

ORDINANCE NO. 308-08

NOW THEREFORE BE IT FURTHER RESOLVED, that the TITLE XL, REVISED ACCESS PLAN [JTAC], of the Code of Justice of the Standing Rock Sioux Tribe, be and the same is hereby amended and replace with the attached new TITLE XL, REVISED ACCESS PLAN [JTAC]; and

ATTACHED PAGES
1 through 22

RESOLUTION NO. 326-08


BE IT FURTHER RESOLVED, that pursuant to the power vested in the Standing Rock Sioux Tribal Council under Article IV of the Constitution of the Standing Rock Sioux Tribe, as amended, the foregoing Ordinance No. 308-08, repealing all prior Ordinances regarding TITLE XL, REVISED ACCESS PLAN [JTAC], which is hereby APPROVED; and

BE IT FURTHER RESOLVED, that the Chairman and Secretary of the Tribal Council are hereby authorized and instructed to sign this resolution for and on behalf of the Standing Rock Sioux Tribe.

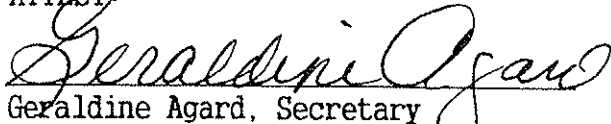
CERTIFICATION

We, the undersigned, Chairman and Secretary of the Tribal Council, hereby certify that the Tribal Council is composed of seventeen [17] members of whom 13 constituting a quorum, were present at a meeting thereof, duly and regularly called, noticed, convened and held on the 3rd day of JULY, 2008, and that the foregoing resolution was duly adopted by the affirmative vote of 9 members, and 1 opposing, and with 3 not voting. THE CHAIRMAN'S VOTE IS NOT REQUIRED, EXCEPT IN CASE OF A TIE.

DATED THIS 3rd DAY OF JULY, 2008.


Ron His Horse Is Thunder, Chairman
Standing Rock Sioux Tribe

ATTEST:


Geraldine Agard, Secretary
Standing Rock Sioux Tribe

[Official Tribal Seal]

Meeting Date: 07-03-2008
Motion No. 60

TITLE XL. - REVISED ACCESS PLAN (JTAC) - ORDINANCE NO. 308-08

(With Revisions Approved by SRSTC Resolution No. 326-08 on July 03, 2008)

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TITLE XL. - REVISED ACCESS PLAN (JTAC) - ORDINANCE NO. 308-08

(With Revisions Approved by SRSTC Resolution No. 326-08 on July 03, 2008)

Standing Rock Sioux Tribe Joint Tribal Advisory Commission fund

40-001. OVERVIEW

With the exception of the Tribal Council's direct annual funding of the Tribal Higher Education Department, Tribal Elderly Nutrition Program, Tribal Burial Program, Economic Development Funds expended by and through the Tribal Administration, Tribal T.H.P.O. Department and any other Tribal Department or Program authorized annually by the Tribal Council, the purpose of this plan is to provide the procedures for Tribal Membership to access funds as they become available as a result of the JTAC Lake Oahe reparations settlement to the Standing Rock Sioux Tribe as awarded by Congress in 1992. This original endowment of \$90.6 million has been mandated by Congress for the economic recovery of the Tribe as a result of destroying the Tribe's most valuable natural resource. The Standing Rock Sioux Tribal Council defined the acceptable uses of the award to be in accordance with Tribal Resolution 178-98 as passed in June 1998, with the Oahe Economic Recovery Fund being included with the passage of the JTAC Ordinance, August 20, 2001, and consequent operational funding mandate is authorized for the Oversight Office. Therefore, consistent with the foregoing, the acceptable uses of the JTAC award are:

- **Education**
- **Social/Cultural Fund**
- **District Economic Development Fund**
- **Resource Development/Land Acquisition Fund**
- **Business Equity Loan Fund**
- **Endowment Replenishment Fund**
- **Oahe Economic Recovery Fund**
- **JTAC Oversight Office**

This plan shall institute a fair and equal proposal process to provide access to Tribal members, groups of Tribal members and Tribal entities and/or institutions seeking the award of these funds consonant with guidelines set forth by the JTAC Commission for the submission of such proposalsproposal. This plan, the terms on which proposals for funding may be made pursuant to the Revise Access Plan for Economic Recovery of the Standing Rock Sioux Tribe together with the enactment of the Policies and Procedures set forth herein.

40-002. DEFINITIONS

Tribal Membership – shall mean only reservation resident¹ Tribal members and their descendents, as adopted and approved by the Standing Rock Sioux Tribe on March 14, 1984, [SRST Constitution, Amendment XII, Article II-Membership], and tribal entities existing on the Reservation are eligible to submit proposals for JTAC funds.

This JTAC award and the funding it provides is intended to create economic recovery for the Standing Rock Sioux Nation. Awarding funds to individuals or entities off the reservation does not create economic recovery within the exterior boundaries of the homeland. However, in the future if it can be demonstrated that reservation-based individuals and entities of the Tribe can significantly benefit by entering into an activity(ies) outside the Reservation boundaries that offer social or economic benefits to the reservation, such proposals shall then be considered for funding.

Tenets – this term means the D/Lakota cultural belief system that influences the JTAC Commission's decision making regarding JTAC awards.

Classification Of Funds – Shall identify the level of interest earned by investments of the JTAC principle and as further defined in the JTAC Ordinance.

1st Generation - means the funding of the original endowment of \$90.6 million.

2nd Generation - shall mean all interest earned on the 1st Generation interest.

Inflation– refers to a general increase in prices coinciding with a fall in the real value of money.

Cf. Deflation- refers to a general decline in the price of goods and services.

Endowment Replenishment – Shall mean the fund and plan that shall annually receive 2nd generation interest earnings to offset the effects of inflation which insures that in the future, our children, grandchildren, and the ensuing generations shall always and continuously benefit from the full value of the original \$90.6 million award.

Uniform Commercial Code - A uniform law adopted by the Standing Rock Sioux Tribe that governs commercial transactions, including sales of goods, secured transactions, and negotiable instruments on the Standing Rock Sioux Reservation.

Leverage/Match – as used herein, the terms “Leverage” and “Match” mean using the JTAC funds to attract funds from other sources of funding, thereby “pooling” one or more additional sources of funding so as to reduce the amount of funding proposed for funding solely from JTAC revenue. Through leveraging JTAC funds and through the use of funds to match JTAC funds, more JTAC funding will be available to fund other proposals.

¹ Act of March 2, 1889, § 3 (25 Stat. 888).

Collateral Damage – This term shall mean all and any unintended harm and injury that was suffered by the SRST and its tribal members as a result of another United States government action which this time condemned the Tribe's Missouri River bottom land that resulted in destroying home life, memories, and forever scarring the psychological well-being of the people.

40-003. AUTHORITY

- The authority for this plan is vested in official documents and SRST Council actions as listed below:
- Senator Conrad's letter dated, 12/3/96, which requires a "plan" to be developed for use of the JTAC award.
- 25 CFR Part 120, Subpart B, requires a "plan" be submitted before a withdrawing of Trust Funds.
- SRST Constitution, Article IV, Sec. 4, Code of Justice Title XIX, Sec. 19-107, that requires budgetary planning as a prerequisite for use of all Tribal revenue.
- Tribal Motion No. 48, April 5, 2000, that authorizes the establishment of the new manner to elicit community input and ownership, called the JTAC Advisory Committee Tribal Motion No. 44, August 1, 2000, to approve of the JTAC Advisory Committee to begin meeting on the JTAC Ordinance for recommendations for ninety days with a budget of \$4,000.
- Tribal Resolution 023-01, Motion 4, January 30, 2001, that request the JTAC Advisory Committee to present the Tribal Council with recommendation which will allow planning for all 6 categories identified in the JTAC Access Plan.
- JTAC Ordinance, passed August 20, 2001 that establishes the Executive JTAC Commission with the responsibility to develop the administrative infrastructure for the JTAC Funds.
- Title "X" of the Standing Rock Sioux Tribal Code of Justice established 6 Funds and pursuant to Tribal Council determination, the Oahe Economic Recovery Fund was added. Each of these Funds offer the people the opportunity to access and receive awards under the 7 categories.

All of the Funds identified above shall be under the authority of the administrative infrastructure called the JTAC Oversight Office, which is overseen by the JTAC Commission for the Standing Rock Sioux Tribe. The JTAC Commission shall be commissioned by the SRST to specifically provide fair and unbiased direction to the Oversight Office and the Commission shall approve proposals to be funded. The Commission shall be guided in their oversight role as stated in the JTAC Commission "Rules of Operation", which is approved and adopted by the SRST. All staff and Commission members shall be guided by the tenets and provisions/policies found in the Rules of Operation there stated.

40-004. CULTURAL TENETS

The JTAC funding presents the opportunity to recapture the spirit, courage, and wisdom of the great culture developed by the wisdom of the L/Dakota Wico-Hunkake or ancestors. JTAC Funding criteria is not solely based on need. Proposals must be directed toward our L/Dakota culture.

The cultural tenets set forth below are to be used as a means of guiding the JTAC Commission's collective thinking to facilitate the Tribe's economic recovery. These tenets form the philosophical framework pursuant to which proposals for funding made to the JTAC Commission will be reviewed. Review of such proposals according to our cultural belief system requires those submitting proposals to address the economic circumstances of the Tribe and its members and to focus their proposals on the identified needs of our people from a cultural and sovereign perspective. Our cultural tenets include but are not limited to the following:

Seventh Generation

In our D/Lakota belief system each generation is responsible for protecting Tribal resources and sovereignty for the next seven generations. Thus, the responsibility is ongoing. This tenet requires the individual, group or entity submitting the proposal for funding to the JTAC Commission to consider how their proposed activity or activities would help the Tribe meet its responsibilities to the Seventh Generation.. In addition, wherever required and/or possible, proposals should respect the interests of future generations by providing a Repayment/Leverage Plan. If repayment and/or leverage issues are addressed to the maximum extent possible in every proposal then future generations are assured the opportunity to benefit from JTAC and funds derived from the investment of JTAC funds.

Industriousness

Our D/Lakota belief system informs us that those who came before us worked hard at helping each other survive. This tenet was and is a highly respected characteristic of our people! Laziness was frowned on and discouraged. Under this tenet proposals should address the extent to which, if funded, employment would be created and/or enhanced.

Wisdom

In our D/Lakota belief system, this tenet requires proposals to address how the activity or activities sought to be funded would propose to focus on and utilize Tribal knowledge to overcome economic hardship within the reservation. Specifically, how creative and resourceful is the proposal? The more creative and resourceful, the more likely it is that the proposal will succeed when funded and implemented.

Having Love and Compassion for One Another

Our D/Lakota belief system brings us together as relatives. D/Lakota people traditionally treat each other in a manner that demonstrates our compassion and love for each other. Thinking of others first set us apart as a people from the dominant society's emphasis

on self-gain. This tenet requires that proposals state how funding the proposal will benefit others in addition to serving the interests at the center of the proposal.

40-005. GENERAL ACCESS POLICIES

The general policies shown below shall be requirements/criteria and considerations for all proposals and requests for funding. There are some exceptions to these policies and they will be outlined in the respective fund section.

- 1. Part of a greater plan/vision.** All proposals to each fund shall be components of, or at a minimum, lead to the attainment of a long term strategic plan which conforms to the goals and objectives of that particular Fund.
- 2. Accountability.** All projects/proposals shall provide financial, management, and audit reporting documentation to the Oversight Office on a semi-annual basis as required by Title "X" of the Tribal Code of Justice. Failure to comply with this provision may result in adverse legal action against the recipient of JTAC funds.
- 3. Leverage/Match.** All projects/applicants are expected to demonstrate a leverage or match, unless otherwise stated in the respective fund guidelines. Leverage or match may come from any source and does not necessarily have to be monetary. Whenever possible the fund will look favorably on proposals that seek to expand the impact of limited funds through challenge funding, conditional funding, matching funding, and special initiative funding, or by collaborating with other donors in joint funding efforts. Joint proposals by two or more organizations coordinating their efforts on a single project are encouraged.
- 4. Sustainability.** All projects proposals to the Funds shall be judged according to their ability to sustain and maintain themselves for long term independent operation. Proposed activities shall expect to be funded only one time. Requests requiring annual funding will not be funded.
- 5. Need Based.** All proposals shall be expected to illustrate how the project being proposed will address a particular need of the Tribe or Community. The need is also expected to be documented.
- 6. Loan vs. Grant.** All proposals must possess repayment provisions, except in the case of proposals for education or social and cultural funding. Education, social and cultural funding proposals may request that the JTAC Commission waive the repayment/leverage requirements. Repayment and leverage provisions insure that our future generations will enjoy the benefits as well. Whereas, grants continue to foster the dependency mentality.
- 7. Job Creation.** All proposals must have clearly stated employment creation provisions.
- 8. Tax Breaks.** All proposals are encouraged to maximize any and all legal federal, state, and tribal taxation advantages.

9. **Internal Revenue Service.** All proposals shall have special IRS language that specifically states how the applicant or proposal will adhere to IRS laws and mandates.
10. **Uniform Commercial Code.** All proposals that propose business development will abide by Tribal and federal laws and regulations.
11. **Appeals.** There shall be no appeal from a decision by the JTAC Commission not to fund a proposal. Instead, proposals not awarded funding shall seek advice concerning how to improve their proposal from the Sitting Bull College and/or designated Tribal grants writer(s).
12. **Funding Limitations.** Although JTAC Funds attempt to be as inclusive as possible, there are some activities and interests that fall clearly outside the scope of these guidelines. The seven JTAC Fund categories will not entertain the following kinds of funding requests:
 - Support for deficits, for routine operating budgets or general appeals, or where a Fund may become the predominant source of a person or organization's funding;
 - For funding efforts usually supported by public subscription or through national appeals, or for purposes, which are generally understood to be the responsibility of the United States, States, or Tribal government.
 - Support for sectarian religious activities.
 - To individuals, such as for personal needs, welfare, travel, or research with the exceptions of scholarships.
 - Per Capita payments.

40-006. JTAC COMMISSION

The JTAC Commission is established to steward the JTAC funding process. The Commission shall operate and adhere to their Rules of Operation. The JTAC Commission shall provide neutral and unbiased decisionmaking in the award of JTAC funds to eligible individuals, groups, entities and institutions making proposals for such funds to the JTAC Commission.

40-007. OVERSIGHT OFFICE OPERATION FOR ACCESS

The Oversight Office shall be staffed by an Executive Director, Access Compliance Officer, Project Coordinator, and a Secretary. It shall be the responsibility of this office to carry out the duties necessary to implement the decisions of the JTAC Commission, its regulations, procedures and policies consonant with the laws of the Standing Rock Sioux Tribe.

The SRST shall approve the job descriptions of the Oversight Office, which entail the responsibilities necessary to implement the proposal process. The Oversight Office shall:

- A. Establish Fund proposal "windows". The proposal "windows" shall be announced a minimum of 3 months in advance of an proposal deadline.
- B. Receive, review, and evaluate respective Fund proposals within 30days after the respective Fund deadline. Business proposals will require more time due to another step of assessment by the Business Equity Loan Fund office.
- C. Facilitate appropriate technical assistance as necessary, before, during, and after the opening of a Fund "window".
- D. Forward all proposals to the JTAC Commission for their approval or disapproval.

Funding "windows" for each of the seven funds shall be opened on the first business day of the month, beginning To Be Determined . Every other month thereafter, another "window" for another fund shall be opened until all Funds have been announced, based on available funding. The Oahe Recovery Fund shall not immediately be funded for awards. When significant funding is acquired for the fund, the SRST shall take appropriate action for the tribal membership to access the Fund.

40-008. PROPOSAL PROCEDURE

All proposals to the various funds shall follow the format set forth hereinafter. The proposals must follow the JTAC tenets and policies to be successful in their efforts to obtain funding from the JTAC Commission. Such proposals should also conform to and enhance the long term planning efforts of the Tribe, Districts, Tribal Departments, or entities applying to a Fund. Proposals submitted by individuals must adhere to the same proposal procedures.

- **Abstract/Overview Statement**
- **Statement of Need**
- **Budget**
- **Implementation Plan**
- **Business Plan (If a business start up is being planned)**
- **Sustainability**
- **Leverage/Match**
- **Audit**
- **Reporting**
- **Repayment Plan**
- **Addendums (Various legal and/or supporting documents)**

This proposal format will be explained in detail in a proposal package that will be given to each applicant for complete explanation of the proposal criteria guidelines as well as examples of proposals for each fund.

40-009. PROCEDURE FOR SUBMISSION OF PROPOSALS

All applicants must first determine which JTAC fund under which they wish to apply for funding. Proposals with unique or complex plans should be discussed with the JTAC Oversight Office in advance.

All applicants must acquire a "proposal package" from the Oversight Office, which will assist the applicant in addressing the proposal criteria, and indicate particular exceptions or modifications that may be applicable to a specific fund.

Requests that fall outside the funding "window" may be considered, however, it is expected that the funding allocation to each Fund will be completely awarded each year. Therefore, Applicants are encouraged to apply at the appropriate time. Expenses incurred in preparing proposals for JTAC funding will not be compensated.

40-010. TECHNICAL ASSISTANCE

All requests for Technical Assistance (TA) shall be in writing and submitted to the Oversight Office. The Oversight Office shall then determine the appropriate level of technical assistance required and provide assistance or refer the individual, group of Tribal members or entity as listed below:

- A. Handle the request with Oversight Office personnel;
- B. Assign the TA request to the Sitting Bull College/Business Equity Loan Fund. The SBC/BELF shall be assigned primarily the business development proposals to utilize the Small business Administration (SBA) grant called the Tribal Business Information Center (TBIC)
- C. Assign the TA request to a consultant.

Technical Assistance that is requested that falls outside the assistance needed for proposal submission, such as Strategic Planning, Investment Planning, Management, Financial, Evaluation, Legal, etc. shall be provided as resources allow, but does not obligate the JTAC Oversight Office staff or the Tribe to provide services hereunder.

40-011. ACCESS FUND MANAGEMENT

All management of JTAC appropriations shall be conducted by the JTAC Oversight Office unless otherwise stated. In general, the office shall post and advertise requests for proposals hereunder, develop and disseminate literature explaining the proposal process, announce funding awards, and perform requisite oversight duties for each award.

40-101. EDUCATION FUND

The Education Fund shall be used to fund appropriate education costs, scholarships, and building/renovation costs as well as to enhance the economic future of the Tribe.

- The proposal procedure outlined above shall govern access to the Fund.
- The proposal process for certain 'Acceptable Uses' will require a modified PROPOSAL procedure. These exceptions will be set out in the proposal Package.
- There will be leverage requirements as determined by the JTAC Commission.

40-102. ACCEPTABLE USES

- Scholarships to college students (undergraduate, graduate, and post-graduate level).
- Building projects/renovations and dormitory projects.
- Educational initiatives at reservation schools that assist students in entrepreneurial and employment work experiences.
- A percentage of the Fund will be allocated annually to be used to fund scholarship for:
 1. **Attaining High School Diploma/Diploma/GED**
 2. **Job Corps tuition and costs**
 3. **College preparatory schools**
 4. **Specialized staff requirements**
 5. **Native American educators' specialized training**
 7. **Funding special needs programs/projects**
 8. **Job training projects**
 9. **Life-long learning projects/programs**
 10. **To acquire certain special licensure or certificates either professional or vocational**

40-201. SOCIAL/CULTURAL FUND

The Social/Cultural Fund shall be used to provide awards for a wide range of social and cultural needs. This Fund shall prefer proposals for projects and activities that creatively address the employment crisis consistent with the social or cultural needs identified. In addition to this, special consideration will be taken for those initiatives that incorporate, enhance, or otherwise optimize other existing resources, establish new approaches to increase funding addressing a particular need or facilities, and are self-sustaining. Special consideration will be given to initiatives that undertake to preserve the Lakota/Dakota Language and culture.

Below is a list of areas that are eligible for funding. Proposals for funding from the Social/Cultural Fund may address other areas not listed below:

- 1. Dakota/Lakota language enhancement**
- 2. Provide such facilities and related infrastructure as will assist the Tribe in reducing youth suicides on the Reservation**
- 3. Children and Youth Issues:**
 - **Prevention**
 - **Intervention**
 - **After Care**
 - **Preservation**
 - **Detention/Lock Down Facility**
 - **Children's Youth Shelter**
 - **Safe Homes**
 - **Crisis Facilities**
 - **Activity Centers**
 - **Inpatient Addiction Center**
 - **Youth Leadership Development**
 - **Youth Summer Employment**
- 4. Elderly utilization initiatives involving the:**
 - **Spiritual**
 - **Cultural**
 - **Social**
 - **Financial**
- 5. Education & awareness issues important to Tribal life**
- 6. Projects to preserve the culture of the Tribe**
- 7. Other secondary uses of Social Cultural Development funds are:**
 - **Enhance prevention/intervention programs and projects**
 - **Creating alternative health care delivery options in each District**
 - **Assist in the transition from welfare to work**
 - **Address health care issues**
 - **Address health insurance options**
 - **Programs and projects that strengthen the Tiospaye concept**

40-301. DISTRICT ECONOMIC DEVELOPMENT FUND

The District Economic Development Fund shall allocate funding to Districts based on business proposals submitted by the Districts. Awards will be assessed by a uniform business evaluation system recommended by the Business Equity Loan Fund office at the Sitting Bull College and adopted by the JTAC Commission. Below are some prerequisites that must be in place before funding can be awarded.

- ◆ **Districts must have a comprehensive planning document that establishes an economic vision for the community with goals and objectives.**
- ◆ **Districts must assess their natural and human resources.**
- ◆ **Districts must develop a strategic development plan.**
- ◆ **Districts must provide documentation that the planning and resulting strategy is approved by district membership.**

After the above activities are conducted, the Districts become eligible to submit proposals as outlined in the JTAC Fund proposal package. All proposals must contain a Business Plan for the businesses that are requesting funding.

40-401. RESOURCE DEVELOPMENT & LAND ACQUISITION FUND

The Resource Development and Land Acquisition (RDLA) Fund shall be used to regain the Reservation land base currently held in fee and to address land consolidation efforts to help restore the Tribe's reservation homeland. The Fund shall provide awards for natural resource research and development activities. First priority for funding shall be given to individuals who lost their homes and/or lands through the Oahe Act of 1958, their immediate family members and direct descendants. Such activities are not necessarily set forth in the "Acceptable Uses" section of the JTAC Ordinance, 33-502. This Fund prefers proposals that creatively address land use and create employment through land or lake utilization.

Generally, eligible activities for funding will fall within the four listed categories funding awarded under this section is not necessarily limited to the categories stated below:

LAND ACQUISITION & CONSOLIDATION & USE:

- a.) Purchase land in blocks that are economically viable;
- b.) Purchase Fee land;
- c.) Purchase Trust land to prevent non-Tribal purchase;
- d.) Consolidate fractionated interests;
- e.) Create workable tracts/blocks of land;
- f.) Provide incentives to add value to the Trust land already held by enrolled members;
- g.) Establish pilot projects to attract/ access federal funding sources;

- h.) Stimulate greater individual Tribal member utilization and/or purchase of the reservation land base.
- i.) Promote individual agriculture interests (gardens or small agribusiness
- j.) Provide financial support for economic development alternatives for the use of land; and
- k.) Address irrigation needs and development in all land acquisition planning.

POLICY DEVELOPMENT:

- a.) As much as is practicable, halt outside land purchase or outside strategic plan development;
- b.) Convert purchased Fee land to Trust property under 25 C.F.R. § 151;
- c.) Seek the return of excess federal and state held lands;
- d.) Redesign and implement a Tribal easement policy wherein the land returns to Tribal control when the use the easement was granted for ceases;
- e.) Develop an irrigation and land acquisition plan;
- f.) Use land acquisition to compensate for Tribal member losses under the 1958 Act;
- g.) Promote Dike development to reclaim submerged lands;
- h.) Revise and obtain approval from the Secretary of the Interior for the Tribal Probate Code so that reservation lands that are probated under Tribal law and so that the Code provides a mechanism for for leasing lands which are the subject of Tribal Probate proceedings;
- i.) Revise land management policies with civil penalties for poor land stewardship and to increase the benefits for enrollees utilizing lands within the reservation for self-employment and the creation of employment opportunities;
- j.) Revise Tribal and Allotted land lease processes/procedures to ensure that the Tribe and its members receive the maximum benefit of such leases;
- k.) Re-establish the Tribe's economic land base;
- l.) Accommodate individual land use preference;
- m.) Encourage greater Tribal membership utilization of land base;
- n.) Develop policy to accommodate individual land use preference such Tribal Cooperative under the Tribal Grazing Code; and
- o.) Reevaluate the Tribal water code and strongly implement the said code and its policies.

NATURAL RESOURCE RESEARCH & DEVELOPMENT

- a.) Research projects that identify business and economic opportunities;
- b.) Research projects that lead to the development of the water resource;
- c.) Research irrigation projects;
- d.) Research "value added" initiatives for trust land for Tribal members;
- e.) Research "pilot" projects to attract federal funding;
- f.) Submit request for on-reservation agriculture research station to the Department of Agriculture;
- g.) Develop public relations campaign for land and water development by Tribal members; and

- h.) Sustainable use of reservation lands and resources through public education focusing on enhancement of economic benefit to Tribal members from purchasing land.

LAKE USE:

- a.) Dike development;
- b.) Commercial recreation projects;
- c.) Development of Tribal recreational site;
- d.) Fish hatchery;
- e.) Commercial fish industry projects;
- f.) Hydro-electric projects;
- g.) Aqua/agricultural projects;
- h.) Lake shore clean up and restoration; and
- i.) Wetlands development

PROPOSAL ATTRIBUTES: That the Oversight Office and JTAC Commission will prefer when considering awards are:

Under the proposed project applicant will work with Tribal government for the benefit of all:

- ◆ The project has strong cultural considerations;
- ◆ The project is free from the conflict of interest (defined in the Oahe Act, Section 5);
- ◆ The project must be results oriented;
- ◆ The project must be congruent with Tribal or District goals;
- ◆ The project focuses on facilitating individual land ownership, enhancements of individual land ownership, or access and use of an individual's land; and
- ◆ Projects that develop the productive use of Tribal resources by redistribution.

40-402. SPECIAL LAND PROPOSAL REQUIREMENT

All applicants should be aware of the Seventh Generation Tenet, which is of foremost consideration for the RDLA Fund. This tenet is concerned with the future, therefore, specific RDLA Fund award stipulations are operating for requests to purchase or lease land.

- Land should not simply just be purchased and received by the Tribe, Districts, or individuals, therefore, all proposals receiving funds for land purchase must have provisions in their proposal to repay this JTAC RDLA fund so more land can be purchased.

- All proposals must demonstrate how a proposed land purchase will earn enough to pay for itself as well as to generate profit.
- All land purchases proposed to be funded hereunder for acquisition by the Tribe must submit a land use plan with the proposal. Then the Tribe shall enter into a lease arrangement with the BIA where 90% of the revenue generated from leases will be returned to the RDLA fund to purchase more land with the remaining 10% to be designated to defray land management costs. If the land is intended for business development by the Tribe, then repayment provisions must also be addressed;
- Where individuals and entities submit proposals to purchase land, the JTAC Oversight Office shall facilitate these requests by working with BIA and Tribal long term leasing agreements; and
- The Oversight Office shall maintain a budget for consultants to assist in processing the lease transfer documents.

The Tribal Council may annually appropriate such funds for the Business Equity Loan Fund and its purposes as the Tribal Council deems necessary to meet the needs of the reservation therefore.

40-501. FUND MANAGEMENT

This fund shall be managed by the Oversight Office consistent with the advice of the Endowment Fund Trustees. The JTAC Commission shall utilize the Business Equity Loan Fund Office to screen and assess all business development proposals.

40-502. SPECIAL PROPOSAL REQUIREMENTS

All applicants are required to submit a business plan that is attached to the applicant's proposal, which is in accordance with the 'proposal policies' and proposal procedures set forth herein.

40-503. PROPOSAL PROCESS

1. Contact the JTAC Oversight Office to determine whether the business project is eligible for consideration. The key to successfully applying to this Fund is an early joint meeting between investors, entrepreneurs, community developers and other appropriate players.
2. The applicant will submit all required information to the Oversight Office. Proposals must include sufficient information to properly evaluate the merits of the request.
3. The Business Equity Loan Fund (BELF) staff, Sitting Bull College and other consultants available to the JTAC Oversight Office will be used to assist applicants in preparing their business plans wherever possible.

4. The Oversight Office reserves the right to require a feasibility study before a proposal is considered. Where possible, the feasibility study would be completed during the Business Equity Loan Fund's due diligence process and in concert with the local developer and/or entrepreneur. The Oversight Office shall have consultants and a Business Equity Loan Fund Committee available to make professional assessment.
5. Proposals must appear before the JTAC Commission in person. (Dollar limits are cumulative and include existing advances in determining the approval process, if any).
6. Applicants will receive formal notice of approval or denial of their proposal for funding. If approved, a commitment letter detailing the terms and conditions under which the said funding has been approved will be issued.
7. Generally, a 30 day lead-time is needed to properly consider debt and equity requests. However, the lead-time varies based on the due diligence process. After JTAC Commission approval and the applicant's acceptance of the commitment letter, closing may take 15 to 30 days or longer, depending upon how soon the individual submitting the proposal provides the items requested in the commitment letter.

40-504. AUTHORIZED INVESTMENT PROGRAMS

The BELF Committee is authorized to consider the viability of investing in businesses on the Standing Rock Sioux Reservation. These investments include equity positions, loans, and other innovative financing mechanisms such as "internal investments". The Fund encourages the formation of the corporations, limited partnerships, or other forms of business associations in order to further the Funds goal of economic development. The Fund encourages loans to local district development corporations to acquire, lease, or renovate real estate for a business, and these loans will again follow the guidelines and procedures of the Business Equity Loan Fund.

40-505. DESIRABLE INVESTMENTS

The Business Equity Loan Fund shall consider investment capital for new or expanding businesses within the reservation or for businesses relocating to the reservation. Each investment must have an identified purpose and must be made for a legal purpose. The Business Equity Loan Fund seeks to make investments that meet the funds intent. Desirable investments include:

- **Funding for start-up businesses**
- **Funding for expanding businesses**
- **Funding to secure bonding**
- **Funding to secure provision of adequate insurance coverage of businesses**
- **Funding to secure operating lines-of-credit**

40-506 UNDESIRABLE INVESTMENTS

The Business Equity Loan Fund will not consider investments in businesses where the benefits of the business do not appear to be in the best economic interest of the district or tribe and/or where the integrity or honesty of the principals is questionable.

40-507. DISTRICT DEVELOPMENT CORPORATION GRANTS

The Fund may make a matching loan for a district development corporation to acquire or remodel real estate to be used for a prospective new business, if the loan is made part of a financing package in which the district is a participant. The District Development corporation must match the loan amount dollar for dollar.

Proposals must be made by a district development corporation and follow the proposal process stated hereinabove. The availability of the required information allows the JTAC Oversight Office to properly evaluate the merits of the grant proposal. The proposal must include at a minimum:

- **A complete explanation of the reasons for the loan and the anticipated economic benefits**
- **Detailed use of funds**
- **A complete business plan**
- **Jobs projected to be created in years one and two of the proposed project**

40-601. ENDOWMENT REPLENISHMENT FUND

This Fund is established to preserve the true value of the JTAC Congressional award (\$90.6 million) and to guard the JTAC Congressional award against the impacts of inflation. The ER Fund shall utilize a combination of investment options to realize a minimum return that exceeds the maximum Government Security Rate of Return. The funding that is allocated by the Tribal Council shall be invested, as recommended by the Endowment Fund Trustees and approved annually by the Tribe. See also, 25 U.S.C. § 161².

² 25 U.S.C. § 161a entitled "Tribal funds in trust in Treasury Department; investment by Secretary of the Treasury; maturities; interest; funds held in trust for individual Indians".

(a) All funds held in trust by the United States and carried in principal accounts on the books of the United States Treasury to the credit of Indian tribes shall be invested by the Secretary of the Treasury, at the request of the Secretary of the Interior, in public debt securities with maturities suitable to the needs of the fund involved, as determined by the Secretary of the Interior, and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities.

(b) All funds held in trust by the United States and carried in principal accounts on the books of the United States Treasury to the credit of individual Indians shall be invested by the Secretary of the Treasury, at the request of the Secretary of the Interior, in public debt securities with maturities suitable to the needs of the fund involved, as determined by the Secretary of the Interior, and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable securities. Here, the Tribe directs that the JTAC Funds are invested in a manner consistent with the foregoing to protect the interests of the Tribe and its members.

The investment practices utilized shall be clearly identified in objectives and in an adopted policy plan (Investment Plan). This plan shall outline as a minimum the investment objectives investment policies, evaluation and review procedures and revision policies.

40-602. FUND MANAGEMENT

This Fund will be overseen by the Endowment Fund Trustees and administered by the JTAC Oversight Office Director. Together, they will be responsible for reporting all resulting financial information and account status to the Tribal Council. The JTAC Commission shall have input via the inclusion of one of the Commission members as one of the five Endowment Fund Trustees.

40-603. JTAC INVESTMENT OBJECTIVES AND POLICY

Investment Objectives: The principal investment objectives of the fund are to invest in assets that -

- A. Protect and preserve the financial interests of the Standing Rock Sioux Tribe in perpetuity;
- B. Preserve the true value of the initial \$90.6 million appropriation forever;
- C. Provide safeguards and diversity to which a prudent investor would adhere;
- D. Provide for growth of capital for those accounts required to achieve annual income growth;
- E. Avoid high risk investment where consistent year to year growth is preferred as opposed to investments with large fluctuation in return;
- F. Follows investment guidelines and stipulations found in 25 U.S.C. § 161, Public Law 103-412, "American Indian Trust Fund Management Reform Act of 1994." See footnote 2, above.

Investment Policies:

A. General -

- 1. Assets must be invested in compliance with the objectives of each account.
- 2. Investing of federal funds guidelines, 25 U.S.C. § 161, must be adhered to.
- 3. JTAC interest earnings and any other funds from any other source may be invested under the Endowment Replenishment Fund.
- 4. Prohibited investments shall include:
 - a. Unrecognized or restricted stock

- b. The use of foreign headquartered corporate
- c. Commodities including future contracts
- d. Stock or index options
- e. Margin buying
- f. Short-selling
- g. Initial public offerings of stock

B. Fixed Income Investments -

1. Fixed income securities may include US Treasury obligations, obligations of government sponsored enterprises, federal agency obligations corporate bonds, and commercial paper and commercial bank certificates of deposits (CDs).
2. Fixed income securities are to be selected and managed so as to assure appropriate balance of quality, maturity and coupon rate consistent with current money and market and economic conditions.
3. All investments in bonds that are not U.S. Government or Agency issues must be rated with the three highest ratings of the bond rating services.

C. Equity Securities -

1. Equity securities are defined as common stocks of companies.
2. Equity securities are to be selected in accordance with the criteria to be determined by the Standing Rock Sioux Tribe with advice from the Investment trustees and the investment advisor.
3. Investing in equity securities is limited to 10% of the total portfolio, subject to Tribal Council approval/directive.
4. Funds available for equity securities may temporarily be invested in short-term US Treasury bills, short-term obligations of government sponsored enterprises, federal agencies, commercial paper and commercial bank

D. Cash Equivalents -

Cash equivalents may include US Treasury Bills, short-term obligation of government sponsored enterprises, commercial paper and/or commercial Bank Certificates of Deposit.

E. Diversification -

The asset mix of fixed income investments, equity investments and Cash Equivalents will be established based on each account's objective or for accounts that are utilizing federal funds. Diversification can be made according to the investing in federal funds guidelines.

F. Internal Investments -

This shall be an optional investment strategy that gives the Tribe the opportunity to invest or use 2nd and 3rd generation funds to retire debt and receive the usual and lawful interest rate, providing that such strategy does not interfere with the ability to responsibly fund the annual budget. The usual guarantees which insure full repayment of fund uses must be in place. Interest earnings acquired must first be utilized to offset the inflation rate and the Burial Insurance initiative. Any earnings beyond this rate shall be used to meet only JTAC objectives.

Evaluation and Review -

- A. The Investment Consultant Manager will meet with the ER Fund Trustees semi-annually and provide quarterly written reports.
- B. The Investment Manager will report JTAC Fund investment status bi-weekly to the JTAC Executive Director. Performance results, portfolio listing and valuations, and transaction summaries will be provided monthly.
- C. Any significant changes in the market value of the investments should be communicated to the Endowment Fund Trustees and the Tribal Council by the JTAC Executive Director

Revisions -

Changes to the investment plan may be made from time to time, upon the recommendation of the Endowment Fund Trustees as approved by the Standing Rock Sioux Tribal Council. It shall be the responsibility of the JTAC Executive Director to communicate such recommendations and revisions in writing to the Investment Manager, immediately after the Tribal Council's approval thereof.

40-604. BURIAL INSURANCE.

The Standing Rock Sioux Tribe has determined that the most pressing need across the Reservation is affordable burial insurance. The Tribe provides a \$5000 per member

death benefit to the family of the deceased to assist in burial expenses. This expense is borne by the Tribal General Fund. It is the intent of this section of the Access Plan to address this need with the following guidelines:

1. A portion of the Endowment Replenishment Fund will be targeted to provide a modified variable life insurance option. This option will be phased in over a five year period with the final goal of providing death benefit coverage to all enrolled members.
2. The burial insurance mechanism will ensure enrolled members at a face value of \$5,000 per member. The cost of insurance will be borne by the Tribe via a portion of the Endowment Replenishment Fund.

3. Upon death, \$5,000 will be reinvested into the fund to accrue future benefits for those Tribal members not yet covered.
4. Burial insurance mechanism will begin with specified age cohorts as deemed appropriate by the Endowment Fund Trustees and continue to acquire additional age cohorts as applicable as funds are allocated to cover the initial expense of acquiring insurance coverage.
5. All funds invested in the variable like insurance option will be invested in an account that will strictly adhere to the same investment policies and procedures as outlined in the "Statement Objectives and Policy for the Standing Rock Sioux Tribe" as outlined above.
6. All investment income shall continue to accrue until all enrolled members of the Tribe are covered.
7. Upon reaching the goal of 100% coverage, further accrued income shall be considered 3rd generation income of the Fund. Uses of this income shall be used to address the purpose of the Endowment Fund or preserve the real value of the JTAC Funds against the impact of inflation.

40-701. OAHE ECONOMIC RECOVERY FUND

The Oahe Economic Recovery Fund (OER) shall be used to fund activities that seek to resolve the unjust and unintended harm and injury to the SRST and Tribal members with the taking and flooding of homeland.

Until significant revenue is realized for disbursement, the Fund shall be allocated administrative and consultant resources only. The purpose therein is to develop and implement strategies to accord fair and just movement for the issues or purpose of the Fund.

Acceptable Recovery Fund Uses:

1. Address the Collateral Damage of flooding Homeland.
2. Resolve the property loss issue experienced by the River Communities
3. Develop plans and strategies to address the flooding loss issue.
4. Regain the excess "Taken Land" from the Army Corps of Engineers.
5. Address the verbal and written promises to rebuild communities and environment infrastructure that remain dormant.
6. Address Lake Oahe infrastructure economic recovery imperative such as:
 - i. Lake business/industry enterprises
 - ii. Irrigation
 - iii. Fish farms

- iv. Aquaculture
- v. Tribal recreation
- vi. Commercial recreation
- vii. Dike development

40-702. FUND MANAGEMENT

This proposal procedure for this Fund shall follow the established process as stated herein. However, the JTAC Commission shall recommend special fund requirements and guidelines for all JTAC fund categories due to the unusual circumstances involved with the issues. These recommendations will be considered and adopted by the SRST once revenue is acquired. The proposal process for these equity and dependency issues will require a modified request procedure. The exceptions will also be developed from community input and all of which must be approved by the Tribal Council.