

Minutes
Special Meeting
Summit Lake Paiute Council
Saturday, September 19, 2009
Primary Administrative Office, 1708 H Street, Sparks, Nevada

CALL TO ORDER: At 8:10am, Council Chairman Warner Barlese called the meeting to order.

ROLL CALL: Council Secretary/Treasurer Jerri Lynn Barlese called Roll. Present: Ernie Barlese, Warner Barlese, Robyn Burdette, Lee Townsend and Jerri Lynn Barlese. Absent: None. Chairman Warner Barlese declared: a quorum was present; the Council could conduct business; and, asked others present to identify themselves for the record.

TRIBAL MEMBERS PRESENT: Christine Harjo.

GUESTS PRESENT: Virginia Degarmo.

EMPLOYEES PRESENT: Ron Johnny, Acting Administrator and Environmental Coordinator.

Council Member Robyn Burdette advised she had a comment on an Agenda item. Council Member Robyn Burdette wants the Council to approve having the Tribal Accountant to give her financial reports first. Council Member Robyn Burdette advised she asked before that such be done. Council Members discussed no one making a motion or the Council reaching consensus on Council Member Burdette's previous comments. Council Member Robyn Burdette said she also wanted a personnel matter and land use items on today's Agenda. Council Members advised that at the end of the August 29, 2009, the Council listed what items they wanted on the Agenda for today and the two items Council Member Robyn Burdette mentions were not on that list.

Chairman Warner Barlese advised Council Member Robyn Burdette that while the Articles of Association, Article VII, Section 4, dictate what the order of business on an Agenda shall be, that the Council had listened to tribal members at the last Council Meeting, who did not want to have to wait until the Council completed the mandated order of business to comment, and so, in accordance with the authority in the Articles, Article II, Section 1(j), to determine its own rules of procedure, the majority, if not the consensus, of the Council agreed that Public Comment would be placed right after Roll Call., and that Christine Harjo, at the Council's last meeting had asked to be put on the Agenda during Public Comment, and that he, as Chairman, had the Acting Administrator call Ms. Harjo earlier this week to confirm that she still wanted to be on today's meeting Agenda, and she did.

PUBLIC COMMENT

(8:13am) Tribal member Christine Harjo advised the Council that on June 17, 2008, she wrote a letter to the Council and Membership of the Tribe, that while most of it was gone over during the Council's last meeting, that she is still waiting for the Council to respond to the letter, in writing, and wants to go over the letter today.

Council Members discussed the February 2008 Tribal Newsletter response to Ms. Harjo's 2008 letter; Ms. Harjo advised that she believed the Council response to the 2008 letter was inadequate.

Ms. Harjo explained that her first item of discussion is that an individual is sitting on the Council who has caused extreme financial liabilities to the Tribe and yet she got elected, and Ms. Harjo wanted to know why.

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Chairman Warner Barlese advised Ms. Harjo that the Articles of Association, the Tribe's Constitution, and the Council Election Code, governs who can run for office. Chairman Warner Barlese advised that Article IV, Section 2, of the Articles says that the Council shall prescribe election regulations with respect to the dates thereof, polling places, election committees and their duties, absentee balloting and any other necessary requirements thereof. Chairman Warner Barlese advised that the original ordinance governing all elections of the Tribe, the 1984 Ordinance VI, and the Council Election Code with 1990 and 1996 amendments, only has one qualification for candidate eligibility to seek office and that is they "must be a member of the Summit Lake Paiute Tribe and 21 years of age or over." Christine Harjo believes the Articles should allow the Council to remove such a Council Member. Chairman Warner Barlese said it would be easier to amend the Council Election Code than amend the Articles. Council Member Lee Townsend discussed the last time there was an attempt to amend the Articles by a Secretarial (Secretary of the U.S. Department of Interior) election and that after all the work of the Constitution Committee the majority of the Tribe's members did not vote, and of those who did vote, the majority voted not to change the Articles. Council Member Robyn Burdette thought a tribal court was needed to allow people to be tried on the allegations contained in the Findings and Determinations, and afforded their rights.

Christine Harjo said that she believes that what it comes down to is that a person who has caused the financial crisis that has been caused should not be allowed to sit on the Council.

Regarding Enrollment, Ms. Harjo said she does not know who is on the Enrollment Committee, and that she thinks that tribal members should be able to contest a person's application for membership. Council Secretary/Treasurer Jerri Lynn Barlese said that she believes that Resolutions were used improperly to make persons members of the Tribe. Council Member Robyn Burdette explained how enrollment should be done that what she has heard makes her worried that it is not being done properly. Council Member Robyn Burdette wants an attorney to give a legal opinion on whether a person's application for membership in the Tribe is confidential; she does not want an applicant beat down by the public citing an example from the last meeting where a tribal member asked how did people with a certain last name become tribal members. Christine Harjo re-advised that the only thing she wants to know is who is seeking enrollment or being dis-enrolled, she doesn't want to know the details, like family history. Council Member Robyn Burdette thinks a court is needed to help protect people's rights. Council Member Lee Townsend thinks a list of tribal members should be released since other tribes are doing it. Chairman Warner Barlese said he sees Council Member Lee Townsend's point. Council Member Robyn Burdette re-advised she wants a legal opinion to be given the Council and she wanted an opinion of the entire membership not just one tribal member. Council Vice-Chairman Ernie Barlese said he agrees with Council Member Lee Townsend's idea on releasing a list.

Tribal member Christine Harjo discussed how the Reno-Sparks Indian Colony's process of posting applications for membership was approved by an attorney.

Tribal member Christine Harjo said she would like the Council to consider changing the rules on enrollment to allow for the posting of a list of enrolled members and those seeking enrollment. Council Member Robyn Burdette advised that there is a 90 days period requirement to change the Enrollment

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Ordinance and said she wants a legal opinion. Council Member Robyn Burdette said she wants to see a return to tradition instead of following a non-Indian process; she recounted how when someone was taken in by a tribe that they became a member of the tribe, and that she would like that to be done for this Tribe.

Chairman Warner Barlese said he hoped someone would bring proposed changes to the Council for consideration.

With regard to Stipends and Meetings, tribal member Christine Harjo believes only Regular Council Meetings are authorized and that the Articles say there are only two Regular Council Meetings per year. Chairman Warner Barlese advised that Stipends were on today Agenda and he would like discussion of that to wait for the Agenda item. Relative to meetings, Chairman Warner Barlese explained that the Articles were written and approved by tribal members in 1964, and that the needs of the Tribe have grown since then, and that the need for Special Meetings could not have been foreseen in 1964. Chairman Warner Barlese discussed the financial situation the Tribe finds itself in; the need to meet with federal officials about the Findings and Determinations; and, thus the need for many Special Meetings. Council Member Robyn Burdette agreed that times have changed, that government functions are very different now, although she doesn't agree with allowing someone else, like the Acting Administrator, to conduct business. Chairman Warner Barlese responded saying that a day doesn't go by when he receives several telephone calls and emails from the Acting Administrator asking him what to do, and that it is he who, with previous Council authority, makes all the decisions. Council Member Robyn Burdette said she would like to see more policies set.

(At 8:49am, Council Member Lee Townsend left and entered the meeting.)

Council Member Robyn Burdette thinks the Tribe is dealing with a lot of issues beyond the Tribe's capacity. Council Members discussed all of the federal and private actions affecting the Tribe that the Tribe must act on even if it appears beyond the capacity of the Tribe.

Council Member Lee Townsend asked someone to explain why the Council changed from receiving mileage, per diem and lodging to stipends. Council Chairman Warner Barlese asked that everyone stay on the Agenda and that Stipends would be discussed after the Public Comment.

Council Member Lee Townsend said he wanted to be paid mileage, per diem and lodging, about \$325.00 for him, and a stipend of \$75 for attending each meeting. Chairman Warner Barlese advised Council Member Lee Townsend that if the Council followed his idea that each Council Member would only receive about \$65 to \$50 less than they are currently receiving. Council Vice-Chairman Ernie Barlese asked if anyone knew if Council Members were also getting a salary of \$50,000 a year when they were getting mileage, per diem and lodging. Council Member Robyn Burdette said that is not entirely true.

Council Member Robyn Burdette said mileage claims were abused by Council Members according to a letter by a former Council Chairman in 2004 or 2005. Chairman Warner Barlese said his memory was that former Council Chairman Steve Frank did away with travel.

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(8:58am) Tribal member Christine Harjo said she wants to see technology used to have Council Meetings. Ms. Harjo said the lack of comparable is an issue, that a person living three blocks away gets the same as a person traveling a long distance.

Guest Virginia Degarmo asked the Council to consider the actual costs to come to a Council Meeting: wear and tear on their vehicles; mileage from Fort Bidwell is over \$200; and a motel in this area is over \$100 per night because of the Reno Air Races is going on.

Council Member Robyn Burdette said she wants to use technology but has concerns to make sure no one is left out of attending a Council Meeting; that she would like to be sitting at home rather than coming to this meeting.

Tribal member Christine Harjo told the Council that the five or six tribal members at the last Council Meeting told the Council that the Council Stipend was too high.

Tribal member Christine Harjo advised that the info processed in the office is not getting out to members even though it is put on the web and in the Environmental ENewsletters.

Council Chairman Warner Barlese advised that the Tribe was following its policies, and that only one member had asked for job announcements to be mailed to them. Tribal member Christine Harjo said she wants more mailing. Council Members discussed their duty to keep costs, including postage, down.

Council Member Lee Townsend said that he was told that the Acting Administrator was rude to his wife. The Acting Administrator denied that.

Council Member Robyn Burdette said someone needs to write a policy on use of the web site and use of emails.

(9:17am) Council Member Robyn Burdette said a couple tribal members had complained to her about email abuse. When Chairman Warner Barlese asked for the names of the tribal members so he could contact them, Council Member Robyn Burdette said he would be hearing from them and she was not going to give their names.

Tribal member Christine Harjo said members are not getting info on what is happening in the Tribe relative to housing, education, health and the drilling of water wells. Ms. Harjo asked if there are reasons for not mailing things to tribal members other than the cost of mailings, that people are dying out there and they need health information.

Council Member Lee Townsend said he remembered when the Tribe had a really good education program. Council Member Robyn Burdette said that tribal members say that tribal members get no benefits from Natural Resources Department or education. Chairman Warner Barlese asked Council Members not to stray from the Agenda. Council Member Robyn Burdette said other tribes have large education funds, and that a good component of an older Consolidated Tribal Government Program

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contract of this Tribe was helping young tribal members in Kindergarten through the 12th Grade with money for school books and clothing, that some tribes give \$500 or \$1,000 help.

BREAK It was the consensus of the Council to take a five minute break.

CALL BACK TO ORDER: At 9:36am, Council Chairman Warner Barlese called the meeting back to order.

ROLL CALL: Council Secretary/Treasurer Jerri Lynn Barlese called Roll. Present: Ernie Barlese, Warner Barlese, Robyn Burdette, and Jerri Lynn Barlese. Absent: Lee Townsend. Chairman Warner Barlese declared: a quorum was present; the Council could conduct business; and, asked others present to identify themselves for the record.

TRIBAL MEMBERS PRESENT: None.

GUESTS PRESENT: None.

EMPLOYES PRESENT: Ron Johnny, Acting Administrator and Environmental Coordinator.

(At 9:37am, Council Chairman Warner Barlese asked tribal member Christine Harjo to enter the meeting and she entered.)

(At 9:37am, Virginia Degarmo entered the meeting.)

(At 9:38am, Council Member Lee Townsend entered the meeting.)

(At 9:38am, Scott Burdette entered the meeting.)

Tribal member Christine Harjo said that she only got notice of today's Council Meeting Agenda on Tuesday. Chairman Warner Barlese explained to Ms. Harjo that she was told during the last Council Meeting on August 29, 2009 that she would be placed on the Agenda of today's meeting as she requested, and that every Council Meeting, except a few, has been on the third Saturday of each month. Council Member Robyn Burdette said guests should have been sent a letter.

Tribal member Christine Harjo said she was confused by the annual \$100 fee the Council was imposing on vehicles using Reservation roads. Chairman Warner Barlese explained which roads were open to the public and closed to the public, and the Indian Reservation Roads (IRR) system and the roads inventory project, what roads the BIA Roads Contract can be maintained with and which ones cannot. Council Member Robyn Burdette believed that Council Chairman Warner Barlese was confused and explained her perceptions. Relative to the fee imposed, Council Member Robyn Burdette thinks a public comment period should have happened. Council Member Robyn Burdette seemed to remember that the road that leads from the gate all the way or part of the way to the Lahontan Cutthroat Trout (LCT) Study Area is on an allotment and thinks the Tribe has no authority to close the road on the allotment. Council Member Robyn Burdette said that someone last closed the gate on that road someone wrote racial slurs on a fence. Tribal member Christine Harjo said that the Tribe should not accept public funds from BIA road contracts but should close all roads to the public. Ms. Harjo said that if the Tribe closed the Tribe's roads to BLM, Fish and Wildlife Service or other people that tribal members have expressed concern that if the Tribe imposes restrictions that they (tribal members) get restrictions. Council Chairman Warner Barlese discussed the good relationships the Tribe has with BLM

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and Fish and Wildlife Service through Executive Order 13175 Government-to-Government Consultations.

Acting Administrator Ron Johnny mentioned the Solicitor's Opinion that was issued several months ago about the fee imposed by the Council that said that the fee could be issued against everyone except federal government vehicles. Mr. Johnny advised that the Solicitor Opinion specifically mentioned the Council could levy the fee against the state and counties.

Tribal member Christine Harjo and Council Member Robyn Burdette asked that a written policy on the fee be issued.

Tribal member Christine Harjo said that if it is true that a portion of the road leading to the LCT Study Area is on an allotment that allotment owners should be paid a portion of the fee. Council Member Robyn Burdette said that her sister's land assignment encroached on the allotment. Council Member Robyn Burdette said she thinks the Tribe has no authority to regulate that road. Council Member Robyn Burdette said the green gate on the road belongs to her mother, that the old cemetery is on an allotment, and that Allotment 1 is Summit Lake Sam's allotment. Christine Harjo said that based on what she has just heard she thinks there is some major infringement on allotment land. Council Member Robyn Burdette said the error was made when the fence was built to protect Mahogany Creek encroachments, and that in the early 1980s the Tribe used its own money, not grant or contract funds, to build that fence, and that the fence needs to be re-aligned.

(10:17am) Tribal member Christine Harjo next wanted to discuss benefits of membership, and wanted to know what the Council's plan was. Chairman Warner Barlese explained the problem of a low population on the Reservation, how diabetes funding from Indian Health Service was unavailable because the Tribe lacked a clean and sanitary facility on the Reservation for diabetes services to be provided there.

Ms. Harjo said the Council needs a clear plan, that tribal members are out there trying to exist, that they need infrastructure. Ms. Harjo said she would rather live on the Reservation and in town.

Ms. Harjo wanted to know whether the Fisheries Contract funding has increased the number of fish; she wanted to know what grants and contracts have done to improve the Reservation and members.

(10:24am) Ms. Harjo said the Soldier Meadows Ranch Land Acquisition Plan had to do with economic development, that the Council needs to sit down and discuss priorities.

(10:25am) Council Member Robyn Burdette thanked Ms. Harjo for bringing this up.

(At 10:25am, Cory and Scott Burdette left the meeting.)

(At 10:26am, Jerry Barr entered the meeting.)

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Tribal member Christine Harjo and Council Member Robyn Burdette want the Council to meet on upcoming grants and contracts.

(At 10:29am, Scott Burdette entered the meeting.)

Tribal member Christine Harjo said she wants the Council to be creative not just do what the Tribe did in the past. Ms. Harjo wants to see a 2-3 Year Plan, and acknowledged that while the Land Use Plan may not be perfect but it is a start, and a lot of studies were done there.

Tribal member Christine Harjo thinks that the Council has lost touch with the people, that housing and other services need to be on the Reservation, that she thinks the people have been forgotten.

Ms. Harjo asked that her letter be added to the Minutes.

Ms. Harjo asked if the Council purchased a recording system to record Council Meetings. Chairman Warner Barlese advised that the Council would be asked if they wanted to spend over \$1,000 on the recording system Acting Administrator Ron Johnny had found.

(10:36am) Tribal member Christine Harjo said she was done. Chairman Warner Barlese said the Council, as a whole, would respond to her letter as soon as it could. Council Member Robyn Burdette asked for clarification whether the letter was going to be written by the Chairman or the entire Council. Chairman Warner Barlese said the entire Council would work on the letter.

After Council Member Robyn Burdette mentioned an Executive Session, tribal member Christine Harjo asked what was the Executive Session for. Council Member Robyn Burdette said she asked for an Executive Session for personnel reasons. Council Chairman Warner Barlese said there were other reasons too.

BREAK At 10:37am, it was the consensus of the Council to take a 10 minute break.

CALL BACK TO ORDER: At 10:47am, Council Chairman Warner Barlese called the meeting back to order.

ROLL CALL: Council Secretary/Treasurer Jerri Lynn Barlese called Roll. Present: Ernie Barlese, Warner Barlese, Robyn Burdette, Lee Townsend and Jerri Lynn Barlese. Absent: None. Chairman Warner Barlese declared: a quorum was present; the Council could conduct business; and, asked others present to identify themselves for the record.

TRIBAL MEMBERS PRESENT: Christine Harjo.

GUESTS PRESENT: Scott Burdette and Virginia Degarmo.

EMPLOYEES PRESENT: Ron Johnny, Acting Administrator and Environmental Coordinator.

Council Member Robyn Burdette asked for consensus of Council to go into Executive Session.

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Council discussed their reasons for Executive Session. Council Member Robyn Burdette said she needed 20-30 minutes for personnel, agenda order for finance reports, and land use plan.

Chairman Warner Barlese asked Council Member Robyn Burdette to read the Council's rules on Executive Session. Council Member Robyn Burdette then read from the Administrative Procedure Manual that a motion was required to go into Executive Session, that the motion shall state the general subject matter to be discussed and the amount of time, in minutes or hours, the session shall last, that no official action shall be taken in an executive session, no minutes or notes may be taken while in executive session, and that because litigation could follow disclosure of discussions in executive sessions no members of the Council shall, under any circumstance, disclose the discussions during an executive session except in private to a person present during the session or to the Tribe's attorney.

Council Member Robyn Burdette asked Chairman Warner Barlese what other Council Members needed an Executive Session for. Chairman Warner Barlese advised that Council Members were giving Council Member Robyn Burdette notice that an Executive Session was also needed to address her behavior, violating the chain of command that only the Chairman is to communicate with the Acting Administrator who then deals with department directors, prohibition of Council Members monitoring employee work activity, gross neglect of duty, and ethical violations of seeking favors.

MOTION Motion by Council Vice-Chairman Ernie Barlese to go into Executive Session for 45 minutes. Motion seconded by Council Secretary/Treasurer Jerri Lynn Barlese. Vote called. VOTE: 4 For; 0 Against; and 0 Abstained. Chairman Warner Barlese, who did not vote because there was no tie vote, declared the motion had passed, that it was 10:55am, and the Council would be in Executive Session until 11:40am.

(At 10:55am, all employees, guests and tribal members left the meeting.)

(At 11:40am, the Council automatically came out of Executive Session.)

Council Chairman Warner Barlese told Council Member Robyn Burdette that she is being charged with acts of gross misconduct and neglect of duty and that a vote would be taken to remove her from office after she has a full and fair opportunity to be heard on all charges.

Council Chairman Warner Barlese said the list of specific acts of gross misconduct and gross neglect against Council Member Robyn Burdette were: (1) mismanagement of federal funds when she was in office from 2002 through 2005 causing the existing problems to the Tribe to manage federal contracts and grants examples: being the renovation of the hatchery building into office facilities; attempting to purchase Soldier Meadows Ranch; not completing the audits for 2002, 2003, 2004 and 2005; and, failure to complete HUD grant objectives for 2001, 2002, 2003, 2004 and 2005; (2) sending of emails which are acts of treason and anarchy to cause rebellion of tribal members against the Council; (3) using her position, in violation of the Ethical Standards for Council Members, to secure unwarranted privileges, preferences, exemptions or advantages for herself and members of her household, to waive electric utility regulation penalties and other advantages including requesting snow removal, contacting

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EPA and alleging wrongdoing of Council to administer grants; (4) falsely accusing the Acting Administrator Ron Johnny of wrongdoing while he was conducting Council approved business against the Ruby Pipeline project, alleging the Council cut deals with Ruby Pipeline and accepted stipends that comprised the financial affairs of the Tribe; and, (5) monitoring employee activities without following the Chain of Command provisions in the Administrative Procedure Manual.

Council Chairman Warner Barlese advised Council Member Robyn Burdette that if her responses to the alleged acts of misconduct and neglect of duty are unsatisfactory, a member of the Council must make a motion immediately to remove her from office.

Council Vice-Chairman Ernie Barlese said that while Robyn Burdette and other Council Members that served while Robyn was in office from 2002 through 2005, that they should all be charged with gross misconduct and neglect of duty, and that the penalty should be disbarment or ineligibility of serving on the tribal government or seeking any government position or employment with the Tribe for as long as they remain members of the Tribe, also the individuals should not be allowed to participate in any meetings or business of the Tribe, meaning they cannot attend Council Meetings or participate in elections, and that the intent of this penalty is to prevent their influence on existing and future business of the Tribe.

Council Vice-Chairman Ernie Barlese said the offenses to charge the Council in office from 2002 through 2005 includes mismanagement of federal funds, that the evidence is in the Findings and Determinations declared by the federal government for 2003 even though the statute of limitations prevents its collection, and the Findings and Determinations for 2004-2005 and early 2006, that the Findings and Determinations made by the federal government has jeopardized the Tribe's ability to conduct business with the federal government and caused federal oversight that compromises effective management of existing and future federal contracts. Vice-Chairman Ernie Barlese continued that beginning in 2006 to the present, the majority of the Summit Lake Paiute Council and Tribal business has been constrained with most business of the Tribe directed towards appeasing the BIA and negotiating ways to reduce the Findings and Determinations amounting to almost \$1 million dollars, that the Tribe is now in Sanction status with the BIA and unable to secure loans or efficiently manage BIA funded programs due to Sanction status, that the Council from 2002 through 2005 should be held accountable for this neglect of duty to protect tribal assets, integrity and the reputation of the Tribe into the future, that Council Members from 2002 through 2005 are ultimately responsible for the Findings and Determinations and the financial crisis the Tribe now faces, that they should never be allowed an opportunity to repeat their acts by serving as a tribal representative, employee or Council member in the future.

Council Vice-Chairman Ernie Barlese said that Robyn Burdette was elected to the Council on May 16, 2009 even though she should have been ineligible to serve on the Council for her past acts of gross misconduct and neglect of duty as she admitted during the last two Council Meetings. Robyn Burdette and the other Council Members from 2002 through 2005 were the primary suspects in the U.S. Department of the Interior, Office of Inspector General, criminal investigations as she admitted during the last two Council Meetings, that they failed to complete audits, and attempted to purchase the Soldier Meadows Ranch from John Estill with federal funds that were not contracted or allocated for

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that purpose. That Robyn Burdette's recent acts of gross misconduct and violations of the ethical standards imposed on Council Members include (1) failure to pay her past due electricity bills which resulted in the Council turning off her electricity in 2008; (2) using her position on the Council to sway the Council to remove the late payment penalties owed for failure to pay her electricity bill; (3) not paying her June 2009 electricity bill and seeking to punish the Acting Administrator for attempting to collect that bill; and (4) recent acts of treason and anarchy to incite rebellion of tribal members against the Council as evidenced by Robyn Burdette's email to Audrey Frank, dated August 31, 2009.

(At 11:45am, Council Secretary/Treasurer Jerri Lynn Barlese advised all Council Member that they had been out of Executive Session since 11:40am.)

Council Member Robyn Burdette said that she was guilty of spending federal dollars on unallowable costs that had nothing to do with contract conditions but that she looked forward to having her day in Court, and that she would have her day in Court. Council Member Robyn Burdette claimed that her rights were being violated.

(11:47am)

MOTION

Motion by Council Secretary/Treasurer Jerri Lynn Barlese, having given Council Member Robyn Burdette a fair opportunity to respond to the charges of gross misconduct and neglect of duty while serving as a Council Member from 2002 through 2005, and from the period when she was recently elected to the Council on May 16, 2009, to remove Council Member Robyn Burdette from the Summit Lake Paiute Council for acts of gross misconduct and neglect of duty. Furthermore, since these acts, which include those subject to criminal investigation, have jeopardized tribal assets and the ability of the Council to perform government business now and for some time undetermined amount of time into the future, and her conduct since she left office in 2005 has demonstrated she will continue to try to incite tribal members to conduct acts of rebellion against the current Tribal government, I request that provisions of the Administrative Procedure Manual for the Summit Lake Paiute Council be waived and that Robyn Burdette be disbarred from ever seeking office or serving the Tribe in any capacity so long as she shall remain a tribal member of the Summit lake Paiute Tribe, including appeals from adverse Council decisions and requests for rehearings. Furthermore, the Council shall reverse the power to assess a fee on Robyn Burdette for payment of tribal expenses, or to finance any future proceedings on this matter which it deems beneficial to the interest of the Summit Lake Paiute Tribe. The authority for this motion is pursuant to the Articles of Association of the Summit Lake Paiute Tribe of Nevada, Article II, Section 1(i), 1(j), and 1(k), Article VI, Section 2, and the Administrative Procedure Manual for the Summit Lake Paiute Council. Motion seconded by Council Vice-Chairman Ernie Barlese. Vote called. VOTE: 2 For; 1 Against; and 1 Abstained. Chairman Warner Barlese, who did not vote because there was no tie vote, declared the motion had passed and that Robyn Burdette was removed from the Council.

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LUNCH BREAK At 12 Noon it was the consensus of the Council to take a Lunch Break until 1:00pm.

CALL BACK TO ORDER: At 1:09pm, Council Chairman Warner Barlese called the meeting back to order.

ROLL CALL: Council Secretary/Treasurer Jerri Lynn Barlese called Roll. Present: Ernie Barlese, Warner Barlese, Lee Townsend and Jerri Lynn Barlese. Absent: None. Chairman Warner Barlese declared: a quorum was present; the Council could conduct business; and, asked others present to identify themselves for the record.

TRIBAL MEMBERS PRESENT: Jerry Barr.

GUESTS PRESENT: Virginia Degarmo.

EMPLOYES PRESENT: Ron Johnny, Acting Administrator and Environmental Coordinator.

UNFINISHED BUSINESS

a. Council Stipend Amount.

Council Member Lee Townsend thinks the current Stipend paid to Council Members should be lowered to \$75.00 per meeting but that Council Members should also be paid mileage, per diem and lodging with the mileage rate being thirty-five cents a mile.

(At 1:16pm, Acting Administrator Ron Johnny left and entered the meeting.)

Council Chairman Warner Barlese said that he believed that a Council Stipend of \$200.00 per meeting was okay.

Council Members then discussed the federal per diem, mileage and lodging rates based on the handouts Mr. Johnny distributed, and discussed whether the Tribe's Travel Policy had to be changed for employees and Council Members or just Council Members.

MOTION Motion by Council Member Lee Townsend to reduce the Council Stipend to \$250.00. Motion seconded by Council Secretary/Jerri Lynn Barlese.

(At 1:39pm, Council Vice-Chairman Ernie Barlese left the meeting.)

Tribal member Jerry Barr discussed his desire to see the Council Stipend reduced from \$450.

(At 1:42pm, Council Vice-Chairman Ernie Barlese entered the meeting.)

Vote called. VOTE: 3 For; 0 Against; and 0 Abstained. Chairman Warner Barlese, who did not vote because there was no tie vote, declared the motion

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had passed and that the Council Stipend for the next Council Meeting and thereafter would be \$250. (1:42pm)

(At 1:43pm, Acting Administrator Ron Johnny left and entered the meeting.)

- b. Text for FY 2008-2009 GAP Grant Funded Signs for Reservation.

CONSENSUS It was the consensus of the Council that no Council Member had any suggested changes to the four signs and that the Environmental Coordinator was authorized to make the purchase with the signs.

- c. BIA Notice of Availability of Attorneys Fees and Litigation Support in FY 2010

CONSENSUS It was the consensus of the Council that the Tribe would apply for attorneys fees and litigation support for: (1) the Nez Pierce case; (2) the attorneys fees that were needed for the Treatment As State (TAS) application; (3) to protect the Tribe's water rights from the water well and other water applications of Ruby Pipeline with the State of Nevada; and, if necessary,(4) to contest the decision of the FERC Commission in the Ruby Pipeline Project, Docket CP09-54.

NEW BUSINESS
(1:55pm)

- a. Higher Education-Enrollment Committee.

Higher Education-Enrollment Committee chairperson Randi DeSoto and Committee member Cory Burdette said that the decisions the Committee would like to make are: to fund a tribal member who had only enrolled in college to take 3 credits; fund a descendent who is not a tribal member; reimburse a tribal member for 2007 through 2009 loans; and, not make the scholarship award recommends to the Council as required by the Guidelines, were contrary to the Guidelines and that they would bring before the Council during the Council's Regular Meeting on October 17, 2009 proposed changes to the Higher Education Guidelines so that the Committee could make their recommendations and the Council approve such recommendations.

(2:11pm) Tribal member Jerry Barr and guest Virginia Degarmo discussed with the Council the need for sufficient funding for persons to attend college.

(2:22pm)

- b. Diesel Fuel on Summit Lake Reservation

Chairman Warner Barlese advised the Council there was no need to discuss this matter.

Minutes
Special Meeting
Summit Lake Paiute Council
Saturday, September 19, 2009
Primary Administrative Office, 1708 H Street, Sparks, Nevada

REPORTS

- a. Chairman. Chairman Warner Barlese reported that the Acting Administrator's written and oral report, and the Natural Resources Director's written report, would discuss in greater detail what he would discuss in his report.
- b. Vice-Chairman. Council Vice-Chairman Ernie Barlese discussed the Fort Bidwell Celebration that was taking place today and his desire to attend the U.S. Department of Justice Sex Offender software training in the Albuquerque, New Mexico, area on or about October 27, 2009, at mostly U.S. Department of Justice expense.
- c. Secretary/Treasurer. Council Secretary/Treasurer Jerri Lynn Barlese advised that she had visited the Burning Man event on August 4-6; explained her interaction with the Higher Education-Enrollment Committee; said she would attend the U.S. Department of Justice Sex Offender software training in the Albuquerque, New Mexico, area on or about October 27, 2009, at mostly U.S. Department of Justice expense if Council Vice-Chairman Ernie Barlese could not attend; and, that she would like to attend the October 18-23, 2009, 17th Annual Tribal EPA Conference and RTOC in Tucson, Arizona, with all costs paid by the 2009-2010 GAP Grant since EPA wants Council Members to attend the conference.
- d. Council Member. Council advised that this report was no longer needed.
- e. Council Member. Council Member Lee Townsend had no report.

(2:35pm)

- f. Acting Administrator. Acting Administrator Ron Johnny went over his written report and obtained permission of the Council to attend the Western Shoshone National Council Meeting south of Highway 50, and west of Eureka, Nevada, this evening and tomorrow to discuss the Ruby Pipeline Project.

(2:47pm)

- g. Environmental Coordinator. Environmental Coordinator Ron Johnny went over his written report and obtained permission of the Council to have him and Wildlife Biologist Rachael Brown attend the 17th Annual Tribal EPA Conference and RTOC (Regional Tribal Operations Caucus) in Tucson, Arizona, October 18-23, 2009.

BREAK At 2:48pm, it was the consensus of the Council to take a five minute break.

CALL BACK TO ORDER: At 2:52pm, Council Chairman Warner Barlese called the meeting back to order.

ROLL CALL: Council Secretary/Treasurer Jerri Lynn Barlese called Roll. Present: Ernie Barlese, Warner Barlese, Lee Townsend and Jerri Lynn Barlese. Absent: None. Chairman Warner Barlese declared: a quorum was present; the Council could conduct business; and, asked others present to identify themselves for the record.

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TRIBAL MEMBERS PRESENT: None.

GUESTS PRESENT: Virginia Degarmo.

EMPLOYEES PRESENT: Ron Johnny, Acting Administrator and Environmental Coordinator.

REPORTS (continued)

(At 2:55pm, Tribal Accountant Frances Winn entered the meeting.)

- h. Tribal Accountant. Tribal Accountant Frances Winn went over her financial report advising the Council that she was responsible for a Late Filing on the 2008 Audit because of a question over the Capital Assets reported by the Tribe during the 2007 Audit by a mere dollar entry with no listing of the items constituting the Capital Assets. Ms. Winn explained the reason the Council saw a cleaner conference room was because she was enforcing the Tribe's records retention policy, noting that she found many copies of magazines that no longer needed to be retained, and that she was only keeping one copy of each document found. Ms. Winn explained the October 1, 2009 deadline she had with BIA to give BIA the first report on expenditures and supporting documents hopefully leading to a reduction in the Findings and Determinations.

MOTION

Motion by Council Secretary/Treasurer Jerri Lynn Barlese to approve the Job Announcements for the Finance Clerk and Administrative Coordinator/Finance Assistant and to advertise immediately. Motion seconded by Council Vice-Chairman Ernie Barlese. Vote called. VOTE: 3 For; 0 Against; and 0 Abstained. Chairman Warner Barlese, who did not vote because there was no tie vote, announced the motion had carried. (3:03pm)

(At 3:19pm, tribal member Jerry Barr left the meeting.)

(At 3:23pm, Tribal Accountant Frances Winn left the meeting.)

- i. Emergency Response Coordinator. Acting Administrator Ron Johnny advised the Council that this was the first report of the Emergency Response Coordinator who was not present because he would have had to have been paid overtime. Mr. Johnny drew Council's attention to Mr. Bohl's request to attend the meeting with Kurt Latipow and others about the inadequacies of the Ruby Pipeline Fire Protection Plan contained in the FERC Draft Environmental Impact Statement, Appendix G. Council members approved Mr. Bohl attending the meeting. Chairman Warner Barlese advised the Council that Mr. Bohl was keeping in regular contact with him by telephone on major issues and he was pleased with Mr. Bohl's work.

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(3:33pm)

READING AND APPROVAL OF MINUTES OF LAST MEETINGS.

MOTION Motion by Council Secretary/Treasurer Jerri Lynn Barlese to approve the Minutes of the July 18 and August 29, 2009 Special Council Meetings as prepared and waive the reading of the Minutes. Council Vice-Chairman Ernie Barlese seconded the motion. In response to Council Chairman Warner Barlese asking whether Council Members had time to read the Minutes, Council Members Jerri Lynn Barlese, Ernie Barlese and Lee Townsend said they did. Vote called. VOTE: 3 For; 0 Against; and 0 Abstained. Chairman Warner Barlese, who did not vote because there was no tie vote, announced the motion had carried. (3:36pm)

NEXT AGENDA ITEMS

Council Chairman Warner Barlese advised the Council that the next Council Meeting was a Regular Meeting, and that the meeting would start at 10:00am at the Bunk House on the Summit lake Reservation, on Saturday, October 17, 2009. Chairman Warner Barlese reminded everyone that Glenda Mae Davis of the U.S. Census said she would be attending and providing sandwiches and beverages for a lunch as well as making a presentation to the Council on the census in 2010 and giving tribal members a test if they want to be census takers on the Reservation. Council Members asked Acting Administrator Ron Johnny to see if Cultural Resource Monitors James Barlese and Chris Brown could make a presentation to the Council if they were not working that day.

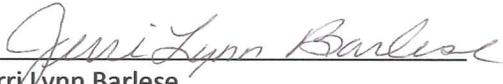
ADJOURN

MOTION Motion by Council Secretary/Treasurer Jerri Lynn Barlese to adjourn. Motion seconded by Council Member Lee Townsend. No discussion. Vote called. VOTE: 3 For; 0 Against; and 0 Abstained. Chairman Warner Barlese, who did not vote because there was no tie vote, declared the motion had carried and that the Special Meeting of the Council was adjourned at 3:45pm.

CERTIFICATION

I, JERRI LYNN BARLESE, Secretary/Treasurer of the Summit Lake Paiute Council, hereby attest that the Minutes of the September 19, 2009, meeting were approved by the Council during a duly held meeting on October 17, 2009, at which there was a quorum present, and the Council Voting: 3 For, 0 Against and 0 Abstaining, and that Chairman Warner Barlese did not vote because there was no tie vote.

October 17, 2009
Date


Jerri Lynn Barlese
Secretary/Treasurer
Summit Lake Paiute Council