

Minutes
Special Meeting
Summit Lake Paiute Council
Wednesday, June 24, 2009
Primary Administrative Office, 1708 H Street, Sparks, NV 89431

CALL TO ORDER. At 10:03am, Warner Barlese, Chairman, Summit Lake Paiute Council, called the meeting to order.

ROLL CALL. Council Member Robyn Burdette, as Acting Secretary/Treasurer, called roll. Present: Ernie Barlese, Warner Barlese, and Robyn Burdette. Absent: Reggie Lee Townsend and Jerri Lynn Barlese. Chairman Warner Barlese declared there was a quorum and that business could be conducted. Chairman Warner Barlese asked all federal officials, guests, tribal members and Tribe employees to identify themselves for the record.

FEDERAL OFFICIALS: Grant Vaughn, Solicitor, U.S. Department of the Interior ("DOI"), Salt Lake City, Utah; Athena Brown, Superintendent, Western Nevada Agency ("WNA"), Bureau of Indian Affairs ("BIA"), DOI, Carson City, Nevada; Carolyn Richards, Awarding Official, Western Region Office, BIA, DOI, Phoenix, Arizona; and, Marilyn Bitsillie, P.L. 93-638 Contract Specialist, WNA, BIA, Carson City, Nevada.

TRIBAL MEMBERS: Christine Harjo and Cory Burdette.

TRIBAL EMPLOYEES: Ron Johnny, Acting Administrator; Francis Winn, Tribal Accountant; and, Barbara Nelson, Administrative Assistant.

GUESTS: Virginia Degarmo.

Council Member Robyn Burdette questioned whether this meeting with the federal officials was called by BIA or not.

(At 10:07am, Council Secretary/Treasurer Jerri Lynn Barlese entered the meeting.)

Council Chairman Warner Barlese explained to Council Member Robyn Burdette that because she was only elected to the Council on May 16, 2009, and the Council had not had the time to give the two newly elected Council Members a briefing on the past Council's response to the 2003, 2004-2005, and 2006 Findings and Determinations, that she was unaware that this meeting was, in effect, called by the Council in accordance with the Council's Corrective Action Plan and continuing the Council's efforts to work with the BIA to reduce the Findings and Determinations.

P.L. 93-638 Contract Specialist Marilyn Bitsillie explained the history of the Tribe being placed on sanctions for not having its audits done at about the time Council Member Robyn Burdette last left office as a Council Member in about 2002.

(At 10:11am, Acting Administrator Ron Johnny left and re-entered the meeting.)

DOI Solicitor Grant Vaughn explained his dual capacities in attending today's Council Meeting: in an advisory capacity to the Superintendent and as DOI/Agency representative in the appeals filed by the Tribe. Solicitor Vaughn answered several questions related to both capacities.

P.L. 93-638 Contract Specialist Bitsillie explained the process of the Tribe hiring temporary workers to assist gather documents for review by the Peer Review Group consisting of Central Office West BIA, DOI, employees in Albuquerque, New Mexico, and the three day review by the Peer Review Group, all as set forth in the Corrective Action Plan.

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DOI Solicitor Vaughn explained the history of the two appeals filed by the Council with the Civilian Board of Contract Appeals in Washington, D.C., following the BIA issuing its Findings and Determinations, what actions the Council and BIA have taken to date in accordance with the Corrective Action Plan, and what actions the Council can still take to reduce the "deferred revenue" although noting that the BIA doesn't have the authority or resources to review every expenditure in the questioned years.

DOI Solicitor Vaughn explained that in his recent talks to the Criminal Investigator that he was informed that the Office of Inspector General ("OIG") had advised that they would much rather have the "deferred revenue" matters resolved administratively not by a criminal prosecution, and that he (Vaughn) feels concerned about representing to the appeals court Judge that a criminal investigation is still on-going.

(At 10:28am, Superintendent Athena Brown asked Chairman Warner Barlese if Mr. Michael Chatmon could be called and brought into the meeting by speaker phone, and Chairman Warner Barlese had Acting Administrator Ron Johnny set up the call.)

The Council, Solicitor Vaughn and Superintendent Brown asked various questions of Mr. Chatmon relative to the process once the appeals court Judge decides the appeals, the pros and cons of the Judge issuing a decision without a hearing, what the Tribe can do before the BIA issues a Bill for Collection, what happens once the BIA issues the Tribe a Bill for Collection for the more than \$900,000 outlined in the Findings and Determinations, that the National Business Center ("NBC") acts as the collection agency for the U.S. Treasury, and that the BIA can provide technical assistance throughout the processes. Solicitor Vaughn also discussed the possibility of him and Council Chairman Warner Barlese filing separate Status Reports with the appeals court Judge on or about July 15, 2009, since he (Solicitor Vaughn) was of the opinion that the appeals were ready for decision.

When federal officials asked the Council how the Tribe wished to proceed, Council Chairman Warner Barlese advised that the Council would have to call another meeting to see how tribal members wanted the Council to act.

Superintendent Brown wanted to make sure the Tribe understood its responsibilities to find its records, and reminded the Council that none of the debt could be paid back with federal funds.

Mr. Chatmon then discussed how other Tribes had responded to Bills for Collections (e.g., monthly payments, requests for debt compromise, etc.), usual payment period of 5 or more years, that only the principle owed the U.S. had to be paid because the repayment agreement stays at NBC, and only if the Tribe violated its repayment agreement and NBC sent the issue to the U.S. Treasury for collection would the Tribe have to begin to pay interest.

Council Chairman Warner Barlese stated that it is up to tribal members to make a decision on how this Council should proceed given the actions of past Councils that placed the Tribe in this predicament.

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Council Member Robyn Burdette advised that she had questions she wanted answered about the Tribe being on sanctions and wanted to discuss whether Council Members should be paid mileage and per diem or a stipend. Council Chairman Warner Barlese advised Council Member Robyn Burdette that the issues she wanted to discuss were not on this Meeting's Agenda and would be discussed at another meeting.

Tribal Member Christine Harjo asked about rumors she had heard of Council Members being paid to travel to New York, New Orleans and other places. Council Chairman Warner Barlese advised Ms. Harjo that no Council Member between 2006 and 2009 had traveled to New York or New Orleans but that the U.S. Department of Justice had paid all expenses except a few dollars for ground transportation and per diem for Council Members to travel to two day U.S. Department of Justice meetings and workshops in Baltimore, Maryland, and Houston, Texas, to prevent the State of Nevada from asserting jurisdiction on the Summit Lake Reservation.

At 11:01am, Superintendent Brown advised that they (federal officials) wanted to excuse themselves since it was apparent that the Council had other issues to address.

(At 11:02am, Scott Burdette left the meeting.)

As the federal officials began to leave, Council Member Robyn Burdette began asking Awarding Official Carolyn Richards questions about moving funds within the Consolidated Tribal Government Program Contract, Enrollment allocations and Social Services allocations.

BREAK. At 11:05am, it was the decision of a majority of the Council to call a Break until 11:14am.

CALL BACK TO ORDER. At 11:14am, Chairman Warner Barlese called the Special Meeting of the Council back to Order.

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

GUESTS AND TRIBAL MEMBERS PRESENT: Christine Harjo; Cory Burdette; and, Virginia Degarmo.

EMPLOYEES PRESENT: Frances Winn, Director, Finance Department; Ron Johnny, Acting Administrator and Environmental Coordinator; Barbara Nelson, Administrative Assistant-Finance Department.

Chairman Warner Barlese advised, relative to questions about what will the Tribe do when BIA sends a Bill for Collection of nearly \$1 million dollars, that he does not know how much more the Tribe could look for documents and evidence in computers and files. Chairman Warner Barlese advised that the Tribe must contact tribal members to see what they want done.

Council Member Robyn Burdette said that she wants her memo discussed, that she asked to speak to the Council in October 2006 but was denied.

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carried and passed and that the Special Council Meeting was adjourned at 12:32pm.

CERTIFICATION

I, JERRI LYNN BARLSES, Secretary/Treasurer of the Summit Lake Paiute Council, hereby attest that the Minutes of the June 24, 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, 1 Against and 1 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