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Tribes tries to block subpoena of tribal leader

By Katie Mulvaney
Providence Journal

PROVIDENCE, R.I. — The Narragansett Indian Tribe is asking U.S. District Court to find that its sovereign immunity shields it from subpoenas against the tribe or its leaders that would require testimony about “internal tribal matters.”

The tribe is trying to block the subpoena that would require Tribal Councilman Randy Noka to take the stand in a child-custody trial ordered by the state’s high court.

The case involves Narragansett Indian Jackie Robinson’s effort to regain custody of his 2-year-old daughter, Tamika, who has been in state Department of Children, Youth and Families care since birth.

The state Supreme Court in July vacated a Family Court ruling that placed his then infant daughter in state DCYF custody. The court found that Robinson was entitled to have an expert witness testify on his behalf under the federal Indian Child Welfare Act, passed in 1978 to address concerns about a high incidence of Native American children being removed from their Native American families.

The decision, written by now Chief Justice Paul A. Suttell said: “There is no dispute that at the time of trial Tamika was eligible for membership in the Narragansett Indian Tribe.” The high court ordered a new Family Court trial.

That trial is now under way before Judge John A. Mutter in Family Court during which a Narragansett tribal advocate appeared as the DCYF’s “expert” witness Sept. 16. The advocate testified Tamika is not enrolled in the tribe, nor is she still eligible for membership. The advocate said the Indian Child Welfare Act did not apply in the case.

The public defender’s office, representing Robinson, argues Noka, Chief Sachem Matthew Thomas and other council members “who are actually the decision-makers concerning an individual’s membership status,” might offer testimony contrary to the tribal advocate. They look to an Oct. 6 letter from the tribe’s lawyer, John F. Killoy, that says the tribal council was in the process of reviewing 400 membership applications, including Tamika’s.

Robinson accuses the tribe of selectively asserting its immunity, unfairly subverting Robinson’s efforts to refute the advocate’s testimony. He argues the tribe waived its immunity in asking the advocate to appear on its behalf as well as any argument that it was not subject to the jurisdiction of Family Court.

The tribe countered that the case falls outside the scope of the federal act because the child is not enrolled, as the advocate testified. Any inquiry about enrollment procedures “goes to the heart of tribal government and internal tribal matters,” which are protected, it said.

“The harm at issue is a threat to legally protected federal rights,” the tribe wrote, continuing “Far from harming the public interest, the fundamental long-standing government-to-government relationship between the United States and Narragansett Indian Tribe is at the center of this controversy.”

The parties met Thursday before U.S. District Judge William E. Smith, who urged a resolution, according to lawyers involved. They will reconvene Thursday.

LPN, EMT (Intermediate) or Paramedic

Needed full-time to perform histories and physicals to prospective donors in a state-of-the-art fast paced plasma center. We offer competitive compensation, sign-up bonus, excellent benefits, bonuses, profit-sharing and paid vacations. Current state license and CPR certification required. A nice place to work.

Send or e-mail resume and salary requirements to:
Nicole Slowman ** 1706 S. 2nd St. ** Gallup, NM 87301
gallup@dciplasma.com

Legal Notice

LEGAL NOTICE
Zuni-McKinley County
New Mexico

REQUEST FOR PROPOSAL

ZUNI PUBLIC SCHOOL DISTRICT

RFP 89-10-004

SEALED BID OPENING: November 11, 2009 2:00 PM (MST)

BID OPENING ADDRESS:
Zuni Public School District
Support Services Department
P.O. Box Drawer A
1264 South State Highway 53
Zuni, NM 87327

The Zuni Public School District is accepting proposals for:

To provide legal counsel to the Zuni Board of Education and to the Zuni Public School District on an as needed basis throughout the term of the contract.

Sealed bids will be received at the above specified date, local time, and address, then publicly opened at the above specified address and read aloud. Bids not received by the above specified date, local time, and at the listed address prior to bid time will not be opened or considered. Delivery is solely the responsibility of the bidder.

This bid is conducted in accordance with the State of New Mexico Procurement Code Section 13-1-102 NMSA 1978. Bidding documents, including complete specifications, are available in paper or electronic form (PDF File) and may be requested as follows:

Telephone: Zuni Public School District
Support Services Department
(505) 782-5566
Fax: (505) 782-5515
Email: roberta.keast@zpsd.org
Mail: Zuni Public School District
Support Services Department
PO Drawer A
Zuni, NM 87327

Legal #11101 Published in The Independent October 28, 2009.

LEGAL NOTICE
Pine Hill-Cibola County
New Mexico

Request for Architect-Engineer Services

The Ramah Navajo School Board, Inc., requests Qualification Statements from Architect-Engineer firms who are licensed to practice in the states of AZ and NM. The selected firm will provide validation services, planning, architectural-engineering basic design services, construction administration services and additional A-E services, as required. Also, it would be strongly encouraged for interested firms to have Electrical, Mechanical, Structural and Civil Engineers in-house.

The project is a American Recovery and Reinvestment Act (ARRA) of 2009 for F&R Schools Improvements and Repair project for the Pine Hill Schools, which requires the Validation of a BIA-OFMC approved Program Of Requirements (POR) directly related to extensive renovation work to several education facilities, including site improvement, depending on the outcome of the validation, this project may also require basic design related work. The estimated construction contract award amount is between \$2.5 and \$3.2 Million.

This solicitation is open to interested Indians and non-Indians firms.

- Selection Criteria:
1. Experience and professional qualifications
 2. Specialized experience and technical competence
 3. Past Performance
 4. Capacity to handle this project in relation to firm’s current workload
 5. Compliance with Indian Preference Requirements
 6. Firm’s location in relation to the project and knowledge of locality
 7. Availability of additional personnel and consultants to accelerate services

(Note: the above criteria has been taken from 48 CFR 36.602. Selection of firms for architect-engineer contracts) Please make every attempt to limit your S.O.Q.’s to 20 pages.

Firms should call Ward Hunter, at (505) 775-3285 to obtain information about the project schedule, funding, firm selection criteria, point values, submission requirements, and the selection process.

Qualification Statements are due on or before 5:00 p.m. November 13, 2009 and shall be received in the office of Rose Thompson, Procurement Officer Ramah Navajo School Board, Inc., P.O. Box 29, Pine Hill, NM, 87357 or shall be hand delivered to Rose Thompson at BIA 140 Rd., Post Office Building 839, Pine Hill, NM 87357. Late submissions will not be accepted.

Legal #11133 Published in The Independent October 24 & 28 & 31 & November 4 & 7, 2009.

Legal Notice

LEGAL NOTICE
Window Rock-Apache County
Arizona

REQUEST FOR BID

LEGAL NOTICE
Window Rock-Apache County
Arizona

For Bid package, please contact Darlene Yazzie at (928) 871-6319.

The closing date is **November 4, 2009 at 5:00 p.m.** Any Bid packaged received after this time will be returned to sender and **no e-mail or fax will be accepted.**

Legal #11129 Published in The Independent October 23 & 24 & 26 & 28 & 30, 2009.

LEGAL NOTICE
Crownpoint-McKinley County
New Mexico

REQUEST FOR PROPOSAL FOR FINANCIAL MANAGEMENT SERVICES

NAVAJO TECHNICAL COLLEGE IS ISSUING THIS REQUEST FOR PROPOSALS (RFP) FOR PROVIDING FINANCIAL MANAGEMENT SERVICES

Inquires for proposal and procurement information should be directed to:

Vernon Laughlin, Contracting
Officer
(505) 786-4327

Completed proposals must be received at the address below no later than 2:00 p.m. on November 9, 2009.

Vernon Laughlin, Contracting
Officer
Business Office
Navajo Technical College
P.O. Box 849
Crownpoint, NM 87313

Proposals must be received by the date and time specified. Late proposals will be disqualified. In order to be considered for selection, proposers must submit a complete response to the RFP. Incomplete proposals may not be considered if the omissions are determined to be significant. The bid proposals shall be in a sealed envelope clearly marked “Proposals for Financial Management Services” Proposals received after the date and time specified shall be returned unopened.

Right to Reject Any and All Proposals-The advertisement for proposals does not commit Navajo Technical College to award a contract nor to pay any costs incurred in the preparation of proposals. Navajo Technical College reserves the right to reject any and all proposals, to waive any informalities or irregularities and to re-advertise in its best interests.

Legal #11138 Published in The Independent October 28 & 29 & 30 & 31 & November 5 & 6, 2009.

02. Services

SAVE*SAVE*SAVE
Monthly Subscription Rates
\$11.50 per month

Buy 10 Months
Get 12 Months
Clip & Save up to \$23
On Home Delivery Only

Pay one year in advance & save! Pay only \$115 for the entire year!

Be good to your environment!! Recycle old newspapers today!!
The Gallup Independent
500 N. 9th Street
up to 1¢ a pound

03. Lost & Found

Lost and Found
Runs for Free for 3 days. 4 line limit: 20 characters per line.
• Special is 1X only, any runs after will be charged reg. rate.

04. Help Wanted

Wholesale Indian Jewelry
Located at 1005 W. Coal Ave. Gallup, NM (In old Paramount Curio. Building across from Bank of America, next to Running Bear, near the “West Y”) is now hiring experienced Silver-smith inquire within.

The Navajo Division of Social Services, Eastern Navajo Regional Office is currently accepting applications for the following positions.

- 1- Social Worker, Gallup
 - 1- Sr. Social Service Representatives, Gallup
 - 1- Sr. Information System Technician, Gallup
 - 1- Victim & Witness Advocate, Crownpoint
- Applications and information can be obtained from NDSS/ENRO, 116 S. Boardman Dr., Gallup, NM or call 505-726-9387. The Navajo Nation is an equal opportunity employer and the Navajo Preference in Employer Act.

CONVENIENT LOAN
406 W. Hwy 66
505-722-9000

We Want To Make You A Loan!

\$100-\$2000
Call Today!

04. Help Wanted

TSE NITSAA DEEZ' AHI DINE BI'OLTA
ROCK POINT COMMUNITY SCHOOL

JOB OPENINGS

ADMINISTRATION
Facility Management Foreman
K-12 Substitute Health Aide
Exceptional Education Coordinator
Sub Custodian
Grant Writer

SECONDARY
HS English Teacher*
HS Industrial Arts Teacher*
HS Navajo Studies Teacher*
JH Navajo Studies Teacher*
Home Economic Teacher*
On-Call Substitute Teachers (2)

ELEMENTARY
Special Education Teacher*
Elementary Counselor*
Elementary Teacher (1)*
Elementary Science Teacher*
Intervention Specialist*

Requires Arizona Teacher Certification (NCLB Professionally Qualified) NOTE: All vacancies are child care positions; therefore they are subject to background checks.* Application available at Personnel Office or website www.rpcs.bia.edu or call (928) 659-4221. ext. 229. **Rock Point Community School is an equal opportunity employer and gives preference in hiring qualified Navajos and Native Americans. Positions are OPEN UNTIL FILLED. Position description for all above vacant positions are available in Personnel Office.

FACULTY
To'Hajilee Community School Board of Education, Inc. (TCSBE)

K-12 Grant School at To'Hajilee, NM (30 miles West of Albuquerque) is accepting applications for the school year 2009-2010 for the following position: Adult Education Teacher. Compensation is comparable with surrounding districts and a commuting allowance is provided. For application information, please contact Administration at (505) 908-2145, fax (505) 908-2152. For information regarding duties and responsibilities of specific positions, contact the FACE Coordinator at (505) 908-2446. A background investigation is req'd. TCSBE is an Equal Opportunity/Navajo Preference Employer.

Bookkeeper, send resume to: PO Box 1836, Gallup, NM 87305

Mechanic needed. Must have at least 2 yrs experience on 18 wheelers. Must have your own tools and transportation. No phone calls. Come to Augies Truck Service 3515 West Hwy 66

MGRS. Mobile Home Park
Semi Retired Couples preferred. Salary, Benefits, Housing. Call (505) 722-3141

T&R Market has an immediate opening for a Texaco Manager. Salary based on experience. Applications accepted at H.R. Office 6 miles North on Hwy 491.

CONSTRUCTION ESTIMATOR/PROJECT COORDINATOR

The Navajo Engineering and Construction Authority (NECA) is seeking a Heavy/Highway/Utility Construction Estimator/Project Coordinator for employment at its Main Office in Shiprock, NM. Applicants are required to have a Bachelors Degree in Engineering or Construction Management and experience. Applicants should be computer literate, with experience in word processing and spreadsheet software. Primary duties will include preparing estimates using a computerized estimating program, and purchasing and coordinating materials and sub-contracts for ongoing construction projects. Salary based upon experience. NECA offers competitive salary and benefit packages. Closing date for this position is open until filled. Preference will be given to qualified Navajo candidates in accordance with the Navajo Preference in Employment Act, 15 NTC, Chapter 7.

Send complete resume to:

Navajo Engineering & Construction Authority
P.O. Box 969
Shiprock, New Mexico 87420
Attn: Manager of Engineering

Fax resumes to 505-368-3013

The Pueblo of Laguna,
located approximately 45 miles west of Albuquerque, NM, is currently seeking applicants for the following position:

Grants & Contracts Manager/Budget Officer
Bachelors Degree in Accounting, Finance, Business Administration, or Public Administration; plus six years experience with PL 93-638, one year supervisory experience required. Experience in internal controls, scheduling and management of internal audits, budget formulation for multi-programs, investments, working with GASB, and knowledge of Federal & State law regarding tribal sovereignty preferred.

Contact Sue Tapia 505-552-1202, or at stapia@lagunatribe.org for more information.

04. Help Wanted

Big Cheese Pizza is now accepting applications for Delivery Driver. Apply in person only at 1316 Metro Ave (next to Castle Furniture).

Zuni Entrepreneurial Enterprises Inc. (ZEE Inc) is currently accepting applications for Personal Care Providers and Day Habilitation Coordinator/Supported Employment Specialists. Applications are available at Zuni Entrepreneurial Inc., Building 208 B Avenue and 6th Street, Zuni New Mexico 87327. For further information, please call (505) 782-5798.

Wholesale Indian Jewelry
Located at 1005 W. Coal Ave. Gallup, NM (In old Paramount Curio. Building across from Bank of America, next to Running Bear, near the “West Y”) is now hiring experienced Silver-smith inquire within.

05. Situations Wanted

Roommate Wanted to share 3 bedroom house. Call 879-0814 ask for Donnie

10. Babysitting

Family Want Ads
\$10.50 Run for 3 days
Babysitting, Yardwork, Ect. (No Commercial Account)
• Special is 1X only, any runs after will be charged reg. rate.

13. Miscellaneous For Sale

For Sale: 2yr old Mountain Bike Trek 4300 21" Men's bike; Bontrager tires Light use; excellent condition \$200, 505-733-2427

Fore Sale: Nordic track Commercial grade Elliptical 2 yrs. Old; \$900 new \$300 OBO 505-733-2427

Nordic Track CX 985 Elliptical Trainer \$300 call 870-3887

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Contact Sue Tapia 505-552-1202, or at stapia@lagunatribe.org for more information.

13. Miscellaneous For Sale

Quadra Fire
1200 Classic Bay
Pellet Stove
Call (505) 786-7564

Pick up metal tool box made by weather guard fits wide bed. \$50.00
870-8909 or 863-5711

Set of used double pane windows for home.
Good condition. Asking \$300
Call 722-4226 ask for Bill.

INDEPENDENT SPECIAL
Have something to sell under \$500? Run a 4 line ad for 6 days for FREE! *One (1) Miscellaneous item only.
• Special is 1X only, any runs after will be charged reg. rate.

Hardly used Pro-Form Cross-walk 375E Treadmill with Mat. Goes up to 10mph at .5 mph increments, has an incline adj. for up to 10 degrees, and has 2 programmed workouts. Also ramp folds up as a space-saving feature. Asking \$350 Firm Brand New \$500. Call (505) 879-3875 if interested if no answer leave message.

20. Garage & Yard Sales

Garage/Yard Sale Special
3 days for \$14.00 comes w/ garage/yard sale kit. 4 lines: 22 characters per line
Wed., Thur., Fri., OR
Thurs., Fri., Sat.
Add color to your ad for \$6 more.

22. House For Rent/Sale

Hospital area \$850 a month 3 Bdrm, 2 car garage, fenced yard for sale or lease Call toll free 1-866-636-7750/728-7920

Price Reduced! 5 bedroom, 4 full baths, 2 car garage, Over an acre of great views land. A must see. (505)879-9118

24. Unfurnished Apartment

Sunset Hills Apartments Is accepting applications for 1 bedroom apartments. Rent is adjusted to income for the Elderly and Disabled. For more information please visit us at 200 Rudy Lane or you may call (505) 722-6908.
Equal Housing Opportunity

29. Unfurnished House For Rent

For rent: 4 bedroom house \$875/month, 1st and last month rent, and \$800 deposit
505-879-2341

31. House For Sale

Great location, 3 bedroom, 2 full bath, 1 car garage, remodeled. Ready to move in. (505)879-9118 or 870-5305.

38. Business Places For Rent/Sale

Prime office space available 807 Metro Ave. El Mercado Plaza Approximately 2100 Sq Ft (505) 722-6570 or 721-0019

45. Autos & Trucks For Sale

1967 Blue Chevy - 3/4 ton, step side, long bed pick up, 350 engine, automatic. \$2,200. Call (505) 681-0182.

1997 Ford Expedition 4X4. \$5,000 call 505-879-0838

46. Motorcycles

2000 Harley Davidson soft tail Deuce, 200 Rear-end low miles, comes with extras. \$11,000 FIRM. 409-2583

Los Angeles Times Daily Crossword Puzzle

Edited by Rich Norris and Joyce Nichols Lewis

- | | | | |
|----------------------------------------------------------|-----------------------------------------------------------|----------------------------------|----------------------------|
| ACROSS | DOWN | 32 Pool measurement | 48 Cacophonies |
| 1 Run smoothly | 1 Lose brightness | 35 Batter's dry spell | 49 "Whoops!" |
| 5 Lzifiller | 2 Weaver's machine | 38 Vegas attraction | 50 Strange: Pref. |
| 9 Bench warmers aren't on it | 3 "We're treating" | 40 Evidence | 51 Alaska's first governor |
| 14 Excellent | 4 Surfing area with no water, with "the" | 43 End a vacation, say | 52 Japanese wrestling |
| 15 Known as "the Impaler," prince who inspired "Dracula" | 5 Get even for 6 LXII x XVII | 44 Mimieux of "The Time Machine" | 53 Nuisance |
| 16 American competitor | 7 Quite a few | 45 Mothers of Invention musician | 54 Early Beattie Sutcliffe |
| 17 Life insurance clause | 8 Unusual | 47 Robert of "The Sopranos" | 55 NFL six-pointers |
| 20 Printers' widths | 9 Regard highly | 47 Robert of "The Sopranos" | 58 Ending with beat |
| 21 A deadly sin | 10 Portable shelters | | |
| 22 Posh | 11 Part of Q&Z: Abbr. | | |
| 23 Neurologist's test, briefly | 12 ABA member | | |
| 24 Publicizes | 13 Perhaps will | | |
| 25 Hoedown activity | 18 Ogle | | |
| 30 Poor, as an excuse | 19 "Fear of Flying" author Jong | | |
| 33 Second most populous Oklahoma city | 23 Painter's stand | | |
| 34 Alan of "The West Wing" | 24 Like llamas | | |
| 35 Marquis de | 25 Missouri city nickname | | |
| 38 Youngest of the musical Jacksons | 26 Fundamental particle | | |
| 37 Golfer's concern | 27 Raddi neighbors | | |
| 38 Mass of grass | 28 City in which the State Fair of Texas is held annually | | |
| 39 Vocalized | 29 Out of this world | | |
| 40 Defendant's answer | 30 Riyadh resident | | |
| 41 Accountant's review | 31 Fess up | | |
| 42 Barely squeeze (out) | | | |
| 43 Apple variety | | | |
| 45 Pitting places | | | |
| 46 BMOC, for one | | | |
| 47 Washington neighbor | | | |
| 49 Yoked beasts | | | |
| 51 Psychic's asset, for short | | | |
| 54 Inadvertent remark | | | |
| | | | |