

## TE-MOAK TRIBE OF WESTERN SHOSHONE

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

RESOLUTION NO: 16 -TM - 15

**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**, the Te-Moak is composed of four (4) constituent Bands, Elko, Battle Mountain, South Fork and Wells and is the parent council of said bands and;

**WHEREAS**, as per the Te-Moak Constitution Article 9, Section 3(d) - To charter and regulate independent organizations, subordinate organizations, committees, and boards of officials of the Tribe; and to delegate powers as appropriate, retaining the right to supervise and to rescind delegated powers; and

**WHEREAS**, the Te-Moak Constitution Sec.19., Manner of Conducting Business (c) Quorum. No meeting shall commence until a quorum is present. A quorum shall consist of a majority of the membership of the Council including the presiding officer. Once a quorum has been established, the Council is authorized to conduct business until adjournment, regardless of whether some Council members leave the meeting. All decisions shall be made by a majority vote of Council members present, unless a greater number is otherwise provided for in this Constitution; and

**WHEREAS**, the Te-Moak Constitution, Sec 19., Manner of Conducting Business (b) Special Meetings and this meeting is considered a Special meetings and all requirements given herein have been provided; and

**WHEREAS**, a Tribal Chairman Election was held on November 3, 2015 with Lydia Johnson, Chairperson and Davis Gonzales, Vice- Chairperson, with a vote of 71 and 68 respectively, ( see attachment 1)

**WHEREAS**, a letter of notification was given to Ms. Lydia Johnson that a Special Closed meeting was requested by majority vote dated March 18, 2016; and (see attachment 2)

**WHEREAS**, Ms. Lydia Johnson, Chairperson gave notification that she would not call the meeting by a letter addressed to Mr. Davis Gonzales, Vice-Chairman, dated March 30, 2016; and (see attachment 3)

**WHEREAS**, the majority council present will transact business according to the Sec 19 (b) (c); and

**WHEREAS**, Sec 5. Duties of Tribal Officers (b) Tribal Vice-Chairperson eads, The Tribal Vice-Chairperson shall assist the Chairperson and in the absence of the Chairperson shall assume the duties and powers of the Chairperson.

**NOW THEREFORE BE IT RESOLVED**, Mr. Davis Gonzales, Vice Chairperson is and shall assume the duties and powers of the Chairperson in the absence of as stated.

**AND FINALLY BE IT RESOLVED**, all actions today **March 31, 2016** by this resolution and majority vote of the Council members present today March 31, 2016 which include; Davis Gonzales, Vice-Chairperson, Steven Brady, Wells Band Representative, Aaron Sam, Elko Band Representative, David Decker, Elko Band Representative, Alice Tybo, South Fork Representative, Gilbert Temoke, South Fork Representative, Gerald Temoke, Elko Band Representative, are considered valid actions.

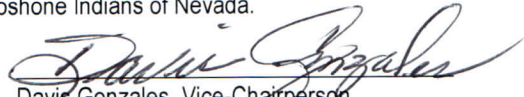
**C-E-R-T-I-F-I-C-A-T-I-O-N**

I, the undersigned, as Vice- Chairperson of the Te-Moak Tribal Council, do hereby certify that the Tribal Council is composed of nine (9) members of whom 7 were present at the meeting which constituted a quorum held March **31, 2016**, and the foregoing resolution was adopted at such meeting by a vote of **6 FOR, 0 AGAINST, 0 ABSTENTION** pursuant to the authority of Article 4, Section 3 of the Constitution of the Te-Moak Tribe of Western Shoshone Indians of Nevada.

**INVALID IF NO SEAL APPEARS BELOW:**



**ATTEST:**

  
Davis Gonzales, Vice-Chairperson  
Te-Moak Tribe of Western Shoshone

  
Phaline A. Conklin, Recording Secretary  
Te-Moak Tribal Council

**OFFICIAL TALLY SHEET  
TE-MOAK TRIBAL CHAIRPERSON ELECTION  
NOVEMBER 3, 2015**

1. BRADY, STEVE - 17
2. GONZALES, DAVIS - 68
3. JOHNSON, LYDIA - 71
4. MAINE, FLORINE - 7
5. SAM, AARON - 17
6. TEMOKE, GERALD - 22

1. Total #Official Ballots - 620
  2. Total #Marked Ballots - 202
  3. Total # Spoiled Ballots - 3
  4. Total #Unused Ballots - 415
  5. Total #Official Ballots - 620
- (#5 equals, #'s 2, 3, 4)

**CERTIFICATION**

"We the Te-Moak Tribal Election Board, do hereby certify the results of such election to the Te-Moak Tribal Council, with the count listed above as being true and accurate. The total of 205 registered voters cast ballots out of 560 registered voters of the Te-Moak Tribe."

Signed: *Veronica Thompson*  
CHAIRPERSON - TMEB

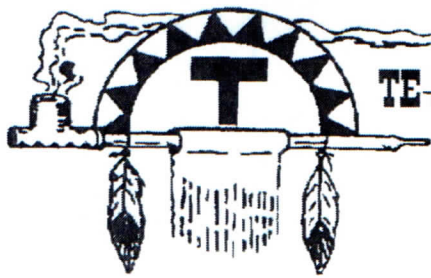
Signed: *Clayinda Oppenheim*  
Vice-Chairperson - TMEB

Signed: *Caterina M. Papagano*

Date: 11-4-15 @ 10:00 A.M.

Attachment #1





## TE-MOAK TRIBE OF WESTERN SHOSHONE

525 Sunset Street • Elko, Nevada 89801  
775-738-9251 • Fax 775-738-2345

PM 4:03

TE-MOAK TRIBE

March 30, 2016

Davis Gonzales  
525 Sunset Street  
Elko, NV 89801

Davis:

Per our telephone discussion yesterday concerning the request for a special closed meeting to be held on March 31, 2016, I informed you that Battle Mountain Council has their regular meeting that day. I asked you what was so urgent that needed to be discussed in a closed meeting when the regular Te-Moak meeting is set for next week April 6, 2016. You did not respond.

Therefore, I will not be calling a special meeting. I too am citing the same authority you did: ***Special Meetings of the Council may be called on written or oral notice by the CHAIRPERSON and shall be called by him/her ...***

Furthermore, I don't appreciate you using the law enforcement to hand delivery trivial documents such as your request for a special meeting. With the shortage of officers, we need them on the streets patrolling.

Also, Florine did not receive or know there was a request for a special meeting.

Based on the points listed above, you can't call a meeting without my signature on the notice. As you stated in your notification, ***"if for any reason you choose not to attend this meeting; the council present will transaction business with Mr. Davis Gonzales, Vice Chairman presiding."*** If you do, you will be in violation of the Constitution. You are well aware your Vice Chairman position is still in question.

Lydia Johnson  
Te-Moak Tribal Chairwomen

Attachment #3