

Minutes  
Special Meeting  
Summit Lake Paiute Council  
Saturday, April 18, 2009  
Primary Administrative Office, 1708 H Street, Sparks, NV 89431

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CALL TO ORDER. At 8:03am, Summit Lake Paiute Council ("Council") Chairman Warner Barlese called the April 18, 2009 Special Meeting of the Council to order.

ROLL CALL. Council Secretary/Treasurer Jerri Lynn Barlese called roll. Present: Warner Barlese; Ernie Barlese; and, Jerri Lynn Barlese. Absent: Council Member Loraine Watson and Council Member Jesse Strout. Council Chairman Warner Barlese declared there was a quorum present and that business could be conducted. Council Chairman Warner Barlese asked Tribe employees to state their names for the record.

Employees Present: William Cowan, Director, Natural Resource Department; and, Ron Johnny, Acting Administrator.

OTHER.

Report, Director, Natural Resource Department.

- March Report. William Cowan asked the Council if they had any questions on his written March 2009 Report since he was out ill when the Council met and reviewed his Report. There were no comments or questions.
- April Report. Director William Cowan explained:
  - Competitive Grants Obtained.
    - Email notice that the Tribe was receiving a U.S. Fish and Wildlife Service Tribal Wildlife Grant for more than \$198,000 to address noxious weed issues on the Reservation.
    - \$150,000 Clean Water Act, Section 319 Grant for fencing projects south of Snow Creek and south of the Lake, and to install water pumps for livestock.
    - \$11,800 from the highly competitive Bureau of Indian Affairs noxious weed funding.
  - LCT (Lahontan cutthroat trout) Spawn Run Update. Five (5) LCT went upstream to the Fish Trap on Thursday, April 16, and two (2) fish on Friday, April 17, 2009.
  - Vandalism Over the Winter. Both the Tribal Office Trailer and the Fisheries Trailer had been vandalized. Someone, apparently, had jarred open a sliding window and left the entry door unlocked. Someone had, apparently, tripped the circuit breaker at the panel box thus turned off the electricity to the Fisheries Trailer and food in the refrigerator's freezer and fish samples in the freezer locker spoiled.

(At 8:27am, Council Vice-Chairperson Lorraine Watson entered the meeting.)

- Certificate to Purchase Gasoline Free of Nevada Tax. William Cowan explained that because the Tribe's previous administrator had failed to timely file quarterly reports with the Motor Carrier Division, Nevada Department of Motor Vehicles, in 2007, the Tribe received notice that it would be fined five hundred dollars (\$500.00) so Acting

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Administrator Ron Johnny had appealed the decision to fine in hopes of finding cause to only warn the Tribe, however, because the Tribe had already been previously warned it faced the \$500 fine. Mr. Cowan explained he attended the appeal hearing but the decision of the hearing officer was the Tribe had to pay the fine. Because the Tribe would next be fined \$1,000.00 if it failed to timely file its tax reports with the Motor Carrier Division, it was the recommendation of both Acting Administrator Ron Johnny and Mr. Cowan that the Tribe should surrender its Certificate. In response to questions of Council Members, Ron Johnny advised that the Tribe could still purchase gasoline and diesel but the discount would be two percent (2%) less than if it held the certificate, however, with the \$500 fine the Tribe had likely negated any savings it ever made, and with a \$1,000 fine would likely never have a savings. Council Vice-Chairperson Lorraine Watson recommended the Council terminate the certificate.

MOTION. Motion by Council Secretary/Treasurer Jerri Lynn Barlese to have staff terminate the Certificate of Exemption with Nevada DMV Motor Carrier Division. Motion seconded by Council Member Ernie Barlese. 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 carried and that staff were to terminate the Certificate of Exemption.

- Job Descriptions and Announcements for Noxious Weed Technicians and Crew Leader.

MOTION. Motion by Council Vice-Chairperson Lorraine Watson to approve the Job Descriptions and Announcements for Noxious Weed Technicians and Crew Leader. Motion seconded by Council Secretary/Treasurer Jerri Lynn Barlese. 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.

- Re-advertising the Request for Bids for Consultant Services to Update Source Pollution Plan for Summit Lake Watershed and Prepare a Tribe Horse Management Plan for the Reservation. Director Cowan explained that all of the bids received by consultants had come in higher than anticipated and there was insufficient funding to accomplish all of the tasks and pay the consultants. Mr. Cowan requested he be authorized to re-advertise the bids.

CONSENSUS OF COUNCIL. (8:53am) It was the consensus of Council that William Cowan, Director, Natural Resource Department, was authorized to re-advertise the request for bids to see if he could get a consultant to bid at the price anticipated.

- Indian Reservation Roads (IRR) and Rights-Of-Way. Director Cowan presented the Council with two (2) proposed Resolutions, SL-03-2009 "Update Designation of Roads in the Indian Reservation Road System for the Summit Lake Paiute Reservation," and SL-

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04-2009, "Update Long Range Transportation Plan for the Summit Lake Paiute Reservation and Request Bureau of Indian Affairs Technical Assistance," and explained the need for the Council to consider adopting both Resolutions.

(At 9:24am, Council Chairman Warner Barlese left the meeting.)

(At 9:25am, Council Chairman Warner Barlese entered the meeting and Vice-Chairperson Loraine Watson left the meeting.)

(At 9:27am, Council Vice-Chairperson Lorraine Watson entered the meeting.)

(At 9:28am, Acting Administrator Ron Johnny left and entered the meeting).

- Bird Surveys on the Summit Lake Reservation.

MOTION. Motion by Council Vice-Chairperson Lorraine Watson to allow Great Basin Bird Observatory to do 2009 bird survey on the Summit Lake Reservation. 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 carried.

RECESS.

CONSENSUS OF COUNCIL. It was the consensus of the Council to take a recess until 4:14pm so that the Council and Acting Administrator could attend the 10am to 2:00pm Council Meeting with tribal members, relatives and others at the Nugget, Sparks, Nevada. Council Chairman Warner Barlese declared the April 18, 2009 Special Meeting of the Council recessed until 4:14pm.

CALL BACK TO ORDER. Chairman Warner Barlese called the April 18, 2009 Special Meeting of the Council back to order.

ROLL CALL. Council Secretary/Treasurer Jerri Lynn Barlese called roll. Present: Ernie Barlese, Warner Barlese, Jesse Strout, Jerri Lynn Barlese and Lorraine Watson. Council Chairman Warner Barlese declared there was a quorum present and that business could be conducted. Council Chairman Warner Barlese asked Tribe employees to state their names for the record.

Employees Present: Ron Johnny, Acting Administrator.

OTHER (continued)

- Approval of May 16, 2009 Agenda of Council Regular Meeting.

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MOTION. Motion by Council Secretary/Treasurer Jerri Lynn Barlese to approve the prepared Agenda for the Council's Regular meeting on May 16, 2009 with the deletion of the three items listed "a," "b," and "c" under Executive Session. Motion seconded by Council Member Jesse Strout. Vote called. VOTE: 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 carried.

- Sex Offender Registry System Requirement Update. Council Secretary/Treasurer Jerri Lynn Barlese and Council Member Ernie Barlese gave an update on their efforts to prevent the State of Nevada from asserting jurisdiction over the Summit Lake Reservation.

MOTION. Motion by Council Secretary/Treasurer Jerri Lynn Barlese to approve and adopt proposed Council Resolution SL-02-2009, titled "Authorizing Council Chairman to Request One Year Extension of Time from the U.S. Department of Justice to Comply with the Adam Walsh Act." Motion seconded by Council Member Jesse Strout. Chairman Warner Barlese asked Acting Administrator Ron Johnny to read the proposed Resolution SL-02-2009 out loud and he did. Council Secretary/Treasurer Jerri Lynn Barlese and Council Member Ernie Barlese explained that Chairman Warner Barlese needed authorization to seek the one year extension on the Adam Walsh Child Protection and Safety Act of 2006 ("Adam Walsh Act") for the reasons that: no Tribe was consulted by Congress when the Act was passed by Congress and signed into law by the President; Tribes were mounting a campaign to lobby Congress to amend the Adam Walsh Act but that such lobbying efforts would not likely get an amendment before the April 27, 2009 deadline for Tribes to ask for a one year extension; there were no Tribes known to have met the deadline of the federal law SMART (sentencing, monitoring, apprehension, registering and tracking) of sex offenders law; the State of Nevada is still currently enjoined by the federal district court in Nevada from implementing the amendments to the Adam Walsh Act and thus prohibited from working with the Tribe if the Council wished to have the state do so; and, the Council has done everything in its power to comply with the Adam Walsh act which should result in the one year extension request being granted. Vote called. VOTE: : 3 For; 0 Against; and 1 Abstained. Chairman Warner Barlese who did not vote because there was no tie vote declared the Motion had carried and Resolution SL-02-2009, "Authorizing Council Chairman to Request One Year Extension of Time from the U.S. Department of Justice to Comply with the Adam Walsh Act," was enacted.

ADJOURNMENT.

MOTION. Motion by Council Secretary/Treasurer Jerri Lynn Barlese to adjourn the April 18, 2009 Special Meeting of the Summit Lake Paiute Council. Motion seconded by Jesse Strout. 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 carried and the April 18, 2009 Special Meeting of the Council was adjourned at 4:29pm.

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CERTIFICATION

I, JERRI LYNN BARLESE, Secretary/Treasurer of the Summit Lake Paiute Council, hereby attest that the Minutes of the April 18, 2009, meeting were approved by the Council during the duly held meeting on July 18, 2009, at which there was a quorum present, and the Council Voting: 2 For, 0 Against and 0 Abstaining, and that Chairman Warner Barlese did not vote because there was no tie vote.

July 18, 2009

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Date

  
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Jerri Lynn Barlese  
Secretary/Treasurer  
Summit Lake Paiute Council