

MINUTES
Special Meeting
SUMMIT LAKE PAIUTE COUNCIL
Saturday, November 21, 2009

Conference Room, Inter-Tribal Council of Nevada, 680 Greenbrea Dr., Second Flr., Sparks, Nevada

CALL TO ORDER. At 10:33am, the November 21, 2009 Special Meeting of the Summit Lake Paiute Council was called to order by Council Chairman Warner Barlese. Council Chairman Warner Barlese advised that prior to the start of this Council Meeting, tribal member Jerry Barr was sworn in to office to fill the vacancy and was now a member of the Council, and that an emergency required this meeting be held elsewhere than stated on the posted Agenda. Chairman Warner Barlese advised this meeting was being held at the Inter-Tribal Council of Nevada (ITCN) Conference Room because last night a tree had fallen against the south side of the Tribe's Primary Administrative Office and not only had the landlord expressed concern for the safety of people in the building but the noise caused by workers cutting up the tree and sealing holes in the roof made it impossible to hold this meeting there.

ROLL CALL. Council Secretary/Treasurer Jerri Lynn Barlese called roll. Present: Warner Barlese, Jerry Barr, Ernie Barlese and Jerri Lynn Barlese. Absent: Reggie Lee Townsend. Council Chairman Warner Barlese advised that a quorum was present and the Council could conduct business. Council Secretary/Treasurer Jerri Lynn Barlese advised that Acting Chief Administrative Employee and Environmental Coordinator Ron Johnny was also present.

OLD BUSINESS.

a. Higher Education/Enrollment Committee Requests.

Council Chairman Warner Barlese read the unsigned Minutes of the Higher Education/Enrollment Committee Meeting. There was discussion on the need to amend the procedures governing the Higher Education Committee to include the Enrollment Committee since the two are now a combined Committee, and that the Acting Chief Administrative Employee should add to the amendments of the Committee procedures that Council Members as persons who can help the Committee create a quorum.

b. SORNA Compliant Model Tribal Sex Offender Registry Code.

Council Chairman Warner Barlese advised that Acting Chief Administrative Employee Ron Johnny will need more time to incorporate Council Member Townsend's suggestions.

c. 2010 EPA GAP Grant.

Environment Coordinator Ron Johnny provided Council Members with a written plan and advised Council Members of his plan for applying for the 2010 EPA GAP (General Assistance Program) Grant on or before the deadline of December 16, 2009. Mr. Johnny advised that to address past tribal member complaints, he suggested new, additional Work Plan Components and funding: (1) that the 2010 application provide the funding to hire a tribal member as an Environmental Assistant to assist the Environmental Coordinator complete the GAP Grant's Work Plan Components and each Component's Commitments, and to allow the Environmental Assistant to take workshop and college classes related to the GAP Grant's Work Plan Components and Commitments. Mr. Johnny discussed the difficulty and impact of one GAP Grant funded position working on the Summit Lake Reservation (Reservation) between the snow fall of late spring and early fall when he had access to the Reservation since neither Humboldt nor Washoe Counties cleared their roads leading to the Reservation during late fall and early

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spring and that two persons could nearly double the work load completed during the time employees had access to the Reservation (late spring to early fall); (2) provide the Environmental Coordinator, and Environmental Assistant, with office space on the Reservation by way of a trailer; and, (3) pay tuition for tribal members interested in taking college classes related to the GAP Grant's Work Plan Components and Commitments. Mr. Johnny advised that the GAP Grant's Project Officer was researching whether this item of interest among a number of Nevada Tribes' environmental managers was permitted by the GAP Grant.

(At 11:18am, William Cowan, Director of the Natural Resources Department entered the meeting.)

CONSENSUS. At 11:22am, it was the consensus of Council that the Council Chairman was authorized to sign the 2010 GAP Grant application prepared by Environmental Coordinator Ron Johnny.

NEW BUSINESS.

a. Join BLM/BIA/FWS Government-to-Government Consultation: Climate Change.
Council Chairman Warner Barlese and Environmental Coordinator Ron Johnny explained that while Mr. Johnny and Council Secretary/Treasurer Jerri Lynn Barlese were in Arizona for the October 2009 Annual Tribal EPA Conference, Tribal Leader Round Table with the EPA Region 9 Administrator, and Regional Tribal Operations Caucus, they had become aware of a September 14, 2009, Order from the Secretary of the U.S. Department of Interior, Number 3285, directing all bureaus and services of the Interior Department, including the Bureau of Indian Affairs, Bureau of Land Management and Fish and Wildlife Service, to "address the impacts of climate change on American Indians," and that it appeared because no one within the Department of the Interior had given the Tribe notice of Order 3285 and of the potential devastating effects of Ruby Pipeline pumping scarce ground water from the basin and sub-basin that Summit Lake is located and the possibility that Ruby Pipeline construction activities could harm the flow and Tribe's water rights to One Mile Spring, that the Tribe, in accordance with Presidential Order 13175 and President Obama's Memorandum, dated November 5, 2009, needed consultation with the Bureau of Indian Affairs, Bureau of Land Management and Fish and Wildlife Service. Discussion was had on failure of the Department of the Interior, Fish and Wildlife Service Manager of the Sheldon Refuge failing to respond the requests for consultation on a number of topics, including whether Pacific Legacy had been issued cultural resource collection permits on the Sheldon Refuge without consultation with the Tribe as required by the federal Archaeological Resources Protection Act (ARPA). The Council agreed that higher officials in the Fish and Wildlife Service should be contacted and asked to correct the, apparent, refusal to consult with the Tribe.

AGENDA CHANGE. It was the consensus of the Council to amend the Agenda to allow the Director of the Natural Resources Department to give his report first.

MINUTES
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REPORTS.

- a. Director, Natural Resources Department.
William Cowan, Director, Natural Resources Department, gave a written and verbal report.

Fence Options: Preferred (3.4 mile) Route and Proposed (2.8 mile) Route.

CONSENSUS. It was the consensus of the Council that the Preferred Route of the proposed fence construction, 3.4 miles in length, was approved, and that the Director of the Natural Resources Department was authorized to take all action necessary to construct the Preferred Route.

BREAK. It was the consensus of Council to take a break until 12:35pm.

CALL BACK TO ORDER. At 12:35pm, Council Chairman Warner Barlese called the meeting back to order.

ROLL CALL. Council Secretary/Treasurer Jerri Lynn Barlese called roll. Present: Warner Barlese, Jerry Barr, Ernie Barlese and Jerri Lynn Barlese. Absent: Reggie Lee Townsend. Council Chairman Warner Barlese advised that a quorum was present and the Council could conduct business. Council Secretary/Treasurer Jerri Lynn Barlese advised that Natural Resources Department Director William Cowan and Acting Chief Administrative Employee, and Environmental Coordinator (Director, Environmental Protection Department), Ron Johnny were also present.

REPORTS (continued).

- a. Director, Natural Resource Department (continued)

Proposed CWA Section 319 Nonpoint Source Pollution Projects

The Council discussed and ranked proposed CWA Section 319 Nonpoint Source Pollution Projects: Solar Power for Well # 2; Reconstruct Boundary Fence, and Cattle Guards.

EXECUTIVE SESSION.

MOTION. Motion by Council Member Jerry Barr to go into Executive Session to discuss funding the Tribe has received for 15 minutes. Council Vice-Chairman Ernie Barlese seconded the motion. Vote called. Vote: 3 For, 0 Against and 0 Abstaining. Chairman Warner Barlese, who did not vote because there was no tie vote, declared the motion had passed at 1:22pm and the Council would automatically come out of Executive Session at 1:37pm.

MINUTES
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SUMMIT LAKE PAIUTE COUNCIL
Saturday, November 21, 2009
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LUNCH BREAK At 1:37pm, the Council automatically came out of Executive Session and it was the consensus of Council to take a lunch break until 2:15pm.

CALL BACK TO ORDER. At 2:24pm, Council Chairman Warner Barlese called the meeting back to order.

ROLL CALL. Council Secretary/Treasurer Jerri Lynn Barlese called roll. Present: Warner Barlese, Jerry Barr, Ernie Barlese and Jerri Lynn Barlese. Absent: Reggie Lee Townsend. Council Chairman Warner Barlese advised that a quorum was present and the Council could conduct business. Council Secretary/Treasurer Jerri Lynn Barlese advised that Natural Resources Department Director William Cowan and Acting Chief Administrative Employee and Environmental Coordinator Ron Johnny were also present.

REPORTS (continued)

a. Director, Natural Resources Department

Bureau of Reclamation Funding

CONSENSUS. It was the consensus of the Council to authorize the statement of work and budget as presented and that the Director of the Natural Resources Department is authorized to submit them to the Bureau of Reclamation statement of work and budget as presented.

Roads Contract Resolution

MOTION. Motion by Council Secretary/Treasurer Jerri Lynn Barlese to introduce and enact Resolution titled "Requesting ARRA Road Construction and Maintenance Funds for Road Maintenance Purposes". Council Member Jerry Barr seconded the motion. Acting Chief Administrative Employee Ron Johnny was asked to read the proposed Resolution and he did. Vote called. Vote: 3 For, 0 Against and 0 Abstaining. At 2:57pm, Chairman Warner Barlese, who did not vote because there was no tie vote, declared the motion had passed and that Resolution SL-11-2009 was enacted.

(At 3:25pm, William Cowan, Director, Natural Resources Department, ended his report and left the meeting.)

(3:29pm)

AGENDA CHANGE. It was the consensus of the Council to amend the Agenda by moving the report of the Director of the Finance Department after Council Member Reports.

MINUTES
Special Meeting
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b. Council Members Reports.

i. Chairman.

Chairman Warner Barlese gave a verbal report with photos.

Chairman's Trip to Washington, D.C., to meet with President Obama

Council Chairman Warner Barlese reported on his trip to Washington, D.C., November 2-6, 2009, to attend the historic meeting of the President of the United States with the leaders of all of the federally-recognized Tribes on, and the Memorandum President Obama signed on November 5, 2009 directing the departments and agencies of the U.S. to comply with President Clinton's 2000 Executive Order 13175, meetings he attended at the National Congress of American Indians embassy in Washington, D.C., and elsewhere in Washington, D.C., on November 3-4, 2009, and projected photos he had taken during the trip on a screen for everyone to see.

Bureau of Land Management's failure to comply with law relative to Ruby Pipeline.

Council Chairman Warner Barlese advised Council Members that later during this meeting the Council will consider a Resolution, like Councils of other Ruby Pipeline affected Tribes are considering, asking the Secretary of the U.S. Department of the Interior to order a moratorium on the Bureau of Land Management's Ruby Pipeline activities given the BLM's, apparent, rush on the Ruby Pipeline Project and its violation of the federal Archaeological Resources Protection Act (ARPA) in issuing Pacific Legacy cultural resource permits without consulting with this and other Ruby Pipeline affected Tribes prior to the issuance of the collection permits.

List of Tribal Members for whom Tribe does not have an address.

Acting Chief Administrative Employee Ron Johnny gave the Council a list of the tribal members for whom the Tribe does not have an address. Council Members discussed the need for tribal members to keep the Tribe aware of changes in their addresses and the need for the Tribe to try and find out what the addresses are.

CONSENSUS. It was the consensus of the Council that the Acting Chief Administrative Employee was authorized to use notice by email to tribal members, newsletter, and web site to get addresses for tribal members the Tribes has no address.

ii. Vice-Chairman.

Council Vice-Chairman Ernie Barlese advised he did not have a report.

MINUTES
Special Meeting
SUMMIT LAKE PAIUTE COUNCIL
Saturday, November 21, 2009

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iii. Secretary/Treasurer.

Council Secretary/Treasurer Jerri Lynn Barlese gave a verbal report, discussing the October 19-23, 2009 Annual Tribal EPA Conference, Tribal Leaders Round Table, and Regional Tribal Operations Caucus she attended in Arizona on the Tohono O'Dodum Tribe's lands, and the October 25, 2009 U.S. Department of Justice Sex Offender Registry Training she attended in New Mexico on the Santa Ana Pueblo.

iv. Council Members.

Council Member Jerry Barr advised the Council he appreciated the opportunity to serve the Tribe, and asked if any Council Member would object to him sending a letter to tribal members. There were no objections.

c. Director, Finance Department.

Acting Chief Administrative Employee Ron Johnny advised the Council that Frances Winn, Tribal Accountant and Director of the Finance Department, had provided the Council with a written report showing expenditures on each contract and grant, and the remaining balances.

BREAK. At 4:26pm, it was the consensus of Council to take a break until 4:35pm.

CALL BACK TO ORDER. At 4:35pm, Council Chairman Warner Barlese called the meeting back to order.

ROLL CALL. Council Secretary/Treasurer Jerri Lynn Barlese called roll. Present: Warner Barlese, Jerry Barr, Ernie Barlese and Jerri Lynn Barlese. Absent: Reggie Lee Townsend. Council Chairman Warner Barlese advised that a quorum was present and the Council could conduct business. Council Secretary/Treasurer Jerri Lynn Barlese advised that Acting Chief Administrative Employee and Environmental Coordinator Ron Johnny were also present.

d. Acting Chief Administrative Employee.

Acting Chief Administrative Employee Ron Johnny gave a written and verbal report.

Closing Unneeded Checking Accounts with U.S. Bank

Acting Chief Administrative Employee Ron Johnny advised the Council that there was a need to amend Council Resolution SL-18-2008 which authorized opening separate checking accounts for each of the Tribe's contracts and grants as part of the Tribe's Corrective Action Plan on the Findings and Determinations made by the Bureau of Indian Affairs after the last Council had the audits for 2003-2006 completed in 2006 since it was believed that the Tribe's accounting software was either corrupted or there was comingling of funds between 2003-2006. Mr. Johnny advised that since the hiring of Frances

MINUTES
Special Meeting
SUMMIT LAKE PAIUTE COUNCIL
Saturday, November 21, 2009

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Winn, Tribal Accountant, the Tribe has someone who understands the Tribe' accounting software, which is capable of tracking deposits and withdrawals, thus there is no need for more than two of the checking accounts the Tribe has.

MOTION. Motion by Council Secretary/Treasurer Jerri Lynn Barlese to introduce and enact Resolution titled "Amending Resolution SL-13-2008 which Authorized the Creation and Establishment of Additional U.S. Bank Checking Accounts to Reduce the Number of Bank Accounts". Council Member Jerry Barr seconded the motion. Acting Chief Administrative Employee Ron Johnny was asked to read the proposed Resolution and he did. Vote called. Vote: 3 For, 0 Against and 0 Abstaining. At 5:11pm, Chairman Warner Barlese, who did not vote because there was no tie vote, declared the motion had passed and that Resolution SL-13-2009 was enacted.

Request Secretary of the Interior to Declare Moratorium on BLM's Ruby Pipeline Activities

Acting Chief Administrative Employee Ron Johnny advised the Council that at the October 8, 2009 BLM called meeting at the Winnemucca Inn in Winnemucca, Nevada, on BLM issuing a Right-Of-Way (ROW) on the Ruby Pipeline Project, that after Tribes took control of the Agenda and had Tom Burke, Nevada BLM State Office, Reno, Nevada, report on Pacific Legacy taking cultural resources as it was doing while doing the field work for cultural resource reports on access roads to the Ruby Pipeline construction route, Mr. Burke reported that BLM issued the collection reports in violation of the federal Archaeological Resources Protection Act (ARPA) because no Ruby (natural gas) Pipeline construction project affected Tribes were consulted with prior to BLM issuing the collection permits. Mr. Johnny reported that during the Tribal Caucus that was declared by Tribes, and BLM was asked to leave their meeting until Tribes were done, the Tribes present agreed that their Councils should issue Resolutions asking the Secretary of the U.S. Department of the Interior to declare a moratorium on BLM's rush, apparently, to help Ruby Pipeline LLC complete the work needed for the Federal Energy Regulatory Agency (FERC) to issue Ruby a Certificate of Necessity and Convenience given the rush of the federal government to complete "green projects" and use natural gas over burning coal to create electricity. Mr. Johnny advised that the Shoshone Paiute Tribes of the Duck Valley Reservation had volunteered to create a proposed resolution for Councils to adopt and that he had worked with Council Chairman Warner Barlese and Council Secretary/Treasurer Jerri Lynn Barlese to draft the proposed Resolution the Council had copies of.

MOTION. Motion by Council Secretary/Treasurer Jerri Lynn Barlese to introduce and enact Resolution titled "Requesting the Secretary of Interior Declare a Moratorium Until Government-to-Government Consultation with the Bureau of Land Management is Improved". Council Vice-Chairman Ernie Barlese seconded the motion. Acting Chief Administrative Employee Ron Johnny was asked to read the proposed Resolution and he did. Vote called. Vote: 3 For, 0 Against and 0 Abstaining. At 5:21pm, Chairman Warner Barlese, who did not vote because there was no tie vote, declared the motion had passed and that Resolution SL-12-2009 was enacted.

MINUTES
Special Meeting
SUMMIT LAKE PAIUTE COUNCIL
Saturday, November 21, 2009
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Comment Letter to U.S. Attorney General Eric Holder.

Acting Chief Administrative Employee Ron Johnny explained he had worked with Council Chairman Warner Barlese to draft a comment letter in response to U.A. Attorney General Eric Holder seeking comments from federally-recognized Indian Tribes, including the Summit Lake Paiute Tribe, on the U.S. Department of Justice creating a tribal consultation policy. Mr. Johnny advised the Council that he had received an email from the Tribal Liaison at the White House that listed the names of 18 persons from the various U.S. Departments and others agencies who were the leads in each department and agency, including the Peace Corps, in complying with President Obama's November 5, 2009 Memorandum and President Clinton's Executive Order 13175, and that the Tribe had also received notice from the Small Business Administration. The Council discussed the need for the Tribe to communicate a consistent message to each of the departments and agencies on the development or re-drafting of their Tribe Consultation Policy.

CONSENSUS. It was the consensus of the Council that Council Chairman Warner Barlese was authorized to sign the comment letter to U.S. Attorney General Eric Holder.

Appointment of Finance Clerk.

CONSENSUS. It was the consensus of the Council that Council Chairman Warner Barlese was authorized, in accordance with the Tribe's Personnel Manual, to appoint a person up to three (3) thirty (30) day appointments as the Finance Clerk.

FERC Nondisclosure Agreement.

Acting Chief Administrative Employee Ron Johnny gave the Council notice that the Federal Energy Regulatory Commission (FERC) had given him notice that they were approving his Freedom of Information Act (FOIA) request for the mailing address labels used by FERC to give everyone, including Ruby Pipeline's allegedly private list of land owners, if the Council Chairman signed a Nondisclosure Agreement advising the Tribe would not share the mailing addresses of land owners with anyone. Mr. Johnny advised that the Nondisclosure Agreement did not prevent the Tribe from advising other Tribes how to make an FOIA request for the same information.

CONSENSUS. It was the consensus of the Council to authorize Council Chairman Warner Barlese to sign the FERC Nondisclosure Agreement.

Council Members Need for Computers.

The Council Members discussed the need for each to have a computer so they could communicate with one another by email. Council Member Jerry Barr advised that as a University of Nevada, Reno, he had access to purchase fairly new laptop and desktop computers for \$150 to \$500. Council Members discussed that this plan was in accordance with the Tribe's Procurement Policy.

MINUTES
Special Meeting
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CONSENSUS. It was the consensus of the Council to authorize Council Member Jerry Barr to purchase one to four laptop or desktop computers compatible with Microsoft XP operating system and Microsoft Word Suite (Excel, Word, etc.) for \$150 to \$500 and be reimbursed for each purchase.

Tribal ID Cards.

Acting Chief Administrative Employee Ron Johnny advised the Council that trying to design tribal membership ID cards with Microsoft Word was not working and that the Tribe needed a laminating machine. Mr. Johnny suggested he obtain quotes, in accordance with the Tribe's Procurement Policy, to upgrade the Tribe's software from the same vendor and upgrade to a signature device and printer that can print PVC (hard) professional cards. Council directed Mr. Johnny to obtain cost estimates to upgrade the Tribe's system.

Council Member Jerry Barr Added as Authorized Check Signer.

CONSENSUS. It was the consensus of the Council to have Council Member Jerry Barr added to the list of Council Members authorized to sign Tribe checks.

READING AND APPROVAL OF MINUTES OF LAST MEETINGS.

(At 5:53pm, Council Chairman Warner Barlese left the meeting.)

(At 5:55pm, Council Chairman Warner Barlese entered the meeting.)

MOTION. Motion by Council Secretary/Treasurer Jerri Lynn Barlese to approve the October 17, 2009 Minutes of the Council's Regular Meeting and waive the reading of the Minutes. Motion seconded by Council Member Jerry Barr. Vote called. Vote: 3 For, 0 Against and 0 Abstaining. At 5:21pm, Chairman Warner Barlese, who did not vote because there was no tie vote, declared the motion had passed and the Minutes were approved.

AGENDA ITEMS FOR NEXT COUNCIL MEETING.

Council Members discussed having the following topics on the next Council Meeting Agenda: Meeting with Professor William Smith, University of Nevada, Las Vegas on Climate Change; Consultation with BLM Black Rock Field Office Manager Dave Hayes on the proposed Gerlach BLM Administrative Center; Mailing tribal members the Council's approved SORNA Compliant Model Tribal Sex Offender Registry Code; Requests of the combined Higher Education/Enrollment Committee, if any; and, Tribal ID Cards. Council Members also agreed that the normal Special Council Meeting on Saturday, December 19, 2009 should start at 8:00am and the Sunday, December 20, 2009 Special Council Meeting to complete BIA Recontracting should start at 10:00am.

MINUTES
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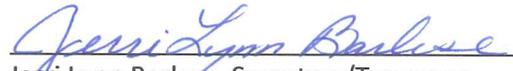
ADJOURN.

MOTION. Motion by Council Secretary/Treasurer Jerri Lynn Barlese to adjourn the meeting. Motion seconded by Council Vice-Chairman Ernie Barlese. Vote called. Vote: 3 For, 0 Against and 0 Abstaining. At 6:00pm, Chairman Warner Barlese, who did not vote because there was no tie vote, declared the motion had passed and the meeting was adjourned.

CERTIFICATION

I, JERRI LYNN BARLESE, Secretary/Treasurer of the Summit Lake Paiute Council, hereby state and affirm that the above Minutes of the November 21, 2009 Special Meeting of the Summit Lake Paiute Council (Council) were approved by the Council during a duly called meeting of the Council, with a quorum present, on January 31, 2010, by a vote of 3 For, 0 Against and 0 Abstaining, and that Council Chairman Warner Barlese did not vote because there was no tie vote.

January 31, 2010
Date


Jerri Lynn Barlese, Secretary/Treasurer
Summit Lake Paiute Council