



# TE-MOAK TRIBE OF WESTERN SHOSHONE

## TE-MOAK TRIBE OF WESTERN SHOSHONE Regular Meeting – May 5, 2010 Open Session – 6:00 P.M.

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

### VISITORS:

Dale Malotte, Raymond Gonzales, Leonard Johnnie, Myron Tybo, Andrea Allison, Salene Collins, Carol Peterson, Lydia Johnson, Lavona Johnson, Leta Jim, Elizabeth Yowell, Edith Smart, Bernice Lalo, Darlene Cassadore, Phyllis Evening, Cheryl Mose-Temoke, Anthony Tom, Dana Cassadore, Crissandra Cassadore, Leta Piffero, JR Stone, Dallas Smales, Sim Malotte, Karen McDade, Darby Adams, Lillian Adams, Joanne Reynolds, Vincent Garcia, Dwindia Mendoza, Tansey Smith and Kristi Tom

**ROLL/CALL** – Meeting called to order by Chairman Bryan Cassadore @ 6:26 P.M., with nine (9) members present.

### MINUTES FOR APPROVAL:

Chairman Cassadore asked the Council if they reviewed the minutes of March 3, 2010 and asked for a motion to accept minutes. Paula Brady made a motion to accept the minutes of March 3, 2010, second by Lindsey Oppenheim. **VOTE: 7 FOR 0 AGAINST 1 ABSTENTION (For the record Craig Roa abstained)**

Chairman Cassadore asked the Council if they reviewed the minutes of April 13, 2010 Special Meeting and asked for a motion to accept minutes. Paula Brady made a motion to accept the minutes of April 13, 2010 with corrections, second by Larson Bill. **VOTE: 7 FOR 0 AGAINST 1 ABSTENTION (For the record Craig Roa abstained)**

Correction on Page 1 ¶ 5 line 4 misspelled Doyle

### CHAIRMAN'S REPORT:

Chairman Bryan Cassadore presented his April, 2010 Chairman's report. He attended a Pace Coalition Meeting on April 6, 2010. Attended a BLM Micro Enterprise Meeting and an Elko County Commissioners Meeting on April 7, 2010. The agenda included the Ruby Pipeline Project in which he provided his input concerning this issue. On April 8, 2010 he participated in the U.S. Forest Service Conference. He was able to input his comments on the NEPA process and preserving Native American History and Artifacts. On April 9, 2010 he attended a phone conference call at the Elko BIA with the Ely, Duckwater and Goshute Tribes on the Las Vegas water grab. He informed the Council he will be traveling to meet with these Tribal Chairpersons later in the month. On April 19, 2010, he attended the Community Outreach where the main discussion was on the Medicare process. On April 20, 2010, he met with Dorothy Dupree, Acting IHS Regional Director at the Elko Diabetes Center to discuss IHS concerns. On April 22, 2010, he attended the CLAM Meeting (Community Leaders against Meth), which is sponsored by the PACE Coalition. Also, Dr. Blair attended this meeting from IHS where the main topics were Neighborhood Watch and Prescription Drug Proposal. If the Council Members are interested the next meeting is scheduled on May 20, 2010 at 4:00 p.m., in the Newmont Building.

On April 27, 2010, the Great Basin Market had their meeting at the Elko County Library. He listened to the ideas that the committee has regarding Native American Arts and Crafts. Same date, he attended the CIC (Community Improvement Committee) held in South Fork. The next meeting is scheduled for May 25, 2010 at Battle Mountain. On April 29, 2010, he attended the gathering at Mt. Tenabo. On April 24, 2010, he participated in the six mile run sponsored by the Te-Moak Diabetes Center. Chairman Cassadore was in constant contact with Debbie McBride, Acting Western Regional Director concerning the Court System and when the funding was going to be given for the Judge to hold court. He informed the Council that he met with approximately 45 members during the month and advised he would be willing to make home visits for those members that are unable to make it to the office. He is encouraging community members to bring their ideas or concerns and he is always willing to listen.

#### **TRIBAL MANAGER REPORT/FINANCE:**

Pat reported for the months of March/April, she contacted Carolyn Richards, Awarding Official, Western Regional Office and was informed that the monies that was to be reprogrammed into the Te-Moak Judicial Program was given to a Tribe in Arizona. On March 18, 2010, Pat prepared a letter for the Chairman's signature to Debbie McBride, Acting Western Regional Director on this issue and the fact the Tribe was not notified of what had transpired, She also advised the Tribe did not receive any correspondence on the Court System and a letter was sent directly to Judge Kockenmeister informing him that all court proceedings is to be stopped. There was no letter directed to the Te-Moak Chairman on the decision that was made by the Superintendent until after the fact. The letter requested the funds in the amount of \$30,405.00 be returned to the Te-Moak Tribe and also addressed the actions of Eastern Nevada Agency and Western Regional Services Office and copies of the letter was provided to the Te-Moak Tribal Council Members. Lindsey Oppenheim made a motion to send a letter to have Joseph McDade attend the next Regular Meeting scheduled for June 2, 2010.

Pat informed the Council she had received email from Chuck Zeh in reference to the Gaming Compact. Mr. Zeh has addressed some information and approval of three items pertaining to the compact. He has recommended that the Tribe should not limit themselves to just slot machines, to negotiate 7 plus years and is the Tribe going to receive a percentage once the bands establish gaming in their area. Pat provided a copy of the questions within the packets and these need to be reviewed and a decision made to have Mr. Zeh input this into the compact. Mr. Zeh also advised that if the Tribe needs to have a conference call with him to explain further, he will be available.

Pat informed the Council that the DOE Grant is being re-reviewed and as of this date the money has not been put into the system. She also advised that two areas needed to provide some additional information, which was requested by DOE. We have had problems just trying to get set up once the monies are released but hopefully this will be completed once we get the approval to proceed.

Copies of the recommendation for the Banishment Ordinance was received from the Elko Band Council's attorney is in the packets and since we have been under audit for the past two week Pat advised she has only input a portion of the document. Pat also advised the Council that the FY'08 and FY'09 Audits have been completed but only FY'08 was electronically submitted into the Audit Clearinghouse and accepted and approved. The FY'09 should be completed and submitted by the end of next week and the Tribe has finally caught up on their Audits. Pat also advised that the Residential Leases that the Tribe has been approving and submitting to the BIA has to be processed by the Tribe. The Tribe submitted the resolutions and the BIA had completed the required forms needed to complete the process and all of sudden the responsibility is on the Tribe. Pat has requested from the BIA the regulations and policies to process these documents. Receiving and returning phone calls, assisting and meeting with the public and working with other bands when contacted. The Finance Report is in the packets for the Council's review and there were no questions in reference to the report.

#### **DON MCKENZIE, ACTING CEO – IHS:**

Don McKenzie, Acting CEO, IHS, reported the clinic hours, advised the medical staffing for medical providers is fully staffed. He gave a brief report for specialty clinics – Psychiatry May 14<sup>th</sup> and June 4<sup>th</sup> and these can be scheduled by Dr. Blair. Tele-Rheumatology Clinic May 25<sup>th</sup> and advised new patients have to be referred by a SBHC primary care provider. Audiology on May 6<sup>th</sup> and July 15<sup>th</sup> and the May 6<sup>th</sup> clinic have been scheduled and patients notified.

Hemophilia has a new scheduled date of June 18<sup>th</sup> and existing patients will be contacted and new patients must be referred by a SHBC primary care provider. Tele-nutrition is scheduled for May 12<sup>th</sup> and 26<sup>th</sup> and June 9<sup>th</sup> and 23<sup>rd</sup> and again new patients have to be referred by a SBHC primary care provider. H1N1 Flu and Seasonal Flu updates and the vaccines have been administered for H1N1 – 550 and Seasonal Flu – 837 and there are 560 H1N1 doses on hand. Protection against the 2009 H1N1 flu strain in next season's flu vaccine was made by the FDA's Vaccines and Related Biological Products Advisory Committee. The committee's recommendations typically guide vaccine manufacturers in preparing each season's flu vaccines. The World Health Organization has made the same recommendations. He did inform the Council of the visit from Dorothy Dupree, Acting Area Director, IHS who met with the members of the Te-Moak Tribe and Council Members on April 20, 2010. Mr. McKenzie has proposed that the Elko Service Unit take the lead and send each Council a letter regarding a SUMT agenda, dates and participation. As for the proposed Tribal Health Advisory Group, the Elko Service Unit will take the lead via separate correspondence with each Council soliciting nominations, dates and agenda.

The Elko Service Unit is continuing the planning stages of the Army Reserve Unit visit on July 10-23, 2010. Along with the Te-Moak Diabetes Program they are developing a plan to best utilize their skilled professionals to assist in providing additional median and dental services. They are waiting for a list of the personnel and specialties that will be able to participate from the Army. The Elko Service Unit is operating under Priority One for contract health care. In addition, they are authorizing routine mammograms and optometry services to those eligible beneficiaries. The current balance of CHS Funds obligated amount \$1,272,844.89 and un-obligated \$365,608.11. The announcement for the CEO Position closed on April 20, 2010 and the process is currently with the Southwest Regional Human Resources Department. There will be a training regarding ASIST (Applied Suicide Intervention Skills Training) July 26 – 30, 2010 in Reno at the Grand Sierra Resort.

## **OLD BUSINESS:**

### **CLAIMS UPDATE:**

Chairman Cassadore gave a brief report of the Claims Update. The BIA has hired one additional person in June they will have additional two individuals and in July two more. The August 2, 2010 cutoff date will be published in the Federal Register and also informed that all the Tribal Leaders have submitted all the resolutions pertaining to this date. During the conference call Chairman Cassadore advised that on the appeal process the delegation of authority for final decision will be signed by Mr. Echohawk. They are also reviewing and searching OST – Direct Deposits of judgment funds and that will be reported at a later date. They are anticipating partial payment to the elders in February, 2011 for those ages 65 and over. A discussion on the web site for the claims was reported and the techs are still having problems with the system. Pat reported that the Education Committee, which the Tribe had previously submitted letters of where they are going to be housed at was discussed. We were informed that ENA/WNA had discussed this issue and only got to the point of alternating the committee between these two areas no decision has been made as of this date. Ms. McBride has scheduled a meeting for June 19, 2010 from 10:00 A.M. to 1:00 P.M., in the Elko area. Chairman Cassadore will work with Western Regional Office in locating a place to have the meeting. Ms. McBride did advise that her last day is May 14, 2010 and Matt Crane will be acting after her departure.

### **PROPOSED BANISHMENT DRAFT ORDINANCE UPDATE:**

Pat gave an update in her report. Lindsey Oppenheim did stress to the band representatives to review and input recommendations to assist the Tribe in completing this ordinance. After a short discussion, Lindsey Oppenheim made a motion to table, second by Paula Brady. **VOTE: 8 FOR 0 AGAINST 0 ABSTENTION**

### **ENERGY BLOCK GRANT UPDATE:**

Pat also gave an update in her report and asked if there were any further questions.

### **GAMING COMPACT UPDATE:**

Pat informed the Council that there was a questionnaire in the packet from the attorney, which was emailed for tonight's meeting. Mr. Zeh did specify there are certain provisions that are unclear and need to be clarified so that he may insert the decisions into the compact for the Attorney General's review. Once the Tribe answers the questions he can insert the recommendations and pursue the process. After a brief discussion, Lindsey Oppenheim recommended these questions be taken back to each area for them to answer and review, second by Lorrie Carpenter. VOTE: 8 FOR 0 AGAINST 0 ABSTENTION.

### **FINALIZE LIQUOR ORDINANCE AMENDMENT:**

Pat provided the information in reference to the Liquor Ordinance showing that the process was done by the Tribe, Western Regional Office and in also the information she had received from the Western Regional Office that a number was issued to have our document published in the Federal Register. Pat had contacted the Tribal Services Office in Washington, DC to verify that all the documents were there and Ms. Cauliflower acknowledged. Pat did inform the Council that Sharlot Johnson did inform her that the date the Tribe approved the amendment should be the date it is in effect. After a brief discussion, Lindsey Oppenheim made a motion to take it back to the bands, second by Lorrie Carpenter. VOTE: 8 FOR 0 AGAINST 0 ABSTENTION

### **MYRON TYBO LETTER TO WITHDRAW REQUEST FOR ORGANIZATION:**

Pat informed the Council that she did not receive any of the bands information in recognizing Myron's organization except for Elko Band. Also, she understood that the South Fork Band Council withdrew their support at their last meeting. Pat read the letter submitted to the Te-Moak Council withdrawing his request.

### **DANA CASSADORE – DRAFT ORDINANCES FOR DOMESTIC VIOLENCE & TRIBAL NRS:**

Dana Cassadore submitted a letter to take the Domestic Violence Ordinance off the agenda. He advised he is currently working with programs and legal professionals to develop a final draft for the Council to review at a later date. Lindsey Oppenheim made a motion to remove the Domestic Violence & Tribal NRS from the agenda, second by Paula Brady. VOTE: 8 FOR 0 AGAINST 0 ABSTENTION

### **SHARLA DICK – ENROLLMENT ID CARDS UPDATE:**

Sharla Dick informed the Council that she received 10 responses and they are in your packets. Larson Bill was asking if these ID's going to have a bar code on it. Sharla Dick informed the Council that this would be an additional cost and she has not looked into the costs for this machine. After a lengthy discussion, Paula Brady made a motion to have Sharla Dick prepare a questionnaire and a sample of the Enrollment ID and send it out to the respective bands for distribution to tribal members and to ensure they are signed, second by Lindsey Oppenheim. VOTE: 6 FOR 2 AGAINST 0 ABSTENTION (For the record Lorrie Carpenter and Craig Roa voted against)

### **NEW BUSINESS:**

#### **SF RESOLUTIONS ON DIS-ENROLLMENT & HOUSING BOARD:**

Larson Bill informed the Council that the South Fork Band Council had passed two resolutions in reference to the dis-enrollment process and the Te-Moak Housing Board. He informed the Council that this resolution was adopted to reaffirm South Fork's Resolution #06-SF-14. After a lengthy discussion, Lindsey Oppenheim informed the Council that the process is in accordance to the Te-Moak Constitution and if we allow individuals that do not meet the criteria within the Constitution and Enrollment Ordinance then we will be breaking our laws. If, we do allow these individuals who are not eligible how is their Te-Moak Shoshone Blood going to show on their enrollment card "zero."

Larson Bill presented the other resolution in reference to the Housing Board of Commissioners and informed that the South Fork Band Council is recommending a separate Housing Board be established. After a lengthy discussion, Larson Bill made a motion to send a questionnaire to the tribal members for their input on if another board should be established, second by Gilbert Temoke. VOTE: 6 FOR 2 AGAINST 0 ABSTENTION (For the record Lindsey Oppenheim and Paula Brady voted against)

**RESOLUTION – RECOGNIZE CRAIG ROA & GILBERT TEMOKE FOR HOUSING BOARD:**

Pat presented a draft resolution to recognize Craig Roa, Battle Mountain Representative who replaced Edith Tybo and Gilbert Temoke, South Fork Representative who replaced Sim Malotte as part of the Te-Moak Housing Board. After a brief discussion, Larson Bill made a motion to adopt Resolution #10-TM-13, recognizing Craig Roa and Gilbert Temoke as Te-Moak Housing Board Representatives, second by Lindsey Oppenheim. VOTE: 7 FOR 1 AGAINST 0 ABSTENTION (For the record Paula Brady voted against)

**TANSEY SMITH – TRIBAL-STATE ENVIRONMENTAL LIAISON PROGRAM:**

Tansey Smith, requested to present the highlight of program activities on the Tribal-State Environmental Liaison Program to the Council. She discussed developing a Coordination Protocol to allow open communication between the state and the Te-Moak Tribal Council on environmental issues. She did inform the Council the state is not mandated to consult with Tribes but the federal government is mandated by law to conduct consultations. There is nothing in existence in terms of an agreement between the State of Nevada and the Tribal Governments. She did inform the Council that there is approximately ten protocol agreements signed throughout the State of Nevada. She provided a template for the protocol agreement for the Council's review.

**LETTER FROM ELKO BAND ON CFR COURT:**

Pat informed the Council that the Elko Band Council requested that the CFR Court – William Kockenmeister and Whitney McKinney be reviewed on their court processes due to the fact that the punishment does not fit the crime. The Elko Band is requesting the Te-Moak Tribal Council call for BIA to review the CFR Court proceedings and actions of both individuals. The main concern is the safety of the community members and the court should be penalizing the offenders by making it mandatory to attend anger management and domestic violence rehabilitation. If the rehabilitation does not succeed then the maximum punishment should be enforced at that point. Lindsey Oppenheim made a motion to table this letter until the next Regular Meeting so the Tribe can issue a letter requesting Joseph McDade to be in attendance, second by Paula Brady. VOTE: 8 FOR 0 AGAINST 0 ABSTENTION

**RESOLUTION – LES SUPPORT FOR COPS GRANT:**

Pat presented a draft resolution for the LES support for a COPS Grant to apply for additional equipment for the program. After a brief discussion, Paula Brady made a motion to adopt Resolution #10-TM-14 supporting the Cops Grant Application, second by Lindsey Oppenheim. VOTE: 6 FOR 2 AGAINST 0 ABSTENTION (For the record Doyle Tybo and Paula Salazar vote against)

**RESOLUTION – DWINDA MENDOZA RESIDENTIAL LEASE:**

Pat presented a draft resolution for a residential lease for Dwindia Mendoza. Pat did inform the Council that there is an approved Resolution #2010-EBC-18 for the one year time frame from the Elko Band Council and also, the land description for the Council's review. After a brief discussion, Paula Brady made a motion to adopt Resolution #10-TM-15 approving a 25 plus 25 year lease for Dwindia Mendoza, second by Lindsey Oppenheim. VOTE: 8 FOR 0 AGAINST 0 ABSTENTION

**RESOLUTION – LIQUOR LICENSE FOR GLADIATOR CHALLENGE:**

Pat presented a draft resolution from the Elko Band Council requesting a Liquor License for Gladiator Challenge (Jeff Watson) for an activity scheduled for May 29, 2010 to be held at the Elko Colony Gymnasium. After a brief

discussion, Lindsey Oppenheim made a motion to adopt Resolution #10-TM-16 approving the Liquor License for Gladiator Challenge with a fee of \$1,500.00 to be made payable to the Te-Moak Tribe, second by Paula Brady.  
**VOTE: 8 FOR 0 AGAINST 0 ABSTENTION**

**FYI – CFR COURT FUNDING FOR JUDGE:**

Pat informed the Council that a copy of the letter addressed to Joseph Little, Associate Director, Office of Justice Services/Tribal Courts was sent for information to let the Tribe know that a commitment of \$20,000.00 has been processed to resume the Te-Moak CFR Court System.

**MEETING ADJOURNMENT:**

Lindsey Oppenheim made a motion to adjourn the meeting at 9:30 p.m., second by Larson Bill. **VOTE: 8 FOR 0 AGAINST 0 ABSTENTION**

Respectfully submitted,



Patricia G. Stevens, Recording Secretary