

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 SUSPENDING INDEFINITELY DISTRICT SPENDING OF THE TRIBE'S CARES ACT CORONAVIRUS RELIEF FUND MONIES AND IMPLEMENTING A PLAN FOR THE TRIBE TO CONTINUE TO MANAGE SUCH FUNDS TO MEET THE NEEDS OF THE PEOPLE IN THE DISTRICTS.

WHEREAS, the Oglala Sioux Tribe adopted its Constitution and By-Laws by referendum vote on December 14, 1935, in accordance with Section 16 of the Indian Reorganization Act of 1934, codified as amended at 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, pursuant to the Constitution and By-Laws of the Oglala Sioux Tribe, the Oglala Sioux Tribal Council exercises legislative powers to enact and promulgate resolutions and ordinances, and

WHEREAS, Article IV, Sections 1(f), 1(k), 1(m), 1(w) empower the Tribal Council 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 Oglala Sioux Tribe and its membership, and

WHEREAS, the Tribe received a payment of funds from the Coronavirus Relief Fund ("CRF") under the Coronavirus Aid, Relief, and Economic Security ("CARES") Act, Pub. L. 116-136 (Mar. 27, 2020), to enable the Tribe to prevent, prepare for, mitigate, and respond to the COVID-19 public health emergency, and

WHEREAS, the CRF is administered by the Treasury Department, and the Treasury Department has issued "Coronavirus Relief Fund Guidance for State, Territorial, Local, and Tribal Governments (hereafter "Treasury Guidance") and "Coronavirus Frequently Asked Questions" (hereafter "Treasury FAQs"), and

WHEREAS, the Tribe has expended funds from its CRF payment to prevent, prepare for, mitigate, and respond to the COVID-19 public health emergency, consistent with the Treasury Guidance and Treasury FAQs, and

WHEREAS, the Tribe also allocated to the nine (9) Tribal Districts on the Pine Ridge Indian Reservation a portion of the Tribe's CRF payment to enable the Tribal Districts to prevent, prepare for, mitigate, and respond to the COVID-19 public health emergency, consistent with the Treasury Guidance and Treasury FAQs, and

WHEREAS, on January 30, 2021, the Finance Committee met and by motion and vote, after serious review of relevant information on the matter of District spending, the Finance Committee determined that at this time it is in the best interest of the Tribe to indefinitely suspend spending by the Districts of CRF monies with the exception of emergencies so that the Tribe can take certain action items in its management of its CRF monies, and the Finance Committee has recommended this course of action to the Tribal Council, and

WHEREAS, the Tribal Council has considered its responsibilities related to its CRF monies pursuant to federal and tribal law and its governmental responsibilities to provide services to its Tribal Members to the best of its abilities, the Tribal Council agrees that the Finance Committee's recommended course of action is in the best interest of the Tribe and its Tribal Members; now

THEREFORE BE IT ORDAINED, that the Oglala Sioux Tribal Council hereby suspends spending by the Tribal Districts of the Tribe's CRF monies indefinitely with an exception made for necessary emergency expenditures, which shall only be allowed after all of the Tribal Council Members who represent the Tribal District for which the necessary emergency expenditure is to be made agree unanimously that such expenditure should be made, and such expenditures shall be subject to review and approval by the Executive Committee, if less than \$250,000, or by the Tribal Council, if greater than or equal to \$250,000, and

BE IT FURTHER ORDAINED, that the Oglala Sioux Tribal Council has determined that for purposes of this ordinance, the term "emergency" shall include COVID-19 patient care, wakes and funerals for persons who pass away due to COVID-19, emergency COVID-19-related assistance to enable compliance with COVID-19 public health precautions (including food assistance and utility assistance), and home repair to address uninhabitable housing conditions to enable compliance with COVID-19 public health precautions.

BE IT FURTHER ORDAINED, that the Oglala Sioux Tribal Council hereby directs Comptroller Dean Patton, Mr. Casey Pedersen, and the attorneys from the Oglala Sioux Tribe's Legal Department to commence work immediately on developing a new policy for future spending of the Tribe's CRF monies to facilitate the Tribe's continued management of these monies in line with the CARES Act and Treasury Guidance and FAQs, and


BE IT FURTHER ORDAINED, that the Oglala Sioux Tribal Council hereby directs that the policy for future spending of the Tribe's CRF monies shall be brought to the Finance Committee for review and approval and then submitted to the Oglala Sioux Tribal Council for final approval, and

BE IT FURTHER ORDAINED, that the Oglala Sioux Tribal Council hereby directs that no further discussion of Tribal District spending of the Tribe's CRF monies shall occur until (1) the policy to be created per this ordinance is approved by both the Finance Committee and the Oglala Sioux Tribal Council and (2) the gathering and preparation of documentation justifying expenditures and audit preparation per Resolution No. 21-36 is carried out, and

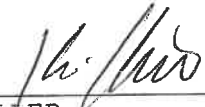
BE IT FURTHER ORDAINED, that this Ordinance shall take effect immediately and shall supersede all prior inconsistent laws of the Oglala Sioux Tribe.

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

I, as undersigned secretary of the Oglala Sioux Tribal Council of the Oglala Sioux Tribe, hereby certify that this Ordinance was enacted by a vote of: 20 For; 0 Against; 1 Abstain; and 0 Not Voting; during a SPECIAL SESSION held on the 4th day of FEBRUARY, 2021.


STACY L. TWO LANCE
Secretary
Oglala Sioux Tribe

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



KEVIN KILLER
President
Oglala Sioux Tribe

RECEIVED
FEB 9 2021
FOR SUPERINTENDENT
OF THE BUREAU OF LAND MANAGEMENT

