



# TE-MOAK TRIBE OF WESTERN SHOSHONE

## TE-MOAK TRIBAL COUNCIL Regular Meeting - June 6, 2012 Open Session - 6:00 P.M.

Bryan Cassadore, Chairman	Present	Paula Brady, Vice Chairperson	Present
Lindsey Oppenheim, Member	Absent	Davis Gonzales, Member	Present
Paula Salazar, Member	Present	Joseph Holley, Member	Absent
Richard Smith, Member	Present		

### STAFF PRESENT:

Fermina Stevens, Acting Tribal Manager  
Joseph Moon, Secretary

### VISITORS:

Dana Cassadore, Leta Jim, Art Thompson, Sophie Knight, Lydia Johnson, Lavona Johnson, Darlene Cassadore, Raymond Gonzales, Leonard Johnny, Betty Sam, Elizabeth Yowell, Carlene Burton, Karen McDade, Twila Thompson, Bernice Lalo, Rhonda Hicks, Vince Garcia, Lydell Oppenheim, Myron Tybo, Edith Smartt, Andrea Allison, Lois Whitney, Doyle Tybo, Phyllis Evening, Gerald Temoke and Juanita Joe

### ROLL CALL:

Chairman Bryan Cassadore called the meeting to order at 6:00 P.M., with five (5) members present.

Davis Gonzales requested to amend the agenda to confirm the six (6) resolutions approved by telephone poll on May 11, 2012. Davis Gonzales informed the Council they should confirm the resolutions for the record showing these resolutions were approved by Council. There were three (3) resolutions for Elko Band and three for extensions for BIA Contracts (Enrollment, Judicial and ATTG). Davis Gonzales also wants to amend to include Lois Whitney's request for Dis-Enrollment to be put on the agenda. Chairman Cassadore informed Davis Gonzales that the council has already voted on Lois Whitney's concern and that is why it has not been on the agenda. Chairman Cassadore informed the council this item should not be put on the agenda because it has been confirmed that the Council has no alternative but to follow the Constitution and Enrollment Ordinance and should not be breaking any of these laws. Davis Gonzales also asked the council if they were going to take action on the Battle Mountain recall and he also questioned about his personnel policy that he turned in. Chairman Cassadore told him that he did not put it on the agenda because of the copy right issues. After a lengthy discussion, Davis Gonzales made a motion to amend the agenda to include the items discussed, second by Paula Brady. **VOTE: 3 FOR 1 AGAINST 0 ABSTENTION (For the record Richard Smith voted against)**

## **APPROVAL OF MINUTES:**

Chairman Cassadore asked the Council if they reviewed the January 4, 2012 – Te-Moak Regular Meeting Minutes. Paula Brady made a motion to accept minutes, second by Davis Gonzales. **VOTE: 4 FOR 0 AGAINST 0 ABSTENTION**

Chairman Cassadore asked the Council if they reviewed the February 1, 2012 – Te-Moak Regular Meeting Minutes. Paula Brady made a motion to accept minutes, second by Davis Gonzales. **VOTE: 4 FOR 0 AGAINST 0 ABSTENTION**

Chairman Cassadore asked the Council if they reviewed the March 13, 2012 – Te-Moak Special Meeting Minutes. Paula Brady made a motion to accept minutes, second by Davis Gonzales. **VOTE: 4 FOR 0 AGAINST 0 ABSTENTION**

## **REPORTS:**

### **CHAIRMAN REPORT:**

Bryan read his report which consisted of the past four (4) months and all the meetings he has been attended within that timeframe of February, March, April and May 2012. Bernice Lalo asked Chairman Cassadore if he was working at the Southern Bands Health Clinic. Chairman Cassadore informed Bernice Lalo he was not working at the clinic. Chairman Cassadore did state that he does write letters of recommendation for students needing one. Chairman Cassadore also stated that if anyone needs any grants to come see him.

### **TRIBAL MANAGER:**

For the month of April & May, I was contacted by Carolyn Richards, Awarding Official requesting the salaries for all the contracts each band has in their area so she can calculate the direct/indirect contract support monies for FY'12. I contacted Carolyn Richards on the direct/indirect modifications and she informed me she will be sending out the information as soon as she completes the forms. We received our modifications for the direct/indirect monies and returned back to the Western Regional Office for processing. We did request the drawdowns and as of this date we have not received the forms for signature. I did contact Carolyn Richards and she said they will be sending down the drawdowns and modifications for extension of our contracts to FY'14. We have submitted the FY'11 Audit to start the indirect proposal and this should be completed before the beginning of the fiscal year.

We did receive the drawdowns and reviewed the document and got the signatures and returned for processing. We also received the modifications for the extension of our contracts received signatures and returned back to WRO. These modifications extends the contracts to FY'12-FY'14.

The Tribe has not heard anything on the three cases pending against the Te-Moak Tribe vs. Felix Ike, Te-Moak Housing Authority vs. Debra Mendez and Elko band Council versus Rena Premo, Davis Gonzales, Gonzalo Mendez and Nancy Hodge. Two appellate judges presiding over the hearing Judge read and Alan Toledo from Albuquerque New Mexico. There has been no decision as of this date.

I received an e-mail from Chuck Zeh in reference to the gaming compact and update of the South Fork issue. He also advised that the next step is to make an appointment with the Gaming Commission Lawyer to make sure that the Nevada Gaming is fine with the compact and to get the approval by the Nevada Gaming Authorities.

I received a call from Dee Springer informing me the Liquor Ordinance is in the Secretary of the Interiors Office for signature. Once his signature is obtained this ordinance will be published in the Federal Register and this was the latest information relayed to my office. On March 14, 2012, I received a telephone call from Joe McDade informing me the Liquor Ordinance has been signed and his office provided a copy of the Federal Register publication of the Liquor Ordinance.

I finally received the recommendations from the Elko Band Council and a copy is being provided for the Council to review and advise how all the deletions and comments need to be handled. Since, I just received this information I did not have time to work on the ordinance and try to handle the items crossed out and the comments being made.

I was contacted by Jody Cummings, Great Basin Gold and I am working with him to set a meeting date between the Te-Moak Tribal Council and Duck Valley Tribe in reference to the Rock Creek issue. He is requesting a date be set, but he is asking if this meeting can be held someplace else besides the Tribal Offices, which he will provide. I informed him I will relay this information and get back with him on the Council's decision and see if they will agree having this meeting in a neutral place.

I attended a training on May 14<sup>th</sup> & 15<sup>th</sup>, 2012, sponsored by the Elko Band Council on Constitution & Tribal By-Laws, which was very informative.

Chairman Cassadore and I met with Jim Dravinghawk and Thedora Bradley, Acting CEO for the Southern Bands Health Clinic.

Chairman Cassadore and I met with Richard Powskey, NEPA Coordinator, Forestry & wildlife Fire, Jim Nanamkin, Wildlife Fire Prevention Officer and Reeve Armstrong, Wildlife Fire Planning Specialist all from the BIA. On May 11, 2012, I sent out information requesting the Councils input on the Wildlife Fire Management Plan. As of this date, I have not received any information from council members.

I have been working with Stuart Mermelstein in reference to the case he is handling for the Tribe for an accounting and breach of trust (except for those relating to the Western Shoshone Judgment Fund) in the amount of \$50,000.00. I have been receiving a lot of calls from individuals in reference to these monies. This amount will be less after attorney fees & costs are deducted. Davis Gonzales asked

I have been assisting other bands pertaining to contract issues and informing them they need to contact and work with the Western Regional Office pertaining to their programs.

I contacted Chuck Zeh in reference to the Law Enforcement MOU, Gaming Compact, South Fork issue and he will be sending a brief update.

Receiving, answering and returning telephone calls when needed and working with the staff on preparing and ensuring that all programs are running smoothly.

### **ACTING CEO, SOUTHERN BANDS HEALTH CLINIC:**

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Pam Gains, Acting CEO, was not in attendance. Davis Gonzales did inform the Council that he was at the meeting where they had phone interviews for the CEO Position. Davis Gonzales also stated that they were asking for Chairman Cassadore but he was not in attendance.

### **OLD BUSINESS:**

#### **CLAIMS UPDATE:**

Davis makes a motion to send a letter similar to the letter Ely Tribe sent to Senator Reid and pressure BIA in completing the final distribution faster than the date of September 30, 2012. This letter also needs to be sent to the Senators and Congressman, second by Paula Salazar. **VOTE: 4 FOR 0 AGAINST 0 ABSTENTION**

#### **GAMING COMPACT UPDATE/SOUTH FORK CASE:**

Pat informed the Council that she cannot release any information on the South Fork Case but she did contact Mr. Zeh and informed him to get some answers because we are tired of reporting the decision will be made soon. After a lengthy discussion in reference to the South Fork issue comments were made and Chairman Cassadore continued to the next item on the agenda.

#### **ELECTION ORDINANCE REVIEW:**

Davis mentioned that Elko Band Council did decide to stay with the current Election Ordinance due to it is already close to election. Edith Smartt stated that a felon is a felon and that is how it should be in the Election Ordinance. Davis Gonzales said in the constitution the definition of felon is there for anyone to review and you can't stop them from running for council. Arthur Thompson stated the Election Ordinance should change it to all felons in all jurisdictions. Davis Gonzales made a motion is to stay with the current Election Ordinance #TM-ORD-03 there is no second. Motion Dies. After a lengthy discussion, Paula Salazar made a motion to stay with the current Election Ordinance #TM-ORD-03 and to clarify the definition of felon which is (all felons in all jurisdictions), second by Richard Smith. **VOTE: 4 FOR 0 AGAINST 0 ABSTENTION**

#### **SOUTH FORK GRAZING ORDINANCE:**

Chairman Cassadore informed the Council we have not received anything from South Fork pertaining to this issue so it will be tabled until the next meeting.

#### **LIQUOR ORDINANCE UPDATE:**

Pat informed the Council the Federal Register for the Liquor Ordinance is in their packets for their information.

### **MOU UPDATE FROM TE-MOAK ATTORNEY:**

Pat informed the Council that Zeh needs approval to meet with the attorney to get updated on the MOU. Davis Gonzales informed the Council the approval to meet with the attorney was already done in a previous meeting. Pat will contact him again and let him know this was already approved.

### **CHAIRMAN - ACTING CEO POSITION - SOUTHERN BANDS HEALTH CLINIC:**

Chairman Cassadore asked the Council to remove this item from the old business, Paula Brady made a motion to remove this item, second by Davis Gonzales. **4 FOR 0 AGAINST 0 ABSTENTION**

### **CHAIRMAN - ROCK CREEK LAND TRANSFER - UPDATE:**

Bryan is keeping in contact with Terri Gibson and Jodi Cummings. June 22, 2012 (Proposed Date) Terri wants to meet with Duck Valley and the Te-Moak Tribe. Doyle mention if there has been anything done to what Jodi's suggestion to a council to govern the transfer.

### **CHAIRMAN - TOSAWIHI QUARRY UPDATE:**

No information.

### **EBC- COURTHOUSE/DIABETES CENTER:**

Pat informed that the Elko Band Council submitted their proposal for the courtroom in which they are proposing a monthly amount of \$1,269.00. She also informed the Council the Te-Moak Court only utilizes the courtroom three days out of the month. There was a recommendation made that the Te-Moak Tribe should be collecting rent for buildings in the band areas when the bands itself is sitting on Te-Moak land. Vince Garcia did comment that the bands are there to govern their communities but not govern the land because it is all Te-Moak land/territory. Davis Gonzales made a motion to send the proposal to BIA, second by Paula Brady and Paula Brady did clarify that if this proposal is not approved then it needs to back to Elko Band to see what they want to do. **VOTE: 4 FOR 0 AGAINST 0 ABSTENTION**

Pat informed the Council in reference to the Diabetes Building and Fermina Stevens has been corresponding with Suzanna Sandoval on her recommendations for the space cost. Pat did inform the Council that if the program took the janitorial position they are recommending a decrease of the monthly space cost for the position. In reviewing the total amount of \$5,200.00 should be taken from the annual costs and the Diabetes Program will pay \$33,386.00 annually. One option Davis Gonzales said the Elko Band gave Te-Moak was that Te-Moak would have to provide their own janitor and keep the rent the same at .85c per sq. foot. The 2<sup>nd</sup> option was to increase .95c per sq. foot and Elko Band would provide the janitor. Pat said Te-Moak will provide the janitor and decrease the annual space cost on the Diabetes Center. Davis Gonzales makes the motion to stay with the .85 cents without the janitor. Motion dies. Richard Smith made a motion to table, second by Paula Brady. **VOTE: 3 FOR 1 AGAINST 0 ABSTENTION (For the record Davis Gonzales voted against)**

**NEW BUSINESS:**

**BLM - WILDLAND FIRE MANAGEMENT PLAN:**

Not present

**JAMES DARROUGH:**

Pat informed the Council she received an email from James Darrough requesting to remove his request until further notice.

**VINCE GARCIA - APPELLATE COURT SYSTEM:**

Vince Garcia informed the Council he had three (3) items he wanted to discuss. Davis Gonzales informed that the Elko Band made a recommendation to go with the ITCN-Appellate Court System. Davis Gonzales said they should support the Appellate Court to get these court hearings done and over with. Davis Gonzales made a motion to adopt a resolution. Motion died due to no second. Vince Garcia asked the Council if they approved a land assignment and had it sent to Joe McDade for processing. Chairman Cassadore informed we are unaware of approving a land assignment. Pat sent a letter out to the South Fork Band to get a list and document of all land assignment holders and as of this date the South Fork Band has not responded to the Tribe's request. Pat suggested a letter be written Joe McDade referencing **Article 10 – Tribal Lands Section 1(d) (7) Assignments, Available for Inspection – “The Secretary of the Band Council shall furnish the Superintendent of the Bureau of Indian Affairs Agency and Tribal Council a complete record of all actions taken by the Band Council on applications for assignment. A complete record of assignments shall be kept in the Agency Office, the office of the Tribal Council and the office of the Band Council and shall be open for inspection to all members of the Tribe during regular working hours.”** Davis made a motion to send a letter to Joe McDade questioning what authority he is using to sending a letter dated April 4, 2011 in reference to South Fork Band Council Resolution, second by Paula Brady. **VOTE: 4 FOR 0 AGAINST 0 AGAINST**

Edie Smartt stated that the Te-Moak Election Board should handle the elections out in South Fork because right now all of South Fork is illegal.

**ARTHUR THOMPSON - PROCEDURES & PAYMENT FOR TRIBAL ELECTION BOARD:**

Arthur Thompson was getting paid by Elko Band Council and was informed by Elko Band that all bands should be responsible for payment for performing the Oath of Office. Chairman Cassadore asked the Council should each band be responsible for the payment which would consist of \$15.00 per group and/or \$15.00 per individual. After a brief discussion, Davis Gonzales made a motion to send letter to each area advising them on the payment amount for Arthur Thompson to swear in Council and Committee Members, second by Paula Brady. **VOTE: 4 FOR 0 AGAINST 0 ABSTENTION**

## **ELKO BAND COUNCIL - LIQUOR LICENSE (2):**

Pat presented a draft resolution from Elko Band Council for Jeff Watson for the Gladiator Challenge requesting for a liquor license. After a brief discussion, Davis Gonzales made motion to adopt Resolution #12-TM-15 approving a liquor license for Gladiator Challenge, second by Paula Brady. **VOTE: 4 FOR 0 AGAINST 0 ABSTENTION**

Pat presented a draft resolution from Elko Band Council for M. Juanita Gaeta for a Mexican Dance requesting for a liquor license. After a brief discussion, Davis Gonzales made motion to adopt Resolution #12-TM-16 approving a liquor license for M. Juanita Gaeta, second by Paula Brady. **VOTE: 4 FOR 0 AGAINST 0 ABSTENTION**

## **RESOLUTION - GENERAL ELECTION:**

Pat presented a draft resolution to set a date for the General Election which in accordance to the Constitution is to be held the second week in October. After a brief discussion, Paula Brady made a motion to adopt Resolution #12-TM-17 and schedule the General Election on October 9, 2012, second by Paula Salazar. **VOTE: 3 FOR 0 AGAINST 1 ABSTENTION (For the record Davis Gonzales abstained)**

## **7 RESOLUTIONS:**

Davis Gonzales requested to amend the agenda to confirm the resolutions approved by telephone poll on May 11, 2012. Davis Gonzales recommended to the Council this confirmation will show that the Council did approve these resolutions for the record:

12-TM-08: EBC IRR INVENTORY & EXTENSION OF SILVER EAGLE DRIVE

12-TM-09: EBC FHA & IRR EXTENSION OF SILVER EAGLE DRIVE

12-TM-10: EBC GRAN PROPOSAL FOR IRR & FHA TO AMEND (TIP)

12-TM-11: EXTENSION OF ATTG CONTRACT FOR AN ADDITIONAL 2 YEARS

12-TM-12: EXTENSION OF ENROLLMENT CONTRACT FOR AN ADDITIONAL 2 YEARS

12-TM-13: EXTENSION OF JUDICIAL CONTRACT FOR AN ADDITIONAL 2 YEARS

12-TM-14: MEMERSTEIN TO DEPOSIT MONIES INTO ATTORNEY TRUST ACCOUNT

After a brief discussion, Davis Gonzales made a motion to confirm all resolutions from #12-TM-08 to #12-TM-14, second by Paula Brady. **VOTE: 4 FOR 0 AGAINST 0 ABSTENTION**

## **LOIS WHITNEY - ENROLLMENT:**

Lois Whitney is representing the Shoshones who are against the Dis-Enrollment. The members that have been dis-enrolled feel like their rights have been violated. Davis Gonzales asked if Lois Whitney has a draft resolution for the Council and Lois Whitney read her draft resolution to the Council. Pat was asked where the copy of the resolution is pertaining to what Lois Whitney has prepared for the Council's approval. Pat did inform the Council she was not given any type of documents pertaining to this presentation. After a lengthy discussion, Chairman Cassadore asked for a motion pertaining to this resolution presented by Lois Whitney. Davis Gonzales made a motion to adopt Resolution #12-TM-18 as read and gave the attachments. Chairman Cassadore called for a motion, Paula Brady also informed the

Council and the audience that is because Elko Band threatened her that if she did not support this resolution that they would take her off of Te-Moak. You people sit there and talk about rights and that is a violation of the freedom of speech for her and her right to vote the way she deemed fit and the way she interprets the constitution so do not talk to her about rights. Elko Band told her that I had to vote yes on this and that is the only reason. Paula Brady said she does not agree with anything that Lois Whitney has said, and stated she is violating the constitution and I do not think that is right, I second the motion. Chairman Cassadore asked for a vote. Vince Garcia did inform the Council that he does not agree with the way the resolution is written and he did not agree with what Elko Band has done to Paula Brady by threatening her removal from the Te-Moak Council. Chairman Cassadore again asked for a vote. **VOTE: 2 FOR 3 AGAINST 0 ABSTENTION (For the record Chairman Cassadore broke the tie and voted against - Richard Smith and Paula Salazar vote against)**

Richard Smith stated for the record he voted on the constitution and he will stand by it. Paula Salazar stated the Council took an Oath of Office to enforce the Constitution and all the laws under the Te-Moak Tribe.

### **BATTLE MOUNTAIN RECALL:**

Chairman Cassadore informed the Council that the Te-Moak Council has not officially heard anything from the Battle Mountain Council. Paula Brady informed Lydell Oppenheim that the petition was not complete and there was no date, registered voters list and what action did the Battle Mountain Council taker. Chairman Cassadore stated that Michael Price sent a letter informing there was not enough signatures on the petition. Arthur Thompson stated he finally got a copy of the voter registration list and he did not think it was official. Lydell Oppenheim was told they did not have a committee and did state that Battle Mountain Council has not been able to do anything with the petition on the recall of Richard Smith. Davis Gonzales did state that he has not seen anything from the council and was wondering if the Battle Mountain Council did take any action. Davis Gonzales said according to the constitution that if the Battle Mountain Council does not take any action within 30 days then you take it to the Tribal Council. Pat informed the council that there was no letter sent up from the Battle Mountain Band Council requesting them to be put on the agenda. Lydell Oppenheim said that is no election committee in Battle Mountain to validate their petition. Chairman Cassadore did read a letter from Michael Price and did quote that the recall petition on Richard Smith does not have the required amount of registered votes and Gregory Holley do not have the required amount of registered votes. Arthur Thompson informed Lydell Oppenheim that all the paperwork meets all the requirements in the petition format and the list he received was really marked up and everything else. Paula Brady again informed Lydell Oppenheim that he did not have all the documents for the Council to review. Richard Smith did inform the Council the petition was presented to the Battle Mountain Band Council with no registered voters list and no allegations of why he is being recalled. If there is no action from the Battle Mountain Band Council we will move on to the next item on the agenda.

### **PERSONNEL POLICY:**

Bryan did state that he will need to find out about the copyrights before he takes any action on the personnel policy.

### **MEETING ADJOURNMENT:**



Paula Brady made a motion to adjourn meeting at 9:39 p.m., second by Paula Salazar. **VOTE: 4 FOR 0 AGAINST 0 ABSTENTION**

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Phaline A. Conklin".

Phaline A. Conklin, Recording Secretary