

RESOLUTION OF THE SUMMIT LAKE PAIUTE COUNCIL  
SUMMIT LAKE PAIUTE TRIBE  
OF THE  
SUMMIT LAKE PAIUTE RESERVATION, NEVADA

RESOLUTION NO.: SL - 08 - 2009

TITLE: MAKING APPOINTMENTS TO THE INTER-TRIBAL EMERGENCY  
RESPONSE COMMISSION (ITERC)

WHEREAS, the Summit Lake Paiute Tribe, is a modern entity of the Northern Paiute People known, in English, as Lake Trout and Wild Onion Eaters who, for thousands of years, controlled 2,800 square miles of land in and around Summit Lake as a tribe with sovereign, unlimited, powers and laws (customs, traditions, usages, etc.); and,

WHEREAS, in 1964, and after much consideration, the members of the Lake Trout and Wild Onion Eaters organized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984) as amended, adopting, for certain sovereign purposes, the name "Summit Lake Paiute Tribe" with a tribal constitution titled "Articles of Association," the latter which was approved by the Secretary of the U.S. Department of the Interior on January 8, 1965; and,

WHEREAS, over time the members of the Summit Lake Paiute Tribe have regained a small fraction of their historic land base, including the Tribe's reserved lands (Reservation), and the Indian allotments outside the Reservation boundaries; and,

WHEREAS, the Summit Lake Paiute Tribe's Articles of Association grant to the Summit Lake Paiute Council (see Article II, Section 1) certain sovereign powers, including the power to seek and obtain funding from federal agencies like the Federal Emergency Management Agency (FEMA) and other sources of federal emergency management funding to improve the welfare and education of tribal members (see Article II, Section 1 (b), (k)); and,

WHEREAS, the Inter-Tribal Council of Nevada (ITCN) and the Indian Health Board of Nevada (IHBN) have created and empowered a tribal entity known as Inter-Tribal Emergency Response Commission (ITERC) to, in part, obtain grants for interested Nevada tribes (see ITERC By-Laws, Article II, section C) from federal sources through the channel for such federal funds, the Nevada Homeland Security Commission; and,

WHEREAS, ITERC is empowered to have "no more than twenty one (21) members" with the governing body of Nevada Tribe appointing one member and an alternate "to maintain a balance between facets of Tribal Governments and disciplines including: Fire, Law Enforcement, Emergency Management, Tribal Emergency Medical Services, Tribal Environmental Departments, and Tribal Health" (see

ITERC By-Laws, Article III (Membership) (emphasis in original)) to “obtain[] grants for [Nevada] tribes” (see ITERC By-Laws, Article II, section C); to “oversee the distribution of funds which become available pursuant to SARA” (Superfund Amendments and Reauthorization Act of 1986) (see ITERC By-Laws, Article II, Section 1); to “encourage Tribal compliance to the National Incident Management System” (NIMS) (see Article II, Section 1); and,

WHEREAS, if the governing body of Nevada Tribes appoint at least 11 representatives and alternates to ITERC by September 2, 2009, that majority of ITERC representatives will elect its officers of “Chairperson and Co-Chairperson, Sergeant in Arms, Secretary and Treasurer for a term of two (2) years” (see ITERC By-Laws, Article IV (Officers)); and,

WHEREAS, the Summit Lake Paiute Tribe’s Acting Administrator and Environmental Coordinator, and Emergency Response Coordinator, fit the stated disciplines needed by the Inter-Tribal Emergency Response Commission (ITERC) By-Laws.

NOW THEREFORE, BE IT RESOLVED that the Summit Lake Paiute Tribal Council hereby appoints its Emergency Response Coordinator as its primary ITERC representative and appoints its Acting Administrator and Environmental Coordinator as its alternate ITERC representative.

#### CERTIFICATION

I, JERRI LYNN BARLESE, Secretary/Treasurer of the Summit Lake Paiute Council, hereby certify that the above Resolution, No. SL - 08 - 2008, was brought before the Summit Lake Paiute Council at a duly held meeting on the 29th day of August, 2009, with 5 members present, constituting a quorum, with the following votes to enact the Resolution: 3 FOR, 1 AGAINST; and 0 ABSTAINING, with the Tribal Chairman presiding and not voting, and that this Resolution has not been rescinded, revoked or amended.

August 29, 2009  
Date

  
Jerri Lynn Barlese, Secretary/Treasurer  
Summit Lake Tribal Council



## INTER -TRIBAL EMERGENCY RESPONSE COMMISSION

### ARTICLE I

The legal name of this Commission is the “Inter-Tribal Emergency Response Commission”, herein and often referred to as the “ITERC”.

### ARTICLE II

#### DEFINITIONS

- A. **STATE OF NEVADA:** State of Nevada means the political division of the State of Nevada, as presently exists.
- B. **TRIBES:** “Tribes” mean all federally-recognized tribes located within the exterior boundaries of the State of Nevada as they presently exist.
- C. **INTER-TRIBAL EMERGENCY RESPONSE COMMISSION:** “Inter-Tribal Emergency Response Commission” (ITERC) means the commission appointed and authorized by the Inter-Tribal Council of Nevada to provide oversight and for all hazards emergency management, obtaining grants for the tribes they serve and carry out tasks as assigned by the Indian Health Board of Nevada.

#### Section 1. Purpose

The purpose of the Inter-Tribal Emergency Response Commission is to perform the duties enumerated in the Superfund Amendments and Reauthorization Act of 1986 (SARA); develop and make recommendations concerning hazardous materials management and incident response on tribal lands; develop and make policy recommendations regarding the implementation of SARA; oversee the distribution of funds which become available pursuant to SARA; coordinate and assist tribes in the monitoring of production, storage and transportation of hazardous materials; approve rules and regulation promulgated by the Homeland Security Director for standards for

regional response teams, hazardous material emergency response training confirmation, and tribal hazardous materials or weapons of mass destruction incident response reporting; execute the responsibilities set forth by legislation; encourage Tribal compliance to the National Incident Management System; encourage Tribal Emergency Response Committees (TERC)/Local Emergency Planning Committees (LEPC) to increase their knowledge of industry practices and hazardous materials stored at those facilities. Also to be a conduit of a state-wide Memorandum of Understanding (MOU) or Memorandum of Agreement (MOA) so the Tribes can assist each other in an emergency response and recovery event.

## Section 2. Duties

The Commission accomplishes these purposes by:

- (1) Providing management and oversight of all provisions of the SARA Title III and the Emergency Preparedness and Community Right –To-Know Act of 1986;
- (2) Providing management and oversight of hazardous materials related funding Pursuant to Public Law 99-499 and Title I of Public Law 93-633.
- (3) Obtaining, administering and providing grants to Tribal Emergency Response Committees to implement these acts and enhance public safety on tribal lands.
- (4) Carrying out tasks as assigned to the ITERC by acts of the United States Congress.
- (5) Promoting state-wide Tribal compliance with Homeland Security Presidential Directive-5, and the National Incident Management System.

The ITERC Co-Chair shall ensure fiscal responsibility to the Commission.

## ARTICLE III

### MEMBERSHIP

The Commission shall consist of *no more than* twenty one (21) members appointed by each respective Tribal Council. It is the intent of the ITERC to maintain a balance between facets of Tribal Governments and disciplines including: fire, law enforcement, emergency management, tribal emergency medical services, tribal environmental departments, and tribal health.

The term of each member of the ITERC is two years. A member may be reappointed, and there is no limit on the number of terms that a member may serve. The term of each member is at the discretion of each Tribal Council.

Members with two consecutive unexcused meeting absences will be asked to resign their appointment to the ITERC. An unexcused absence is when staff is not notified of the member's inability to attend a meeting.

## **ARTICLE IV**

### **OFFICERS**

The majority of the membership of the ITERC shall elect the Executive Officers of the ITERC to the positions of Chairperson and Co-Chairperson, Sergeant in Arms, Secretary and Treasurer for a term of two (2) years.

## **ARTICLE V**

### **MEETINGS**

The ITERC will schedule a regular meeting once each quarter. Special meetings may be called by the Chairperson, Co-Chairperson, or by a simple majority of ITERC members. At least fourteen (14) business days notice shall be given in writing to all the members of the ITERC of the date and time of the special meeting. Meetings are conducted under the provisions of the open Nevada meeting laws. A quorum is defined as a simple majority of the membership. Members of the ITERC may attend meetings either in person by telephone or video conference. All actions approved by the ITERC shall be by a simple majority vote. Meetings are conducted under the general guidelines of Robert's Rules of Order, as revised. Any member may make a motion and vote. Committee and subcommittee meetings are conducted under similar conditions. Minutes will be kept for all regular and special meetings. Minutes shall be prepared by the Secretary and maintained by the Indian Health Board of Nevada staff.

## **ARTICLE VI**

### **COMMITTEES**

ITERC committees shall be of such number and categories as decided by the ITERC, and approved by a majority of the membership. The ITERC shall appoint the Committee Chairperson. Each ITERC Committee Chairperson is responsible for appointing members to his/her committee except as mentioned below. Membership composition of committees may be the same number and type as the membership of the ITERC.

At the request of the ITERC Chairperson, tribal employees may be appointed to the ITERC Committees by their Tribal Chairperson or Tribal Council. Any tribal employee serving on a committee may be removed by their Tribal Chairman or Council upon notification to the ITERC Chairperson and ITERC Committee Chairperson.

All tribal employees who serve on ITERC committees will be classified as non-voting ex-officio members of the respective committees. This does not apply to ITERC members.

## **ARTICLE VII**

### **ORDER OF BUSINESS**

The following shall be the regular order of business:

1. Roll Call
2. Minutes of the previous meeting
3. Reports of Committees
4. Unfinished Business
5. New Business
6. Public Comment Period
7. Adjournment

## **ARTICLE VIII**

### **COMMUNICATION**

All official communications to the ITERC shall be addressed to:

The Inter-Tribal Emergency Response Commission  
1325 Airmotive Way, Suite 250  
Reno, NV 89502

ITERC records will be maintained by the Indian Health Board of Nevada. All records and communications will be available for review by the membership at the above address.

## **ARTICLE IX**

### **AMENDMENTS**

These By-Laws may be added to, or amended by a majority vote of the membership at any meeting of the ITERC, provided a quorum is present.

## ARTICLE X

### ADOPTION OF ITERC BY-LAWS

A majority approval vote by the ITERC membership is required to adopt the ITERC By-Laws. Upon the adoption of the By-Laws by the ITERC, a copy of the By-Laws will be signed and dated by the Chairperson of the IHBN and will be available for inspection by the public at:

Indian Health Board of Nevada  
1325 Airmotive Way, Suite 250  
Reno, NV 89502



Alvin Moyle  
President, Indian Health Board of Nevada

  
Date

Revised: 7/16/09

By: ITCN, Tribal State Environmental Liaison Office