

Minutes  
Special Meeting  
Summit Lake Paiute Council  
Saturday, June 6, 2009  
Tribal Administrative Office Trailer, Summit Lake Reservation

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CALL TO ORDER: At 11:05pm, Council Chairman Warner Barlese called the Meeting to order.

ROLL CALL: Council Member Robyn Burdette as Acting Secretary/Treasurer called Roll. Present: Warner Barlese, Ernie Barlese, and Robyn Burdette. Absent: Lee Townsend and Jerri Lynn Barlese. 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.

EMPLOYEES PRESENT: William Cowan, Director, Natural Resources Department; and, Ron Johnny, Acting Administrator and Environmental Coordinator.

UNFINISHED BUSINESS

a. Road Maintenance and Improvement; BIA Transportation Contract

William Cowan, Director, Natural Resources Department, made a presentation, including a chronological history of events relative to the Bureau of Indian Affairs Transportation Contract, and the five decisions that need to be made.

(At 11:38am, Greg White, Pacific Legacy, entered the Tribal Compound.)

(At 11:43am, Council Secretary/Treasurer Jerri Lynn Barlese entered and exited the meeting.)

(At 11:44am, Council Secretary/Treasurer Jerri Lynn Barlese entered the meeting.)

Mr. Cowan discussed the adoption of proposed Council Resolution SL-03-2009 and its effect on earlier Council decisions.

Chairman Warner Barlese suggested rescinding Council Resolution SL-14-2008 and Council Member Robyn Burdette agreed. The Council discussed what Reservation roads need to be removed and need to be included in the Indian Reservation Roads (IRR) program.

MOTION. Motion by Council Secretary/Treasurer Jerri Lynn Barlese to introduce and adopt Resolution SL-03-2009, "Update Designation of Roads in the Indian Reservation Road System for the Summit Lake Paiute Reservation," as written. Council Vice-Chairman Ernie Barlese seconded the motion. The Council asked Acting Administrator Ron Johnny to read the Resolution out loud and he did. Discussion followed that the Resolution should order BIA to remove from their roads map of the Summit lake Reservation: all BIA Route Numbers; all County Road Number since the Bureau of Land Management had provided the Tribe and BIA with copies of their road maps showing that the County Roads and their rights-of-way ended at all boundary lines of the Reservation and were not on the Reservation as BIA's map showed; remove all non-Indian names for Reservation roads; and, that the Tribe's members would name each of the Reservation roads at a later date. Vote called. VOTE: 3 For; 0 Against; and 0

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Abstained. Chairman Warner Barlese, who did not vote because there was no tie vote, declared the motion had passed and that Resolution SL-03-2009 was enacted.

BREAK. At 1:10pm, it was the consensus of the Council to take a 16-minute Break.

CALL BACK TO ORDER: At 1:26pm, Council Chairman Warner Barlese called the Meeting back to order.

ROLL CALL: Council Secretary/Treasurer Jerri Lynn Barlese called Roll. Present: Warner Barlese, Ernie Barlese, and Jerri Lynn Barlese. Absent: Robyn Burdette and 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.

EMPLOYEES PRESENT: William Cowan, Director, Natural Resources Department; and, Ron Johnny, Acting Administrator and Environmental Coordinator.

(At 1:28pm, Council Member Robyn Burdette entered the meeting.)

BIA TRANSPORTATION CONTRACT (continued)

Mr. Cowan discussed with the Council the need for proposed Council Resolutions SL-05-2009, SL-06-2009, and SL-04-2009.

MOTION. At 1:46pm, Council Secretary/Treasurer Jerri Lynn Barlese made a motion to introduce and adopt Council Resolution SL-04-2009, "Update Long Range Transportation Plan for the Summit Lake Paiute Tribe and Request Bureau of Indian Affairs Technical Assistance," as written. Motion seconded by Council Member Robyn Burdette. The Council requested Acting Administrator Ron Johnny to read the Resolution out loud and he did. 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 passed and that Resolution SL-04-2009 was enacted.

At 1:54pm, Chairman Warner Barlese announced to the Council that there would be a Council Meeting with the Bureau of Indian Affairs at 10:00am, Wednesday, June 24, 2009, at the Tribe's Primary Administrative Office in Sparks, Nevada, and circulated a copy of the meeting's Agenda signed by him, handing the Agenda to Council Member Robyn Burdette, and advising the meeting would be to discuss the Deferred Revenue or Findings and Determinations for 2003 through early 2006.

Chairman Warner Barlese asked William Cowan, Director, Natural Resources Department and Ron Johnny, Acting Administrator and Environmental Coordinator, to see if BIA Region Department of Transportation (DOT) could attend the June 24, 2009, meeting.

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MOTION. At 1:57pm, Council Secretary/Treasurer Jerri Lynn Barlese made a motion to introduce and adopt Council Resolution SL-05-2009, "Use of Indian Reservation Roads Program Funds for Road Maintenance Activities," as written. Motion seconded by Council Member Robyn Burdette. The Council requested Acting Administrator Ron Johnny to read the Resolution out loud and he did. 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 passed and that Resolution SL-05-2009 was enacted.

MOTION. Council Secretary/Treasurer Jerri Lynn Barlese made a motion to introduce and adopt Council Resolution SL-06-2009, "Projects to be Funded by the 2009 Distribution for Indian Reservation Roads American Recovery and Reinvestment Act," as written. Motion seconded by Council Vice-Chairman Ernie Barlese. The Council requested Acting Administrator Ron Johnny to read the Resolution out loud and he did. Discussion was had on other safety projects that could be done, the lack of time to investigate same, and Reservation signs that could be upgraded with these funds if there was more time. Vote called. VOTE: 2 For; 0 Against; and 1 Abstained. Chairman Warner Barlese, who did not vote because there was no tie vote, declared the motion had passed and that Resolution SL-06-2009 was enacted.

b. Amendments to Resolution SL-45-2009.

Acting Administrator Ron Johnny made a presentation on the need to amend Council Resolution SL-45-2009 or give him further instruction given the passage of Resolutions SL-03-2009, SL-04-2009, SL-05-2009, and SL-06-2009.

Council Member Robyn Burdette expressed her concerns about the federal government's push to force the Council to act on the unfunded mandate and adopt the SORNA Compliant Model Tribal Code or lose jurisdiction to the State of Nevada when the Tribe had no Court. Council Member Burdette explained the history of the Tribe trying to get the Bureau of Indian Affairs (BIA) to fund a Tribal Court and a Court of Indian Offenses. Council discussed the funding announcement of the U.S. Department of Justice to assist Tribes develop and implement a Tribal Court and that the Council should consider applying for such funds when the announcement was next released.

Council Member Robyn Burdette expressed concerns over Resolution SL-45-2009 and the need for the Council to investigate adopting procedures to replace the Resolution and motions made by the Council during Meetings.

c. Indian Housing Plans: 2001, 2002, 2003, 2004, 2005, 2006, 2007 and 2008.

Acting Administrator Ron Johnny advised the Council that the Tribe had received, relatively recently, notice that the Tribe had Indian Housing Plans and Grants for 2001, 2002, 2003, 2004, 2005,

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2006 and that the Tribe was at least 46 quarterly and annual narrative reports delinquent, that Tribal Accountant Frances Winn had successfully filed most, if not all, of the delinquent financial reports.

(At 3:01pm, Council Vice-Chairman Ernie Barlese left the meeting.)

(At 3:03pm, Council Vice-Chairman Ernie Barlese entered the meeting.)

Mr. Johnny explained that he had too many duties to attend to and could not take on the duties of dealing with the Indian Housing Plans and Grants for 2001, 2002, 2003, 2004, 2005, 2006 and the Indian Housing Plan and Grant that past Council Vice-Chairperson Lorraine Watson had applied for and received, and that another Council Member had to take on these duties.

Mr. Johnny also advised that the Tribe had recently received notice that it was eligible for a significant amount of grant funding if the Tribe completed the paper work for the 2008 Indian Housing Block Grant, American Recovery and Reinvestment Act of 2009, abbreviated ARRA (Public Law 111-5) funds through the Southwest Office of Native American Programs (SWONAP) Office of the U.S. Department of Housing and Urban Development (HUD).

Council Member Robyn Burdette spoke about the essential need for the Tribe to deal with the HUD grants, that she thought the completion of the Environmental Assessment on the water well in the Tribal Compound was more complete than the Tribe's records indicated they were, and that she was willing to complete all of the delinquent quarterly and annual narrative reports for the Indian Housing Plans and Grants for 2001, 2002, 2003, 2004, 2005, 2006 and 2007, as well as apply for the 2008 Indian Housing Plan Grant and complete the application for 2008 Indian Housing Block Grant, American Recovery and Reinvestment Act of 2009, abbreviated ARRA (Public Law 111-5) funds through the Southwest Office of Native American Programs (SWONAP) Office of the U.S. Department of Housing and Urban Development. The Council discussed the need for Council Member Burdette to seek help from the Acting Administrator and other Council Members if she needed it and the constraints on their time.

CONSENSUS. It was the consensus of the Council that Council Member Robyn Burdette was authorized to do whatever was necessary to complete all of the delinquent quarterly and annual narrative reports for the Indian Housing Plans and Grants for 2001, 2002, 2003, 2004, 2005, 2006 and 2007, as well as apply for the 2008 Indian Housing Plan Grant and complete the application for 2008 Indian Housing Block Grant, American Recovery and Reinvestment Act of 2009, abbreviated ARRA (Public Law 111-5) funds through the Southwest Office of Native American Programs (SWONAP) Office of the U.S. Department of Housing and Urban Development.

#### NEW BUSINESS

(At 3:19pm, Greg White and Jennifer Munoz, Pacific Legacy, entered the meeting.)

- a. Meeting with Greg White, Pacific Legacy, Subcontractor to EPG, Contractor to Ruby Pipeline.

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After the Council Members introduced themselves to Greg White and Jennifer Munoz of Pacific Legacy, Mr. White explained Pacific Legacy's role in completing the Cultural Resources Reports for the Ruby (natural gas) Pipeline Project on the access roads to the pipeline's location, landscape disturbed by construction or auxiliary stations, staging areas, etc. Mr. White explained "APE" Areas of Potential Effects.

Council Members discussed an issue they had with only completing cultural Resources Reports 75 feet from the center line of where the pipeline is to be buried since the written statements of Ruby Pipeline and their Power Point Presentations and brochures show that on side hills, like around the Tribal Cultural Properties of the Summit Lake Paiute Tribe and the Tribe's traditional use and territory area that Ruby will clear 200 feet or 250 feet, meaning 125 feet from the center line.

Mr. White discussed that Pacific Legacy was willing to hire a Monitor nominated by the Council. Council Members discussed with Mr. White that two Indian Monitors were working with Pacific Legacy and why didn't the Council get to nominate two Monitors. After discussion, Mr. White agreed that the Council could nominate two Monitors. Mr. White then explained how Pacific Legacy has worked with tribe nominated Monitors in the past and that the choice was up to the Council. First, the Council could have their nominated Monitors work with Pacific Legacy's crews and be an active member of the crew. Second, the Monitors could just watch Pacific Legacy crews and report to the Council on what the crews were doing. The Council discussed the options and advised Mr. White that they preferred the latter.

Mr. White advised he needed the Council to nominate Monitors by June 11, 2009 and he discussed the kinds of qualifications the Monitors needed. Council Members discussed the Monitor training that Council Vice-Chairman Ernie Barlese and Council Secretary/Treasurer Jerri Lynn Barlese attended with presentations by the Nevada State Historic Preservation Office, an archaeologist and others. Council decided that by June 10, 2009, that all Council Members that wanted to nominate Monitors would do so to the Acting Administrator but they had to be trained or experienced as Monitors. The Acting Administrator would then organize a telephone poll of Council Members on June 11, 2009, and the trained or experienced Monitors would be selected and names given to Greg White.

VOTE Council Members voted on having Council Members nominate persons for Monitor positions by Tuesday at Noon to the Administrator Ron Johnny and Administrator to call Council Members to pick Monitors. Council Members asked Council Member Robyn Burdette how she would like to be contacted and she advised she would call in. Vote called. VOTE: 2 For; 1 Against; and 0 Abstaining. Chairman Warner Barlese, who did not vote because there was no tie vote, declared the motion had passed.

(At 4:06pm, Greg White and Jennifer Munoz left the meeting.)

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ADJOURNMENT

MOTION Motion by Council Vice-Chairman Ernie Barlese to adjourn the meeting. Motion seconded by Council Secretary/Treasurer Jerri Lynn Barlese. 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 passed.

CERTIFICATION

I, JERRI LYNN BARLESE, Secretary/Treasurer of the Summit Lake Paiute Council, hereby attest that the Minutes of the June 6, 2009, meeting were approved by the Council during a duly held meeting on August 29, 2009, at which there was a quorum present, with the Council Voting: 2 For, 0 Against and 2 Abstaining, and that Chairman Warner Barlese did not vote because there was no tie vote.

August 29, 2009

\_\_\_\_\_  
Date

  
Jerri Lynn Barlese  
Secretary/Treasurer  
Summit Lake Paiute Council