



TE-MOAK TRIBE OF WESTERN SHOSHONE

TE-MOAK REGULAR MEETING Regular Meeting – February 1, 2012 Open Session – 6:00 P.M.

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

VISITORS:

Evelyn Roche-Temoke Phyllis Evening, Andrea Allison, Bernice Lalo, Carlene Burton, Lydell Oppenheim, Leta Jim, Leonard Johnny, Karen McDade, Sophie Knight, Florine Maine, Art Thompson, Twila Thompson, Myron Tybo, Anthony Tom, Raymond Gonzales, Juanita Joe, Elizabeth Yowell, Joleen Begay, Susan Zazueta, Darlene Cassadore, Rhonda Hicks, Vince Garcia

ROLL CALL:

Chairman Bryan Cassadore called the meeting to order at 6:00 P.M., with eight (8) members present.

Davis Gonzales requested to amend the agenda to add Lois Whitney and Myron Tybo in reference to a letter that was submitted to be put on the agenda. Davis Gonzales made a motion to amend the agenda, second by Lindsey Oppenheim. **VOTE: 6 FOR 1 AGAINST 0 ABSTENTION (For the record Richard Smith voted against)**

REGULAR MINUTES FOR APPROVAL:

Chairman Cassadore asked the Council if they had reviewed the December 7, 2011 Regular Meeting Minutes. Davis Gonzales informed the Council there are corrections that need to be made as follows:

Page 4¶3 Line 6 - Correction to include "for the CFR Court."

Page 6¶3 Line 3 – Davis Gonzales questioned the 12/19/11 Special Closed Meeting date and stated his notes show 12/14/11. Paula Brady informed Davis Gonzales her notes showed 12/19/11.

Page 6¶4 Line 1 – Correction Davis Gonzales second the motion for adjournment.

After a brief discussion, Davis Gonzales made a motion to accept minutes with the corrections, second by Lindsey Oppenheim. **VOTE: 6 FOR 0 AGAINST 1 ABSTENTION (For the record Joe Holley abstained)**

Pat informed the Council the January 4, 2012 Regular Meeting Minutes are not finished. After a brief discussion, Joe Holley made a motion to table the minutes until the next regular meeting, second by Lindsey Oppenheim. **VOTE: 7 FOR 0 AGAINST 0 ABSTENTION**

REPORTS:

CHAIRMAN REPORT:

On January 5, 2012 Chairman Cassadore attended a Indian Health Board of Nevada Meeting. The

meeting was called to discuss the announcement of the Executive Director Position for the Indian health Board of Nevada. He informed Council that this position has been posted and is online. On January 7, 2012 Chairman Cassadore attended a meeting with Congressman Amedei and discussed his concerns with the claims distribution delay, CFR Court Judge issues and the land expansion. On January 10, 2012 he attended the Elko County Democratic Committee Meeting and the City of Elko Meeting. On January 11, 2012 he attended a Elko Band Closed Meeting and a regular meeting. January 12, 2012 he attended a Veterans of Foreign Wars Meeting regarding benefits for our veterans. January 17, 2012 he attended the Public Safety Board Meeting and is encouraging more individuals to attend. January 18 he attended the Te-Moak Diabetes Meeting on "Healthy Eating" and informed the public that this is done on every Tuesday of each month. January 19, 2012 had a phone conference with TECAC on Tribal Early Childhood Advisory Committee Meetings and discussed the Nevada Governors position and the officers. On January 24, 2012 attended the Elko County School Board Meeting and informed the council this information is on their website. January 30, 2012 met with Sherry Rupert from the State of Nevada Indian Commission who was in Elko on the new TECAC enacted by Nevada Governor Sandoval. Chairman Cassadore had approximately 6 home visits 25 telephone calls and five e-mails from concerned community members.

TRIBAL MANAGER REPORT:

For the month of January I was contacted by Carolyn Richards, Awarding Official concerning CR #3 that was issued in the amount of 3.62%. The breakdown was completed and issued to all the bands for their information and the modifications was requested to Be issued and prepared.

The Tribe has not heard anything on the three cases pending against Te-Moak Tribe vs. Felix Ike, Te-Moak housing authority vs. Debra Mendez and Elko Band Council vs. Rena Premo, Gonzalo Mendez and Nancy Hodge. To appellate judges presiding over the hearing are Judge Read and Alan Toledo from Albuquerque, New Mexico. There has been no decision as of this date.

As of this date, I am unaware of what the status is on the proposed Election Ordinance and had not received any information from Elko Band pertaining to their recommendations.

I attended a meeting at the Elko Band Office in reference to the Te-Moak Courtroom with the Elko Band Council their attorney, Elko Band Staff and Council Members and the Te-Moak Court Staff. We had a conference call with Matt Crain, Deputy Regional Director-Indian Services, Joe McDade, Superintendent, Eastern Nevada Agency to try to resolve the issues of the courthouse. It was recommended to amend the Te-Moak Judicial Contract and request for additional funds to cover the costs for space cost of the courtroom. We rescheduled to have another conference call with the Western Regional Office on the following Tuesday to discuss how we can resolve the issue of the courtroom.

I had a conference call with Matt Crain, Deputy Regional Director-Indian Services, Bryan Bowker, Regional Director, Joe McDade, Superintendent, Eastern Nevada Agency, Elko Band Council Member and their attorney and staff. We discussed the issue of the courtroom and it was recommended again to request additional funding and the Elko Band was informed this request needs to come from the Te-Moak Tribe. Western Regional Staff was also informed that the Te-Moak Staff only utilizes the courtroom three days out of the month and we are unaware of how much the Elko Band is requesting for space cost. I did also inform the Western Regional Staff that the building is approximately 15 years old and has depreciated and is in need of repairs. The Te-Moak Council will be informed of this conference call and the issues of the Elko Band at the Te-Moak Regular Meeting.

We have been receiving the minutes and audits from some of the bands and we are still continuing to ensure the information is processed through our office. Joseph Moon is in the process of reviewing all the information that has been forwarded to our office and will be setting up files for these documents.

I received a call from Patricia Hansen in reference to the TANF Program. She has requested to be on the next Te-Moak Regular Meeting. She is requesting to present information regarding the Child Support Enforcement

presentation and a draft resolution for the councils. She did advise that the Ely, Goshute and Duckwater Tribes will be applying together due to the fact they do not have the population for the grant. The Te-Moak Tribe is eligible to apply on their own due to the population of the children under Te-Moak's jurisdiction. I did advise Ms. Hansen to send a letter requesting to be put on the agenda.

Received a call from Jody Cummings in reference to the Rock Creek Land issue. During the January 4, 2012 meeting this issue was discussed and it was suggested that the Te-Moak Council take the lead on this issue. I informed him that I would try to receive additional information during the Te-Moak Regular Meeting on February 1, 2012. He will return his call on Friday after the meeting to discuss the information pertaining to the subject.

I have been assisting other bands pertaining to contract issues and informing them they need to contact and work with the Western Regional Office pertaining to their contracts.

I contacted Chuck Zeh in reference to the Law Enforcement MOU, Gaming Compact, South Fork Issue and he advised he will be sending a brief update. Pat did recommend to the Council to allow Mr. Zeh to contact the County Attorney to work on the MOU and establish a MOU that is in compliance with the LES Program. The Council did agree to allow Mr. Zeh to work with the County Attorney.

Receiving, answering and returning telephone calls when needed and working with the staff on preparing and ensuring that all programs are running smoothly.

DON MCKENZIE - ACTING CEO, SOUTHERN BANDS HEALTH CLINIC:

Mr. McKenzie was unable to attend the meeting but he did send his report for the Council to review.

OLD BUSINESS:

CLAIMS UPDATE-DRAFT RESOLUTION:

Pat presented a draft resolution for the Council to review in reference to enforcing BIA to recognize June 5, 2012 as the closing date for the distribution of the claims. After a brief discussion, Lindsey Oppenheim made a motion to adopt Resolution #12-TM-01, second by Richard Smith. **VOTE: 7 FOR 0 AGAINST 0 ABSTENTION**

After further discussion, Paula Brady recommended a cover letter be sent with a copy of the resolution to all the Tribes pertaining to the Claims Distribution.

GAMING COMPACT UPDATE/SOUTH FORK CASE:

Pat read the e-mail from Chuck Zeh regarding the South Fork Litigation and did inform the Council this information is between attorney and client.

ELECTION ORDINANCE UPDATE:

Pat informed the Council as of this meeting she has not received any information from the Elko Band Council in reference to this issue.

SOUTH FORK GRAZING ORDINANCE:

Pat informed the Council that Ronnie Woods came into the office to discuss the recommendations from the Bureau. Pat did inform Ronnie Woods that the 2009 Grazing Ordinance was returned back to the South Fork Council with recommendations from the Bureau. Vince Garcia said there was an ordinance already passed by the Te-Moak Tribe and that the Bureau rejected the ordinance and again did provide the

recommendations, which was to be inserted in their ordinance and sent back through the Te-Moak Tribe. Rose Garcia questioned the Council in regard to the South Fork Council being illegal and passing resolutions. Chairman Cassadore said there are a number of cases that the Te-Moak Tribe is dealing with and this is one of them.

LIQUOR ORDINANCE UPDATE:

Pat informed the Council that the Liquor Ordinance is still being reviewed at the central office.

MOU UPDATE FROM TE-MOAK ATTORNEY:

Pat informed the Council that Chuck Zeh is reviewing the MOU between the Te-Moak Tribal Law Enforcement and Elko County Sheriff's Department. Vince Garcia asked about the wording in the agreement with the Public Safety Board. Pat asked what agreement and informed the Council the only document for the LES is the contract between BIA, LES and the Public Safety Board. The Te-Moak Tribal Council adopted a resolution establishing the LES as their own entity and the funding is under that contract. After a brief discussion, Pat recommended to allow Chuck Zeh to work with the Elko County Attorney and insert the terminology he will be recommending for the welfare of the LES Program.

CHAIRMAN-ACTING CEO POSITION-SOUTHERN BANDS HEALTH CLINIC:

Chairman Cassadore did inform the Council the CEO Position for the Southern Bands Health Clinic is being re-advertised and has been open since 2002. Chairman Cassadore did inform the Council the CEO Position for the Southern Bands Health Clinic can be located on IHS Website.

CHAIRMAN-ROCK CREEK LAND TRANSFER-UPDATE:

Chairman Cassadore reported that he contacted Chairman Bachelor of the Washoe Tribe and was informed there are two ways of applying to put land into trust land status. To receive support for this process is to submit a proposal to our congressional leaders and hopefully be voted on within a year or apply through the BIA, in which, he informed their process was approximately eight (8) years or more.

CHAIRMAN-TOSAWIHI QUARRY UPDATE:

Chairman Cassadore has not heard anything pertaining to this item. Pat did ask the Council if they had reviewed the agreement pertaining to Tosawihi Quarry and suggested they need to review the contents of the agreement. Lindsey Oppenheim said in reference to Tosawihi Quarry the BLM is asking the Tribe to establish a proposal for \$500,000.00 to assist the Tribe in building something for utilization for the people. Lindsey Oppenheim informed the Council that BLM authorized land to be destroyed and this land was cultural and spiritual sites and it was wrong of BLM to not notify the Tribes input. After further discussion, Chairman Cassadore will continue to get more information and did recommend the Council review the documents provided by Dave Overcast from BLM.

NEW BUSINESS:

RICHARD SMITH-RESOLUTION TO BE REMOVED FROM MASTER LEASE:

Pat presented a draft resolution from the Te-Moak Housing Authority requesting a support resolution from the Te-Moak Council to remove Richard Smiths home from the Te-Moak Housing Master Lease. Richard Smith informed the Council he is having problems with the Battle Mountain Band Council refusing to approve a resolution for a one year lease. Pat did inform the Council that someone from

Housing is supposed to be here for the meeting to present this resolution. Pat was not sure if the contents of the resolution is correct in reference to the terminology inserted on the last two paragraphs. Lindsey Oppenheim informed the Council he thought Te-Moak was still in the process of working on finding out what the procedures would be to remove individual homeowners from the master lease. After a brief discussion, Lindsey Oppenheim made a motion to adopt Resolution #12-TM-02 supporting the Te-Moak Housings resolution, second by Paula Brady. **VOTE: 5 FOR 0 AGAINST 1 ABSTENTION (For the record Richard Smith abstained)**

PATRICIA HANSEN-TRIBAL CHILD SUPPORT PROGRAM:

Pat informed the Council she had received a call from Patricia Hansen requesting to be put on the agenda to present a Tribal Child Support Program (CSE). The information she wants to present is regarding the \$500,000.00 Program Start-Up Funds, which will be part of the benefit of mutual support from the other two CSE Programs in the Tribal TANF Consortium. Patricia Hansen, Patrick Borunda, Managing Principal and Alvin Marques, Chairman, Ely Shoshone Tribe presented the Tribal Child Support Program (CSE) to the Council. The Federal Government provides up to \$500,000.00 start-up funding over a two year timeframe. This money is to assist the Tribes to prepare to operate a comprehensive CSE Program. They did inform the Council they have already negotiated the TANF to assist with Ely, Duckwater and Goshute Tribes and will be meeting with Duck Valley next week. They are anticipating a timeline will be approximately 12 months for planning and another 12 months for full implementation in cooperation with the TANF Family Court and cooperating Tribal Court(s). They are estimating their fees in \$165,000.00 plus expenses in year 1 and smaller amount in year 2, directly affected by the scope of effort transferred to tribal employees and advised they bill on monthly basis. Pat had requested a copy of the grant application to see what the contents are that is required in applying and Pat also questioned the reimbursement stated within the resolution. Their attendance was to introduce the information for this program and the Tribe does not have to make a decision tonight.

VINCE GARCIA-APPELLATE COURT SYSTEM:

Vince Garcia is questioning the process of the Appellate Court System and the files Mr. Zeh went through was not properly done. He is aware there is a backup on the appeals right now and there is no place to hear the appeals. He did mention that Te-Moak Tribe was utilizing the ITCN Court of Appeals in Reno and is no longer involved with the Appeals Court. The two Judges hired by the BIA are the individuals reviewing the appeals and asked why they are taking so long to make a decision. The question of the case with South Fork again was questioned of the lengthy timeframe to receive a decision. Pat suggested to the Council to setup a telephone conference call with Mr. Zeh and requested the Council to set a date so she can schedule this call. After a brief discussion, the Council decided to schedule a conference call with Mr. Zeh on February 9, 2012

EBC-COURTHOUSE:

Pat informed the Council that she did not receive the floor plan for the Courthouse and also advised the Council that the courtroom is only utilized for Court three (3) days out of the month. Lindsey Oppenheim did inform the Council that all Elko Band Council wants is \$900.00 a month. Pat informed the Council that the Te-Moak Tribe needs to make a decision on the space cost amount that Elko Band will be submitting once we get a copy of the floor plan and square footage. The Elko Band Representatives will bring this to the attention of the Tribal Administrator to submit the floor plan and square footage information for the Tribe to review. The goal is to request that additional funding be requested through the BIA Justice Services to amend the Te-Moak Judicial Services Contract if approved.

LETTER FROM LOIS WHITNEY AND MYRON TYBO:

Lois Whitney informed the Council that they did write a letter to the Administration on January 23, 2012, requesting to be put on the agenda concerning the Enrollment Process. Pat did inform the Council the reason this was not put on the agenda because it was an Enrollment issue and should be discussed in a closed Enrollment session. Lois Whitney said for the record she wanted their letter to be heard by the Te-Moak Tribal Council. Lois Whitney did inform the Council she is challenging on behalf of herself and immediate family and requesting reconsideration and appeal of the review process, which reduced her blood and threatens her immediate family of being dis-enrolled. Chairman Cassadore informed the Council that he would protect anyone's enrollment and will not allow a family member to talk on their behalf of their family without their permission. Lois Whitney informed the Council that there are individuals that have been dis-enrolled and this was violating their civil rights and is unconstitutional and she is also speaking on their behalf. Davis Gonzales stated that if the Council does not want to take action then let's send this out to the people to vote on this issue. Davis said he presented a resolution for a tribal referendum vote and read a letter dated January 8, 2008 signed by Allan Anspach and a letter from the solicitor's office. After a lengthy discussion and documents read, Lindsey Oppenheim did inform the people that they are here to enforce the laws and that is exactly what they are working with and follows the contents established within these laws. Davis Gonzales made a motion to allow a referendum for the people to vote on, second by Ronnie Woods. **VOTE: 3 FOR 4 AGAINST 1 ABSTENTION (For the record Paula Brady, Lindsey Oppenheim, Richard Smith voted against and Paula Salazar abstained) Chairman Cassadore voted against to break the tie.** Chairman Cassadore did inform the people he follows the constitution and ordinances and told the people the enrolled members need to be heard and he needs to ensure their rights are also not violated.

MEETING ADJOURNMENT:

Lindsey Oppenheim made a motion to adjourn the meeting @ 9:40 P.M., second by Richard Smith.
VOTE: 7 FOR 0 AGAINST 0 ABSTENTION

Respectfully submitted,



Patricia Stevens, Recording Secretary