

MINUTES
Regular Meeting
Summit Lake Paiute Council
Saturday, October 18, 2008
Bunk House, Summit Lake Reservation

CALL TO ORDER. At 11:19am, Chairman Warner Barlese called the Regular Meeting of the Summit Lake Paiute Council to Order, and apologized for the meeting starting nineteen minutes late.

ROLL CALL. Council Secretary/Treasurer Jerri Lynn Barlese called roll. Present: Warner Barlese, Lorraine Watson, Jerri Lynn Barlese, Jesse Strout, and Ernie Barlese. Chairman Warner Barlese declared a quorum was present and business could be conducted. Chairman Warner Barlese asked that guests and tribal employees present identify themselves for the record.

Guests: Athena Brown, Superintendent, Western Nevada Agency, Bureau of Indian Affairs, U.S. Department of the Interior; and, James Barlese. Employees: Ron Johnny, Acting Administrator/CAE and Environmental Coordinator.

RECOGNITION OF THE 44th ANNIVERSARY OF THE ARTICLES OF ASSOCIATION. At 11:25am, copies of the Summit Lake Paiute Tribe's Articles of Association were distributed to all present.

Chairman Warner Barlese advised everyone present that today's Recognition Ceremony would include: the reading of a letter to the Council by the Secretary of the Interior who approved the Articles; a speech by Superintendent Athena Brown; a brief description by each Council member on their duties according to the Articles and their reflection on their experience as a Council member; and, a discussion by tribal members on how

Acting Administrator Ron Johnny advised those attending the Council Meeting that the Tribe had received a letter (see attached) addressed to the Summit Lake Paiute Council from John A. Carver Jr., who on January 8, 1965, approved the Tribe's Articles of Association as Acting Secretary of the U.S. Department of the Interior. During the President Kennedy and Johnson administrations, Carver served as Assistant and Under Secretary of the U.S. Department of the Interior. Carver is currently, and has been for many years, a law professor with the University of Denver, Denver, Colorado. Professor Carver is currently in emeritus (akin to being retired) status.

Council Chairman Warner Barlese read the provisions of the Tribe's Articles of Association (Constitution) that address the duties and responsibilities of the Chairman of the Summit Lake Paiute Council. Warner discussed his childhood experiences observing the Council members conducting business. Warner then discussed the progress this Council has made in: getting delinquent audits done; dealing with staggering audit findings from 2003, 2004, 2005, and early 2006; getting the 2007 audit done recently; and, now getting the 2008 and 2009 Indirect Cost Rate Proposals finalized.

At 11:30am, tribal members Lorieta Cowan, and William Cowan (Director, Natural Resource Department) entered the meeting and were greeted.

Chairman Warner Barlese then explained what he has had to do as Chairman of the Council.

(11:30am) Council Vice-Chairperson Lorraine Watson read the provisions of the Tribe's Articles of Association (Constitution) that address the duties and responsibilities of the Vice-Chairperson of the Summit Lake Paiute Council, and discussed her experience as Vice-Chairperson.

MINUTES
Regular Meeting
Summit Lake Paiute Council
Saturday, October 18, 2008
Bunk House, Summit Lake Reservation

(11:34am) Council Secretary/Treasurer Jerri Lynn Barlese read the provisions of the Tribe's Articles of Association (Constitution) that address the duties and responsibilities of the Secretary-Treasurer of the Summit Lake Paiute Council, and discussed her experience as Secretary-Treasurer.

[RECOGNITION OF THE 44th ANNIVERSARY OF THE ARTICLES OF ASSOCIATION continued]

Council Member Jesse Strout read the provisions of the Tribe's Articles of Association (Constitution) that address the duties and responsibilities of Members of the Summit Lake Paiute Council, and discussed his experience as Council Member. Jesse advised he likes the accomplishments the Council has made during his time on the Council.

Council Member Ernie Barlese read the provisions of the Tribe's Articles of Association (Constitution) that address the duties and responsibilities of Members of the Summit Lake Paiute Council, and discussed his experience as Council Member. Ernie advised that he likes the drama, was surprised to find out just how much work is required, the numerous communications (mail, email, telephone calls), travel, etc.

(11:38am) Council Secretary/Treasurer Jerri Lynn Barlese read the letter Law Professor John A. Carver Jr., mailed the Tribe.

(11:42am) Council Chairman Warner Barlese introduced the Council's Guest Speaker for the Recognition of the 44th Anniversary of the Articles of Association: Athena Brown, Superintendent, Western Nevada Agency, Bureau of Indian Affairs, U.S. Department of the Interior.

Superintendent Athena Brown advised¹ that Council and those present that: she was pleased to attend her first meeting of the Summit Lake Paiute Council at Summit Lake and recognized her dear aunt Lorieta Cowan; the Summit Lake Paiute Tribe was one of eleven Tribes that the Western Nevada Agency works with; and, her father was a former Summit Lake Paiute Council Chairman and she recounted her childhood experiences of coming to the Summit Lake Reservation with her father and watching her father pouring over many papers as a Council Chairman.

Superintendent Brown then addressed Council members on her suggestions for moving forward with the business at hand, and stressed the importance of leaving the Reservation and the Tribe's administration in as best a condition as possible for the young people that some day in the future will take seats on the Council.

In conclusion, Superintendent Brown thanked the Council for inviting her to the Summit Lake Reservation and allowing her to enjoy the beauty and spirituality of the Tribe's reserved lands and traditional territory.

Tribal members then discussed the history of the Articles of Association and why tribal member chose the format of Articles rather than the format chosen by neighboring tribes of a Constitution and By-Laws. Members recalled the unsuccessful effort in 2000 to change the Articles to a document called a Constitution whereby the Chairman would be elected by the members rather than by the Council, staggered two year terms, recall provision, staggered terms requiring an election every year, and reducing

¹ The comments attributed to Superintendent Athena Brown may not be accurately stated and are transcribed from a tribal employee's notes. No voice recording was made to compare the accuracy of the tribal employee's notes.

MINUTES
Regular Meeting
Summit Lake Paiute Council
Saturday, October 18, 2008
Bunk House, Summit Lake Reservation

the voting age to 18. Members then discussed whether a Constitution and By-Laws, somewhat like a corporation, is better than Articles.

(12:13pm) BREAK. Chairman Warner Barlese announced it was the consensus of the Council to take a twenty minute break.

(12:33pm) CALL BACK TO ORDER. Chairman Warner Barlese called the Regular Meeting of the Summit Lake Paiute Council Back to Order.

ROLL CALL. Council Secretary/Treasurer Jerri Lynn Barlese called roll. Present: Warner Barlese, Lorraine Watson, Jerri Lynn Barlese, Jesse Strout, and Ernie Barlese. Chairman Warner Barlese declared a quorum was present and business could be conducted. Chairman Warner Barlese asked that guests and tribal employees present identify themselves for the record.

Guests: Athena Brown, Superintendent, Western Nevada Agency, Bureau of Indian Affairs, U.S. Department of the Interior; James Barlese, and Lorieta Cowan. Employees: Ron Johnny, Acting Administrator/CAE and Environmental Coordinator.

APPROVAL OF MINUTES.

MOTION. Council Vice-Chairperson Lorraine Watson made a motion to waive the reading of the Minutes of the Council's Special Meeting on September 20, 2008. Secretary/Treasurer Jerri Lynn Barlese seconded the Motion. Vote: 3 For, 1 Abstained, and 0 Against.

Before Chairman Warner Barlese could declare the Motion approved, tribal member Lorieta Cowan asked that the Minutes be read out loud, and asked for a copy of the Minutes. Vice-Chairperson Lorraine Watson gave tribal member Lorieta Cowan her draft copy of the Minutes.

Council Chairman Warner Barlese advised the Motion was approved.

MOTION. (12:38pm) Council Secretary/Treasurer Jerri Lynn Barlese made a motion to approve the Minutes of the Council's Special Meeting on September 20, 2008. Council Member Ernie Barlese seconded the motion. Since there was no discussion, the vote was called. Vote: 4 For, 0 Abstained, and 0 Against. Council Chairman Warner Barlese, who did not vote because there was no tie vote, declared the motion had passed and the Minutes of the Council's Special Meeting on September 20, 2008 were approved.

REPORTS.

Chairman's Report. Council Chairman Warner Barlese advised what he had done since the last Council Meeting and that on Monday, October 27, 2008: he will observe the Environmental Coordinator's meeting with staff of the Federal Energy Regulatory Commission ("FERC") which starts at 1:30pm; will, with other Council Members, attend the BIA's Peer Review Group Meeting which starts at 3:30pm; and, leave the Tribe's office by 4:30pm to catch a 5:45pm flight from Reno to San Antonio, Texas, to attend the BIA's Realty Conference, October 28-30, 2008.

MINUTES
Regular Meeting
Summit Lake Paiute Council
Saturday, October 18, 2008
Bunk House, Summit Lake Reservation

Tribal member Lorieta Cowan asked that when Secretary/Treasurer Jerri Lynn Barlese gives her report, she would like to hear about the trip she and Council Member Ernie Barlese took to Baltimore, Maryland.

Vice-Chairperson Report. Vice-Chairperson Lorraine Watson issued a written report of her activities, and advised that the Indian Child Welfare Act ("ICWA") and Enrollment Committees would be meeting soon.

Secretary/Treasurer Report. Secretary/Treasurer Jerri Lynn Barlese explained her activities since the last Council Meeting. Jerri suggested that Lorieta look at the Minutes of the Meeting where she gave a detailed report on their trip to Baltimore, Maryland, to attend the U.S. Department of Justice symposium on creating a Sex Offender Registry System on the Reservation so the state would not be able to exercise that jurisdiction. Jerri then gave a brief description of the purpose of the trip to Baltimore.

Natural Resource Department Director Report. William Cowan, Director of the Tribe's Natural Resource Department, gave a written report and supplemented it by answering questions on the report.

(1:33pm) LUNCH BREAK. Chairman Warner Barlese declared it was the consensus of the Council to take a lunch break for an hour.

(2:30pm) CALL BACK TO ORDER. Chairman Warner Barlese called the Regular Meeting of the Summit Lake Paiute Council Back to Order.

ROLL CALL. Council Secretary/Treasurer Jerri Lynn Barlese called roll. Present: Warner Barlese, Lorraine Watson, Jerri Lynn Barlese, Jesse Strout, and Ernie Barlese. Chairman Warner Barlese declared a quorum was present and business could be conducted. Chairman Warner Barlese asked that guests and tribal employees present identify themselves for the record.

Guests: Athena Brown, Superintendent, Western Nevada Agency, Bureau of Indian Affairs, U.S. Department of the Interior; James Barlese, Lorieta Cowan, and Kim Cowan. Employees: Ron Johnny, Acting Administrator/CAE and Environmental Coordinator.

Acting Administrator/Chief Administrative Employee (CAE) Report. Ron Johnny, Acting Administrator/CAE, gave a verbal report.

MOTION. Motion by Secretary/Treasurer Jerri Lynn Barlese to introduce Resolution SL-40-2008, "Adopting the Bureau of Indian Affairs' May 3, 2006 Motor Vehicle Operation Policy as Supplemented by the BIA's December 31, 2007 Motor Vehicle Operation Policy Guidance as the Tribe Lake Paiute Tribe's Motor Vehicle Operation Policy, with Obvious Changes." Council Member Jesse Strout seconded the motion. Chairman Warner Barlese asked Ron Johnny, Acting Administrator/CAE, to read the proposed Resolution and he did. Discussion by Council Members followed that Resolution SL-40-2008 addressed not only the federal government's needs since the Tribe leases federal vehicles from the General Services Administration but tribal needs to reduce motor vehicle insurance premiums. Vote was called. Vote: 4 For, 0 Abstained, and 0 Against. Chairman Warner Barlese, who did not vote because there was no tie vote, declared the motion passed and that Resolution SL-39-2008 was enacted.

Environmental Coordinator Report. Chairman Warner Barlese advised it was the consensus of the Council to postpone this report until the next Council Meeting.

MINUTES
Regular Meeting
Summit Lake Paiute Council
Saturday, October 18, 2008
Bunk House, Summit Lake Reservation

MOTION. Motion by Secretary/Treasurer Jerri Lynn Barlese to introduce Resolution SL-39-2008, "Opposing the Planned Route of the Ruby (Natural Gas) Pipeline Construction." Council Vice-Chairperson Lorraine Watson seconded the motion. Chairman Warner Barlese asked Ron Johnny, in his Environmental Coordinator capacity, to read the proposed Resolution and he did. Discussion by Council Members followed that Resolution SL-39-2008 addressed not only the Federal Energy Regulatory Commission's failure to consult with affected tribes, including Summit Lake, prior to adopting the policy that its staff, for its staff convenience, would conduct government-to-government consultations with affected tribes, including Summit Lake, but also opposed the planned route between the Summit Lake Reservation and the Sheldon Antelope Refuge, and suggested the route should be adjacent Highway 140. Vote was called. Vote: 4 For, 0 Abstained, and 0 Against. Chairman Warner Barlese, who did not vote because there was no tie vote, declared the motion passed and that Resolution SL-39-2008 was enacted.

MOTION. (3:32pm) Motion by Secretary/Treasurer Jerri Lynn Barlese to introduce Resolution SL-41-2008, "Considering Whether, Under Certain Circumstances, the Summit Lake Reservation Should Be the Final Resting Place for the Children's Remains and Grave Funerary Objects Looted from the Elephant Mountain Cave." Council Member Jesse Strout seconded the motion. Chairman Warner Barlese asked Ron Johnny, Environmental Coordinator, to read the proposed Resolution and he did. Discussion by Council Members followed that while there were concerns by the Council, that the Council was willing to participate in discussions to determine the final resting spot for the remains and objects despite the non-Indian fascination of studying Indian remains and Indian funerary objects. Vote was called. Vote: 4 For, 0 Abstained, and 0 Against. Chairman Warner Barlese, who did not vote because there was no tie vote, declared the motion passed and that Resolution SL-41-2008 was enacted.

EXECUTIVE SESSION.

CONSENSUS OF COUNCIL. It was the consensus of the Council to go into Executive Session from 3:36pm to 3:48pm.

(3:48pm) CALL BACK TO ORDER. Chairman Warner Barlese called the Regular Meeting of the Summit Lake Paiute Council Back to Order.

ROLL CALL. Council Secretary/Treasurer Jerri Lynn Barlese called roll. Present: Warner Barlese, Lorraine Watson, Jerri Lynn Barlese, Jesse Strout, and Ernie Barlese. Chairman Warner Barlese declared a quorum was present and business could be conducted. Chairman Warner Barlese asked that guests and tribal employees present identify themselves for the record.

Guests: Athena Brown, Superintendent, Western Nevada Agency, Bureau of Indian Affairs, U.S. Department of the Interior; James Barlese, Lorieta Cowan, and, Kim Cowan. Employees: Ron Johnny, Acting Administrator/CAE and Environmental Coordinator.

ADJOURNMENT.

MOTION. (3:49pm) Motion by Secretary/Treasurer Jerri Lynn Barlese to Adjourn the October 18, 2008, Regular Meeting of the Summit Lake Paiute Council. Motion seconded by Council

MINUTES
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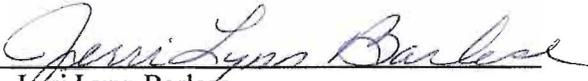
Member Ernie Barlese. Vote called. Vote: 4 For, 0 Abstained, and 0 Against. Chairman Warner Barlese, who did not vote because there was no tie vote, declared the motion passed and that the meeting was adjourned at 3:52pm.

CERTIFICATION

I, JERRI LYNN BARLSES, Secretary/Treasurer of the Summit Lake Paiute Council, hereby attest that the Minutes of the Summit Lake Paiute Council October 18, 2008, Regular Meeting at the Summit Lake Reservation was approved by the Council during the duly held meeting on November 15, 2008, at which there was a quorum present. Voting: 3 For, 0 Against and 0 Abstaining, and that Chairman Warner Barlese did not vote because the was not a tie vote.

November 15, 2008

Date



Jerri Lynn Barlese
Secretary/Treasurer
Summit Lake Paiute Council



UNIVERSITY OF
DENVER

Sturm College of Law

TO: The Tribal Leaders, Tribal Members, and Friends
Summit Lake Paiute Tribe

FROM: John A. Carver, Jr.
Professor Emeritus

DATE: September 23, 2008

Greetings.

Almost forty-four years ago, on October 18, 1964, it was my honor and pleasure, as Acting Secretary of the Interior, to sign and execute the formal approval of The Articles of Association of the Summit Lake Tribe.

It is an honor and pleasure for me to have my name attached to a document that has served its purposes without amendment for so long. In this celebratory observance you do honor not only to the wise leaders who helped write the document, but also their successors who have administered their duties under it ever since 1964.

I congratulate you. I only wish I could be there in person, to visit with friends of those days and their children and successors.


John A. Carver, Jr

Sturm College of Law

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