



Resolution # 04-17-02

MONTH - YEAR - SEQUENCE

“Authorizing Executive Council to Make a Donation to Lake County, California”

WHEREAS, Habematolel Pomo of Upper Lake (“The Tribe”) was not lawfully terminated pursuant to the provisions of the Act of August 18, 1958, P.L. 85-671, 72 Stat. 619, as amended by the Act of August 11, 1964, P.L. 88-419, 78 Stat. 390 (“The Rancheria Act”), and is a federally recognized, sovereign Native American Tribe as confirmed by the judgment in Upper Lake Pomo Association, et al., vs. Cecil Andrus, et al., No. C-75-0181-SW; **AND**

WHEREAS, distributees and their lineal dependent Members, now living, listed on the partial summary judgment in the Upper Lake Pomo Association, et al., vs. Cecil Andrus et al., No. C-75-0181 SW, entered May 15, 1979, are those that comprise the General Membership of the Tribe (“The General Membership (GM)”), and are legally entitled to receive services and work within the formal organization of the Tribe; **AND**

WHEREAS, the Habematolel Pomo of Upper Lake is a federally recognized gaming Tribe by the U.S. Department of Interior, Bureau of Indian Affairs (BIA) located in Lake County, California having 153 adult voting Tribal Members; **AND**

WHEREAS, the Habematolel Pomo of Upper Lake, is a sovereign Tribe, possessing inherent powers of the Tribal self-government and self-determination; **AND**

WHEREAS, on May 12, 2004, the Tribe certified and adopted its Constitution with the United States Department of Interior, Bureau of Indian Affairs (BIA), Pacific Regional Office (PRO) through a Secretarial Election; **AND**

WHEREAS, as per the Tribe’s Constitution under Article IV – Governing Body Section 1. The Executive Council is the governing body of the Tribe and are known as the Executive Council (EC). The Executive Council (EC) consists of seven (7) Members elected at large from the eligible voters of the Tribe; **AND**

WHEREAS, the Habematolel Pomo of Upper Lake, Executive Council is empowered by its Constitution to negotiate and conduct agreements with Federal, State and Local government, which may effect the Tribe; **AND**

WHEREAS, in the Tribe’s Constitution Article X – Powers Section 1. (A), it authorizes the Tribe’s Executive Council to exercise its power to act in all matters that concerns the general welfare of the Tribe, and to make decisions consistent with this Constitution; **AND**

WHEREAS, the Executive Council of the Tribe has the authority pursuant to Article X, Section 1. (K) of the Tribe’s Constitution to manage, lease, contract and otherwise deal with tribal assets and community resources, and to take such actions as are necessary to carry into effect such authority; **AND**

WHEREAS, in the Tribe’s Constitution Article X – Powers Section 1. (L) it authorizes the Tribe’s Executive Council to charter, and regulate enterprises, associations, and corporations formed by members of the Tribe for business or charitable purposes and to authorize formation of corporations under Federal Law for economic, charitable or public purpose;” **AND**

WHEREAS, in the Tribe’s Constitution Article X – Powers Section 1. (P), it authorizes the Tribe to exercise its power to adopt Resolutions, Ordinances, set Codes, etc.; **AND**

WHEREAS, the Tribe’s jurisdiction exists within the County of Lake, California (the “County”) and as adjacent sovereigns, the Tribe and the County share the goal of improving the quality of life for all residents of the area, and the Tribe and County have developed an excellent working relationship to pursue that shared goal including entering into a Memorandum of Understanding on June 11, 2006 addressing off-reservation impacts of Tribal operations among other cooperative endeavors; **AND**

WHEREAS, although no legal requirement exists for the Tribe to make any payments to the County, the Tribe nevertheless desires to make a voluntary contribution to the County which is not intended to be, and does not constitute a tax, fee, charge or assessment by the County imposed on the Tribe.

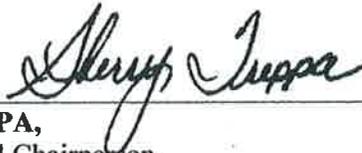
THEREFORE BE IT RESOLVED, that the Executive Council hereby approves a one-time contribution to the County of Lake, California in the amount of twenty-five thousand dollars (\$25,000) to be paid to the County in April, 2017.

CERTIFICATION

We the undersigned Officers of the Habematolel Pomo of Upper Lake (the “Tribe”), being the Chairperson and Secretary of the Executive Council (EC) of the Tribe, do hereby certify that the Executive Council is composed of seven (7) Council Members, of which 7 were present, constituting a quorum, at a *monthly* meeting thereof, duly called, noticed and conducted on this day of **APRIL 7, 2017** and that this Resolution was adopted by an affirmative vote of **6** YEAS, **0** NAYS, and **1** ABSTENTION. We further certify that since its adoption

DATED SIGNED: April 19, 2017

ATTEST:



SHERRY TREPPA,
Executive Council Chairperson



IRIS PICTON,
Executive Council Secretary

