



TE-MOAK TRIBE OF WESTERN SHOSHONE

TE-MOAK TRIBE OF WESTERN SHOSHONE Regular Meeting – December 1, 2010 Open Session 6:00 P.M.

Bryan Cassadore, Chairman	Present	Paula Brady, Vice-Chairperson	Present
Lindsey Oppenheim, Member	Present	Davis Gonzales, Member	Present
Craig Roa, Member	Present	Paula Salazar, Member	Present
Gilbert Temoke, Member	Present	Richard Smith, Member	Absent
Brandon Reynolds, Member	Absent		

VISITORS:

Charles Malotte, Barbara Malotte, Leta Jim, Gladys Johnny, Juanita Joe, Lillian Adams, Evelyn Knight, Lewis Knight, Rose Garcia, Vince Garcia, Joseph Moon Karen McDade, Edith Smart, Darby Adams, Gracie Begay, Joleen Begay, Myron Tybo, Phyllis Evening, Andrea Allison, Dana Cassadore, Clorissa Cassadore, Lorrie Carpenter and Amanda Marta.

ROLL/CALL – Chairman Cassadore called the meeting to order at 6:00 P.M.; with six (6) members present. For the record Craig Roa arrived at approximately 6:05 p.m.

REGULAR MINUTES FOR APPROVAL:

November 4, 2010 minutes and November 12, 2010 minutes: Lindsey Oppenheim made a motion to table both minutes. Paula Brady seconded the motion. **VOTE: 6 FOR, 0 AGAINST, 0 ABSTAIN**

REPORTS:

CHAIRMAN REPORT:

Chairman Cassadore is currently tracking crime rate through Com Stat. He traveled to Las Vegas to attend an I.H.S. Consultation Meeting the main topic being a Nevada Area Hospital; he felt the meeting was very productive. He also attended the Community Improvement Committee Meeting and had lunch with the Battle Mountain Seniors. Chairman Cassadore reported that he met with U.S. Federal Attorney, Sue Fahami and she informed him that in all likelihood Terry Jones Jr. would be released due to a lack of evidence in the case; however as of today he is still in custody. Chairman Cassadore attended the NCAI Conference, and returned all but one phone call. Davis Gonzales questioned Chairman Cassadore's NCAI conference attendance. Chairman Cassadore gave a brief explanation on the different meetings he attended and will submit a separate report.

TRIBAL MANAGER REPORT:

Davis would like to get the Manager Report and information packet before the meetings to review ahead of time.

DON MCKENZIE, ACTING CEO SOUTHERN BAND HEALTH CENTER:

Mr. McKenzie gave a brief explanation of the situation at Ft. McDermott. At this time the McDermott Clinic is not accredited and there is discussion of the possibility of the McDermott Clinic going under the supervision of Don McKenzie and the Southern Bands Health Clinic. Don stated there would definitely need to be consultation with the Te-Moak Tribe and has relayed that to the Phoenix Area. He has asked for a complete review of the Ft. McDermott Clinic and questioned the budget and the services that would need to be provided. He stated no services or personnel should be taken from the Southern Band Health Clinic and the McDermott Clinic must be able to function on its' current budget without taking any from Southern Bands Health Clinic. Mr. McKenzie informed nothing should happen before July 2011 or before consultation takes place with Te-Moak Tribe.

Don McKenzie goes over the clinic and pharmacy hours; he also stated that the psychologist is leaving in December and is advertising for an Advanced Nurse Practitioner that specializes in psychiatry to take the position. A Certified Diabetes Educator has also been hired to see patients at the clinic she will start with 12-hours a week. The Public Health Nurse position that is vacant has been reposted. Don McKenzie gave a brief on the scheduled visiting doctors for the month of December. He gave an update on the Community Health Assessment Team that is made up of community members. Don suggested that maybe the Tribal Council can support a team of people who would be a possible health advisory group; he will draft an organizational chart and information packet, goals and objectives for the council to review.

Contract Health Services is still on a Continuing Resolution he is expecting a two-week extension for additional funds. Don McKenzie gave an update on the Improving Patient Health Care Team development; he states that training will be coming over the next year or so.

OLD BUSINESS:

CLAIMS UPDATE:

The claims issue is ongoing and will continue.

PROPOSED BANISHMENT DRAFT ORDINANCE UPDATE:

The ordinance is still out for review. Lindsey Oppenheim stated that once it gets back to the Council, it will have to go to the attorney or another body to review.

GAMING COMPACT UPDATE:

Paula Brady stated that this ordinance should be priority. Craig Roa has questions about the taxes that are involved with gaming. Paula Brady stated that taxes would be a part of the negotiation process with the State of Nevada.

FINALIZE LIQUOR ORDINANCE AMENDMENT:

Lindsey Oppenheim made a motion to table. Davis Gonzales seconded the motion. **VOTE: 6 FOR, 0 AGAINST, 0 ABSTAIN**

ELECTION ORDINANCE REVIEW – EXTENDED:

This is a work in progress preparing for 2012 Election.

ETHICS ORDINANCE REVIEW – EXTENDED:

This is waiting for Battle Mountain comments, Craig Roa stated it will be on the next Battle Mountain Band Council agenda.

LORRIE CARPENTER DISCUSSION:

Lorrie Carpenter's representative is not available tonight. She would like the issue to be tabled for the next meeting. An information packet is available for the council to review before next meeting. Council discussed when to schedule a meeting for this issue, and for the Diabetes Assistant interviews. Lindsey Oppenheim made a motion to have a meeting on December 9, 2010 @ 5:00 P.M.; for interviews. Davis Gonzales seconded the motion. **VOTE: 6 FOR, 0 AGAINST, 0 ABSTAIN**

Lindsey Oppenheim suggested that since Lorrie Carpenter's issue began in an open discussion that it should continue in an open forum. Lindsey Oppenheim made a motion to have a discussion for Lorrie Carpenter on January 5, 2010 during the Regular Meeting. Davis Gonzales seconded the motion. **VOTE: 5 FOR, 0 AGAINST, 1 ABSTENTION (Craig Roa)**

TE-MOAK DOG ORDINANCE:

Lindsey Oppenheim made a motion to table. Davis Gonzales seconded the motion. **VOTE: 6 FOR, 0 AGAINST, 0 ABSTAIN**

NEW BUSINESS:

NATIVE ASPIRATIONS PROJECT:

Nate St. Pierre and Connie O'Mare-Goodluck are presenters for this project. This project is a grant through Substance Abuse Mental Health Services Administration (SAMSHA). This is a training and technical assistant project aimed at the Prevention of Youth Bullying and Suicide. So far forty-two communities are involved. This program's goals and objectives are to increase protective factors, to decrease risk factors and to provide mental health services. A Tribal resolution and two Memorandums of Understanding and Community Budget Agreement would be needed to gain approval. The grant will take place over a three year period. There is funding of \$50,000.00 to be awarded over the three-year period. Once the resolution, MOA's, and budgets are approved \$25,000.00 will be awarded. After the plan has been written another \$15,000.00 will be awarded for training opportunities and technical assistance. A sustainability plan will need to be written so that the program can continue into the future. There will also be an evaluation that is at no cost to the community. There is a suggestion that this project should be going to the bands.

FALMOUTH INSTITUTE FOR INDIRECT PROPOSALS FOR FY '07, '08, '09, '10 & '11:

There is an indirect cost proposal in the packet for fiscal year 2007 – 2011. The \$14,265.00 will come out of all programs to cover the cost. Davis asks if this within the procurement policy and if this has gone out to bid. Paula Brady stated that she believes this was the lowest of the bids. There is ongoing discussion in regard to the procurement policy. Lindsey Oppenheim made a motion to approve the proposal as long as the procurement is in place. Davis Gonzales seconded the motion. There is ongoing discussion that the procurement process needs to be followed. There is a comment about a sole source justification. **VOTE: 6 FOR, 0 AGAINST, 0 ABSTAIN**

DRAFT NARCOTICS ORDINANCE:

This information is being presented by Chairman Cassadore and is only for review at this time; he will be working on this in the future. Paula Brady is wondering if this will be an amendment to a current ordinance.

TANF PROGRAM:

Chairman Cassadore presented information on Temporary Assistance for Needy Families (TANF). The information is for review at this time.

SOUTH FORK RECALL ELECTION – VINCE GARCIA:

The discussion is in regard to the special election in South Fork that was stopped by Judge Kockenmeister. The Tribal Attorney, Chuck Zeh stated that the judge had no authority to stop the election. Paula Brady stated that one of the major problems was that the Tribal Election Board Chairman Arthur Thompson didn't want to hold the election. There is discussion in regard to the authority of the judge and the court order he issued. Vince Garcia is requesting a resolution from the Council to the BIA Superintendent for the removal of the judge. Also, he stated that the South Fork Band Council is not posting meeting notices and stated they are not acting in their official capacity while making decisions. Vince Garcia also stated the community wants the offices closed and would like Te-Moak Council to honor the recall. Discussion continued about whether or not the injunction was legal. Davis Gonzales stated that the Council would be in contempt of court if the court order is violated. Paula Brady suggested going to Joe McDade and ask him to reverse his decision and to stay out of the political issues of the Tribe. Hand carry a letter, if it is not accepted by the Superintendent, go to the Phoenix Area. Paula Brady also stated that the Recall Election should continue. For the record: Edith Smart stated that the Administrator and Law Enforcement didn't want to get involved with an issue in the community. Vince Garcia stated that the issues in South Fork have been ongoing since the beginning of the year and that there is mismanagement happening with the 638-contracts.

Lindsey Oppenheim made a motion to start the Recall Election again in 10-working days. Get a hold of Art Thompson; if he states he can't do it we need someone to take his place. Paula Brady seconded the motion.

There is a question about who is the representative from the South Fork Election Committee on the Tribal Election Board. There is discussion about whether or not South Fork has an Election Committee. Gilbert Temoke stated that South Fork does have an Election Committee of five members. There is discussion about which body is running the election; the Election Committee

or the Tribal Election Board. For the record Davis Gonzales stated: We do have a separation of powers within our organization and we have an injunction before us and he is not a part of this court order and believes the attorney will agree with that. **Lindsey stated his motion is to adopt Resolution #10-TM- 38. Paula Brady advises that the 10-days are not working days it is calendar days which falls on Saturday, December 11, 2010. VOTE: 4 FOR, 2 AGAINST (Gilbert Temoke and Davis Gonzales), 0 ABSTAIN.**

There is discussion about the ballot - if the council is removed as a whole or if the individuals are separated on the ballot.

Paul Brady would like to address the judges actions by drafting a letter in accordance with the 25-CFR. She recommends that Chairman Cassadore hand carry the letter; however he won't be available tomorrow. Fermina Stevens will get in touch with Art Thompson.

TE-MOAK INJUNCTION – DISMISSAL SUBMITTED BY ATTORNEY – FYI:

The injunction information is in the packet.

CHRISTMAS BONUS:

The Christmas bonus for last year was \$200.00 for employees and council. Lindsey Oppenheim made a motion to approve the \$200.00 bonus. Davis Gonzales seconded the motion. **VOTE: 6 FOR 0 AGAINST, 0 ASTAIN**

ADJOURNMENT:

Lindsey Oppenheim made a motion to adjourn the meeting at approximately 8:37 p.m. Davis Gonzales seconded the motion. **VOTE 6 FOR, 0 AGAINST, 0 ABSTAIN**

Respectfully submitted,



Fermina Stevens, Acting-Recording Secretary