



TE-MOAK TRIBE OF WESTERN SHOSHONE

TE-MOAK TRIBE OF WESTERN SHOSHONE Regular Meeting – August 4, 2010 Open Session – 6:00 P.M.

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

ROLL/CALL – Meeting called to order by Chairman Bryan Cassadore @ 6:00 P.M., with six (6) members present.

Lindsey Oppenheim made a motion to amend the agenda to add Evelyn Temoke-Roche who is requesting to present a petition on the human skull issue to be added on new business at the end of the agenda. Lindsey Oppenheim made a motion to accept the amendment to the agenda, second by Davis Gonzales. Paula Brady asked if that was the only amendment to the agenda because Myron Tybo was requesting to be put on the agenda. Myron Tybo advised the Council he will be part of the South Fork issue. Chairman Cassadore called for a vote – **VOTE: 5 FOR 0 AGAINST 0 ABSTENTION**

RESOLUTION – RECOGNIZING DAVIS GONZALES FOR THE TE-MOAK COUNCIL:

Chairman Cassadore informed the Council that a draft resolution recognizing Davis Gonzales as a representative on the Te-Moak Council needs to be approved. Lita Piffero has a concern on the resolution from Elko Band because she said it was done incorrectly. Lindsey Oppenheim did inform Ms. Piffero that there was a resolution #28 removing Doyle Tybo and approving Davis Gonzales. Lita Piffero informed the Council there was two actions that night one action you accepted Doyle Tybo's resignation and another action that you accepted Davis Gonzales on Te-Moak. This was blanketed all in one motion you did it all together and even though you have a resolution it does not undo that you did it incorrectly. You are the Council you can accept or not accept and if you accept it I just want it on record that it was done incorrectly. Chairman Cassadore did inform Ms. Piffero this will be so noted. Lindsey Oppenheim made a motion to adopt Resolution #10-TM-21 recognizing Davis Gonzales as the Elko Band Representative to sit on Te-Moak Council, second by Gilbert Temoke. **VOTE: 4 FOR 1 AGAINST 1 ABSTENTION (For the record Paula Brady voted against and Davis Gonzales abstained)**

Pat asked the Council for clarification on the process to accept new council members being put on the Council. Mr. Gonzales was sworn in before he was accepted or recognized by the Council or a resolution from the band was not brought prior to the Te-Moak Meeting. Paula Brady recommended that a resolution needs to be established on the procedures of accepting council members. Pat did inform the council that the resolution and oath of office of a new council person has always been done during a council meeting. After a lengthy discussion, Lindsey Oppenheim made a motion to adopt Resolution #10-TM-22 recognizing Davis Gonzales as the Elko Band Representative to sit on the Te-Moak Housing Board, second by Lorrie Carpenter. **VOTE: 4 FOR 1 AGAINST 1 ABSTENTION (For the record Paula Brady voted against and Davis Gonzales abstained).**

REGULAR MINUTES FOR APPROVAL:

Chairman Cassadore asked the Council if they reviewed the July 7, 2010 minutes and asked for a motion to accept minutes. Paula Brady made a motion to accept the July 7, 2010 with corrections, second by Lorrie Carpenter. **VOTE: 5 FOR 0 AGAINST 1 ABSTENTION (For the record Davis Gonzales abstained)**

**Correction made that Larson Bill was in attendance and Paula Salazar was absent.
Correction on Page 2 ¶ line 15 should read "him" not "hem."**

CHAIRMAN'S REPORT:

Chairman Cassadore reported for the month of July, 2010 he met with a community member who has been very concerned about Terry Jones Jr., and the article that was written in the Elko Daily Free Press. He informed the Council he met with the Chief of Police and both FBI Agents to ensure that open dialog occurs between our local agencies and the Federal Parole and Probation. He informed he has been jogging for the past month to bring awareness to a Native Veterans Memorial. The Diabetes Center has been tracking his miles and he is currently up to 10 miles. He will be joining the VFW and meeting with the Veteran's Administration representative. The Cultural Center/Museum is an ongoing project and any suggestions from the community are welcome. He attended the Youth Campout in South Fork and gave a speech to the community youth about commitment and education. He and Craig Roa attended a meeting in Ft. McDermitt to listen to Chairman Bell on his views against the Ruby Pipeline Project. He met with the Army soldiers and that thanked them for coming to our community and providing services. Attended an EPA Conference in Battle Mountain and thanked Bernice Lalo for inviting him. He visited the Tosawihi Quarry and will continue to learn more about that area. He informed the Council he met with the State of Nevada Attorney General and had a brief discussion with her and she did ask if I could contact her at a later date. Chairman Caasadore attended the Shoshonean Reunion Committee Meeting to discuss the plans for the upcoming event scheduled in July of 2011 in Elko.

TRIBAL MANAGER REPORT/FINANCE:

For the month of July, Pat informed the Council she contacted Carolyn Richards, Awarding Official, Western Regional Office in reference to the Judicial Contract pertaining to the letter received from Joseph Little, Associate Director, Office of Justice Services. The Tribe was notified that a one time funding in the amount of \$30,000.00 is to be transferred to our Judicial Contract to cover a shortfall for the Judge. Pat informed the Council she has requested a modification to be issued to incorporate these funds into the contract. On June 30, 2010, our FY '09 Audit was completed and processed electronically into the Audit Clearinghouse and notification was received confirming it was received and accepted. Pat informed the Council that the Te-Moak Tribe is now up to date with their audits. Pat contacted Chuck Zeh in reference to the gaming compact and advised him to process the changes he has been requesting from the Tribe. I did request Mr. Zeh that upon completing the changes to submit a draft copy for the Tribe to review. I had Phyllis Evening input the recommendations the Elko Band Council submitted and found that there are questions that need to be responded to that was provided by the Nevada Legal Services who represents the band. I am recommending the bands to review the questions and make recommendations back to the Tribe for review. Pat informed the Council that Chairman Cassadore, Chief Kolsch had a conference call with Allison Turkel of the SMART Office, U.S. Department of Justice in reference to the Adam Walsh Act SORNA Extension Request Forms for the Te-Moak Tribe. The Tribe was notified that four Tribes in Nevada have not submitted a request and Te-Moak was one of them and the deadline date was July 26, 2010. The one year extension will allow the Tribe to establish a MOA/MOU with the State, County which we have two jurisdictions Elko and Lander. A copy of all the correspondences has been provided and also the approved letter for the one year extension. We were also provided

a draft MOA/MOU to assist the Tribe and Law Enforcement which was established by the State of Michigan and a copy was provided to Chief Kolsch. On July 28, 2010 met with Jennifer Bell, Elko Band Administrator and Suzanna Sandoval, ATTG Coordinator in reference to the trailer lots. During our discussion, it was recommended individual resolutions be approved with the land descriptions incorporated in the resolution. This will ensure the Te-Moak Tribe can maintain the issuances of leases being approved by the Tribe. Due to the problems that occurred in the Housing on how the lease was approved for the projects it was recommended to have Elko Band approve each lot individually and prepare for the Te-Moak Meeting. Jennifer Bell contacted my office and asked about the process of the liquor licenses due to the changes on the resolution approved at the previous Te-Moak Meeting. Informed her that the same process for approval will be followed except the Te-Moak Tribe will be receiving a check from Elko Band in the amount of \$250.00 for administrative fees, which is the processing of the liquor license. Receiving and returning phone calls and assisting and meeting with the public and working with other bands when contacted. Pat did ask the Council if they had any questions on the finance report. Pat informed the Council that our Diabetes Grant was approved and we were just notified. Pat informed the Council that notification was received that a date has been scheduled for an appellate court hearing on September 23, 2010 and Mr. Zeh will be requesting to change the date due to another court commitment. We were notified late last night and you are aware of the three cases and the people asked who is involved – Te-Moak Housing Authority, Debra Mendez, Elko Band Council, Reno Premo, Davis Gonzales, Gonzalo Mendez and Nancy Hodge and Te-Moak Tribe, Felix Ike Family.

DON MCKENZIE, ACTING CEO – IHS:

Don McKenzie reported the clinic hours are still the same and advised he received resignations from their current health educator and one public health nurse effective August 6, 2010. The PHN Program will operate at normal staffing pattern and with one PHN, which is in the last year of their PHN Grant. The Health Educator position will be reviewed and determined how to best provide better services to the Tribe. The announcement for the CEO position is currently with the South West Region Human Resources Department and closes August 19, 2010. He provided information on the upcoming specialty clinics: Psychiatry August 6th and September 16th. Audiology – September 2nd and new patients need to be referred by SBHC primary care provider. Hemophilia – October date has not been determined and Tele-nutrition August 11th and 25th and Tele-Rheumatology on August 31st. Mr. McKenzie reported that on July 30, 2010, the U.S. Food and Drug Administration announced that it has approved vaccines for the 2010-2011 influenza seasons in the U.S. He has scheduled the SUMT for September 21, 2010 when the Area Director can attend and an agenda will be forwarded to the Tribes. He reported a Te-Moak Community Health Assessment Team (TCHAT) has been established to assess in identifying and prioritizing the health status of the local Native American population. The Elko Service Unit and the 7245th Army Reserve Medical Support Unit will be conducting a "Health Fair" in each community July 13-22, 2010. He reported there were over 300 participants in attendance. A contingent of Army personnel traveled to the Owyhee Health Center to assist in their services during this same time frame. He did receive notification that we will be receiving an Air Force Medical Unit in 2011. He did report the Elko Service unit is operating under priority one for contract health care. Total obligated funds - \$1,967,441.00 leaving an un-obligated amount of \$252,979.44.

OLD BUSINESS:

CLAIMS :

Pat informed the Council she finally got a report on the Claims Distribution which is in the packets. She informed the Council the number of applications received 8,502, number of decisions made 3,612, number determined eligible 2,238, number determined ineligible 1,374 and total appeals 105.

PROPOSED BANISHMENT DRAFT ORDINANCE UPDATE :

Pat reported this information in her report.

GAMING COMPACT UPDATE:

Pat reported this information in her report.

FINALIZE LIQUOR ORDINANCE AMENDMENT:

Pat informed the Council she has not received any information from Central Office.

ELECTION ORDINANCE REVIEW – 45 DAYS ENDING AUGUST 6, 2010:

Pat informed the Council she received recommendations from Elko Band just prior to tonight's meeting. She will prepare copies for the next meeting. She informed the Council that she has not received any type of recommendations from the other areas. The 45-day review time frame expires on August 6, 2010 for this ordinance to be reviewed by Council.

ETHICS ORDINANCE REVIEW – 45 DAYS ENDING AUGUST 25, 2010:

Pat informed the Council she has not received any recommendations from the areas on this ordinance. The 45-day review time frame expires on August 25, 2010 for this ordinance to be reviewed by Council.

NEW BUSINESS:

AMANDA MARTA – “KIDS SAFETY FAIR”:

Amanda Marta, Crime Prevention Specialist, Te-Moak Housing Authority informed the Council that she has scheduled a “Kids Safety Fair” at the Elko Band Gymnasium on August 21, 2010 @ 9:00 a.m., for the kids in all four areas..

KEN MILLER, BLM – STATUS ON ROCK CREEK ACQUISITION:

Ken Miller, BLM District Manager and David Overcast, BLM Tuscarora Field Office is in attendance to give a brief update on the status of acquiring the Rock Creek Traditional Cultural Properties area parcels. Mr. Miller informed the Council they were successful to acquire Southern Nevada Public Lands Management Act (SNPLMA) funds to purchase the four sections (about 2,560 acres) in the area of the Rock Creek Traditional Cultural Property. Approval of the funding allows us to initiate a number of actions towards completing the purchase. The action required is to complete an environmental site assessment to confirm that there are no hazardous materials issues. A completion of a mineral potential assessment addressing the presence or absence of mineral development potential, construction of the appropriate NEPA documents probably an environmental assessment (EA), conduct an appraisal in that BLM pays fair market value as determined by a value assessment and BLM requested this be completed by authorized Department of Interior appraisal staff and Realty/Lands program specific reviews, such as issuance of a Certificate of Inspection and Possession. Due to two Realty vacant positions we have been trying to recruit to fill these positions and finally filled one position to work on the process. We will be moving forward to complete the required work and we will seek opportunities to consult with the Te-Moak Council. Mr. Miller did inform the Council they are working with the seller, Rock Creek Gold to determine how to provide the best protection to the properties as we work to

acquire them. An example would be assessment of the opportunities to appropriately protect the acquired properties, as well as the current designated Traditional Cultural Property from mining activities. BLM does realize that development of a management plan for the Rock Creek and Tosawihi Areas continues to be a necessity. BLM hopes to complete necessary administrative and NEPA compliance actions by June of 2011.

BIA LETTER – TE-MOAK TOBACCO ORDINANCE:

Pat informed the Council that a letter was received from the BIA in reference to the Te-Moak Taxation Ordinance Amendment #10-TM-ORD-01. The BIA informed the Council that Amendment #97-TM-ORD-01 cited section 17-1-6-E, which should have been section 17-1-6-F as amended in Ordinance #10-TM-ORD-01, which is correct. If the 97 amendment should ever be challenged in court this amendment would be invalid. After a lengthy discussion, Lindsey Oppenheim made a motion to rescind Amendment #97-TM-ORD-01, second by Davis Gonzales. VOTE: 6 FOR 0 AGAINST 0 ABSTENTION

RESOLUTION – LIQUOR LICENSE REQUEST F JEFF WATSON/GLADIATOR CHALLENGE:

Lindsey Oppenheim made a motion to adopt Resolution #10-TM-23 to approve a liquor license for Jeff Watson/Gladiator Challenge with a administrative fee charge of \$250.00 to be made payable to the Te-Moak Tribe for processing as per Te-Moak Resolution #10-TM-19 adopted July 7, 2010, second by Davis Gonzales. VOTE: 6 FOR 0 AGAINST 0 ABSTENTION

RESOLUTION – ELKO BAND LAND LEASE:

Lindsey Oppenheim made a motion to table and send back to Elko Band for further review, second by Paula Brady. VOTE: 6 FOR 0 AGAINST 0 ABSTENTION

FYI – SMART OFFICE FOR ONE YEAR EXTENSION:

Pat reported this in her report.

VINCE GARCIA – REQUESTING SPECIAL MEETING ON APPEAL FOR LAND ASSIGNMENTS:

Vincent Garcia is requesting a special meeting in reference to an appeal process for land assignments that was cancelled by the South Fork Band Council. He did inform the Council that Chester Knight and Floyd Bill are exercising their rights to appeal to the Te-Moak Council on the decision made by the South Fork Band Council canceling their individual standard land assignments. Gilbert Temoke informed the Council this needs to go back to the South Fork Band Council because they did not come before the council to appeal. Pat did inform the Council that she does have all the documents and is waiting for the Council to make a decision if they want to review the documents and if they want to set a meeting. Pat did inform the Council that the office did receive the advertisements for those two land assignments and obviously the process was completed. Lindsey Oppenheim recommended to review this issue on August 12, 2010 after the Enrollment Meeting to review the documents provided by Vince Garcia. Lindsey Oppenheim made a motion to review documents after the Enrollment Meeting on August 12, 2010, second by Gilbert Temoke. Vincent Garcia also requested this information should not be given to the South Fork Representatives because of a conflict of interest and they should be asked to leave the meeting during this review. After further discussion, Chairman Cassadore asked for a vote – VOTE: 6 FOR 0 AGAINST 0 ABSTENTION

Edith Smart asked the Council about the personnel/grazing issues that was previously scheduled but due to the death of a tribal member the meeting was cancelled. Again, we are requesting the Council to review this issue just to ensure the proper procedures were followed. Edith Smart advised the Council that she is not the only person involved in this but three other individuals were also terminated. Pat did request these individuals need to provide all the documents for the council to review. After a lengthy discussion, Lindsey Oppenheim made a motion to review the personnel/grazing issues after the August 12, 2010 Enrollment Meeting, second by Paula Brady. VOTE: 4 FOR 2 AGAINST 0 ABSTENTION (For the record Gilbert Temoke and Lorrie Carpenter voted against)

EVELYN TEMOKE-ROCHE PETITION ON HUMAN SKULL:

Evelyn Temoke-Roche presented a petition of the burying of a human skull in the Ruby Valley Shoshone Cemetery without the permission of the Ancestors of those who are buried there. The Te-Moak Council approved the Chairman to handle this human skull issue. Chairman Cassadore asked for assistance and recommendations from the people and did not receive any assistance. After a lengthy discussion, Bryan Cassadore did inform the people that he did not bury the skull in the actual cemetery but laid it to rest close to the cemetery and did not put the donated head stone on where it is buried. The reason for that is to ensure that no one will come back and remove it from the resting place. After informing the people of what and where he buried the skull there was no further discussion.

MEETING ADJOURNMENT:

Lindsey Oppenheim made a motion to adjourn the meeting at 9:30 p.m., second by Paula Brady. VOTE: 6 FOR 0 AGAINST 0 ABSTENTION

Respectfully submitted,



Patricia G. Stevens, Recording Secretary