

# TRIBAL LAND ENTERPRISE

A sub-chartered Corporation of the  
Rosebud Sioux Tribe  
Incorporated under Act of June 18, 1943 (49 stat 984)  
Telephone (605) 747-2371 or (605) 747-2372

## **Tribal Land Enterprise Regular Board of Directors Meeting June 14, 2011**

The Tribal Land Enterprise Regular Board of Directors Meeting was called to order by Chairman Amos Prue on June 14, 2011, at 10:14 am in the conference room of the Tribal Land Enterprise building in Rosebud, South Dakota.

### **Board Members Present:**

Amos Prue  
Richard "Smokey" Whipple  
Clayton Wright Jr.  
Dominic Harmon  
Rose Cordier  
Rodney Bordeaux  
Joe Ford

### **TLE Staff Present:**

Vernon Schmidt, Exec. Dir  
Phyllis YE-Cadue, Bd Secretary  
Ernie Blacksmith, Leasing  
Michelle Kramer, Acquisitions  
Steve Sandven, Attorney

**Others:** Stanley Whipple  
Scott Herman  
Glen Yellow Eagle  
Cleve Her Many Horses-  
BIA  
Paula Antoine, SOLO  
Valentino Sierra II

**Roll Call:** 7 present

**Board Member(s) Late:** Rodney Bordeaux, 10:24 am

**Board Member(s) Absent:** 0

**Called to Order:** by Amos Prue

**Invocation by:** Clayton Wright Jr.

**Approval of Agenda:** Motion by Clayton Wright Jr. to approve the agenda. Seconded By Dominic Harmon. Vote 5 in favor, 0 opposed, 1 not voting  
**MOTION CARRIED.**

Discussion by Vernon "Ike" Schmidt. Concerning different people wanting to address the Board of Directors at the last minute during the day of the Board meeting. I would like to have some clarification on how the Board wants me to handle this matter as the TLE Director

Discussion by Amos Prue. We need to put something in writing in reference to a specific time frame for local people to follow before they can get on the agenda during the Board meeting.

There were follow comments on this matter made by Clayton Wright Jr. and Rose Cordier.

Question by Amos Prue. Can we put this matter in a form of a motion?

Motion made by Clayton Wright Jr. to have individuals present letters to the Executive Director to get on the Board meeting agenda and the TLE staff can handle this administratively before they are presented to the TLE Board and the Executive Director can make the judgment calls for emergencies when needed. Seconded by Richard "Smokey" Whipple. Vote 5 in favor, 0 opposed, 1 not voting. MOTION CARRIED.

A concern was addressed by Amos Prue. We have a long list of unapproved TLE Board minutes. How are we going to handle this? My opinion is we should deal with the most recent minutes, the reason is because of the recent directives we have given to the new Executive Director. We have minutes that have not been approved going back to 2010. What does the rest of the Board think? The May 18, 2010 minutes are ready to be approved.

Comments by Executive Director. I recently had a chance to go through the most recent minutes and I helped Phyllis finalize them and there is too much verbatim which is not necessary. Phyllis told me that she was directed to add more verbatim in some minutes by past Interim Directors, staff and TLE Board of Directors on certain issues. I hope the Board approves all the back minutes for 2010 and 2011. In the future we will have them done on a regular and timely basis.

Further discussion by Amos Prue concerning the May 18, 2011 meeting minutes. In this set of minutes I went through them and I want to clarify where my name was mentioned about what I said. On the second page of the minutes what I was trying to convey was TLE needs to develop a long term strategic land purchasing plan so we can better justify why we cannot pay out dividends because all excess money that is generated is budgeted for future land sales. At the bottom, of the page two what I was trying to convey was what did the scope of work consist of in reference to the 2009

audit findings? I made some notes and I will give them to Phyllis in reference to historical fee to trust transactions where TLE was involved.

Discussion by Rose Cordier. Mr. Chairman, ever since I've been on the TLE Board of Directors I have always been elected as the Board Secretary. In the past I have worked close with previous Board secretaries, but I haven't worked that close with Phyllis. I will work with her and go through the 2010 and the 2011 minutes and bring them all back for final Board approval. Previously on the leasing and home sites minutes the land description did not have to be stated twice like what is happening now, this makes the minutes to redundant and cumbersome.

Comment by Amos Prue on how the Board wants to proceed with the large back log of unapproved minutes.

Motion made by Clayton Wright Jr. to TABLE the minutes until Rose and Phyllis get together and make the proper corrections to the minutes then once we get all the minutes caught up, all future minutes should be approved at the proceeding, TLE Board meeting on a timely manner. Seconded by Joe Ford. Vote 6 in favor, 0 opposed, 1 not voting. MOTION CARRIED.

#### **Executive Directors Report.**

A written report was submitted by Vernon Schmidt new TLE Director.

1. Second day on the job I held a staff meeting with all staff & drug testing was Administered.
2. Two Board members, Robert Wood and I toured Rule Ranch which is currently on the market for sale
3. Set up dates for staff to help cover for Corey Hairy Shirt at Bear Butte Lodge.
4. Read all the previous Board meeting minutes for 2010 and 2011.
5. Met with Patricia Jones in our assignment and relinquishments on what is happening.
6. Gave an update on Grass Mountain Community concerns with a future assignment request
7. Requested the need for TLE to hire a part time computer information Technology (IT) person as soon as possible.
8. Made comments and expressed concerns about the old Texaco Lots TLE/Tribe owns in Mission.
9. Expressed concern about turning over the White River Restaurant & Youth Center to REDCO due to their bad track record.
10. Had a very productive meeting with Jim Cordry BIA-OST and the BIA Realty staff in regards to TAMMS pay out system whereas all of the Tribes lease income comes directly over the TLE, then we have to identify the Tribes annual share. We all agreed to continue to meet on regular bases to resolve the problem with future draw downs.

11. Building improvements. I would like to get TLE building's roof re-coated, landscaping around the building with a parking pad poured for our vehicles and the building painted on the outside.
12. Is there still a research analyst position in the current budget? Emily White Hat started to revise and update the entire TLE department's policies and procedures and it would not take much to get them all revised and presented to the Board for approval.

Question by Richard "Smokey" Whipple to the Director, do you think we need to fill that position?

Comment by Director. If not full time maybe part time.

Comment by Clayton Wright Jr. on Rule Ranch, before we think about trying to purchase this property we will need to have a long form appraisal performed.

Comment by Vernon "Ike" Schmidt on the asking price for Rule Ranch and possibly the need for TLE to put up some earnest money in order to have the owner take the property off the open market until TLE can have the appraisal done and a loan package put together.

Comment by Dominic Harmon. It would be the Tribe's best interest to get an appraisal. Board member Joe Ford also commented on getting an appraisal done in a timely manner.

Question by Amos Prue. What time frame would it take to get an appraisal done and who could we get in a timely manner to conducting the appraisal on Rule Ranch?

Board went in Executive Session at 11:01 am  
Reconvene at 11:10 am.

Motion made by Joe Ford to have TLE hires Craig Stenson of Stenson Appraisal in Colombe, South Dakota to appraise Rule Ranch or any other available appraisals. Seconded by Dominic Harmon. Vote 6 in favor, 0 opposed, 1 not voting. MOTION CARRIED.

Report by Vernon "Ike" Schmidt regarding a recent meeting that Ernie Blacksmith and I had with Troy Swee, Farmers National Co. representative who oversees the Mustang Meadows lease agreement with Barry Wolfe. Barry is in his last year of the management agreement. There were a lot of fencing and well improvements made on the property the last couple of years.

Discussion by Dominic Harmon on our contracting ending this fall with Farmers National and we TLE should gear up to end our contractual relationship with Farmer's National and we at TLE perform those management functions our self.

Comment by Rodney Bordeaux on how he would like to see somebody locally take over those management functions...

Motion made by Dominic Harmon to direct the Executive Director to work up a plan to end our contractual agreement with Farmers National and TLE set up a management plan identifying what kind of manpower we would need to take on the functions Farmers National performed for TLE and to have this plan done by the middle of July. Seconded by Clayton Wright Jr. Vote 6 in favor, 0 opposed, 1 not voting. MOTION CARRIED.

Amos Prue mentioned that one of the applicants for the Directors position had a considerable amount of experience and background with farming operations. Why couldn't we consider hiring him for a negotiated dollar amount and use him with that background experience. Before we cancel Farmers National We should put together a plan and find somebody with experience.

Rodney Bordeaux commented on the need to advertise for an experienced individual.

Dominic Harmon commented that we should hire a local person.

Clayton Wright Jr. commented that when hiring we put that person on contract for ninety (90) days.

Executive Director Vernon "Ike" Schmidt commented that we need to develop our own TLE Professional Management Services Lease Agreement similar to the Farmers National format, and a Business Plan that spells out how TLE is going to manage all properties now and into the future including the Mustang Meadows, the center pivots, Ring Neck Ranch and all other properties we purchased.

Discussion by Clayton Wright Jr. Mr. Chairman, on the Director's report "Ike" didn't quite understand what we wanted him to do on Mr. Sully request for his TLE Assignment relinquishment and I talked to Mr. Sully land night and he is willing to settle for a down payment of five thousand (5,000.00) dollars now and he will wait for the rest. I feel we still need to pursue a Department of Interior solicitor's opinion.

**FTR:** Stanley Whipple entered the meeting at 11:45 am.

Comment by Stan Whipple regarding the late Mr. Calvin Sully Sr. and back in the time on how TLE Assignments were purchased based on the historical value of the TLE certificates at that time.

**FTR:** Scott Herman entered the meeting at 11:53 am.

Motion made by Joe Ford to accept Calvin Sully Sr. request for relinquishment on Assignment #1965-C//Ref. #1296, NE1/4 of 08-39-26, of 160 acres and 480 certificates of interest deposited on this assignment. Seconded by Rodney Bordeaux. Vote 4 in favor, 2 opposed, 1 not voting. MOTION CARRIED.

**FTR:** Rodney Bordeaux requested to be excused at 12:05 pm.

Director, Vernon "Ike" Schmidt reported on a recent meeting that took place at the Sicangu Oyate Land Office and the bulk of the discussion involved the lease revenue TLE receives from the BIA, which includes the Tribe's lease revenue that is not under TLE management, these dollars have not been paid over to the Tribe for the last five years. Ever since the TAMMS system was put into place. Now the SOLO office needs this revenue to help fund the Land Use and Environmental Commission administrative duties.

Paula Antoine from SOLO commented that she will be working more close with TLE Director and staff with a more collaborative effort to share data on the T-tracts ownership data base in order to better track the lease revenues generated per T-track. We need t get the ownership update on the GIS maps so we can all share and use the correct land data information on our Rosebud Reservation.

Paula also introduced and spoke on behalf of Valentino Sierra II who was present regarding the dire need t get his new home site application approved because his present home site is directly below Ring Thunder dam in a flood plain area and he was directed to vacate the area.

Amos Prue mentioned that we will have to further discuss this matter regarding the money potentially owned the Tribe after our finance office and the leasing department can reconcile the amount.

**FTR:** In-house attorney Steven Sandven entered the meeting at 1:23 pm.

Executive Session at 1:26 pm

Reconvene from executive session at 2:29 pm

Discussion by Amos Prue. We need to have some clarification on this particular issue concerning the matters in front of Tribal Council regarding Charlie Colombe and his ability to lease TLE land. Will we need a legal opinion?

Discussion by Rodney Bordeaux. I have a motion excerpt from the Tribal Secretary that spells out the recent action the Tribal Council took in regards to any individual, business entity, company, or corporation who is in litigation against the Tribe that the Tribe refraining from doing any future business with them.

When the RST Council was in session on February 06, 2011 on following motion was approved.

Motion to recommend to the TLE Board of Directors not to conduct any business with any individual, business entity, company or corporation who is in litigation against the Tribe. Motion by Lynda Douville, second by Claudette Arcoren, question by Royal Yellow Hawk. Motion carried with eleven (11) in favor, zero (0) opposed, and zero (0) not voting.

Executive Session at 1:26 pm

Reconvene from executive session at 2:29 pm

Discussion by Amos Prue. We have a motion in place to authorize Steven Sandven to prepare our comments on the Fee to Trust opposition that has been expressed from outside municipalities, county and state legal officials.

Motion made by Dominic Harmon to authorize Steven Sandven to draft our comments on Fee to Trust transactions, answering the opposition expressed, in reference to the Nursing Home, Bear Butte Lodge, the Chamberlin property and any other future Fee to Trust transactions approved by the TLE Board. Seconded by Joe Ford. Vote 5 in favor, 0 opposed, 1 not voting. MOTION CARRIED.

Motion made by Rodney Bordeaux to have Steven Sandven work with the TLE staff to update our Leasing Policy & Procedures. Seconded by Richard "Smokey" Whipple. Vote 5 in favor, 0 opposed, 1 not voting. MOTION CARRIED.

Motion made by Joe Ford to pay Steven Sandven bill for the May, 2011 in the amount of \$5,359.42 Seconded by Rose Cordier. Vote 6 in favor, 0 opposed, 1 not voting. MOTION CARRIED.

**FTR:** Grass Mountain Chairman, Homer Whirlwind Soldier enters the meeting along with community members from Grass Mountain, Claudette Arcoren, Edward Arcoren, Delores Kills in Water, Meredith Kills in Water and Ferris Kills in Water. Discussion on land assignments for Claudette and Edward Arcoren.

Delores Kills in Water, Meredith Kills in Water and Ferris Kills In Water and the discussion on proposed land assignments for Claudette and Edward Arcoren.

Delores Kills In Water made the comment that she always understood that where Claudette and Edward want these land assignment she thought this area was always the Tribal Timber Reserve.

Comment by Meredith Kills In Water on a petition going around to stop all future land assignments in Grass Mountain Community.

Discussion by Homer Whirlwind Soldier. It is my understanding that Range Units 20, 25 & 6 are considered in the game reserve and in the past I was told that I could not get land there and I was denied.

Question by Delores Kills In Water. Will people be allowed to go and get land in the Timber Reserve?

Discussion by Edward Arcoren. Previously the BIA staked our fence line wrong and now at Homer's home site his front yard and sewer are setting on our land and we are not getting any lease from them occupying our land. Now because of what is going on down there we want them off our land and the fence line put up correctly.

**FTR:** Dominic Harmon requested to be excused at 3:07 pm.

Question by Amos Prue. Does this need to be done administratively?

Discussion by Rodney Bordeaux. There needs to be a hearing set up on this assignment.

Comment by Clayton Wright Jr. It needs to go through the assignment process.

Discussion by Amos Prue. I agree that all assignment procedures need to be followed and also an appraisal needs to be done. I recommend that a long form appraisal be done on Claudette Arcoren and Edward Arcoren proposed land assignments.

Motion made by Joe Ford to bring it back as requested to the floor regarding Claudette Arcoren and Edward Arcoren assignment. Seconded by Clayton Wright Jr. Vote 5 in favor, 0 opposed, 1 not voting. MOTION CARRIED.

Comment by Amos Prue. Suggest time for research for next meeting

Motion made by Clayton Wright Jr. to have TLE staff research this land assignment request and bring back to next regular board meeting in July, 2011. Seconded by Richard "Smokey" Whipple. Vote 5 in favor, 0 opposed, 1 not voting. MOTION CARRIED.

Break 3:31 pm.



Reconvene from break at 3:45 pm.

**CFO REPORT:**

Discussion by Robert Wood. Other properties maintenance. Budget mod on Mustang Meadow for materials and payments.

Motion made by Clayton Wright Jr. to approve a Budget Modification for June, 2011. Seconded by Joe Ford. Vote 5 in favor 0 opposed, 1 not voting. MOTION CARRIED.

Discussion by Robert Wood on FMHA payment.

Motion made by Clayton Wright Jr. for early payment to FmHA payment. Second by Joe Ford. Vote 5 in favor, 0 opposed, 1 not voting. MOTION CARRIED.

Discussion to pay attorney bill for May, 2011 for Ron Hutchinson.

Motion made by Rose Cordier to pay Ron Hutchinson attorney bill for May, 2011. Second by Joe Ford. Vote 5 in favor, 0 opposed, 1 not voting. MOTION CARRIED.

Motion made by Rodney Bordeaux to pay Steven Sandven attorney bill for May, 2011. Second by Richard "Smokey" Whipple. Vote 5 in favor, 0 opposed, 1 not voting. MOTION CARRIED.

Discussion by CFO on hiring an IT person for ninety (90) days at \$15.00 per hour on a trial basis.

Motion made by Joe Ford to hire Jerred Herman for ninety (90) days at \$15.00 per hour. Second by Rose Cordier. Vote 3 in favor, 1 opposed, 2 not voting. MOTION CARRIED.

**LEASING:**

Discussion by Ernie Blacksmith. Delinquent issue with Charles Colombe and a motion made on May 10, 2011:

Motion made by Dominic Harmon to have Charles Colombe meet the high bid for five (5) years at \$11.23 per acre on Ref. #4849.RS-3060A, S2SE4,S2N2SE4, SE4NESE4, SE4NE4SE4, S2NE4NE4NE4SE4 of Sec. 22 T39N, R29W containing 133.75 acres of grassland and Ref. #4851/RS-5241, SW4 of Sec. 22, T39N, R29W containing 160 acres of grassland. Seconded by Clayton Wright Jr. Vote 4 in favor 0 opposed, 1 not voting. MOTION CARRIED.

Discussion by Ernie Blacksmith to rescind motion.

Motion made by Rose Cordier to bring back and rescind on Charlie Colombe at a motion on the May 10, 2011 Board minutes on Ref. #4849/RS-3060A and Ref.

#4851/RS-5241. Second by Clayton Wright Jr. Vote 5 in favor, 0 opposed, 1 not voting. MOTION CARRIED.

Motion made by Rose Cordier to Award Ref. #4849/RS-3060A and Ref. #4851/RS-5241 at the high bid to Laurie Chauncey due to non compliance by Charles Colombe. Second by Clayton Wright Jr. Vote 5 in favor, 0 opposed, 1 not voting. MOTION CARRIED.

Discussion by Ernie Blacksmith. Lease transfer from Everett Crow Good Voice to Craig Lafferty.

Motion made by Joe Ford to deny transfer from Everett Crow Good Voice to Craig Lafferty. Second by Clayton Wright Jr. Vote 4 in favor, 1 opposed, 1 not voting. MOTION CARRIED.

Discussion by Ernie Blacksmith. Lauren Gran is requesting a one (1) year lease for conservation stewardship Program for the following tracts:

1. Ref. #4039/T5510
2. Ref. #150/RS-5572
3. Ref. #2841/RS-5509
4. Ref. #1273/T5569
5. Ref. #2141/T583  
Ref. #3303/RS-580  
Ref. #4561/RS-580A

Motion made by Clayton Wright Jr. for Lauren Gran a one (1) year extension for Conservation Stewardship Program on the following tracts: Ref. #4039/T5510, Ref. #150/RS-5572, Ref. #2841/RS-5509, Ref. #1273/T5569, Ref. #4561/T580-A, Ref. #3303/RS-580 and Ref. #4561/RS-580A. Second by Joe Ford. Vote 5 in favor, 0 opposed, 1 not voting. MOTION CARRIED.

Discussion by Ernie Blacksmith. Laurie Chauncey is requesting a five (5) year lease for Conservation Stewardship Program for the following tracts: Ref. #2043/T6416, Ref. #3633/T5319, Ref. #3410/RS-5242 and Ref. #4837 & 4837-01/T659.

Motion made by Clayton Wright Jr. to approve on the following tracts Ref. #2043/T6416, Ref. #3633/T5319, Ref. #3410/RS-5242 and Ref. #4837 & 4837-01/T659 for approval with subject to rate increase. Second by Richard "Smokey" Whipple. Vote 4 in favor, 0 opposed, 2 not voting. MOTION CARRIED.

Discussion by Ernie Blacksmith. Troylynn Lafferty at \$12.00 per acre for grass land on Ref. #2946/T5314.

Motion made by Rose Cordier to approve Troylynn Lafferty at non-member rate at \$15.00 per acre on Ref. #2946/T5314. Second by Rodney Bordeaux. Vote 5 in favor, 0 opposed, 1 not voting. MOTION CARRIED.

Discussion by Ernie Blacksmith. Requesting a rough cut behind mower for CRP.

Motion made by Joe Ford to approve and buy the rough cut mower at B & J Cycle in Winner S. D. in the amount of \$2,399.99 including freight charges. Second by Clayton Wright, Jr. Vote 5 in favor, 0 opposed, 1 not voting. MOTION CARRIED.

Discussion by Ernie Blacksmith. Stan Whipple is requesting hay land for \$15.00 per acre.

Motion made by Clayton Wright Jr. to approve Stanley Whipple on Ref. #3745/T11120 for hay land at \$15.00 per acre. Second by Joe Ford. Vote 4 in favor, 0 opposed, 2 not voting. MOTION CARRIED.

Discussion by Ernie Blacksmith. Lonnie Two Eagle is requesting grass land at \$10.00 per acre.

Motion made by Joe Ford to approve Lonnie Two Eagle on Ref. #3998-01/T1854.5 on grass land for \$10.00 per acre. Second by Rose Cordier. Vote 5 in favor, 0 opposed, 1 not voting. MOTION CARRIED.

Discussion by Ernie Blacksmith. Leola Valburg is requesting a reimbursement in the amount of \$4,607.70 in 2007 paid double for the same unit that was added to range Unit 222.

Motion made by Joe Ford to reimburse Leola Valburg in the amount of Range Unit rate for grazing leases to keep a farm pasture. Second by Clayton Wright Jr. Vote 4 in favor, 0 opposed, 2 not voting. MOTION CARRIED.

Discussion by Ernie Blacksmith. Angel Wilson is requesting grass land for \$10.00 an acre.

Motion made by Clayton Wright Jr. to extend a one (1) year lease on Ref. #2652/T912 for grass land at \$10.00 per acre plus this year's rental. Second by Rodney Bordeaux. Vote 3 in favor, 0 opposed, 3 not voting. MOTION CARRIED.

Discussion by Ernie Blacksmith. Three (3) communities: Two Strike is requesting five (5) acres for their new community building, Ideal is requesting land for a new community use and cemetery and Bull Creek.

Motion made by Clayton Wright Jr. to except Ernie Blacksmith recommendation to work with each community individual at five (5) acres. Second by Joe Ford. Vote 5 in favor, 0 opposed, 1 not voting. MOTION CARRIED.

#### **ACQUISITIONS:**

Discussion by Michelle Kramer. Acquisitions for June, 2011 total amount \$92,185.35.

Motion made by Rodney Bordeaux to approve Acquisitions for the month of June, 2011 in the amount of \$92,185.35. Second by Rose Cordier. Vote 5 in favor, 0 opposed, 1 not voting. MOTION CARRIED.

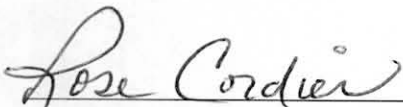
Recess at 5:10 pm

Motion made by Clayton Wright Jr. to recess. Second by Rodney Bordeaux. Vote 5 in favor, 0 opposed, 1 not voting. MOTION CARRIED.



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Amos Prue, Chairman  
Tribal Land Enterprise  
Board of Directors



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Rose Cordier, Secretary  
Tribal Land Enterprise  
Board of Directors

Date of Approval: 031014

# ***Tribal Land Enterprise***

A Sub-ordinate Organization of the  
Rosebud Sioux Tribe

Incorporated Under Act of June 18, 1934, (48 Stat 984)

10 Legion Ave. P.O. Box 159  
Rosebud, S.D. 57570  
Telephone 605 747-2371  
Fax # 605 747-2400

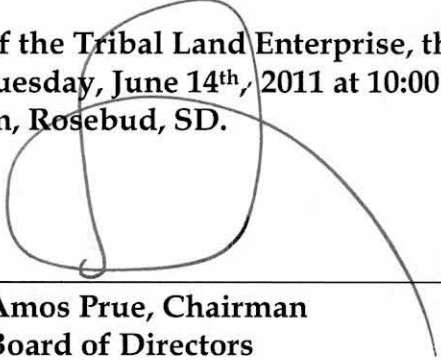
**DATE:** June 06, 2011

**TO:** Board of Directors  
Richard "Smokey" Whipple, Vice-Chairman  
Rose Cordier, Secretary, At-large Member  
Dominic Harmon, Treasurer  
Rodney M. Bordeaux, Board Member  
Joe Ford, At Large Member  
Clayton Wright Jr., Board Member

**FROM:** Amos Prue  
TLE Board Chairman

**RE:** TLE Regular Board of Directors Meeting

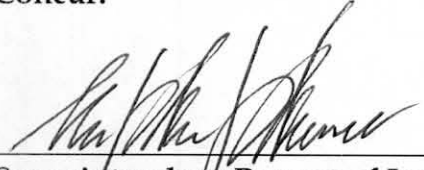
Pursuant to Section (14) of the By-laws of the Tribal Land Enterprise, there will be a Regular Board of Director Meeting on Tuesday, June 14<sup>th</sup>, 2011 at 10:00 am in the Tribal Land Enterprise Conference Room, Rosebud, SD.



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Amos Prue, Chairman  
Board of Directors  
Tribal Land Enterprise

**Concur:**



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Superintendent-Bureau of Indian Affairs  
Rosebud Agency  
Rosebud SD 57570