

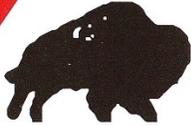
# Flandreau Santee Sioux Tribe

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## RESOLUTION NO. 2020-111

- WHEREAS,** the Flandreau Santee Sioux Tribe (the “Tribe”) is a federally recognized Indian Tribe organized pursuant to the Constitution and By-laws approved by the Secretary of Interior and Commissioner of Indian Affairs on April 24, 1936, amended February 7, 1941, further amended November 16, 1967, further amended November 14, 1984, and finally amended May 17, 1997; and
- WHEREAS,** Article III of the Tribe’s Constitution and By-laws provides that the governing body of the Tribe shall be the Executive Committee; and
- WHEREAS,** Article VIII Section 1(f) of the Constitution provides that the Executive Committee may promulgate and enforce ordinances governing and regulating the conduct of persons on the reservation; and
- WHEREAS,** Article VIII Section 1(h) of the Constitution provides that the Executive Committee has the authority to adopt resolutions consistent with the Constitution and By-Laws regulating the procedures of the Executive Committee and other tribal agencies, officials, or organizations of the Flandreau Santee Sioux Tribe; and
- WHEREAS,** Article VIII, Section 1(a) of the Constitution provides that the Executive Committee may enter into negotiations with Federal, States, and local Governments on behalf of the Tribe; and
- WHEREAS,** the Tribe, acting through the Executive Committee and designated agencies of the Tribal government, exercises its inherent sovereignty to promulgate and execute ordinances governing and regulating the conduct of all person on the Reservation; and
- WHEREAS,** the Constitution of the Tribe confirms the sovereign duty and responsibility of the government established by the Tribe’s members to exercise the right of local self-government and to promote the welfare of the Tribe; and
- WHEREAS,** these rights include establishing subordinate governmental authorities for the economic purpose of benefiting the general welfare of the tribal community; and
- WHEREAS,** the benefits received through subordinate Tribal authorities exercising the Tribe’s inherent sovereign authority serves the social, economic, educational,

and health needs of the tribal community, and helps advance the sovereignty and cultural integrity of the Tribe; and

**WHEREAS,** the Tribe, and not the federal government, is in the best position to determine and meet the needs of the Tribe’s members, and the services provided by the Federal government to the Tribe are often inadequate to meet these needs; and

**WHEREAS,** the Executive Committee is committed to enhance the Tribe’s economic self-sufficiency and self-determination through the exercise of the Tribe’s inherent sovereign regulatory authority; and

**WHEREAS,** the Executive Committee passed Title 32 entitled “DAKOTA COIN AUTHORITY” to the Flandreau Santee Sioux Tribe Law and Order Code by Tribal Resolution 19-80 on October 2, 2019 and established the Dakota Coin Authority; and

**WHEREAS,** the Executive Committee passed Resolution 19-86 which further amended the Title and allocated additional funding to the Authority on October 24, 2020, and Resolution 2020-70 which authorized additional funding to the Authority May 15, 2020, and clarified the terms of the original allocations; and

**WHEREAS,** the Executive Committee now desires to further amend the Title, to clarify its delegation of the Tribe’s sovereign powers to the Authority including its privileges and immunities, and to enter into an agreement or consent with Blockchain Consulting Group (“BCG”) which would deem it to be an expert in all technical information that relates to cryptocurrency, blockchain, and any and all technology related thereto generally, as well as all information, as relates specifically to the Coin, Token and related programs, and computer technology and related technical infrastructure that allows for implementation of the Coin and Token; and

**WHEREAS,** the Executive Committee desires to further amend Title 32, by changing the composition of the Board of Directors, and to appoint a Board of Directors for the Authority; and

**NOW THEREFORE BE IT RESOLVED** that the Flandreau Santee Sioux Tribe Executive Committee hereby amends FSST § 32-1-19 entitled “Privileges and Immunities” to reads as follows (added language is underlined):

**Section 32-1-19. Privileges and Immunities**

The Tribe hereby confers on the Authority all of the rights, privileges, and immunities enjoyed by the Tribe, including, but not limited to, immunities from federal, state, and local taxes, regulations, and jurisdiction, to the same extent that the Tribe would have such rights, privileges, and immunities, if it engaged

in the activities undertaken by the Authority. The Board may grant a limited waiver of the sovereign immunity of the Authority, but the waiver must be explicitly adopted by Board Resolution at a duly noticed meeting of the Board, the language of the waiver must be explicit, and it may be granted only when necessary to secure a substantial advantage or benefit to the Authority. Any such waiver or consent to suit granted by the Board shall in no way extend to any action against the Tribe, nor shall it in any way be deemed a waiver of any of the rights, privileges, and immunities of the Tribe. Any recovery against the Authority shall be limited to the assets of the Authority, and the Tribe shall not be liable for the payment or performance of any obligations of the Authority, and no recourse shall be had against any assets or revenues of the Tribe in order to satisfy the obligations of the Authority, including assets of the Tribe or property of the Tribe leased, loaned, or assigned to the Authority for its use, without transfer of title. The sovereign immunity of the Authority shall not extend to actions against the Authority by the Tribe.

**BE IT FURTHER RESOLVED** that Section 32-1-6(a) shall be amended in its entirety to read as follows:

**Section 32-1-6. Board Composition; Terms; Compensation**

(a) The Board shall be composed of eight (8) members, appointed to the Committee by the Executive Committee. Each Board member shall be appointed by the Executive Committee and shall serve a (4) four-year term. To be eligible to serve on the Board, the office holder(s) must be a member of the Flandreau Santee Sioux Tribe. The Executive Committee may remove any committee member for neglect of duty, dishonesty, misconduct in office, or two consecutive unexcused absences, or any other matter that has a substantial and adverse effect on the board member'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.

(b) The Board shall meet at least quarterly for the transaction of its business. Special meetings may be held at any time upon the call of the President of the Board or upon the written request of a majority of the Board members.

(c) Members of the Board may receive compensation, and reimbursement of expenses for the performance of their official duties as Board members.

(d) Each Board Member shall be entitled to one vote for official board action, except the Treasurer, and the President shall only vote in the case of a tie. A quorum of the Board shall consist of four (4) voting members.

**BE IT FURTHER RESOLVED** that the Executive Committee revokes all previous versions of Title 32 of the FSST Law and Order Code that are inconsistent with this resolution, on the day this resolution is passed by the Executive Committee; and

**BE IT FURTHER RESOLVED** that the Executive Committee hereby appoints the following individuals to serve on the Authority Board of Directors for four year terms, in the positions designated below, which begin upon passage of this resolution:

- President, Anthony Reider
- Vice President, Andrew Weston
- Secretary, Donalda Montoya
- Treasurer, Ryan Kills-A-Hundred
- Board Member, Kristi Bietz
- Board Member, David Kills-A-Hundred
- Board Member, Kenneth Weston:
- Board Member, John Jason Armstrong; and

**BE IT FINALLY RESOLVED** that the Executive Committee authorizes the Tribe to enter into the an agreement or consent with BCG which would deem BCG to be an expert in all technical information that relates to cryptocurrency, blockchain, and any and all technology related thereto generally, as well as all information, as relates specifically to the Coin, Token and related programs, and computer technology and related technical infrastructure that allows for implementation of the Coin and Token, and authorizes President Reider to sign the agreement or consent on the Tribe's behalf when finalized by the Tribe's legal counsel.

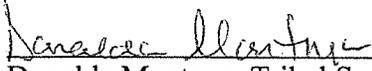
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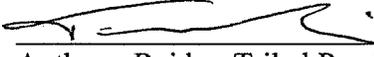
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**CERTIFICATION**

The foregoing Resolution was duly enacted and adopted on this 6<sup>th</sup> day of October, 2020 by the Executive Committee of the Flandreau Santee Sioux Tribe during a duly called meeting with a quorum was present of 5 In Favor, 0 Opposed, 0 Abstaining, and 2 Not Voting, as follows:

Vice President, Cynthia Allen-Weddell:	<input checked="" type="radio"/> YES	NO	ABSTAIN	NOT PRESENT
Secretary, Donalda Montoya:	<input checked="" type="radio"/> YES	NO	ABSTAIN	NOT PRESENT
Trustee I, Kristi Bietz:	YES	NO	ABSTAIN	<input checked="" type="radio"/> NOT PRESENT
Trustee II, Jonathan Schrader, Sr.:	<input checked="" type="radio"/> YES	NO	ABSTAIN	NOT PRESENT
Trustee III, Kenneth Weston:	<input checked="" type="radio"/> YES	NO	ABSTAIN	NOT PRESENT
Trustee IV, Richard Jones:	<input checked="" type="radio"/> YES	NO	ABSTAIN	NOT PRESENT
President, Anthony Reider ( <i>If Required</i> ):	YES	NO	ABSTAIN	NOT PRESENT

  
\_\_\_\_\_  
Donalda Montoya, Tribal Secretary

  
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Anthony Reider, Tribal President