

**ROSEBUD SIOUX TRIBE
Resolution No. 2020-13**

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 Tribe is acting under its authority pursuant to Article IV, Section 1 (f) of the Constitution and By-Laws of the Rosebud Sioux Tribe; and

WHEREAS, Rosebud Sioux Tribe Resolution No. 2007-150 which adopts Ordinance 2007-09 entitled Personnel Policies and Procedures Manual states "this Ordinance may be amended by a majority vote of the Tribal Council at a regular or special meeting"; and

WHEREAS, the Rosebud Sioux Tribe has enacted Ordinance 2007-09, entitled "Rosebud Sioux Tribe Personnel Policies and Procedures Manual;" (hereinafter, "RST Personnel Manual"), to establish and maintain a uniform system of personnel administration that meets social, economic, and program needs of the Rosebud Sioux Tribe; and

WHEREAS, the shutdown of the Rosebud Sioux Tribal government offices due to unforeseen circumstances that has resulted in the unavailability of funds and has caused the disruption of the Tribal programs and their continued operation and provision of program services to our members and made funding for program operations unavailable to all Tribal programs; and

WHEREAS, the RST Personnel Policies and Procedures Manual does not have provisions for the disposition of Tribal employees whose programs funding may be temporarily or permanently suspended; now

THEREFORE BE IT RESOLVED, the RST Personnel Committee recommends the RST Personnel Manual be amended to add provisions for Tribal employees whose programs have been either temporarily or permanently suspended, to define the status of those employees whose programs have had funding temporarily or permanently suspended by amending Article VII, Disciplinary and Termination Policies, Section B, by adding Sections 12, Lay-off without Pay, and 13, Furlough,

AMEND TO INCLUDE:

Due to Emergency Situations such as Pandemics, Natural and Man-Made Disasters and other EPP Events the Following will be Instituted

12."Lay-off without Pay. Certain positions, as set forth in the job description, require layoff without pay when funding becomes temporarily or permanently unavailable. Any program whose source of funds are temporarily or permanently suspended due to circumstances beyond the control of the Rosebud Sioux Tribe shall be laid off without pay until further notice. No severance pay is awarded and such layoff is not subject to challenge through a grievance procedure. Accrued annual leave (but not sick) shall not be used unless program funds are available. If program funding is restored, leave accruals will begin accumulating.

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WHEREAS, the RST Personnel Policies and Procedures Manual does not have provisions for the disposition of Tribal employees whose programs funding may be temporarily or permanently suspended; now

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ROSEBUD SIOUX TRIBE

HAZARD PAY POLICY

Recognition that Hazard Pay Requires Compensation

It is the nature of Rosebud Sioux Tribe that some employees must perform hazardous duties. Rosebud Sioux Tribe recognizes that employees must be compensated for their willingness to take on hazardous duties.

Scope

All full time employees assigned to positions that are eligible for hazard duty pay (See Attached List). Hazard duty pay (HDP) is a supplement to the employee's base pay. Employees may receive HDP while holding a specific position (HDP) that has been designated to receive Hazardous Pay according to their budgets.

Hazard Duty Pay

The essential employees who are authorized to receive hazard pay will begin from March 19, 2020 for pay period #8 which follows the RST President's call for a "State of Emergency" for the Rosebud Sioux Tribe due to the COVID19 Pandemic. Those essential employees who are new and are on probation will not be eligible to receive hazard pay until they have completed their probation with their department.

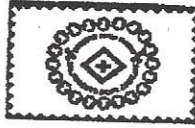
Thereafter, HDP will be paid two pay periods in arrears in the last paycheck of the month. For example, the employee will receive HDP for last pay period in March 19, 2020 until the President has declared the "State of Emergency" lifted.

HDP will be paid for all hours worked and for paid time off while in the position. HDP will not be paid when the employee is on an unpaid leave of absence.

Hazard Duty Pay will be considered at the 25% rate increase with RST Council approval.

Tax Issues

According to the Internal Revenue Service (IRS), hazard duty pay (HDP) is considered taxable income. These amounts will be included on the employee's W-2.



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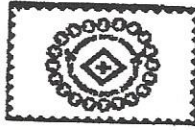
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13. Furlough. As an alternative to Lay-off without pay, tribal employees can be placed upon mandatory employee furlough until revenue, funding, or other projected revenue is available for program expenses. Employees placed upon mandatory employee furlough are required to take mandatory time off work with no pay. Furloughed employees may return back to work when program funding is available. Examples of furloughs include closing a program for two weeks, reducing employee time on the job to three weeks instead of four, and directing employees to take two days a month off without pay. During employee furlough, employee benefits shall continue, including, but without limitation, payment of health/medical, dental and eye, life, or any other employee-funded insurance programs, and payment of employee retirement plans." and


BE IT FURTHER RESOLVED, that the Rosebud Sioux Tribal Council adopts the amendments to the RST Personnel Policies and Procedures Ordinance recommended by the Rosebud Sioux Tribe Personnel Committee; and

BE IT ALSO RESOLVED that the effective date of the amendments to the Rosebud Sioux Tribe Personnel Policies and Procedures Ordinance shall be upon the final approval by the Rosebud Sioux Tribal Council.


CERTIFICATION

This is to certify that the above Resolution No. 2020-13 was duly passed by the Rosebud Sioux Tribal Council in session on April 22, 2020, by a vote of thirteen (13) in favor, zero (0) opposed and one (1) 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
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BE IT FURTHER RESOLVED, that the Rosebud Sioux Tribal Council adopts the amendments to the RST Personnel Policies and Procedures Ordinance recommended by the Rosebud Sioux Tribe Personnel Committee; and

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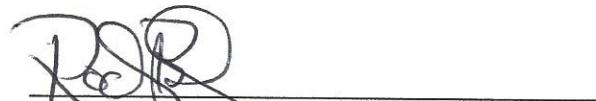
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ATTEST:



Wayne Boyd, Secretary
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Rodney M. Bordeaux, President
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- 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 Tribe is governed by a Tribal Council made up of elected representatives who act in accordance with the powers granted to it by its Constitution and By-Laws; and
- WHEREAS**, the Rosebud Sioux Tribal Council is authorized to promulgate and enforce ordinances for the maintenance of law and order, and to safeguard the peace and morals, and general welfare of the Tribe, pursuant to the Rosebud Sioux Tribe Constitution and By-Laws, Article IV Sections 1(k), and (m); and
- WHEREAS**, the Department of Housing and Urban Development has issued a grant notice for a Community Development Block Grant Program (ICDBG) for Indian Tribes and Alaska Native Villages, CFDA #14.862, with an award ceiling of \$1,500,000 and a closing date for applications of 02/03/2020; and
- WHEREAS**, the purpose of the ICDBG program is the development of viable Indian and Alaska Native communities, including the creation of decent housing, suitable living environments, and economic opportunities primarily for persons with low and moderate incomes as defined in 24 CFR 1003.4; and
- WHEREAS**, the ICDBG process requires a public hearing for interested programs and persons to propose projects that fulfill the purpose of the grant program; and
- WHEREAS**, said public hearing was held on 01/03/2020 at the RST Water Resources Building and the following projects were proposed:
- Sicangu Wicoti Awayankapi (SWA) - Meth Remediation Project
REDCO - Business Incubator
- WHEREAS**, Sicangu Wicoti Awayankapi Corporation has presented a project that aligns with current Rosebud Sioux Tribe priorities and addresses the Tribe's housing needs; the Tribal Council supports the development of a proposal to be submitted under the ICDBG solicitation by February 3, 2020; and
- WHEREAS**, Sicangu Wicoti Awayankapi Corporation (Rosebud Housing Authority) is a Tribal Organization and is officially recognized by the Rosebud Sioux Tribal Council as Its Tribally Designated Housing Entity (TDHE) and meets eligibility criteria to apply on behalf of the Tribe; and
- WHEREAS**, Sicangu Wicoti Awayankapi Corporation commits by SWA resolution to leveraging \$325,000 towards the \$1,500,000 being requested from HUD for total project cost of \$1,825,000; and
- THEREFORE BE IT RESOLVED**, that the Rosebud Sioux Tribal Council authorizes Sicangu Wicoti Awayankapi Corporation (Rosebud Housing Authority) to submit an ICDBG application to the Department of Housing and Urban Development in the amount of \$ 1,825,000 on behalf of the Rosebud Sioux Tribe for a

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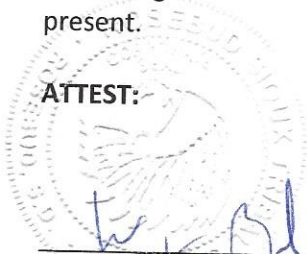
Methamphetamine Remediation/Renovation Project targeting a minimum thirty residential low-rent units;
and


BE IT FURTHER RESOLVED, that the Tribal Council hereby authorizes the Tribal Chairman or official designee to sign all pertinent applications, contracts and documents thereof.


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This is to certify that the above Resolution No. 2020-13 was duly passed by the Rosebud Sioux Tribal Council in session on January 22, 2020, by a vote of eleven (11) 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
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Resolution No. 2020-13

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- WHEREAS,** the Rosebud Sioux Tribe is governed by a Tribal Council made up of elected representatives who act in accordance with the powers granted to it by its Constitution and By-Laws; and
- WHEREAS,** the Rosebud Sioux Tribal Council is authorized to promulgate and enforce ordinances for the maintenance of law and order, and to safeguard the peace and morals, and general welfare of the Tribe, pursuant to the Rosebud Sioux Tribe Constitution and By-Laws, Article IV Sections 1(k), and (m); and
- WHEREAS,** the Department of Housing and Urban Development has issued a grant notice for a Community Development Block Grant Program (ICDBG) for Indian Tribes and Alaska Native Villages, CFDA #14.862, with an award ceiling of \$1,500,000 and a closing date for applications of 02/03/2020; and
- WHEREAS,** the purpose of the ICDBG program is the development of viable Indian and Alaska Native communities, including the creation of decent housing, suitable living environments, and economic opportunities primarily for persons with low and moderate incomes as defined in 24 CFR 1003.4; and
- WHEREAS,** the ICDBG process requires a public hearing for interested programs and persons to propose projects that fulfill the purpose of the grant program; and
- WHEREAS,** said public hearing was held on 01/03/2020 at the RST Water Resources Building and the following projects were proposed:
- Sicangu Wicoti Awayankapi (SWA) - Meth Remediation Project
REDCO - Business Incubator
- WHEREAS,** Sicangu Wicoti Awayankapi Corporation has presented a project that aligns with current Rosebud Sioux Tribe priorities and addresses the Tribe's housing needs; the Tribal Council supports the development of a proposal to be submitted under the ICDBG solicitation by February 3, 2020; and
- WHEREAS,** Sicangu Wicoti Awayankapi Corporation (Rosebud Housing Authority) is a Tribal Organization and is officially recognized by the Rosebud Sioux Tribal Council as Its Tribally Designated Housing Entity (TDHE) and meets eligibility criteria to apply on behalf of the Tribe; and
- WHEREAS,** Sicangu Wicoti Awayankapi Corporation commits by SWA resolution to leveraging \$325,000 towards the \$1,500,000 being requested from HUD for total project cost of \$1,825,000; and
- THEREFORE BE IT RESOLVED,** that the Rosebud Sioux Tribal Council authorizes Sicangu Wicoti Awayankapi Corporation (Rosebud Housing Authority) to submit an ICDBG application to the Department of Housing and Urban Development in the amount of \$ 1,825,000 on behalf of the Rosebud Sioux Tribe for a

**ROSEBUD SIOUX TRIBE
Resolution No. 2020-13**

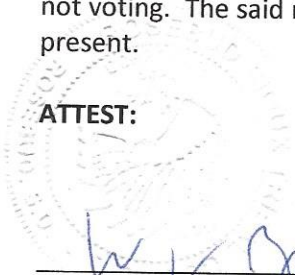
Methamphetamine Remediation/Renovation Project targeting a minimum thirty residential low-rent units;
and

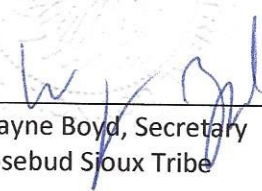
BE IT FURTHER RESOLVED, that the Tribal Council hereby authorizes the Tribal Chairman or official designee to sign all pertinent applications, contracts and documents thereof.

CERTIFICATION


This is to certify that the above Resolution No. 2020-13 was duly passed by the Rosebud Sioux Tribal Council in session on January 22, 2020, by a vote of eleven (11) 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



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

JAN 31 2020

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

Attention: Louis Wayne Boyd, RST Secretary

Dear President Bordeaux:

The following resolutions, received in this office on 01/30/2020 have been reviewed and re-routed to the appropriate branches.

Resolution No. 2017-142 Amended: 01/09/2020
Resolution No. 2019-299 Amended: 01/22/2020
Resolution No. 2020-09
Resolution No. 2020-10
Resolution No. 2020-11
Resolution No. 2020-13

Sincerely,

Lee A. Beardt
Superintendent

Enclosure

ROSEBUD SIOUX TRIBE
Resolution No. 2020-13

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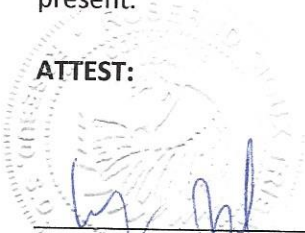
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ATTEST:



Wayne Boyd, Secretary
Rosebud Sioux Tribe

A handwritten signature in blue ink, appearing to read "Rodney M. Bordeaux".

Rodney M. Bordeaux, President
Rosebud Sioux Tribe

ROSEBUD SIOUX TRIBE
Resolution No. 2020-13

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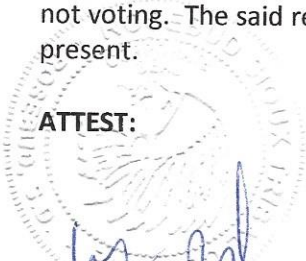
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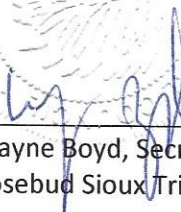
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Wayne Boyd, Secretary
Rosebud Sioux Tribe


Rodney M. Bordeaux, President
Rosebud Sioux Tribe