

ORDINANCE NO. 307-08

NOW THEREFORE BE IT FURTHER RESOLVED, that the TITLE XXXIII, JTAC ORDINANCE, 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 XXXIII, JTAC ORDINANCE; and

ATTACHED PAGES
1 through 13

RESOLUTION NO. 325-08

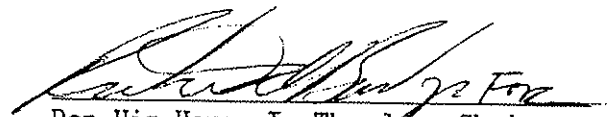
BE IT FURTHER RESOLVED, that pursuant to the power vested in the Standing Rock Sioux Tribal Council under Article IV of the Constitution of the Standing Rock Sioux Tribe, as amended, the foregoing Ordinance No. 307-08, repealing all prior Ordinances regarding TITLE XXXIII, JTAC ORDINANCE which is hereby 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.

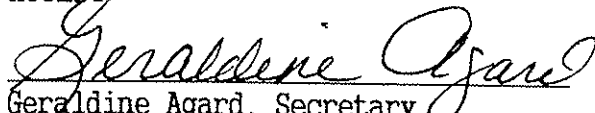
CERTIFICATION

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 10 members, and 0 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. 59

TITLE XXXIII - JTAC ORDINANCE NO. 307-08
 (With Revisions Approved by SRSTC Resolution No. 325-08 on July 03, 2008)

TABLE OF CONTENTS

<u>Chapters</u>	<u>Page (s)</u>
33-001. OVERVIEW	1-2
33-002. DEFINITIONS	2-3
33-003. TENETS	4-5
33-004. FUNDING	5
33-005. AUTHORITY	5-6
33-006. JTAC OVERSIGHT OFFICE	6-7
33-007. JTAC COMMISSION	7
33-008. JTAC COMMISSION COMPOSITION	7-9
33-009. APPLICATION & PROCEDURE FOR FUNDING	9
33-010. FUND MANAGEMENT	10
33-011. PROPOSAL PROCEDURE	10
33-012. TECHNICAL ASSISTANCE	10
33-013. FUNDING LIMITATIONS	11
CHAPTER 1. <u>EDUCATION FUND</u>	11
33-101. GENERAL	11
33-102. ACCEPTABLE USES	12
CHAPTER 2. <u>SOCIAL – CULTURAL FUND</u>	12
33-201. GENERAL	12
33-202. ACCEPTABLE USES	13
CHAPTER 3. <u>DISTRICT ECONOMIC DEVELOPMENT FUND</u>	13
33-301. GENERAL	13

TITLE XXXIII - JTAC ORDINANCE NO. 307-08
(With Revisions Approved by SRSTC Resolution No. 325-08 on July 03, 2008)

TABLE OF CONTENTS

<u>Chapters</u>	<u>Page (s)</u>
CHAPTER 4. RESOURCE DEVELOPMENT AND LAND ACQUISITION FUND	
33-401. GENERAL	13
33-402. ACCEPTABLE USES	14
CHAPTER 5. BUSINESS EQUITY LOAN FUND	14
33-501. GENERAL	14
33-502. ACCEPTABLE USES	14
CHAPTER 6. ENDOWMENT REPLENISHMENT FUND	15
33-601. GENERAL	15
33-602. INVESTMENT OBJECTIVES	15
33-603. THE ENDOWMENT FUND TRUSTEE(S)	16
33-604. ENDOWMENT FUND MANAGEMENT	16
33-605. REVISIONS	16
CHAPTER 7. OAHE ECONOMIC RECOVERY FUND	17
33-701. GENERAL	17
33-702. ACCEPTABLE USES	17

TITLE XXXIII - JTAC ORDINANCE NO. 307-08

(With Revisions Approved by SRSTC Resolution No. 325-08 on July 03, 2008)

33-001. OVERVIEW.

- a.) The purpose of this ordinance is to provide the policies and procedures for equal access to funds generated from interest through enactment of P.L. 102-575, Title XXXV, The Standing Rock Sioux Tribe Equitable Compensation Act of 1992 (the Act).
- b.) Interest from the original endowment of \$90.6 million has been mandated by Congress to address the educational, social welfare, and economic development issues on the Standing Rock Reservation¹. The Act and this Ordinance seek to implement the Congressional mandate as well as develop the Tribe's infrastructure. Therefore the following categories as developed by the Tribe and as authorized by the Act to receive funding shall be:
- 1) **Education fund;**
 - 2) **Social/Cultural fund;**
 - 3) **District Economic Development fund;**
 - 4) **Resource Development and Land Acquisition fund;**
 - 5) **Business Equity Loan fund;**
 - 6) **Endowment Replenishment fund;**
 - 7) **Oahe Economic Recovery fund; and**
 - 8) **JTAC Oversight Office.**
- c.) As set forth in the Act, participation and involvement in the interest generated by the original endowment shall be available to enrolled members of the Standing Rock Sioux Tribe, who reside on the Standing Rock Sioux Indian reservation. Additionally, special consideration and provisions shall be given to those individual Tribal members, their immediate family members and direct descendants who lost their homes and/or lands as a result of the flooding of their lands by passage of the Oahe Act of 1958.
- d.) Upon passage of this Ordinance and the Revised Access Plan by the Standing Rock Sioux Tribal Council, all prior motions, Resolutions, Plans, and Ordinances, that relate to JTAC funds are hereby rescinded and replaced with this Ordinance and the Revised Access Plan with the exception of the two following Tribal Council proceedings:
1. Actions that have already resulted in JTAC expenditures cannot now be rescinded, however, this Ordinance hereby mandates that previously expended JTAC funds are subject to accountability provisions set forth in this Ordinance. Failure to comply with the said accountability provisions may result in legal action authorized in this Ordinance which is consistent with the

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

Standing Rock Sioux Tribe Constitution, Article XI and other relevant provisions of the Standing Rock Code of Justice. In addition, failure to meet the said accountability provisions may result in a forfeiture of future funding until the individual or entity that failed to meet the said accountability provisions comes into compliance with those provisions.

2. Tribal Council Motion 16, Resolution 250-01 dated September 12, 2001, which authorized an award to named districts for six years, has been partially amended. This Ordinance mandates that only the first and second years of this Tribal action plan are to be funded. In addition, this Ordinance mandates that before the Districts receive their second one million dollar allocation, they must abide by all requirements set forth in the District Economic Development Fund portion of this Ordinance.

33-002. DEFINITIONS.

For the purpose of this Ordinance, the words and phrases shall have the following meaning:

- a) **Classification Of Funds** – Identifies the level of interest earned by investments of the JTAC principle and as further defined in the JTAC Ordinance.
- b) **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.
- c) **Revised Access Plan** – A description setting forth the policies and procedures for overseeing and managing the funds made available to the Standing Rock Sioux Tribe;
- d) **1st Generation Funds** – The original endowment of \$90.6 million as approved by the US Congress. These funds may never be accessed and must remain on deposit with the US Treasury, unless authorization is granted by the United States Congress to allow the Tribe to withdraw the funds.
- e) **2nd Generation Funds** – This classification of funds covers all interest earned on the 1st generation funds. These funds are the primary subject of this Ordinance and are made available to the Tribe as requested through the Department of Interior. The annual amount of funds available is based on the interest earned by the investment of JTAC Funds over the previous year. These funds are subject to the Standing Rock Tribal Constitution provisions governing budgeting, i.e., hearings and approval by the Standing Rock Sioux Tribal Council.
- f) **Inflation/Deflation** – *Inflation* refers to a general increase in prices coinciding with a fall in the real value of money. *Deflation* - refers to a general decline in the price of goods and services and the corresponding decline in the value of money.

- g) **JTAC** – The Joint Tribal Advisory Committee initially established to seek additional compensation from Congress and ultimately funded through passage of the Equitable Compensation Act of 1992, which assists the Standing Rock Sioux Tribe in managing the expenditure of the interest earned on the \$90.6 million deposited in the United States Treasury to the credit of the Standing Rock Sioux Tribe pursuant to P.L. 102-575, Title XXXV.
- h) **Per Capita** – This term means: divided equally among all individuals Per capita payments utilizing JTAC funds are prohibited by federal law.
- i) **Direct 1 Descendant** – In implementing this Ordinance, this term means: An enrolled member of the Standing Rock Sioux Tribe, who is directly descended by consanguinity from an individual or allottee who lost land in the taken area after enactment of the Oahe Act of 1958.
- j) **Jurisdiction** - As a condition precedent to funding hereunder, all who submit proposals for JTAC Funding agree to obey the laws and regulations of the Standing Rock Sioux Tribe and to be bound by the jurisdiction of the Standing Rock Sioux Tribal Courts.
- k) **Leverage** – This term means: The use of credit or borrowed funds (such as buying on margin) to improve the Tribe's speculative ability and to increase the rate of return on JTAC investments. It also refers to obtaining matching funds to reduce the reliance of individual proposals on JTAC awards.
- l) **Tribal Membership** – shall mean only reservation resident² 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 our 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.
- m) **Cultural Tenets** – means the cultural force or belief system that influences and/or guides decision-making with regard to funding proposals for JTAC funding.
- n) **Uniform Commercial Code** – means 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.

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

33-003. 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. JTAC funding criteria is not solely based on need. Proposals must be directed toward preserving our L/Dakota Language and 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 hereunder 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! 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 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 sets 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.

33-004. FUNDING

Annually, the Tribal Council shall appropriate and approve budgets from JTAC funds based on recommendations from the JTAC Commission and Oversight Office. The Tribal Council shall follow the established budgeting process for JTAC revenue that is currently in effect for the budgeting of all tribal funds, as required by the Tribe's Constitution, Article IV, § 4 and the Tribe's Code of Justice, Title XIX, § 19-107.

The Tribal Council shall fund the seven categories of this Ordinance, the ongoing operation of the JTAC Commission and the administrative expenses of the JTAC Oversight Office. The Tribal Administration shall prepare the necessary paperwork to request the draw down of JTAC funds from the Department of Interior. Once the Tribe has received the funding requested, all expenditures of the said JTAC funds shall be made in accordance with the Tribe's Financial Policies and Procedures.

It shall be the responsibility of the JTAC Commission to oversee the policies and procedures to ensure fair and equal access of JTAC awards and funding. It shall be the responsibility of the Oversight Office to administer all budgeted JTAC funds. All JTAC fund allocations including the ongoing operations of the Commission and Oversight Office shall have financial audits performed annually.

Whenever possible, each fund established hereunder shall seek to expand the impact of limited educational funds through challenge funding, conditional funding, matching funding, special initiative funding as well as by collaboration with other donors in joint funding efforts.

Each fund or category may accept joint applications by two or more organizations/departments of the Standing Rock Sioux Tribe coordinating their efforts on a single project.

33-005. AUTHORITY

The authority for this Ordinance 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 \$4000.
- Tribal Resolution 023-01, Motion 4, January 30, 2001, that requests the JTAC Advisory Committee to present the Tribal Council with recommendations 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 six (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 seven (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 is hereby commissioned by the Standing Rock Sioux Tribe specifically to provide fair and unbiased direction to the JTAC Oversight Office and the JTAC Commission is hereby vested with the authority to approve and disapprove proposals for funding hereunder. The Commission shall be governed in their oversight role by the JTAC Commission Rules of Operation.

The said Rules of Operation were authorized and adopted by the SRST Tribal Council on the ___ day of _____ 200_. The staff of the JTAC Oversight Office and the JTAC Commission members shall operate under the said Rules of Operation attached hereto and incorporated herein by reference as if fully set forth below.

33-006. JTAC OVERSIGHT OFFICE

There is hereby established a JTAC Oversight Office. This office shall insure that appropriate financial and management standards are adhered to by all individuals and entities expending JTAC funds. The office shall implement approved Tribal Council policies and procedures with regard to JTAC appropriations and shall make budget recommendations to the SRST Judicial Committee and recommendations for policy improvement to the SRST Judicial Committee.

The JTAC Oversight Office shall make and file quarterly reports with the Tribal Council. The JTAC Oversight Office shall further ensure that annual financial audits are prepared concerning all individuals and entities that expend JTAC funds, and that such financial audits are reviewed and approved to ensure compliance with this Ordinance and the Laws and Constitution of the Standing Rock Sioux Tribe. The Executive Director of the Oversight Office shall immediately notify both the JTAC Commission and Tribal Council in the event that misuse of JTAC funding is discovered.

Individuals employed in the JTAC Oversight Office are tribal employees. Thus, employees of the JTAC Oversight Office are subject to the Tribe's Personnel Policies and Procedures.

33-006. JTAC COMMISSION

There is hereby established a JTAC Commission that is empowered by the Standing Rock Sioux Tribal Council to ensure that the proposal process for funding JTAC awards is fair and equitable. The primary responsibility of the Commission is to ensure that JTAC policies and procedures are carried out by the Oversight Office.

The JTAC Commission is authorized to:

1. To select the recipients of JTAC awards based on the proposal system that is established by this Ordinance.
2. Hold one meeting per month to conduct the business and duties of the JTAC Commission. Other meetings may be held as determined necessary by the JTAC Commission.
3. Insure that all expenditures of JTAC funds remain within the budgeted amounts set by the Standing Rock Sioux Tribal Council.
4. To refer potential criminal complaints to the appropriate law enforcement authorities and/or the Tribal Prosecutor. Potential civil actions shall be referred to the Standing Rock Sioux Tribe's Legal Department to ensure full accountability for all JTAC funds.
5. To abide by the Commission's Rules of Operation attached to this Ordinance and incorporated herein by reference as if fully set forth below.

33-007. JTAC COMMISSION COMPOSITION

- a.) The JTAC Commission shall be composed of nine (9) members, eight shall represent the districts, and the ninth member of the Commission shall be a Tribal Council representative, appointed to the Commission by the Tribal Council.

Upon enactment of this Ordinance and enactment of the Revised Access Plan, each District shall nominate three (3) representatives for appointment to the JTAC Commission. These nominees shall be screened by the Standing Rock

Election Commission for eligibility to serve on the JTAC Commission according to the same criteria that the Standing Rock Election Commission uses to determine the eligibility of candidates for tribal office. Standing Rock Code of Justice, § 15-102. All District representatives appointed and all subsequent representatives must meet the qualifications as set forth below. In the event, there is no candidate nominated by one or more of the said districts, the Tribal Council shall make an appointment for the non-nominating district.

Except for the Tribal Council representative to the JTAC Commission, each JTAC Commission member shall be appointed by the Tribal Council at the general election and shall serve a four-year term, following the staggered term language set forth below.

At the first meeting of the Commission:

- 1.) An election shall be held by the commission to select a vice-chairman and secretary.
 - 2.) The chairman of the commission shall be the tribal Council appointee and shall preside at all meetings of the commission and shall not vote, except to break a tie. In the event the chairman is unavailable to preside at a meeting, the vice-chairman shall assume the duties of the chairman.
 - 3.) Bear Soldier, Cannonball, Kenel, and Long Soldier Districts will serve the initial four-year term. Little Eagle, Porcupine, Rock Creek, and Wakpala will serve the remaining two-year terms. There after the terms for the JTAC Commission will be staggered four year terms.
- b.) To be eligible for the JTAC Commission the office holder(s) must meet the requirements set forth in the Standing Rock Code of Justice, § 15-102:
- a candidate shall be at least twenty-one (21) years of age;
 - a candidate shall not have been convicted of a felony, (Federal, Tribal Or State);
 - a candidate must not be delinquent on a debt to the Tribe or;
 - a candidate must not be dishonorably discharged and/or other than honorably discharged from the United States Armed Forces;
 - and a candidate must have been a resident of the district they are running from for at least one year prior to their nomination for office.
 - Current Tribal Council members are not permitted to sit on the Commission, except for the Tribal Council member appointed to the JTAC Commission by the Tribal Council.

- c.) The local district responsible for the appointment, or the JTAC Commission may remove a JTAC Commission member for neglect of duty, dishonesty, or misconduct in office or any other matter that has a substantial and adverse effect on the JTAC Commissioner's ability to perform the duties of office. Notice of removal, written charges and an opportunity to be heard must be provided, prior to removal. Removal shall be by majority vote.

Removal procedures shall be governed by the Rules of Operation where the Commission seeks to remove a Commission member and by the SRST Code of Justice Title XX, Chapter 2, Removal of District Officers from Office, where a district seeks to remove its Commission member.

33-008. APPLYING FOR FUNDING

All JTAC fund categories identified in this Ordinance shall be funded through a proposal process. All proposals for the various JTAC funds shall conform to the requirements of this Ordinance and the Standing Rock Sioux Tribe Revised Access Plan. All proposals shall identify how funding of the proposal(s) will enhance the long range planning efforts of the Tribe, District, tribal program/department, institution, or individual applying for funding. All proposals for funding must be designed to best meet the local geographic, demographic, economic, cultural, health, and other needs of eligible participants to be served under each fund.

All proposals for funding hereunder shall conform to the leverage requirements governing the fund the proposal is directed to as well as the policies and procedures governing each fund established by the JTAC Commission.

The JTAC Commission shall establish fund application windows for funding, not in excess of the amount appropriated for that respective fund. Whenever practicable, application windows shall be publically announced at least three months in advance of the application deadline therefore.

The JTAC Commission shall determine which of the recipients shall be funded through the proposal process. The awards and notification of award and/or denial shall be made within ninety (90) days of the application deadline by the JTAC Oversight Office as directed by the JTAC Commission. The JTAC Commission's decisions are final with no right of appeal.

Once the recipients are selected, the JTAC Oversight Office is responsible for ensuring that those selected as recipients receive the funding as determined by the JTAC Commission. The JTAC Oversight Office will make the determination of whether the recipients will be funded all at once (100% of funding) or paid in increments, according to the type of award and the availability of funds.

Funding recipients shall comply with the laws and regulations of the Standing Rock Sioux Tribe. Compliance with Tribal and federal law is required as a condition precedent to the receipt of funding hereunder. In addition, JTAC funding recipients shall comply

with contractual agreements, funding agreements and other criteria as may be established by the JTAC Oversight Office, from time to time.

33-009. FUND MANAGEMENT

Except as otherwise noted, within a Funding category all proposals for JTAC funding will be managed by the JTAC Oversight Office. Such proposals will be reviewed to determine whether they meet the fiscal, management, accountability and compliance requirements set forth in this Ordinance and the Revised Access Plan. The amount and type of disbursement of JTAC funds to recipients will vary depending on the nature of the award. Awards may be disbursed in increments or by a total sum award at the discretion of the JTAC Oversight Office.

33-010. PROPOSAL PROCEDURE

All proposals for funding from the JTAC Commission must follow the format shown below. Proposals will be rated and scored as to their ability to address the Revised JTAC Access plan tenets and guidelines, as well as the planning efforts of the Tribe, District, individual or Entity seeking funding.

- **Abstract/Overview Statement Addressing Tenets**
- **Statement of Need**
- **Budget**
- **Implementation Plan**
- **Business Plan (If business is planned)**
- **Sustainability**
- **Leverage/Match**
- **Audit**
- **Reporting**
- **Repayment Plan**
- **Addendums (Legal or Supporting Documents)**

Note: This proposal format will be explained in detail in each Fund's specific "Fund Application Package".

33-011. TECHNICAL ASSISTANCE

Technical Assistance will be made available to the extent that budget and ability to provide is possible. Requests for Technical Assistance are encouraged and must be made in writing to the Executive Director. The Executive Director will refer the request to the Sitting Bull College and/or the Business Equity Loan Fund and to such other experts in grantsmanship available to the JTAC Oversight Office.

33-012. FUNDING LIMITATIONS

Although each Fund attempts to be as inclusive as possible, there are some activities and interests that clearly fall outside the scope of these guidelines. Proposals will not be funded that:

- a.) would be used to pay an existing indebtedness, except in the case of a proven, successfully operating business;
- b.) indicate that there will be deficits in routine operating budgets;
- c.) are general appeals for funds which do not meet fund-specific criteria;
- d.) where the JTAC funding would be the predominate source of an organizations funding; or
- e.) seek funding to support individuals, i.e., personal needs, welfare, travel or research activities with no apparent economic development merit or meaningful result(s) for the Tribe, the districts and Tribal members.

CHAPTER 1. - EDUCATION FUND

33-101. GENERAL

The Higher Education fund shall be used to fund individuals for educational costs that will enhance the future of the Tribe and its members. The JTAC Commission will also consider educational infrastructure development. Infrastructure requests must address the leveraging of funds in their proposals.

All award recipients will be requested to repay the amount awarded with no interest charges being assessed. However, where the prospective award recipient is an educational institution or a group of Tribal members who plan to teach the Dakota and Lakota Language and/or the Dakota and Lakota Culture, the JTAC Commission is hereby empowered to waive the requirement of leverage³ and/or repayment of the amount awarded where such repayment is not possible given the prospective award recipient's available resources and the award of funding to the educational institution or group of Tribal members will advance the interests of the Tribe in preserving the Dakota and Lakota Language and/or the Dakota and Lakota Culture.

³ 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.

Waivers of leverage and/or repayment to educational institutions or groups of Tribal members where the interests of the Tribe are advanced through the individual educational achievements of Tribal members and/or the implementation of educational programs or teaching of classes by groups of Tribal members or educational institutions.

33-102. ACCEPTABLE USES.

The JTAC Commission shall determine funding based in part upon the following acceptable uses listed below:

- a.) Scholarships to college students (undergraduate, graduate, and post-graduate. Any funding awarded for this activity shall be administered by the Tribe's Higher Education Scholarship Program.
- b.) Infrastructure development of educational institutions, provided the entity seeking funding strongly addresses an educational objective for the Tribe. The JTAC Commission shall determine the acceptable leverage ratio or whether to waive the leverage requirement.

CHAPTER 2. - SOCIAL/CULTURAL FUND

33-201. GENERAL.

The social cultural fund shall be used to enhance the wellness of families, infrastructure, and facilities that promote the social and cultural well being of the members of the Standing Rock Sioux Tribe. Where the prospective Social and Cultural award recipient is an individual, educational institution or a group of Tribal members who plan to teach the Dakota and Lakota Language and/or the Dakota and Lakota Culture, the JTAC Commission is hereby empowered to waive the requirement of leverage and/or repayment of the amount awarded where such repayment is not possible given the prospective award recipient's available resources and the award of funding to the educational institution or group of Tribal members will advance the interests of the Tribe in preserving the Dakota and Lakota Language and/or the Dakota and Lakota Culture.

Waivers of leverage and/or repayment may also be sought by prospective award recipients seeking social and cultural education awards to individuals, groups of Tribal members and/or educational institutions seeking social and cultural education awards where the interests of the Tribe in preserving the Dakota and Lakota Language and/or the Dakota and Lakota Culture are advanced through the funding of individual educational proposals and/or the implementation of educational programs or teaching of classes by groups of Tribal members and educational institutions.

Annual funding for the Tribe's Burial Assistance Program is authorized but not mandated. Should any funding be awarded for this purpose, the Burial Assistance Program funding shall be administered by the Tribal Administrative Office.

33-202. ACCEPTABLE USES.

The social cultural fund will support initiatives and activities such as those listed below but funding will not be limited to the following:

**Language Enhancement And Preservation
Prevention
Intervention
Aftercare
Preservation
Detention/Lock Down Facility
Children's Youth Shelter
Safe Homes
Crisis Facilities
Activity Centers
Inpatient Addiction Center
Youth Leadership Development
Elderly
Creating Alternative Health Care Delivery Systems
Assist Welfare To Work
Single Parent Issues
Health Care Issues
Programs and Projects that enhance the Tiospaye concept**

CHAPTER 3. - DISTRICT ECONOMIC DEVELOPMENT FUND

33-301. GENERAL

The fund shall be funded to stimulate District economic development. The Oversight Office shall prioritize its recommendations for funding for business proposals that meet stated district development goals and that contain matching grants or that meet the leveraging requirements of the JTAC Ordinance.

CHAPTER 4. - RESOURCE DEVELOPMENT AND LAND ACQUISITION FUND

33-401. GENERAL

The resource development and land acquisition (hereafter "RDLA") fund shall be used to acquire, research and set forth land acquisition, land conservation and land tenure strategies and policies as well as to develop the natural resources of the Tribe and its members. Under this fund, the Standing Rock Sioux Tribe may authorize funding for

purchase of lands to restore the Tribe's land base and to enhance economic development on the reservation.

33-402. ACCEPTABLE USES.

The RDLA funding is also intended to facilitate land conservation and to provide Tribal and Tribal member accessibility to conservation areas as a means of building sustaining ongoing land and river development. In awarding funding to proposals for funding from the RDLA fund, first priority for funding shall be given to individuals who lost land through the Oahe Act of 1958. Listed below are the four general areas for initiatives that would be eligible for funding, and as further explained in the Revised Access Plan. This list is not inclusive or limited to only those shown. Any other creative and productive ideas or areas are encouraged for proposal submission.

- a.) **Land Acquisition & Consolidation**
- b.) **Natural Resources Policy Development**
- c.) **Resource Development**
- d.) **Water Use**

Chapter 5. - BUSINESS EQUITY LOAN FUND

33-501. GENERAL.

The BELF fund seeks to provide venture capital for on-reservation community-based organizations and individuals for commercial or industrial activities which are majority owned or controlled by the tribe, a tribal member, or members of the Tribe.

33-502. ACCEPTABLE USES

This fund shall provide venture capital funding for activities which:

- a.) Produce or supply goods, services or facilities while operating on a for profit basis;
- b.) Prior to the award of funding, insure that a due diligence⁵ investigation and analysis of the principle business activities of the corporation and its potential to earn a profit from its operations performed to ensure repayment and that the funding, purchase and ongoing operation of such a corporation would be directly beneficial to the reservation economy.

⁵ As used herein, the term due diligence means: the diligence reasonably expected from, and ordinarily exercised by, a person who seeks to satisfy a legal requirement or to discharge an obligation. -- Also termed *reasonable diligence; common diligence*. It also means the investigation and analysis required to be made concerning a proposal for funding for venture capital to purchase a company or other property.

CHAPTER 6. - ENDOWMENT REPLENISHMENT FUND

33-601. GENERAL.

The Endowment Replenishment (ER) Fund is established to preserve the real value of the JTAC Funds (\$90.6 million). The Fund shall be overseen by a Board of Trustees to insure that a combination of investment options will be utilized in the investment of the said JTAC funds in order to realize a minimum return that exceeds the maximum Government Security Rate of Return⁶.

33-602. INVESTMENT OBJECTIVES.

The principal investment objectives of the fund are to invest in a manner which:

- a.) Preserves the real value of the \$90.6 million appropriation
- b.) Provides safeguards and diversity in investment to which a prudent investor would adhere
- c.) Protects the investment of the Standing Rock Sioux Tribe
- d.) Provides for capital growth for the said investment accounts with the objective of annual income growth
- e.) Avoids high risk investment, where consistent year to year growth is preferred versus large fluctuations in return
- f.) Follows investment guidelines and stipulations found in 25 U.S.C. § 161⁷, section 103 of the Public Law 103-412, "American Indian Trust Fund Management Reform Act of 1994."

⁶ Yields on Treasury securities at "constant maturity" are interposed by the U.S. Treasury from the daily yield curve. This curve, which relates the yield on a security to its time to maturity, is based on the closing market bid yields on actively traded Treasury securities in the over-the-counter market. These market yields are calculated from composites of quotations reported by five leading U.S. Government securities dealers to the Federal Reserve Bank of New York. The constant maturity yield values are read from the yield curve at fixed maturities, currently 1, 2, 3, 5, 7, 10, and 30 years. This method provides a yield for a 10-year maturity, for example, even if no outstanding security has exactly 10 years remaining to maturity.

⁷ 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.

33-603. THE ENDOWMENT FUND TRUSTEES

The Endowment Fund Trustees shall consist of 5 members that shall be appointed by the Standing Rock Sioux Tribal Council in consultation with the JTAC Oversight Office Executive Director. These appointees will serve a maximum of four years and meet the selection criteria as stated in section 33-006, except where non-enrollees or industry professionals are appointed.

- a.) One shall be an expert in investments;**
- b.) One shall be a Tribal Council Representative;**
- c.) One shall be an expert in the law of finance ;**
- d.) One shall be an expert in banking ; and**
- e.) One shall be a member of the JTAC Commission.**

The members of the Endowment Trust shall serve terms of four years.

The Trustees shall meet quarterly to discuss objectives and needs of the fund. They shall also make Endowment Fund budgetary recommendations to the Tribal Council. This recommendation shall serve as the basis for the Tribal Council's annual appropriation of 2nd Generation JTAC funds to be expended as authorized in this Ordinance.

33-604. ENDOWMENT REPLENISHMENT MANAGEMENT

The Management of this fund shall be carried out by the Executive Director of the Oversight Office based on the advice of the said Trustees. Duties, such as setting meetings, account information, meeting with and reporting to the Endowment Trustees will be performed by the said Executive Director. The said Executive Director shall, consistent with the advice of the Endowment Trustees, establish an investment account or accounts where the annual appropriations awarded and the resulting annual interest earnings shall be deposited. This specially designated endowment replenishment account shall receive deposits but no withdrawals there from shall be until ten years has elapsed since the said account was opened. The proceeds of the said account shall not be budgeted or utilized until ten years has elapsed since the said account was opened.

33-605. REVISIONS.

Changes in the investment management plan shall be recommended by the Endowment Trustees and approved by the Tribal.

CHAPTER 7. - OAHE ECONOMIC RECOVERY FUND

33-701. GENERAL

This fund shall be used to address the losses of individual Tribal members, their immediate family members and direct descendants who lost their homes and/or lands through passage of the Oahe Act of 1958. The Oahe Economic Recovery Fund shall also be utilized to rebuild the economic base lost when the Tribe's bottomlands were taken and flooded. Until significant revenue is realized for disbursement, the Fund shall be allocated for administrative costs and consultant resources only. Thereby, the JTAC Commission and the JTAC Oversight Office are assured the necessary resources to develop and implement strategies for fair and just decisions and policy concerning assistance for those who lost their homes and/or lands under the said 1958 Act and restoring the Tribe's said lost economic base.

33-702. ACCEPTABLE USES.

The Oahe Economic Recovery Fund shall address but is not limited in the scope of its acceptable uses to the following:

- a.) establishment of an archive that documents the history of the taking of the reservation lands and identifies the individual Tribal members, their immediate family members and direct descendants who lost their homes and/or lands under the said 1958 Act.;
- b.) pursuit of congressional legislation that provides economic recovery funds in the full amount of 650 million dollars as recommended by the original Joint Tribal Advisory Commission and that addresses reparations for collateral damage; and
- c.) development, definition and implementation of the Tribe's economic recovery plan for the Taken Area Lands.