

# TE-MOAK TRIBE OF WESTERN SHOSHONE

## TE-MOAK TRIBE OF WESTERN SHOSHONE Special Meeting – November 12, 2010 Open Session 5:00 P.M.

Bryan Cassadore, Chairman	<b>Present</b>	Paula Brady, Vice-Chairperson	<b>Present</b>
Lindsey Oppenheim, Member	<b>Absent</b>	Davis Gonzales, Member	<b>Present</b>
Craig Roa, Member	<b>Present</b>	Paula Salazar, Member	<b>Present</b>
Gilbert Temoke, Member	<b>Present</b>	Richard Smith, Member	<b>Present</b>
Brandon Reynolds, Member	<b>Present</b>		

### VISITORS:

Myron Tybo, Andrea Allison, Leta Jim, Lita Piffero, Cheryl Mose-Temoke, Vincent Garcia, Edith Smart, Kristi Begay, Gracie Begay, Dallas Smales, Salene Collins, Carol Peterson, Anthony Tom, Angie McGarva, Larson Bill, Bernice Lalo, Joanne Reynolds, Karen McDade, Phyllis Evening, Margaret Yowell, Lorrie Carpenter, Marlene Leach, Darlene Cassadore, Tonya Reynolds, Lillian Adams, Harley Reynolds and Darby Adams

**ROLL/CALL** – Chairman Cassadore called the meeting to order at 5:02 P.M.; with eight (8) members present. For the record Craig Roa arrived at approximately 5:08 p.m. and Paula Salazar arrived at approximately 5:12 p.m.

### SOUTH FORK RECALL PETITION

Chairman Cassadore gives meeting packets to council to review information. Davis Gonzales asks why the petition is being presented to Te-Moak Council before it's been presented to the South Fork Band Council. Davis states the process should begin at South Fork Band Council. Discussion continues about why the petition wasn't presented to the South Fork Band Chairman or Vice-Chairman. Gilbert Temoke presents minutes from February 1996, for the last recall petition on South Fork Band Council. Davis Gonzales questions the format of the petition he wants to make sure the format is followed in accordance to the ordinance. Chairman Cassadore would like to take a minute to review the information before any decisions are made.

South Fork community member, Dallas Smales asks why council members were not given a copy of the packet before the meeting. Chairman Cassadore responds that once the information is reviewed the information will be made public. Chairman Cassadore recites Article 4, section 9 (a) of the constitution:

*Recall petitions under Section 7, 8, and 17 of this Article shall be presented to the appropriate Chairperson or, in the absence of the Chairperson or in the event the Chairperson is the subject of the petition to the appropriate Vice-Chairperson.*

Chairman Cassadore states the problem is the entire council is being recalled and now it is something the council is going to have to work through.

Davis Gonzales states again that the community members should have presented the petition to the South Fork Band Council during their last meeting.

Cheryl Mose- Temoke asks if there is one petition or seven petitions. Cheryl Mose-Temoke also asks what the difficulty is in South Fork Band Council looking at the petition. Chairman Cassadore responds that there may be some paranoia because the people who are being recalled would be the ones reviewing the petition.

Gilbert Temoke states the petition should be taken to the South Fork Band Council before the Te-Moak Council. Gilbert Temoke recites Section 13-9-7: Refusal of Band Council to Act on Band Recall Petition in the Election Ordinance:

*(a) If any Band Council shall fail or refuse to act within their (30) days of its receipt of a valid petition for recall, the petitioners may bring the matter to the Tribal Council, which shall act in the place of the Band Council.*

Vice-Chairperson Brady states she's looking at Article 4, Section 9: Action on Petition for Recall which is in the constitution and governs the section in the ordinance Gilbert Temoke is referring to. Discussion continues that the petition has not been validated yet, therefore the section Gilbert Temoke is referring to does not apply.

Chairman Cassadore states that he had a conversation with the attorney who suggested that the Te-Moak council defer this issue while the attorney reviews the information. Davis Gonzales continues to argue that South Fork Band Council should be given the opportunity to validate or refuse the petition before it comes to Te-Moak Council.

Tribal member Kristi Begay states this petition process could be nit picked to death, but the real issue is that South Fork community members have problems with the South Band Council that can't be resolved. The Te-Moak Council should deal with issue at hand and make a decision.

Davis Gonzales makes a motion to send the petition back to the South Fork Band Council and follow the steps. Gilbert Temoke seconds the motion. Audience and Council states that Gilbert can't make a motion or vote because his name is on the petition. It would be a conflict of interest.

Craig Roa would clarification with what Davis Gonzales is saying; that the petition would go back to South Fork to validate the petition within 30-days and then come back to Te-Moak. Craig Roa also states that he doesn't want anything to do with what is happening in South Fork. Discussion continues on the process and steps that need to be taken. Chairman Cassadore reiterates that he talked to the attorney about this issue and the attorney recommended that he review the information to ensure the process continues correctly. A comment is made from Vince Garcia that South Fork has been waiting for four months for the attorney to make a decision on another issue pertaining to the South Fork Band Council.

Davis Gonzales retracts his motion. **Davis Gonzales then moves to submit the information to the attorney for review and validity.** Paula Brady questions how long it will take the attorney to review the information. **Craig Roa seconds the motion.** Edie Smart states that South Fork community members are still waiting on a decision from the attorney on a separate issue that was presented four months ago, and the community of South Fork shouldn't be put on hold while waiting for the attorney. Chairman Cassadore states that he is expecting a letter next week in regard to that issue. Vince Garcia is not in favor of sending the petition to the attorney because of retaliation against those who signed the petition. There is a question from Dallas Smales about

the carrier of the petition and questions who actually received the signatures. Discussion continues that signatures on the petition are the voice of the people.

**VOTE: 2 FOR, 3 AGAINST (Paula Brady, Paula Salazar, Richard Smith), 2 ABSTAIN (Gilbert Temoke and Brandon Reynolds)**

Chairman Cassadore says the council will continue with the process of validation. Brandon Reynolds asks if those who didn't vote in the last election can sign this petition. Chairman Cassadore states that if they're a registered voter they can sign the petition.

Council begins review of signatures on the Brandon Reynolds petition. Council then shifts to examining the format of the petition. The Purpose and Summary is read, consensus of the council is that it meets the requirement. Each page is signed by the carrier and is notarized; consensus of the council is that it meets the requirement. The carrier is a registered voter. The time frame of 60-days for signatures meets the requirements. The minimum required signatures of 50% is 38 and meets the requirements. Council begins review of each signature and verifies that each person is on the eligible voters list.

There is a comment about signature #20 on the petition Jodi Notestine (#48 on the eligible voters list). She did not sign her name as it appears on the Eligible Voters List. Council continues to review signatures. There is a question about how James Burtons' signature was obtained. There is discussion about the carrier of the petition and who actually obtains signatures. There is not a definition of carrier in the ordinance. There is continued discussion about the job of the notary and the carrier. It is determined that since James Burton is a member of the South Fork community and is on the eligible voters list, review of signatures will continue.

Consensus of the council is that each petition will be validated individually. There are 41 signatures on the petition for Brandon Reynolds, 38 signatures is the minimum requirement. There is discussion about the voter's registration list and is the list the updated version. There was a request submitted to the South Fork Election Committee for the current voters list. The list received from South Fork Band Council was stamped and initialed by the Administrator Cindy Pierce the title of the document: 2009 – South Fork Band Council Official Eligible Voters List.

Chairman Bryan Cassadore leaves meeting at approximately 6:56 p.m. Vice-Chairperson Paula Brady resides.

Richard Smith makes a motion to accept and validate the petition for Brandon Reynolds. Craig Roa seconds the motion. **VOTE: 2 FOR, 2 AGAINST (Paula Salazar, Davis Gonzales), 0 ABSTAIN.** Vice-Chairperson Brady breaks the tie by voting in favor. **VOTE: 3 FOR, 2 AGAINST, 0 ABSTAIN.** South Fork council members will not vote in these proceedings.

The next petition for Sim Malotte is reviewed. After review it is determined there are forty (40) signatures, the minimum requirement is 38 signatures. For the record Davis Gonzales has a problem with the notary and the carrier. There is discussion about the voters list, the election committee and next step in the process.

Richard Smith makes a motion to validate the petition for Sim Malotte. Craig Roa seconds the motion. **VOTE: 3 FOR, 2 AGAINST (Paula Salazar, Davis Gonzales), 0 ABSTAIN.**

Chairman Bryan Cassadore returns to the meeting at approximately 7:18 p.m.

The next petition for W. Turk Knight is reviewed. After review it is determined there are 39 signatures, the minimum requirement is 38 signatures. Paula Brady makes a motion to validate the petition for W. Turk Knight. Richard Smith seconds the motion. **VOTE: 2 FOR, 2 AGAINST (Davis Gonzales, Paula Salazar), 1 ABSTENTION (Craig Roa). Chairman Bryan Cassadore breaks the tie by voting in favor. VOTE: 3 FOR, 2 AGAINST, 1 ABSTENTION**

The next petition for Gilbert Temoke is reviewed. After review it is determined there are 40 signatures.

Brandon Reynolds leaves the meeting at approximately 7:25 p.m.

Paula Brady makes a motion to validate the petition with 40 signatures for Gilbert Temoke. Richard Smith seconds the motion. **VOTE: 2 FOR, 2 AGAINST (Davis Gonzales, Paula Salazar), 1 ABSTENTION (Craig Roa). Chairman Bryan Cassadore breaks the tie by voting in favor. VOTE: 3 FOR, 2 AGAINST, 1 ABSTENTION (Craig Roa)**

The next petition for Cheryl Mose-Temoke is reviewed. After review it determined there are forty (40) signatures the minimum requirement is 38 signatures.

Davis Gonzales leaves the meeting at approximately 7:28 p.m.

Paula Brady makes a motion to validate the petition with 40 signatures for Cheryl Mose-Temoke. Richard Smith seconds the motion. **VOTE: 2 FOR, 1 AGAINST (Paula Salazar), 1 ABSTENTION. (Davis Gonzales out)**

Brandon Reynolds returns to the meeting at approximately 7:34 p.m.

Davis Gonzales returns to the meeting at approximately 7:35 p.m.

The next petition for Edna Tybo is reviewed. After review it is determined there are 39 signatures the minimum requirement is 38 signatures.

Paula Brady makes a motion to validate the petition with 39 signatures. Richard Smith seconds the motion. **VOTE: 2 FOR, 2 AGAINST (Davis Gonzales, Paula Salazar), 1 ABSTENTION. Chairman Bryan Cassadore breaks the tie by voting in favor. VOTE: 3 FOR, 2 AGAINST, 1 ABSTENTION (Craig Roa)**

For the record the next petition for Larson Bill is invalid, he no longer a council member.

There is discussion in regard to the election committee. There is no election committee in South Fork at this time. Discussion continues in regard to the time limit for the election. It is determined the election shall be held within 10 days of validation of the petition. This is in accordance to section 13-4-6 (d) 2 of the Election Ordinance. Ten (10) days is determined to be November 22, 2010. There is discussion in regard to the voters list. It is determined that the list to be used for the election will be the list that was used for the recall petitions.

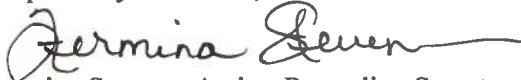
Paula Brady makes a motion to adopt Resolution 10-TM-37 establishing the election date for November 22, 2010 and to turn the proceeding over to the Te-Moak Election Board. Richard Smith seconds the motion. Brandon Reynolds asks if he can vote on this motion, because if he doesn't vote it could be construed as gross neglect. It is determined that his vote would be a

conflict of interest. **VOTE: 4 FOR, 1 AGAINST (Davis Gonzales), 1 ABSTENTION (Craig Roa),**

Chairman Bryan Cassadore states a letter needs to be drafted to the election board notifying them of the election date and a copy of the petition should be sent as well.

Davis Gonzales makes a motion to adjourn the meeting at approximately 8:09 p.m. Paula Salazar seconds the motion. **VOTE: 6 FOR, 0 AGAINST, 0 ABSTAIN**

Respectfully submitted,

A handwritten signature in cursive script that reads "Fermina Stevens". The signature is written in black ink and includes a long horizontal flourish extending to the right.

Fermina Stevens, Acting-Recording Secretary