



TE-MOAK TRIBE OF WESTERN SHOSHONE

TE-MOAK TRIBAL COUNCIL Regular Meeting – February 2, 2011 Open Session - 6:00 P.M.

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

VISITORS:

Juanita Joe, Barbara Ridley, Betty Tybo, Andrea Allison, Leonard Johnnie, Amanda Marta, Myron Tybo, Leta Jim, Joleen Begay, Karla Dick, Gerald Temoke, Evelyn Roche-Temoke, Edith Tybo, Penny Stevens, Bernice Lalo, Raymond Gonzales, Phyllis Evening and Gar Abbas, US Forest Service

ROLL CALL:

Meeting called to order by Chairman Cassadore at 6:00 P.M., with seven (7) members present.

REGULAR MINUTES FOR APPROVAL:

Chairman Cassadore asked the Council if they reviewed the November 3, 2010 – Regular Meeting Minutes and asked for a motion to accept minutes. Paula Brady recommended a correction on:

Page 2 ¶ 7 should read Pat understands instead of I

Gilbert Temoke stated that on:

Page 4 ¶ 4 that he did inform the Council that Vince Garcia stated that the whole Council has never been recalled before and that is the reason it was brought before Te-Moak.

Paula Brady made a motion to accept minutes with additions and corrections, second by Craig Roa. **VOTE: 6 FOR 0 AGAINST 0 ABSTENTION**

Chairman Cassadore asked the Council if they reviewed the November 12, 2010 - Special Meeting Minutes and asked for a motion to accept minutes. Gilbert Temoke informed the Council he had the February 14, 1996 when Vince Garcia and them were recalled it was in the minutes and Cassadore did not want to look at it. Pat asked the Council if they wanted her to insert this information. Leta Jim questioned why you would insert it if it was not available for the whole Council to look at and it was not presented as part of the record. Davis Gonzales made a motion to table the minutes and check the tape, second by Paula Brady. **VOTE: 5 FOR 0 AGAINST 1 ABSTENTION (For the record Lindsey Oppenheim abstained)**

Chairman Cassadore asked the Council if they reviewed the December 1, 2010 – Regular Meeting Minutes and asked for a motion to accept minutes. Paula Brady made a motion to accept the December 1, 2010 minutes as read, second by Craig Roa. **VOTE: 6 FOR 0 AGAINST 0 ABSTENTION**

Chairman Cassadore asked the Council if they reviewed the December 9, 2010 - Special Meeting Minutes and asked for a motion to accept minutes. Paula Brady mad a motion to accept the December 9, 2010 minutes as read, second by Craig Roa. **VOTE: 6 FOR 0 AGAINST 0 ABSTENTION**

Chairman Cassadore asked the Council if they reviewed the January 5, 2011 – Regular Meeting Minutes and asked for a motion to accept. Paula Brady made a motion to accept the January 5, 2011 minutes as read, second by Craig Roa. **VOTE: 6 FOR 0 AGAINST 0 ABSTAIN**

REPORTS:

CHAIRMAN REPORT:

Chairman Cassadore reported he attended a Elko County Commissioner Meeting on January 5, 2011. He did recommend the Tribal Chairs should attend these meetings and informed the agenda is provided on their website. On January 6, 2011, he attended a TECAC Meeting in Reno, Nevada. On January 8, 2011, Chairman received a call on a shooting incident on the Battle Mountain Colony. The following day returned to Battle Mountain and met with community members. On January 11, 2011 attended the Elko City Council Meeting and advised their meeting schedule is on their website. Attended a Elko County Commissioners Meeting on January 12, 2011. January 13, 2011 attended a VFW Meeting and he is working on grants to assist the veterans. Attended a Nevada Indian Commission Tribal Government Legislative Training in Carson City, Nevada. On January 15, 2011, Chairman attended the Nevada Indian Commissions Tribal Government Legislative Training in Carson City, Nevada. This meeting was to introduce the Council Members and Chairs to the State Legislative process. He also, attended the Shoshonean Reunion Planning Meeting at the Diabetes Center. On January 18, 2011, he met with Mike Pederson at the Juvenile Probation Department and Jeanne Hansen at the Great Basin College regarding Nevada State Legislature. On January 19, 2011, he met with Elko County Commission and the new Realty Officer for BIA. Chairman attended the Substance Abuse Training at the Te-Moak Diabetes Center and Indian Health Board Meeting in Reno, Nevada. Throughout the month answered approximately 35 phone calls, numerous office visits and 4 home visits to community members.

TRIBAL MANAGER REPORT/FINANCE:

For the month of January, I contacted Carolyn Richards, Awarding Official, Western Regional Office in reference to the 2nd, 3rd and 4th continuing resolution breakdowns I had submitted back to her office to process modifications for all the areas. As of this date, our office has not received any type of correspondence and I did call to find out the status and she did advise me she will be mailing out the modifications.

As I reported the previous meeting, I am in the process of getting caught up on my work and I did spend a lot of time on completing minutes and preparing them for distribution to the Council.

The Tribe has not heard anything on the three cases pending against Te-Moak Tribe vs. Felix Ike, Te-Moak Housing Authority vs. Deborah Mendez and Elko Band Council vs. Rena Premo, Davis Gonzales, Gonzalo Mendez and Nancy Hodge. Two Appellate Judges presided over the hearing Judge Stan Read and Allen Toledo from Albuquerque, NM. There has been no decision as of this date.

I 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's input. Due to the issue of the SF Case again this has pushed back all of the documents he was working on

On the Banishment Ordinance from the Elko Band Council's Attorney I have not received any comments or recommendations as of this date. I did recommend to the bands to review the questions and make recommendations because there are numerous questions that need to be answered.

I worked on the proposed Election Ordinance and incorporated the recommendations submitted by Elko Band for the Council's review. The draft information with the changes included should be sent out for the bands review and input. As of this meeting, the Elko Band is the only area that has submitted their comments. I do have recommendations from the South Fork Band, which was given to me during last month meeting but I have not incorporated them into the draft ordinance.

A letter was submitted to Joseph McDade, Superintendent, ENA, requesting an immediate detail for a Judge until this position was advertised and the Council can review qualified applicants. In response to the Tribe's letter we received a response informing the Tribe that the BIA is in the process of initiating a detail for a Judge immediately, which was dated January 21, 2011 and copies were provided to all council members. On January 25, 2011, I received a fax notifying the Tribe that due to the lengthy recruitment process and the urgency of all the cases pending a Magistrate has been appointed on a temporary detail basis. Ms. Lisa Otipoby will be detailed for the court and I did request information on her background for the Councils information and review. As of this date, I am waiting for this information.

Receiving and returning phone calls and assisting and meeting with the public and working with other bands when contacted.

DON MCKENZIE, ACTING CEO ;

Chairman Cassadore informed the Council Mr. McKenzie will not be in attendance for this meeting and he will be providing his report for the Council for their information.

OLD BUSINESS:

CLAIMS UPDATE:

Pat reported the January 27, 2011 update on the claims partial payment distribution scheduled for February 2011. As of this report total number of applications were 9,098, eligible applications are 4,884, total ineligible 3,364, pending 395 and appeals filed 455.

PROPOSED BANISHMENT DRAFT ORDINANCE UPDATE:

Pat gave an update and as of this date is still being reviewed by the areas.

GAMING COMPACT UPDATE:

Pat gave an update on her report. Pat will send it out for the bands to review and respond to as soon as possible to get this processed.

BRANDON REYNOLDS ARRIVED AT 6:34 P.M.

FINALIZE LIQUOR ORDINANCE AMENDMENT:

Pat asked the Council since the Tribe adopted a resolution for processing Lindsey Oppenheim made a motion to remove this item from the agenda, second by Paula Brady. **VOTE: 7 FOR 0 AGAINST 0 ABSTENTION**

ELECTION ORDINANCE REVIEW – EXTENDED:

Pat informed the Council this is still being reviewed by the areas.

ETHICS ORDINANCE REVIEW – EXTENDED:

Pat informed the Council that Dana Cassadore is handling this proposed ordinance and he is not in attendance for this meeting.

TE-MOAK DOG ORDINANCE:

Pat had requested clarification from the Council if the Housing Authority is involved in reviewing this ordinance because she did not receive any recommendations from their office, After a brief discussion, Lindsey Oppenheim made a motion to table, second by Paula Brady. **VOTE: 7 FOR 0 AGAINST 0 ABSTENTION**

UPDATE OF CFR JUDGE POSITION:

Pat presented this information in her report.

NEW BUSINESS:

ECHOHAWK LAW OFFICES REQUEST FOR INTRODUCTION:

Pat informed the Council Echo-Hawk Law Offices were unable to attend meeting.

GAR ABBAS, DISTRICT MANAGER, U.S. FOREST SERVICE:

Gar Abbas, District Manager, U.S. Forest Service is present to discuss 2005 Travel Management Planning process for the Ruby Mountain, Jarbridge and Mountain City Ranger Districts. Mr. Abbas is very interested in finding out if the Tribal and Band Councils will engage in a formal consultation on this planning process. Within the National Environmental Policy Act (NEPA) Process he did inform the Council they now reviewing all comments from the public on the Draft

Environmental Impact Statement (DEIS) to determine if there is new information that should be considered and analyzed in the final EIS. Attending this meeting will assist his office in gathering information and input from the Te-Moak Council. Chairman Cassadore did recommend each of the representatives take this information to their areas and address this issue.

Davis Gonzales did question the map issue because the areas noted were inaccurate and asked if there was any improvement done on the maps. This issue was brought up at one of the meetings held downtown.

LINDSEY OPPENHEIN LEFT MEETING AT 6:55 P.M.

SF – RESOLUTION OF SUPPORT OF RIGHT-OF-WAY:

Pat presented a draft resolution for the South Fork Reservation requesting support for a right-of-way for the improvement and upgrading of 4.44 mile section of Indian Route 1 (Lee Road). After a brief discussion, Davis Gonzales made a motion to adopt Resolution #11-TM-02 to support South Fork to improve their road, second by Craig Roa. VOTE: 6 FOR 0 AGAINST 0 ABSTENTION

REQUEST TO ADVERTISE FOR UPCOMING ENROLLMENT COMMITTEE SEATS (ELKO & WELLS AREA):

Pat informed the Council that there are two positions due to expire on the Enrollment Committee one for Elko and one for Wells. Davis Gonzales made a motion to advertise, second by Brandon Reynolds. VOTE: 6 FOR 0 AGAINST 0 ABSTENTION

LINDSEY OPPENHEIN RETURNED TO MEETING AT 7:20 P.M.

CHUCK ZEH ATTORNEY CONTRACT RENEWAL:

Pat presented an Attorney Contract for renewal for Chuck Zeh and also informed them we still have pending cases. After a brief discussion, Paula Brady made a motion to approve a two year contract beginning February 2, 2011 to February 2, 2013, second by Lindsey Oppenheim. VOTE: 7 FOR 0 AGAINST 0 ABSTENTION

BRYAN CASSADORE – SOLICITATION LETTER TO SENATOR REID TO SPONSOR TRIBAL EMPLOYEE RETIREMENT BILL:

Chairman Cassadore presented a draft letter to Senator Reid to sponsor a Congressional Bill to allow Tribal Government employees optional access to the U.S. Federal Retirement System. Davis Gonzales recommended resolutions from NCAI and ITCN supporting this sponsorship would be beneficial for all Tribes to receive retirement benefits. After a brief discussion, Davis Gonzales made a motion to support Chairman Cassadore's letter of request, second by Craig Roa. VOTE: 7 FOR 0 AGAINST 0 ABSTENTION

BRYAN CASSADORE – SOLICITATION TO NEVADA STATE ASSEMBLYMAN JOHN ELLISON TO SPONSOR CHANGING THE NEVADA HUNTING LAW TO INCLUDE ATLAT:

Chairman Cassadore presented a draft letter formally requesting Assemblyman John Ellison to sponsor an Assembly Bill to include the Atlat to the State of Nevada Hunting Regulations. Lindsey Oppenheim had informed Chairman Cassadore he had requested him to check into re-establishing the Hunting and Fishing Rights for the Native Americans. After a lengthy discussion, Paula Brady made a motion to send two letters for the Atlat and Hunting and Fishing Rights for the Native Americans, second by Craig Roa. **VOTE: 6 FOR 1 AGAINST 0 ABSTENTION (For the record Davis Gonzales voted against)**

BRYAN CASSADORE – LETTER TO SENATOR REID TO EARMARK 3 MILLION DOLLARS FOR CULTURAL CENTER AND PARKING LOT FOR TE-MOAK TRIBE:

Chairman Cassadore presented a draft letter to formally request a Congressional Earmark for a Western Shoshone Cultural Center Facility in the amount of 3 million dollars. After a brief discussion, Paula Brady made a motion to request for 24 million, second by Craig Roa. **VOTE: 7 FOR 0 AGAINST 0 ABSTENTION**

MEETING ADJOURNMENT:

Davis Gonzales made a motion to adjourn at 7:58 P.M., second by Lindsey Oppenheim. **VOTE: 7 FOR 0 AGAINST 0- ABSTENTION**

Respectfully submitted,



Patricia G. Stevens, Recording Secretary