

OGLALA LAKOTA COUNTY UNAPPROVED MINUTES OF JANUARY 13, 2025

The Oglala Lakota Board of County Commissioners met in regular session on January 13, 2025. Present: Allyssa Comer, Art Hopkins, Wendell Yellow Bull and Sue Ganje, Auditor. Ramon Bear Runner and Anna Takes the Shield (Dubray) were absent.

The meeting was called to order at 1:11 p.m. by Chairwoman Comer. The agenda was reviewed for conflicts. ALL MOTIONS RECORDED IN THESE MINUTES WERE PASSED BY UNANIMOUS VOTE, UNLESS OTHERWISE STATED.

Motion made by Yellow Bull, seconded by Hopkins, to approve the agenda adding the request for Opioid Settlement funding from Oglala Lakota Division of Behavioral Health and removing the request for Opioid Settlement funding from Accord Counseling and approval of the meeting minutes of December 30, 2024 because they are not complete.

The meeting was turned over to the Auditor.

Motion made by Yellow Bull, seconded by Hopkins, to nominate Allyssa Comer as Chairwoman and Anna Takes the Shield (Dubray) as Vice-Chairwoman.

Motion made by Yellow Bull, seconded by Hopkins, for nominations to cease.

Allyssa Comer is the Chairwoman for 2025. Anna Takes the Shield (Dubray) is the Vice-Chairwoman for 2025.

The meeting was turned over to Chairwoman Comer.

Motion made by Hopkins, seconded by Yellow Bull, to approve the first grouping on the agenda that includes: Designate the bulletin boards for legal notices as 3 feet of the east end of the bulletin board on the 1st floor, 1st floor outside door, ground floor outside door and the door that leads to the alley at the Courthouse, Pine Ridge and Kyle post offices; designate depositories for 2025 as First Interstate Bank and Schwab; set the 2025 indigent burial rate as \$1,000.00.

Anna Takes the Shield (Dubray) entered the meeting at 1:14.

Motion made by Yellow Bull, seconded by Hopkins, to move the 'not re-hiring, for 6 months, any employee who quits and withdraws their retirement, unless approved by the Commissioners' item until the policy has been finished and approved.

Motion made by Yellow Bull, seconded by Hopkins, to designate the second Thursday of each month as the meeting day and any additional dates as set by the Board.

Motion made by Yellow Bull, seconded by Hopkins, to approve the remainder of the second grouping on the agenda that include: Approve prisoner housing rate in Fall River County of \$105.00 and \$125.00 per day and the housing rate in Pennington County of \$105.00 and \$125.00 per day; approval of same day travel for officials and require approval for any overnight travel.

Motion made by Yellow Bull, seconded by Takes the Shield (Dubray), to approve the third grouping on the agenda that includes: Appoint Lakota Times as the legal newspaper for 2025; approve the following resolution:

OGLALA LAKOTA COUNTY RESOLUTION #2025-01

WHEREAS, the Division of Purchasing and Printing of the State of South Dakota has competitively bid state contracts for the purchase of necessary supplies, equipment and materials for state and local governments, and

WHEREAS, the Oglala Lakota County Board of Commissioners is authorized to purchase necessary supplies, equipment and materials for its use, and

NOW THEREFORE, BE IT RESOLVED, that the Board of Oglala Lakota County Commissioners enter into an agreement with the Division of Purchasing and Printing of the State of South Dakota to purchase equipment, supplies and materials.

Dated this 13th day of January, 2025.

/S/ Allyssa Comer
Allyssa Comer, Chairwoman
Oglala Lakota County Board of Commissioners

ATTEST:
/S/ Sue Ganje

Sue Ganje
Oglala Lakota County Auditor
and to approve the following wage resolution and listing:

OGLALA LAKOTA COUNTY RESOLUTION #2025-02

WHEREAS, pursuant to SDCL 7-12-15 the Board of Commissioners by Resolution may establish the salary payable to the County Sheriff; and

WHEREAS, the salary may not be less than the following schedule and is based upon the most recent decennial federal census. The Oglala Lakota Census is 13,672.

County Sheriff – Population over 10,000: \$44,492.00

BE IT RESOLVED, that the Oglala Lakota Board of County Commissioners set the salaries as follows, effective January 1, 2025:

Sheriff, Mark Mesteth \$57,720.00

Passed and approved this 13th day of January, 2025.

/S/ Allyssa Comer
Allyssa Comer, Chairwoman
Oglala Lakota Board of County Commissioners

ATTEST:
/S/ Sue Ganje

Sue Ganje
Oglala Lakota County Auditor’s Office
OGLALA LAKOTA COUNTY PAYROLL 2025

Arredondo, Jerlene	Veteran's Service Officer	\$40,997.04 per year
Bear Runner, Ramon	Commissioner	\$600.00 a month plus \$50.00 per attended meeting

Bettelyoun, Lynx	Hwy Superintendent	\$60,391.80	per year
Black Bull, Daylon	Sheriff Deputy	\$25.75	
Comer, Allyssa	Commissioner	\$600.00 a month plus \$50.00 per attended meeting	
Ferguson, Doreen	Hwy Department	\$18.04	per hour
Ferguson, Kelly	Hwy Department	\$21.22	per hour
Hopkins, Arthur	Commissioner	\$600.00 a month plus \$50.00 per attended meeting	
Martinez, Audrey	Hwy Secretary	\$17.48	per hour
Martinez, Audrey	Coroner	\$260.00	per call
Mesteth, Mark	Sheriff	\$57,720.00	per year
Takes The Shield (Dubray), Anna	Commissioner	\$600.00 a month plus \$50.00 per attended meeting	
White Face, David	Hwy Department	\$25.53	per hour
Yellowbull, Wendell	Commissioner	\$600.00 a month plus \$50.00 per attended meeting	

Paid out of the Victim's Assistance Fund

Boche, Carol	State's Attorney's Office	\$3,000.00	per year
Two Bear, Lynn	State's Attorney's Office	\$3,000.00	per year

Motion made by Yellow Bull, seconded by Takes the Shield (Dubray), to approve the fourth grouping on the agenda that includes: Approval of the Election Fee resolution as follows:

OGLALA LAKOTA COUNTY RESOLUTION #2025-03

WHEREAS, pursuant to SDCL 12-15-11, the Board of County Commissioners at their first meeting shall set a fee for Election Board and the mileage rate;

NOW THEREFORE BE IT RESOLVED, that the Oglala Lakota County Board of Commissioners have set the fee for attendance of Election School at \$25.00; and

ALL ELECTION BOARDS WILL RECEIVE A FLAT FEE OF \$175.00; SUPERINTENDENTS OF EACH PRECINCT A FEE OF \$200.00; RESOLUTION, ABSENTEE, PROVISIONAL AND POST-ELECTION AUDITING BOARDS WILL BE SET AT \$13.50 PER HOUR, and

BE IT FURTHER RESOLVED, that the Oglala Lakota County Commissioners set the mileage rate at \$.67 per mile for the transporting of ballots and ballot boxes by the precinct superintendent.

Dated this 13th day of January, 2025

/S/ Allyssa Comer
 Allyssa Comer, Chairwoman
 Oglala Lakota County Board of Commissioners

ATTEST:
/S/ Sue Ganje
 Sue Ganje
 Oglala Lakota County Auditor

and the Wildland Fire Resources Resolution for 2025 as follows:

**Oglala Lakota County
 RESOLUTION #2025-04**

WHEREAS, the South Dakota Wildland Fire Coordinator is authorized to assist in fighting range fires through the State; and

WHEREAS, a county must formally request his assistance pursuant to SDCL 41-20A-11; and

WHEREAS, because there is insufficient time to hold a meeting and adopt a resolution during a fire, Oglala Lakota County can designate a person (s) with authority to request assistance under this law;

NOW THEREFORE BE IT RESOLVED, that the Oglala Lakota County Commissioners hereby designate the following person (s) with the authority to request assistance from the State Wildland Fire Coordinator in fighting range fires:

Darwin Coy
EMERGENCY MANAGEMENT DIRECTOR
605 890-7245 (CELL) or 605 745-7562 (OFFICE)

Mark Mesteth
OGLALA LAKOTA COUNTY SHERIFF
605 891-5819 (CELL) or 605 745-5130 (OFFICE)

Allyssa Comer
COMMISSIONER
605 407-1839 (CELL)

Ramon Bear Runner
COMMISSIONER
605 441-5769 (CELL)

Anna Takes the Shield (Dubray)
COMMISSIONER
605 867-1743 (HOME) or 605 441-4996 (CELL)

Wendell Yellow Bull
COMMISSIONER
605 867-2263 (HOME) or 605 441-6405 (CELL)

Dated this 13th day of January, 2025

/S/ Allyssa Comer
Allyssa Comer, Chairman
Oglala Lakota Board of County Commissioners

ATTEST:

/S/ Sue Ganje
Sue Ganje, Auditor
Oglala Lakota Auditor's Office

Stacey Martin, GIS Coordinator, met with the Board to discuss ADA compliancy regarding the County website which will need to be compliant by April, 2027. She explained that items that get sent to the Auditor's office to be included on the agenda (ie. reports, fuel bids, requests for funding, etc.) be sent digitally, ideally in "Word" format, not scanned and sent as an attachment. This enables items to be added on the website be readable with a screen reader that is commonly used by visually impaired individuals. Martin is hoping that, by doing this, the County won't have to spend money on conversion programming. Yellow Bull asked if Martin could prepare a budget of what it may cost to do so and bring it back to the next meeting.

Motion made by Yellow Bull, seconded by Hopkins, to appoint Anna Takes the Shield (Dubray) to the Weed and Pest Board.

Lynx Bettelyoun, Highway Superintendent, met with the Board.

Motion made by Yellow Bull, seconded by Takes the Shield (Dubray), to set the Private Road Work Hearing for February 13, 2025 at 1:30 p.m. as per SDCL 31-11-41 through 31-11-45.

Bettelyoun will bring back the amount per hour that he will be charging for Private Road Work, as created by his cost accounting records.

Bettelyoun presented the Highway monthly report. Hopkins questioned the report under mowing. Bettelyoun responded that, with the lack of snow, they have had the opportunity to mow County Road 8 which is a road that they seldom have time to mow the ditches. Hopkins then inquired about the safety of approaches to bridges as well as who is responsible for "Think, Why Die?" signs and what they represent. Bettelyoun will contact the DOT to find more out about bridge approaches. He then explained that the signs are for any fatality, not necessarily involving alcohol and that it is up to a family member of the decedent to decide if they want one placed. Lastly, Hopkins inquired about who is responsible for placing road identification signs. Bettelyoun replied that it depends on the road and what entity is responsible for its maintenance. The Board asked State's Attorney Russell to draft a letter to the Custer County Commission asking for consideration of a name change of Squaw Creek Rd (aka Custer County Road 28) as it is a derogatory name.

Motion made by Yellow Bull, seconded by Takes the Shield (Dubray), to accept the Highway Department report.

Further discussion was held regarding the proposed land to build the new Highway Shop. Bettelyoun gave the suggestion of having Banner Engineering look at the land for feasibility. State's Attorney Russell will get a contract sent to the potential landowner and report back at the next meeting. He will bring it back to the next meeting.

Jerlene Arredondo, Veteran Service Officer, met with the Board. She reported on her activity for the month. She stated that there are quite a few headstones that she will need to order in the coming months.

Motion made by Yellow Bull, seconded by Hopkins, to accept the VSO monthly report and place it on file.

Mark Mesteth, Sheriff, met with the Board to submit his monthly report and give updates. He has been looking through invoices and working on an inventory list. He stated that December was not very busy. He then reported that he can no longer run Triple I background checks on individuals applying for a Concealed Carry Permit through Fall River County's dispatch. He has been in contact with the Tribe's Department of Public Safety to see if the county could use their dispatch ORI to run the Triple I background checks. It has to be done on a secure system, it cannot be done by anyone but law enforcement. The Tribal DPS has been discussing it with their attorney and will get back to him then he will bring it to the State's Attorney to look over. State's Attorney Russell said that he will see what the issue is with running them through Fall River County's Dispatch when he meets with the Fall River County Sheriff at their next meeting. Russell also suggested that Mesteth check with the school system, DCI or the Clerk of Courts to see if Oglala Lakota County can partner with them to run them. Mesteth also said that he intends to talk to IT for an approximate cost for an ORI to run the checks.

There was a lengthy discussion regarding the County's Medical Marijuana License Ordinance. There are no current licenses issued from the County. The discussion centered around a current facility near Batesland that is on deeded land, however they possess a Tribal license. Yellow Bull asked for a working session to discuss and possibly update the County's Ordinance in the future.

Motion made by Takes the Shield (Dubray), seconded by Yellow Bull, to accept the Sheriff's monthly report.

Genevieve Osborn, Jade Doering and Chandler Sutherland from Addiction Recovery Centers of the Black Hills, met with the Board to provide their request to receive County Opioid Settlement funds to aid in their efforts to help deal with the Opioid crisis. The Board asked questions regarding their organization and let them know that they would take their request into consideration and that they were not going to be taking any action at this meeting.

Break was taken at 2:20 p.m. The meeting resumed at 2:30 p.m.

Motion made by Yellow Bull, seconded by Takes the Shield, to approve Takes the Shield (Dubray), Comer, Hopkins and Yellow Bull to attend the Lakota Construction Summit in Box Elder on January 28, 2025, with overnight accommodations on January 27th only if there is inclement weather.

The Board took no action on employees' full-time status and prior temporary wage increases. They will look over the various actions presented to them from past meeting minutes and may take action in the future.

Motion made by Yellow Bull, seconded by Hopkins, to accept the compilation of meeting minutes for the above-mentioned item.

Edson Briggs was present via telephone. He is requesting a \$250.00/month payment plan for \$12,088.08 plus interest owed on past due property taxes.

Motion made by Yellow Bull, seconded by Hopkins, to approve putting Edson Briggs on a payment plan for past due property taxes.

Joseph Whiting was not present via telephone to discuss a payment plan for past due property taxes that are in the names of Lawrence and Martha Whiting.

Motion made by Yellow Bull, seconded by Hopkins, to bring Whiting's request back to the next meeting.

Takes the Shield (Dubray) left the meeting at 3:15 p.m.

Favian Kennedy, Oglala Lakota Division of Behavioral Health, was not present via telephone to discuss his organization's request for County Opioid Settlement funds.

Motion made by Yellow Bull, seconded by Hopkins, to move the request for Opioid Settlement funding from Oglala Lakota Division of Behavioral Health to the next meeting.

Motion made by Yellow Bull, seconded by Hopkins, to approve paying the bills as follows:

GENERAL FUND		
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ARREDONDO, JERLENE	MEETING MILEAGE	\$67.00
AUDRA HILL CONSULTING	MH	\$1,612.06
BEAR RUNNER, RAMON	MEETING MILEAGE	\$87.10
CENTURY BUSINESS	COPIER LEASE & FEES	\$147.63
TAKES THE SHIELD, ANNA	MEETING MILEAGE	\$67.00
ELECTION SYSTEMS & SOFT	MAINTENANCE & LICENS	\$1,589.37
FALL RIVER CO. SHERIFF	INMATE HOUSING	\$475.00
FIRST INTERSTATE BANK	FIRST INTERSTATE	\$25.00
HOPKINS, ARTHUR L	MEETING MILEAGE	\$142.04
MASTERCARD	COUNTY CREDIT CARD	\$2,357.56
PENNINGTON CO STATES ATTY	MENTAL ILL	\$34.00
PRAIRIE WIND CASINO	SDACO LOCAL MEETING	\$72.89
SD ASSN OF CO OFFICIALS	WEBSITE HOSTING	\$150.00
SD DEPT OF HEALTH	BLOOD ANALYSIS	\$40.00
BADLANDS CONSERVATION	COUNTY FUNDING	\$3,000.00
SD DEPT OF REVENUE	REMITTANCE	\$120.00
SOFTWARE SERVICES	SERVICES	\$1,800.00
THOMSON REUTERS - WEST	ST ATTY	\$326.34
WESTERN COMMUNICATIONS	RADIO PROGRAMMING	\$210.00
YELLOW BULL, WENDELL	MEETING MILEAGE	\$87.10
RED ELK, RUTH	LOST CHECK REPLACEMENT	\$185.18
COMER, ALLYSSA	MEETING MILEAGE	\$97.82
	TOTAL FOR GENERAL FUND	\$12,693.09
COUNTY ROAD & BRIDGE		
BUTLER MACHINERY CO.	EQUIP/REPAIR	\$211.32
CULLIGAN	UTILITY	\$34.75
HUSKER AUTO PARTS	SUPPLY//INVENTORY	\$115.54
LACREEK ELECTRIC ASSOC	UTILITY/ELECTRIC	\$671.67
MASTERCARD	COUNTY CREDIT CARD	\$1,259.18
OL COUNTY TREASURER	2024 BIG TEX TITLE FEES	\$26.70
WESTCO	FUEL/UTILITES	\$4,625.77
	TOTAL FOR COUNTY ROAD & BRIDGE	\$6,944.93
	TOTAL FOR BILLS PAID BETWEEN 12/31/2024 & 01-13-2025	\$19,638.02

Motion made by Yellow Bull, seconded by Hopkins, to adjourn the meeting at 3:35 p.m.

/s/Allyssa Comer
Allyssa Comer, Chairwoman
Board of Oglala Lakota County Commissioners

ATTEST:
/s/Sue Ganje
Sue Ganje

Oglala Lakota County Auditor

:	:	:	:	:
:	:	:	:	:
:	:	:	:	:
:	:	:	:	:
:	:	:	:	:

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 31st day of December 2024.

Total Amount of Deposit in First Interstate Bank, HS:	\$	303,356.95
Total Amount of Cash:	\$	953.80
Total Amount of Checks in Treasurer's Possession Not Exceeding Three Days:	\$	10.00
FIRST INTERSTATE SAVINGS		
First Interstate, HS:	\$	2,686,577.64
CERTIFICATES OF DEPOSIT:		
Schwab 2 year	\$	2,124,767.25
Itemized list of all items, checks and drafts that have been in the Treasurer's possession over three days:		
Election Petty Cash:	\$	15.00
RETURNED CHECKS:		
Deaton, Tyler	\$	110.10

TOTAL \$ 5,115,790.74

Dated This 31st Day of December 2024.

/S/ Sue Ganje
Sue Ganje, County
Auditor of Oglala
Lakota County

/S/ Teresa Pullen
Teresa Pullen, County Treasurer
of Oglala Lakota County

County Monies	\$	4,999,308.80
Held for other Entities	\$	20,001.53
Held in Trust	\$	96,480.41
TOTAL	\$	5,115,790.74

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.

Oglala Lakota County Highway Department

To: WESTCO

The Oglala Lakota County Highway Department is requesting a quote on fuel on this 15 day
of January, 2024.

Please provide a bid for the following.

_____ Gallons of Unleaded Gas at \$ _____ /gal.

_____ Gallons of Diesel at \$ _____ /gal.

700 Gallons of Propane at \$ 1.949 /gal. or until full

The Oglala Lakota County Highway Depart. Tank is a 1,000 gallon tank, the current propane level
is 0.1 percent.

Signature: Kyle Hooper Date: 1/15/2025

County Exemptions / Taxes Applicable:

Unleaded: Federal tax exempt: State Tax Applicable

Diesel: Federal and State tax exempt: \$0.02 EPA tax applicable

Please submit a bid on the above requested fuel. Fax to 1 (605) 288-1867

Oglala Lakota County Highway Department

P.O. Box# 208, Batesland SD 57718

PH: (605)288-1868 Fax: (605) 288-1867 Cell: (605) 441-6261

For office use only:

Response
 No Response

Oglala Lakota County Highway Department

To: Vollan Oil

The Oglala Lakota County Highway Department is requesting a quote on fuel on this 15 day
of January, 20 25.

Please provide a bid for the following.

_____ Gallons of Unleaded Gas at \$ _____ /gal.

_____ Gallons of Diesel at \$ _____ /gal.

700 Gallons of Propane at \$ _____ /gal. or until fall

The Oglala Lakota County Highway Depart. Tank is a 1,000 gallon tank, the current propane level
is 101 percent.

Signature: _____ Date: _____

County Exemptions / Taxes Applicable:

Unleaded: Federal tax exempt: State Tax Applicable

Diesel: Federal and State tax exempt: \$0.02 EPA tax applicable

Please submit a bid on the above requested fuel. Fax to 1 (605) 288-1867

Oglala Lakota County Highway Department

P.O Box# 208, Batesland SD 57718

PH: (605)288-1866 Fax: (605) 288-1867 Cell: (605) 441-6261

For office use only;

Response
 No Response

 Outlook

Re: propane bid request

From Shawn Rohrich <Shawn@vollanoil.com>

Date Fri 1/17/2025 11:34 AM

To audrey martinez <a_lmartinez@hotmail.com>

Price 1.95 for propane

Sent from my iPhone

On Jan 15, 2025, at 10:03 AM, audrey martinez <a_lmartinez@hotmail.com> wrote:

<Scan_20250115.png>

Oglala Lakota County Highway Department

To: Lakota Plains (605)867-1677

The Oglala Lakota County Highway Department is requesting a quote on fuel on this 15 day
of January, 2024.

Please provide a bid for the following.

_____ Gallons of Unleaded Gas at \$ _____/gal.

_____ Gallons of Diesel at \$ _____/gal.

700 Gallons of Propane at \$ _____/gal. or until full

The Oglala Lakota County Highway Depart. Tank is a 1,000 gallon tank, the current propane level
is 10% percent.

Signature: _____ Date: _____

County Exemptions / Taxes Applicable:

Unleaded: Federal tax exempt: State Tax Applicable

Diesel: Federal and State tax exempt: \$0.02 EPA tax applicable

Please submit a bid on the above requested fuel. Fax to 1 (605) 288-1867

Oglala Lakota County Highway Department

P.O. Box# 208, Batesland SD 57716

PH: (605)288-1866 Fax: (605) 288-1867 Cell: (605) 441-8261

For office use only;

____ Response
 No Response

Oglala Lakota County Highway Department

To: Discount Fuels Inc

The Oglala Lakota County Highway Department is requesting a quote on fuel on this 15 day of January, 2024.

Please provide a bid for the following.

_____ Gallons of Unleaded Gas at \$ _____/gal.

_____ Gallons of Diesel at \$ _____/gal.

700 Gallons of Propane at \$ _____/gal. or until full

The Oglala Lakota County Highway Depart. Tank is a 1,000 gallon tank, the current propane level is 10.1 percent.

Signature: _____ Date: _____

County Exemptions / Taxes Applicable:

Unleaded: Federal tax exempt: State Tax Applicable

Diesel: Federal and State tax exempt: \$0.02 EPA tax applicable

Please submit a bid on the above requested fuel. Fax to 1 (605) 288-1867

Oglala Lakota County Highway Department

P.O Box# 208, Batesland SD 57716

PH: (605)288-1866 Fax: (605) 288-1867 Cell: (605) 441-6261

For office use only:

____ Response
 No Response

**Oglala Lakota County HWY
Dept Report**

Date	Snow Removal/ Road #'r	Operator
01/09/2025	16, 11,15	Sam
01/13/2025	15L, Batesland Streets, 13	Kelly
01/13/2025	16 A, 2, 4, 9, 17	Sam
01/14/2025	15, 24, 24C, 17	Kelly, Doreen
	Roads Bladed	
1/28/2025	16	Kelly ,Doreen, Sam
1/30/2025	16A, 16	Kelly, Doreen, Sam
02/05/2025	11	Sam
02/06/2025	2, 7	Kelly, Doreen, Sam



Oglala Lakota County Sheriff's Office

906 N. River Street
Hot Springs South Dakota 57747
Phone: 605-891-5819

January 2025 Monthly Report:

Calls for Service:

- January 1, 21025. Missing Person Report, located female.
- January 10, 2025. Male arrested, transported to Fall River County Jail.
- January 24, 2025. Male arrested, Transported to Fall River County Jail.
- January 31, 2025. Protection Order Violation.

Non-Enforcement Services.

- January 1, 2025 Assisted OSTDPS with New Years Patrol during Day shift
- January 1, 2025 Assisted OSTDPS with New Years Check Points during Evening Shift.
- January 2, 2025 Assisted OSTDPS with New Years Patrols during Day Shift.
- January 2, 2025 Assisted OSTDPS with New Years Check Points during Evening Shift.
-

Fuel Log.

	Starting Mileage:	Ending Mileage:	Total Mileage:
CO 12594	17,241	20,569	3.328
CO 12572	7.050	7.818	768

206.7 Gallons used from County Tank.
22.4 Gallons purchased with Couty Credit Card.



Re: Status of Request to Meet with County Commissioners


1 message

Favian Kennedy <favian@oglalahealth.org>
To: Auditor Office <agenda@olcounty.org>
Cc: Tamera Marhsall <tamera@oglalahealth.org>

Thu, Jan 16, 2025 at 11:50 AM

Thank you. I will plan to attend the Meeting February 13th.

Favian Kennedy, MSW

Oglala Lakota Division of Behavioral Health
Favian@oglalahealth.org | (308) 862-4100
Visit us at oglalahealth.org |  OL-DBH

From: Auditor Office <agenda@olcounty.org>
Sent: Tuesday, January 14, 2025 8:05 AM
To: Favian Kennedy <favian@oglalahealth.org>
Cc: Tamera Marhsall <tamera@oglalahealth.org>
Subject: Re: Status of Request to Meet with County Commissioners

Sorry. I was up in the commissioner meeting. We had sent you the agenda with the call in information and I told the lady that called late Friday afternoon that they could amend the agenda, which they did, and you could call in to the conference call. Apparently, there were wires crossed again. They took no action on anyone's request and we will put you on the next agenda which will be on February 13 (they moved their meetings to the second Thursday of each month).

Bobbie J Janis

Auditor Administrative Assistant

FALL RIVER & OGLALA LAKOTA COUNTIES

[906 N River Street](#)


[Hot Springs, SD 57747](#)

[\(605\) 745-5130](#)

On Mon, Jan 13, 2025 at 2:02 PM Favian Kennedy <favian@oglalahealth.org> wrote:

Good afternoon, I attempted to call about 30 mins ago and will try again this afternoon. My cell phone number is 605-488-9711.

Favian Kennedy, MSW

Oglala Lakota Division of Behavioral Health
Favian@oglalahealth.org | (308) 862-4100
Visit us at oglalahealth.org |  OL-DBH

From: Auditor Office <agenda@olcounty.org>
Sent: Friday, January 10, 2025 2:14 PM
To: Favian Kennedy <favian@oglahealth.org>
Cc: Tamera Marhsall <tamera@oglahealth.org>
Subject: Re: Status of Request to Meet with County Commissioners

Please call the office. Your phone number is not working.

Bobbie J Janis

Auditor Administrative Assistant

FALL RIVER & OGLALA LAKOTA COUNTIES

[906 N River Street](#)

[Hot Springs, SD 57747](#)

[\(605\) 745-5130](#)

On Fri, Jan 10, 2025 at 1:54 PM Favian Kennedy <favian@oglahealth.org> wrote:

Good afternoon, I am just following up on the status of our request to meet with the Oglala County Commissioners. We would like to discuss the following:

- Behavioral health services provided by our agency, including youth diversion programming in collaboration with the state Department of Corrections.
- Financial reimbursement that are due to Oglala County as a result of successful youth diversion documented by OL-DBH.

As a clarification, we do not intend to discuss the letter of interest we recently submitted related to opioid funding available through the county. Our juvenile diversion project from the South Dakota Department of Corrections suggested that we inform you of funding that is available to Oglala Lakota County as a result of the work that our team performs. I am attempting to honor this request.

Favian Kennedy, MSW

Oglala Lakota Division of Behavioral Health

Favian@oglahealth.org | (308) 862-4100

Visit us at oglahealth.org |  OL-DBH



Status of Request to Meet with County Commissioners

1 message

Favian Kennedy <favian@oglahealth.org>

Fri, Jan 10, 2025 at 1:53 PM

To: Auditor Office <agenda@olcounty.org>

Cc: Tamera Marhsall <tamera@oglahealth.org>

Good afternoon, I am just following up on the status of our request to meet with the Oglala County Commissioners. We would like to discuss the following:

- Behavioral health services provided by our agency, including youth diversion programming in collaboration with the state Department of Corrections.
- Financial reimbursement that are due to Oglala County as a result of successful youth diversion documented by OL-DBH.

As a clarification, we do not intend to discuss the letter of interest we recently submitted related to opioid funding available through the county. Our juvenile diversion project from the South Dakota Department of Corrections suggested that we inform you of funding that is available to Oglala Lakota County as a result of the work that our team performs. I am attempting to honor this request.

Favian Kennedy, MSW

Oglala Lakota Division of Behavioral Health

Favian@oglahealth.org | (308) 862-4100

Visit us at oglahealth.org |  OL-DBH



Oglala Lakota Division of Behavioral Health

Building a System of Health & Wellness for the Oglala Sioux Tribe

Favian Kennedy

Executive Director

PO Box 5074

Pine Ridge, SD 57770

605-488-9711

favian@oglahealth.org

RE: Letter of Interest Regarding Opioid Settlement Funding

Oglala Lakota County Commissioners,

The Oglala Lakota Division of Behavioral Health (OL-DBH) is submitting this correspondence to formally indicate interest in applying for opioid settlement funds available through Oglala Lakota County. OL-DBH would use this funding mechanism to mitigate the harms caused by the abuse of opioids and other drugs by increasing the delivery of behavioral health services for youth in grades 6th through 12th. OL-DBH will work toward the following measurable objectives:

- I. Increase the number of youth in grades 6th through 12th who are screened for substance abuse, depression, anxiety, and other mental health disorders within a 12-month period.
- II. Increase the number of youth in grades 6th through 12th who are provided evidence-based and cultural-based youth behavioral health intervention within a 12-month period.
- III. Increase youth participant scores within key quality of life psycho/social metrics within a 12-month period.

Project Summary

The Oglala Lakota Division of Behavioral Health (OL-DBH) will partner with up to three schools in Oglala Lakota Country to implement a system of behavioral health screening and intervention for students in grades 6th through 12th. OL-DBH will establish a system where partnering schools are able to refer students who violate school alcohol and drug policy for behavioral health screening and interventions in lieu of more punitive disciplinary action such as after school detention and suspension. OL-DBH will follow its **Standards for Youth Behavioral Health Screening and Intervention Protocol** to identify the needs of each student and arrange intervention programming that supports: 1. The development of individuals coping strategies and life skills; 2. The promotion of self-esteem and self-efficacy; and 3. Increased knowledge of the health, economic, and social consequences of continued substance abuse. School counselors and social work staff will also be able to refer students for mental health screening, assessment, and counseling services. Behavioral health interventions delivered by OL-DBH always include a synchronization of evidence-

based and cultural-based programming. Curricula that may be utilized includes, but is not limited to **Thinking for a Change (T4C)** and **Project Venture**. The latter program is one of the first indigenous-based prevention program accepted as an evidenced-based practice by the Substance Abuse and Mental Health Service Administration (SAMHSA).

Evaluation & Reporting

OL-DBH will conduct an internal process and outcome evaluation of services provided as a result of this initiative. Process evaluation will identify the number of screening and behavioral health interventions delivered as well as the number of unduplicated students served. Outcome evaluation will assess changes to student attitudes, beliefs, and behaviors related to substance abuse as well as changes within specific quality of life indicators such as depression and anxiety scores, stage of change, and general wellbeing. OL-DBH will prepare quarterly reports which are used for continuous quality improvement.

Organizational Background

The mission of OL-DBH is to deliver the highest quality behavioral health services that are guided by science and anchored in traditional Lakota culture, philosophy, and worldview to maximize mental health and social well-being and eliminate alcohol, commercial tobacco, and opioid, and other drug abuse on the Pine Ridge Reservation. OL-DBH administers a wide variety of addiction treatment and mental health services that span the entire length of the behavioral health continuum (prevention to treatment of acute behavioral health disorders. OL-DBH is a tribally incorporated nonprofit organization that is written into the OST code through Ordinance Number 23-47. The OL-DBH is recognized as the official behavioral health entity for substance abuse and mental health services on the Pine Ridge Reservation by the Oglala Sioux Tribe. Ordinance Number 23-47 charges OL-DBH with carrying out certain essential governmental functions of OST, including but not limited to the development, operations, and enhancement of professional behavioral health providers and other social services programs and activities.

OL-DBH is led by Favian Kennedy, MSW, who has over 20 years of experience developing public health/behavioral health infrastructure for tribal communities in the northern plains. OL-DBH employs three licensed addiction counselors, one licensed clinical social worker, and one licensed practicing counselor. Depending on the funding availability, OL-DBH will hire one youth interventionist to deliver the majority of the services described herein.

Thank you for your consideration in regard to this letter of interest. Please do not hesitate to contact me by phone 605-488-9711 or email favian@oglahealth.org.

Sincerely,



Favian Kennedy, MSW
Executive Director

ORDINANCE OF THE OGLALA SIOUX TRIBAL COUNCIL
OF THE OGLALA SIOUX TRIBE
(An Unincorporated Tribe)

ORDINANCE OF THE OGLALA SIOUX TRIBAL COUNCIL OF THE OGLALA SIOUX TRIBE APPROVING THE CHARTER AND BYLAWS TO ESTABLISH THE DIVISION OF BEHAVIORAL HEALTH, AS A TRIBALLY CHARTERED CORPORATION, UNDER TRIBAL LAW AS THE DIVISION OF BEHAVIORAL HEALTH, A SUBDIVISION OF THE OGLALA SIOUX TRIBE, EFFECTIVE IMMEDIATELY.

WHEREAS, the Oglala Sioux Tribe adopted its Constitution and Bylaws by referendum vote on December 14, 1935, in accordance with Section 16 of the Indian Reorganization Act of 1934 (25 U.S.C. § 5123), and under Article III of the Constitution, the Oglala Sioux Tribal Council is the governing body of the Oglala Sioux Tribe, and

WHEREAS, under Article IV, Sections 1 (f), 1 (k), 1(m), and 1(w), of the Tribal Constitution, the Tribal Council has the authority to manage the economic affairs of the Tribe, protect and preserve the property of the Tribe, adopt laws governing the conduct of persons on the Pine Ridge Indian Reservation, and adopt laws protecting and promoting the health and general welfare of the Tribe and its members, and

WHEREAS, Article IV, Section 1(t) of the Constitution gives the Tribal Council the power to delegate its enumerated powers to subordinate boards or officers, reserving the right to review their actions taken by virtue of such delegated power; and under its inherent sovereignty in Article IV, Section 1 (a) of the Tribal Constitution, the Tribal Council is also empowered to negotiate with the federal government on behalf of the tribe, and

Whereas, under the inherent sovereignty of the tribe and under Article IV, Section 1 (o) of the Tribal Constitution, the Tribal Council is empowered to charter subordinate organizations for economic purposes," which includes the authority and power to charter non-profits corporation to perform behavioral health functions on the Pine Ridge Reservation, and

WHEREAS a need exists for the formation of the Division of Behavioral Health that integrates mental health and addiction services to establish more streamlined services for the Oyate on the Pine Ridge Indian Reservation for the health and general welfare of the Oglala Sioux Tribe and Oglala Oyate, and

WHEREAS, the Health and Human Services Committee has reviewed the Charter of the OST Division of Behavioral Health and recommends approval of the Charter and forwards to the OST Tribal Council for final approval, and

WHEREAS, the Tribal Council has determined that it is in the best interest of the Tribe to establish the Division of Behavioral Health Corporation as a Tribally Chartered Corporation of the Oglala Sioux Tribe to serve as the Division of Behavioral Health of the Oglala Sioux Tribe, and

WHEREAS it is the intent of the Tribal Council that the Division of Behavioral Health Corporation serve as the official entity for mental health and addiction services of the Oglala Sioux Tribe and to confer upon it all rights, privileges, and immunities of the Oglala Sioux Tribe, and

WHEREAS, for the reasons set forth herein, the Tribal Council desires to move forward by adopting a new Ordinance under Tribal law for the Charter of the OST Division of Behavioral Health, an entity of the Oglala Sioux Tribe that more fully reflects the desired structure and needs of the Oglala Sioux Tribe; now


THEREFORE, BE IT ORDAINED, that the Oglala Sioux Tribal Council hereby approves and establishes the Charter for the OST Division of Behavioral Health Corporation, as a tribal governmental subdivision of the Oglala Sioux Tribe, as set forth in the Charter and Bylaws (Attached); and is effective immediately; and

BE IT FURTHER ORDAINED, that it is the intent of the Tribal Council that any contracts and/or grants with the federal government will continue with full force and effect and be binding on the OST-DBH and the Tribe.


C-E-R-T-I-F-I-C-A-T-I-O-N

I, as the undersigned Secretary of the Oglala Sioux Tribal Council of the Oglala Sioux Tribe hereby certify that this Ordinance was adopted by a vote of: 14 For; 0 Against; 0 Abstain; 0 Not Voting; during a REGULAR SESSION held on the 1ST day of NOVEMBER, 2023.

ORDINANCE NO. 23-47
Page Three


STACY L. TWO LANCE
Secretary
Oglala Sioux Tribe

A-T-T-E-S-T:


FRANK D. STAR COMES OUT
President
Oglala Sioux Tribe

fr

RECEIVED
NOV 07 2023
BUREAU OF INDIAN AFFAIRS
OFFICE OF THE SUPERINTENDENT

**CHARTER OF THE OGLALA SIOUX TRIBE
DIVISION OF BEHAVIORAL HEALTH**

**ARTICLE 1.
AUTHORITY**

Authority. Pursuant to the authority granted by the Constitution of the Oglala Sioux Tribe in Article IV, Section 1(o) to charter organizations for economic purposes; and in Article IV, Section 1(n) to protect the health and welfare of the Tribe, the Oglala Sioux Tribe hereby establishes the Charter for the Oglala Sioux Tribe Division of Behavioral Health. ("OST-DBH").

**ARTICLE 2.
MISSION**

Mission. The mission of the Charter for the Oglala Sioux Tribe Division of Behavioral Health ("OST-DBH") is to deliver the highest quality behavioral health services that are guided by science and anchored in traditional Lakota culture, philosophy, and worldview in order to maximize mental health and social wellbeing, and eliminate alcohol, commercial tobacco, and opioid and other drug abuse on the Pine Ridge Reservation.

The OST-DBH shall be recognized as the official behavioral health entity for substance abuse and mental health services on the Pine Ridge Reservation. All tribal behavioral health programs shall be under the OST Division of Behavioral Health.

The OST-DBH will carry out certain essential governmental functions of the Tribe, including but not limited to development, operations, and enhancement of professional behavioral health providers and other social services programs and activities.

An essential governmental function of an Indian tribal government (or portion thereof) is a function of a type which is:

- Eligible for funding under 25 U.S.C. 13 and the regulations thereunder;
- Eligible for grants or contracts under 25 U.S.C. 450 (f), (g), and (h) and the regulations thereunder; or
- An essential governmental function under 48 U.S.C. 117 and the regulations thereunder when conducted by a State or political subdivision thereof. Treasury Regulation 305.7871-1(d).

ARTICLE 3.

Name. The name of the charter is the OST Division of Behavioral Health.

Address and Location. The address and location of the OST Division of Behavioral Health Charter shall be PO Box *** Pine Ridge, SD 57770 located on the Pine Ridge Reservation.

Duration. The period of the Charter's duration is perpetual, or until this Charter is wound down by the DBH Board of Directors with the consent of the Oglala Sioux Tribe and its Charter is revoked by a two-thirds vote of the entire Tribal Council.

Non-Profit Status. The OST-DBH is irrevocably dedicated to and operated exclusively for non-profit purposes; and no part of the income or assets of the OST-DBH shall be distributed to, nor inure to the benefit of any individual.

ARTICLE 4.

PURPOSE AND OBJECTIVES

Purpose. The purpose of the OST -DBH is to provide quality and culturally appropriate comprehensive behavioral health services to tribal members living on or near the Pine Ridge Reservation. The OST-DBH will carry out certain essential governmental functions of the Tribe, including but not limited to development, operations, and enhancement of professional behavioral health services, providers, and other services, programs, and activities.

All OST-DBH functions shall be operated consistent with the Constitution and By-Laws of the Oglala Sioux Tribe, this charter, applicable law, and any specific contracts, grants, or other agreements under which funding for one or more OST-DBH activities is provided. In carrying out these functions, OST-DBH shall:

- a. Seek to develop programs and activities which help to create or enhance behavioral health services on the Pine Ridge Reservation;
- b. Maintain a continuing review and self-monitoring of its activities to ensure their ongoing compliance with applicable law, contract obligations and the overall objectives of the OST-DBH and the OST;
- c. Seek to constantly improve the quality of its programs and services;

- d. Provide and implement the policies, standards, and guidelines for the implementation of its behavioral health programs;
- e. Ensure that all behavioral health providers and staff are properly trained and receive other necessary guidance;
- f. Ensure that OST-DBH's employment and training practices are in compliance with its federal contracts and grants and with applicable tribal and federal law and regulations;
- g. Maintain open communications with the Tribal Council and the Health and Human Services Committee, through meetings, consultation, and reports;
- h. Take all other necessary and appropriate actions to advance its mission.

Objectives. The objectives of the OST Division of Behavioral Health focus on five (5) measurable long-term outcomes:

1. Increase the proportion of individuals with substance use and mental health disorders/serious mental illness who get treatment, as evidenced by an 5% increase in the client population diagnosed with SUD or MHD/SMI placed into an appropriate level of care annually.
2. Increase the proportion of youth (10 to 17) with depression who get treatment, as evidenced by an 8% increase in youth screened at risk for suicide or depression that are linked to treatment annually.
3. Increase alcohol, commercial tobacco, and drug use (ATOD) abstinence among youth residing on the Pine Ridge Reservation, as evidenced by a 3% increase in the prevalence of youth 10 to 17 that report ATOD abstinence annually.
4. Reduce binge drinking behavior among adults residing on the Pine Ridge Reservation, as evidenced by 3% reduction in the prevalence of binge drinking by adults \geq 18 years old annually.
5. Reduce past 30-day, 12 month, and lifetime use of illicit drugs among youth (10 to 17) and adults (\geq 18 years); as evidenced by a 3% decrease in prevalence of past 30-day, 12 month, and lifetime drug use annually.

**ARTICLE 5. CHARTER ENTITY AND
LIMITED LIABILITY**

Charter Distinct from Oglala Sioux Tribe. The Charter is a legal corporate entity wholly owned by the Oglala Sioux Tribe but is distinct and separate from the Chartering Tribe. The activities, transactions, obligations, liabilities, debts, assets, and property of the Charter are owned by the Charter to be managed and controlled by this Charter and Bylaws adopted pursuant thereto for the Charter by the Board of Directors (as amended from time to time).

Government Subdivision: Corporate Entity. As the Division of Behavioral Health of the Oglala Sioux Tribe, the Charter shall be a government subdivision of the Oglala Sioux Tribe and the Charter shall be a legal corporate entity, with its own legal identity in its own name, shall own assets and property, engage in activities associated with the purposes of the charter, incur debt and liability in its own name and its own legal capacity as a Charter. The Charter shall only have such property and funds as expressly dedicated to it by the Tribal Council, namely, the Tribal Opioid Settlement Funds, and other property and funds as earned, acquired, or assessed by the Charter in its operations and other activities.

Tax Status. As a government subdivision, the Charter shall have the same privileges and immunities, including tax status, authorized under federal law, as the Oglala Sioux Tribe.

Privileges and Immunities. All of the rights, privileges and immunities of the Tribe concerning federal, state, or local taxes, regulations, and jurisdictions are hereby conferred on all Tribal Charters wholly owned, directly or indirectly, by the Oglala Sioux Tribe to the same extent that the Tribe would have such rights, privileges, and immunities if it engaged in the activities undertaken by the Charter. Absent consent of the Charter, a Charter wholly owned, directly or indirectly, by the Tribe shall not be subject to taxation by the Tribe, except to the extent that such taxation is necessary and reasonably appropriate to compensate the Tribe for services provided to the Charter.

ARTICLE 6. POWERS OF THE CHARTER

Powers of the Charter: Act in Its Own Name. The Charter shall be a government subdivision of the Oglala Sioux Tribe, under tribal law and 26 U.S.C. § 7871. It is hereby delegated and shall have the power to engage in all lawful business on and off the Pine Ridge Indian Reservation.

1. To employ officers, agents, representatives, staff, and attorneys, and define duties, responsibilities, and fix compensation thereof, as the Charter shall deem proper.

2. To buy, sell, purchase, take by gift or bequest, acquire, own, lease, manage, operate, deal, and dispose of real and personal property of all kinds and descriptions, wherever situated, in compliance with applicable laws and regulations.
3. To acquire insurance for any risk associated with the Charter, its assets, debts, liabilities, operations, or activities.
4. To open bank accounts, borrow money, pledge corporate assets, and otherwise engage in commercial financing and to invest any funds not required for immediate obligation in a commercially sound and secure manner.
5. To enter into contracts, agreements, joint ventures and other arrangements with any Charter, entity, or person in furtherance of development and its business operations.
6. To sue and consent to be sued in its own name up to the amount of valid and collectible insurance or as otherwise set forth in its business contracts or its bylaws.
7. To grant limited waivers of its sovereign immunity solely for purposes of advancing its mission. To be valid, said limited waivers must:
 - i. Specify with certainty the party or parties to whom the waiver is granted;
 - ii. Contain a clearly defined start and termination date of the limited waiver;
 - iii. Clearly specify and limit the assets which can be reached by the party to whom the waiver is granted;
 - iv. Specify the types of action that may be brought by the waiver recipient in the event of a dispute, and specify with clarity the court or other alternate dispute resolution entity which shall have designated jurisdiction to hear and resolve the dispute;
 - v. Specify with clarity the types of issues which that court or dispute resolution entity has the authority to hear and resolve and the type and extent of the relief that it has the authority to provide. Provided, however that in no event shall this provision be interpreted as granting the OST-DBH, its Board of Directors and/or any, of its Executives, the authority to waive the sovereign immunity of the Oglala Sioux Tribe, its officers, agents or entities other than the OST-DBH;

8. Engage in any other act which advances OST-DBH and is otherwise in compliance with tribal law and this charter.
9. To create, establish, hold, and manage subsidiary tribal business entities, as assigned, and transferred by the Tribal Council to the OST-DBH Charter.
10. To adopt, repeal, alter, or amend bylaws for the regulation of internal affairs of the Charter consistent with this Charter by two-thirds vote of the entire Board of Directors and applicable law, without the approval of the governing body of the Oglala Sioux Tribe.
11. To apply for grants, loans, and financing from the Federal Government, foundations, and others for planning, development, and other activities in consultation with the tribal government and shall be eligible for grants, loans, and financing from the Federal Government, foundations, and others in its own name as a corporate entity of the Oglala Sioux Tribe.

ARTICLE 7.
LIMITATIONS ON CORPORATE POWERS

The Charter shall have no power:

1. To expressly or by implication enter into any agreement of any kind on behalf of the Oglala Sioux Tribe.
2. To pledge the credit of the Oglala Sioux Tribe.
3. To dispose of, pledge, or otherwise encumber real or personal property of the Oglala Sioux Tribe.
4. To waive any right, privilege, or immunity of, or release any obligation owed to the Oglala Sioux Tribe.
5. To enter into any sublease or other encumbrance or instrument for lands that may be leased to the Charter by the Oglala Sioux Tribe without the express written approval of the governing body of the Tribe.
6. To sell, lease, exchange, or otherwise dispose of substantially all of the Charter's assets without the prior approval of the Oglala Sioux Tribe, as shareholder. Approval shall be in the form of a resolution duly adopted by a majority vote at a meeting of the Tribal Council.

**ARTICLE 8. ORGANIZATION
CHIEF EXECUTIVE OFFICER ((CEO))**

1. Chief Executive Officer CEO. Except as otherwise described herein, all the OST-DBH powers described in Article 6 of this Charter shall be exercised by the OST-DBH Chief Executive Officer. The Chief Executive Officer shall serve as:

- a. The Director of the OST-DBH; and
- b. The official responsible for planning and development to bring all tribal behavior health programs on the Pine Ridge Reservation under the Charter OST-DBH, including 638 contracting the IHS Department of Behavioral Health and BIA Social Services.

A job description for both roles of the CEO shall be drafted by the Director of the OST-DBH Human Resources Department and approved by resolution of the OST-DBH Board of Directors, and updated, if necessary, on a yearly basis.

In exercising his or her powers under this Charter or performing his or her duties under this Charter, the CEO shall have no authority to increase his or her salary or travel allowances or pay out any other OST-DBH funds to himself or herself, that is outside the annual budget of the OST-DBH.

2. The CEO/Director shall manage and direct all OST-DBH day-to-day operations, including hiring and firing of all employees, attorneys, certified public accountants, and other consultants. The CEO can approve any contract or agreement with an attorney, CPA or other consultant that is in writing and signed by the parties. The contract must contain a provision that all disputes arising under the contract shall be heard and/or enforced by the Oglala Sioux Tribal Court. All actions of the CEO shall be consistent with the internal controls (operations) manuals or regulations of the OST-DBH, including the OST-DBH Policies and Procedures financial management, procurement, records keeping, and property and supply manuals and regulations, the employment preference provisions contained in Tribal Employment Rights Ordinance (TERO) and other applicable federal and tribal laws.

3. The initial CEO shall be the Director of the Circle of Care Program and shall serve for three (3) years unless he resigns during that time. Thereafter the CEO shall be selected and overseen by a five (5) member Board of Directors.

ARTICLE 9. BOARD OF DIRECTORS

The oversight of the operations of the OST-DBH shall be vested in a five (5) member Board of Directors that are selected as provided in this Charter. The members of the Board shall discharge their duties, in good faith, with the degree of diligence, care and skill that an ordinarily prudent person in a like position would exercise in

similar circumstances; and in a manner they reasonably believe to be in the best interests of OST-DBH. In discharging their duties Board members are entitled to rely on information opinions, reports, or statements, including financial statements and other financial data, if prepared or presented by:

- a. The CEO or officers and employees of OST-DBH whom a Board member reasonably believes to be reliable and competent in the matters presented;
- b. Legal counsel, public accountants, or other consultants as to matters the member reasonably believes are within the person s professional or expert competence; or
- c . Tribal Council and/or Tribal Executive Committee resolutions or ordinances.

The initial Board of Directors shall be comprised of five (5) Directors nominated by the Health and Human Services Committee and approved by the Tribal Council as the governing body of the Tribe,

A Board member is not acting in "good faith" if he/she knowingly violates this section.

Liability of Board Members. A member of the OST-DBH Board of Directors is not liable for any action taken as a member of the Board or any failure to take any action if he or she performed the duties of office in compliance with this Charter and Bylaws.

Disqualification of Board Members. No member of the OST-DBH Board of Directors shall voluntarily acquire any financial or other interest r direct or indirect, in any matter or in any property included or planned to be included in any project of OST-DBH, or in any contract, agreement or other transaction or proposal relating to an activity of OST-DBH. In addition, thereto no Board member shall participate in any action of the Board relating to property, contract, or other transaction in which an immediate family member of the Board member has a financial or other interest. An immediate family member shall include parents, grandparents, siblings, aunts, and uncles and first cousins, whether by blood or adoption.

Any violation of this Section shall constitute misconduct in office and a violation of the public trust and shall subject the person to removal from the Board of Directors and make such person liable to the OST-DBH for any and all profits or gains of any kind or character which that person may have obtained by virtue of the violation of the trust.

The Board of Directors shall serve as a policy and oversight Board of OST-DBH and shall have the limited responsibilities of:

- a. Ensuring that the CEO keeps the OST-DBH in compliance with this Charter, grants, and other legal and funding agreements.

- b. Approving an Internal Controls Manual, prepared, and presented by the CEO and the OST-DBH staff and ensuring that the CEO keeps the OST-DBH in compliance with the procedures outlined in that manual. This manual shall ensure that the OST-DBH meets proper tribal government accounting and oversight standards and that the OST-DBH remains in compliance with the terms and conditions of federal accounting rules and of its federal contracts, grants, and indirect agreements, until changed by the Board.
- c. Approving an OST-DBH personnel policies and procedures manual, prepared, and presented by the CEO and the OST-DBH staff and, ensuring that CEO and OST-DBH keeps the OST-DBH in compliance with those policies and procedures. or that were prescribed by a federal agency. No personnel policy adopted by the OST-DBH may require the expenditure of federal funds in violation of the terms and conditions of a federally approved contract or grant.
- d. Approving final OST-DBH federal contract and grants prepared and presented by the OST-DBH. The CEO and/or his assigned staff and personnel shall have the authority to seek out and apply for grants and contracts to present to the Board. All OST-DBH grants and contracts in existence when the five (5) member Board of Directors is seated shall remain in place. No contract or grant by OST-DBH may be approved by the Board if it is objected to by the OST-DBH. No Board member shall interfere with, threaten or pressure the CEO or the Chief Financial Officer in an effort to gain their approval of such a contract or grant.
- e. Selecting an auditor for the OST-DBH, from a list of candidates prepared by the CEO pursuant to the OST-DBH' procurement policies, or applicable federal rules and regulations and reviewing and approving the OST-DBH annual audits, provided however, that it shall be the responsibility of the CEO AND CFO to respond to all audit findings within the time limits prescribed by federal rules and regulations.
- f. Approving all single OST-DBH procurements in excess of \$100,000.00. No procurement, of any amount, may be approved by the Board over the objection of the CEO.
- g. Approving all OST-DBH loans from third parties. All OST-DBH loans must have the prior support and recommended approval of the CEO, in writing, and the CEO's positive recommendation must be concurred by the OST-DBH Chief of Financial Officer in writing before they may be approved by the Board.

- h. Providing the CEO with such advice and assistance as the CEO may request from time to time. The Board shall receive monthly reports from the CEO and the OST-DBH staff on their OST-DBH activities, and may provide advice and input, but it shall have no authority to direct any aspect of the OST-DBH 's day-to-day operations or involve itself in any OST-DBH personnel matter.
- i. Approve limited waivers of the sovereign immunity of the OST-DBH, under the terms and conditions of described in this charter. No Board approved waiver of the sovereign immunity of the OST-DBH shall be valid unless it is supported by the CEO of the OST-DBH in writing and approved by a Board resolution in which not less than three (3) members of the Board of Directors vote in favor of the resolution at a properly called Board meeting.
- j. Initiating new legal action in the name of the OST-DBH. While the CEO may respond to all claims brought against the OST-DBH, the CEO must seek and obtain the approval of the Board of Directors before filing a new legal action in the name of the OST-DBH or settling any claim brought against the OST-DBH which is not covered by the legal expenditure of funds from an OST-DBH federal contract or grant, or an OST-DBH insurance policy covering all liability which is being incurred.
- k. Under no circumstances shall the Board of Directors have the authority to force, encourage, or direct the CEO, or any OST-DBH staff to expend money or take any action in violation of this Charter, applicable law or the terms and conditions of any OST-DBH grant, contract, or existing legal agreement. Violation of this prohibition shall be grounds for the immediate removal of any member of the Board of Directors.
- l. The Board of Directors shall serve without compensation; however, the Board may receive a stipend and mileage for attending duly called board meetings. The payment of such stipends and expenses shall be consistent with the OST-DBH budget constraints and existing federal contract obligations and regulations, and in no event shall the stipends exceed \$1,500. 00 year from OST-DBH funds. The sole exception shall be that one or more Directors may if OST-DBH funding limitations allow, also receive reimbursement, at the sole discretion of the CEO, for out-of-pocket expenses for attending other meetings where their presence is formally requested in writing by the CEO. The OST-DBH Chief Financial Officer shall condition the payment of all Board stipends and reimbursements on the Board's or the Board Members prior submission of minutes, receipts and other supporting documents required by OST-DBH internal controls manuals, its grants, or contracts, and/or the OST-DBH accounting principles. In no event shall a Board stipend or reimbursement be paid in violation of the terms and conditions of this section. No member of the Board

of Directors shall threaten or pressure the OST-DBH CEO, OST-DBH for reimbursement or any OST-DBH staff to pay a stipend or reimbursement or bill in violation of this provision, and any such threat or pressure shall be grounds for the immediate removal of that Board member.

- m. The OST-DBH Board of Directors shall not have a right to be paid for cell phones or laptops/ computers.
- n. The OST-DBH Board of Directors shall have no authority to expend funds or authorize the expenditure of OST-DBH funds.
- o. The OST-DBH Board of Directors shall also have no authority to enter into contracts on behalf of itself or the OST-DBH other than those recommended and approved in advance by the CEO. The CEO shall have the authority and the responsibility to refuse to advance funds to the Board or make payments to any third party in violation of this provision, and their refusal to do so shall not be grounds for reprimand or removal by the Board of Directors. No members of the Board of Directors shall threaten or pressure the CEO, the OST-DBH Chief Financial Officer, or any OST-DBH employees to advance funds to the Board or one of its Members, or a third party in violation of this provision and any pressure shall be grounds for the immediate removal of that Board Member.

ARTICLE 10. BOARD MEMBERS

The membership of the OST-DBH Board of Directors shall consist of five (5) persons, with experience in the management and oversight of federal and/or tribal programs, and a clear ability to understand and comply with the highly technical, financial, contractual, and legal duties of the OST-DBH. The Board shall consist of two (2) community members, a behavioral health professional, and 2 other persons familiar with behavioral health.

A Board member appointed by the Board of Directors to fill a vacancy created, other than by expiration of a term, shall be appointed for the unexpired term of the member who they are to succeed in the same manner as the original appointment. A Board member shall NOT serve for more than two (2) consecutive terms.

Qualifications to serve on the Board must be:

- a. Enrolled members of the OST who resided within the original boundaries of the Pine Ridge Indian Reservation for at least 6 months
- b. Over the age of thirty (30)

- c. Free of any pending criminal charges in any court
- d. Free from any felony convictions during their lifetime
- e. Free from any misdemeanor or tribal court convictions in the last five (5) years;
- f. Free from any current protective orders granted by any court;
- g. A person who has no immediate family member (defined to be a spouse, common law partner, child, or parent) or any other person residing in their immediate household working for the OST-DBH.
- h. A high school or college graduate from an accredited high school or college;
- i. A person who passes a drug and alcohol test and background investigation at his or her own expense. Any person who fails a drug and alcohol test or background investigation shall not be certified as a candidate for a position on the Board of Directors.

A member of the Board may not serve on the Tribal, OST District Executive Board, the Tribal Executive Committee, Community Executive Board or on any State or County Board or Commission, or on the legislature of any State Government, while they are serving as a member of the OST-DBH Board, provided however, that such individuals may serve on other Tribal Boards and entities which do not create a conflict of interest with their duties to OST-DBH.

The Board shall police its own members and set its own standards of professional behavior, however, any board member who comes under a felony indictment, or a criminal charge before the state or federal Courts, or who is served with a protective order by any court, must be immediately suspended as a member of the Board by the Board and this suspension remains in effect until the Board member is acquitted, or the protective order is revoked. During the period of the suspension, a qualified person may be temporarily appointed by the DBH Board of Directors to fill this position. If a Board Member is acquitted of a felony, or Tribal Court charge, or the protective order is revoked, he/she shall present proof of the acquittal or revocation to the Board. The temporary appointee shall be notified by the Board President that the temporary appointment has ended with the acquittal of the Board member. If he/she is convicted of a felony, placed on parole or probation, or served with a permanent or long-term protective order, he/she shall be immediately and permanently removed by the Board of Directors.

Compensation. The Board of Directors shall serve without compensation; however, the Board may receive a stipend and mileage for attending duly called board meetings. The payment of such stipends and expenses shall be consistent with the OST-DBH budget constraints and existing federal contract obligations and regulations, and in no event shall the stipends exceed \$1500.00 year from OST-DBH funds. The sole exception shall be that a Director may receive, if OST-DBH funding limitations allow, also receive reimbursement, at the sole discretion of the Chief of Police, for out-of-pocket expenses for attending other meetings where their presence is formally requested in writing by the CEO. The OST-DBH Chief Financial Officer shall condition the payment of all Board stipends and reimbursements on the Board Members prior submission of minutes, receipts, and other supporting documents required by OST-DBH internal controls manuals, its grants, or contracts. In no event shall a Board stipend or reimbursement be paid in violation of the terms and conditions of this section. No member of the Board shall threaten or pressure the OST-DBH CEO or the staff to pay a stipend, reimbursement, or bill in violation of this provision, and any such threat or pressure shall be grounds for the immediate removal of that Board member.

Initial Board of Directors. The initial Board of Directors shall serve for staggered terms to provide for continuity of service. Thereafter, each Director shall be appointed for a five (5) year term as the term of an Initial Director ends. Directors may be reappointed for an additional term. This system is intended to ensure continuity of the Board of Directors by staggering the terms of the Directors, so that one Director is appointed or reappointed each year. If there is a delay in appointing a director, the sitting Director may hold over on an acting basis until a replacement is appointed. This Director so appointed shall serve the balance of the current term.

If the Initial Board of Directors is not named at the time this Ordinance is adopted, then the Division of Behavioral Health shall recommend the Initial Board for appointment by Tribal Council.

Successor Board Members: Terms-

1. Directors shall be appointed for a five (5) year term after the end of the terms of the Initial Board of Directors.
2. If a director is unable to serve due to illness, resigns for any reason, or is removed for nonfeasance, misfeasance, or malfeasance, then the Committee may nominate, and the Tribal Council may appoint a substitute Director for the remainder of the retiring Director's term.

Procedure for Appointment of Successor Board Members.

1. The Board of Directors shall notify the Health and Human Services Committee of the upcoming vacancy at least 30 days prior.
2. The Health and Human Services Committee or the DBH Board of Directors shall advertise the vacancy no later than fourteen (14) days after receiving the notice. The vacancy notice shall include:
 - a. The requirements for eligibility.
 - b. The required documents; and
 - c. The deadline for submitting application materials.
3. Individuals interested in serving as a Board Member must submit the following documents:
 - a. Letter of Intent;
 - b. Resume with at least three professional references; and
 - c. Copy of background check results.
4. After receiving and reviewing completed applications, the Health and Human Services Committee shall nominate an individual to serve as a successor Board Member and forward that nomination to the Tribal Council for approval and appointment.
5. If a successor Board Member is not selected and appointed at the time the sitting Board Member's term expires, then the sitting Board Member may hold over until the successor Board Member is appointed.

Resignation; Removal.

1. Any Director may resign from office at any time, such resignations must be in writing to the Board of Directors and the Tribal Council and will take effect immediately without acceptance.
2. Directors shall only be removed for nonfeasance, misfeasance, or malfeasance by a majority vote of the Board of Directors, after a hearing to determine good cause for removal. Alternatively, the Tribal Council acting on behalf of the Tribe can remove a director for nonfeasance, misfeasance, or malfeasance by a majority vote, after a hearing to determine good cause for removal.
 - a. Removal for cause shall include:
 - i. Three (3) or more unexcused absences from a Board of Directors meeting in a twelve (12) month period, or three (3) consecutive meetings;
 - ii. Conviction of a felony;
 - iii. Conviction of a misdemeanor that, in the determination of the Board of Directors (as determined by the DBH Charter's policy), adversely affects the DBH Charter,

- or such Director's ability to perform his or her duties;
 - iv. Adjudication as incompetent by a Court of competent jurisdiction;
 - v. Misappropriation of corporate funds or other acts of dishonesty with respect to the DBH Charter;
 - vi. Gross negligence, fraud, deceit, or intentional misconduct that had a material adverse effect on the DBH Charter;
 - vii. Violation of conflict-of-interest policies of any other requirement of these Articles or Bylaws; or
 - viii. Breach of fiduciary duties to the DBH Charter.
- b. Following a majority vote by the Board of Directors for removal, the Board of Directors shall submit its decision, by resolution, to the Tribal Council for final approval. If the Tribal Council does not act within thirty (30) calendar days of receiving the Resolution, then the decision of the Board of Directors is final, and the Director shall be removed.
- c. A Director removed from the DBH Board of Directors for cause shall not be eligible to serve on the DBH Charter Board of Directors for a period of no less than five (5) years from the date of removal.

Duties of Directors. The Board of Directors shall report quarterly to the Health and Human Services Committee, and on an annual basis to the Tribal Council and the Board shall manage the general affairs and business of the Charter including:

1. Initiate the process for amending, altering, or repealing this Charter;
2. Electing, appointing, or removing any Officer or Director of the Charter;
3. Amending the Bylaws of the Charter only by two-thirds vote;
4. Initiate the process of adopting a plan of merger or adopting a plan of consolidation with another Charter;
5. Authorizing the sale, lease, exchange, or mortgage of substantially all the assets of the Charter;
6. Initiate the process of authorizing the voluntary dissolution of the Charter.

Director's Meetings and Notice. The Board of Directors shall meet at least quarterly and include all Members in such meetings. The Chairman of the Board may call for a meeting at any time and for any purpose or upon the written request of the CEO/President if the Charter has a

CEO/President. At least five (5) days written notice must be provided to all Board Members by the Secretary, or his designee, for all Board meetings stating the time, place, and purpose of the meeting. A proposed agenda shall be included in such notice. Written notice may be provided by United States mail, or facsimile. For United States mail, the notice will be deemed delivered upon deposit in the United States mail. Notice to a Member by electronic mail to the Member's email address and facsimile to the Member's fax number, will be deemed delivered upon proof of email delivery and confirmation of facsimile transmission.

Telephonic or Video-Conference Meetings of the Board. The Board of Directors may conduct telephonic or video-conference meetings or any Board Member may participate in a Board meeting via telephone or video-conference.

1. Telephonic or internet-based video meetings must comply with Board meeting notice provisions.
2. The Secretary of the DBH Board of Directors shall take Minutes of the meeting.
3. The telephonic or video-conference meeting shall be deemed valid upon:
 - a. Documentation of notice to all Members; and
 - b. A quorum of the Board participating in the telephonic meeting.

Quorum. A majority of the Board of Directors shall constitute a quorum of the Board, 3 out of 5.

Board Action. Each Board Member shall have one vote. Proxy voting shall not be allowed. The Board shall act only by one vote of the Board at a duly convened meeting, and individual Board Members shall have no power to act for or on behalf of the Charter. The Board may take action without meeting upon written consent to a proposed action signed by all the Board Members. The Board may adopt rules to conduct meetings as deemed proper that are not inconsistent with the Charter or Bylaws of the Charter.

Liability of Board Members. A Board Member shall not be personally liable to the Charter or the members of the Charter for monetary damages for breach of fiduciary duty as a Board Member unless:

1. The Board Member has breached or failed to perform his/her duties as provided for in this Charter; and
2. The breach or failure to perform constitutes willful misconduct or recklessness.

Board Officers. The Board of Directors shall elect the following board officers from within the membership for two (2) year terms at an annual meeting of the Board: Chair, Vice-Chair, and Secretary/Treasurer.

ARTICLE 11.

PRIVILEGES AND IMMUNITIES:

CORPORATE CONSENT TO SUIT; NO WAIVER OF
SOVEREIGN IMMUNITY OF THE OGLALA SIOUX TRIBE

Privileges and Immunities. The Charter is an instrumentality of the Oglala Sioux Tribe, except at as provided in this Article and Article Five (5).

Corporate Consent to Suit. The Charter is hereby authorized to consent in suit, as provided in this Article, in business transactions concerning the Charter, Officers, Employees or Agents as may be set forth any agreement, matter, or correspondences as may be engaged in to further the purposes of the Charter; and to consent to alternative dispute resolution mechanisms such as arbitration, mediation or to a suit in tribal court first, then in another court of competent jurisdiction.

Form of Consent. Any consent to suit by the Charter authorized by this Article shall be in a duly adopted resolution of the Board of Directors that shall not require the approval of the Oglala Sioux Tribe, provided the Charter shall maintain reasonable insurance coverage for risks of loss relating to day-to-day corporate operations, and the Charter shall consent to suit for covered risks only up to the limits of valid and collectible insurance. The resolution shall identify the party or parties for whose benefit the consent is granted, the risks insured or the transaction(s) for which the consent is granted, the insurance policy or property of the Charter which may be attached to satisfy any judgement, and shall be limited to corporate transactions or agreements and claims arising from the acts or omissions of the Charter, Officers, Employees or Agents, and shall be construed only to relate to valid and collectible insurance or to affect the property and income of the Charter.

No Waiver of Oglala Sioux Tribe's Sovereign Immunity. Nothing in this Charter, and no consent to suit by the Charter pursuant to this Article, shall be construed as a waiver of the sovereign immunity of the Oglala Sioux Tribe, and no such consent to suit by the Charter shall create any liability on the part of the Oglala Sioux Tribe for the debts and obligations of the Charter, or shall be construed as a consent to the encumbrance of attachment of any property of the Oglala Sioux Tribe or any other instrumentality of the Oglala Sioux Tribe based on any action, adjudication, or other determination of liability of any nature incurred by the Charter.

ARTICLE 12.
ADOPTION AND AMENDMENTS TO BYLAWS

Adoption. Bylaws may be adopted, altered, amended, or repealed and new Bylaws may be adopted by a two-thirds vote of the Board of Directors present at any regular meeting or at any special meeting if written notice of intention to alter, amend, or repeal or to adopt new bylaws at such meeting is provided to the Board Members at least fifteen (15) working days prior to the meeting. Any amendment of the Charter must be approved by the Oglala Sioux Tribal Council.

Duties and Powers: Bylaws. The business and activities of the Charter shall be managed by the Charter's Board of Directors. The Board of Directors is hereby vested with all powers necessary to carry out the purposes of the entity and shall have control and management of the business and activities of the Charter. The Directors shall in all cases act as a board. The Directors may adopt bylaws for the conduct of their meetings and the management of the Charter, as they deem proper, not inconsistent with the Tribal Council Constitution, Tribal laws, or this Charter.

ARTICLE 13. DISPOSITION OF ASSETS

In the event of the dissolution of OST-DBH or the winding up of its affairs, OST-DBH's assets shall be conveyed to the Oglala Sioux Tribe or to any tribal non-profit organization.

State of South Dakota

Office of the Secretary of State

Certificate of Authority

Foreign Nonprofit Corporation

I, **Monae L. Johnson**, Secretary of State of the State of South Dakota, hereby certify that the Non-Stock Application for Certificate of Authority to transact business in this state for

Oglala Lakota Division of Behavioral Health

BUSINESS ID# FN277573

with an effective date of: July 8, 2024, duly signed and verified, has been received in this office and is found to conform to law.

ACCORDINGLY, and by virtue of the authority vested in me by law, I hereby issue this Certificate of Authority and attach hereto a duplicate of the Non-Stock Application for Certificate of Authority.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of South Dakota, in Pierre, the Capital City, this day, July 8, 2024.

Monae L. Johnson

Monae L. Johnson
Secretary of State

12-09-2024

TOTAL \$ 5,843,757.94

Dated This 31st Day of October 2024.

/S/ Sue Ganje
Sue Ganje, County
Auditor of Oglala
Lakota County

Teresa Pullen
Teresa Pullen, County Treasurer
of Oglala Lakota County

County Monies	\$ 5,682,528.41
Held for other Entities	\$ 71,817.14
Held in Trust	\$ 89,412.39
TOTAL	\$ 5,843,757.94

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 made by Yellow Bull, seconded by Takes the Shield (Dubray) to remove the agenda item regarding setting a Cash Supplement hearing for the Year-End meeting.

Motion made by Takes the Shield (Dubray), seconded by Yellow Bull, to move the changing of classification for the Veteran Service Officer to Part-time to the Year-End meeting, allowing review of minutes regarding usage of ARPA monies to increase pay and/or change classifications from Part-time to Full-time for certain employees.

Ramon Bear Runner entered the meeting at 1:20 p.m.

Motion made by Yellow Bull, seconded by Bear Runner, to table the motion for incentive pay for employees until the end of the meeting when the State Auditor is in attendance.

Lynx Bettelyoun, Highway Superintendent, met with the Board and provided updates.

Bettelyoun presented fuel quotes: WESTCO - \$1.849/gallon for 600 gallons of propane and \$3.516/gallon for 1,000 gallons of dyed #1 diesel. No bid from Vollan Oil and no bid from Discount Fuels Inc.

Motion made by Yellow Bull, seconded by Takes the Shield (Dubray), to accept the low and only bid for propane (\$1.849/gallon) and dyed #1 diesel (\$3.516/gallon) combined delivery from WESTCO.

Bettelyoun then presented other fuel quotes: Vollan Oil - \$3.20/gallon for 1,800 gallons of unleaded gasoline and \$2.70/gallon for 5,200 gallons of dyed #2 diesel. No bid from WESTCO and no bid from Discount Fuels Inc.

Motion made by Yellow Bull, seconded by Takes the Shield (Dubray), to accept the only bid for unleaded fuel (\$3.20/gallon) and dyed #2 diesel (\$2.70/gallon) from Vollan Oil.

August 9, 2023

Sue Ganje, Auditor, met with the Board to review the 2024 Provisional budget.

Motion made by Yellow Bull, seconded by Hopkins, to approve the 2024 Provisional budget. With discussion following. Yellow Bull asked for a 1-year only increase to the amount for attending the meetings, from \$25.00 to \$35.00. He also asked that the Commission salary be figured at \$500.00 per month in the '24 budget.

The Commissioners provided a brief report from the Human Trafficking workshop in Pierre. They attended the first day.

Vanessa Plume, Sheriff, met with the Board to provide her report from the entire training on the Human Trafficking workshop in Pierre. She stated that the information that was presented regarding the Dark Web was very informative. Social Media, code words, and other items were also discussed.

The Memorandum of Agreement between Prairie Wind Casino of the Oglala Sioux Tribe on the Pine Ridge Indian Reservation and Oglala Lakota County was discussed. State's Attorney Russell and Plume had gone through it and a few changes were made. The Board wants it to go back to the Tribe to be signed. Then Plume will bring it back for the Commissioner's signature.

There was discussion regarding jurisdiction between Tribal Law Enforcement and County Law Enforcement. Plume is still actively looking for a deputy. She also asked the Commissioners for their endorsement for her to talk to Tribal Law Enforcement to better work together and provide continuity in law enforcement.

Motion made by Yellow Bull, seconded by Hopkins to approve the bills as follows:

GENERAL FUND		
AT&T MOBILITY	WIRELESS PHONE SHERI	\$103.84
BEAR RUNNER, RAMON	MILEAGE	\$66.30
BEAM INSURANCE ADMIN. LLC	VISION PLAN	\$40.89
DELTA DENTAL OF SD	DENTAL PLAN	\$114.50
TAKES THE SHIELD, ANNA	MILEAGE	\$51.00
EFTPS	EFTPS PAYROLL TAXES	\$1,697.19
FALL RIVER CO. SHERIFF	INMATE HOUSING	\$1,140.00
FALL RIVER HEALTH SERVICE	INMATE MEDICAL	\$1,982.02
GOLDEN WEST	LOCAL PHONE/EMAIL/LO	\$125.26
HOPKINS, ARTHUR L	MILEAGE	\$108.12
LAKOTA TIMES	PUBLICATION	\$268.92
LYNN'S DAKOTA MART	MEETING SNACKS/WATER	\$54.43
LYNN'S DAKOTA MART	INMATE PHARMACY	\$45.55
MASTERCARD	SUPPLY	\$47.09
UGLALA SIOUX TRIBE	MONTHLY RENT/VSO OFF	\$100.00
RELIANCE STANDARD LIFE	LIFE INSURANCE	\$32.00
RUSSELL, LANCE	TRAVEL REIMBURSEMENT	\$35.84

May 10, 2023

\$3.49 per gallon, for a total of \$355.98.

Motion made by Yellow Bull, seconded by Hopkins, to approve starting wage increases of \$17.00 per hour (non-cdl) and \$20.00 per hour (cdl) for the Highway Department.

Motion made by Yellow Bull, seconded by Hopkins, to approve the private road contract with Peggy Sanchez-Vizcarra, in the amount of \$170.00, for road work.

A monthly report was included from the Highway Department.

Motion made by Yellow Bull, seconded by Hopkins, to approve closing the Medical Cannabis and Distribution of Cultivation license renewals application so it will be open for anyone else that wants to apply.

Jerlene Arredondo, Veteran's Service Officer, reported to the Board, via phone, that there was an MOAA Foundation Crisis Relief Fund that allows honorably discharged veterans to apply for a \$500.00 cash grant. This could help with housing, auto loans or repairs, utilities, credit card bills, medical and insurance bills, groceries and other possible miscellaneous expenses.

Anna Takes the Shield (DuBray) joined the meeting at 2:11 p.m. and the meeting was turned over to her as the chairwoman.

Motion made by Yellow Bull, seconded by Bear Runner to accept the Veteran's Service Officer's monthly report for April 2023, as well as the report on the MOAA Foundation Crisis Relief Fund report.

Starla Elleson and Travis Johnson reported to the Board about Medicaid expansion South Dakota Medicaid Program. This will help many individuals that it hadn't before, including tribal members. It will be a nice supplement for IHS. They are helping people with applications and getting the word out.

Vanessa Plume, Sheriff, joined the meeting, via phone, at 2:22 p.m.

Sue Ganje, Auditor, met with the Board. Motion made by Comer, seconded by Hopkins, to approve the Election Systems & Software, LLC Election Services Agreement and authorize the chairwoman to sign.

Vanessa Plume, Sheriff, met with the Board, via phone. Motion made by Yellow Bull, seconded by Comer to approve hiring Danielle Means, Deputy, \$19.60 per hour, effective immediately. With Hopkins abstaining, all others voting yes, motion carried.

Motion made by Yellow Bull, seconded by Comer, to approve the quote from Computer Repair with Therapy, for 1 tablet Samsung SSD and labor for installing and cloning, in the amount of \$359.00.

Motion made by Yellow Bull, seconded by Comer, to approve the use of ARPA funds to be in the General fund for salaries and benefits from 2022 – 2025.

Discussion was held with Martinez on the continuing issue of family members who have not been able to get death certificates that passed away prior to Martinez becoming the Coroner again in June of this year.

Lynx Bettelyoun, Highway Superintendent, reported to the Board that he may be looking into annual fuel bids to possibly help with rising fuel costs.

Motion made by Takes the Shield (DuBray), seconded by Hopkins, to approve the May 5 – June 10, 2022 sheriff fuel transfer to reimburse the highway for 248.8 gallons of fuel at \$3.915 per gallon, for a total of \$974.05.

Fuel quotes were presented as follows:

6/8/2022 Fuel Quotes	550-Gal Gasoline	2,000-Gal Diesel
Westco	\$4,565/gallon	\$4,899/gallon
Discount Fuel	No Bid	No Bid
Nelson's	No Bid	No Bid
Pine Ridge Oil	No Bid	No Bid

Motion made by Takes the Shield (DuBray), seconded by Hopkins, to approve the low and only bid from Westco for 550 gallons of gasoline at \$4,565 per gallon, for a total of \$2,510.75 and 2,000 gallons of diesel at \$4,899 per gallon, for a total of \$9,798.00.

Motion made by Takes the Shield (DuBray), seconded by Hopkins, to approve the private road contracts with Madonna Whirlwind Horse, in the amount of \$85.00, for road work and Tom Conroy, in the amount of \$110.00, for mowing.

Motion made by Yellow Bull, seconded by Hopkins, to approve the extended coverage quote for the Caterpillar 420F motor grader, in the amount of \$1,790.00.

Bettelyoun reported to the Board that for the period of May 11 – July 12, 2022, the following activities occurred: Bob Lee Trucking hauled 3,333.33 tons of gravel to Road #16; the county hauled gravel to the following roads: 210 tons to #16A, 30 tons to #2 and 60 tons to the Batesland Streets. The following roads were bladed: 16,7,16A,11,2, 27,26, 13,6,4,9,17,24,24C, 15 and 15L. The county mowed roads 16,2,7, 17,13,24,24C.

Bettelyoun presented his 2023 budget.

Praise was given for the work that the Highway Department had completed recently on road #16 (previously BIA 17), and residents would like to show appreciation for the work done. Discussion was held on the pit run gravel, and of the possibility of a private road contract with the OST Housing Authority.

Jessie Arredondo, Newsum, Service Officer, thanked the Board for making her full time and it has enabled her to be closer to getting caught up with her work. Her 2023 budget was presented, with her request to move part of the supply budget to travel to allow her to travel to the

western parts of Bennett and Jackson counties to serve Veterans in a better capacity. Inquiries were raised about billing other counties for Arredondo's time and/or mileage; it was requested that Arredondo get something in writing from the other counties.

Motion made Takes the Shield (DuBray), seconded by Yellow Bull, to acknowledge the May VSO report as presented and approve travel monthly for outreach services to Eagle Nest District in Wanblee, Medicine Root/Pass Creek District in Allen and LaCreek District in Martin with the letter from the other counties.

Rannon exited the meeting at 2:47 p.m.

Discussion was held on advertising the hours for the Veteran's Service Officer to further assist Veterans.

Joe Herman, Sheriff, met with the Board. Motion made by Hopkins, to allow supervisors to put someone in for temporary or part time help until the next meeting because the supervisors know the people. Motion dies for lack of a second.

Discussion was held on updates in Sheriff policies.

Motion made by Yellow Bull, seconded by Takes the Shield (DuBray), to offer Reno Trace Blacksmith the position of deputy sheriff, at \$19.60 per hour, effective immediately, to be paid from ARPA funds.

Takes the Shield (DuBray) exited the meeting at 3:14 p.m.

Motion made by Yellow Bull, seconded by Hopkins, to approve offering Scott Hix the specialized deputy job, pending acceptance of the position, at \$19.60 per hour, to be paid from ARPA funds.

Discussion was held on more due diligence with policy work and extend the advertisement to hire one more deputy also to be paid from ARPA funds. Herman presented his 2023 budget.

Further discussion was held on the Supreme Court Ruling on jurisdiction on reservations, with Herman recommending that the Tribe determine jurisdiction, and the need for an administrative policy related to his recommendation.

Motion made by Yellow Bull, seconded by Hopkins, to approve bills as follows:

GENERAL FUND

A-Z SHREDDING	SHREDDING	\$105.00
AT&T MOBILITY	WIRELESS PHONE SHERIFF	\$642.97
AT&T TELECONFERENCE	TELECONFERENCE SERVICE	\$170.49
BEAM INSURANCE ADMIN. LLC	VISION PLAN	\$45.30
CENTURY BUSINESS	COPIER LEASE/METER	\$199.68
DENISON, FRANCES	TRAVEL REIMBURSEMENT	\$232.40

Motion made by Hopkins, seconded by Yellow Bull, to approve the private road contract with Coleen Provost, in the amount of \$85,000, for road work.

Jerlene Arredondo joined the meeting via phone at 1:45 p.m.

Motion made by Hopkins, seconded by Yellow Bull to approve the increase on the Highway Superintendent's credit card to \$5,000.00.

Bettelyoun gave updates that included the Highway Department blading County Roads 13, 26, 16, 7, 15L, 11, 2, 4, 17 (twice), 15 and 9; reshaped County Road 16 and hauled 50 tons of gravel to the Batesland Streets and 825 tons to County Road 16. Maintenance was performed on the 2014 140M2 by replacing a tire and transmission hoses, serviced the 2017 F150 and replaced the fuel return splitter on the 1995 Peterbilt semi. Further discussion was held on Old BIA 17 becoming County Road 16, sign placement and the great shape that the 4 miles of the Old BIA Road is in now that the county has taken over.

Lily Heidebrink, Director of Equalization, met with the Board. Motion made by Yellow Bull, seconded by Hopkins, to approve travel for Frances Denison to attend the NCRAAO Conference, June 27 through June 30, 2022 in Deadwood, SD and to attend the Vanguard Meeting, July 11 and July 12, 2022 in Chamberlain, SD.

Teresa Pullen, Treasurer, reported to the Board that she will start processing tax deeds on 43 parcels. Many parcels date back to 1985 and 21 of the 43 parcels are a part of undivided interest. Pullen is confident that some will get caught up because people are starting to hear about it; she will contact Kili and Lakota Times to advise the public, as well as post it to Facebook and on the County Website. The Board requested that Pullen contact the Gordon Radio Station as well. Pullen is hopeful that after 3 months she will have a good follow up for the Board.

Motion made by Yellow Bull, seconded by Hopkins, to allow Pullen to start the process with tax deeds.

Pullen also recommended not to sell tax certificates at this time, which will allow her to clean up as much of the old files as possible first. Motion made by Yellow Bull, seconded by Hopkins, to leave the moratorium on the sale of tax certificates in place until the next update.

Jerlene Arredondo, Veteran Service Officer, met with the Board. Motion made by Yellow Bull, seconded by White Hawk, to transfer a vehicle from the Sheriff's office for Arredondo to drive for work related travel and increase Arredondo's hours to full-time, with a new hourly wage of \$18.40 per hour. With Hopkins voting no, all others voting yes, motion carried.

Motion made by Yellow Bull, seconded for Hopkins to request an objective management plan for the VSO office, including continued monthly reports on activities.

Robert Two Crow was unable to **attend the meeting** for the discussion on **Lakota Language** in Oglala Lakota Schools. A bill put forward **during legislation failed**. The intent is to have the **Lakota Language** as part of the regular curriculum, not as an elective. Twila Hopkins **spoke** that the **Lakota Language is sacred**, but not as used by the Lakota Language Consortium Curriculum. Hopkins noted the influence of **education in the classroom**, but that it needs to be **done correctly** with the input from Lakota people. Art Hopkins noted money that the **drafters of the LLCC have made**, and White Hawk spoke of the books in the classroom **that teachers were not utilizing**. Motion made by Hopkins, seconded by White Hawk, to table discussion until a future date.

Commissioner Takes the Shield (DuBray) **updated** the board that after 6 years there was a site visit **for the Motor Vehicle Kiosk in Pine Ridge on February 9, 2021**. Discussion was held on how to split costs; we will **wait** and see the outcome.

Commissioner Bear Runner spoke of increasing the Veteran's Service Officer from part-time to full-time if there was a possibility of getting Covid funds to assist with the cost. Motion made by Bear Runner, seconded by White Hawk, to table making the Veteran's Service Officer full-time until the March meeting.

Commissioner Yellow Bull spoke of the board's goal of **changing** the home rule to elect their own State's Attorney, and the petition process **needed**. Yellow Bull also spoke on the process to **create** the county housing board, Covid funds, serving paperwork on people with regards to **child support**, and cattle **and** horse theft issues. Lance Russell, State's Attorney will work with the service process on tribal members and send Attorney Sword a letter on the child support **papers**.

Motion made by Yellow Bull, seconded by Hopkins, to approve the bills, as follows:

GENERAL FUND

AT&T MOBILITY	WIRELESS PHONE SHERIFF	\$51.12
BEAM INSURANCE ADMIN. LLC	DENTAL/VISION PLANS	\$125.14
BEHAVIOR MANAGEMENT SYS	2021 ANNUAL ALLOCATION	\$3,000.00
CENTURY BUSINESS	COPIER LEASE/METER	\$40.24
EFTPS	EFTPS PAYROLL TAXES	\$1,927.27
FARRELL, FARRELL & GINSBACH	CAAF	\$967.07
CARDMEMBER SERVICE	CARDMEMBER SERVICES	\$1,391.08
GOLDEN WEST	LOCAL PHONE/EMAIL/LONG DISTANCE	\$316.47
HOPKINS, ARTHUR L	MILEAGE	\$95.76
LAKOTA TIMES	PUBLICATION	\$175.75
MASTEL, BRUCE	WEB HOST/UPDATE/SERVER	\$35.00
MICROFILM IMAGING SYSTEMS	SCANNING EQUIP LEASE	\$17.50
MONUMENT HEALTH	BLOOD DRAW	\$43.80
QUADIENT FINANCE USA, INC	POSTAGE	\$405.00
OGDLA SIOUX TRIBE	MONTH RENT FOR VETERAN SERVICE OFFICER	\$100.00
QUILL CORPORATION	SUPPLIES	\$142.54
RELIANCE STANDARD	LIFE INSURANCE	\$59.00
SD DEPT OF REVENUE	LICENSE PLATES SHERIFF	\$42.40

Motion made by Yellow Bull, seconded by White Hawk, to approve the quote from Troy Kretzschmar Trucking, for a 2008 Smithco Side Dump trailer, in the amount of \$37,000.00.

Motion made by White Hawk, seconded by Hopkins, to approve the 2021 Motor Grader purchase from Butler Cat Machinery, in the amount of \$333,296.31.

The board received a Certified Bid Tabulation from Banner Associates, Inc. for the bid opening on February 10, 2021. Motion made by Hopkins, seconded by Yellow Bull, to approve the Notice of Award - Contract to Western Construction, Inc. of Rapid City, in the amount of \$531,350.00 for the Oglala Lakota County Road 7 Resurfacing - Phase 1.

Bettelyoun updated the board on putting 81 tons of gravel on County Road 2 and 11 (each) and have done maintenance on County Roads 7, 16A, 2, 4, 16, 15L, 6 and 15. Snow removal has been done on all roads. Bettelyoun and crew have replaced parts, pins, and bearings on the Walk n Roll packers.

Roger Risty, Risty Benefits, met with the board, via phone, to discuss dental and vision benefits, deductibles and providers, and answered questions by board members. Risty will email a list of dental and vision providers.

Motion made by White Hawk, seconded by Hopkins, to set a hearing to vacate a plat for Robbie Dyer, CEO, Oyate Concern Inc., on March 22, 2021 at 2 p.m.

Susie Hayes, Director of Equalization, met with the board. Motion made by White Hawk, seconded by Hopkins, to set the county board of equalization on April 14, 2021, following their regular meeting.

Motion made by White Hawk, seconded by Hopkins, to table the request for Veteran's Service Outlets to be reclassified as full-time until the next meeting.

Discussion was held on having the Badlands Soil Conservation District attend the next meeting to speak of the services that are provided to county residents.

Hopkins spoke of attempted meetings with the OST Law and Order Committee, it was agreed to invite the chair and vice-chair to the next meeting in April and have the State's Attorney Russell present.

Motion made by Yellow Bull, seconded by Hopkins, to approve the bills, as follows:

GENERAL FUND		
AT&T MOBILITY	WIRELESS PHONE SHERIFF	\$54.08
BEAR RUNNER, RAMON	MILEAGE	\$218.32
BEAM INSURANCE ADMIN. LLC	DENTAL/VISION PLANS	\$125.14
CENTURY BUSINESS	COPIER LEASE	\$123.86
TAKES THE SHIELD, ANNA	MILEAGE	\$232.60
ELECTION SYSTEMS & SOFT	ELECTION MAINTENANCE	\$94.80

02 10 2021

Black Hills Federal Credit Union, HS: \$ 50,000.00

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

Sheriff Change Fund: \$ 200.00
Election Petty Cash: \$ 15.00

RETURNED CHECKS:

Titus, Casey 10/26/2020 \$ 75.00
\$ 2,728,253.28

Dated This 31st Day of January 2021.

/s/Sue Ganje, County Auditor of Oglala Lakota County

County Monies \$ 2,650,218.62
Held for other Entities \$ 36,526.05
Held in Trust \$ 41,508.61
TOTAL \$ 2,728,253.28

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 made by Yellow Bull, seconded by Hopkins, to rescind commissioner pay in the January 13, 2021 minutes and increase salaries to \$250 per month, plus \$25 per meeting attended.

Motion made by Yellow Bull, seconded by Hopkins, to approve rescinding Resolution 2020-10.

Motion made by Yellow Bull, seconded by Hopkins, to approve the following amended resolution:

**OGLALA LAKOTA COUNTY RESOLUTION #2020-10 (AMENDED)
Supplement Hearing 2020 #1
Contingency Transfers 20 #2**

WHEREAS, SDCL 7-21-22 provides that the Board of County Commissioners may adopt a supplemental budget, and whereas, as due and legal notice has been given, the following Supplements to revenues and expenditures for December 09, 2020 be approved as follows: Cares

issues. The Road Groom was used on County Road 11 and will work perfect for small repairs.

Joe Herman, Sheriff, met with the board. Motion made by Yellow Bull, seconded by Hopkins, to approve a part time administrative assistant, up to 30 hours, Monday through Thursday, at \$14.00 per hour to work for the sheriff and the highway department at the highway department office in Batesland.

Herman requested the possibility of outside employment with IHS in security for patrol of clinics. State's Attorney Russell will review this request, look at the job description from IHS and bring back to the board.

Discussion was held on paper service process, things are not working like they anticipated with use of a lay attorney, or with the tribe serving paperwork. State's Attorney Russell will reach out to the tribe to see if they have a UCC, and if it addresses the paperwork process, would like to work out an agreement with them. Russell also discussed predatory lending and a law that was passed to provide county residents consumer protection.

Discussion was held on the Jackson County Coroner Jon Siedschlaw attending most coroner calls in Oglala Lakota County; contact will be made with the County Coroner for a follow-up at the next meeting.

Yellow Bull questioned Herman about providing a firearm safety program; Herman advised there are 4 trainers on the reservation that are authorized by the state.

Robert Halvala, SD Attorney General office, and Shorty Silverberg, SD Brand board, met with the commission via phone, along with Lance Russell, State's Attorney, in person to discuss cattle and horse theft. Russell also invited the FBI, who have jurisdiction in the issue, but did not attend the meeting. The brand board, state and state's attorney have no jurisdiction, with Russell noting that involvement of the FBI is critical. If a theft occurs and they are a tribal member, the Oglala Sioux Tribe has jurisdiction. Discussion was held on required paperwork at sale barn, enforcing laws in western South Dakota, sovereignty of tribal members, and jurisdiction. Russell spoke of Nebraska not mandating brands on horses and a possible memorandum of understanding with them.

A proclamation was given to Edie Jenniges in appreciation for her work in the state's attorney's office.

Hopkins left the meeting at 3:51 p.m.

Ramon Bear Runner, Commissioner, met with the board. Motion made by Yellow Bull, seconded by Bear Runner to classify the Veteran's Service Officer as temporary full-time to carry additional duties for tribal emergency rental assistance, through December 31, 2021.

Motion made by Yellow Bull, seconded by Bear Runner to table the 2020 annual report until the next meeting.

Bettelyoun gave updates that included the Highway Department blading County Roads 16, 16A, 2, 4, 7 and 24C; removing snow from all County Roads 15C, 15, 17, 27, 6, reshaped County Road 16, did a culvert inventory on all secondary roads and hauled 575 tons of gravel to County Road 17. Maintenance was performed on the 2013 motor grader by replacing wear strips, serviced the 2020 road grader and took the 1996 Peterbilt in to have repairs made to the motor. Further discussion was held on Old BIA 17 becoming County Road 16.

Jerlene Arredondo, Veteran's Service Officer, reported to the Board that headstones are secured in her office until she can place them in the cemetery. They are not in the Veteran Shelter common area. The County and Tribal VSO work together. Arredondo confirms with the family if the Veteran was eligible for the headstone and orders them after she gets a death certificate. During COVID it took months to receive the headstone, now it takes 3 – 4 weeks. She has installed 22 headstones since being hired and must take pictures to document. Things have been steady – there have been many VA housing applications. The Board recommended that Arredondo use a County vehicle to place the headstones and spoke of using ARPA funds to increase her to full-time temporarily so she can get caught up.

Discussion was held on the possibility of hiring a grant writer. Motion made by Yellow Bull, seconded by Hopkins, to authorize Ted Hamilton to speak with the County Auditor on grant writing and planning.

Sue Ganje, Auditor, met with the Board. Motion made by Hopkins, seconded by Yellow Bull, to approve travel for the South Dakota Election Equipment Regional Training in Deadwood, on April 28, 2022.

Motion made by Yellow Bull, seconded by Hopkins, to approve bills as follows:

GENERAL FUND

AT&T MOBILITY	WIRELESS PHONE SHERIFF	\$57.56
AT&T TELECONFERENCE	TELECONFERENCE SERVICE	\$53.19
BEAR RUNNER, RAMON	MILEAGE	\$54.60
BEAM INSURANCE ADMIN. LLC	VISION PLAN	\$45.30
BUSINESS MANAGEMENT DAILY	PUBLICATION	\$199.00
CENTURY BUSINESS	COPIER LEASE/METER	\$354.26
COLBATH & SPERLICH LAW	CAAF	\$391.70
EFTPS	EFTPS PAYROLL TAXES	\$1,742.80
GOLDEN WEST	LOCAL PHONE/EMAIL/LONG DISTANCE	\$492.10
HOPKINS, ARTHUR L	MILEAGE	\$237.28
LAKOTA TIMES	PUBLICATION	\$157.95
MASTEL, BRUCE	WEB HOST/UPDATE/SERVER	\$70.00
MICROFILM IMAGING SYSTEMS	SCANNING EQUIP LEASE	\$35.00
NCRAAO 2022	NCRAAO 2022 CONFERENCE	\$325.00
QUADIENT FINANCE USA, INC	POSTAGE	\$790.24
OGLALA SIOUX TRIBE	MONTH RENT FOR VET SERVICE OFFICER	\$100.00
POURIER, PHYLLIS OR CLIFF	TAX REFUND	\$459.03

09-08-2021

Motion made by Yellow Bull, seconded by Bear Runner, to **table** a follow-up on administrative and coroner positions from **Sheriff Joe Herman** until the next **meeting**.

Nathan Kehn, Badlands Conservation, met with **the** board to discuss the services that are provided for Oglala Lakota residents, noting **the** number of trees and **shrubs** that had been sold and **planted**, equipment rental, and the possibility of rebuilding of dams. Kehn also noted that the FSA and NRCS programs require a local conservation district to enable federal **funding** through those offices and for other programs. The office for the Badlands Soil Conservation is in **the** FSA office in **Martin**, and meetings of county supervisor board members are held locally.

Further discussion was held on the possibility of the **American Rescue Plan** being used for economic growth and trying to get better internet service with another provider in Oglala Lakota County.

The second reading of amended Ordinance # 2021 – 01 was held as advertised. Motion made by Yellow Bull, seconded by Hopkins, to approve the second reading of **Ordinance # 2021 – 01**, an ordinance amending Ordinance #2021 – 01 and all **amendments** thereto, in accordance with the provision of Chapter 11-2, 1967 SDCL, and amendments thereof, and for the repeal of all resolutions and ordinances in conflict therewith. With Bear Runner voting no, all others voting yes, motion carries.

Lynn Two Bear, legal assistant for the State's Attorney's office, met with the Board to discuss that she has exhausted all resources from federal pathways for the housing authority. The point of contact is Bob Koenen from the office of National American Program. There is no housing authority in Tripp County. Two Bear has reached out to tribal housing and found there to be no formation documents.

Lance Russell, State's Attorney, discussed with the board a possible resolution to incorporate Native American History into South Dakota History. Russell would like to look through a history book that the schools are using before the board proceeds with a resolution.

Sue Ganje, Auditor, met with the board. Motion made by Yellow Bull, seconded by Bear Runner, to approve moving forward with paying all essential employees a \$5,000.00 bonus for the work done during Covid-19, with additional follow-up with the State's Attorney on how to provide money for employees through the contract with Fall River County, using monies from the American Rescue Plan.

Motion made by Yellow Bull, seconded by Hopkins, to approve giving the Badlands Soil Conservation \$2,500.00, for the 2022 budget year, provided that more documentation and continued follow-ups are provided in future years.

Motion made by Yellow Bull, seconded by Hopkins, to approve a \$2.00 per hour wage increase across the board for Oglala Lakota County Employees beginning **January 2022's** pay period.

Motion made by Yellow Bull, seconded by Bear **Runner**, to approve the 2022 annual

09-09-2020

/s/Eugenio White Hawk
Oglala Lakota County Board of **Commissioners**

ATTEST:
/s/Sue Ganje
Fall River County Auditor's Office

Motion made by Bear Runner, seconded by White Hawk, to approve the 2020 Homeland Security Award **Agreement** (HLS-2020-Oglala Lakota Sheriff's O-00273) in the amount of \$61,038.66.

Lynx Bettelyoun, Highway Superintendent, met with the board and **presented** fuel quotes as follows:

8-24-20	550-Gal Unleaded Gas	2,000-Gal Ruby Diesel
Westco	\$2.066/gal	\$1.849/gal
Pine Ridge Oil	No Bid	No Bid
Nelson's	No Bid	No Bid

Motion made by White Hawk, seconded by Hopkins, to approve the low and only bid from Westco at \$2,066 per gallon for 550 gallons of unleaded gas for a total amount of \$1,136.30 and \$1.849 per gallon for 2,000 gallons of Ruby diesel for a total of \$3,698.00.

Motion made by White Hawk, seconded by Hopkins, to approve the July 15, 2020 through August 24, 2020 sheriff fuel transfer to reimburse the highway for 227.1 gallons of fuel at \$2.066 per gallon, for a total of \$469.19.

Bettelyoun updated the board about reshaping county roads, mowing and hauling gravel.

Yellow Bull joined the meeting at 2:01 p.m.

Motion made by Yellow Bull, seconded by Hopkins, to accept Bettelyoun's report and place it on file.

Sue Ganje, Auditor, met with the board. Motion made by Yellow Bull, seconded by Hopkins, to approve changing the Early Vote site from the Johnson O'Malley building to the Sacred Heart Church to allow for distancing.

Commissioner Bear Runner, acting as Census Liaison, reviewed the census maps and new tracts. Bear Runner will bring new maps to the next meeting.

Discussion was held on allowable **expenses** for the Cares Act. Motion made by Bear Runner, seconded by Yellow Bull, to approve allowing a 5% increase to the Sheriff's salary, make the **deputy** full time and **increase** the deputy's pay by 5%, to purchase an air purification **system** for the Sheriff/Highway **Department** office and hot spots and tablets for commissioners.

2020

Motion made by Yellow Bull, seconded by Bear Runner, to approve the 2021 D-Ware Inc. Software License **Agreement** in the amount of \$4,600.00.

Motion made by Yellow Bull, seconded by **Hopkins**, to approve the quote from Prairie Storage Containers for a 40 ft HC DD Storage **Container** – high cube, double door storage container in **the** amount of \$7,250.00, plus \$300.00 shipping, total of \$7,550.00.

Motion made by Yellow Bull, seconded by Bear **Runner**, to approve the Oglala Lakota County Road 7 aggregate **resurfacing** project, **amendment** request No. 1 with Banner Associates, to not exceed \$2,950, plus applicable taxes (hourly billable hours) to complete this work.

Bettelyoun gave a report on graveling County Road's 4, 7 and 11 and discussed repairs needed for the 1977 John Deere Wheel Loader, which the board agreed should be done.

Sue Ganje, Auditor, reported on Covid-19 (CRF) reimbursements that have been received in the amount of \$1,208.37, with \$43,326.46 to be submitted. Other grant funds received were Election HAVA Cares (80% reimbursement) in the amount of \$3,010.72, with \$4,176.20 submitted; Election HAVA, with \$9,000 submitted and Satellite HAVA, Primary Election, received \$9,873.93 with \$9,822.19 to be submitted for the General Election.

The board reviewed the renewal documents for county health insurance. Motion made by Yellow Bull, seconded by Hopkins, to increase the county paid portion by \$30.00 to Wellmark Blue Cross and Blue Shield of SD. With the \$30.00 addition, the county will now pay \$530.00 toward the monthly premium, with the employee paying \$95.66.

Motion made by Yellow Bull, seconded by **Hopkins**, to approve the Wellmark Blue Cross and Blue Shield of SD renewal rate in the amount of \$625.66 per employee.

The board reviewed the 2021 Oglala Lakota and Fall River Contract. Hopkins noted the need for more input in the contract and Yellow Bull discussed pursuing changes to the Home Rule to elect their own state's attorney.

Motion made by Yellow Bull, seconded by Hopkins, to table the resolution on the teaching of the Lakota Language in the Oglala Lakota County School District.

A moment was taken to remember Yellow Bull's brother and Bear Runner's sister and conducted a Lakota Wiping of Tears Ceremony, with commissioners and auditor passing on condolences for their losses.

Motion made by Yellow Bull, seconded by Hopkins, to approve the bills as follows:

GENERAL FUND

AT&T MOBILITY	WIRELESS PHONE SHERIFF	\$52.97
AT&T TELECONFERENCE	TELECONFERENCE	\$36.6
BEAM INSURANCE ADMIN. LLC	DENTAL/VISION PLANS	\$125.14
CENTURY BUSINESS	COPIER LEASE/METER	\$21.03

Fwd: Registration is open: 2025 WIR Conference

1 message

Anna Takes Shield <atakes88@gmail.com>
To: Auditor Office <agenda@olcounty.org>

Wed, Feb 12, 2025 at 9:35 AM

Can you add this to the agenda

Thank you

----- Forwarded message -----

From: **NACo** <naco@naco.org>
Date: Tue, Feb 11, 2025, 1:09 PM
Subject: Registration is open: 2025 WIR Conference
To: <atakes88@gmail.com>

Having trouble viewing this email? [Click here](#) to view it in a web browser.



REGISTRATION IS OPEN:

2025 WIR CONFERENCE

MAY 21-23 | PENNINGTON COUNTY, S.D.

We invite you to join the National Association of Counties (NACo) [Western Interstate Region](#) (WIR) in Pennington County, South Dakota for the [2025 WIR Conference](#), May 21–23.

The WIR Conference brings together county officials to focus on pressing issues facing Western counties and our residents. Each year the conference is hosted by a county

within the 15 Western states – Alaska, Arizona, California, Colorado, Hawai'i, Idaho, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington and Wyoming.

This unique event provides attendees with the opportunity to interact with federal, state and regional policymakers, participate in educational sessions, and take home tools to address Western county priorities.

[REGISTER TODAY](#)

[VIEW SCHEDULE](#)

TRAVEL & LOGISTICS



Attendees should fly into Rapid City Regional Airport (RAP). The Monument Convention Center is roughly a 15-minute drive (10 miles) from the airport.

MOBILE TOUR GUIDANCE

Pre-Conference Badlands Mobile Tour for Tuesday, May 20

Attendees who arrive early will have the option to visit Badlands National Park. Badlands National Park offers a stunning landscape of rugged rock formations, deep canyons and the largest undisturbed prairie in the U.S. Attendees can explore scenic overlooks, spot diverse wildlife and experience the unique geological beauty that defines the park.

Tours will take place in Pennington County from 12–5:00 p.m. and will depart from The Monument Convention Center.

Mobile Tours on Wednesday, May 21

In addition to the mobile tour above, members are invited to participate in two mobile tours on Wednesday, May 21 from 1:30–5 p.m. Information on these tours will be available in March, but no pre-registration is required. Tours will depart from The Monument Convention Center.

Option 1: Black Hills Tour

The Black Hills of South Dakota offer a stunning mix of rugged granite peaks, dense pine

forests and rich cultural history. Attendees will experience a unique tour of the Black Hills. More information to come.

Option 2: CARE Campus/County Jail

The CARE Campus in Rapid City is a comprehensive facility offering behavioral health, addiction treatment, and crisis care services, providing a collaborative approach to addressing mental health and substance use challenges in the region. A tour of the campus highlights its integrated programs, including detox services, transitional housing and community partnerships aimed at supporting individuals in need.

Option 3: Agricultural Tour

Attendees will see a showcase of innovative agricultural research, sustainable farming practices and livestock management techniques tailored to the region's climate and soil conditions. This tour offers firsthand insight into cutting-edge developments in crop science, precision agriculture and livestock health.

HEALTH & SAFETY

Your health and safety are of the utmost importance. Please be mindful of your well-being during the conference.

Please review the WIR Conference [Waiver of Liability](#) and [Code of Conduct](#).

ABOUT THE WESTERN INTERSTATE REGION

Since 1978, the Western Interstate Region has worked within NACo to promote the interests of Western counties, sustain the Western quality of life and advocate for multiple use and sustained yield on public lands, community stability and economic development issues facing counties in the WIR's 15 Western states.

[Learn More](#)



[Unsubscribe](#)



/ EVENTS

2025 Western Interstate Region Conference

JUMP TO SECTION:

About the Conference

The NACo Western Interstate Region (WIR) Conference brings together county officials from across the nation to focus on pressing issues facing Western counties and our residents. Each year the conference is hosted by a county within the fifteen Western states – Alaska, Arizona, California, Colorado, Hawai'i, Idaho, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington and Wyoming – and provides attendees with the opportunity to interact with federal, state and regional policymakers, participate in educational sessions and take home tools to address challenges.

Register Today

Access our [registration portal](#) to register for the conference.

For questions or assistance with registration contact us via email or phone at 202.942.4292 or nacomeetings@naco.org and indicate "WIR Conference 2025" in the subject line.

[Register Today](#)

Registration Rates

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	EARLY BIRD	ADVANCED	ONSITE
	Postmarked by 4/4	5/2	5/20
NACo County Member	\$475	\$515	\$645
NACo Corporate Member	\$475	\$530	\$660
County Non-Member	\$565	\$615	\$745
Corporate Non-Member	\$610	\$660	\$790
Spouse/Guest	\$140	\$140	\$140

Registration fees include all sessions and functions that are part of the official program, including the Thursday all-conference luncheon and reception. Registration fees do not include hotel accommodations or transportation to/from the hotel.

Conference Schedule

For purposes of travel planning, check out the [Daily Summaries](#) below. [Click here](#) to explore full schedule of events and workshops.

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Tuesday

May 20 (Pre-Conference Tour)

Attendees who arrive early will have the option to visit Badlands National Park. This ancient natural-buried ground is home to a unique landscape of pinnacles, buttes and the largest undisturbed grass prairie in the United States.

Wednesday

May 21

Day one of the conference features the WIR Board of Directors meeting, followed by mobile tours visiting unique sites in Pennington County.

Thursday

May 22

Day two kicks off with a general session and all-attendee luncheon. Workshops will focus on natural resource management, public lands policy and regulations. The evening will conclude with a conference-wide reception at the Crazy Horse Memorial.

Friday

May 23

The last day of the conference opens with WIR's annual business meeting, where members will vote on WIR leadership and consider proposed bylaws changes. The Intergovernmental Forum on Public Lands will also convene. The day will end with a NACo Board of Directors Orientation.

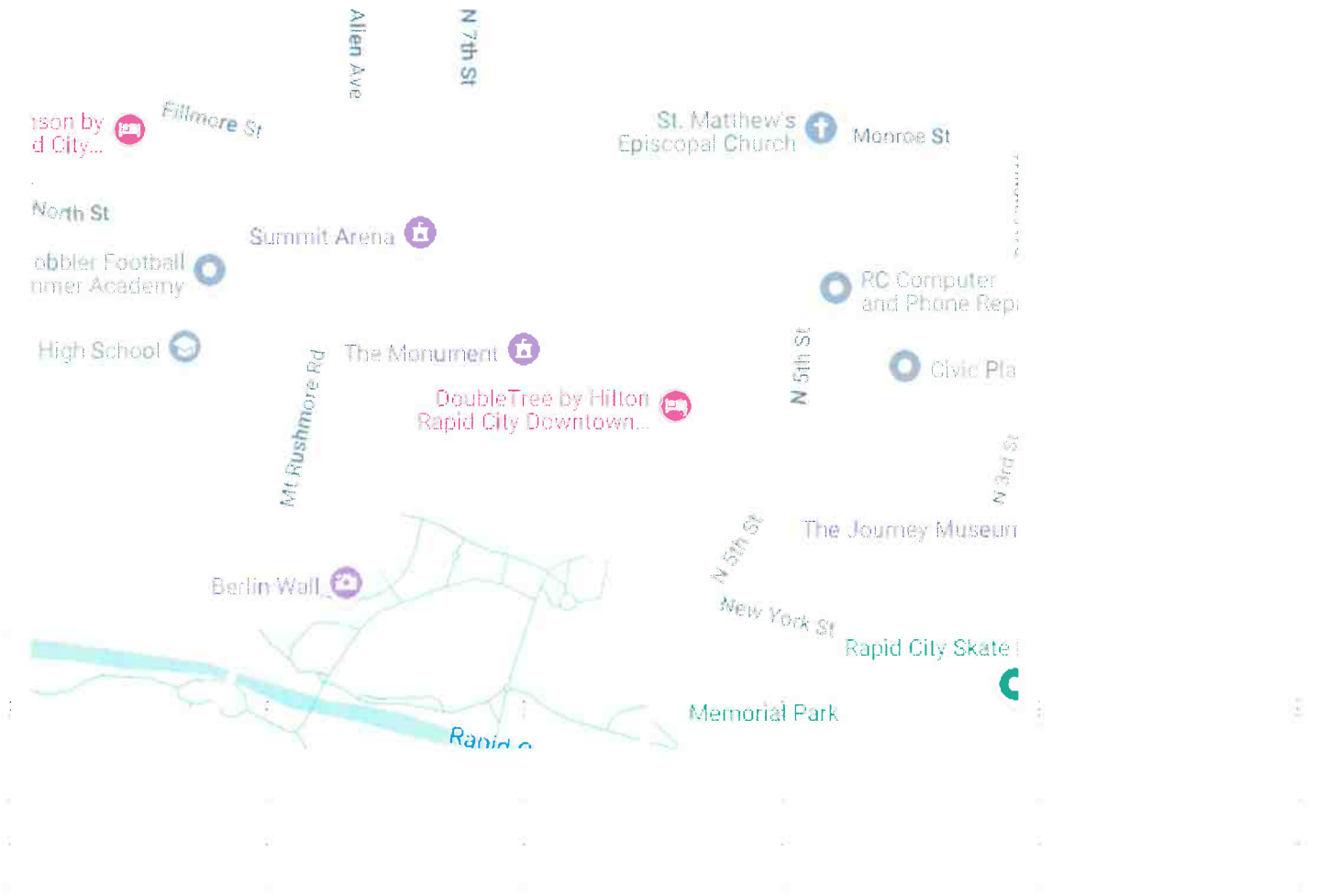
Travel & Housing

All conference activities (except for off-site evening receptions and mobile tours) take place at The Monument Convention Center. Discounted housing rates have been established at the conference hotels. Details on booking a hotel can be found in your registration confirmation email.

The Monument Convention Center

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444 N Mt Rushmore Rd
Rapid City, SD 57701



Hotels



HOTEL NAME	RATE
Doubletree by Hilton	\$139
Elevation Inn & Suites	\$139
The Rushmore Hotel & Suites	\$199
Courtyard by Marriott	\$162
Hotel Alex Johnson	\$239

Negotiated hotel rates will be available until April 28, 2025, or until the negotiated blocks at each hotel sell out.

Rapid City Regional Airport (RAP)



Located about 15 minutes from downtown Rapid City, Rapid City Regional Airport (RAP) has daily direct flights from Phoenix, Salt Lake City, Denver and Dallas. Rideshares are available at the airport as well as taxis and on-location rental cars.

About Pennington County, S.D.

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Pennington County is rich in both natural beauty and historical significance. From Black Elk Peak, the highest point in North America east of the Rockies, to the cultural importance of Mt. Rushmore, it's clear that this area is steeped in both Native American and American history. The story of the region's development, from Custer's expedition to the establishment of Ellsworth Air Force Base, illustrates a blend of exploration, conflict and innovation.

Health & Safety

NACo is offering in-person attendance at its 2025 WIR Conference pursuant to local government orders and public health guidance on such gatherings. NACo is committed to hosting a safe event for all participants and to this end requires all members, guests, staff and supplier personnel to comply with safety precautions specified by local and state officials.

Learn More: 2025 WIR Conference [Waiver of Liability](#) and [Code of Conduct](#).

LEARN MORE

NACo's Western Interstate Region

The Western Interstate Region (WIR) advocates for public policy issues affecting counties in the West.

[Learn More About WIR](#)



660 North Capitol Street, NW Suite 400
Washington, DC 20001

(202) 393-6226

[Contact Us](#)



Oaye Luta Okolakiciye
(Moving Forward in a Sacred Way)
937 E. North St. Ste 401
Rapid City, SD 57702
<http://oayeluta.org/>

February 4, 2025

Dear Oglala Lakota County,

We are Oaye Luta Okolakiciye (Moving Forward in a Sacred Direction), oayeluta.org/, We have an office in Rapid City, SD., and we are working with Oglala Sioux Tribe Health Administration Director–Lisa Schrader, with office space in Pine Ridge, SD.

Oaye Luta Mission Statement:

The mission is to provide substance abuse addiction prevention, intervention, and continuum of care by reconnecting identity and enhancing Lakota traditional values through healing in youth, adults, families and communities

We are focusing on the Opioid epidemic servicing our Tribal members throughout Indian country, which entails the Oglala Lakota County, Rapid City community, and surrounding Tribal reservations, with many Tribal members transition to and from Rapid City, at any given time of the year. The foundation of our services is based on cultural identity development and enhancing traditional values, which we believe are key factors in recognizing and understanding the historical and inter-generations trauma brought upon our tribal nations.

We have a unique approach to addiction healing and mental health management, versus the current western approach of services, which is a continuous billing for our recidivism without awareness of our core issues our traumatic experiences. We at Oaye Luta Okolakiciye address the core issue of the individual, with ceremony and group and individual therapeutic sessions.

We developed a Lakota ceremony curriculum with solutions for our relatives to recognize and understand the genetically passed historical and intergenerational trauma's, which our relatives are medicating with alcohol and drugs to escape reality. We would like to meet quarterly to provide data and report updates, as we service our youth, adults, and families.

The Opioid Settlement funding will be budgeted for program services, ceremony services, transportation, contract services, supplies and materials.

We are requesting \$100,000 to deliver solutions for our Tribal members and non-Tribal members struggling with addiction, mental health management, and resources for those living in a conditioned behavior environment. We believe our services will assist in a solution-based manner. Please direct your question regarding this proposal to me, Gene Tyon,

Wopila,

Gene Tyon
Oglala Lakota
Executive Director
(605)391-6470
genet@oayeluta.org

Oaye Luta Okolakiye - Oglala Lakota County Budget 2025-2026

Income

Oglala Lakota Co \$100,000

Total Revenue \$100,000

Expenses

Wages	\$52,000	Estimated for 12 months - Aug 2025 - July 2026
Meals & Snacks	\$7,500	2 Program Mentors and 1 Traditional Healer over award period. programming.
Gas Cards	\$8,000	OLO provides meals after Inipi ceremony for youth relatives and their families during quarterly family gatherings, and weekly snacks for our youth relatives.
Inipi (Sweatlodg	\$4,500	OLO provides 160- \$50 gas cards for Mentors and unmentioned helpers with ceremony and family members attending our family/social events and ceremony and Inipi wood outings.
Supplies & Mate	\$10,000	Supplies to build Inipi include Canvas coverings, shovels, pitchforks, Crow/tamping bars, 5-gallon buckets and dippers, travel-stipend to get rocks, Willow sapplings, rope, broadcloth-material.
Contract Service	\$18,000	Cultural supplies for Inipi ceremonies and in-house weekly classes, items include Sage, Sweetgrass, Ceyaka-(mint), Bear root & Bitter root for teas, Tipi presentation-history and purpose: Harvesting poles and covering
Total Expenses	\$100,000	Bookkeeping and accounting for grant spending. 2 compters and office supplies, includes creating an evaluation tool, preparation for all program activities, record keeping, and assistance outside of scheduled

COPY



FALL RIVER & OGLALA LAKOTA COUNTY TREASURER

**906 North River Street
Hot Springs, SD 57747
Phone: 605-745-5145
Fax: 605-745-3530**

Payment Plan guidelines for delinquent property taxes in Oglala Lakota County

- Applicants must make monthly payments of full payment agreed upon or be removed from the payment plan.
- The payment plan is only to be used for delinquent taxes. All future taxes must be paid current each year or be removed from the payment plan.
- Parcel must be at least 3 years delinquent in taxes.
- Under \$10,000 in delinquent taxes, applicant must pay off within 3 years.
- Over \$10,000 in delinquent taxes the Treasurer and County Commissioners will determine a payment amount.
- Federal poverty guidelines will be followed and are subject to change.
- The payment plan application must be completed in full, and all supporting documents included.
- Interest in the amount of .833% is applied monthly to delinquent taxes and will continue by State Law even if on a payment plan.
- If removed from the payment plan for any reason, you will not be allowed to reapply.

Martha Whiting Obituary

KYLE - Martha Esther (Clifford) Whiting was born April 23, 1916, to John M. and Emma Clifford, at their home close to Rockyford on the White River. She is one of 10 children. She attended grade school at Washington County Public School, located on Cane Creek near the old John Pourier ranch. Her family lived on the ranch located on the White River near the mouth of the Medicine Root. She attended high school at St. Francis Mission School, where she met Lawrence Whiting, whom she married, July 6, 1936, at St. Barbara's Catholic Church on the White River in the badlands North of Kyle. They lived on the White River Ranch until the US Government forced them to move in July of 1942. They moved to a place about 7 miles south east of Kyle where they lived for a time. In 1946 they moved to Rapid City and in 1959 they moved back to Kyle so Martha could help take care of her aging parents. They had six children during their marriage which lasted for 66 wonderful years, until Lawrence died in December of 2002. Martha waited patiently for Lawrence to take her to heaven; she died in her son Joseph's arms, at Bennett County Health Care Center in Martin, on Saturday, July 31, 2004, at the age of 88. She is survived by sisters, Mitilda Valandra of Denver, Colorado, Francis Turgeon of Mesquite, Nevada, Regina Turgeon of Fort Meade, South Dakota and Isabelle Janis of Manderson, South Dakota; daughters, Marie (Annette) Moore of Avenger, Texas and Gloria Valdez of Manhattan, Kansas; sons, Lawrence (Sonny) of Wasilla, Alaska, Joseph of Kyle, South Dakota, Robert of Paducah, Kentucky and Clifford of Wanblee, South Dakota. She has fifteen grandchildren and twenty-five great-grandchildren. Funeral services will be held at 10 a.m. Wednesday, August 4, 2004, at Our Lady of Sorrows Catholic Church Hall in Kyle, South Dakota, with the Rev. Frank Schmitt, S.J., officiating. Interment will be at St. Stephen's Catholic Cemetery, Kyle. A one-night wake, starting at 1 p.m. will be held at the church hall on Tuesday, August 3rd. Funeral arrangements have been placed in the care of Sioux Funeral Home of Pine Ridge, SD.

To plant trees in memory, please visit the [Sympathy Store](#).

Published by Rapid City Journal on Aug. 3, 2004.

* Lawrence Whiting passed away 12-2002

Martha Whiting passed away 7-31-2004

Martha Whiting Obituary

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Oglala-Lakota County Treasurer
906 N. River St.
Hot Springs SD 57747

January 9, 2025

WHITING, LAWRENCE & MARTHA
PO BOX 116
KYLE, SD 57752-0116

Outstanding Tax Statement

Parcel number: 41000-04041-21420

Owner Name: WHITING, LAWRENCE & MARTHA

Legal description: TRACT 1 OF SW1/4NE1/4SE1/4, (1.30 A) SEC 21, TWP 40, RG 41

Tax Bill #	Tax Amount	Outstanding	Interest	Fees	Total Outstanding
2023-995	\$162.86	\$162.86	\$8.13	\$4.50	\$175.49
2022-685	\$144.48	\$144.48	\$21.67	\$4.50	\$170.65
2021-885	\$148.50	\$148.50	\$37.13	\$0.00	\$185.63
2020-884	\$148.68	\$74.34	\$24.16	\$4.50	\$103.00
2019-887	\$150.94	\$75.47	\$32.08	\$0.00	\$107.55
2017-895	\$319.22	\$319.22	\$207.46	\$4.50	\$531.18
2016-883	\$335.96	\$335.96	\$251.97	\$0.00	\$587.93
2015-869	\$369.04	\$369.04	\$313.66	\$0.00	\$682.70
2014-887	\$386.96	\$386.96	\$367.60	\$0.00	\$754.56
2013-880	\$400.76	\$400.76	\$420.81	\$404.50	\$1,226.07
2012-879	\$406.56	\$406.56	\$467.53	\$0.00	\$874.09
2011-883	\$406.88	\$406.88	\$508.58	\$0.00	\$915.46
2010-879	\$407.40	\$407.40	\$549.94	\$0.00	\$957.34
2009-865	\$438.26	\$438.26	\$635.42	\$0.00	\$1,073.68
2008-868	\$406.34	\$406.34	\$629.79	\$0.00	\$1,036.13
2007-864	\$428.74	\$428.74	\$707.42	\$0.00	\$1,136.16
2006-860	\$413.24	\$413.24	\$723.12	\$0.00	\$1,136.36
2005-855	\$389.02	\$389.02	\$719.71	\$9.50	\$1,118.23
	Grand Totals	\$5,714.03	\$6,626.18	\$432.00	\$12,772.21

Additional interest for next month:

\$47.68

February 13, 2025

Jim Lintz, Chairman
Custer County Commission
420 Mount Rushmore Road
Custer, SD 57730

Re: Squaw Creek Road

Dear Chairman Lintz:

The Oglala Lakota County Commission hopes this letter finds you well. It recently came to our attention that Custer County currently has a County Road named Squaw Creek Road. It is also our understanding that the South Dakota Board of Geographic Names changed the name of Squaw Creek to Grace Coolidge Creek. Merriam-Webster Dictionary defines the word squaw as an offensive and disparaging term. We respectfully request your serious consideration of changing the name of Squaw Creek Road. Thank you in advance for your attention and consideration of this matter.

Sincerely,

Allyssa Comer,
Chairwoman

Anna Takes the Shield (Dubray)
Vice-Chairwoman

Wendell Yellow Bull
Commissioner

Art Hopkins
Commissioner

Ramon Bear Runner
Commissioner

FVI



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 10, 2025

OGLALA LAKOTA COUNTY COMMISSION
906 NORTH RIVER STREET
HOT SPRINGS SD 57747

Dear OGLALA LAKOTA COUNTY COMMISSION

The week of January 13, 2025, the enclosed public notice will appear in the eleven daily South Dakota newspapers. The proposed Air Quality general permit is for grain elevators operating throughout the State of South Dakota.

State law requires the Department of Agriculture and Natural Resources to notify every municipality, county, and Indian tribe upon public noticing an Air Quality general permit. This notice is required to ensure that the local governmental entities affected by the general permit are given an opportunity to comment. By doing so, the department will be aware of any questions, concerns, comments, or support that your governmental agency has regarding these permits.

Any person wishing to submit comments must do so in writing. The department must receive all comments at the above address by February 15, 2025.

Questions regarding the proposed air quality general permits may be directed to Teresa Williams at (605) 773-2278.

Sincerely,

Teresa Williams

Teresa Williams
Program Assistant I
Air Quality Program

Enclosure:

**NOTICE OF GENERAL AIR QUALITY OPERATING PERMIT
FOR
GRAIN ELEVATORS OPERATING IN SOUTH DAKOTA**

The South Dakota Department of Agriculture and Natural Resources (DANR) is proposing to issue a general air quality permit for grain elevators operating throughout the State of South Dakota. This permit will replace the previous general air quality permit for grain elevators that expire on February 21, 2025.

The proposed general permit identifies who may seek coverage under the permit, the general permit requirements, air pollution limits, compliance responsibilities, record keeping and reporting requirements, as well as performance test procedures. The general permit covers grain elevators, a grain elevator applicable to the grain elevator new source performance standard, a grain elevator with a natural gas and/or propane fired boiler applicable to the boiler new source performance standard, a grain elevator with a distillate oil fired boiler applicable to the boiler maximum achievable control standard, a grain elevator with an emergency generator applicable to new source performance standard Subpart IIII or Subpart JJJJ, and a gasoline dispensing facility applicable to a maximum achievable control standard. Issuing a general permit for grain elevators is another attempt by DANR to streamline environmental permitting in South Dakota and to provide better service to all our customers. The general permit will be effective for five years upon its issuance.

Prior to obtaining coverage under the general air quality permit, the applicant must submit a Notice of Intent form to the department. The Notice of Intent form requires the applicant to describe the operations, equipment, and location that will be covered under this permit. The department will review the information contained in the Notice of Intent to determine if the applicant qualifies for coverage under the general permit and is capable of complying with the general permit. If the applicant qualifies and can meet the requirements, coverage under the general air quality permit will be authorized to the applicant.

In accordance with the Administrative Rules of South Dakota (ARSD) 74:36:04:12, any person desiring to comment on DANR's draft permit must submit written comments to the address below within thirty days of this public notice. Comments may be directed to the following mailing address: Teresa Williams; PMB 2020; Department of Agriculture and Natural Resources; 523 East Capitol; Pierre, South Dakota 57501. DANR will consider and address all comments submitted and issue a final permit decision pursuant to ARSD 74:36:04:12.01. DANR will notify the applicant and each person that submitted written comments or requested notice of DANR's final permit decision, including notification of any changes to the permit based on the comments.

Any person desiring to contest the issuance of this permit and have a contested case hearing must file a petition, which complies with ARSD 74:09:01:01. This petition must be filed either within thirty days of this public notice or, if that person submits comments on DANR's draft permit pursuant to the paragraph above, within thirty days of receiving notice of DANR's final permit decision. Upon receipt of a petition, DANR will schedule this matter for a contested case hearing before the Board of Minerals and Environment.

If no comments or objections are received within thirty days of this public notice, the draft permit becomes the final permit decision and the proposed permit will be issued.

Copies of DANR's draft permit conditions and other information may be obtained from Teresa Williams, Program Assistant, at the above address or telephone at (605) 773-3151 or from DANR's website at:

<http://DANR.sd.gov/public/>

A handwritten signature in blue ink, appearing to read "Hunter Roberts", with a long horizontal flourish extending to the right.

Hunter Roberts, Secretary
Department of Agriculture and Natural Resources

Published once at the total approximate cost of _____.