

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 TO AMEND THE OGLALA SIOUX TRIBE MARIJUANA CONTROL ORDINANCE TO MOVE THE SELECTION OF THE EXECUTIVE DIRECTOR TO HUMAN RESOURCES.

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, Section 1(f), 1(k), 1(m) and 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 Oglala Sioux Tribal Council enacted Ordinance No. 16-22, amending the Criminal Code to allow for enhanced penalties for dangerous drug offenses, on August 23, 2018, and further amended by Tribal Council Ordinance, and

WHEREAS, a referendum vote was held on March 10, 2020, and the Oglala Oyate voted in favor of the Tribe adopting laws to decriminalize recreational marijuana and to approve of the use of medical marijuana, and

WHEREAS, the Tribal Council enacted Ordinance No. 20-66, adopting the Marijuana Control Ordinance, and

WHEREAS, the Economic and Business Development Committee met on February 3, 2021, and recommends amendments to move the hiring of the Executive Director to Human Resources, and

WHEREAS, the Tribal Council finds that adoption of the proposed amendments to the Marijuana Control Ordinance is in the best interest of the Tribe and its members; now

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THEREFORE BE IT ORDAINED, that the Oglala Sioux Tribal Council hereby amends Chapter 9, Section 9 of the Oglala Sioux Tribe Marijuana Control Ordinance, Ordinance No. 20-66 (Oct. 27, 2020), to read as follows (with deletions in strikethrough and additions underlined and in bold):

The Commission shall have an executive director ("Executive Director") who shall oversee its day-to-day functions including the acceptance of license applications and license agreements and the scheduling of tests and inspections. The Executive Director shall be a person with a bachelor's degree, or a person who has not less than five (5) years experience in the Marijuana industry or who can otherwise demonstrate the ability to perform the services required by the position. ~~The Executive Director shall be hired by the Commission.~~ **The Executive Director shall be hired through the Tribe's Human Resource process.**

- a. The Executive Director shall be the direct supervisor of any other employees of the Commission.
- b. The Executive Director shall be responsible for developing a budget for the Commission.
- c. The Executive Director shall have signatory authority as supervisor, however, supervisory and disciplinary actions over the Executive Director must be actions of the Chief of Staff.
- d. The Executive Director shall be a ~~contract employee~~ **regular full-time employee.**

BE IT FURTHER ORDAINED, that the foregoing amendment to the Marijuana Control Ordinance shall go into effect immediately.

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: 17 For; 1 Against; 0 Abstain; 1 Not Voting; during a REGULAR SESSION held on the 23RD day of FEBRUARY, 2021.

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Stacy L. Two Lance

STACY L. TWO LANCE
Secretary
Oglala Sioux Tribe

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

Kevin Killer

KEVIN KILLER
President
Oglala Sioux Tribe

