



TE-MOAK TRIBE OF WESTERN SHOSHONE

TE-MOAK SPECIAL MEETING Special Meeting –March 13, 2012 Open Session – 6:55 P.M.

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

VISITORS:

Leta Jim, Andrea Allison, Myron Tybo, Lois Whitney and Vince Garcia.

ROLL CALL:

Chairman Cassadore called the meeting to order at 6:55 P.M., with five (5) members present.

NEW BUSINESS:

LINDSEY OPPENHEIN LEFT MEETING @ 7:00 P.M.

HOUSING RESCIND 12-TM-02 & ADOPT RESOLUTION:

Chairman Cassadore opened the meeting with a request from the Te-Moak Housing Authority requesting to rescind Resolution #12-TM-02 due to an error on the land description provided by the Housing Office. After a brief discussion, Paula Brady made a motion to adopt Resolution #12-TM-05 to rescind Resolution #12-TM-02 and corrected land description, second by Paula Salazar. **VOTE: 3 FOR 0 AGAINST 0 ABSTENTIONS**

CFR COURT APPEALS PROCESS LETTER FROM JOE MCDADE:

Pat informed the Council that Laverne Couchum, Court Clerk advised her she had received a telephone call from Donna Peterson, Acting Tribal Services, WRO, advising the Court to discontinue sending appeals to the Albuquerque Court of Appeals Office. She had also advised that cases that have been submitted are going to be returned to the CFR Court Office. Upon that notification Pat informed the Council she left a message with Donna Peterson requesting her to return her call to discuss her telephone conversation with the Court. Pat contacted Matt Crain and asked him to look into the information relayed by Ms. Peterson because he informed me he was unaware of this situation. I left him two messages and did not call back. On February 21, 2012, the Te-Moak Tribe received a letter from Joseph McDade advising Chairman Cassadore the appeal cases will continue to be submitted to Albuquerque, NM for processing. Pat did inform the Council she did finally contact Donna Peterson and she advised the information that was relayed to the CFR Court was due to the case the Te-Moak Tribe had filed on the Appellant Judges. She did apologize for the miscommunication between Mr. McDade's Office and hers.

VINCE GARCIA – LETTER REQUESTS:

Mr. Garcia is requesting the Te-Moak Council to call a special meeting to discuss the recent court orders issued by Judge Otipoby-Hebert, Case No. SF-CV-04-11 and Case No. SF-CV-03-11. These court orders concern the land assignment cases that have been before the Te-Moak Tribal Council since about May of 2010. Numerous letters and conversations have been brought before you and the Te-Moak Council to reach an equitable resolution of these actions by the removed South Fork Band Council. This matter was never answered by the Te-Moak Council, and subsequently brought before the Te-Moak Court of Indian Offenses, by illegal counsel for the South Fork Band, Diana Hillewaert. She did this by filing civil lawsuits against me and several Tribal members. In her rulings, Judge Otipoby-Hebert has denied due process to assignment holders, Floyd Bill and Chester Knight. She has illegally seized property of the Tribal Council to administer their internal affairs according to Tribal law and precedent. She has further found that damages accrued by defendants before the appeal process is exhausted. Judge Otipoby-Hebert has also found that property can be seized by action of Resolution only, without having the review of the Te-Moak Tribal Council or the Bureau of Indian Affairs. The Superintendent of the Bureau of Indian Affairs, Joe McDade, has apparently issued an opinion in this matter, without consulting the Te-Moak Tribe about their constitution, which clearly states that the signature of the Secretary of the Interior or his representative Tribal Land or Tribal real property. "Article 10-Tribal Land "This is clearly a conflict of interest, as Mr. McDade is an assignment holder and a Tribal member. The reckless manner in which Tribal affairs are being handled by Judge Otipoby-Hebert as well as the Te-Moak leadership has placed the welfare and well-being of not only the Tribe, but also each individual member in jeopardy. Chairman Cassadore and the Tribal Council did state on numerous meetings due to the pending case against the South Fork Council and the Appellate Judges decision and interference the Council cannot and will not make any decisions.

Mr. Garcia informed the Council the appointment of South Fork Band Council members which will occur the first part of April 2012. In accordance to Article 4 section 16, vacancies in the Band Council; the Band Council can appoint candidates to fill the remaining term of the vacant positions, if this vacancy occurs less than six months from the next regular election. In this case, the Te-Moak Tribal Council reserves this right since six members of the Band have been recalled. Article 4 Section 3, Powers of the Tribal Council (j and k) support the Tribes position on this appointment. The other issue is actions taken by Superintendent Joseph McDade, BIA, ENA on his involvement on HUD Housing Home site leases, hopefully all the Tribal Council members are aware of the letter dated, February 24, 2012, from Te-Moak Housing Director Lynette Piffero sent to conduct a full investigation on Mr. McDade's recent involvement in the Internal Tribal Affairs and all other internal disputes he may be associated with such as land assignments, grazing permits and other livestock issues. Superintendent McDade has a conflict of interest in all aspects of local tribal issues. He is a member of the Te-Moak Tribe, has a standard land assignment at South Fork, and is in the livestock business that depends on utilizing tribal lands for grazing. His recent actions with the home sight leases clearly identifies that his personal interest is with the South Fork Band Council where he currently resides.

CHAIRMAN CASSADORE – DOMESTIC VIOLENCE PROPOSAL/SAGE GROUSE:

Chairman Cassadore informed the Council the highest rate in crime is domestic violence. Chairman Cassadore wants to get more ideas in regards to domestic violence and improve the Ordinance which is in place. Richard Smith asked if each band is going to be forwarded a copy once the draft proposal is finished for review. Chairman Cassadore stated he will have a draft resolution prepared once all four bands have reviewed and submitted their recommendations.

Chairman Cassadore informed the Council in reference to the National Sage Grouse Planning Strategy everyone except Te-Moak is on this issue. Chairman Cassadore wants to have a government to government consultation in reference to this subject. Chairman Cassadore informed the Council there is a brief document in your packets and is requesting a motion to start the consultation. After a brief discussion Paula Brady made a motion to start the consultation, second by Richard Smith. **VOTE: 3 FOR 0 AGAINST 0 ABSTENTIONS**

DESIREE BEAM – SOUTH FORK LETTER REQUEST:

Pat informed the Council that Desiree Beam had contacted the office and advised she will not be present for the meeting.

REQUEST FOR SPECIAL CLOSED MEETING FOR HIRING – TE-MOAK COURT CLERK:

Pat requested the Council to schedule a Special Meeting for hiring of the Te-Moak Court Clerk Position. Chairman Cassadore asked how many applicants do we have and was informed there were five (5) applicants. Council set up interviews for April 4, 2012 at 5:00 p.m. at the Te-Moak Housing Authority.

E-MAIL FROM JODY CUMMINGS – ROCK CREEK:

Pat informed the Council the Great Basin Gold representatives attended a meeting with the Shoshone-Paiute Tribal Council to discuss the disposition of the Rock Creek Property. He did inform the Shoshone-Paiute Council that the Te-Moak Tribe wishes to take the lead concerning the custody and maintenance of the Rock Creek area once it is passed from Great Basin ownership to tribal ownership. As per the email in the packets the Shoshone-Paiute Council is asking if Great Basin could arrange a joint discussion with the Te-Moak Tribal Council. The Council requested to have Pat work with Jody Cummings and see when a date can be set between both Tribal entities.

ADJOURNMENT:

With no further discussion, Paula Salazar made a motion to adjourn the meeting @ 8:01 P.M., second by Richard Smith. **VOTE: 3 FOR 0 AGAINST 0 ABSTENTIONS**

Respectfully Submitted,

Patricia G. Stevens

Patricia G. Stevens, Recording Secretary