

Tribal Land Enterprise
A sub-chartered Corporation of the
Rosebud Sioux Tribe

Incorporated under Act of June 18, 1934 (49 stat 984)
Telephone 747-2371 or 747-2372

Special Board of Directors Meeting
October 18, 2010

The Tribal Land Enterprise Special Board of Directors Meeting was called to order by Chairperson Fern Bordeaux-Boltz on October 18, 2010 at 10:25 am in the conference room of the Tribal Land Enterprise building in Rosebud, SD.

Board Members Present:

Fern Bordeaux-Boltz
Richard "Smokey" Whipple
Rose Cordier
Dominic Harmon
Rodney Bordeaux

TLE Staff Present:

Stan Whipple, Acting Executive Director
Phyllis Y.E.-Cadue, Board Secretary
Michelle Kramer, Acquisitions

Others Present:

Mr. Sandven, in house Attorney
Dean Wilson, BIA
Wendy Mealer
Dennis Strokebrand

Roll Call: 5 Board Members Present

Board Member(s) Late: Rose Cordier 11:10 am and Rodney Bordeaux, 11:10 am

Board Member(s) Absent: 2 Absent: Amos Prue and Clayton Wright Jr.

Called to Order: at 11:10 am by Chairperson Fern Bordeaux-Boltz.

Invocation by: Fern Bordeaux-Boltz

Discussion by Fern Bordeaux-Boltz on a special meeting today to address the issue that came before TLE last week on the Environmental Protection Agency and the litigation involving Mary Waln who I could not get a hold of. I did talk to Mr. Sandven and the reason why we called this was to see the copy of the complaint that was sent to Wendy Mealer and Dennis Stokebrand and Mr. Sandven wanted to visit with the TLE Board this morning on what direction we want him to go. Are we just going to pay the \$3,900.00 but the other thing was we were trying to get a hold of Mary Waln because if she was given anything from EPA. But we were unable to reach he so Mr. Sandven wants a conference call with the TLE Board this morning and to give everybody and overview on where were at or where he ended with the litigation with EPA involving the Black footed back to the introduction area and I had also added on a request from the Acting Director and a late land sale request. Also I had one staff member approach me according to the

Personal manual if a staff member wants to work overtime they have to request it through the Board of Directors, so we do have a need for one of our staff members to work overtime to prepare for the "FY 2009" audit that was added on. Do the roll call and get Mr. Sandven on the phone.

Phone call to Steven Sandven on his business phone at 11:10 am. Called Mr. Sandven cell #.

Discussion by Mr. Sandven when he returned our phone call on litigation. An overview and what recommendations he has. Need a motion to authorize the represent the contractors. The legal bill was a little high last month because of the Vanderwalker matter and some of the other things going on, I think I made my last appearance on the Vanderwalker matter on Friday, I got to do a brief so I think that will slow down, I think that will be wrapped up within a week or so the TLE Board won't have those increased billings associated with that, on this, this is going to be quite a bit of work because this is an EPA fine and this is a EPA hearing before the Administrative Judge but I'll go ahead and watch my hours and my billing next month. My billing this month is \$7,800.00 but my billing for next month I'll go ahead and keep it under that amount because the Vanderwalker issue is getting resolved favorable for us and then I could go ahead and do this. TLE there's no obligation to go ahead and represent Wendy because they are independent contractors. We could go ahead and say you're on your own but because of all the complexities associated with the mapping on the re-introduction area I hope you would allow me to duke it out with the EPA at the administrative hearing.

Discussion by Fern Bordeaux-Boltz. I also agree to Mr. Sandven because simply the fact that I explained that TLE has this coordinator and we did a lot of contracting with people that went through the process to get the applicators license and so forth and we did do contract work with TLE through our Coordinator so I think we are obligated to these people and had the area been marked out there this would of never happened and this is where the discrepancy lies is the number of maps that were made available to Prairie Management, TLE and the fact that is wasn't posted when they went out there and so we are obligated to assist these contr4actors and they are under the Coordinator.

Discussion by Mr. Sandven. I don't want Wendy to go ahead and lose this case because it make TLE look bad and she was following what we told her what was the ok areas and if Wendy loses the case and just does nothing than they do a default judgment or something like that the it looks like EPA is taking a position that the areas were properly marked that there was a proper map in place and that these folks did something wrong and it makes us look bad and I think it's an inaccurate depiction and the real mess on this is I wrote a letter to the Tribal Secretary and they went through all the records and give me all the resolutions where the re-introduction area was mapped and there was only one map that was produced with one resolution and that one map with that one resolution I didn't even have the re-introduction boundaries identified therein so I don't want EPA to rake a position that they did everything they were suppose to do and these two individuals didn't follow the rules. Game and Fish failed miserably. For one thing they didn't give the Tribe the funding that they were suppose to go ahead and mark the areas to go ahead and do some of the work and some of the money that was promised with the ferrets re-introduction program and I don't want us to have Wendy getting a judgment against her and it

makes like Game and Fish was correct and it was TLE who screwed up and it was TLE that told them to go to wrong areas and that's simply not the case, that's not true.

Question by Rodney Bordeaux. You're willing to go and fight it and I have no problem in defending them but if we do pay the fine that's basically admitting guilt, so what are our chances of defeating this I guess?

Discussion by Mr. Sandven. I think there really good because what I did this weekend was I went through all my notes and went through everything and what the fine is for is that they went ahead and poisoned in the buffer zone or land or the reintroduction area so if I go ahead and produce to the Administrative Law Judge that there were eight or nine different maps so no one even knew where the boundaries were. I think that this is a real strong case, I think are chances of winning or mitigating this case or at least there's no admission of intentional wrong doing or greater than 50/50.

Question by Rodney Bordeaux. Basically we won't have to pay the fine hopefully right?

Discussion by Mr. Sandven. Yes sir. I think its \$3,500.00 plus per head for each of our contractors, it's pretty substantial.

Question by Dominic Harmon. How much will cost to run through this defense on this case versus just paying the fine?

Discussion by Mr. Sandven. I think to do the entire lawyer and everything on this case but let me do it and then I'll give you the bottom line. I don't know if I have to go to Denver and do the hearing, I'll request the hearings at Rosebud so I don't have to fly out and incur travel expense and go through all the hassle before appearing before the administrative law Judge out there. I hope they bring it to our locale. If I cannot I suspect probably one thousand (\$1,000.00) dollars in travel and I would suspect somewhere around three to four thousand (\$3,000.00/\$4,000.00) dollars in lawyer, exhibits, time, paper, making CD and copies. Probably closer to three thousand (\$3,000.00) dollars and I've done a lot of the work already. I'm going to have to prepare motions to dismiss with all of the supporting exhibits and one to two appearances and I'm going to have to write two or three memorandums of law so the bottom line Board of Directors you're looking at four thousand (\$4,000.00) dollars and I guess the fine is for change and I really don't like the idea of paying the fine because were admitting of doing something wrong and what I'm concerned about is these two contractors are fined and then there's a fine that they did something wrong I'm afraid it's going to spread to TLE and what I mean by that is they did what our Coordinator told them to do so after EPA gets done and there's admission here then are they going to mess with our Coordinator and some of our other folks that TLE that were involved in the program. So I think we got to dig in right away and stop it before EPA gets some favorable findings that could cause them to mess with Mary or some of the other folks who use to work with the Prairie Dog Program.

Question by Fern Bordeaux-Boltz. Any other questions, discussions or comments?

Question by Rodney Bordeaux. Steven can you coming down for the Council meeting tomorrow?

Discussion and question by Mr. Steven Sandven. I'll be there. I'm getting my binders made as we speak sir. Binders on Webster and binders on Mr. Bowman. Fern you're going to be there tomorrow at 10:00 am with your copies of the original complaint?

Discussion by Fern Bordeaux-Boltz. I'll have the original complaint but I think the way Dominic said I really don't have to be there because they'll decide tomorrow rather or not they'll grant the hearing.

Discussion by Mr. Steven Sandven. Just to catch everyone up on the Vanderwalker hearing on Friday the issue for TLE on Kira Vanderwalker matter, I had a good hearing in front of Judge Wright, I thought he was going to make a decision against me right there instead he delayed everything a week and he wanted briefings and the issue on the Vanderwalker matter that applies to us at TLE is the RST transferred ownership management of those lands that Kira Vanderwalker leases on in 2001 and the other team US HUD didn't do the foreclosure action until 2004 and then they never notified TLE the right of first refusal or went ahead and included us on the documents and never did a title search then the US Attorney went ahead and admitted on record that they never did a title search and she didn't have any excuses for not notifying TLE. I don't know it's enough to undo everything for Kira but I know it's enough to provide notice to the US Attorney's office that they'll notify TLE in the future whenever they do anything involving our land and then I'm also making an argument that the Federal Court can't tell us what to do with our lands only TLE can go ahead and decide what leases can be transferred and how and I think the Court going to buy that also. So it's kind of an uphill fight but it's kind of working out a little bit so the Judge is giving it a lot more attention on what we initially planned and whatever the Board decides on this EPA stuff if someone can send me an e-mail or tell me if I'm to go ahead and what I'm supposed to do or do nothing I'd sure appreciate it quick because the answer is do at the end of the month which is coming up quick.

Question by Fern Bordeaux-Boltz. Alright any more question? Alright Steven well thanks.

Discussion by Mr. Steven Sandven. Alright Council I'll see you tomorrow morning at 10:00 am.

Discussion by Fern Bordeaux-Boltz. Well I for one go with what Steven said and allow him to represent Mary and any other contractors that were involved in this. I think it was just the two there. Do you guys have anything you want to say? I think Steven is right; it does really could give TLE another black eye you know he needs to proceed and try to get this settle or dismissed.

Discussion by Dominic Harmon. I think it was a lot of different people dropped the ball and it shouldn't fall on us.

Discussion by TLE Board on EPA.

Motion made by Rodney Bordeaux to authorize Steven Sandven to represent the contractors against EPA and try and get it dismissed. Seconded by Richard "Smokey" Whipple. Vote 4 in favor, 0 opposed, 1 not voting. MOTION CARRIED.

Discussion by Stanley Whipple on overtime.

Motion made by Rodney Bordeaux to approve overtime at the discretion of the Acting Executive Director. Seconded by Richard "Smokey" Whipple. Vote 4 in favor, 0 opposed, 1 not voting. MOTION CARRIED.

Discussion by Fern Bordeaux-Boltz. On administrative leave for Acting Executive Director

Motion by Dominic Harmon to authorize administrative leave for the Acting Executive Director when he goes to his treatments. Seconded by Rose Cordier. Vote 3 in favor, 0 opposed, 2 not voting. MOTION CARRIED.


Discussion by Michelle Kramer. Relinquishment on exchange assignment for Phyllis Yellow Eagle-Cadue.

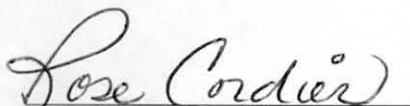
Motion by Rodney Bordeaux on Resolution 2010-322 on Tribal Exchange assignment back to the Tribe at fair value market. Seconded by Dominic Harmon. Vote 4 in favor, 0 opposed. 1 not voting. MOTION CARRIED.

Discussion by Fern Bordeaux-Boltz. 10% will not be accepted.

Adjourned

Motion to adjourn by Richard "Smokey" Whipple. Seconded by Dominic Harmon. Voting 4 in favor 0 opposed 1 not voting. MOTION CARRIED.

Fern Bordeaux-Boltz/ 
Fern Bordeaux-Boltz, Chairperson
Tribal Land Enterprise
Board of Directors


Rose Cordier, Secretary
Tribal Land Enterprise
Board of Directors

Date of Approval: 031014