ROSEBUD SIOUX TRIBE
RESOLUTION NO. 2016-35

WHEREAS, the Rosebud Sioux Tribe is a federally recognized Indian tribe organized pursuant to the Indian Reorganization Act of 1934 and all pertinent amendments thereof; and

WHEREAS, the Rosebud Sioux Tribe is governed by a Tribal Council made up of elected representatives who act in accordance with the powers granted to it by its Constitution and By-Laws; and

WHEREAS, the Rosebud Sioux Tribal Council is authorized to promulgate and enforce ordinances for the maintenance of law and order, and to safeguard the peace and morals, and general welfare of the Tribe, and to provide for the administration of justice, pursuant to the Rosebud Sioux Tribe Constitution and By-Laws, Article IV, Sections 1(a), (k), and (m); and

WHEREAS, RST Ordinance No. 94-125 established a Procurement Policy and Procedure for use by the departments and entities of the Rosebud Sioux Tribe; and

WHEREAS, RST Ordinance No. 94-125 provides that purchase of $10,000.00 and over requires the approval of the Rosebud Sioux Tribal Council; and

WHEREAS, the Rosebud Sioux Tribal Council has enacted legislation finding that the poor quality health care is a threat to public health and safety of such severity and magnitude that the Rosebud Sioux Tribal Council has declared an immediate public health state of emergency for all communities of the Rosebud Sioux Tribe Reservation; and

WHEREAS, Mr. Robert McSwain, Acting Director of the Indian Health Service at that time, made a commitment to the Rosebud Sioux Tribe to provide funding to the Tribe to hire an independent monitor to oversee CMS compliance concerns and monitor progress of corrections ensuring basic health care to our tribal members and transparency to our tribal leadership; and

WHEREAS, it is not known how long the process will take to correct the deficiencies identified and regain compliance ensuring safe, quality health care to our community members and resuming of our Emergency Room services. The funding request for two hundred thousand dollars ($200,000.00) is needed to ensure a monitor is in place to work with the IHS on compliance and report directly to the Tribe ensuring complete transparency; and

WHEREAS, the Tribe has agreed to hire by contract, Avera Health Incorporated and/or other independent contractors, to provide the monitoring of the CMS process and work with IHS until our hospital is certified to provide basic safe, quality medical care to our members; and

WHEREAS, this request will cover the period of one year and will be recurring every year until said time the Rosebud Indian Health Hospital has been certified to provide basic safe, quality health care services in accordance with CMS Conditions of Participation to our tribal members; now

THEREFORE BE IT RESOLVED, the Rosebud Sioux Tribe authorizes the modification or amendment of the Rosebud Sioux Tribe Health Care Services Public Law 93-638 Master Contract to provide for the Indian Health Services to transfer to the Rosebud Sioux Tribe the amount of $200,000.00 from a fund designated by the Indian health Service for the complete payment of the compensation of Avera Health Incorporated for the provision of consulting services and for other associated costs; and

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BE IT FURTHER RESOLVED, that the President of the Rosebud Sioux Tribe is authorized and directed to sign and execute the documents for modification or amendment of the Rosebud Sioux Tribe Public Law 93-638 Health Care Services Master Contract to provide for the Indian Health Service to transfer to the Rosebud Sioux Tribe the amount of $200,000.00 from a fund designed by the Indian Health Service for the complete payment of the compensation of Avera Health Incorporated for the provision of consulting services and for other associated costs.

CERTIFICATION

This is to certify that the above Resolution No. 2016-35 was duly passed by the Rosebud Sioux Tribal Council in session on March 4, 2016, by a vote of eleven (11) in favor, zero (0) opposed and zero (0) not voting. The said resolution was adopted pursuant to authority vested in the Council. A quorum was present.

ATTEST:

Julia M. Peneaux, Secretary
Rosebud Sioux Tribe

William Kindle, President
Rosebud Sioux Tribe

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Rosebud Sioux Tribe

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William Kindle, President
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Julia M. Reneaux, Secretary
Rosebud Sioux Tribe

William Kindle, President
Rosebud Sioux Tribe

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Rosebud Agency
P.O. Box 228
Mission, SD 57555

IN REPLY REFER TO:
Office of the Superintendent

APR 07 2016

Honorable William Kindle
President, Rosebud Sioux Tribe
P.O. Box 430
Rosebud, South Dakota 57570

Attention: Julie Peneaux, RST Secretary

Dear President Kindle:

The following resolutions, received in this office on April 1, 2016 have been reviewed and re-routed to appropriate branches.

Resolution No. 2015-66
Resolution No. 2015-275 Amended
Resolution No. 2015-278 Amended
Resolution No. 2015-309
Resolution No. 2015-325
Resolution No. 2016-35
Resolution No. 2016-49
Resolution No. 2016-50
Resolution No. 2016-51
Resolution No. 2016-52
Resolution No. 2016-53
Resolution No. 2016-54
Resolution No. 2016-55
Resolution No. 2016-56
Resolution No. 2016-57
Resolution No. 2016-58
Resolution No. 2016-59
Resolution No. 2016-60
Resolution No. 2016-61
Resolution No. 2016-62
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Resolution No. 2016-69
Resolution No. 2016-70
Resolution No. 2016-71
Resolution No. 2016-72
Resolution No. 2016-73
Resolution No. 2016-74
Resolution No. 2016-75
Resolution No. 2016-76
Resolution No. 2016-77
Resolution No. 2016-78
Resolution No. 2016-79

If further action is required by the Tribe on any of the above, you will be notified immediately.

Sincerely,

Superintendent

Enclosures