

ROSEBUD SIOUX TRIBE
Resolution No. 2020-167

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

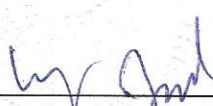
THEREFORE, BE IT RESOLVED, that the Rosebud Sioux Tribal Council hereby approves the request of the Rosebud Sioux Tribal Courts for approval of the provided contract for the Chief Judge Sherman Marshall for a four year period; and

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

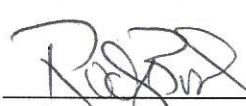
CERTIFICATION

This is to certify that the above Resolution No. 2020-167 was duly passed by the Rosebud Sioux Tribal Council in session on August 4, 2020, by a vote of twelve ((12) 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
Rosebud Sioux Tribe

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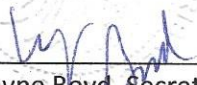
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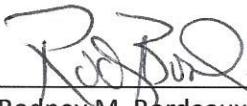
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Wayne Boyd, Secretary
Rosebud Sioux Tribe



Rodney M. Bordeaux, President
Rosebud Sioux Tribe

ROSEBUD SIOUX TRIBE

CHIEF JUDGE EMPLOYMENT CONTRACT

THIS AGREEMENT is effective June 18, 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 Sherman J. Marshall, Attorney at Law, P.O. Box 129, Rosebud, South Dakota, 57570 (hereinafter referred to as "Chief Judge"), 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.

WITNESSETH

1. Services Retained.

- 1.1 The President of the Rosebud Sioux Tribe, pursuant to 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 Sherman J. Marshall, as Chief Judge for the Rosebud Sioux Tribe.

2. Services Required.

- 2.1 The Chief Judge is authorized and directed to render services to the Rosebud Sioux Tribe as provided in the Law and Order Code of the Rosebud Sioux Tribe.
- 2.2 The Chief Judge shall administer justice and discharge all duties imposed upon him by law and shall hear and decide matters of a judicial nature and enter judgments and orders disposing of such matters.
- 2.3 The Chief Judge shall submit monthly and semi-annual reports to the Tribal Council.
- 2.4 The Chief Judge shall meet with the Tribal Council as requested by the Tribal Council.

3. Fees.

3.1 The Chief Judge shall be remunerated at three hundred and seventy five dollars (\$375) per day for four (4) regularly scheduled days of work per week.

3.2 The Chief Judge, being a licensed attorney, and being required to belong to professional organizations, shall have all dues paid including, but not limited to, the State Bar of South Dakota and judges' associations.

4. Payments.

4.1 The Chief Judge shall be paid on a bi-weekly basis consistent with the pay periods of other Tribal employees.

4.2 FICA and Federal withholding shall be made from the salary of the Chief Judge consistent with the withholdings of other Tribal employees.

5. Leave.

5.1 The Chief Judge shall be allowed twenty-one (21) days of vacation leave per year from the commencement of this contract. Any vacation leave not used shall be carried over into the next contract period provided no more than one hundred and sixty (160) hours shall be carried over each year. Upon separation from employment, the Chief Judge shall be paid for the unused portion of his remaining vacation leave less any debts owed to the Tribe by the Chief Judge.

5.2 The Chief Judge shall be allowed Thirteen (13) days of sick leave per year from the commencement of this contract. Any sick leave not used shall be carried over into the next contract period. There will be no limit to the amount of sick leave accrued, however, upon separation from tribal service, all unused sick leave will be forfeited and will not be restored.

5.3 The Chief Judge shall be granted and compensated for all holiday leave and administrative leave allowed and authorized by the Tribe at the same rate and fees as set forth herein.

5.4 The Chief Judge shall be granted up to three (3) days for funeral leave for members of the employee's immediate family (parents, spouse, children, brother, sister, grandparents and in-laws, as mentioned).

6. Time and Attendance.
 - 6.1 A time and attendance report shall be completed each pay period by the Court Administrative Director for the Chief Judge. The time and attendance report shall also contain verification of leave used during the pay period.
7. Exemption from Personnel Manual.
 - 7.1 The Chief Judge shall be exempt from the Rosebud Sioux Tribe's Personnel Policies and Procedures Manual.
8. Professional Conduct.
 - 8.1 The Chief Judge shall be bound by the American Bar Associations Code of Judicial Conduct and the Sicangu Oyate Bar Association's Code of Ethics.
9. Term of Contract.
 - 9.1 This contract shall be effective from June 18, 2020 and continuing through and including June 18, 2024.
10. Termination of Contract.
 - 10.1 The Chief Judge may terminate this contract at any time with or without cause, upon thirty (30) days' notice, in writing, and this contract shall terminate upon expiration of thirty (30) days following receipt by the Tribe of such writing.
 - 10.2 The Tribe may terminate this contract for neglect of duty, gross misconduct, incompetence, or other just cause and only after holding a hearing before the Rosebud Sioux Tribal Council and providing the Chief Judge with not less than Ten (10) days' notice of such hearing. Such prior notice shall include written notice of the charges or accusations, set forth in specific factual detail to enable the Chief Judge to prepare a meaningful defense at the hearing. The Chief Judge shall be given the opportunity to answer all charges and present evidence in his own behalf. Thereafter the Tribal Council may terminate this contract only by a two-thirds (2/3) vote of the Tribal Council members present at the hearing and constituting a quorum.

11. Contract Restrictions.

11.1 No assignment of this contract, in whole or in part, shall be valid unless the names of the assignees and their residence and occupations be entered in writing hereon, and the Judiciary Committee and Tribal Council shall approve such assignment.

11.2 This contract nullifies and supersedes any other existing contract between the parties.

12. Drug Policy.

12.1 The Chief Judge shall comply and abide by the Bureau of Indian Affairs Drug Policy.

13. Background.


13.1 The Chief Judge shall complete a background questionnaire and cooperate with a background investigation conducted by an individual designated to perform such investigations by the Rosebud Sioux Tribe within fourteen (14) days of the execution of this Contract (unless said Chief Judge has already complied with this provision and has passed the background investigation). All matters involving background investigations and adjudications will be governed by the Tribe's Background Investigation Office Policies and Procedures. Continued employment of the Chief Judge is contingent upon a positive adjudication of the contracting employee, based on the background investigation conducted by the Tribe. In the event of a negative adjudication, the Chief Judge's employment will be terminated and the Chief Judge will have the right to appeal according to the Tribe's Background Investigation Office Policies and Procedures.

14. No Oral Modifications.

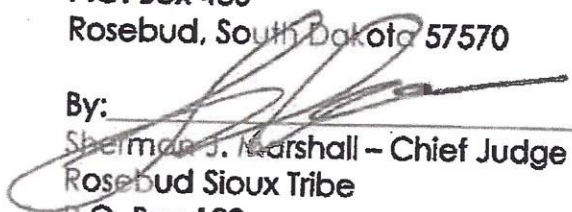
14.1 The entire understanding of the parties, and the terms of this agreement are contained in this contract. No oral or other understandings apart from this written contract are enforceable. This contract cannot be amended orally. This contract cannot be amended without written authorization and approval of both the President of the Tribe and the Tribal Council.

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

Date: 8/12/20

By: 
Rodney M. Bordeaux – President
Rosebud Sioux Tribe
P.O. Box 430
Rosebud, South Dakota 57570

Date: 6-22-2020

By: 
Sherman J. Marshall – Chief Judge
Rosebud Sioux Tribe
P.O. Box 129
Rosebud, South Dakota 57570

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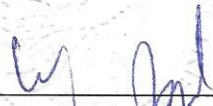
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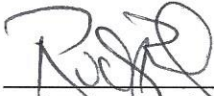
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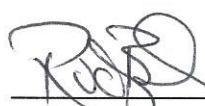
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United States Department of the Interior

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,

Acting
Francine Fast Horse
Superintendent