

TE-MOAK TRIBE OF WESTERN SHOSHONE

RESOLUTION OF THE GOVERNING BODY OF THE TE-MOAK TRIBE OF WESERN SHOSHONE INDIANS OF NEVADA

Resolution No. 11-TM-28

BE IT RESOLVED BY THE TRIBAL COUNCIL OF THE TE-MOAK TRIBE OF WESTERN SHOSHONE INDIANS OF NEVADA THAT:

- WHEREAS,** this organization is an Indian Organization known as defined under the Indian Reorganization Act of June 1934, as amended, and exercises rights of home rule and is responsible for the promote of the economic, health and welfare of its Tribal members; and
- WHEREAS,** the Te-Moak Tribe is the parent Council for the communities of Elko, Battle Mountain, South Fork and Wells, and
- WHEREAS,** the Elko Band Council was notified on October 11, 2011 by GSA Leasing Specialist Marie Luke that the BIA lease would not be renewed and that it had instead been awarded to a private lessee off trust lands; and
- WHEREAS,** at a duty held meeting on October 19, 2011, the Elko Band Council requested their Attorney Julie Cavanaugh-Bill write an opposition letter to Larry Echohawk, the Assistant Secretary of the Bureau of Indian Affairs located in Washington, D.C., requesting this matter be addressed due to the action and inactions of the Bureau of Indian Affairs, Eastern Nevada Agency; and
- WHEREAS,** the Elko Band Council requested two issues be addressed concurrently: 1) the GSA decision to not renew the Lease for the BIA Building and 2) use of Elko Band's building for the Courthouse which Elko Band has not received any rental payment from the Bureau of Indian Affairs since its first use of the building space; and
- WHEREAS,** the Elko Band Council received requests from the Bureau of Indian Affairs to construct both building for use by the Bureau of Indian Affairs and for the Courthouse. The Elko Band Council specifically took out loans to finance the construction of these buildings; and

WHEREAS, the Elko Band Council disagrees with the decision to not renew the lease for the BIA because of the potentially illegal manner in which GSA made the determination on. Elko Band Council received the nearly two hundred (200) page solicitation for offers (SFO) on June 1, 2011, one week before the due date of June 9, 2011. Elko Band Council received the solicitation on the original deadline date and was given an extension because Marie Luke said she was not aware Elko Band was still interested in leasing out the current BIA building. Furthermore, the denial letter stated the "award was based strictly on price" which violates agency leasing of tribal buildings, including but not limited to the requisite tribal preference, government leasing acquisition requirements and the Buy Indian Act. 25 CFR 900.60, et al.; 41 CFR §102-73.45; Buy Indian Act (25 U.S.C. 47); and

WHEREAS, the Elko Band Council also received a deficiencies letter which addressed building maintenance and repair issues. As requested, Elko Band responded in good faith and began immediate work on these issues using tribal employees and tribal resources with the impression that the Bureau would continue leasing the building. The maintenance works continued throughout the summer and early fall without any indication from Ms. Luke or BIA Superintendent Joe McDade, that the lease may not be approved or renewed. The denial letter received on October 11, 2011 does not mention this maintenance and repair work, but cites only two technical errors in the offer paperwork. They initially informed Elko Band Council if the repairs were not completed within 21 days of the submittal of offer it would be cause for denial; and

WHEREAS, the CFR Courthouse was specifically constructed and designed pursuant to a request from the BIA who stated they would rent the space and set an amount of \$ 1,013.20 monthly. However, despite repeated commitments to formally lease the space and pay a rental amount, the Bureau has failed to make a single payment to Elko Band for use of this space for approximately ten (10) years. Elko Band as attempted to resolve this outstanding failure to pay or enter into a written lease for several years. There has been no reason given for non-payment, wherein Elko Band in good faith, continues to provide maintenance, repair, and utility costs for this space.

NOW, THEREFORE BE IT RESOLVED, the Elko Band Council is extremely concerned with the recent behavior and actions of the local agency. In determining how best to remedy this situation, the following request are made of the Bureau:

1. Assign someone outside of the local agency to investigate and report on what occurred during the recent GSA leasing process, addressing any and all bad faith or illegal actions with recommendations for appropriate discipline and/or mechanisms to compensate Elko Band Council for lost revenues and costs for reliance on the lease renewal.

2. Direct the regional and local agency offices to immediately engage in formal communications with the Council to address ways in which to improve the relationship and communications between the local agency and the community.
3. Direct the regional and local offices to immediately hold an open meeting with the Council and community members to address how the Bureau will facilitate transportation and other access to its offices if relocated to an off-reservation, privately-owned facility; and

BE IT FURTHER RESOLVED THAT, Elko Band Council formally makes a demand for payment at the originally set amount of \$1,013.20 to be paid the 15th day of each month, beginning November 15, 2011. Elko Band Council is also requesting mandatory discussions to formalize a lease agreement, resolve past due amounts and set a current rental rate. If payment is not received accordingly, Elko Band shall close the space to continued CFR Court use sixty (60) days after the failure to pay. If no lease is agreed upon Elko Band shall determine whether to continue to allow the Bureau to use the space with a sixty (60) day notice of its decision.

NOW, BE IT FURTHER RESOLVED, that the Elko Band Council is requesting support from the Te-Moak Tribal Council regarding these issues. The Te-Moak Tribal Council hereby supports the Elko Band Council regarding the above issues.

C-E-R-T-I-F-I-C-A-T-I-O-N

I, undersigned, as Chairman of the Te-Moak Tribal Council do hereby certify that the Tribal Council is composed of (7) members of whom 5 constituting a quorum were present at a duly held meeting on December 7, 2011, and that the foregoing resolution was duly adopted at such meeting by a **VOTE OF 3 FOR, 0 AGAINST, 2 ABSTENTIONS**, pursuant to the authority contained in Article 4, Section 12, of the Constitution of the Te-Moak Tribe of Western Shoshone Indians of Nevada.

INVALID IF NO SEAL APPEARS BELOW:




Paula J. Brady, Vice Chairperson
Te-Moak Tribe of Western Shoshone

ATTEST:


Patricia G. Stevens, Recording Secretary
Te-Moak Tribal Council



TE-MOAK TRIBE OF WESTERN SHOSHONE

RESOLUTION OF THE GOVERNING BODY OF THE TE-MOAK TRIBE OF WESTERN SHOSHONE INDIANS OF NEVADA

RESOLUTION NO: 11-TM-27

BE IT RESOLVED BY THE TRIBAL COUNCIL OF THE TE-MOAK TRIBE OF WESTERN SHOSHONE INDIANS OF NEVADA, THAT:

WHEREAS, this organization is a recognized Indian organization as defined under the Indian Reorganization Act of 1934, as amended, and exercises rights of home rule and is responsible for the promotion of the economic, health and welfare of its members; and

WHEREAS, the Te-Moak Tribe is the parent council for the communities of Elko, Battle Mountain, South Fork and Wells; and

WHEREAS, Te-Moak Tribal Ordinance Number 82-ORD-TM-01 as amended by Ordinance Number 82-ORD-TM-03 provides for the issuing of liquor licenses; and

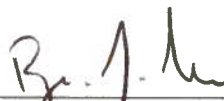
WHEREAS, in accordance to the Te-Moak Liquor Ordinance 82-ORD-TM-03, section 1, paragraph (d) No such License shall be issued without the approval of the local governing body of the Colony or Reservation of the Te-Moak Tribe of Western Shoshone, Nevada, upon the territory of which the proposed alcoholic beverage business is seeking to be licensed; and

WHEREAS, at a duly held meeting of the Elko Band Council on October 19, 2011 Resolution #2011-EBC-29 was adopted to approve a Liquor License for Jeff Watson, Gladiator Challenge for "Young Guns #4" on November 19, 2011 to be held at the Elko Colony Gymnasium; and

NOW, THEREFORE BE IT RESOLVED, the Te-Moak Tribal Council hereby approves a liquor license for Jeff Watson – Gladiator Challenge with a administrative fee charge of \$250.00 to be made payable to the Te-Moak Tribe for processing as per Te-Moak Resolution #10-TM-19 adopted on July 7, 2010.

C-E-R-T-I-F-I-C-A-T-I-O-N

I, the undersigned, as Chairman of the Te-Moak Tribal Council, do hereby certify that the Tribal Council is composed of seven (7) members of whom were present at the meeting which constituted a quorum held **November 8, 2011** and that the foregoing resolution was adopted at such a meeting by a vote of **6 FOR, 0 AGAINST** and **0 ABSTENTION** pursuant to the authority at Article 4, Section 3 of the Constitution of the Te-Moak Tribe of Western Shoshone Indians of Nevada.



Bryan Cassadore, Chairman
Te-Moak Tribe of Western Shoshone

INVALID IF NO SEAL APPEARS BELOW:

ATTEST:



Patricia G. Stevens, Recording Secretary
Te-Moak Tribal Council

