack of a taxable land base because of acres held in Trust by the Federal Government is the sole reason for the inability of these County Governments to function normally. They are however, required by State and Federal regulations, to provide the same (fair and equal) services to County residents as all other residents of Counties in the Nation receive. All other Counties fund themselves by way of Property Tax collected on their land base. Because of the Treaties offered by the United States Congress, and accepted by the Tribe, Oglala Lakota County is only able to tax 14.15% of its' land base, but is expected to provide 100% fair and equal services to all patrons of the County.

Oglala Lakota County is approximately 45 miles by 48 miles (1,342,080 acres) in size. It is entirely within the area designated as reservation for the Oglala Sioux Tribe. Because of this forced co-existence, both the Tribe and County have been at constant odds over the expectations and limitations of both entities. Neither can do a proper job of serving the patrons. Although it is realized that legally the Tribal and County business cannot be thrown together, it is the desire of the County to work in partnership with the Tribe for the good of all the people of Oglala Lakota County.

The County Government must exist to conduct the business of the County that is not the legal responsibility of the Tribe. Some of the reasons for the existence of the County Commission are:

- 1) The Tribe is not responsible for conducting State/National elections, however, all residents are eligible to vote in these elections.
- 2) The Tribe has no taxing authority to collect property tax monies for the local public-school district, fire departments or municipalities and therefore, can raise no money for services on deeded land.
- 3) The Tribe is not responsible for maintaining records of land transfers or sales of deeded land.
- 4) The Tribe is not responsible for maintaining roads on deeded land.
- 5) The Tribe has no authority over non-Tribal member residents of the County, or non-member visitors to the County, and cannot jail or prosecute those individuals when necessary.
- 6) The Tribe is not responsible for the poor, or indigent non-members, or for burial fees, or for the mentally ill.
- 7) The Tribe is not responsible for services for non-member Veterans.
- 8) The Tribe is not responsible for Birth, Death, or Marriage license records.
- 9) The Tribe cannot issue vehicle licenses for the State of South Dakota.

It is for these reasons that South Dakota State Law requires every County to have a Sheriff, States Attorney, Auditor, Director of Equalization, Register of Deeds, and Treasurer. Oglala Lakota County also employs a full-time road department, part-time Coroner, Veterans Service Officer, and Emergency Management person.

Prior to 1979 Shannon County was "attached" to Fall River County, by the State Legislature for the purposes

of receiving governmental services. Deeded property owners in the county formed a “Road Board” and requested a tax levy on their property to pay for road maintenance on their deeded land that the Tribe could not legally maintain for them.

The Shannon County Commission was established in 1979 per “The Unorganized Counties Act,” South Dakota House Bill 1197, and received a Consent Decree authorizing this from Washington, D.C. The County was reorganized in 1983, using the “Home Rule” concept for unorganized counties which states that the County Commissioners shall have all the powers, duties, authority, and *responsibilities* as provided by the general law of the State of South Dakota.

Oglala Lakota County is required by law to provide all the same services to its’ residents as every other county in the nation, however, we are expected to do this with only 14% of the funds all other counties have at their disposal. Because the whole Oglala Lakota County is a reservation, and those lands in Trust or Reserved by the Federal Government are non-taxable, our hands are tied to raise any funds in order that we might establish these services in our own County.

In 2014, by referendum vote, the name of Shannon County was changed to Oglala Lakota County, and for the first time, we elected our own County Sherriff. All other required agents are contracted through Fall River County, South Dakota, for which we pay approximately one-fourth the amount mandated by the State based on County population.

Federal Law provides money to the Tribe to operate their programs, and rightfully so. Federal Law provides Impact Aid Funds to the School District because 86% of the land cannot be taxed by them, and rightfully so. If the Federal Government recognizes that their presence in Oglala Lakota County has impacted the ability of the School District to raise tax funds to finance education, why then, by the same rationale, would they not also be obligated to assist the County Government in fulfilling their mandated mission? Because **Federal Government Impaction is holding 86% of the land in Oglala Lakota County, rendering it non-taxable, they should be responsible for Payment In Lieu Of Taxes**, to the County. If Oglala Lakota County could levy tax funds on all the land in the County, as is every other county in the nation, we would be able to offer equitable services to the residents of Oglala Lakota County, within our own County, instead of being forced by a lack of funds to contract for services with a neighboring county.

No other County is in this financial situation. The 2010 U.S. census figures state a **population for Oglala Lakota County of 13,586**. The Oglala Sioux Tribe says the population is 37,985. We have about **325 property tax payers** in the County, of which 220 pay less than \$1,000. **These few taxpayers (less than 2 ½ % of the population), are footing the bill for state and federally mandated services for the whole population.** Our budget allows for expenditures of only **\$29.96 per person**, which is fiscally unfeasible. We are under constant threat of bankruptcy and lawsuits as our Unassigned Fund Balance continually becomes a larger *negative* number. Every four years as we budget for a mandated election, we are forced to cut all expenses except our contract obligation with Fall River County. If we are to have an emergency of any kind, an Indigent burial, or anyone jailed for trial, we have no way to pay for it. There is no other

funding avenue available to Oglala Lakota County than for the Federal Government to initiate some method for us to collect some form of Revenue In Lieu Of Taxes.