

**ROSEBUD SIOUX TRIBE  
RESOLUTION NO. 2020-259**

**WHEREAS,** the Rosebud Sioux Tribe is a federally recognized Indian Tribe organized pursuant to the Indian Reorganization Act of 1934 and all pertinent amendments thereof; and

**WHEREAS,** the Rosebud Sioux Tribal Council is governed by a Tribal Council made up of elected representatives who act in accordance with powers granted by its Constitution and By-Laws; and

**WHEREAS,** the Rosebud Sioux Tribe is responsible for handling all criminal matters, adult and juvenile, within the criminal and civil jurisdiction of the Rosebud Sioux Tribe. The RST Courts are responsible for all legal hearings and other matters until the criminal or civil cases have been adjudicated; and

**WHEREAS,** the Rosebud Sioux Tribal Courts, through the Rosebud Sioux Tribe's Constitution, also provides an Appellate Court for defendants and/or tribal members for seeking another opinion on criminal or civil decisions in the RST Courts; and

**WHEREAS,** the RST Courts, through contract, provides Judges, Associate Judges, Magistrate/Associate Judges and six Appellate Justices to decide the merits of cases that come before them who are paid in accordance with duly executed contracts approved by the Rosebud Sioux Tribal Council; now

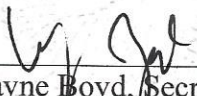
**THEREFORE BE IT RESOLVED,** that the Rosebud Sioux Tribal Council hereby approves the request of the Rosebud Sioux Tribal Courts for approval of the provided Appellate Justice contract for a period of five years for Thomas Simmons; and


**BE IT FINALLY RESOLVED,** that the Rosebud Sioux Tribal Council hereby authorizes the Tribal President or his designee to sign all pertinent documents thereof.

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

This is to certify that the above Resolution No. 2020-259 was duly passed by the Rosebud Sioux Tribal Council in session on October 6, 2020 by a vote of thirteen (13) in favor, zero (0) opposed and zero (0) not voting. The said resolution was adopted pursuant to authority vested in the Council. A quorum was present.

ATTEST:

  
\_\_\_\_\_  
Wayne Boyd, Secretary  
Rosebud Sioux Tribe

  
\_\_\_\_\_  
Rodney M. Bordeaux, President  
Rosebud Sioux Tribe

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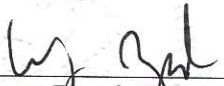
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Rosebud Sioux Tribe

  
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Rodney M. Bordeaux, President  
Rosebud Sioux Tribe

## **ROSEBUD SIOUX TRIBE**

### **APPELLATE JUSTICE CONTRACT**

**This agreement is effective October 6, 2020, by and between the Rosebud Sioux Tribe (hereinafter referred to as "Tribe"), through the President of the Rosebud Sioux Tribe, under authority granted by the Rosebud Sioux Tribal Council, (hereinafter referred to as " Tribal Council"), and Thomas E. Simmons of 414 East Clark Street, Suite 212, Vermillion, SD 57069 (hereinafter referred to as "Appellate Justice"), in accordance with the applicable provisions of Federal Law, the Constitution and By-Laws of the Tribe, and the Law and Order Code of the Rosebud Sioux Tribe.**

#### **W I T N E S S E T H**

#### **1. APPELLATE JUSTICE SERVICES RETAINED.**

**1.1 The President of the Rosebud Sioux Tribe, pursuant to the authority granted by the Tribal Council, acting for and on behalf of the Rosebud Sioux Tribe, under authority of the Constitution and By-Laws of the Rosebud Sioux Tribe, hereby contracts with, retains and employs Thomas E. Simmons as Appellate Justice for the Rosebud Sioux Tribe.**

#### **2. SERVICES REQUIRED.**

**2.1 Appellate Justice is authorized and directed to render legal services to the Supreme Court of the Rosebud Sioux Tribe. In particular, Appellate Justice will administer justice and discharge all duties imposed upon him/her by law and shall hear and decide matters of such judicial nature and enter judgments and orders disposing of such matters on appeal for the Rosebud Sioux Tribe.**

**2.2 Appellate Justice shall conform his/her conduct to the Code of Judicial Conduct as adopted by the American Bar Associations.**

#### **3. FEES.**

**3.1 Appellate Justice shall be remunerated at \$75.00 per hour for work done.**

**3.2 Limitation on Fees – Maximum Daily Charge.**

**3-2-1 Purpose. The purpose of the Maximum Daily charge is to provide the Tribe with Appellate Justice Services for extended periods of time outside the Appellate Justice's home office. This charge is designed to reduce fees for such services by limiting hours actually charged for to a maximum number of hours for such periods.**

**3-2-2 Application.** The maximum daily charge shall apply to services required of the Appellate Justice outside the Appellate Justice's home office for a period of time up to twenty-four (24) hour period.

**3-2-2 Maximum Daily Charge.** For work performed pursuant to the maximum daily charge provisions of this contract, Appellate Justice shall be remunerated at the maximum rate of eight (8) hours per day at \$75.00 per hour. Vouchers specify the total time spent by the Appellate Justice during the period to which the maximum daily charge is applied.

**4. EXPENSES.**

**4-1 Expenses incurred in serving as Appellate Justice shall be the responsibility of the Tribe and shall be paid directly by the Tribe whenever possible. Appellate Justice shall be reimbursed for expenses they have advanced as a courtesy to the Tribe, or for their convenience, including but not limited to the following:**

- 1) Travel Expenses at the rate and in the manner prescribed by the Rosebud Sioux Tribal Council for mileage and incidental expenses.**
- 2) General office overhead expenses shall not be considered as reimbursable under this contract.**

**4-2 Reimbursement for expenses shall not exceed \$6,000.00 per contract year during the term of this contract without further authorization by the Court's Director of Administration.**

**5. PAYMENTS.**

**5-1 Appellate Justice shall be paid monthly beginning October 6, 2020. Payments for fees and expenses provided herein shall be due upon approval of vouchers submitted by the Appellate Justice itemizing and verifying such and approved by the Court's Director of Administration.**

**6. TERM OF CONTRACT.**

**6-1 This contract shall be effective of a period of five (5) years beginning October 6, 2020 through and including October 6, 2025.**





# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
Rosebud Agency  
Post Office Box 228  
Mission, South Dakota 57555

IN REPLY REFER TO:  
Office of the Superintendent

DEC 31 2020

Honorable Rodney Bordeaux  
President, Rosebud Sioux Tribe  
Post Office Box 430  
Rosebud, South Dakota 57570

Attention: Louis Wayne Boyd, Rosebud Sioux Tribe Secretary

Dear President Bordeaux:

The following resolutions received in this office on 11/13/2020, have been reviewed and routed to the appropriate branches: 2020-124 (Amended: 09/22/2020), 167, 210, 211, 212, 214, 215, 216, 217, 218, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 232, 233, 234, 235, 235 (Amended: 10/27/2020), 238 (Amended: 11/02/2020), 239 (Amended: 11/02/2020), 240 (Amended: 11/02/2020), 241, 242, 243, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 281, 282 and 283.

Sincerely,

Francine Fast Horse  
Superintendent

Acting

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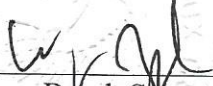
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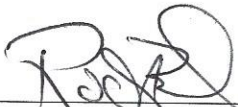
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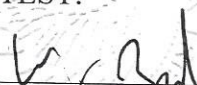
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**6. TERM OF CONTRACT.**

**6-1 This contract shall be effective of a period of five (5) years beginning October 6, 2020 through and including October 6, 2025.**

7. **TERMINATION OF CONTRACT.**

7-1 The Appellate Justice may terminate this contract at any time, with or without cause, upon sixty (60) days notice in writing, and this contract shall terminate upon expiration of sixty (60) days following receipt by the Tribe of such writing.

7-2 The Tribe may terminate this contract by a majority vote of the Tribal Council and upon recommendation of the Judiciary Committee after the holding of a public hearing before the Tribal Council pursuant to the Law and Order Code of the Rosebud Sioux Tribe.

8. **CONTRACT RESTRICTION.**

8-1 No assignment of this contract, in whole or in part, shall be valid unless the names of the assignees and their residences and occupations be entered in writing hereon, and the Tribal Council shall approve such assignment.

9. **REPORTS AND REVIEW OF CONTRACT.**

9-1 Appellate Justice shall provide periodic reports, not less than semiannually, to the Court's Director of Administration to assist the Tribe in evaluating performance of the contract.

10. **STIPULATION.**

10-1 Appellate Justice stipulates that he/she is a fully-licensed member in good standing of the South Dakota Bar and is licensed to practice before the South Dakota United States District Court.

IN WITNESS WHEREOF, we the undersigned have executed this contract.

DATE Oct. 8, 2020

APPELLATE JUSTICE

BY: TE Simmons

Thomas E. Simmons  
414 East Clark Street, Suite 212  
Vermillion, SD 57069

DATE 11/3/20

ROSEBUD SIOUX TRIBE

BY: Rodney M. Bordeaux

Rodney M. Bordeaux, President  
PO Box 430  
Rosebud, SD 57570