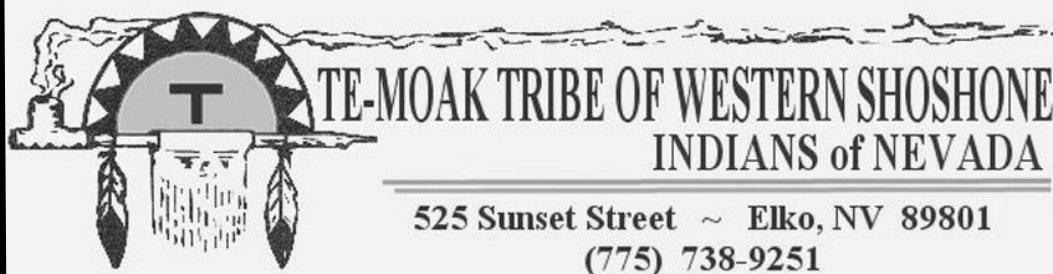


November 2022
Volume 1, Issue 2



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Te-Moak Court

The newly elected Te-Moak Council voted to recognize the Te-Moak Tribal Court with Resolution 22-TM-47 on May 22, 2022.

The Council felt it was very important that our tribal members have a non-biased court and a court that was accessible for all tribal members.

The Council also set a reasonable fee schedule with Resolution 22-TM-48 at the May 22, 2022 meeting. We will be posting court documents as they are approved by the Te-Moak Tribal Council.

At the May 12 and August 18, 2022 Te-Moak Tribal Council meeting, the council members interviewed a tribal judge and tribal court clerk. The Council voted to appoint the Honorable Danielle Mayberry as our tribal judge, Jessica Mortensen as our tribal clerk and Steve McDade as our tribal prosecutor.

All criminal cases will proceed through the law enforcement officers. Civil cases will need to file with the court clerk. The court clerk can be contacted at tm.ct.clerk@gmail.com.

Danielle Mayberry, Te-Moak Tribal Judge

The Honorable Danielle Mayberry is our new Te-Moak Tribal Judge. Danielle is an enrolled member of the Te-Moak Tribe and grew up in Battle Mountain, Nevada.

Judge Mayberry received her Bachelor of Arts Degree in Political Science from Jamestown College and her law degree from the University of Idaho College of law with an emphasis in Native American law. While attending law school, she was a research assistant to Professor Angelique EagleWoman and interned at Tribes' General Counsel offices and the Fredericks Peebles & Morgan LLP law firm. She also served on the University of Idaho College of Law's Native American Law Student Association and the National Native American Law Student Association Boards. Danielle mentioned that she went to law school is in large part due to witnessing the need for Native attorneys to represent Tribes and tribal citizens in her own community.

Currently, she also serves as the Principal Law Clerk to Honorable Carrie E. Garrow, Chief Judge, and Hon. Barbara R. Potter, Associate Judge, at the Saint Regis Mohawk Tribal Court. Danielle has spoken at conferences and trainings about various topics involving tribal judges and staff and federal Indian law.

We look forward to working with Judge Mayberry.



Te-Moak Court Clerk

On May 12, 2022, the Te-Moak Council selected Jessica Mortensen to serve as court clerk for the Te-Moak Tribal Court.

Jessica is an enrolled South Fork Te-Moak Tribal member. She and her family live in Battle Mountain. She has had some training and experience in business administration and education.

We look forward to working with the new tribal court clerk.

Te-Moak Court Prosecutor

At the August 18, 2022 meeting, the Te-Moak Council appointed Steve McDade to serve as court prosecutor for the Te-Moak Tribal Court. Steve McDade is a former local business owner and has his own trucking business. Since this will be a part-time position, Steve will be able to do this job while keeping his business.



Steve is an enrolled South Fork Te-Moak tribal member. He grew up in South Fork and attended Elko County schools and graduated from Elko High School. Steve is also a Veteran. He has furthered his education and is very interested in helping his tribal members. He believes that we need to follow our tribal constitution, ordinances and law and order.

Te-Moak Ordinances Reviewed

The Te-Moak Council had put out 3 ordinances for review. They were sent to each Band office so tribal members in each of the communities could review them. If tribal members are unable to access at your Band office, they were also posted on the Te-Moak website for review. **Website is www.te-moaktribe.com.**

- 1, Ethics Ordinance— This is to address council and the public's conduct during meetings and while representing the Te-Moak Tribe.
2. Ordinance pursuant to Section 1161, Title 18, United States Code, legalizing and regulation the introduction, possession, use and consumption of Alcoholic beverages.
3. Te-Moak Law and Order Code—Civil Forfeiture Ordinance deals with confiscated property in legal cases.

Please send any questions regarding these ordinances to the Te-Moak Council.

Te-Moak Court Order

Here is one of the first orders that Judge Mayberry has issued regarding Wendell Haye's court. It will also be posted on our webpage.

TE-MOAK TRIBAL COURT

IN AND FOR THE TE-MOAK TRIBE

ADMINISTRATIVE ORDER 2022-01

Pursuant to the Constitution of the Te-Moak Tribe of Western Shoshone Indians of Nevada "there shall be a court of general jurisdiction and a Supreme Court of appellate jurisdiction." Article 8, Section 1. Furthermore, "[a]ll judicial powers of the Tribe shall be vested in the Judicial Branch of Government, including such powers as may in the future be granted to the Tribe by any law of the United States, or any other authority." Article 8, Section 2.

On or about November 4, 2022, Tribal Court personnel were made aware of actions taken by an entity operated by Wendall Hayes in regards to a case pending before this Court. The Court takes judicial notice of the following decisions entered by Hon. Samuel L. Biers, Te-Moak Supreme Court, in regards to Wendall Hayes judicial authority: Election Committee of the Battle Mountain Band of the Te-Moak Tribe, Jessica Mortensen, Chairperson Battle Mountain Band Election Committee v. Donna Hill and Jenny Koerber 2022-TM-SC-003 (May 11, 2022); In the Matter of Te-Moak Tribal Council and Tribal Assets 2021-TM-SC-004 (Dec. 28, 2021); and Mendez et al. v. Non-employees et al. v. United States Bureau of Indian Affairs 2022-TM-SC-002 (Feb. 20, 2022). Pursuant to the aforementioned orders, Wendall Hayes is not lawfully in office as a Te-Moak Judge and as such he lacks any judicial authority.

NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that any judgment, order, or any other remedy issued by Wendall Hayes has no legal ramifications and shall not be considered by this Court.

Dated November 10, 2022.



Hon. Danielle J. Mayberry
Te-Moak Tribal Court

Te-Moak Housing Audit Review

Here is just a portion of the Te-Moak Housing Audit Report information that was provided through a FOIA request by the Te-Moak Tribal Council.

Financial Highlights

The main source of revenue is federal grants received from the U.S. Department of Housing and Urban Development, authorized by the Native America Housing and Self-Determination Act (NAHASDA). The Housing Authority expended \$1,355,143 and \$2,021,860 in total grant funds in the years ended June 30, 2020 and 2019, respectively. In addition, the Housing Authority received the 2020 Indian Housing Block Grant under the Coronavirus Aid, Relief and Economic Security Act (2020 IHBG-CARES Act). These funds are eligible to use to maintain normal operations and to prepare, prevent and respond to the COVID-19 pandemic. The Housing Authority did not have a signed grant agreement as of June 30, 2020 therefore no revenue or receivable have been recorded for the CARES Act. The Housing Authority expended \$49,290 in total CARES Act grant funds for the year ended June 30, 2020. These funds along with program revenue were used for the following:

Line Item Expenditures	Purpose	2020	2019
General and administrative	Operating Housing Authority	\$ 290,909	\$ 312,476
Housing Management	Tenant and homebuyer consulting	109,021	102,558
Housing Services	Tenant and homeowner workshops and training	38,242	26,049
Maintenance	Maintaining low-income rental units	363,642	328,610
Modernization	Structural improvements to units	228,993	236,162
Crime Prevention	Safety training	61,322	83,398
COVID-19	Planning and administration	14,641	-
COVID-19 Preparation - 1	Maintain normal operations	33,765	-
COVID-19 Respond - 3	Purchase PPE supplies/equipment	884	-
Acquisition of unit	Purchase rental unit	-	35,000
Construction	Construction of rental units	198,839	795,926
Crime Prevention capital	Installation of street lights	52,192	-
Insurance	Structural fire and auto insurance	65,299	66,188
TOTAL EXPENDITURES		\$1,457,749	\$1,986,367

The Housing Authority is responsible for maintaining 57 low-income rental units and 46 houses in inventory that are in the process of being sold to homeowners. These houses were built in prior years under the 1937 Housing Act. Ten additional rental units have been purchased, renovated and occupied utilizing NAHASDA grant funds. The houses in inventory are sold to low-income homebuyers and are subsidized by the federal government. The contribution from the homebuyers for the purchase of the house is based on income level. A portion of this contribution is used to operate the Housing Authority. Any contribution beyond this amount is maintained in deferred credits and may be used for maintenance of the house until the pay-off is complete.

The Housing Authority's net positions for the year are as follows:

<u>2020 Assets</u>	<u>2019 Assets</u>
\$ 8,320,289	\$ 8,351,530

Te-Moak Communications and Webpage

The Te-Moak Tribal Council understands that at this time, there is turmoil and confusion about who and where to get services from the Te-Moak Tribe. We would like the community to know that Vince Garcia, Chairman and the Te-Moak Tribal Council is working through the court system to resolve this dispute.

We are very concerned that the past corrupt council removed the people's, library, literature and personal identities off Tribal Lands. They have continued to represent themselves as the council even though they were not re-elected and sworn in correctly. This is why our first priority is to get the court operating so we can bring our issues to the powers that can help us.

While we are still using the address that is listed on the letterhead, we are asking that Tribal Members contact us by email. We can be contacted at [**communications@Te-moaktribe.com**](mailto:communications@Te-moaktribe.com) and on our webpage, there is a [Contact Us](#) section that you can also fill out to contact us. You can also contact your representative personally, if you have any questions.

Our webpage is [**www.Te-moaktribe.com**](http://www.Te-moaktribe.com). At the bottom of the home page, you will see the other page topics. Press the LEARN MORE to take you to each page.

TE-MOAK MEETINGS

Join us at the next Te-Moak meeting to get an official update

LEARN MORE

TE-MOAK DOCS

Our governing documents can be found here

LEARN MORE

MEET THE TE-MOAK COUNCIL AND BANDS

Learn about the newly elected 2021 Te-Moak Council and the new Band Councils

LEARN MORE

ELECTION 2021 Q & A'S

Learn the facts not the rumors.

LEARN MORE

The webpage is a work in progress and as we adopt more documents, they will be posted.

2021-2022 Elected Te-Moak Council

Vince Garcia, Chairman
Leah Brady, Elko Rep

Danena Ike, Vice-Chairman
Rhonda Hicks, Battle Mtn. Rep

Angie Quintana, SF Rep
Steve Brady, Wells Rep

tmcouncil.2022@yahoo.com

Te-Moak Tribe of Western Shoshone

525 Sunset St.
Elko, NV 89801
Phone: 775-738-9251

www.te-moaktribe.com

Te-Moak Tribal Meetings

Te-Moak Tribe

Regular Mtg.—2nd Thurs of each month—6 pm

Elko Band Council

Finance—3rd Weds. of each month—6 pm

Regular Mtg.—last Weds of each month—6 pm

Battle Mountain Council

Last Thursday of each month—6 pm

South Fork Band Council

First Tuesday of each month—6 pm

Wells Band Council

2nd Weds. of each month—6 pm

Constitution, Election and Enrollment Ordinances Review

The Te-Moak Council selected a committee to work on a review of the tribe's constitution and the Election and Enrollment Ordinances. This committee will bring their recommendations to the council. At that time, the Council will make their Ordinance recommendations to the tribal members within the required timelines for input. Any changes to the constitution will have to be done through a Secretarial Election per Article 13, section 2 of the constitution.

If you have any recommendations for the committee, please send your recommendations to the committee at the tribe's email — communications@Te-Moaktribe.com.

BIA Clarification of Te-Moak Council

There is much confusion about recognition of the Te-Moak Council by BIA. Much of that confusion comes from the letters that the Acting Western Regional BIA Director sent out in March 2022. In her first letter dated March 2, 2022, she sent information identifying an incorrect Te-Moak Tribal Council. In the letter dated March 17, 2022, acting Western Regional Director only identified that the CFR court files were being transferred to the last undisputed tribal council. It did not make a determination that the previous council was still in office.

Interim Director Durham further stated in her letter the following:

“Our letter of March 2, 2022, is hereby modified accordingly. It is reiterated that our interim recognition of this Council is for the limited purpose of transferring judicial jurisdiction from the CFR Court to the Tribe pursuant to 25 C.F.R. § 11.104. It is not a general letter of recognition, does not finally resolve the present Te-Moak intra-governmental dispute, and is not a final decision regarding the validity of the Tribal Court or the Tribal Judge. That is a matter for a tribal forum.”

As of this date, the Te-Moak Council has received no formal protests, disputes or recall petitions against elected officials so it is questionable as to why the BIA is not recognizing the elected councils. Elections occurred more than 8 months ago. Any question about them is moot at this point. (Section 13-4-7 - Date of Events, #11 states that the dispute period is filed within a 24 hr. period after elections.)