

# TE-MOAK TRIBE OF WESTERN SHOSHONE

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

### RESOLUTION NO: 14-TM-22

**WHEREAS**, this organization is an Indian Organization as defined under the Indian Reorganization Act of June 18, 1934 (48 Stat. 984) (IRA), as amended, to exercise certain rights of home rule and to be responsible for the promotion of economic and social welfare of its tribal members; and

**WHEREAS**, at a duly held meeting on April 15, 2014, the Te-Moak Tribal Council considered the request of the Battle Mountain Band to hold a hearing regarding the exclusion of non-member Ruth Lee Burton, living at 20 Mountain View Drive, Battle Mountain, Nevada, 89820, under the Non-Member Exclusion Ordinance of the Te-Moak Tribe, 04-ORD-TM-02 (Ordinance); and

**WHEREAS**, by Resolution No. 14-TM-09, the Tribal Council approved the request and scheduled a hearing to be held on the matter on May 19, 2014; and

**WHEREAS**, at the hearing on May 19, 2014, the Tribal Council heard evidence from the Battle Mountain Band and from Ms. Burton and determined that Ms. Burton is engaging in activities that meet all three of the "good cause" standards found in Section 4 of the Ordinance, including negatively affecting the political integrity and economic security of the Tribe and threatening the health and welfare of the Tribe, and that Ms. Burton's exclusion is necessary to protect the Tribe's self-government and internal relations; and

**WHEREAS**, by Resolution No. 14-TM-18, the Tribal Council excluded Ms. Burton from the Battle Mountain Band's lands for a period of 2 years, pursuant to Section 6 of the Ordinance; and

**WHEREAS**, on May 27, 2014, Ms. Burton filed a request for reconsideration of Resolution No. 14-TM-18, and on June 3, 2014, the Battle Mountain Band filed a response opposing Ms. Burton's request and requesting its own reconsideration of Resolution No. 14-TM-18.

**NOW THEREFORE BE IT RESOLVED**, after due consideration, the Tribal Council hereby approves both Ms. Burton's and the Band's requests for reconsideration of Res. No. 14-TM-18, and schedules a hearing for reconsideration for June 26, 2014 at 5:00

**BE IT FURTHER RESOLVED**, the Tribal Council's decision to exclude Ms. Burton by Resolution No. 14-TM-18 shall be stayed and no further action taken pursuant thereto before the issuance of a final decision following the hearing for reconsideration; and

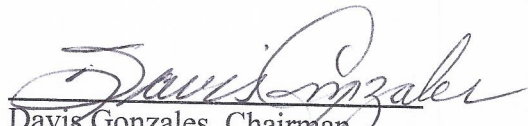
**BE IT FINALLY RESOLVED**, that pending the issuance of a final decision on her request for reconsideration, Ms. Burton shall comply with all laws, codes, ordinances and resolutions of the Tribe and the Battle Mountain Band.

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

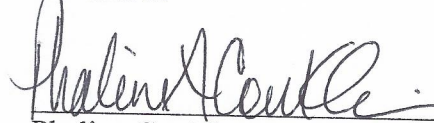
I, the undersigned, as Chairperson of the Te-Moak Tribal Council, do hereby certify that the Tribal Council is composed of nine (9) members of whom 7 were present at the meeting which constituted a quorum held **June 4, 2014**, and the foregoing resolution was adopted at such meeting by a vote of 6 **FOR**, 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:**



  
Davis Gonzales, Chairman  
Te-Moak Tribe of Western Shoshone

**ATTEST:**

  
Phaline Conklin, Recording Secretary  
Te-Moak Tribal Council