

TE-MOAK TRIBE OF WESTERN SHOSHONE

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

RESOLUTION NO: 15-TM-41

BE IT RESOLVED BY THE TE-MOAK 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 and social welfare and well-being of its members; and

WHEREAS, by the authority of the Constitution of The Te-Moak Tribe of Western Shoshone Indians of Nevada, ARTICLE 4-EXECUTIVE AND LEGISLATIVE BRANCH OF GOVERNMENT, SEC. 3. Powers of the Tribal Council (e) To charter and regulate independent organizations, subordinate organizations, committees, and boards of officials of the Tribe; and to delegate power as appropriate, retaining the right to supervise and to rescind delegated powers; and

WHEREAS, ARTICLE 4-EXECUTIVE AND LEGISLATIVE BRANCH OF GOVERNMENT, SEC. 3 Powers of the Tribal Council (k) To regulate all administrative and legislative bodies of the Tribe, Tribal agencies, officers and organizations; and

WHEREAS, the Te-Moak Tribe is the Parent Council for the four constituent bands; Elko Band, Battle Mountain Band, South Fork Indian Reservation and Wells Band; and

WHEREAS, this Resolution is being adopted with a quorum of the Tribal Council being present, after due notice, and with more than a majority voting in favor of the motion to adopt this Resolution; and

WHEREAS, the Band Council elections were properly administered and the Band Council members accordingly, duly elected and were sworn into office; and

WHEREAS, the new members of the Tribal Council were duly elected, constituted and installed as the current Tribal Council; and

WHEREAS, because the Tribal Chairman's Election conducted on November 3, 2015, was administered by the Election Board that was not duly constituted pursuant to Election Ordinance 03-TM-ORD-01, Chapter 15, Section 15-1(D), on November 13, 2015, the duly elected Tribal Council declared the results of the Tribal Chairman Election to be null and void as the product of an Election Board that had not been duly constituted; and

WHEREAS, the current duly elected members of the Tribal Council hereby reaffirmed on December 3, 2015, that the results of the Tribal Chairman's Election conducted on November 3, 2015, were null and void as the Election Board that administered said election was not duly constituted; and

WHEREAS, the results of the November 3, 2015, Tribal Chairman's election, being null and void, may

not be considered valid were recognized as establishing the Chairman and of the Te-Moak Tribal Council; and

WHEREAS, because the results of the November 3, 2015 Tribal Chairman's election, being null and void, requires that an election for Tribal Chairman and be conducted, according to the Tribe's Constitution; and

WHEREAS, the current, duly constituted and elected Tribal Council, directs that a new Tribal Chairman's election be conducted to fill the position of Tribal Chairman as required by the Tribe's Constitution.

NOW, THEREFORE, BE IT RESOLVED that exercising the powers bestowed on the current, duly elected Tribal Council, presently in office, pursuant to Article 4, Sections 3(e) and (k), said Tribal Council hereby appoints and recognizes pursuant to Election Ordinance 03-TM-ORD-01, Chapter 15, Section 15-1(D), the following as the new Election Board constituted to conduct a new Tribal Chairman's Election. Said persons and officers are Debra Honeyestewa, Chairperson, Clarinda Oppenheim, Vice Chairperson, Ortencia Puhuyaoma Secretary and Alicia Aguilar, member.; and

NOW FURTHER BE IT RESOLVED, that pursuant to Election Ordinance 03-TM-ORD-01, Chapter 4, ELECTIONS, the election shall be held no later than 21 days after the date of this Resolution; and

BE IT ALSO RESOLVED that in as much as Davis Gonzales was the incumbent duly elected Chairman and inasmuch as he has duly been elected and appointed to the current Tribal Council, he shall remain as the Tribal Chairman and to continue serving in that capacity pending the outcome of the Tribal Chairman's election to be conducted according to this Resolution; and

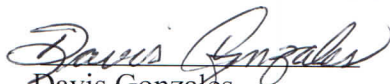
BE IT FURTHER RESOLVED, that any actions taken by Lydia Johnson, the pretender to the position of Tribal Chairman, are hereby revoked and rescinded as if those actions never took place as they are null and void; and

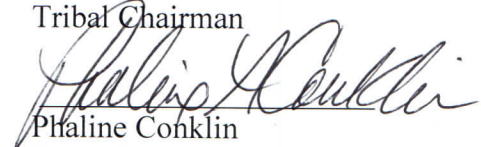
NOW, FINALLY BE IT RESOLVED that this resolution accepts the Te-Moak Election Board and requests the current Tribal Election Board to be held and certify the Tribal Chairman Election within the next 21 days from date of this resolution.

CERTIFICATION

I, the undersigned as Chairman of the Te-Moak Tribal Council, do hereby certify that the Tribal Council is composed of nine (9) member of whom 6 were present at a Special meeting which constituted a quorum held on December 3, 2015, and the foregoing resolution was adopted at such meeting by a vote 5 FOR, 0 AGAINST, 0 ABSTENTIONS pursuant to the authority of Article 4, Section 3 of the Constitution of the Te-Moak Tribe of the Western Shoshone Indians of Nevada.




Davis Gonzales,
Tribal Chairman


Phaline Conklin
Recording Secretary