

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

YANKTON AGENCY

WAGNER, SOUTH DAKOTA 57380



DEC 03 2004

IN REPLY REFER TO:

Real Property Management
Acquisition & Disposal Section
Telephone: 1.605.384.3651

William Benjamin
Great Plains Regional Director
Bureau of Indian Affairs
115 4th Avenue S.E.
Aberdeen, SD 57401

Dear Mr. Benjamin:

The Yankton Sioux Tribe has submitted the required Tribal Plan (Yankton Sioux Tribe Development Trust Fund), in accordance with Public Law 107-133, dated December 13, 2002. The tribal plan has a deadline of 12/04/04, for submission.

I have reviewed the approved tribal plan and it will be forwarded to your office.

If you have any questions regarding this matter please contact this office at the telephone number provided above.

Sincerely,


Jonathan D. Ouzo
Acting Superintendent

Enclosure

YANKTON SIOUX TRIBE



Yankton Sioux Tribe

Box 248
Marty, SD 57361
(605) 384-3804 / 384-3641
FAX (605) 384-5687

RECEIVED
2004 DEC -6 AM 10:21
BUREAU OF INDIAN AFFAIRS
YANKTON AGENCY

VIA FACIMILE AND REGULAR MAIL

November 30, 2004

Bureau of Indian Affairs
Box # 577
Wagner South Dakota 57380
ATTN: Donalene Orozco, Acting Superintendent

Re: Letter of acceptance

Dear Ms. Orozco:

On behalf of the Yankton Sioux Tribe I am submitting a copy of the tribe's Tribal Plan as required by Public Law 107-133-Dec. 13, 2002., Indian Finance Act Amendments, Section 306, Title II. Yankton and Santee Sioux Tribe's Infrastructure Development Trust Fund Act, which directs the tribe to develop a Tribal Plan for guidance in expenditure of trust funds.

The Tribal Plan shall address the following socio-economic needs of the tribe: Economic Development; Infrastructure Development, Health, Education, and social programs. The Tribal Plan addresses these needs and outlines these needs in a fifty-year plan beginning in 2005.

The tribal council approved the Tribal Plan on November 19, 2004, and the elected representative, the Business and Claims Committee passed resolution number # GC 2004-015 on November 30, 2004, approving the Tribal Plan. A copy of the resolution is attached.

If you have any questions, please address them to my office.

Sincerely,

Madonna Archambeau
Chairperson
Yankton Sioux Tribe

CC: file

OFFICERS:
MADONNA ARCHAMBEAU, CHAIRWOMAN
HERBERT HARE, SR., VICE-CHAIRMAN
FRANCES HART, SECRETARY
LEO O'CONNOR, TREASURER

Business and Claims Committee YS7

MEMBERS:
GUY COOKE, SR.
CLARENCE MONTGOMERY
JOHN PACKARD
DENNIS RUCKER
RICHARD SULLY



Yankton Sioux Tribe

Box 248
Marty, SD 57361
(605) 384-3804 / 384-3641
FAX (605) 384-5687

VIA FACIMILE AND REGULAR MAIL

November 30, 2004

Bureau of Indian Affairs
Box # 577
Wagner South Dakota 57380
ATTN: Donalene Orozco, Acting Superintendent

Re: Letter of acceptance

Dear Ms. Orozco:

On behalf of the Yankton Sioux Tribe I am submitting a copy of the tribe's Tribal Plan as required by Public Law 107-133-Dec. 13, 2002., Indian Finance Act Amendments, Section 306, Title II. Yankton and Santee Sioux Tribe's Infrastructure Development Trust Fund Act, which directs the tribe to develop a Tribal Plan for guidance in expenditure of trust funds.

The Tribal Plan shall address the following socio-economic needs of the tribe: Economic Development, Infrastructure Development, Health, Education, and social programs. The Tribal Plan addresses these needs and outlines these needs in a fifty-year plan beginning in 2005.

The tribal council approved the Tribal Plan on November 19, 2004, and the elected representative, the Business and Claims Committee passed resolution number # GC 2004-015 on November 30, 2004, approving the Tribal Plan. A copy of the resolution is attached.

If you have any questions, please address them to my office.

Sincerely,

Madonna Archambeau
Chairperson
Yankton Sioux Tribe

CC: file

OFFICERS:
MADONNA ARCHAMBEAU, CHAIRWOMAN
HERBERT HARE, SR., VICE-CHAIRMAN
FRANCES HART, SECRETARY
LEO O'CONNOR, TREASURER

Business and Claims Committee 7/57

MEMBERS:
GUY COOKE, SR.
CLARENCE MONTGOMERY
JOHN PACKARD
DENNIS RUCKER
RICHARD SULLY



Yankton Sioux Tribe

Box 248
Marty, SD 57361
(605) 384-3804 / 384-3641
FAX (605) 384-5687

YANKTON SIOUX TRIBE GENERAL COUNCIL RESOLUTION NO. # 2004-015

- Whereas:** The Yankton Sioux tribe is an unincorporated Tribe of Indians operating under an amended Constitution and By-Laws approved on April 24, 1963 and June 16, 1975; and
- Whereas:** The Yankton Sioux Tribe's Business and Claims Committee is the elected body constituted for the purpose of conducting the business of and serving the best interest of the Yankton Sioux Tribe; and
- Whereas:** The Yankton Sioux Tribe Business and Claims Committee has reviewed the status of trust on deposit in the U.S. treasury; and
- Whereas:** The Yankton Sioux Tribe will benefit from the passing of PUBLIC LAW 107-331-DEC. 13, 2002, the INDIAN FINANCING AMENDMENTS ACT OF 2002, TITLE II-YANKTON SIOUX AND SANTEE SIOUX TRIBES EQUITABLE COMPENSATION; and
- Whereas:** The Yankton Sioux Tribe is required not later than 24 months after the date of enactment of this Act, the tribal council shall prepare a plan for the use of the payments to the tribe under section 204(d) (referred to in this subsection as a "tribal plan"); and
- Whereas:** The Yankton Sioux Tribe General Council on this 19th day of November 2004, approving and accepting the tribal plan; and

NOW THEREFORE BE IT RESOLVED, That the Yankton Sioux Tribe's Business and Claims Committee on behalf of the tribal membership, do hereby accept and approve the tribal plan.

OFFICERS:
MADONNA ARCHAMBEAU, CHAIRWOMAN
HERBERT HARE, SR., VICE-CHAIRMAN
FRANCES HART, SECRETARY
LEO O'CONNOR, TREASURER


Business and Claims Committee 457

MEMBERS:
GUY COOKE, SR.
CLARENCE MONTGOMERY
JOHN PACKARD
DENNIS RUCKER
RICHARD SULLY


CERTIFICATE

THIS IS TO CERTIFY, and affirm that the above and foregoing resolution was duly authorized and passed by the Yankton Sioux Tribal General Council at a meeting held on the 19th day of November 2004, held at the Fort Randall Casino, by a vote of 47 in favor, 15 against.

ATTEST



MADONNA ARCHAMBEAU
CHAIRPERSON *Vice*
YANKTON SIOUX TRIBE



FRANCES HART
SECRETARY
YANKTON SIOUX TRIBE

THE YANKTON SIOUX TRIBE DEVELOPMENT TRUST FUND

TRIBAL PLAN

SUBMITTED TO THE BUREAU OF INDIAN AFFAIRS

AND

INDIAN HEALTH SERVICE

FOR REVIEW

JULY 2004

I. PREAMBLE

The Yankton Sioux Tribe, Ihanktonwan, "Land of the friendly people" of the Seven Council Fires, 1858, is a band of the Great Sioux Nation recognized by the United States Government. Whereas the Yankton Sioux Tribe of Indians have progressed in their association with other members of the community in which they live, and many members are educated and self-supporting, and trained in business, trades, and skills and farming and whereas, the Yankton Sioux Tribe of Indians adopted a Constitution and By-Laws on September 22, 1932, which Constitution provides for amendment of the same at any regular or special Tribal Council, subject to the approval of the Commissioner of Indian Affairs and the said Constitution failing to provide for business and Tribal affairs as they exist today, and a Tribal Council having been held at Greenwood, South Dakota, on August 3-4, 1961, after due notice was given and continued thereafter until the business of that Council was completed, at which Tribal Council at its meeting having authorized a resolution whereby a Constitutional Committee was elected on December 16, 1961, to draft a Constitution and By-Laws and the Committee having duly considered the matter and having discovered that the Yankton Sioux Tribe of Indians has a Constitution, which Constitution was adopted on September 22, 1932, and approved by the Commissioner of Indian Affairs on October 5, 1932, and the original Constitution and By-Laws providing in Section 16 thereof that the Constitution and By-Laws may be amended at any regular or special Tribal Council, sub-to the approval of the Commissioner of Indian Affairs and which Constitution is now in full force and effect, the Constitutional Committee after due consideration being of the opinion that the said Committee is without authority to draft a Constitution and By-Laws, but is authorized to the drafting of amendments and by-laws to the original said Constitution at a Tribal Council held at Greenwood, South Dakota, on

July 17, 1962, and in order to establish further a united Tribal organization to conserve and develop the common resources of our Tribe, to promote and advance the health, education and welfare of ourselves and our posterity to instill through education and industrial development on our reservation, a sense of responsibility and initiative both of which are necessary in a dynamic society, to ever hold before our Tribe the glory and heritage of our race.

A. HISTORY

SEC. 202. FINDINGS.

Congress finds that- -

- (1) by enacting the Act of December 22, 1944, commonly known as the Flood Control Act of 1944" (58 Stat. 887, Chapter 665; 33 U.S.C. 701-1 et seq.) Congress approved the Pick-Sloan Missouri River Basin Program (referred to in this section as the Pick-Sloan program ' ') - -
 - (A) to promote the general economic development of the United States;
 - (B) to provide for irrigation above Sioux City, Iowa;
 - (C) to protect urban and rural areas from devastating floods of the Missouri River;
 - (D) for other purposes;
- (2) the waters impounded for the Fort Randall and Gavins Points projects of the Pick-Sloan program have inundated the fertile, wooded bottom lands along the Missouri River that constituted the most productive agricultural and pastoral lands of, and the homeland of, the members of the Yankton Sioux Tribe;
- (3) the Fort Randall project (including the Fort Randall Dam and Reservoir) overlies the western boundary of the Yankton Sioux Indian Reservation.

- (4) Although the Fort Randall projects are major components of the Pick-Sloan program, and contribute to the economy of the United States by generating a substantial amount of hydropower and impounding a substantial quantity of water, the reservation of the Yankton Sioux Tribe remain undeveloped;
- (5) the United States Army Corps of Engineers took the Indian lands used for the Fort Randall by condemnation proceedings;
- (6) the Federal Government did not give the Yankton Sioux Tribe an opportunity to receive compensation for direct damages from the Pick-Sloan program, even though the Federal Government gave 5 Indian reservations upstream from the reservations such an opportunity;
- (7) the Yankton Sioux Tribe did not receive just compensation for the taking of productive agricultural Indian lands through the condemnation referred to in paragraph (6);
- (8) the settlement agreement that the United States entered into with the Yankton Sioux Tribe to provide compensation for the taking by condemnation referred to in paragraph (6) did not take into account the increase in property value over the years between the date of taking and the date of settlement; and
- (9) in addition to the financial compensation provided under the settlement agreements referred to in paragraph
- (A) the Yankton Sioux Tribe should receive an aggregate amount equal to \$23,023,743 for the loss value of 2,851.40 acres of Indian land taken for the Fort Randall Dam and Reservoir of the Pick-Sloan program.

SEC. 204. YANKTON SIOUX TRIBE DEVELOPMENT TRUST FUND.

(a) Establishment. —There is to be established in the Treasury of the United States a fund to be known as the “Yankton Sioux Tribe Development Trust Fund” (referred to in this section as the “Fund”) The Fund shall consist of any amounts deposited in the Fund under this title.

(b) Funding. —on the first day of the 11th fiscal year that begins after the date of enactment of this Act, the Secretary of the Treasury shall, from the General Fund of the Treasury, deposit into the Fund established under subsection (a) —

(Page 116 STAT. 28401)

(1) \$23,023,743; and

(2) an additional amount that equals the amount of interest that would have accrued on the amount described in paragraph (1) is such amount had been invested in interest-bearing obligations of the United States, on the first day of the fiscal year that begins after the date of enactment of this Act and compounded annually thereafter.

(c) Investment of Trust Fund. —It shall be the duty of the Secretary of the Treasury to invest such portion of the Fund as is not, in the Secretary of the Treasury’s judgment, required to meet current withdrawals. Such investments maybe made only in interest —bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. The Secretary of the Treasury shall deposit interest resulting from such investments into the Fund.

(d) Payment of Interest to Tribe.

(1) Withdrawal of interest. Beginning on the first day of the 11th fiscal year after the date of enactment of this Act and, on the first day of each fiscal year thereafter, the Secretary of the Treasury shall withdraw the aggregate amount of interest deposited into the Fund for that fiscal year and transfer that amount to the Secretary of the Interior for use in accordance with paragraph (2). Each amount so transferred shall be available without fiscal year limitation.

(2) Payments to Yankton Sioux Tribe.

(A) In general. —The Secretary of the Interior shall use the amounts transferred under paragraph (1) only for the purpose of making payments to the Yankton Sioux Tribe, as such that Indian tribe requests payments pursuant to tribal resolution.

(B) Limitation. —Payments may be made by the Secretary of the Interior under subparagraph (A) only after the Yankton Sioux Tribe has adopted a tribal plan under Section 206.

(C) Use of payments by Yankton Sioux Tribe. —The Yankton Sioux Tribe shall use the payments made under Subparagraph (A) only for carrying out projects and programs under the tribal plan under section 206.

(e) **Transfers and Withdrawals.** –Except as provided in subsections (c) and (d) (1), the Secretary of the Treasury may not transfer or withdraw any amount deposited under subsection (b).

SEC. 206. Tribal Plan.

(a) **In General.** – Not (NOTE: Deadline.) later than 24 months after the date of enactment of this Act, the tribal council of the Yankton Sioux Tribe shall prepare a plan for the use of the payments to the tribe under Section 204(d) or 205(d) (referred to in this subsection as a “tribal plan”).

(b) **Contents of Tribal Plan.** –The tribal plan shall provide for the manner in which the tribe covered under the tribal plan shall expend payments to the tribe under section 204(d) or 205(d) to promote –

- (1) Economic development;
- (2) Infrastructure development;
- (3) The educational, health, recreational, and social welfare objectives of the tribe and its members; or
- (4) any combination of the activities described in paragraphs (1), (2) or (3).

(c) **Prohibition on Per Capita Payments.** – No portion of any payment made under this title may be distributed to any member of the Yankton Sioux Tribe on per capita basis.

B. MISSION STATEMENT

In preparing this plan, the tribe intends to "enhance the socioeconomic and recovery and cultural preservation " of its members, particularly by developing the infrastructure of the Reservation.

"Recovery" implies the repair of such damages to the socioeconomic well being of the Tribal society by the forced removal from its ancestral lands caused by the creation of the dams. Before the dams, the people enjoyed a successful subsistence economy that reinforced a strong family-centered culture. People lived apart from each other and were more self-reliant. Social problems that may have existed seemed much less severe than today's in the memories of those who had lived in the original town and home sites along the river. So it is also of great interest to the tribe with this new opportunity to use the various components of this plan to preserve and enhance the community's culture.

C. ECONOMIC DEVELOPMENT

The processes of social and economic transformation necessary to make Indian reservations viable areas of social and economic growth will require whole-hearted commitment to change by all levels of government. Indian tribal governments need to exercise sovereign responsibility and to select developmental policies which make it possible for individual Indians to succeed in business. The real motivating power of change must come from the Indian people and from their leadership. The direction and pace at which change proceeds should be determined, not by the federal government, but by the Indian people.

D. CURRENT TRIBAL BUSINESS OPERATIONS

The tribe currently is operating a convenience store that includes a gas station, and a propane business. The tribe is planning on up-grading these projects to meet current and future demands for these types of services. This activity is a short-range objective of economic development.

The tribe has been operating and managing a casino, that includes a hotel, gift shop, bingo, and restaurant. The tribe intends to renovate, expand, and construct additional facilities to enhance this operation. This project will create more job opportunities for tribal members. This activity is a short-range objective of the tribe and is intended to spur economic development. This business has been providing employment for over two hundred tribal employees, and with expansion will create additional job opportunities for Tribal employees. The tribe also operates and manages a bus transportation program for its employees and customers. This transportation system will be expanded to accommodate additional tribal employees who are seeking employment at the casino.

E. INFRASTRUCTURE DEVELOPMENT

The act does not specify certain components to be incorporated into the plan. These are, in the minds of Congress, obviously to be considered of the nature of "infrastructure".

Components to be considered by the tribe under this act:

- (a) A comprehensive educational facility to include a state of the art library, and accommodations for a community college on the reservation.

- (b) A comprehensive inpatient and outpatient health care facility that is both needed and unavailable through the Indian Health Service.
- (c) Water System Components to include a solid waste facility.
- (d) High-density recreational facilities and programs.
- (e) "Other projects and programs for the educational, social welfare, economic development, and cultural preservation of the tribe as the tribe considers to be appropriate"[P.L.107-331 Sec.206 (b) (3)].

The act itself does not further define what may be considered "infrastructure".

Accordingly, the tribe itself, as authorized by the section of the act cited above, considers the following definition to be appropriate":

An underlying base or foundation for the development and maintenance of the self-sufficiency of the Yankton Sioux Tribe, including but not limited to personnel, facilities, equipment and systems.

The tribe has further deemed it appropriate not to consider as infrastructure for the purposes of this plan any component that is funded by government contracts or grants for which the tribe is eligible. As stated in the act. "No payment to the tribe pursuant to this Act shall result in the reduction or denial of any service or program to which, pursuant to Federal Law --

- (1) the Tribe is otherwise entitled because of the status of the Tribe as a federally recognized Indian tribe; or
- (2) any individual who is a member of the Tribe is entitled because of the status of the individual as a member of the Tribe.

II. INFRASTRUCTURE DEVELOPMENT GOALS

The tribe after asking all tribal members for their input and in consultation with representatives of both the Indian Health Service and the Bureau of Indian Affairs, has identified a number of plan components listed below.

Because of the large number of these suggested components, the tribe cannot address all of them at one time. For this reason the tribe has chosen to schedule them in one of three terms:

- a. Short term, that is begun in the first five years (FY's 2005 – 2010)
- b. Mid-Term, to be addressed in the 10th through 20th Year (FY's 2010 – 2020)
- c. Long Term, to be addressed in the 20th through 50th Year (FY's 2020 – 2050)

III. COMPONENT REQUIREMENTS

The tribe plans to address each of the components listed hereinafter in a sequence, or "priority" identified in the listing itself. By using the word "priority," the tribe does not wish to express any opinion as to the greater or lesser importance of the component.

In the act, the Congress has required that for each component, the costs and benefits of the component be identified. While it is not too difficult to estimate costs of initiating, implementing, or completing each component, quantifying the benefits of each may at times be next to impossible. For this reason, benefits for the purposes of producing a cost to benefit ratio shall be estimated on the basis of the following formula:

Where P = the number of tribal persons to benefit, V = the value of the benefit in terms of the estimated annual cost of providing the service, and Y = the number of years the

benefits of the component will be provided, the cost to benefit ratio, then will be calculated as:

$$\frac{C}{PV/Y}$$

The Act further requires that for each component, the tribe shall "provide" plans for that component" [PL 107-331 SEC. 206 (A) (B) (C) [Page 116 STAT. 2842] – Without specifying what would make up such "plans."

The tribe does not think this means "plans" in the sense of architectural drawings of buildings or installations. Rather, at this time the tribe's plan will state merely the "who," "what," "where," "when," and "how" of each component.

In regard to the "who" of the component, the person responsible will generally be the Infrastructure Development Manager ("IDM") who would be hired as one of the components of the plan. If some other person or persons are identified as the responsible party, this will be clarified in the listing.

The "what" of the component will consist of a brief description of the component.

"Where" would refer, of course, to the location of the facility, program, etc.

"When" again is obvious and the plan will state in what FY the component will be initiated, would continue, and possibly be completed.

"How" will state in general how the plan will be implemented and how cash flow projections might be able to accommodate a timely completion.

IV. LISTING OF THE PLAN COMPONENTS

In the lists that follow, the tribe is presenting the priority listing, the component name, "who, what, when, where and how" in this plan narrative itself. Exhibit I at the end of the plan will calculate cost, benefit, and cost-to-benefit ratio. Exhibit II will present a

cash flow projection for implementing the plan components for all the components currently planned.

In the list, also, the first set of components will be those determined to be addressed in the short term, next those to be addressed in the mid-term, then those addressed in the long term.

SHORT TERM PLAN COMPONENTS

Priority Listing (in terms of "when", not in terms of "How Important")	Short Term Plan Component ("What")	"Who, Where, How"
#1.	Set up an infrastructure office, hire an infrastructure manager. Construct a new government programs office to house tribal programs and Bureau of Indian Affairs	Infrastructure Development Manager (IDM) will be hired by the Business & Claims Committee and will coordinate planning of the new building at a location to be determined
#2.	Extended care/Nursing home facility as part of an "elderly complex" to include also four "assisted living cottages	Renovate and add on to existing BIA office building, add three modulars to complex; IDM to coordinate with IHS
#3.	Renovate, and expand Casino, to include a separate facility for bingo; construct additional hotel rooms; and entertainment facility	Casino Manager
#4.	Combine feasibility study of middle school, new scholarship fund, a new tutorial program and a new	Education Systems Manager together with Principals

Lakota language program
for an "educational
Component"

#5	Housing Improvements	Housing Authority
#6	Purchase Ambulance, new emergency sirens, add dollars to ambulance program, up-grade telecommunications system, radios, etc.	IDM with Tribal Health Director, Ambulance Director, tribal planner
#7	Build Community Center with Youth Center, Vets office; Museum/Cultural Center to include a gift shop	IDM working with parks and recreation committee; location to be determined.
#8	Commit match to make YST have higher rank for IHS money for Waste water treatment	IDM with IHS personnel
#9	Set up "job service" office to assist tribal members prepare for and find jobs	IDM working with South Dakota State Job Service
#10	Begin work on tribal "telecommunications" program, radio station, closed circuit TV, newspaper, etc.	IDM location to be determined
#11	Set up a tribal revenue office, with reserve fund for matching grants	IDM with Business & Claims Committee; location will be in tribal office

#12	Build new Fair Grounds (Pow Wow grounds, Softball field, Rodeo Arena)	IDM with Fair Committee
#13	Build marina and beach area to include cottages for families	IDM with staff of Department of Outdoor Recreation
#14	Increase transit program to include scheduled trips to Yankton, Mitchell, Vermillion, and Sioux Falls	IDM with head of motor pool
#15	Build "strip mall" for small businesses	IDM with tribal planners to be built across or near the casino
#16	Set up self-insurance escrow account as a burial policy on all tribal members, spouses and children; add component for care of cemeteries	Business and Claims Committee
#17	Set aside escrow account for the purchase of a new garbage truck and dumpsters for solid waste; conduct feasibility study on the best way to deal with solid waste on the reservation	IDM with EPA Director and tribal utilities board
#18	Build crises group homes	IDM working with ICWA and Social Services staff
#19	Supplement or increase Mental Health budget	IDM working with Tribal Health Board, Mental Health staff, and IHS

#20	Build roads to scattered home sites, add to BIA inventory of roads to be serviced by BIA	IDM with tribal planner and BIA roads staff
#21	Provide tribal match for DOT Scenic Byway Project grants	IDM with consultants
#22	Create an Energy Action Plan for the YST reservation and develop a Tribal Utility Authority	IDM with EPA staff and tribal planning department, and Tribal EPA staff
#23	Add conservation officers and office equipment to the department of outdoor recreation (for patrol of hunting and fishing on the reservation)	IDM with the director of DOR

There are several assumptions used in making these priorities

- 1.) That, if a new tribal office could be built to house all tribal programs, meeting rooms, and kitchen on one floor and BIA offices and other agency offices on another floor, the current BIA office building, and other offices would be vacated and could be renovated, altered, etc. to be used otherwise.

- 2.) That adding bathrooms could alter the current BIA office and converter to an extended care/nursing home facility adjacent to the housing complex at Wagner. This component could include the proposed "assisted living" facilities, which could be the beginning of an "elderly complex" that could accommodate 3-5 elders in assisted living and up to 10-12 persons in need of extended care or round-the-clock nursing.
- 3.) That by building a new court house-police station-regional detention center, the existing court and police facilities could be vacated and renovated to serve some of the needs of the community college. By adding another facility close by and paving a parking area, the beginnings of a real college campus can be made.
- 4.) These projects would need to be planned in sequence.
- 5.) That to carry out all of these short-term components, the tribe will have to borrow on future years' interest from the trust. In the short term (1-2 years) capital projects being planned will require up to a total of \$2.0 million.

In view of all this, the tribe has decided that it will enter into a financing agreement with (name of financial institution) to "leverage" certain capital improvements funds and pay for other components from "regular infrastructure funds" in the short term. Cost breakdowns and cash flow projections are shown in Exhibits I and II.

Mid Term Plan Components

Priority ("When")	Component ("What")	"Who, Where, How"
#24	Crisis Homes for Boys and Girls (short term component #18 above considered only a stop-gap measure)	IDM working with ICWA staff and Social Services
#25	Codification of tribal laws and ordinances, with annotated case histories	IDM with tribal general counsel, council secretary and clerk of courts
#26	Set up and staff a tribal GIS office	IDM and EPA, GIS staff recruits
#27	Set up and provide training in environmental law for tribal court officials	IDM with EPA staff and tribal court officials
#28	Set up community-wide health, social and cultural education system	IDM work with a special task force chosen by the Business and Claims Committee
#29	Set aside 5% annual interest from the trust fund to add to BIA allocations for tribal roads	IDM working with tribal planner and BIA roads staff
#30	Plan and develop Renewable Energy	IDM with tribal planning office with the assistance

Projects for the
Reservation (wind
Generation, solar,
Hydro

of demonstration grants
from USDA/RUS, Dept.
of Energy, other agencies

Long Term Components

#31

Build Inpatient Alcohol
Treatment Facility

IDM with Health Board
and Counseling Program
Director

#32

Set up a Solid Waste
Management Office and
Program

IDM with Utilities Board
and EPA Director

#33

Establish a Public
Defender's Office for
Tribal Court

IDM with tribal attorney
and court officials

#34

Install equipment
needed for renewable
energy projects
identified through
component #30 above

IDM with planning
department

#35

Plan and develop a tribal
Rural Water System, and a
Irrigation System

IDM with planning
department; and
Bureau of Reclamation

V. Compliance With Terms of the Law

The components above are in the judgment of the tribe in compliance with the requirements of the law (sections of the law verbatim from the act):

- #1 – The tribal office/BIA office – “other projects and programs ... as the tribe considers to be appropriate.”
- #2 – New water treatment facility – “the plan shall provide for the construction ... of a Municipal, Rural, and Industrial water system.”
- #3 – Extended care skilled nursing facility – “the plan shall provide for a comprehensive inpatient and outpatient health care facility ... [that is] needed and unavailable ...”
- #4 – New courthouse, PD and detention facility – “other ... for the social welfare [and] economic development ... “
- #5 – Education Programs – “other” ... programs for the educational [welfare] ... of the tribe.”
- #6 – Community College – “educational facility.”
- #7 - Day Care Facility – “social welfare.”
- #8 – Housing improvements – “social welfare.”
- #9 – Safety programs – “social welfare.”
- #10 – Land acquisition – “cultural preservation.”
- #11 – Community Center with area for veterans, social gatherings, recreation, museum/

cultural center, visitors center, etc. – “recreational facilities” and “social welfare, economic development and cultural preservation.”

#12 – Waste water treatment – “water system.”

#13 – Job Service – “social welfare, economic development.”

#14 – Telecommunications – “other projects ... as the tribe considers to be appropriate.”

#15 – Tribal revenue office – “other projects ... as the tribe considers to be appropriate.”

#16 – Fair grounds – “recreational facilities “ and “cultural preservation.”

#17 – Marina and beach – “high density recreation at Lake Francis Case.”

#18 – Transit program – “social welfare” and “economic development.”

#19 – Strip Mall – “economic development.”

#20 – Burial program – “social welfare.”

#21 – Utilities Management – “other projects ... as the tribe considers to be appropriate.”

#22 – Crisis home for boys and girls – “social welfare.”

#23 – Additional mental health budget – “outpatient treatment health care ... needed and unavailable.”

#24 – Roads – “economic development.”

#25 – Scenic Byway – “recreational facilities” and “economic development.”

#26 – Energy action plan – “social welfare.”

#27 – Add funds to Department of Outdoor Recreation – “high density recreation at Lake Francis Case.”

#28 – Crisis home (more permanent) – “social welfare.”

#29 – Codification of tribal ordinances – “cultural preservation.”

#30 – Tribal GIS office – “other projects and programs.”

#31 – Environmental law training for tribal court – “other projects and programs.”

#32 – Community wide health, social and cultural education – “educational ... welfare”

#33 – Road set-aside – “other projects and programs.”

#34 – Development of renewable energy projects – “other projects and programs.”

#35 – Inpatient alcohol treatment facility – “health delivery.”

#36 – Solid waste management office – “other projects and programs.”

#37 – Public defender’s office – “other projects and programs.”

#38 – Renewable energy projects implementation – “other projects and programs.”

VI. Funding of the Plan Components

The cash flow projection of short term plan implementation is based on estimate of the amount of interest available to be provided to the tribe by the BIA’s Office of Trust Fund Management (OTFM) in Albuquerque, NM.

PAYMENT OF INTEREST TO TRIBE

(1) WITHDRAWAL OF INTEREST – Beginning on the first day of the 11th fiscal year after the date of enactment of this Act, (December 02, 2002), and, on the first day of each fiscal year thereafter, (October 1, 2013) the Secretary of the Treasury shall withdraw the aggregate amount of interest deposited into the Fund for that fiscal year and transfer that amount to the Secretary of Interior for use in accordance with paragraph (2). Each amount to be transferred shall be available without fiscal year limitation.

In order to bring some of the benefits to the community sooner, the tribe has decided to use a portion of the expected yield from the trust fund to secure a debt financing in the amount of \$2.0 million. Servicing this debt would tie up approximately \$300,000 of future years' interest for a period of 2-3 years. The tribe will be submitted a request for proposals for financing these initial projects. A final choice for a financier organization will be made from a list of three. A full disclosure of terms will be submitted to the Secretaries of the Interior and of Health and Human Services through their representatives on the Joint Committee, Tim Lake, Agency Superintendent, BIA, and Darlene Williamson, Chief Executive Officer, IHS

The debt financing approach described above is referred to in this plan as "Leveraging."

Other cash available for other components is referred to as "Regular Infrastructure."

It is estimated that, in Fiscal Year 2013, a total aggregate amount of \$8,863,855.00

@3.5% per annum will be available for distribution:

• Available by October 1, 2013.....	\$8,863,855.00
• Available by October 1, 2014.....	\$0,805,805.00
• Total available during 2013-2014.....	\$9,669,660.00

Costs for the first year, distributed between leveraged dollars and unleveraged, or "regular," infrastructure funds may be summarized as follows:

<u>Leveraged Projects, with Costs</u>	<u>"Regular Infrastructure Funds"</u>
Tribal Office	Infrastructure Office
Extended Care	Education
Community College	Housing
Detention Facility	Water Treatment
Community Center	Day Care
	"Safety Program"
	Waste Water
	Job Service
	Telecommunications
	Tribal Revenue Office
	Fair Grounds
	Marina/beaches
	Transit Program
	Burial Program
	Utilities Mgmt
	Crisis Homes
	Mental Health
	Roads
	Scenic Byway (Match)
	DOR added budget

TOTALS

As shown in the bottom line of the column to the right, above, it is estimated that the \$300,000 will be needed in FY 2013 to serve the debt on the leveraged capital improvement funds. Terms have not been finalized as yet and we do not anticipate borrowing the whole \$13, 200,000 the first year. The \$300,000 of "debt service" is a projection based on the plan to leverage only so much funding as is needed to meet obligations for the scheduled capital improvements.

In speaking of funding for the components, the tribe is aware, of course, of the need to identify not only construction and start up costs but also the costs of ongoing operations and maintenance. Plans for each of the priorities to be addressed in the short term are as follows:

Component	Operation and Maintenance Funding Plan
New Tribal Office	Rental income from BIA, grants and contracts
Extended Care Facility	Medicare, Medicaid, private insurance payments
Community College	Tuition, other grant funds
Detention Facility	Per Diem payments for detainees
Community Center	Tribe's General Fund
Infrastructure Office	Regular Infrastructure Money
Education Programs	Regular Infrastructure Money
Housing Improvements	Housing Authority's rent collection
Water Treatment	Metered user fees
Day Care Facility	Child Care grant and user fees
"Safety" Program	Ambulance Contract
Land Acquisition	Regular Infrastructure Money
Waste Water	User fees
Job Service	Mix of state, JTPA, NEW and other jobs programs
Telecommunications	User fees
Tribal Revenue Office	Tribal tax programs revenue
Fair Grounds	Regular Infrastructure money
Marina	Facility to be leased to private operator
Transit Program	User fees
Strip Mall	Rental fees from occupants
Burial Program	Self insured plan reimbursed yearly from regular Infrastructure money
Utilities Management	No appreciable O & M costs foreseen
Crisis Homes	Social Services (child welfare) contract with BIA
Mental Health	IHS contract, regular infrastructure money
Roads	BIA Roads appropriations
Scenic Byway Match	No ongoing match required
Debt Service	
Leveraged debt	No O & M required
Added budget, DOR	No O & M required

Operations and Maintenance budgets for mid-term and long-term projects will be developed later.

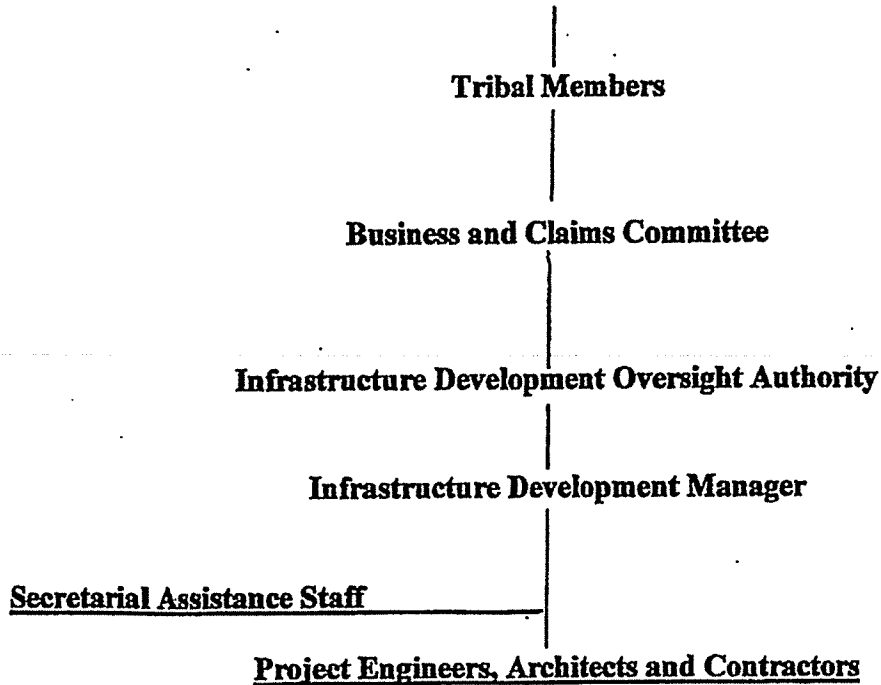
VI. Organizational and Staffing Plan

When the tribe begins to implement elements of this plan, additional structures need to be put into place. In preparing this plan, the tribe sought input from all tribal members through surveys, draft plans, public meetings, and meetings of a large oversight committee made up of members of the public.

It was agreed that an ongoing "authority" should be set up to monitor the progress of the infrastructure developments and to make sure that the overall mission statement and commitments are adhered to.

The day-to-day management of the infrastructure development activities will be handled by the "Infrastructure Development Manager" referred to above. The IDM will also need secretarial assistance.

TABLE OF ORGANIZATION



All financial management of infrastructure development funds will be the responsibility of the tribe's finance office. Its policies and procedures are described in Exhibit III, attached to this plan.

The infrastructure development programs will be charged for this service in the tribe's currently negotiated indirect cost rate. Funds used to purchase equipment or to pay for major contracts are not to be charged indirect costs. These equipment purchases and major contracts shall not be listed as direct costs in the tribe's indirect cost proposal.

VII. Evaluation Plan

The IDM will present a monthly report to the oversight authority and to the Business and Claims Committee. The oversight authority may also conduct inspections as it sees fit. Once each year in October, there will be an audit conducted by an independent CPA covering the financial transactions of the previous fiscal year.

Following the completion of the annual audit, the oversight authority will sponsor a community public meeting to discuss the audit findings and the year's progress in infrastructure development, economic development, educational, health, recreational, and social welfare objectives of the tribe and its members; or any combination of the activities described in paragraph (1), (2) and (3).

VIII. Review and Amendments of the Plan

Following the annual public meeting noted above, the Business and Claims Committee will request of the IDM and the oversight authority recommendations for amending the plan for the next 12 months. The Business and Claims Committee will accept or deny these recommendations as a function of tribal government.

EXHIBIT I

Component Costs, Benefits and Cost-to-Benefit Ratios

The plan components are listed here in the priority order stated in the body of the plan.

#1 – New Tribal Government and BIA Office Building

Cost: Estimated

Benefit: (Qualitative benefit) Increased efficiency of tribal and BIA agencies;
Greater ability to communicate both face-to-face and electronically; increased
Increased pride in tribe on the part of the whole community

(Quantitative estimate) The number of persons (p) to benefit is an estimated
1500 member residents of the reservation. The value (V) of the benefit is the
estimated cost of the building straight-lined amortized over a period of 30 years,
or \$. The number of years (Y) is the same as the amortization schedule, or
30. So the quantification of benefit is PV/Y is \$

Cost-to-benefit Ratio: \$

#1 Coordination by IDM and staff

Cost: \$

Benefit (Qualitative) Appropriate management of implementation of the plan.

(Quantitative) $P = 1500$; $V = \$$ $Y = 1$; quantification of benefit = \$

Cost-to-Benefit Ratio; \$

#2 -Extended Care Facility/Skilled Nursing Facility with Four Assisted Living Units

Cost:

Benefit: (Qualitative)

(Quantitative) P = estimated

Cost-to-Benefit-Ratio:

#3 - Facilities for a Community College

Cost: \$

Benefit: (Qualitative) Access to higher education and vocational training for all Residents of the Yankton Sioux community, and the surrounding communities, Including non-Indians.

(Quantitative) P = 120 persons per year; V = \$200,000 per year; Y = 1.

Cost-to- Benefit Ratio: \$1.5 million/24 million = 0.062.

#4 – Education Components (Scholarship Fund, Tutorials, Lakota Language Feasibility of Middle School)

Cost: \$220,000 the first year

Benefit: (Qualitative) The children in the tribe's schools have a great need for tutoring that cannot be paid for from available funds. Similarly, the community is gradually losing its Lakota speakers and people fear that the culture itself will be lost if the younger generations do not learn Lakota. Existing BIA funding is insufficient for this enormous task, so the tribe wants to dedicate some of its own funds to it. More and more of our young people are interested in higher education but BIA higher education moneys are in short supply. Finally, some feel that a middle school is needed here, to the tribe's wishes to have a feasibility study done on the question. The benefit of each of these parts of the "education component" is difficult to measure accurately.

(Quantitative) P = 350 school age children plus 100 higher education students; the V = \$220,000 for the first year; Y = 1. The total quantification amounts to \$99 million.

Cost-to-Benefit Ratio: 0.002.

#5 – New Court House, PD and 58 bed Detention Facility

Cost:

Benefit: (Qualitative)

(Quantitative)

Cost-to-Benefit Ratio:

#6 – New Day Care Facility

Cost: \$75,000

Benefit: (Qualitative) 24 children being provided care; assistance to parents to make it possible for them to hold jobs and (for TANF participants) community Service.

(Quantitative) $P = 24$ children, estimated 35 adults: $V = \$85,000/\text{yr}$; $Y = 1$;
cumulative benefit = \$5 million.

Cost-to-Benefit Ratio; 0,01.

#7 – Housing Improvements

Cost: \$150,000 for the first year

Benefit: (Qualitative) The tribe has a housing backlog of over _____ units and an expected NAHASDA allocation of less than \$1 million each year. The \$150,000 would go to provide equity for the tribe to develop a Section 184 project with the Mortgage paid for by occupants' payments.

(Quantitative) P = 10 families with average 4 member: V = 10 modular units @ \$50,000; Y = 1. Cumulative benefit = \$2 million.

Cost-to-Benefit Ratio; 0.07

#8 - Ambulance Program

Cost: \$300,000.00

Benefit: (Qualitative) increased ability to deal with medical emergencies.

(Quantitative) P= 1500 residents; V= \$300,000; Y = 1 year.

Cost-to-Benefit- Ratio: 0.83

#9 -Community and Youth Center with Veterans Office / Memorial Museum and Visitor Center

Cost: \$3.0 million

Benefit: (Qualitative) The community needs a facility; for indoor convocations, community meetings, powwows, youth sports and recreational facilities, a place for tribal veterans to meet, and a museum and other facilities to welcome visitors to the reservation. The benefits would include a heightened sense of community, the

opportunity to provide youth with after school and summer activities and organized team competition, opportunities to honor our veterans (a major cultural value) and a facility in which we can demonstrate our natural hospitality to other Indians and the non-Indian visitor.

(Quantitative) Difficult to calculate, but $P = 1500$, $V = \$3.0$ million amortized over 30 years and $Y = 30$, with a cumulative benefit of \$5.0 million.

Cost-to-Benefit-to-Ratio: 0.6

#10 – Match of IHS Funds for Waste Water Treatment

Cost: \$175,000

Benefit: (Qualitative) improved and adequate community waste water treatment facilities

(Quantitative) $P = 1500$ community members, $V = \$50,000/\text{yr}$ for 10 years; $Y = 10$;

Cumulative benefit = \$60 million.

Cost-to-Benefit Ratio: too small to calculate meaningfully.

#11 – Set – up Tribal “Job Service” Office

Cost: \$50,000/yr.

Benefit = $P = 50$ persons employed after one year; $V = \$50,000/\text{yr}$; $Y = 1$.

Cumulative benefit = \$2.5 million.

Cost-to-Benefit-Ratio: 0.02

#12 – Telecommunications Program

Cost: \$15,000 (study, feasibility, etc.)

Benefit: (Qualitative only) improved communications between members of the community, between the tribal government and the community; greater access of community members to Internet.

(Quantitative) no benefit the first year; subsequent year benefit impossible to calculate without further data from first studies.

Cost-to-Benefit Ratio: \$150,000 for first year.

#13 – Set up Tribal Revenue Office

Cost: (estimated) \$150,000: for first year

Benefit: (Qualitative only) improved ability of the tribe to identify and collect new sources of revenue (income tax, TERO, use tax) to enhance the tribe's ability to operate general revenue fund programs and gain greater self-sufficiency.

(Quantitative) Impossible to estimate at this time.

Cost-to-Benefit Ratio: also impossible to measure at this time.

#14 – Fix Up, Enlarge and Expand Tribal Fair Grounds

Cost: \$50,000 the first year

Benefit: (Qualitative) increased ability to preserve culture; also new opportunity for intensive recreation along the shore of Lake Francis Case.

(Quantitative) $P = 1500$ reservation residents plus 500 visitors for Powwows, Rodeos, and Fair; $V = \$65,000/\text{yr}$; $Y = 1$. Cumulative benefit = \$110.5

Cost-to-Benefit Ratio: too small to be significant

#15 – Build Marina and Beaches on Lake Francis Case

Cost: \$450,000

Benefit: (Qualitative) increased opportunity for community and visitors alike to enjoy recreational activities on Lake Francis Case; increased traffic on the reservation of tourists, so an increased level of economic activity.

(Quantitative) P is impossible to project at this time.

Cost-to-Benefit Ratio: impossible to calculate.

#16 – Enlarge Transit Program to Include Schedule Trips to Mitchell, Yankton, Vermillion, and Sioux Falls

Costs: \$75,000 for vehicle and operations (estimate)

Benefit: (Qualitative only) Improved access for employment, health care, and social services for persons without their own transportation.

Cost-to-Benefit Ratio: difficult to estimate because ridership is uncertain. Current transit system within the community is heavily utilized.

#17 – Build Strip Mall for Private Businesses

Cost: \$50,000

Benefit: The tribe will work with private entrepreneurs to establish service businesses to try to get the money generated on the reservation to circulate more in the community.

(Qualitatively) this could help individuals and families gain a sense of self-reliance.

(Quantitative) 7-8 businesses to be founded, with sales projected for the first year of at least \$25,000 each, for a total of \$200,000 for one year.

Cost-to-Benefit Ratio: 0.5

#18 – Short-term Crisis Home for Boys and Girls

Cost: \$50,000

Benefit: (Qualitative) children from the tribe in need of special services and custodial care will be able to be provided care right here in the community.

(Quantitative) the cost of benefits currently provided our children is annually around \$200,000. The net benefit after paying for custodial care would approximate \$100,000 per year.

Cost-to-Benefit Ratio: 0.5

#19 – Add Money to Mental Health Budget

Cost: \$150,000

Benefit: (Qualitative) with additional funds available, we can provide professional services to persons in need of evaluation and treatment, whether on an in-patient or out-patient basis.

(Quantitative) not enough data exists as to the number of unserved or underserved individuals on the reservation. It is estimated that at least 20 persons at present could benefit, at an estimate of \$150,000 in costs.

Cost-to-Benefit Ratio: 1.0

#20 – Construct Roads to Scattered Home Sites

Cost: \$50,000

Benefit: Homeowners would improve access to paved roads; school buses could pick up and bring back the school children living in these homes without getting stuck in the mud or hung up on snowdrifts. The BIA will not build these roads and HUD will not either as part of the construction of the home.

Cost to Benefit Ratio: Estimated as at most 1.0.

#21 – Provide Matching Funds for Scenic Byway Projects

Cost: \$85,000

Benefit: (Qualitative) the Scenic Byway will, according to estimates, draw 250,000 tourists off Highway each year. This will result in the increase in traffic needed to make the tribe's tourism programs to turn a profit.

(Quantitative) if the 250,000 additional tourists represent 83,000 carloads and each carload spends at least \$20.00; the quantitative benefit would be \$1,660,000.

Cost to Benefit Ratio: 0.005

#22 - Energy Action Plan

Cost: \$15,000.

Benefit; (Qualitative) increased ability to identify areas of possible waste and potential opportunities in the area of energy usage. Difficult to quantify at this point prior to the completion of the plan.

#23 – Added Funding for Department of Outdoor Recreation

Cost: \$100,000

Benefit: (Qualitative) the tribe's reservation of over square miles is an excellent hunting

areas for both tribal members and other hunters. Because of limited resources to market the tribe's hunting and fishing; there are not enough funds available from the sale of licenses to afford to pay enough staff to patrol. The benefit of this outlay would be to conserve wildlife against poaching and to increase the traffic of hunters and fishermen, which would have a beneficial impact on tribal economic development efforts.

(Quantitative) if increased marketing and better conservation could increase hunting and fishing licenses and traffic by 300 persons per year; and if each additional person coming on to the reservation spends on overnight (\$50.00) in the tribal motel and spends another \$150.00 on meals and in gaming at the tribe's casino, a quantitative estimate for one year might be as much as \$60,000.

Cost to Benefit Ratio: (First year only) = 1.6

24 – More permanent Crisis Homes

See above at # 18.

#25 – Codification of Tribal Ordinances

No costs or benefits calculated at this time.

#26 – Tribal GIS Office

Costs and benefits not identified at this time.

#27 – Environmental Law Training for Tribal Court Officials

Costs and benefits not quantified at this point.

#28 – Community-Wide Health, Social and Cultural Education

Needs further study and specification of program.

#29 – Set-Asides for Roads to Match BIA Appropriations

Cost: 5% annual trust transfers

Benefit: BIA backlog of roads improvement is \$26,000,000

#30 – Development of Renewable Energy Projects Plans

Still in the conceptual stage.

#31 – In-patient Alcoholism Treatment Facility and Programs

Cost: facility only: \$500,000 estimate.

Benefit: Depends on factors not sufficiently analyzed as yet.

#32 – Solid Waste Management Office

Still in the conceptual stage.

#33 – Public Defender's Office in the Tribal Court

Costs and benefits still need to be estimated

#34 – Installation of Renewable Energy Equipment

Costs and benefits dependent on findings of plans as developed through component #30.

No costs contemplated to be expended in the plan at this time.

EXHIBIT II

Cash Flow Projections for Trust Yield

And

Plan Components

In the cash projection, repayment of financing for capital projects is amortized over 20 years, with an assumption of a 5.75% financing charge.

EXHIBIT III

Financial Management Policies and Procedures

Of The

Yankton Sioux Tribe

YANKTON SIOUX TRIBE

FINANCIAL MANAGEMENT

POLICIES AND PROCEDURES

WHITE SWAN

The development of the White Swan settlement was contemporaneous with the establishment of the military post at Fort Randall. During the course of its history, White Swan was identified variously as an Indian settlement, post office, stage station, and soldier station. The area was named for White Swan or Magaska, a prominent chief of the Yankton Sioux Tribe, whose encampment on the reservation was described by the Catholic missionary Father Pierre Jean DeSmet in 1867 to be three miles above Fort Randall. Reported as being "quiet an old man" in 1882, White Swan then resided "2 ½ miles up the river" from what became the White Swan settlement.

Most recently descendents of the White Swan community have submitted to the Business & Claims Committee a request for consideration of "just compensation" for damages their ancestors suffered as a result of the flooding and complete inundation of the White Swan community during the building of the Fort Randall dam.

YANKTON BILL

(Act of July 6, 1954)

President Dwight D. Eisenhower signed this legislation on July 6, 1954. Just before this Statute was enacted, ten Yankton tribal members who were former residents of the White Swan community petitioned the Secretary of the Interior to appoint a referee to oversee Distribution of the reestablishment appropriation. Led by members of the O'Connor Family, the petitioners complained that the payments previously awarded by the U.S. District Court and placed under the jurisdiction of the Rosebud Indian Agency had been "doled out" to them in such a manner as to be of "little or no benefit." They predicted that if the supplemental appropriation was handled in the same way "the Indian families themselves will benefit but little." They requested further that the funds be distributed to the families "in proportion" to the damages and loss sustained" by each.

The White Swan families hired L.E. Schreyer, an attorney in Lake Andes, to represent their interests and it was Schreyer who forwarded their petition to the Secretary. In response, Commissioner of Indian Affairs Glenn L. Emmons informed Schreyer that the Secretary held "complete responsibility for administering the fund" and that the BIA was not aware of "any need for the employment of an attorney by the individual Indians who may share in the relocation fund." A referee was never appointed and the BIA subsequently proposed that the funds be distributed on a per capita basis rather than in proportion to the loss sustained. What was worse, the families had to wait for more than two years before any of them received funds and then not all of those forced off the land were compensated.

The descendents of the White Swan community are requesting consideration for "just compensation" due to the losses suffered by their families outlined in the "HISTORICAL, ANALYSIS OF THE IMPACT OF MISSOURI RIVER PICK-SLOAN DAM PROJECTS ON THE YANKTON AND SANTEE SIOUX INDIAN TRIBES, Prepared for The Yankton Sioux Tribe, Marty, South Dakota And The Santee Sioux Tribe, Santee, Nebraska, by Michael L. Lawson, Ph. D. Senior Associate, Morgan Angel & Associates, Public Policy Consultants, Washington, D.C., April, 1999.

A proposal for "just compensation" will be developed and submitted to the Business & Claims Committee, and the Tribal Council, by the descendents of the White Swan community for their review and approval.

YANKTON SIOUX TRIBE DEVELOPMENT TRUST FUND AUTHORITY

MADONNA ARCHAMBEAU ————— PRESIDENT

HERBERT HARE, SR. ————— VICE-PRESIDENT

FRANCES HART ————— SECRETARY

LEO O'CONNOR ————— TREASURER

REGULAR MEMBERS

GUY COOKE, SR.

CLARENCE MONTGOMERY

JOHN PACKARD

DENNIS RUCKER

RICHARD SULLY

EX-OFFICIO MEMBERS

DARLENE WILLIAMSON

TIM LAKE

**YANKTON SIOUX TRIBE DEVELOPMENT
TRUST FUND AUTHORITY**

*

BY-LAWS

*

**DRAFT APPROVED BY AUTHORITY
JULY 21, 2004**

**APPROVED BY THE YANKTON SIOUX
TRIBAL COUNCIL**

AUGUST 23, 2004

1.0. Language Use

1.1. Short Name

The short name of the Yankton Sioux Tribe Development Trust Fund Authority, Inc. shall be the Authority

1.2. Auxillary Verbs

The auxillary verb "shall" shall indicate mandatory action. The auxillary verb "will" shall indicate generally expected but not mandatory action.

2.0. Members

2.1. Number of Members

The members of the Authority shall be at least eleven.

2.2. Selection of Members

Membership on the Authority shall be elected by the Tribal Council, (Business and Claims Committee members), and two ex-officio members shall be representatives of the Indian Health Service and Bureau of Indian Affairs.

2.3. Member Classes

There shall be two classes of members of the Authority: "regular" members and those seated by reason of their office, or "ex-officio" members.

2.3.1. Regular Members

Only regular members shall be permitted to vote on Authority actions. Nevertheless, all members shall be permitted to take part in discussions during Authority meetings.

2.3.2. Ex-Officio Members

There shall be at least two ex-officio members, one to represent the Yankton Sioux Agency of the Bureau of Indian Affairs (typically, the Agency Superintendent), one representing the Yankton Sioux Service Unit of the Indian Health Service (typically, the Service Unit Director).

2.4. Member Terms

The terms of office of regular members shall be for two years.

The terms of the BIA and IHS ex-officio members will be determined by the agencies themselves.

2.3. Loss of Membership

A regular member of the Authority shall lose his/her membership by any of the following: resignation, withdrawal by the tribal council, the unexcused absence from three consecutive regular meetings of the Authority.

“Withdrawal by the tribal council” shall not occur except for cause and must always be within the limits permitted under the tribe’s code of ethics and applicable provisions of the tribe’s personnel policies. “Excused absence” shall be understood as an absence caused by circumstances that common sense would consider evidently excusably (e.g., the sickness or death of a family member) or with notification to the president of the Authority prior to the scheduled meeting.

3.0. Meetings

3.1. Regular Meetings

The Authority shall usually meet each month on the last Thursday of the month commencing at 10:00 a.m. The usual meeting place will be the Tribal Administration building, Marty, SD. Changes in the scheduling of regular meetings shall not be made without a timely written notice to all members.

3.2. Annual Meeting

The Authority shall meet the first Thursday of October for its annual meeting. Notice of this annual meeting, together with its scheduled time and place, shall be given to the membership of the whole tribe at least five working days prior to the scheduled meeting. At this time, the development Authority and management shall present an annual report and a financial statement (audited) for the previous twelve-month period.

A second public meeting shall be scheduled annually in the spring after receipt of the previous year’s audit. At this meeting, the Authority shall entertain proposals for plan components for the new fiscal year commencing in October.

3.3. Special Meetings

The Authority will also meet for other special meetings as necessary to conduct its business. Meetings will be called by the officer of the Authority designated below under Section 5.0 on Officers. Written notice of a special meeting shall be provided to members of the Authority at least two business days before the meeting.

3.4. Quorum

A simple majority of regular members shall constitute a quorum. Fewer than a simple majority of the regular members will be permitted to assemble informally but no formal action may be taken without a quorum present at the time of a vote on any action.

3.5. Rule of Order

In its meetings, the Authority shall in general follow Roberts Rules of Order. All formal actions shall require a motion made by a regular member, seconded by another regular member and voted on by the regular members present. Votes may be taken orally or by written ballot as ordered by the presiding officer. When possible, the Authority should seek to achieve consensus on all actions brought before it.

In general, in the absence of consensus, actions shall require a simple majority of those present casting affirmative votes. A vote of "not voting" shall be counted as an affirmative vote; although no vote winning a majority of "not voting" votes shall be sufficient for formal approval of an action. (E.g., a vote of 3 "yeas", 2 "nays" and 2 "not-voting" shall be construed as an affirmative vote approving the action.)

Actions to approve changes to the allocation of funds as set down in the tribe's Development Trust Fund shall require a three-quarters majority not just of those present but of all regular members present or excused.

The presiding officer shall not be permitted to cast a vote on any action except in the case of a tie vote with equal affirmative and negative votes (not-voting votes excluded).

The presiding officer shall at all times rule not to close debate on any issue until it can be prudently judged that all sides of the issue have been reasonably aired. The presiding officer shall rule a premature Call of the Question clearly designed to cut off legitimate debate as "Out of Order".

3.6. Actions Undertaken Outside of Meetings

The Authority shall not take formal action outside of duly called or regularly scheduled meetings except for emergencies. In the case of emergencies, the president may contact regular members in any way feasible to ascertain whether a majority of this membership shall concur with a proposed action. Such concurrence shall always be in writing and retained as a matter of record.

3.7 Recording of the Acts of the Authority

Motions of the Authority which have been approved shall be expressed in the form of numbered resolutions retained in a binder entitled "Acts of the Authority" and maintained in the Development Trust Fund Office. These Acts shall be considered public information.

Acts taken by the Authority shall be required to be ratified by the tribal council. Copies of the council ratification, or conversely, the council's action not to ratify, shall be retained in the book of Acts of the Authority.

After action is taken on said resolutions by the Authority and ratification is given by the tribal council, the IDM shall communicate to all parties affected by the action through a written and signed memorandum, to which a copy of the resolution is attached.

4.0. Officers of the Authority

4.1 List of Offices

The offices of the Authority shall consist of Chairman/Person, Vice-Chairman, Secretary, and Treasurer. In cases in which there is no conflict, one officer may simultaneously hold more than one office. One person shall not hold the offices of President and Vice-President.

4.2. Election of Officers

The Authority shall choose its own officers by a majority of votes taken by secret ballot of the total regular membership.

4.3. Terms of Office

Officers chosen by the Authority shall serve for terms of two years from the time they were first elected, unless they lose membership in the Authority. Motions to recall an officer shall require a simple majority of those present. Votes on a recall motion may be by secret ballot unless the officer affected by the recall motion demands an open show of hands. If recalled from an office, the member does not automatically lose membership on the Authority.

5.0. Duties of the Officers

5.1. Office of the Authority President

The president of the Authority will generally preside at all meetings, approve the agenda before the notice of a meeting is sent out, notify the general public of the time and place of the annual meeting and, in general, represent the Authority in dealings with tribal members and the general public.

5.2. Office of the Vice-President

The Vice-President shall preside at meetings of the Authority in the absence of the President and perform the other duties of the President as listed above when the President delegates him/her to do so or is incapable of carrying these duties out himself/herself.

5.3. Office of the Secretary

The secretary shall supervise the activities of the recording secretary at Authority meetings, review drafts of written minutes before presented to the members at meetings, attest to the accuracy of all resolutions passed by the Authority, and oversee the maintenance of Authority records in the Development Trust Fund office.

5.4. Office of the Treasurer

The treasurer shall authorize transfers from the cash-management account of the Authority to tribal programs, review all obligations and security arrangements encumbering the assets of infrastructure development funds, review the distributions undertaken through the IDM and arrange for an annual audit of the financial transactions of the Authority by an outside auditor. In the treasurer's absence, his/her duties may be exercised by any of the other officers.

6.0 Disbursement of Development Trust Fund Money's

6.1. Proposals

Before any funds from the Development Trust Fund may be distributed, the Authority shall require a written proposal with a budget plan. Generally, the proposal will be presented by the director of the tribal program whose program will be impacted by the component, although for new components not previously included in the plan, any tribal member may submit a proposal. Proposals in areas where a duly constituted board or committee has oversight or review authority shall not be accepted by the Authority without the recommendation of the appropriate board or committee.

6.2. Approval

The Authority will deal with all written proposals received as New Business at its next regularly scheduled meeting. If the Authority approves the proposal, the IDM will present the proposal and the Authority's recommendation to the tribal council at its next scheduled meeting for ratification.

6.3. Reports

Programs receiving assistance from the Development Trust Fund shall provide an expenditure and program report each quarter by the 15th of the month after the close of the quarter. Failure to submit a report can cause suspension of all further transfers from the fund until and unless the required report is provided.

7. Approval and Changes of Bylaws

7.1. Approval and Effective Date

These By-laws shall become effective on the date they are approved by the Tribal Council.

7.2. Changes

These By-laws may be changed as necessary by action of the Authority ratified by the tribal council.

