



Flandreau Santee Sioux Tribe

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RESOLUTION NO. 2025-15

- WHEREAS,** the Flandreau Santee Sioux Tribe is a recognized Indian tribe organized pursuant to a Constitution and By-laws approved by the Secretary of Interior and Commissioner of Indian Affairs on April 24, 1936, amended February 7, 1941, and further amended November 16, 1967, and further amended November 14, 1984, and further amended May 17, 1997, and further amended on July 8, 2022; 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 vests the Executive Committee with the power to promulgate and enforce ordinances governing and regulating the conduct of all persons on the reservation; and
- WHEREAS,** Article VIII Section 1(h) of the Constitution vests the Executive Committee with the power to adopt resolutions consistent with such Constitution and By-laws, regulating the procedure of the Executive Committee itself and of other tribal agencies, tribal officials or tribal organizations of the Tribe; and
- WHEREAS,** due to the constitutional provisions above, the Executive Committee has the inherent sovereign power to banish individuals from entering or being on the Flandreau Santee Sioux Tribe Reservation. Pursuant to this power, the Executive Committee enacted a Banishment Ordinance; codified under Title 8A of the Flandreau Santee Sioux Tribe Tribal Law and Order Code; and
- WHEREAS,** the purpose of the Banishment Ordinance is to provide procedures for the partial or total banishment from the Reservation of individuals who engage in conduct which threatens the health, welfare, safety, and security of any member of the Tribe or of any non-member who is present or located on the Reservation, to protect and safeguard every individual who is lawfully within the Tribe's jurisdiction, to ensure that Tribal business is not disrupted by unlawful or disorderly behavior, and to provide a safe and comfortable work environment for Tribal employees. (See Section 8A-1-2, FSST T.L.O.C.); and
- WHEREAS,** section 8A-2-6, FSST T.L.O.C. sets forth grounds for emergency banishment. The Executive Committee has the authority to order a permanent emergency banishment without notice or hearing when it is determined that an individual

who meets the grounds for banishment poses an immediate threat to the safety and welfare of the tribal community or to an individual who resides within the tribal community and the notice and hearing requirements should be dispensed with to protect the safety and welfare of the tribal community. If an emergency banishment is ordered under this section, the Executive Committee shall thereafter notify the individual and give him or her the opportunity to be heard as provided in section 8A-2-5, FSST T.L.O.C; and

WHEREAS, the Flandreau Santee Sioux Tribe Executive Committee, by and through its members, was made aware that CINDY ROSS (DOB: 3/30/1967) recently engaged in threatening, harassing, and violent behavior which threatened the safety of the tribal community and a tribal member. This is ground for banishment under section 8A-2-3(5) of the FSST T.L.O.C.

ROSS physically, mentally, and emotionally abused an elderly person. This is ground for banishment under section 8A-2-3(8) of the FSST T.L.O.C.

ROSS further committed an act of domestic abuse as defined in sections 6A-2-3 of the Domestic Violence Protection and Prevention Code against a person who resides within the tribal community. This is ground for banishment under section 8A-2-3(11) of the FSST T.L.O.C.; and

WHEREAS, the Executive Committee also finds that because of the abovementioned conduct, and for any other grounds found within section 8A-2-3, it is appropriate to initiate an emergency banishment in accordance with section 8A-2-6 of the Tribal Law and Order Code. An emergency banishment temporarily dispenses notice and hearing requirements and becomes active immediately; and

WHEREAS, banishments may be total or partial under section 8A-2-4, FSST T.L.O.C. The Executive Committee finds that a total banishment is appropriate in this instance, however, ROSS has pending legal matters before the Flandreau Santee Sioux Tribal Court; and

WHEREAS, banishments may be perpetual or for a specific period of time under section 8A-2-4, FSST T.L.O.C. The Executive Committee finds that it is in the community's best interest to permanently banish CINDY ROSS.

WHEREAS, individuals who are banished shall be given notice of such banishment and have five (5) days upon receipt of notice to request a hearing and have the opportunity to be heard under section 8A-2-5, FSST T.L.O.C.; and

NOW THEREFORE BE IT RESOLVED that the Flandreau Santee Sioux Tribe Executive Committee, in accordance with Title 8A of the Flandreau Santee Sioux Tribal Law and Order Code, hereby passes this Emergency Banishment Order, banishing CINDY ROSS from all tribal

lands and property in perpetuity, except for appearances at its tribal court for any pending legal matters; and


BE IT FURTHER RESOLVED the Executive Committee directs the Attorney General's Office to serve this resolution on CINDY ROSS and tribal law enforcement, and to notify ROSS of her opportunity to be heard.

CERTIFICATION

The foregoing Resolution was duly enacted and adopted on this 7th day of February 2025, by the Executive Committee of the Flandreau Santee Sioux Tribe during a duly called meeting with a quorum was present of 3 In Favor, 0 Opposed, 1 Abstaining, and 1 Not Voting, as follows:

Vice President, Cynthia Allen-Weddell:	YES	NO	ABSTAIN	NOT PRESENT
Secretary, April Herrick:	<u>YES</u>	NO	ABSTAIN	NOT PRESENT
Trustee I, Kristi Bietz:	<u>YES</u>	NO	ABSTAIN	NOT PRESENT
Trustee II, Jonathan Schrader, Sr.:	YES	NO	ABSTAIN	<u>NOT PRESENT</u>
Trustee III, David Ross:	YES	NO	<u>ABSTAIN</u>	NOT PRESENT
Trustee IV, Nicolas Flute:	<u>YES</u>	NO	ABSTAIN	NOT PRESENT
President, Anthony Reider (<i>If Required</i>):	YES	NO	ABSTAIN	<u>NOT PRESENT</u>


April Herrick, Tribal Secretary


Anthony Reider, Tribal President *Vice-President*