



TE-MOAK TRIBE OF WESTERN SHOSHONE

TE-MOAK TRIBE OF WESTERN SHOSHONE Regular Meeting – June 2, 2010 Open Session – 6:00 P.M.

Bryan Cassadore, Chairman	Present	Paula Brady, Vice-Chairperson	Present
Lindsey Oppenheim, Member	Absent	Doyle Tybo, Member	Present
Craig Roa, Member	Present	Lorrie Carpenter, Member	Present
Larson Bill, Member	Absent	Paula Salazar, Member	Present
Gilbert Temoke, Member	Present		

VISITORS:

Shalene Allison, Sharon Cure, Lois Whitney, Betty Lou Harris, Delma Sam, Lydia Johnson, Lavona Johnson, Dallas Smales, Leta Jim, Barbara Malotte, Charles Malotte, Carol Peterson, Myron Tybo, Leonard Johnnie, Raymond Gonzales, Whitney McKinney, Eleanor DeSoto, Elizabeth Yowell, Darby Adams, Lillian Adams, Penny Stevens, Steve Brady, Davis Gonzales, Harry Cure, Karla Dick, Evelyn Roche-Temoke, Darlene Cassadore, Vernon Thompson, Gladys Johnnie, Steve Johnny, Zelda Johnny, JR Stone, Karen McDade, Bernice Lalo, Rosalind Mike, Judy Glasson, Joseph McDade, Edith Tybo, Amanda Marta, Carlene Burton, Jody Reynolds, Andrea Allison, Donna Hill, Phyllis Evening, Lita Piffero, Martha Johnnie, Dana Cassadore, Mary McCloud, Harvey Healey, Crissandra Cassadore, Lawrence Nicolas, Gerald Temoke, Willie Johnny, Guy Johnny, Edith Smart, Chester Knight, Sophie Knight, Vincent Garcia, Dennis Floge, Jennifer Bell, Harley Reynolds, Angie Quintana and Leanne Nicholas.

ROLL/CALL – Meeting called to order by Chairman Bryan Cassadore @ 6:02 P.M., with seven (7) members present.

MINUTES FOR APPROVAL:

Chairman Cassadore asked the Council if they reviewed the minutes of May 5, 2010 and asked for a motion to accept minutes. Paula Brady made a motion to accept the minutes of May 5, 2010, second by Craig Roa. **VOTE: 6 FOR 0 AGAINST 0 ABSTENTION**

CHAIRMAN'S REPORT:

Chairman Cassadore reported for the month of May he took a trip to Tosawihi Quarry on May 19, 2010 with the Battle Mountain Chairman and Vice Chairman. The mine personnel escorted them to the location of the quarry and which road to take. Chairman Cassadore attended the Tosawihi Quarry Scoping Meeting at the Elko Band Office regarding planned underground exploration of the area. The meeting began with the Introduction of Bill Fawcett and Shelly Tiley, Cultural Resource Consultant for the BLM and information of the EIS, which is in the early phases as of this date. BLM did reference the resolution passed by the Te-Moak Tribe on suspending all mining activity within the quarry as the EIS continues. Chairman Cassadore discussed the USDA, Solar Energy and 504 grants and basically informed that he would like to maintain in contact with these programs to assist tribal members living on and off the tribal lands. He has had constant contact with the Great Basin College and has encouraged graduating students who want to continue their schooling.

Chairman Cassadore has kept in contact with Debbie McBride, Acting Western Regional Director on the Claims and advised that a meeting has been scheduled for June 19, 2010 at the Elko Colony Gym starting at 10:00 A.M. to 1:00 P.M. He attended the BIA Roads Meeting and discussed the contracts for the band areas, Owyhee, Goshute and Duckwater Tribes. He attended a Elko County Commissioners Meeting on May 19, 2010 to discuss the Forest Service Roads Issues. There was a discussion pertaining to the protection of Native American Gravesites and areas of culturally sensitive areas under the Forest Service jurisdiction. He did stress to the Elko County Commissioners a letter to the U.S. Forest Service to consult and coordinate with all Tribes on these issues. He has continuously met with community members face-to-face and telephone calls and does encourage people to contact him if they have any questions. I have spent my time at the Te-Moak Tribal Office, Te-Moak Housing Authority and Elko Band Council and attend different meetings with other state and government agencies.

TRIBAL MANAGER REPORT/FINANCE:

Pat reported for the month of May, 2010 she contacted Carolyn Richards, Awarding Official, Western Regional Office in reference to the Judicial Contract pertaining to a letter received from Joseph Little, Associate Director, Office of Justice Services. This letter notified the Tribe of a one time funding of \$30,000.00 to cover shortfall for the Judge. As per this letter these funds are to be transferred to our Judicial Contract for FY'2009-2010. Pat also informed the Council we received our modifications for our contracts incorporating our direct/indirect contract support funds. We have requested the 638 Request for Drawdown Forms to be processed for signature and processing.

Pat informed the Council she received a email from Chuck Zeh in reference to the Gaming Compact and he advised he received a date to meet with Mike Wilson of the Attorney General's Office on this issue. Mr. Zeh has forwarded information which is in the packets that need approval to change the terminology needed to get the compact prepared to take back to the Attorney General's Office. Due to the importance of these changes the recommendations are needed on a legal basis and for the protection of the Te-Moak Tribe. Pat did inform the Council at the previous meeting the representatives need to take this information back to their respective councils to review and recommend the changes requested by the Attorney. As of this date, there has been no feedback from the bands.

The DOE Grant Office finally contacted the Tribe on the status of the Grant, the money has not been released and is not available at this time and the grant is now being re-reviewed. We were notified that two areas need to complete and report more information on their areas projects. Our office has registered in four different programs as required but for some reason the DOE Office keeps emailing the office informing that we need to register.

I still have not received any other recommendations from the bands other than Elko Band on the proposed Banishment Ordinance. I am still inputting the information and will issue to the Council for their review upon completion.

On May 14, 2010, I was contacted by Don McKenzie, Acting CEO, IHS informing that interviews for the CEO Position has been scheduled for May 18, 2010. I received another call from Mr. McKenzie informing me the interviews were cancelled due to the applicants pulling their resumes. I was also informed that this position may be going out again for re-advertisement. On May 19, 2010, a letter was sent to the Chairman informing him of the ARRA (American Recovery Reinvestment Act) contracts for Repair & Restoration of Roads and Bridges meeting has been set for May 26, 2010 at the Te-Moak Diabetes Center @ 9:00 A.M.

Receiving and returning phone calls and assisting, meeting with the public and working with other bands when contacted. The Financial Report was in the packets for review and there were no questions.

DON MCKENZIE, ACTING CEO – IHS:

Pat informed the Council that Mr. McKenzie was unable to attend tonight's meeting but did furnish a written report for the Council, which are in your packets.

OLD BUSINESS:

CLAIMS UPDATE:

Pat did inform the Council that the information in reference to the Claims is the Federal Register has been posted advertising the closing date of August 2, 2010. This information has been forwarded out for posting to all areas advising applications need to be in on or before that timeframe.

PROPOSED BANISHMENT DRAFT ORDINANCE UPDATE:

Pat gave an update in her report. Pat did ask the Band representatives if their areas are going to input any recommendations to the banishment ordinance. She is requesting a letter from the bands if they do not have any responses to ensure all the bands were given the opportunity to input their recommendations.

ENERGY BLOCK GRANT UPDATE:

Pat gave an update in her report.

GAMING COMPACT UPDATE:

Pat asked the Council if they have reviewed the questions that were given to the representatives to take back to their councils for some answers. The questions are in references to the timeframe, percentage issue and open up and not limit themselves to just slot machines. Pat again informed the Council that Mr. Zeh will answer any questions if the Tribe does not understand why these questions need to be responded to and if they would like to set up a conference call with him. Pat did inform the Council that there is a letter from Mike Price in reference to the Gaming Compact and advising the Tribe that he and Mr. Dennis Floge will be attending on behalf of Battle Mountain. Dennis Floge introduced himself to the Council and gave a brief background of how he has assisted other Tribe's in establishing Gaming Compacts. After further discussion, Lorrie Carpenter made a motion to allow Mr. Floge on behalf of the Battle Mountain Band Council to participate in the conference call with Chuck Zeh concerning the Gaming Compact. Paula Brady wanted to clarify that Mr. Floge needs to be accompanied with the Chairman or Vice Chairman of Battle Mountain Band Council and he does not have any authorization to speak on behalf of the Te-Moak Tribe or to contact our attorney. He will not be allowed to dominate the conversation and is only allowed to listen to the recommendations provided by the attorney for the Te-Moak Tribe. After the clarification made by Paula Brady, Craig Roa second the motion. VOTE: 6 FOR 0 AGAINST 0 ABSTENTION

FINALIZE LIQUOR ORDINANCE AMENDMENT:

Pat informed that she has not heard anything from the Bands and did contact Central Office to process the information that was previously sent to their office. Pat did inform the Council that all the information was provided to the Council. After further discussion, Craig Roa made a motion to table, second by Lorrie Carpenter. VOTE: 6 FOR 0 AGAINST 0 ABSTENTION

SHARLA DICK – ENROLLMENT ID CARDS UPDATE:

Sharla Dick reported the information on the questionnaire that was sent out for recommendations and comments from the members. Sharla Dick did send out this information to all the band offices and had informed them to ensure

that copies are issued to all tribal members input. Sharla Dick also informed the Council that members are coming into the office requesting a tribal identification card and she cannot issue one until the Council approves this ID and that the Tribe has expended a lot of money for this equipment. After a lengthy discussion, Craig Roa made a motion to table and to send out more questionnaires and to include the questions do the people want a new ID card, second by Lorrie Carpenter. VOTE: 5 FOR 1 AGAINST 0 ABSTENTION (For the record Paula Brady voted against)

TRIBAL COUNCIL REQUEST FOR JOSEPH MCDADE TO ATTEND TE-MOAK MEETING - LETTER FROM ELKO BAND ON CFR COURT – FYI ON TANA CRUMP:

Chairman Cassadore introduced Joseph McDade, Superintendent, Eastern Nevada Agency and informed that Mr. McDade was asked to be attendance for this meeting. Mr. McDade was informed the Elko Band Council had a letter of complaint and requested his attendance to respond and try to resolve issues pertaining to Judge Kockenmeister and the CFR Court System. Paula Brady informed Mr. McDade that individuals would plead guilty and some are repeat offenders coming in and out of the court system and again receive minimal sentences or probation and in some instances a slap on the hand. Pat again informed Mr. McDade that the Tribe has repeatedly sent letters of complaints and has informed your office that the Tribe is not impressed with the decisions Judge Kockenmeister has been making. The other issue is that court is not being held in a timely manner and the Tribe is recommending that there should be two judges closer to our area to run a more efficient court system. Mr. McDade did inform the Council that the previous issues were addressed and it is within the discretion of Judge Kockenmeister of how the cases are handled. Judge Kockenmeister knows that there is a problem because he is only there once a month and has to hold court very fast and as addressed by the Tribe these cases are not being reviewed properly and the decisions are improper. A comment was made on the actions of the Prosecutor and how he is presenting his recommendations towards defendants that are continuous repeaters in the court system and receiving minimal fines and probation. The Bands will discuss this with their councils because they are not satisfied with the recommendations the Prosecutor is recommending on these repeated offenders and the seriousness of the crimes.

The issue on Tana Crump was submitted by the Court System and the letter is in the council's packets. This individual is a non-tribal member and could be reviewed under the Non-exclusion Ordinance but has to be presented to the individual councils with all documentation to show why this person should be removed from the colonies/reservations. Chairman Cassadore informed the council that the Adam Walsh Law will be effective on July 1, 2010 and it will be mandatory to have these sex offenders re-register for state and tribal lands.

NEW BUSINESS:

VINCENT GARCIA – ISSUE ON LAND ASSIGNMENTS & SF MEMBERS REQUEST ON CIVIL RIGHTS & DUE PROCESS AGAINST SOUTH FORK BAND COUNCIL:

Vince Garcia informed the Council that he is representing two individuals from South Fork pertaining to their land assignments being taken away from them and he also informed the council he was removed from the meeting and was informed he had no right to be there. Just prior to coming to this meeting he was contacted that this issue will be revisited and is withdrawing his request to present this issue. Mr. Garcia did inform the Council that this does not eliminate the fact that his civil rights were violated and right to due process. There are a couple of people from South Fork area who feel that their council has gone out of bounds on some of the major decisions they are making pertaining to people they are serving. I am requesting if this merits that a warning be given to the council that if you don't follow your ordinances, constitution and personnel policies that you may be in violation of their contracts. Mr. Garcia did inform the Council that the people are in the process of working on a petition to remove representatives on the South Fork Band Council and to be aware this is going to be done. It was also recommended by the people that a Ethics Ordinance be established on the conduct of Councils members who have been elected to enforce the laws not to break them for their own purposes.

After a lengthy discussion, Gilbert Temoke informed the Council that they will provide the documentation of the information on what has occurred in reference to Vince Garcia's complaints. Gilbert Temoke made a motion to table this issue until a later date – motion died. Paula Brady is recommending that a special meeting to hear both sides and all documentation be brought for review only. Lorrie Carpenter recommended that if they are having their leadership issues the people should be recalled. After further discussion, Doyle Tybo made a motion to have a Special Meeting and all individuals involved to provide all documentation for review only this is only a hearing, second by Paula Brady. **VOTE: 3 FOR 2 AGAINST 1 ABSTENTION (For the record Lorrie Carpenter and Gilbert Temoke voted against and Craig Roa abstained)** – After further discussion, Paula Brady made a motion to schedule a

Special Meeting on June 25, 2010 @ the Te-Moak Housing Authority Conference Room, 5:00 P.M. starting with a Closed Meeting on personnel and the land assignment and grazing issues will be open, second by Craig Roa. **VOTE: 6 FOR 0 AGAINST 0 ABSTENTION.**

Pat asked Vincent Garcia if he can provide names and addresses of the individuals involved for the land assignments, grazing and personnel issues. The council will have Pat send letters of notification for the Special Meeting.

EBC – TE-MOAK TOBACCO TAXATION ORDINANCE – AMENDMENT:

Pat informed the Council that Elko Band has requested an amendment for the Te-Moak Tobacco Taxation Ordinance for the Council to review. Jennifer Bell, Elko Band Administrator and Raquel Yopez, Elko Band Smoke Shop Manager informed the Te-Moak Council they received a call from Jason O'Brien, Department of Taxation requesting the Te-Moak Tribe to review and amend Section 17-1-6 F 1. – **Excise Tax Imposed** to amend the terminology on this section to include federal or state taxes. Elko Band is requesting this section be amended and send out for review to the bands. After a brief discussion, Paula Brady made a motion to send out for review and to have the bands return it back as soon as possible, second by Craig Roa. **VOTE: 6 FOR 0 AGAINST 0 ABSTENTION**

BRYAN CASSADORE – DISCUSS GOVERNMENT TO GOVERNMENT CONSULTATIONS/HUMAN REMAINS:

Chairman Cassadore to start consulting with all state and federal agencies and he will present some information at the next meeting on how the Tribe can process with these agencies. It was recommended that the Tribe identify themselves as the governing group for the Tribe. Chairman Cassadore informed the Council that a human skull was found in a dumpster in Wells and was identified as a Native American skull. He is requesting the Council to take the lead on this issue and to properly bury this skull. After a brief discussion, Paula Brady made motion to allow Bryan Cassadore to work with Wells Band and see this skull is properly handled, second by Lorrie Carpenter. **VOTE: 6 FOR 0 AGAINST 0 ABSTENTION**

PAULA BRADY – REQUEST TO START REVIEW OF ELECTION ORDINANCE:

Paula Brady informed the Council that the Election Ordinance that is in effect is unclear and confusing and is recommending the review of the old ordinance be reviewed that was established by Elwood Mose in 1999. Paula Brady did inform the Council that we need to establish an ordinance that will allow the timeline and the people to be able to participate in elections. After a lengthy discussion, Paula Brady made a motion to start a 45-day review and recommended the bands meet with their election committee members and allow tribal members input for this review, second by Doyle Tybo. **VOTE: 6 FOR 0 AGAINST 0 ABSTENTION**

DOYLE TYBO – DIS-ENROLLMENT ISSUE:

Doyle Tybo requested the dis-enrollment issue be put on the agenda. Pat did inform the Council that there was nothing provided for the Council to review. Doyle Tybo informed the Council that this dis-enrollment issue has been

going on for six years and what this is going to come down is a tribal referendum. Doyle Tybo made a motion to adopt Resolution 10-TM-17 for the four bands, second by Gilbert Temoke. Paula Brady asked Doyle Tybo where the information is pertaining to his motion. The people are asking what Doyle Tybo is trying to accomplish without producing any documents for the council to review. After a lengthy discussion, the VOTE: 2 FOR 2 AGAINST 2 ABSENTION (For the record Paula Salazar and Paula Brady voted against, Craig Roa and Lorrie Carpenter abstained motion died)

MEETING ADJOURNMENT:

Paula Brady made a motion to adjourn the meeting at 9:30 p.m., second by Craig Roa. VOTE: 5 FOR 0 AGAINST 1 ABSTENTION (For the record Doyle Tybo left the meeting without voting)

Respectfully submitted,



Patricia G. Stevens, Recording Secretary