

SPECIAL TRIBAL COUNCIL MEETING
INTER-OFFICE FOLLOW-UP

MEETING DATE: March 8, 2012 /

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#1. MOTION WAS MADE BY AVIS LITTLE EAGLE, SECONDED BY JESSE TAKEN ALIVE, TO APPROVE TO AUTHORIZE THE CHARGE [1.] OF MISCONDUCT IN OFFICE/NEGLECT OF DUTY AGAINST CHARLES W. MURPHY ON CHARGE 1 AS PRESENTED, WHICH IS A VIOLATION OF THE STANDING ROCK SIOUX TRIBAL CONSTITUTION, ARTICLE IV, POWERS OF THE STANDING ROCK SIOUX TRIBAL COUNCIL, SECTION. 1, PART C; PART H; PART O. AND ORDINANCE NO. 181, TITLE 19, CHAPTER 3, DUTIES OF TRIBAL OFFICERS, SEC. 301 PART B. AND G FOR FAILING TO PROPERLY ADMINISTER AND ENSURE THE CONTINUANCE OF A TRIBAL COUNCIL PROGRAM ESTABLISHED IN RESOLUTION NO. 054-09 AND SUPPORTED BY THE ATTACHED DOCUMENTS.

I, AVIS LITTLE EAGLE, STANDING ROCK SIOUX TRIBAL COUNCIL MEMBER-AT-LARGE, HEREBY ALLEGE THAT:

1.] ON JANUARY 8, 2009, THE STANDING ROCK SIOUX TRIBAL COUNCIL DID ADOPT RESOLUTION NO. 054-09, WHICH READS IN PART: "NOW THEREFORE BE IT RESOLVED THAT THE STANDING ROCK SIOUX TRIBE HEREBY ESTABLISHES THE STANDING ROCK SIOUX TRIBE POST DOCTORAL AND INTERNSHIP PROGRAM TO ADDRESS MENTAL AND OTHER HEALTH NEEDS, SEEK FUNDING IN ITS NAME INDEPENDENTLY AND ON BEHALF OF THE SRST, PURSUE ACCREDITATION FROM HEALTH ORGANIZATIONS, PURSUE EXPANSION AND DEVELOPMENT OF THE PROGRAM, INCLUDING, BUT NOT LIMITED TO, COLLABORATIVE PARTNERSHIP WITH OTHER TRIBAL, PRIVATE, NON-PROFIT, AND/OR FEDERAL ENTITIES WITH EMPHASIS ON SERVICE DELIVERY, EDUCATION/TRAINING, AND RESEARCH EFFORTS IN THE FIELD OF BEHAVIORAL HEALTH AND TO PERFORM ALL NECESSARY TASKS IN FURTHERANCE OF IMPROVING AMERICAN INDIAN HEALTH...

I ALLEGE THAT CHAIRMAN MURPHY'S ADMINISTRATION HAS TAKEN ADVERSE ACTIONS IN ADMINISTERING THIS PROGRAM OUT OF ITS VERY EXISTENCE, CONTRARY TO THE TRIBAL COUNCIL DIRECTIVE MANDATED IN RESOLUTION NO. 054-09.

ROLL CALL VOTE:

MURPHY, CHARLES - NOT VOTING

BROWN OTTER, Milton	NO	ARCHAMBAULT, Paul	NO
CLAYMORE, Duane	NO	BROWN OTTER, Ron	YES
CROW GHOST, Errol, D.	YES	FAITH, Jr., Mike	N.V.
HARRISON, Henry	NO	[Chairing] LITTLE EAGLE, Avis	YES
HARRISON, "Ben" Samuel	NO	TAKEN ALIVE, Jesse	YES
JAMERSON, Jr., Frank	NO	WHITE, Adele	NO
ST. JOHN, Kerby	NO	WHITE, Randal	YES
TWO BEARS, Sharon	NO	YOUNG, Phyllis	YES

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MOTION #1 IS CONTINUED.

VOTE:

YES - 6

NO - 9

NOT VOTING - 2

MOTION DID NOT CARRY.

#2. MOTION WAS MADE BY AVIS LITTLE EAGLE, SECONDED BY JESSE TAKEN ALIVE, TO APPROVE TO AUTHORIZE THE CHARGE [2.] OF MISCONDUCT IN OFFICE/NEGLECT OF DUTY AGAINST CHARLES W. MURPHY ON CHARGE 2, AS PRESENTED, WHICH IS IN VIOLATION OF THE STANDING ROCK SIOUX TRIBAL CONSTITUTION, ARTICLE IV, POWERS OF THE STANDING ROCK SIOUX TRIBAL COUNCIL, SEC. 1, PART H; J; K; AND STANDING ROCK SIOUX TRIBAL CONSTITUTION ARTICLE III, GOVERNING BODY, SECTION 12, CODE OF ETHICS PART A. AND C. AND IN VIOLATION OF THE SRST CONSTITUTION ARTICLE XI BILL OF RIGHTS, SECTION 11 AND IN VIOLATION OF ORDINANCE NO. 181, TITLE 19, CHAPTER 3, DUTIES OF OFFICERS SEC. 301 PART B. AND G AS SUPPORTED BY THE ATTACHED DOCUMENTS.

I, AVIS LITTLE EAGLE, STANDING ROCK SIOUX TRIBAL COUNCIL MEMBER-AT-LARGE, HEREBY ALLEGE THAT:

2.] ON OCTOBER 14, 2009, TRIBAL COUNCIL APPROVED OF RESOLUTION NO. 610-09, WITH THE FOLLOWING RECOMMENDATIONS FROM CHAIRMAN; EXECUTIVE SECRETARIES: ARLENE CORDOVA AND IMOGENE BULLHEAD; S.R.S. TRIBAL ATTORNEY: BRENT KARY; EXECUTIVE DIRECTOR: SAM NETTERVILLE; SPECIAL PROJECTS: CODY DOG EAGLE; EXECUTIVE ASSISTANT: JOHNELLE LEINGANG; EXECUTIVE DIRECTOR SECRETARY; NOT FILLED YET; MANAGEMENT SPECIALIST: NOT FILLED YET; HUMAN RESOURCES: BARB RAMEY; HUMAN RESOURCES ASSISTANT: JUNE GOODLEFT; H.E.W. COORDINATOR: IONE GAYTON; JUDICIAL COORDINATOR: HELEN HANLEY; ECONOMICS COORDINATOR: DANA YELLOW FAT.

I ALLEGE THAT CHAIRMAN MURPHY'S ADMINISTRATION HAS NOT SINCE RECEIVED APPROVAL FROM TRIBAL COUNCIL FOR ANY OTHER POLITICAL APPOINTEES BUT HAS PLACED INDIVIDUALS IN THESE POSITIONS SUCH THAT THE ONLY APPROVE APPOINTEES REMAINING ACCORDING TO TRIBAL COUNCIL RESOLUTION NO. 610-09, ARE HELEN HANLEY, JUDICIAL COORDINATOR AND DANA YELLOW FAT, ECONOMICS COORDINATOR.

I ALLEGE THAT SINCE RESOLUTION NO. 610-09, CHAIRMAN MURPHY HAS PLACED CHERYL KARY AS EXECUTIVE DIRECTOR, JESSI SHANLEY AS MANAGEMENT SPECIALIST, KERRY ISRAEL AS EXECUTIVE ASSISTANT, PLACED WES LONG FEATHER IN CAPACITY AS ACTING HUMAN RESOURCE MANAGER; AND IRA TAKEN ALIVE, TERRY OBAGO, THERESA CROW FEATHER AND ROXANNE THOMPSON [WHO HAS SINCE LEFT US] IN OTHER POLITICAL POSITIONS WITHOUT TRIBAL COUNCIL APPROVAL.

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MOTION #2 IS CONTINUED.

I ALLEGE THAT TWO POLITICAL APPOINTEES [WHO HAVE NOT BEEN APPROVED BY TRIBAL COUNCIL RESOLUTION] CHERYL KARY AND WES LONG FEATHER, HAVE USED THEIR POLITICAL APPOINTMENT STATUS TO WORK AGAINST TRIBAL COUNCIL INSTEAD OF ON BEHALF OF TRIBAL COUNCIL AND THAT THIS IS A CODE OF ETHICS VIOLATION BECAUSE TRIBAL FUNDS AND RESOURCES ARE BEING USED FOR PERSONAL USE AND GAIN.

I ALLEGE THAT TRIBAL FUNDS HAVE ALSO BEEN UTILIZED TO PAY THE SALARIES OF ALL YOUR POLITICAL APPOINTEES [EXCEPT THE TWO THAT HAVE BEEN PREVIOUSLY APPROVED] WITHOUT COUNCIL RESOLUTION AND THEREFORE TRIBAL FUNDS HAVE BEEN EXPENDED WITHOUT AN APPROVING RESOLUTION.

APPOINTING POLITICAL APPOINTEES ALSO DENIES TRIBAL MEMBERS THE RIGHT OF EQUAL OPPORTUNITY, PUBLIC NOTICE, A FAIR AND OPEN SELECTION PROCESS, AND CRITERIA FOR ANY ECONOMIC ENHANCEMENT PROSPECTS.

ROLL CALL VOTE:

MURPHY, CHARLES - NOT VOTING

BROWN OTTER, Milton	YES	ARCHAMBAULT, Paul	YES
CLAYMORE, Duane	YES	BROWN OTTER, Ron	YES
CROW GHOST, Errol, D.	YES	FAITH, Jr., Mike [Chairing]	N.V.
HARRISON, Henry	YES	LITTLE EAGLE, Avis	YES
HARRISON, "Ben" Samuel	YES	TAKEN ALIVE, Jesse	YES
JAMERSON, Jr., Frank	NO	WHITE, Adele	NO
ST. JOHN, Kerby	YES	WHITE, Randal	YES
TWO BEARS, Sharon	NO	YOUNG, Phyllis	YES

VOTE:

YES - 12

NO - 3

NOT VOTING - 2

MOTION CARRIED

#3. MOTION WAS MADE BY AVIS LITTLE EAGLE, SECONDED BY RANDAL WHITE, TO APPROVE THAT ON OCTOBER 14, 2009, THE STANDING ROCK SIOUX TRIBAL COUNCIL APPROVED MOTION NO. 20, MADE BY DUANE CLAYMORE, SECONDED BY JOSEPH MCNEIL, JR., TO APPROVE TO HAVE THE HUMAN RESOURCE DIRECTOR POSITION BE A PERMANENT POSITION UNDER THE TRIBE AND TO ALLOW A TEMPORARY APPOINTMENT FOR THIRTY [30] DAYS AND TO RE-ADVERTISE THE POSITION. VOTE: YES-14, NO-0, NOT VOTING-1. 1-VACANT, 1-ABSENT.

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MOTION 3 IS CONTINUED.

AND THAT ON JANUARY 4, 2012, TRIBAL COUNCIL PASSED MOTION NO. 15, MADE BY RANDAL WHITE, SECONDED BY AVIS LITTLE EAGLE, TO APPROVE THAT THE HUMAN RESOURCES DEPARTMENT SUBMIT ALL SELECTION COMMITTEE MINUTES TO TRIBAL COUNCIL. VOTE: YES-11. NO-1, NOT VOTING-3. 2-EXCUSED.

I ALLEGE THAT CHAIRMAN MURPHY'S ADMINISTRATION HAS PLACED A POLITICAL APPOINTEE [WES LONG FEATHER] IN THAT POSITION AS ACTING MANAGER AND HAS NOT FILLED THE POSITION IN A TIMELY MANNER [IN ACCORDANCE WITH TITLE 18, TRIBAL EMPLOYEES AND STANDING ROCK SIOUX TRIBE PERSONNEL POLICIES AND PROCEDURES MANUAL] IN DIRECT CONTRADICTION TO THE TRIBAL COUNCIL'S MOTION THAT WAS MADE THREE YEARS AGO, AND TRIBAL FUNDS HAVE BEEN UTILIZED TO PAY HIS SALARY WITHOUT A COUNCIL RESOLUTION APPROVING THIS INDIVIDUAL AND THEREFORE ONCE AGAIN, TRIBAL FUNDS HAVE BEEN EXPENDED WITHOUT AN APPROVING RESOLUTION.

MR. LONG FEATHER, ACTING HUMAN RESOURCES MANAGER, HAS NOT PROVIDED SELECTION COMMITTEE MINUTES TO TRIBAL COUNCIL IN ACCORDANCE TO MOTION NO. 15 OF JANUARY 4, 2012, AND WHEN HE WAS ASKED FOR THE SELECTION COMMITTEE MINUTES REGARDING THE HIRING OF EPA DIRECTOR TROY DAVIS, HE QUESTIONED UNDER WHAT AUTHORITY A STANDING ROCK TRIBAL COUNCIL WOMAN REQUESTED THE SELECTION COMMITTEE MINUTES AND TO MAKE MAY REQUEST IN WRITING, WHEN THERE IS A TRIBAL MOTION TO PROVIDE THESE MINUTES TO THE TRIBAL COUNCIL.

THAT'S ON THE CHARGE 3.

ROLL CALL VOTE:

MURPHY, CHARLES - NOT VOTING

BROWN OTTER, Milton	NO	ARCHAMBAULT, Paul	YES
CLAYMORE, Duane	YES	BROWN OTTER, Ron	YES
CROW GHOST, Errol, D.	YES	FAITH, Jr., Mike [Chairing]	N.V.
HARRISON, Henry	YES	LITTLE EAGLE, Avis	YES
HARRISON, "Ben" Samuel	YES	TAKEN ALIVE, Jesse	E.
JAMERSON, Jr., Frank	YES	WHITE, Adele	NO
ST. JOHN, Kerby	YES	WHITE, Randal	YES
TWO BEARS, Sharon	NO	YOUNG, Phyllis	YES

VOTE:

YES - 12

NO - 3

NOT VOTING - 2

MOTION CARRIED

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#4. MOTION WAS MADE BY AVIS LITTLE EAGLE, SECONDED BY PHYLLIS YOUNG, TO APPROVE CHARGE 4. ON OCTOBER 13, 2009, THE STANDING ROCK SIOUX TRIBAL COUNCIL APPROVED MOTION NO. 68, MADE BY JESSE TAKEN ALIVE, SECONDED BY AVIS LITTLE EAGLE, TO APPROVE THAT POLITICAL APPOINTEES NOT BE ALLOWED TO SIT IN ON THE INTERVIEWS AND SELECTION PROCESS IN HIRING FOR TRIBAL EMPLOYMENT. VOTE; YES-9, NO-2, NOT VOTING-3. MOTION CARRIED. 2-EXCUSED. 1-VACANT.

AND THAT ON NOVEMBER 1, 2011, THE STANDING ROCK SIOUX TRIBAL COUNCIL APPROVED MOTION NO. 98, "MOTION MADE BY JESSE TAKEN ALIVE, SECONDED BY PHYLLIS YOUNG, TO APPROVE TO HAVE TRIBAL COUNCIL BE A PART OF THE JOB SELECTION PROCESS AND APPROVAL BE GIVEN BY THE APPROPRIATE COMMITTEES." VOTE: YES-12, NO-0. NOT VOTING-1. MOTION CARRIED. 4-EXCUSED

THAT ON DECEMBER 19, 2011, YOUR OFFICE ISSUED A MEMORANDUM TO WES LONG FEATHER, ACTING HUMAN RESOURCE MANAGER, SIGNED BY YOURSELF, CHAIRMAN CHARLES W. MURPHY, THAT ADVISED THE ACTING HUMAN RESOURCE MANAGER TO DISREGARD TRIBAL COUNCIL MOTIONS NO. 68 OF OCTOBER 13, 2009, AND MOTION NO. 98 OF NOVEMBER 1, 2011, IN DIRECT CONTRADICTION TO THE TRIBAL COUNCIL'S MOTIONS.

THAT A MEMORANDUM RECEIVED FROM CHRIS LINDBLAD, SRST IN-HOUSE TRIBAL ATTORNEY, DATED OCTOBER 18, 2011, STATED THAT TITLE 39-050 [A] [3] OF THE STANDING ROCK CODE OF JUSTICE PROHIBITS TRIBAL COUNCIL MEMBERS FROM: "UNAUTHORIZED PARTICIPATION OR INVOLVEMENT IN ANY TRIBALLY OWNED OR OPERATED ENTERPRISE OPERATIONS, INCLUDING, BUT NOT LIMITED TO, BUSINESS, EMPLOYMENT AND PERSONNEL DECISIONS."

AND THAT THE MEMORANDUM FROM MR. LINDBLAD FURTHER STATES THAT "ON MARCH 8, 2004, THE TRIBAL COUNCIL APPROVED A MOTION WHICH PROVIDES IN RELEVANT PART, "FOR TRIBAL COUNCIL TO ADHERE TO ALL POLICIES AND PROCEDURES OF TITLE XVIII [WHICH DOES NOT PROHIBIT TRIBAL COUNCIL PARTICIPATION IN SELECTION PROCESS] AND UNDER TITLE 18, THE TRIBAL CHAIRMAN "IS RESPONSIBLE FOR ASSURING THE INTENTIONS OF THIS TITLE CONCERNING THE RECRUITMENT, EMPLOYMENT, RETENTION, PROMOTION, TRAINING, DISCIPLINE, AND TERMINATION OF EMPLOYEES ARE ACHIEVED. THE CHAIRMAN SHALL CAUSE THE APPROPRIATE OVERSIGHT AND MONITORING TO BE ESTABLISHED TO ASSURE THE POLICIES AND GUIDELINES ARE PROPERLY FOLLOWED.

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MOTION #4 IS CONTINUED.

AND THAT ON JANUARY 27, 2012, UPON BEING PROVIDED A COPY OF YOUR MEMORANDUM AND CHRIS LINDBLAD'S MEMORANDUM WHICH REFUTES TRIBAL COUNCIL'S MOTIONS NO. 68 AND 98, A PETITION WAS SIGNED BY 11 COUNCILMEN AND DELIVERED TO YOU DIRECTING TO IMPLEMENT THE TRIBAL COUNCIL'S MOTIONS.

YOU WERE ADVISED THAT TRIBAL COUNCIL HAS THE AUTHORITY UNDER THE SRST CONSTITUTION TO BE INVOLVED IN PERSONNEL MATTERS, THAT TITLE 39-050 [A] [3] REFERS TO THE BUSINESS ENTERPRISES OWNED BY THE TRIBE, NOT TRIBAL GOVERNMENT, AND THAT TITLE 18, DOES NOT PROHIBIT TRIBAL COUNCIL INVOLVEMENT IN THE SELECTION PROCESS AND DOES NOT HINDER THE CHAIRMAN IN CARRYING OUT HIS DUTIES UNDER TITLE 18/PERSONNEL POLICIES AND PROCEDURES SUCH AS "RECRUITMENT, EMPLOYMENT, RETENTION, PROMOTION, TRAINING, DISCIPLINE AND TERMINATION OF EMPLOYEES." YOU WERE ALSO ADVISED THAT THE STANDING ROCK TRIBAL IN-HOUSE ATTORNEY WORKS FOR THE TRIBE AND THE TRIBAL GOVERNMENT, NOT AGAINST THE TRIBAL COUNCIL, THE GOVERNING BODY OF THE TRIBE.

THE TRIBAL COUNCIL LATER DISCUSSED THIS MATTER AND YOU ASSURED THE TRIBAL COUNCIL THAT YOU WOULD MAKE CHANGES SO THAT THESE TYPES OF ACTIONS DON'T OCCUR IN THE FUTURE, BUT AS OF FEBRUARY 27, 2012, NOTHING HAS CHANGED.

IMOVE TO AUTHORIZE THE CHARGE OF MISCONDUCT IN OFFICE/NEGLECT AGAINST CHARLES W. MURPHY ON CHARGE 4, AS PRESENTED, WHICH IS A VIOLATION OF THE STANDING ROCK SIOUX TRIBAL CONSTITUTION, ARTICLE IV, POWERS OF THE STANDING ROCK SIOUX TRIBAL COUNCIL, SECTION 1, PART H AND A VIOLATION OF SRST CONSTITUTION ARTICLE XI BILL OF RIGHTS, SEC. 11 AND ORDINANCE NO. 181, TITLE 19, CHAPTER 3, DUTIES OF OFFICERS, 19-301 TRIBAL CHAIRMAN, PART B AND G, AS SUPPORTED BY THE ATTACHED DOCUMENTS.

ROLL CALL VOTE:

MURPHY, CHARLES - NOT VOTING

BROWN OTTER, Milton	YES	ARCHAMBAULT, Paul	YES
CLAYMORE, Duane	YES	BROWN OTTER, Ron	YES
CROW GHOST, Errol, D.	YES	FAITH, Jr., Mike [Chairing]	N.V.
HARRISON, Henry	YES	LITTLE EAGLE, Avis	YES
HARRISON, "Ben" Samuel	YES	TAKEN ALIVE, Jesse	YES
JAMERSON, Jr., Frank	YES	WHITE, Adele	YES
ST. JOHN, Kerby	YES	WHITE, Randal	YES
TWO BEARS, Sharon	YES	YOUNG, Phyllis	YES

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MOTION #4 IS CONTINUED.

VOTE: YES - 15 NO - 0 NOT VOTING - 2

MOTION CARRIED

#5. MOTION WAS MADE BY AVIS LITTLE EAGLE, SECONDED BY JESSE TAKEN ALIVE, TO APPROVE TO AUTHORIZE THE CHARGE OF MISCONDUCT IN OFFICE/NEGLECT OF DUTY AGAINST CHARLES W. MURPHY ON CHARGE 5, AS PRESENTED, WHICH IS A VIOLATION OF THE STANDING ROCK SIOUX TRIBAL CONSTITUTION, ARTICLE IV, POWERS OF THE STANDING ROCK SIOUX TRIBAL COUNCIL, SEC. 1. PART H; PART K; PART M; PART O, AS SUPPORTED BY THE ATTACHED DOCUMENTS.

5.] ON APRIL 18, 2011, TRIBAL COUNCIL PASSED RESOLUTION NO. 332-11, WHICH READS IN PART: "NOW THEREFORE BE IT RESOLVED THAT THE STANDING ROCK SIOUX TRIBE HEREBY AUTHORIZES AND DIRECTS THE CHAIRMAN OF THE SRST [OR HIS DESIGNEE] TO NEGOTIATE THE TERMS OF PURCHASE OF PROCIDA'S CONOCO, TERMS SUBJECT TO TRIBAL COUNCIL APPROVAL AND TO PERFORM ALL NECESSARY TASKS AND EXECUTIONS TO COMPLETE THE PURCHASE OF RELATED REAL AND PERSONAL PROPERTIES ASSOCIATED WITH PROCIDA'S CONOCO, WITH PROCEEDS/PROFITS GOING TO THE HEALTH AND EDUCATION PROGRAMS, BY RESOLUTION."

I ALLEGE THAT YOUR TRIBAL ADMINISTRATION DID NOT FOLLOW THROUGH WITH RESOLUTION NO. 332-11. SEVERAL OF YOU POLITICAL APPOINTEES SAID IT WAS NOT A GOOD IDEA, A FEASIBILITY STUDY NEEDED TO BE DONE FIRST AND 11 MONTHS LATER, THE PROCIDA'S CONOCO IN MCLAUGHLIN HAS STILL NOT BEEN PURCHASED AND THIS WEEK, NEGOTIATIONS ARE UNDERWAY FOR ANOTHER ENTITY TO PURCHASE PROCIDA'S CONOCO BEFORE STANDING ROCK SIOUX TRIBE COULD ACQUIRE IT.

ROLL CALL VOTE:

MURPHY, CHARLES - NOT VOTING

BROWN OTTER, Milton	NO	ARCHAMBAULT, Paul	NO
CLAYMORE, Duane	NO	BROWN OTTER, Ron	NO
CROW GHOST, Errol, D.	NO	FAITH, Jr., Mike [Chairing]	N.V.
HARRISON, Henry	NO	LITTLE EAGLE, Avis	YES
HARRISON, "Ben" Samuel	NO	TAKEN ALIVE, Jesse	YES
JAMERSON, Jr., Frank	NO	WHITE, Adele	NO
ST. JOHN, Kerby	NO	WHITE, Randal	NO
TWO BEARS, Sharon	NO	YOUNG, Phyllis	NO

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VOTE: YES - 2 NO - 13 NOT VOTING - 2

MOTION DID NOT CARRY.

#6. MOTION WAS MADE BY AVIS LITTLE EAGLE, SECONDED BY JESSE TAKEN ALIVE, TO APPROVE TO AUTHORIZE THE CHARGE OF MISCONDUCT IN OFFICE/NEGLECT OF DUTY AGAINST CHARLES W. MURPHY ON CHARGE 6, AS PRESENTED, WHICH IS A VIOLATION OF THE STANDING ROCK SIOUX TRIBAL CONSTITUTION, ARTICLE IV, POWERS OF THE STANDING ROCK SIOUX TRIBAL COUNCIL, SECTION 1, PART C; PART H; PART O; AND A VIOLATION OF ORDINANCE 181, TITLE 19, CHAPTER 3, DUTIES OF OFFICERS, 19-301 TRIBAL CHAIRMAN PART B AND PART G AND A VIOLATION OF ORDINANCE 181, TITLE 19, CHAPTER 205, JURISDICTION, PART 1, AS SUPPORTED BY THE ATTACHED DOCUMENTS.

2010
6.] ON NOVEMBER 2, 2012, TRIBAL COUNCIL PASSED MOTION NO. 65, MOTION MADE BY JOSEPH MCNEIL, JR., SECONDED BY JESSE MCLAUGHLIN, TO APPROVE OF THE FY-2010 CONGRESSIONAL EARMARK PROGRAM IN THE AMOUNT OF \$350,000.00 WITH NO TRIBAL MATCH FOR AN EMERGENCY SHELTER FOR THE YOUTH, THE SACRED NEST, BY RESOLUTION. H.E.W. AND JUDICIAL TO MEET AS SOON AS POSSIBLE TO PROVIDE THE PROGRAM PLACEMENT OF THE GRANT.

AND THAT ON JUNE 7, 2011, TRIBAL COUNCIL APPROVED MOTION NO. 67 TO PLACE THE SACRED NEST PROJECT AT THE OLD SITTING BULL COLLEGE OR THE JUVENILE DETENTION CENTER. VOTE: YES-11, NO-0, NOT VOTING-2. MOTION CARRIED.4-EXCUSED.

CONTRARY TO THE JUNE 7, 2011 TRIBAL COUNCIL MOTION, YOUR EXECUTIVE DIRECTOR, CHERYL KARY, CAUSED THE SACRED NEST PROJECT TO BE PLACED WITH THE POST DOCTORAL INTERNSHIP PROGRAM AND ONIYAPI PROGRAM OFFICE WHICH WAS ALREADY OVERCROWDED. GRANT MONEY WAS SPENT ON RENOVATIONS. THEN ON FEBRUARY 3, 2012, JUDICIAL COMMITTEE MEETING A PLAN WAS PRESENTED TO THE COMMITTEE PROPOSING TO MOVE THE SACRED NEST PROJECT TO THE LAKE OAHE GROUP HOME. THIS IS NOT ALLOWED BECAUSE THE LAKE OAHE GROUP HOME COULDN'T HOUSE INTOXICATED OR SUICIDAL YOUTH AS A SAFE-HOME WHERE FOSTER CHILDREN ARE BEING HOUSED. TO DATE, THE DOORS FOR THE SACRED NEST PROJECT HAVE NOT OPENED AND THE GRANT YEAR WAS 2010.

ROLL CALL VOTE: MURPHY, CHARLES - NOT VOTING

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MOTION #6 IS CONTINUED.

BROWN OTTER, Milton	NO	ARCHAMBAULT, Paul	NO
CLAYMORE, Duane	NO	BROWN OTTER, Ron	YES
CROW GHOST, Errol, D.	NO	FAITH, Jr., Mike [Chairing]	N.V.
HARRISON, Henry	NO	LITTLE EAGLE, Avis	YES
HARRISON, "Ben" Samuel	NO	TAKEN ALIVE, Jesse	YES
JAMERSON, Jr., Frank	NO	WHITE, Adele	NO
ST. JOHN, Kerby	NO	WHITE, Randal	NO
TWO BEARS, Sharon	NO	YOUNG, Phyllis	NO

VOTE: YES - 3 NO - 12 NOT VOTING - 2

MOTION DID NOT CARRY.

#7. MOTION WAS MADE BY AVIS LITTLE EAGLE, SECONDED BY SAMUEL "BEN" HARRISON, TO APPROVE TO AUTHORIZE THE CHARGE OF MISCONDUCT IN OFFICE/NEGLECT OF DUTY AGAINST CHARLES W. MURPHY ON CHARGE 7, AS PRESENTED, WHICH IS VIOLATION OF THE STANDING ROCK SIOUX TRIBAL CONSTITUTION, ARTICLE IV POWERS OF THE STANDING ROCK SIOUX TRIBAL COUNCIL, SEC. 1, PART C; PART H; PART O, AS SUPPORTED BY THE ATTACHED DOCUMENTS.

7.] ON JULY 12, 2011 A MOTION WAS MADE BY AVIS LITTLE EAGLE, SECONDED BY RON BROWN OTTER, TO APPROVE TO SUPPORT THE REQUEST TO UTILIZE \$70,000.00 FROM THE TRIBAL EMPLOYMENT RIGHTS OFFICE [TERO], TO FUND THE TRIBAL WORK EXPERIENCE PROGRAM [TWEP], UNTIL SEPTEMBER 30, 2011. AMEND: TO BE REFERRED TO TERO COMMISSION AND THEY MEET ON IT IMMEDIATELY.

TERO FUNDS ARE TRIBAL FUNDS SUBJECT TO THE BUDGETING PROCESS OF THE TRIBE AND CANNOT BE EXPENDED EXCEPT AS AUTHORIZED BY RESOLUTION OF THE TRIBAL COUNCIL, THE GOVERNING BODY OF THE TRIBE.

ROLL CALL VOTE: MURPHY, CHARLES - NOT VOTING

BROWN OTTER, Milton	NO	ARCHAMBAULT, Paul	NO
CLAYMORE, Duane	NO	BROWN OTTER, Ron	NO
CROW GHOST, Errol, D.	NO	FAITH, Jr., Mike [Chairing]	N.V.
HARRISON, Henry	NO	LITTLE EAGLE, Avis	YES
HARRISON, "Ben" Samuel	YES	TAKEN ALIVE, Jesse	YES
JAMERSON, Jr., Frank	NO	WHITE, Adele	NO
ST. JOHN, Kerby	NO	WHITE, Randal	NO
TWO BEARS, Sharon	NO	YOUNG, Phyllis	NO

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MOTION #7 IS CONTINUED.

VOTE: YES - 3 NO - 12 NOT VOTING - 2

MOTION DID NOT CARRY.

#8. MOTION WAS MADE BY AVIS LITTLE EAGLE, SECONDED BY RON BROWN OTTER, TO APPROVE TO AUTHORIZE THE CHARGE OF MISCONDUCT IN OFFICE/NEGLECT OF DUTY AGAINST CHARLES W. MURPHY ON CHARGE 8, AS PRESENTED, WHICH IS A VIOLATION OF ARTICLE IV, POWERS OF THE STANDING ROCK SIOUX TRIBAL COUNCIL, SEC. 1, PART C; PART H; PART O AND A VIOLATION OF ORDINANCE NO. 181, CHAPTER 3, DUTIES OF OFFICERS, 19-301 TRIBAL CHAIRMAN, PART B, AS SUPPORTED BY THE ATTACHED DOCUMENTS.

8.] ON FEBRUARY 8, 2012, STANDING ROCK SIOUX TRIBAL COUNCIL APPROVED TO AUTHORIZE THE USE OF THE FORMER WIC BUILDING FOR THE TRIBAL HEALTH PROGRAMS. VOTE: YES-15, NO-0, NOT VOTING-1, MOTION CARRIED. 1-EXCUSED

THEN ON FEBRUARY 10, 2012, TRIBAL CHAIRMAN CHARLES W. MURPHY, ISSUED A MEMORANDUM TO E.J. BLUE EARTH, TRIBAL EDUCATION DIRECTOR, REGARDING AN OFFICE MOVE. THE MEMO STATES THAT YOUR ADMINISTRATION HAS DEVELOPED A "WORKFLOW MANAGEMENT PLAN" TO ADDRESS THE SPATIAL NEEDS OF VARIOUS PROGRAMS AND DIRECTS THE EDUCATION DEPARTMENT TO MOVE TO THE OLD WIC BUILDING WHEN IT BECOMES VACATED. "MOVE TRIBAL EDUCATION, TRIBAL NEW AND WIA TO WIC OFFICE." THIS ONCE AGAIN IS IN DIRECT CONTRADICTION TO TRIBAL COUNCIL MOTION OF FEBRUARY 8, 2012.

THIS AFTER TRIBAL COUNCIL HAD EXPRESSED THEIR CONCERNS TO YOU ABOUT TRIBAL COUNCIL MOTIONS LACKING FOLLOW-UP AND YOUR ADMINISTRATION ACTING IN DIRECT CONTRADICTION TO TRIBAL COUNCIL ACTIONS. ON FEBRUARY 15, A MEMORANDUM, SIGNED BY H.E.W. CHAIRMAN JESSE TAKEN ALIVE, H.E.W. VICE-CHAIRMAN RON BROWN OTTER AND ECONOMICS COMMITTEE MEMBER MILTON BROWN OTTER STATES, "DEAR MR. MURPHY, WE ARE VERY MUCH CONCERNED ABOUT THE FEBRUARY 10, 2012 MEMO TO THE TRIBAL EDUCATION DIRECTOR E.J. BLUE EARTH REGARDING THEIR OFFICE MOVE. THE MEMO IS AGAIN IN DIRECT CONTRAST TO THE DIRECTION THE TRIBAL COUNCIL SEEKS BY PASSING MOTION NO. 31 ON FEBRUARY 8, 2012. THE DIRECTION AND INTENT IS OF COURSE FOR TRIBAL HEALTH PROGRAMS TO OCCUPY THE VACATED BUILDING. IT IS AGAIN DISAPPOINTING AND TROUBLING TO LEARN OF THIS RESPONSE FROM YOUR OFFICE TO A TRIBAL COUNCIL ACTION. WE ARE CONCERNED AND CERTAIN YOUR ACTION WILL RESULT IN CORRECTIVE MANDATES FROM THE STANDING ROCK SIOUX TRIBAL COUNCIL.

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MOTION #8 IS CONTINUED.

ROLL CALL VOTE: MURPHY, CHARLES - NOT VOTING

BROWN OTTER, Milton	NO	ARCHAMBAULT, Paul	NO
CLAYMORE, Duane	NO	BROWN OTTER, Ron	YES
CROW GHOST, Errol, D.	YES	FAITH, Jr., Mike [Chairing]	N.V.
HARRISON, Henry	NO	LITTLE EAGLE, Avis	YES
HARRISON, "Ben" Samuel	YES	TAKEN ALIVE, Jesse	YES
JAMERSON, Jr., Frank	NO	WHITE, Adele	YES
ST. JOHN, Kerby	NO	WHITE, Randal	NO
TWO BEARS, Sharon	NO	YOUNG, Phyllis	NO

VOTE: YES - 6 NO - 9 NOT VOTING - 2

MOTION DID NOT CARRY.

#9. MOTION WAS MADE BY AVIS LITTLE EAGLE, SECONDED BY JESSE TAKEN ALIVE, TO APPROVE TO SUSPEND THE CHAIRMAN [CHARLES W. MURPHY] UNTIL THE HEARING IS HELD AND THE CHARGES ARE DISPOSED OF.

ROLL CALL VOTE: MURPHY, CHARLES - NOT VOTING

BROWN OTTER, Milton	NO	ARCHAMBAULT, Paul	NO
CLAYMORE, Duane	NO	BROWN OTTER, Ron	NO
CROW GHOST, Errol, D.	NO	FAITH, Jr., Mike [Chairing]	N.V.
HARRISON, Henry	NO	LITTLE EAGLE, Avis	YES
HARRISON, "Ben" Samuel	NO	TAKEN ALIVE, Jesse	YES
JAMERSON, Jr., Frank	NO	WHITE, Adele	NO
ST. JOHN, Kerby	NO	WHITE, Randal	YES
TWO BEARS, Sharon	NO	YOUNG, Phyllis	YES

VOTE: YES - 4 NO - 11 NOT VOTING - 2

MOTION DID NOT CARRY.

#10. MOTION WAS MADE BY JESSE TAKEN ALIVE, SECONDED BY PAUL ARCHAMBAULT, TO ADJOURN THE SPECIAL TRIBAL COUNCIL MEETING AT 10:03 A.M.

SPECIAL TRIBAL COUNCIL MEETING
INTER-OFFICE FOLLOW-UP

MEETING DATE: March 8, 2012

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MOTION #10 IS CONTINUED.

ROLL CALL VOTE:

MURPHY, CHARLES - NOT VOTING

BROWN OTTER, Milton	YES	ARCHAMBAULT, Paul	YES
CLAYMORE, Duane	YES	BROWN OTTER, Ron	YES
CROW GHOST, Errol, D.	YES	FAITH, Jr., Mike	[Chairing] N.V.
HARRISON, Henry	YES	LITTLE EAGLE, Avis	YES
HARRISON, "Ben" Samuel	YES	TAKEN ALIVE, Jesse	YES
JAMERSON, Jr., Frank	YES	WHITE, Adele	YES
ST. JOHN, Kerby	YES	WHITE, Randal	YES
TWO BEARS, Sharon	YES	YOUNG, Phyllis	YES

VOTE:

YES - 15

NO - 0

NOT VOTING - 2

MOTION CARRIED

