

**Summit Lake Paiute Tribe
Special Council Meeting
Wednesday, June 30, 2021
Primary Administrative Office, Sparks, Nevada**

CALL TO ORDER: Chairwoman Randi Lone Eagle called the Special Council Meeting of Wednesday, May 30, 2021 to order at 6:10 pm.

ROLL CALL: Secretary/Treasurer Eugene Mace, Sr. called the roll: Chairwoman Randi Lone Eagle, present; Vice-Chairwoman Nedra Crane, present; Secretary/Treasurer Eugene Mace, Sr., present; Council Member Philip Frank and Council Member Steven Crane, present.

GUESTS: Marsha Harlan, Code of Federal Regulations (CFR) Judge and Stephanie Whisnant, CFR Prosecutor

BUREAU OF INDIAN AFFAIRS TRIBAL CONSULTATION—OFFICE OF JUSTICE SERVICES (OJS)

Ms. Harlan stated that the CFR has a basic code of law built in. The code can be looked up online. It is Title 25 CFR Part 11. It tells what the roles of the judges, magistrates and prosecutors are. If a Tribe does not like this code, the Tribe can pass their own ordinance and the CFR would be required to adhere to the ordinances.

Mr. Crane said that SLPT is different as the members are spread out and only one person lives at the Reservation part-time. Mr. Mace said the current concern is people driving through the Reservation and that his own trailer had been ransacked and mostly destroyed.

Ms. Harlan asked if people have property out there. Mr. Mace confirmed that many people have lots out there.

She explained the types of jurisdictions: over the property, over the person, and over the subject. She gave an example of a child not living on the Reservation that is removed from a home. They will ask that the case be transferred over to them. Native Child Welfare Act was written for the State, not for Tribes. CFR's aim is to know where the Native children are since States sometimes loose them.

The BIA would execute things for the Tribe abiding by the Tribe's court, files, etc.

There was a discussion about what could be possible in dealing with Burning Man. Ms. Whisnant said a plan would need to be developed to put a couple of BIA law enforcement officers out there. They could issue citations to non-Natives for smaller crimes to appear in Federal Court. This would be civil jurisdiction. Mr. Mace mentioned littering, trespass and poaching. This is even though there are very clear signs posted.

With COVID they started doing hearings via Zoom. Ms. Whisnant said that they know how to set things up ahead of time. They know what to do.

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Mr. Crane mentioned grazing rights issues and Ms. Harlan explained how it would work to file suit. If the cow is on Tribal land and is branded or tagged, it is implied consent to the jurisdiction. Tribes can have civil jurisdiction if a non-Native comes onto Tribal lands. It is considered consent and it is hard for them to get out of it. This is an issue for SLPT.

If SLPT would like CFR to become part of the Tribes court system, they would meet every other month or so or even set-up a docket around Burning Man.

Ms. Harlan asked if the Council had any questions.

Mr. Crane wants know how far the Tribe's sovereignty goes, how it works. Ms. Harlan replied sovereignty is a concept that the Tribe inherently has all these rights to do anything they want, but in the United States Tribes are only as sovereign as the federal government says they are. Ms. Harlan tells people that if you do not exercise your sovereignty, you are waiving it. It is a use it or loose it. You can do what ever you want until the Federal government says you cannot. If you do not use it, the government may waive your rights because you did not use it. Tribes are equal to the State and subordinate to the Federal government.

Mr. Mace asked if they could set a court on the Reservation and Ms. Harlan said it could be set wherever they wanted, for example, right in the Administrative Office conference room. Everything is recorded.

Ms. Lone Eagle stated that it was suggested that SLPT use the Tribe courts in Winnemucca or McDermitt. Ms. Harlan asked, how does that further SLPT's sovereignty. It does not. It is handing over your sovereignty to another Tribe.

Ms. Harlan says to plan for the future when the children have children.

Ms. Harlan mentioned the benefits of a Tribal court in doing business, especially contracts.

If they want to have CFR, it is fairly easy to do. It does require a resolution. To contract with BIA to do law enforcement, there is an actual contract required.

For additional information the Tribe can contact Sophia Torres, who acts as the go-between in the region and is the Court Administrator. She can answer questions.

Ms. Harlan said if SLPT does decide to go with CFR, she highly recommends also contraction with BIA Law Enforcement. It does not cost the Tribe anything. Just the sight of a Federal officer can be a deterrent. They can also put up a sign saying the Reservation is under surveillance.

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The appellate court for the region is in Oklahoma with a panel of three.

Ms. Harlan and Ms. Whisnant left the meeting.

OPEN FORUM:

Ms. Lone Eagle said this information is good to know. Now they have a proper contact. Mr. Crane and Mr. Mace felt it was a good deal especially looking to the future and all the children the Tribe will have. Mr. Crane said that it does not cost anything.

Ms. Lone Eagle emphasized that having one the Tribes or ITCN handle it is giving up SLPT's sovereignty. Former Council member Jerry Barr always strived to stay a sovereign nation.

Mr. Mace felt that it was good to have Court at the Administrative Office.

Ms. Lone Eagle said that they should closely look at the current ordinances as far as land use, land assignments, and trust passing. The ordinances were written a long time ago and probably need updating. It makes sense, that if the Tribe has the CFR, it would be good to look at the ordinances and have it in place beforehand.

In writing a resolution for the Tribe to become part of the CFR jurisdiction, SLPT could look at other Tribes' resolutions. SLPT needs to check their ordinances and the Section 25 CFR Part 11 for what they actually say. This can be discussed at a future meeting.

Next meetings:

Special Council Meeting for COVID Friday, July 2, 2021, Sparks, Nevada at 6:00 pm.
Regular Council Meeting July 17, 2021 at Administrative Office in Sparks, Nevada at 8:00 am.

MOTION: Vice-Chairwoman Nedra Crane moved to adjourn. Secretary/Treasurer Eugene Mace, Sr. seconded the motion. Chairwoman Randi Lone Eagle called the vote: 4 FOR. 0 AGAINST, 0 ABSTAINED. Meeting adjourned 7:03 pm

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CERTIFICATION

I, **Eugene Mace, Sr.**, Secretary/Treasurer of the Summit Lake Paiute Tribal Council, hereby certify that the Minutes of the June 30, 2021 Special Council Meeting were approved by the Council during a duly held meeting July 17, 2021 at which there was a quorum present, and the Council voted: **4** - **FOR**, **0** - **AGAINST**, **0** - **ABSTAINING**, Chairwoman Randi Lone Eagle did not vote because there was not a tie vote.

7/28/2021
Date

Eugene J. Mace Sr.
Eugene Mace, Sr.
Secretary/Treasurer
Summit Lake Tribal Council