



TE-MOAK TRIBE OF WESTERN SHOSHONE

TE-MOAK TRIBE OF WESTERN SHOSHONE Regular Meeting – February 3, 2010 Open Session – 6:00 P.M.

Bryan Cassadore, Chairman	Absent	Paula Brady, Vice-Chairperson	Present
Lindsey Oppenheim, Member	Present	Doyle Tybo, Member	Present
Edith Tybo, Member	Present	Lorrie Carpenter, Member	Present
Larson Bill, Member	Present	Paula Salazar, Member	Present
Sim Malotte, Member	Present		

VISITORS:

Lavonna Johnson, Lydia Johnson, Leta Jim, Leonard Johnnie, Raymond Gonzales, Gracie Begay, Bernice Lalo, Juanita Joe, Carol Peterson, Gladys Johnnie, Carlene Burton, Myron Tybo, Andrea Allison, Darby Adams, Lillian Adams, Buffy George, Willie Johnny, Darlene Cassadore, Betty Tybo, Jody Reynolds, Harriet Tom, Penny Woods, BLM, Molly Molenaar, BLM, Elvis Wall, BLM and Dan Netcher, BLM .

ROLL/CALL – Meeting called to order by Vice Chairperson Paula Brady @ 6:30 P.M., with eight (8) members present.

MINUTES FOR APPROVAL:

Vice Chairperson Brady asked the Council if they reviewed the minutes of January 6, 2010 and asked for a motion to accept minutes. Lindsey Oppenheim made a motion to accept the minutes of January 6, 2010 as submitted, second by Doyle Tybo. **VOTE: 7 FOR 0 AGAINST 0 ABSTENTION**

CHAIRMAN'S REPORT:

Chairman Cassadore was unable to attend the meeting but did provide his report for the Council's review.

TRIBAL MANAGER REPORT/FINANCE:

Pat reported for the month of January, she received the final FY'2010 modifications but was notified by Carolyn Richards that there are minor changes being made through the budget department on the additional funds and there would be some minor changes on the amounts originally issued out. Pat also advised the Council that the additional funding for the Judicial Contract has not been received and she is requesting the modification be issued for those monies. Pat received a call from Chuck Zeh in reference to the Gaming Compact advising he will be meeting with Mike Wilson of the Attorney General's Office on the seven (7) year timeframe and to negotiate for a longer timeframe. He will contact Pat after he meets with Mr. Wilson and advise the Tribe of the outcome. Pat also reported she has not received a confirmation of the DOE Grant and will again contact Wendy to find out the status.

On January 15, 2010, Pat attended a meeting sponsored by Cheryl Atine, Elko Service Unit Substance Abuse Program and Jose Saucedo of the Elko County Juvenile Probation. Also, in attendance was Chairman Cassadore, Joe Gardner, Acting Chief of Police, Joe McDade, Superintendent, ENA, Jennifer Bell, Elko Band Administrator. The purpose of the meeting is to establish a process to allow the Juvenile Probation Officer's to oversee probationers within the Elko Colony and other areas under their supervision. Pat did inform Mr. Saucedo of the process, which was basically the same way the State Probationers are handled. Due to the status of these individuals being juveniles all letters sent to the appropriate bands have to be confidential and handled in closed meetings. She also

advised Mr. Saucedo to include in his letters the individual, timeframe of the probation, charges and address. The meeting was very informative on how the probation detention is operated and their office would like to establish a working relationship with the Tribes. Joseph McDade, Superintendent did question why Te-Moak is not handling these requests because the Bands are under the umbrella of the Tribe. I did inform Mr. McDade that was a decision Te-Moak made to allow the bands to handle these types of requests. Pat received a call from Carolyn Cooper, BIA Realty Specialist in reference to the residential lease on Pedro Mendoza. She questioned the resolution signed by Chairman Vincent Garcia on a approval of a twenty-five plus twenty-five residential lease. I did advise her I would bring this to the attention of the Council and advise them of what she discovered and I would advise her of the Council's decision.

Pat gave the financial reports for the month of February – Larson Bill asked if there is a possibility of getting more staff and Pat informed the Council the main program that she is reviewing is the Enrollment Program. Larson Bill recommended that a Grants Writer would be a position to consider and Pat would like to get additional funding to establish a Court Administrator to oversee the Court System. Vice Chairperson Brady requested staff reports to be sent with the minutes for the council to review prior to the meeting date.

DON MCKENZIE, ACTING CEO – IHS:

Don McKenzie is attending a meeting in Phoenix and will not be able to attend the meeting but he did provide his report for the Council to review.

OLD BUSINESS:

CLAIMS UPDATE:

Pat informed the Council that there was an update newsletter in reference to the Claims Distribution and showing the status of what has been processed. The council recommended that Chairman Cassadore contact the Claims Office and check the status of the progress of the claims applications and to report the information to the council.

PROPOSED BANISMENT DRAFT ORDINANCE UPDATE:

Lindsey Oppenheim reported that their attorney is with the Nevada Legal Services and it is hard for them to review the ordinance. Lindsey Oppenheim recommended if possible, will the Te-Moak Tribe have their lawyer review this ordinance. Pat did question the Council if they had a chance to review and put in their recommendations before any attempt is made to have another lawyer review this ordinance. After further discussion, Lindsey Oppenheim made a motion to send this ordinance back out to the bands and have them review and recommend changes, second by Doyle. **VOTE: 7 FOR 0 AGAINST 0 ABSTENTION**

The Te-Moak Council did recommend copies be provided for the public to have a chance to review and make their recommendations to their respective councils.

ENERGY BLOCK GRANT UPDATE:

Pat gave an update during her report.

GAMING COMPACT UPDATE:

Pat gave an update during her report.

FINALIZE LIQUOR ORDINANCE AMENDMENT:

Pat did inform the Council that the information she provided at the prior meeting was all the information she could locate within the minutes. Lindsey Oppenheim's concern on the Liquor Ordinance is that this ordinance is part of the constitution and if we are going to amend this ordinance we need to amend the Constitution. To clarify this ordinance

is not part of the Constitution it is a law established for Te-Moak Tribe to approve Liquor License for issuance. Pat did inform the Council that the Te-Moak Tribe reviewed the Liquor Ordinance and approved to amend Section 1(g) and then made a decision to retain the monies received for liquor licenses. The reason this was done is because the Te-Moak Tribe was totally destroyed financially back in 2000, 2001, etc. Larson Bill asked the \$1,500.00 is for the Elko Smoke Shop and the other fees received from the vendors is paid by that vendor not the Elko Band. After a lengthy discussion, Lindsey Oppenheim made a motion to table until more information is received by Elko Band, second by Edith Tybo. VOTE: 7 FOR 0 AGAINST 0 ABSTENTION

MYRON TYBO LETTER:

Myron Tybo presented the Newenew's Organization, which will be informational group and attend meetings with BLM, Forestry, mining activities, etc. They also reported that at no time will this organization be making decisions for the Te-Moak Tribe of Western Shoshone. Larson Bill did recommend that these individuals should go to each band for support and to provide these resolutions to the Te-Moak Tribe. Also, identify who the officers are for this organization and provide this information to each of the bands.

NEW BUSINESS:

BLM – PROPOSED GROUNDWATER DEVELOPMENT PROJECT:

Penny Woods, Dan Netcher, Elvis Wall and Molly Molinaar, BLM Reno State Office give an update of the proposed right of way application on the Southern Nevada Water Authority. Penny Woods did inform the Council the pipeline that is being constructed and no water has been taken from the ground. BLM does not have any control over the State Engineers action on the water. There are two cases pending the Nevada Supreme Court had remanded those decisions back to District Court of Nevada. Two choices to open up the application once again for protest for anyone who was not allowed to protest prior could possibly do so and the other option was to basically invalidate the water rights for a whole new process again. BLM will be providing an EIS review and a programmatic agreement. Lindsey Oppenheim did ask Ms. Woods where all the resolutions that were provided from the Tribes in support of the Goshute Tribe. Vice Chairperson Brady asked has the Bureau of Indian Affairs input in this process been provided to their office and was the Tribes aware of their recommendation. Pat did ask Penny Woods which BIA Office have they been working with and who was their contact, she advised that Joseph McDade, Superintendent of ENA has been involved with their office. Penny Woods encourages everybody to provide their input on the EIS when it comes out, which will be approximately April 2010. Vice Chairperson Brady did stress to Penny Woods this is an informational data given to the Tribe and is not considered a Tribal Consultation. The Council recommended Chairman Cassadore to meet with Superintendent McDade and find out where the BIA's involvement is pertaining to this pipeline. Larson Bill did recommend that the BIA should be supporting the Tribe's and to find out why BIA has not contacted the Tribe of their involvement in this proposed Groundwater Development Project. Lindsey Oppenheim made a motion to have Chairman Cassadore contact Joe McDade and find out where our resolutions are and if we need to call a special meeting then schedule one, second by Lorrie Carpenter. VOTE: 7 FOR 0 AGAINST 0 ABSTENTION

Elvis Wall, BLM did want to mention to the Council in addition to the draft EIS BLM is going to be providing for the Tribes a workshop to participate in to enable the Tribes to respond to the NEPA document as accurately as they can. The BIA is also going to be at that meeting sending a representative from the Regional Office. That meeting is scheduled in March in Ely, Nevada consisting of one and a half days of training. The BIA's representative will be there to respond to any concerns the Tribes might have pertaining to the process. Mr. Wall did not have a specific date for this training but he will fax the information as soon as a date is scheduled. He did recommend that the Tribe's send a representative to attend this workshop.

AUTHORIZE CHAIRMAN TO RESPOND TO GOVERNMENT AGENCIES LETTERS:

Pat informed the Council that there is a lot of correspondence coming through the office from the different government, state and other agencies. Chairman Cassadore is requesting the Council to allow him to establish a format letter and respond to these agencies. The Council did request copies of correspondence pertaining to information pertaining within our area any other correspondence not within our area the Council authorizes Chairman

Cassadore to establish a format letter to respond. After further discussion, Lindsey Oppenheim made a motion to adopt Resolution #10-TM-05 utilizing the resolution adopted for Tosawhi Quarries and inserting the Rossi Mines Project opposing, second by Lorrie Carpenter. VOTE: 7 FOR 0 AGAINST 0 ABSTENTION

PETE MENDOZA RESIDENTIAL LEASE:

Pat informed the Council that she was notified by Carolyn Cooper, BIA, Realty Specialist, that she had a concern of the Pedro Mendoza Residential Lease process. After reviewing the documents submitted to the Tribe from the BIA, Pat will submit a letter to South Fork Band Council to have them correct the documents.

MEETING ADJOURNMENT:

Lindsey Oppenheim made a motion to adjourn the meeting at 8:15 p.m., second by Doyle Tybo. VOTE: 7 FOR 0 AGAINST 0 ABSTENTION

Respectfully submitted,



Patricia G. Stevens, Recording Secretary