



TE-MOAK TRIBE OF WESTERN SHOSHONE

TE-MOAK TRIBAL COUNCIL REGULAR MEETING - JANUARY 4, 2012 6:00 p.m.

Bryan Cassadore, Chairman	Present	Paula Brady, Vice-Chair	Present
Lindsey Oppenheim, Member	Present	Davis Gonzales, Member	Present
Richard Smith, Member	Present	Ronnie Woods, Member	Absent
Paula Salazar, Member	Present	Joseph Holley, Member	Present

ROLL CALL:

Chairman Cassadore called the meeting to order at 6:00 p.m. and a quorum was present.

Chairman Cassadore made a request for Law Enforcement to be moved to the top of the agenda. Consensus of the Council was to move Law Enforcement to the top of the agenda.

Chairman Cassadore gave a brief synopsis of the murder that occurred in Battle Mountain. He stated bail for the individual who shot Linford Dick would be offered tomorrow (Thursday).

Lindsey Oppenheim made a motion to move Law Enforcement to the top of the agenda and to add Battle Mountain Discussion to the end of the agenda. Paula Brady seconded the motion.

VOTE: 6 FOR, 0 AGAINST, 0 ABSTENTIONS

CHAIRMAN REPORT:

Chairman Cassadore gave his report on the various meetings he attended the past month: Veterans' of Foreign Wars, Nevada Indian Health Board, Elko County School Board, Elko City Council, Elko Band Council, Nevada Indian Commission, Te-Moak Housing Authority and the Nevada State Coalition.

MANAGER REPORT:

Tribal Manager, Pat Stevens had a copy of her report in the meeting packets.

Lindsey asked if the Band Councils' minutes are being turned into Te-Moak Administration.

Davis Gonzales asked where the budget reports from the last two months.

DON MCKENZIE - SOUTHERN BANDS HEALTH CLINIC:

Hours of operation haven't changed and the staff is almost at 100%. Tele-behavioral medicine may be available in February and he is working on the psychology department. Don goes over the GPRA (Government Performance Report Act) report for last year.

Don goes over the budget and states they are still on a continuing resolution. Southern Bands is looking at 3 or 4 % increase in the contract health services budget.

Don states that he enclosed information on federal medical insurance for Tribal employees. Through the Health Care Improvement Act, it is possible for Tribal employees to have the same health benefits as federal employees. Paula Brady suggests inviting a benefits advisor here to go over the plan. There are multiple insurance companies who have signed on to provide the benefits at suggested cost. Don states that he will do some research to find out if there are any individuals who are providing training. Don will assist in any facilitation to get more information.

MOU WITH SHERIFF'S OFFICE – MIKE KOLSCH:

The Memorandum of Understanding is with Elko County Sheriff's Office to provide assistance to each other's departments upon request, there will be no cross deputization. When Elko County assists Tribal Law Enforcement, County will fall under control of the Tribe during that incident and vice-versa.

There will be a similar MOU with Lander County; Chief Kolsch is waiting for response from Lander County to move forward.

There is a question about the officers being Post Certified, Chief Kolsch states yes all officers are CAT1 Certified.

The MOU is basic and is something Nevada Tribes are doing with their local law enforcement departments. The County insurance company and Elko County District Attorney drew up the MOU. Lindsey Oppenheim states the Tribes' attorney should take a look at it. Paula states a deadline should be placed on the review. Lindsey Oppenheim made a motion to send the MOU to Chuck Zeh and get it back to Te-Moak Administration no later than January 23, 2012. Davis Gonzales seconded the motion.

There is discussion about whether or not the Te-Moak Council has jurisdiction over the Western Shoshone Department of Public Safety. There is a statement that when the agreement was signed with the WSDPS the Tribe relinquished their rights. There is discussion about the agreement between the WSDPS and the Te-Moak Tribe. There is a suggestion that the MOU go to the attorney and at the same time review the agreement. Davis Gonzales suggested finding

the agreement and sending it to Chuck Zeh along with the MOU. The concern is whether or not the Te-Moak Council has the authority to approve the MOU.

VOTE: 5 FOR, 0 AGAINST, 1 ABSTENTION (Davis Gonzales)

CLAIMS UPDATE:

A list of thirty-four questions was obtained from the BIA website and is a part of the council packet. There is discussion about the deadline. There is discussion about the June 5, 2012 target date for the final distribution. There is discussion about writing a letter and / or a resolution for the deadline to be final. Davis suggests having a resolution drafted for the next meeting stating the council objects to the ongoing deadline extensions. He also suggests sending the resolution to the Congressmen and Senators to enforce the June 5, 2012 target date. Paula reiterates drafting a resolution for the next meeting.

GAMING COMPACT:

There is an e-mail in the packet from Chuck Zeh. He is waiting on a draft compact template from the Nevada Gaming Authority. The compact approved by the Te-Moak Council and the template will be combined and sent back to the Te-Moak Council for another approval, and then back to the Nevada Gaming Authority.

SOUTH FORK CASE:

The e-mail from Chuck Zeh includes information on the South Fork litigation. It has been taken off the calendar in the Te-Moak CFR Court. He also states, "We are filing and serving the amended complaint, summons, and the motion for preliminary relief". He is working with the Western Nevada Regional BIA Office to see if we can stipulate to a stay and then, to get the case submitted to the Federal District Court upon cross motions for summary judgment. That way a trial or hearing would be avoided with the possible exception of oral argument, and a quicker decision on the merits.

ELECTION ORDINANCE:

The draft Election Ordinance is still being reviewed at Elko Band. There is discussion about the continuous deadlines and extensions.

S.F. GRAZING ORDINANCE:

The draft Grazing Ordinance is being reviewed at South Fork Band. There is discussion about the letter sent to South Fork Band requesting them to send in their minutes. There also is discussion about South Forks 638-Contracts.

LIQUOR LICENSE UPDATE:

There is no information about the liquor license.

ACTING CEO POSITION – SOUTHERN BANDS HEALTH CLINIC:

There is discussion about Don McKenzie being the acting-CEO for the past several years. The Native American requirement can be waived by the Tribe. There is discussion if the position is being advertised currently. Lindsey Oppenheim makes a motion to send a letter to I.H.S. asking about the CEO replacement. Davis Gonzales seconded the motion.

VOTE: 6 FOR, 0 AGAINST, 0 ABSTAIN

ROCK CREEK LAND TRANSFER UPDATE:

Dave Overcast gave a brief history of the proposed land transfer. Rodeo Creek Gold is awaiting word on how to proceed. They would like to know which Tribe or group of Tribes to talk to; they would also like to know what type of mechanism to use to get the lands transferred over.

BLM will support anyone who wants to take part in the land transfer, the land is adjacent to public lands and the BLM would like to take care of the area. Right now Rodeo Creek Gold owns the area of Rock Creek.

There is discussion about a land transfer and who would be involved. Battle Mountain, being the closest would be involved. Owyhee people were interested since they had people in the area. The land would have to be transferred to the Te-Moak Tribe. Chairman Cassadore stated since the situation is similar to the Elko Band land expansion; he thinks Battle Mountain should take the lead with support from Te-Moak Tribe. Richard Smith states a letter should be written to Duck Valley informing them of what is happening and let them know they can use the land anytime they want.

The BLM is an adjacent land manager; they want to care for the public areas surrounding Rock Creek. The BLM would like to work with whoever takes the land, to develop a management plan; this would include the Tosawih Quarry area and the trail in between.

Lindsey Oppenheim makes a motion for the Te-Moak Tribe to be the overseers of the land transfer since we're the closest Tribe and it's on our aboriginal land; then it can be transferred to Battle Mountain later. There is a suggestion that all the Tribes should get together and talk since there are several Tribes who have interest in the land.

There is discussion about the land transfer being made; the land does not automatically turn into trust land. It could be two years before the land is put into trust status.

Lindsey Oppenheim entertains a motion for the Te-Moak Tribe to take the lead in acquiring the land and see what stipulations come up and make a decision then. Davis Gonzales seconds Lindsey's motion.

VOTE: 6 FOR, 0 AGAINST, 0 ABSTAIN

TOSAWIHI QUARRY:

Dave Overcast from the B.L.M. is in attendance to give an update on the situation. The settlement agreement with Rodeo Creek Gold was signed because of damages that occurred at Tosawih Quarry. In

the settlement, Exhibit A talks about setting up a "BLM / Tosawih Account" and develop an MOU. The signed MOU was provided at the last meeting, the MOU outlines how the money in the account will be managed and spent; one million dollars would be put into into the account.

There is also the opportunity for a "Tribal Tosawih Account" to be set up and a half-million dollar could go into that account.

The MOU talks about the One-million dollar account, the priorities to be focused on will be repair and restoration, completing a cultural resource inventory and archive evaluation. The question is, does the Tribe want BLM to repair the damage that occurred out there. The road was damaged, a fenced off area where chips and flakes were located was also damaged. The BLM charged the Hollister Mine for damages and a settlement agreement was made between BLM and Hollister Mine before the issue went to court.

Restoration could include moving the 3-foot burm and try to make the area look more natural, the way it was, they would also revegetate the paths. The goal would be not to cause any additional damage to the area and BLM would offer to have Tribal monitors. BLM will come forward with a restoration proposal.

Exhibit B Tribal Tosawih Fund

BLM is in the process of writing a letter to the different the Tribes who have a stake in the Tosawih Quarry area. There is an opportunity to establish a fund of \$500,000.00 to manage and administer an advisory group consistent of representative of the Western Shoshone Tribes. The five points were drawn up by BLM, but points can be added or changed. Lindsey Oppenheim would like to keep this on the agenda. There will be a letter coming from the BLM in regard to information sharing, and bylaws for the advisory group.

BATTLE MOUNTAIN MURDER (ADDED TO AGENDA):

The preliminary hearing for the killing of Linford Dick has been set for Friday. There is discussion about a resolution to keep the guy who shot Linford Dick off of Battle Mountain Colony.

SCHEDULE SPECIAL MEETING:

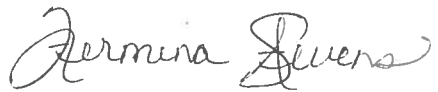
A Special Meeting is needed for interviews, evaluations and minutes. Lindsey Oppenheim made a motion to have a Special Meeting on January 12, 2012 at 4:00 p.m., second by Paula Salazar.

VOTE: 6 FOR, 0 AGAINST, 0 ABSTAIN

Paula Salazar made a motion to adjourn the meeting at 9:07 p.m. Lindsey Oppenheim seconded 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 is positioned centrally below the "Respectfully Submitted," text.

Fermina Stevens, Acting Recording Secretary