

RESOLUTION OF THE OGLALA SIOUX TRIBAL COUNCIL
OF THE OGLALA SIOUX TRIBE
(An Unincorporated Tribe)

RESOLUTION OF THE OGLALA SIOUX TRIBAL COUNCIL OF THE OGLALA SIOUX TRIBE REQUESTING THE INDIAN HEALTH SERVICE TO ENTER INTO A WRITTEN INTERGOVERNMENTAL PERSONNEL ACT ("IPA") AGREEMENT FOR THE PURPOSE OF ASSIGNING RANDY HUGHES TO ASSIST THE TRIBE IN UPDATING AND IMPLEMENTING ORDINANCE NO. 12-08, BRINGING AND IMPLEMENTING THE TRIBE'S 2.5 GHZ FCC SPECTRUM LICENSE UNDER ORDINANCE NO. 12-08, AND ANY AMENDMENTS THERETO, AND ASSISTING THE TRIBE IN IMPLEMENTING ITS SPECTRUM/BROADBAND PROJECT.

WHEREAS, the Oglala Sioux Tribe adopted a Constitution and By-Laws by referendum vote on December 14, 1935, pursuant to Section 16 of the Indian Reorganization Act of 1934 (48 Stat. 984, now codified at 25 U.S.C. § 5123), and

WHEREAS, under Article III, Section 1 of the Tribal Constitution, the Oglala Sioux Tribal Council ("Tribal Council") is empowered to "(a) To negotiate with the Federal, State, and local governments, on behalf of the Tribe", and

WHEREAS, the Tribe applied to the Federal Communications Commission (FCC) for a license to provide broadband services under FCC's Tribal Priority Filing Window for the available 2.5 GHZ spectrum on tribal lands, and

WHEREAS, the FCC granted a license to provide such GHZ spectrum services on tribal lands within the boundaries of the Pine Ridge Indian Reservation, as defined in Section 1 of the 1889 Act (25 Stat. 888), as well as one off-reservation location to date, and

WHEREAS, the Tribal Council passed Ordinance No. 12-08, which created "a centralized Division of Information Technology (IT) with an Enterprise Architecture System, which will have broad oversight over all current and future IT-related activities of the Oglala Sioux Tribe, its Department, Agencies and Chartered Organizations, and including related IT services, grants and contracts", and

WHEREAS, Randy Hughes, an enrolled member of the Tribe, who is currently employed by Indian Health Service ("IHS"), is an expert in IT Communications and assisted the Tribal Council in developing Ordinance No. 12-08, and the Tribal Council finds it imperative that the Tribe utilize his specialized expertise in telecommunications in updating and implementing Ordinance No. 12-08, bringing and implementing the Tribe's 2.5 GHZ spectrum license, under Ordinance No. 12-08, and any amendments thereto, assisting the Tribe in implementing its Spectrum/Broadband Project, and

WHEREAS, the Intergovernmental Personnel Act ("IPA") of 1970, P.L. 91-648, 5 U.S.C. § § 3373-3375, and its implementing federal regulations found at 5 C.R.F. § § 334.101-334.108 permits the temporary assignment of personnel back and forth between federal agencies and Indian tribes or tribal organizations, and the Tribal Council would like IHS to enter into a written IPA agreement with the Tribe under 5 C.F.R. § 334.106 for the purpose of assigning Randy Hughes to assist the Tribe in updating and implementing Ordinance No. 12-08, bringing and implementing the Tribe's 2.5 GHZ FCC spectrum license under Ordinance No. 12-08, and any amendments thereto, and assisting the Tribe in implementing its Spectrum/Broadband Project, now

THEREFORE BE IT RESOLVED, that the Oglala Sioux Tribe requests IHS enter into a written IPA agreement assigning Randy Hughes to the Oglala Sioux Tribe for two-years for the purpose of assigning Randy Hughes to assist the Tribe in updating and implementing Ordinance No. 12-08, bringing and implementing the Tribe's 2.5 GHZ FCC spectrum license under Ordinance No. 12-08, and any amendments thereto, and assisting the Tribe in implementing its Spectrum/Broadband Project, and


BE IT FURTHER RESOLVED, that upon approval of a written IPA agreement between the IHS and the Tribe, that Kimmie Clausen and attorney Russell Zephier, shall work closely and cooperatively with Randy Hughes in updating and implementing Ordinance No. 12-08, bringing and implementing the Tribe's 2.5 GHZ FCC spectrum license under Ordinance No. 12-08, and any amendments thereto, and assisting the Tribe in implementing its Spectrum/Broadband Project, and

BE IT FURTHER RESOLVED, that the Tribal President shall be responsible for enforcing this resolution by negotiating and consummating the IPA agreement between IHS and the Tribe, and executing all necessary documents on behalf of the Oglala Sioux Tribe.


C-E-R-T-I-F-I-C-A-T-I-O-N

I, as the undersigned Secretary of the Oglala Sioux Tribal Council, of the Oglala Sioux Tribe hereby certify that this Resolution was adopted by a vote of: 20 For; 0 Against; 0 Abstain; and 0 Not Voting; during a SPECIAL SESSION held on the 28TH day of MARCH, 2022.

RESOLUTION NO. 22-29
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STACY L. TWO LANCE
Secretary
Oglala Sioux Tribe

A-T-T-E-S-T:



KEVIN KILLER
President
Oglala Sioux Tribe

RECEIVED
MAR 29 2022
BUREAU OF INDIAN AFFAIRS
OFFICE OF THE SUPERINTENDENT