



# TE-MOAK TRIBE OF WESTERN SHOSHONE

TE-MOAK TRIBE OF WESTERN SHOSHONE  
Special Meeting August 16, 2011  
Open Session 7:00 p.m.

Bryan Cassadore, Chairman  
Lindsey Oppenheim, Member  
Paula Salazar, Member  
Richard Smith, Member

Present  
Present  
Present  
Present

Paul Brady, Vice-Chairperson  
Davis Gonzales, Member  
Ronnie Woods, Member

Present  
Present  
Absent

## **ROLL CALL:**

Chairman Cassadore called the meeting to order at 7:00 p.m. and a quorum was present.

## **OLD BUSINESS:**

### **Claims Update:**

Fermina stated that she talked to Sharlot Johnson who stated the Western Region is still conducting a quality assurance review and expects that final payment will be made in December 2011. The quality assurance review consists of reviewing applications and making sure information is in order. Council asked Fermina to send a letter to Sharlot Johnson asking for an update, about the educational fund and the education fund representatives.

### **Proposed Banishment Draft Ordinance Update:**

Chairman Cassadore went directly to the Gaming Compact.

### **Gaming Compact Update:**

Council asked Fermina to send a letter to the attorney Chuck Zeh asking for an update on what is happening currently.

### **Election Ordinance Review:**

Chairman Cassadore stated the Elko Band Council asked their Aid to Tribal Government to clean up the draft Elko Band Council was reviewing and bring it back to Elko Band Council agenda.

### **Ethics Ordinance Review:**

Lindsey Oppenheim stated that Dana Cassadore was going to review and bring back to the Council.

### **Te-Moak Dog Ordinance:**

There is a short discussion about the changes that may have been proposed or changed; such as the dogs running at large. Lindsey Oppenheim made a motion to accept the ordinance. Davis Gonzales stated that making a motion may be unconstitutional since it's past the 45-day review period. Lindsey Oppenheim suggested making the review 30-days instead of 45-days in order to fall into the next council meeting timeline. Lindsey rescinded his motion.

Richard Smith stated that at the last Battle Mountain Band Council meeting they discussed the ordinances that are in review at this time and they would like all Band Council's to get together to talk

about them. After further discussion it was the consensus of the council to resubmit the dog ordinance.

**South Fork Grazing Ordinance:**

There was a short discussion in regard to the history of the grazing ordinance. Vince Garcia stated that several years ago a grazing ordinance was approved by the Te-Moak Council and sent to the Bureau of Indian Affairs, he stated that the B.I.A., Steve Tibbits responded. Council directed Fermina to see if there was a letter sent to the tribe from the B.I.A. and report back at the next meeting.

**SORNA Ordinance:**

This ordinance is ready for approval. Chairman Cassadore stated that Elko, Battle Mountain and Wells Band Councils approved the ordinance. Davis Gonzales made a motion to adopt 11-TM-ORD-01, SORNA ORDINANCE, (Sexual Offenders and Registration Ordinance). Lindsey Oppenheim seconds the motion.

**VOTE: 5 FOR, 0 AGAINST, 0 ABSTAIN**

**NEW BUSINESS:**

**Resolution – Recognizing Joseph Holley as Battle Mountain Representative:**

Lindsey Oppenheim made a motion to adopt Resolution #17 recognizing Joseph Holley. Paula Brady seconds the motion.

**VOTE: 5 FOR, 0 AGAINST, 0 ABSTAIN**

**Resolution – EBC requesting support for Right of Way**

Lindsey Oppenheim made a motion to approve Resolution #18 for a right of way for a gas line on Elko Colony. Davis Gonzales seconds the motion.

**VOTE: 5 FOR, 0 AGAINST, 0 ABSTAIN**

**Resolution #14 – Battle Mountain Liquor License, confirm phone poll**

Because the Battle Mountain Smoke Shop liquor license was due to expire in July, Fermina was instructed to conduct a phone poll vote. On July 20, 2011 members of the council were called, five (5) stated yes to approve the Battle Mountain Liquor License.

There is discussion in regard to the annual license fee and whether or not Te-Moak keeps a portion of the fee for the special event license or if the fee is returned to the Bands. There is discussion about the annual fee resolutions and the ordinance amendment that was submitted to the BIA several years ago.

Lindsey Oppenheim made a motion to adopt resolution #14 confirming the phone poll vote to approve a liquor license for Battle Mountain Smoke Shop. Davis Gonzales seconds the motion.

**VOTE: 5 FOR, 0 AGAINST, 0 ABSTAIN**

**Resolution #15 – B.I.A Roads Resolution, confirm phone poll**

Due to the arriving deadline for the B.I.A. Indian Reservation Roads Grant money being returned, Fermina was instructed to conduct a phone poll. Six (6) members of the council were in favor of splitting the money equally between the Elko and South Fork Bands for roads improvement and maintenance, the amount was \$25,692.00

Lindsey Oppenheim made a motion to approve resolution #15 to confirm the phone poll vote to split the money equally between the Elko and South Fork Bands. Davis Gonzales seconds the motion.

**VOTE: 5 FOR, 0 AGAINST, 0 ABSTAIN**

**Resolution #16 – Gladiator Challenge Liquor License confirm phone poll**

The phone poll declared that six (6) member of the council were in favor of the liquor license for Jeff Watson. Lindsey Oppenheim made a motion to adopt resolution #16 to confirm the phone poll conducted approving a liquor license for the Gladiator Challenge. Paula Brady seconds the motion.

**VOTE: 5 FOR, 0 AGAINST, 0 ABSTAIN**

**Resolution – Set regular Enrollment Meeting Date**

The Enrollment department and Enrollment Committee are requesting the Council to set a regular meeting date to discuss enrollment issues. Davis Gonzales made a motion to adopt Resolution #19 setting the regular meeting, for the first Wednesday of the month, the same day as the regular Te-Moak Council meeting at 5:00 p.m. Lindsey Oppenheim seconds the motion.

**VOTE: 5 FOR, 0 AGAINST, 0 ABSTAIN**

**Liquor License Fee Schedule**

Lindsey made a motion to table this issue. He is concerned that Te-Moak is keeping the Band's money. He would like more information. Paula Brady seconds the motion.

**VOTE: 5 FOR, 0 AGAINST, 0 ABSTAIN**

**Resolution – Support Ely Shoshone Tribe TANF Program**

The Bands have sent letters and resolutions supporting the Ely Tribe TANF Program. Davis Gonzales made a motion to adopt Resolution #20 supporting the TANF Program. Lindsey Oppenheim seconds the motion.

**VOTE: 5 FOR, 0 AGAINST, 0 ABSTAIN**

**Te-Moak Tribe Employment Application Approval**

Tribal Manager, Pat Stevens drafted a new employment application for the Tribe. Davis Gonzales made a motion to adopt Resolution #21 to approve the employment application. Lindsey Oppenheim seconds the motion.

**VOTE: 5 FOR, 0 AGAINST, 0 ABSTAIN**

**Advertise Office Clerk / Receptionist Job Announcement**

The front office clerk position needs to be posted. Lindsey Oppenheim made a motion to approve and post the Job Announcement for 10-days. Paula Brady seconds the motion.

**VOTE: 5 FOR, 0 AGAINST, 0 ABSTAIN**

**Advertise Wells Band Diabetes Assistant**

The diabetes assistant position in Wells is vacant and the job announcement needs to be posted. Lindsey Oppenheim made a motion to advertise for 10-days. Davis Gonzales seconds the motion.

**VOTE: 5 FOR, 0 AGAINST, 0 abstain**

**Vince Garcia – Letter of Request**

Vince read the letter he submitted regarding his concerns and questions the status of the land assignment appeals and issues regarding tribal court advocates. There are questions about due process, where the Te-Moak Council and the CFR Court stand in the process. There is discussion that the South Fork Band Council may not have followed proper protocol when making land assignments. Davis Gonzales is concerned that the Council might not have all the documentation in order to make an informed decision. There is discussion that Judge Kockenmeister ordered that the due process should be exhausted at the tribal level before going to court. This issue is being moved to the September meeting agenda pending more information. There is more discussion about the process of making land assignments and who actually approves the issuance of land assignments. There is discussion about the council having a hearing.

**Myron Tybo – Letter of Request**

For the record Myron wanted to know if the Council approved attorney contracts for Julie Bill or Diane Hillewart. The council says they have not seen an attorney contract from either of these individuals. Davis Gonzales commented that the Tribal Council does not need to approve the attorney contracts. Davis Gonzales will provide the paperwork that states the Tribe does not need to get approval from the Secretary of the Interior for attorney contracts.

**South Fork Band Resolutions:**

There is a short discussion about all of the issues that currently pertain to the South Fork Band and the ongoing court litigations. Paula Brady makes a motion to table the resolutions until the court litigation between South Fork and the Te-Moak Tribe is resolved. Lindsey Oppenheim seconds the motion.

**VOTE: 4 FOR, 1 AGAINST (Davis), 0 ABSTAIN**

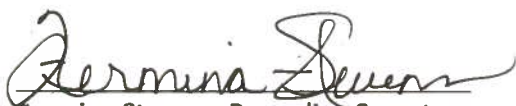
For the record Davis is voting against because there is a court order in place. The court order from the appeal judges states everything is at a standstill. Chairman Cassadore stated if nothing is heard by the next meeting the council needs to consider moving into federal courts. Paula Brady stated that something needs to be done because the council cannot be in a position where the Bands are over ruling the Te-Moak Tribe in Tribal Court, affecting tribal rights and tribal sovereignty.

Lindsey Oppenheim made motion to adjourn. Davis Gonzales seconds the motion.

**VOTE: 5 FOR, 0 AGAINST, 0 ABSTAIN**

Meeting adjourns: 8:22 p.m.

ATTEST:

  
Fermina Stevens, Recording Secretary

**TE-MOAK TRIBAL COUNCIL**  
**Special Open Meeting – September 2, 2011**  
**2:00 P.M.**

Bryan Cassadore, Chairman	Present	Paula Brady, Vice-Chair	Present
Lindsey Oppenheim, Member	Present	Davis Gonzales, Member	Present
Richard Smith, Member	Absent	Ronnie Woods, Member	Absent
Paula Salazar, Member	Present	Joseph Holley, Member	Present

**ROLL CALL:** Chairman Bryan Cassadore called the meeting to order at 2:00 p.m. and (6) members were present.

Chairman Cassadore informed the audience that before the meeting opened the council had a conference call with Attorney, Charles Zeh in regard to the issues happening with the South Fork Band Council.

Chairman Cassadore states we have two options. Option one, the situation continues as is, and the sovereign immunity of the Tribe is at stake. Option two is moving the case into federal court to protect the sovereign immunity of the Te-Moak Tribe. He also states that the council needs to pass a resolution in order for the attorney to move forward.

Chairman Cassadore gave a brief synopsis of what was happening to bring Joe Holley up to date with what is happening.

Davis Gonzales would like to see the resolution before it is passed and also stated that the Tribes Constitution waives our sovereign immunity.

Vincent Garcia suggested another option, that the Tribe walks across the order of the appellate ruling, to disregard the decision. Joe Holley stated, "Why don't we push it? Let the court prove we don't have sovereign immunity." There is continued discussion about the pros and cons of the third option and the sovereignty of the Tribe.

Council discussed wording of the resolution. Consensus is to direct Attorney Chuck Zeh to file a motion into Federal Court to resolve the question of the Tribe's sovereign immunity and the jurisdiction of the CFR Court over the Tribe. They also would like the attorney to file a temporary restraining order to seek an injunctive relief in the Federal Court system. **Paula Brady made a motion to adopt resolution #22 taking the South Fork Band Council case into federal court. Joseph Holley seconded the motion.**

**VOTE: 3 FOR, 1 AGAINST (Davis), 0 ABSTAIN**

Submitted by:

  
Fermina Stevens, Recording Secretary