



## **MODOC NATION**

22 N. Eight Tribes Trail  
Miami, Oklahoma 74354  
918-542-1190 • FAX 918-542-5415



### **RESOLUTION 22-16**

#### **POSTPONING AND RESCHEDULING THE 2022 ANNUAL MEETING TO SATURDAY, AUGUST 6, 2022.**

- WHEREAS, the Modoc Nation is a federally recognized Indian tribe organized under the Oklahoma Indian Welfare Act of 1936 with a Constitution approved by the United States Secretary of the Department of the Interior on July 27, 1990, and
- WHEREAS, the Tribal Council is the governing body of the Modoc Nation pursuant to Article I, Section 2 of the Constitution and the Elected Council is the representative governing body of the Tribal Council pursuant to Article IV, Section 1 of the Constitution; and
- WHEREAS, pursuant to Article V of the Constitution, the Elected Council is empowered to exercise all powers of the Nation not reserved to the Tribal Council; and
- WHEREAS, Article II of the Constitution and the Modoc Tribal Enrollment Code enumerate the requirements and internal procedures for membership in the Nation, including the process for membership by enrollment, and
- WHEREAS, Article II, Section 4 of the Constitution provides that the Elected Council shall serve as the Enrollment Committee, and
- WHEREAS, under Section 3 of the Modoc Tribal Enrollment Code, the Enrollment Committee is empowered to approve or disapprove enrollment actions submitted by the Tribal Registrar, and also possesses oversight authority of all enrollment activities, and
- WHEREAS, a limited internal review of enrollment actions taken by the Tribal Registrar during the past three years has indicated potential irregularities in the investigation and processing of enrollment applications, and
- WHEREAS, the Elected Council, sitting as the Enrollment Committee, is now informed that the condition, status, completeness, and accuracy of a significant number of

enrollment records of the Nation, as well as the validity of the enrollment actions submitted by the Tribal Registrar since 2003, are in question, and

WHEREAS, the Elected Council, sitting as the Enrollment Committee, is informed that enrollment records of certain individuals and families contain significant gaps in lineal genealogy links, and

WHEREAS, the Elected Council, sitting as the Enrollment Committee, desires that every individual member file be audited for completeness and accuracy according to the enrollment eligibility requirements in effect at the time of enrollment, and

WHEREAS, the Elected Council has contracted with the independent certified public accounting firm of Wipfli LLP to audit the enrollment records of the Nation in accordance with generally accepted government auditing standards and to prepare a Final Enrollment Audit Report, and

WHEREAS, the issuance of the Final Enrollment Audit Report is not expected to occur for at least sixty days, and

WHEREAS, within a reasonable time following the receipt of the Final Enrollment Audit Report from Wipfli LLP, the Enrollment Committee will meet to either approve or disapprove the enrollment of each individual member of the Nation, and

WHEREAS, the Elected Council finds that, once completed, the audit of enrollment records could ultimately result in significant changes to the composition of the current purported membership of the Nation, and

WHEREAS, Article X, Section 1 of the Constitution requires that the annual meeting of the Tribal Council be held on the first Saturday of May and Article IX, Section 2 of the Constitution requires that the election of the Elected Council shall take place during the annual meeting, and

WHEREAS, in accordance with Article IX, Section 4 of the Constitution, any properly enrolled member is eligible to vote in the election for Elected Council who is at least eighteen (18) years of age on election day and is properly registered according to the Modoc Election ordinance, and

WHEREAS, the Elected Council finds that a genuine and credible election depends, in part, on a transparent electoral process, equal voting opportunities for all enrolled members, and accurate tabulation and acceptance of the electoral results, and

WHEREAS, the Elected Council finds that the existence of substantive questions regarding the proper enrollment of a significant number of individuals necessarily means that the accuracy and reliability of the voter list and the eligibility of certain voters are also in question, and

WHEREAS, the Elected Council is justifiably concerned that an election in which a significant number of ineligible voters participate would suppress the vote of eligible voters and adversely affect the acceptance of the electoral results, and

WHEREAS, the Nation continues to be impacted by the novel coronavirus pandemic, including the inadvisability to hold large in-person events and meetings, and

WHEREAS, given the rapidly changing nature of the coronavirus pandemic outbreak, the Elected Council has previously postponed and rescheduled the annual meeting to protect the health, safety, and general welfare of the members of the Nation, and

WHEREAS, the Elected Council finds that it is inadvisable under all of these circumstances to hold the annual meeting, as scheduled on Saturday, May 7, 2022, and

WHEREAS, the Elected Council finds that in order to protect the health and safety of the Nation and to preserve the integrity of the tribal election, it is necessary and in the best interests of the Nation to postpone the annual meeting to Saturday, August 6, 2022, subject to the issuance of the Final Enrollment Audit Report and in consideration of the existing protocols and health and safety guidance related to the coronavirus pandemic.

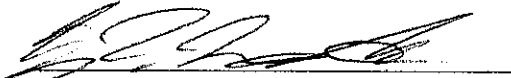
NOW THEREFORE BE IT RESOLVED that the aforementioned recitals are hereby incorporated and made a part of this Resolution as if more fully set forth herein.

BE IT FURTHER RESOLVED that the annual meeting will be postponed and rescheduled to Saturday, August 6, 2022, at such time and place to be noticed in accordance with the Constitution.

**CERTIFICATION**

We, the undersigned, do hereby certify that the foregoing resolution 22-16 was adopted by the Elected Council of the Modoc Nation, by a vote of 4 for, 0 against, with 1 absent, at a duly called meeting on April 21, 2022, at which a quorum was present.

ATTEST:



Troy L. Little Axe



Bill G. Follis, Chief