

MINUTES  
Special Meeting  
SUMMIT LAKE PAIUTE COUNCIL  
Saturday, March 1, 2008

Conference Room, Inter-Tribal Council of Nevada, Inc., 680 Greenbrea Dr., Second Floor, Sparks, Nevada

SWEARING IN OF NEW COUNCIL MEMBER

At 9:31am, Summit Lake Paiute Tribe member Jesse Strout took the Oath of Office as a member of the Summit Lake Paiute Council. Acting Tribal Chairperson Jerri Lynn Barlese ("Acting Chairperson Barlese") and other Council members congratulated Jesse, and Acting Chairperson Barlese handed Jesse the Certificate of Oath to Perform the Duties of Office and each signed the Certificate.

CALL TO ORDER AND ROLL CALL

Acting Chairperson Barlese called the meeting to order and reported that she had called Secretary/Treasurer Watson's residence and was told she had timely left for the Council meeting by bus. Since Secretary/Treasurer Lorraine Watson was absent, Council member Warner Barlese was appointed Acting Secretary/Treasurer, and he called Roll. Present: Council members Warner Barlese, Jerri Lynn Barlese, Ernie Barlese, and Jesse Strout. Absent: Lorraine Watson.

GUESTS AND EMPLOYEES PRESENT

Acting Secretary/Treasurer Warner Barlese asked Guests and Employees to identify themselves for the record. Guests Present: Audrey Frank, tribal member; Connie Summers, tribal member; and, James Barlese. Employees Present: Ron Johnny, Chief Administrative Employee and Environmental Coordinator (Director, Environmental Protection Department).

UNFINISHED BUSINESS

Election of Officers

Discussion was had between Council members that since there were now five Council members whether the Council should go ahead and elect officers has it had told tribal members it would upon seating the fifth Council member.

At 9:36am, a Motion was made.

MOTION. Acting Secretary/Treasurer Warner Barlese made a motion for the Summit Lake Paiute Council ("Council") to go into Executive Session for a half hour (30 minutes). Motion seconded by Council member Ernie Barlese. Discussion was had on whether the Council had to wait for the arrival of Secretary/Treasurer Lorraine Watson before the Council could go into Executive Session to elect, among themselves, their officers (Tribal Chairman, Vice-Chair and Secretary/Treasurer). Consensus of the Council: The Articles did not require that they wait, and the Tribe's Election Ordinance was inapplicable. VOTE: 3 for; 0 against; and 0 abstaining. Because the Tribal Chairman only votes in the case of a tie, and there being no tie vote on the Motion, Acting Tribal Chairperson Barlese did not vote. At 9:41am, Acting Secretary/Treasurer Warner Barlese asked Guests and Employees to leave the Conference Room.

At 9:45am, Secretary/Treasurer Lorraine Watson entered the Executive Session.

At 10:11am, the Council automatically came out of Executive Session and back into session.

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**MOTION.** Secretary/Treasurer Lorraine Watson made a motion for the Council to go back into Executive Session for 15 minutes. Motion seconded by Acting Chairperson Barlese. Vote was called. VOTE: 4 for; 0 against; and 0 abstaining. Because the Tribal Chairman only votes in the case of a tie, and there being no tie vote on the Motion, Acting Tribal Chairperson Barlese did not vote. At 10:11am, Secretary/Treasurer Lorraine Watson asked Guests and Employees to leave the Conference Room.

At 10:26am, the Council automatically came out of Executive Session and back into session.

Announcement of New Council Officers

At 10:26am, Council member Warner Barlese announced the newly elected Council officers:

Tribal Chairman: Warner Barlese;  
Vice-Chairperson: Lorraine Watson; and,  
Secretary/Treasurer: Jerri Lynn Barlese.

BIA Notice, BIA Proposal To Issue Bill For Collection, and Update on New Audit Findings

At 10:27am, Tribal Chairman Warner Barlese gave a history of the audits and process based on what tribal members know of the 2004 and 2005 audit findings, prior to the vast majority of current Council members taking office.

When Tribal Chairman Warner Barlese asked tribal members what thoughts they had, tribal member Audrey Frank said she wanted to hear what Council members think before she made any suggestions.

Tribal Chairman Warner Barlese then asked Chief Administrative Employee Ron Johnny to read the anonymous tribal member letter sent to the Council, dated February 29, 2008, and received at the Tribe's Primary Administrative Office (3690 Grant Drive, Suite K, Reno, Nevada 89509) on February 29, 2008. Ron Johnny then read the letter. See Attached (copy of letter is attached to these Minutes).

Tribal Chairman Warner Barlese then explained that, like the tribal member who wrote the anonymous letter, he too was against selling land or other resources to pay the debts created by previous Council members, and asked Chief Administrative Employee Ron Johnny to explain how the Council came to know of the provisions in the federal government's Indian Affairs Manual regarding "compromise of audit findings."

Mr. Johnny then explained that the Tribe had received two notices from the U.S. Department of the Interior, Bureau of Indian Affairs ("BIA"), identifying questioned audit costs; that the first notice, dated January 10, 2008, listed questioned costs of \$478,108 in 2004 and \$660,050 in 2005; that after the Council detected an error in the calculations, but before the Tribe contacted the BIA, the BIA issued a second notice, dated January 24, 2008, that only listed the total of questioned costs which was \$660,050 (that the \$478,108 in questioned costs detected up to 2004 had grown by roughly \$200,000 in 2005 to \$660,050).

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Mr. Johnny continued that following the Tribe's receipt of the second notice from the BIA that Acting Chairperson Jerri Lynn Barlese had contacted the BIA's Western Nevada Agency in Carson City and requested "technical assistance" in responding to the notices, and that in response to that request he met yesterday (Friday, February 29, 2008) with a BIA official in Carson City and was provided a copy of a page from the federal government's Indian Affairs Manual (page 6 (Part 6, Chapter 2 (Management Accountability, Single Audits))). Mr. Johnny then read the provisions of Section 2.12 (Compromise of Audit Related Debt) and answered questions about the meaning of "compromise." Mr. Johnny then advised that he was advised earlier this week that the BIA had just recognized another \$200,000 in questioned costs from January to April 2006 bringing the total now of questioned audit costs to an estimated \$860,050.

Secretary/Treasurer Jerri Lynn Barlese and Tribal Chairman Warner Barlese commented that they wondered why tribal members should suffer because of the acts of previous Council members. Both stated that they adamantly oppose paying the questioned audit costs from Tribal accounts, taxing tribal members, or compromising tribal assets or reservation resources like selling land, water, hunting or fishing rights, or allowing grazing of cattle and paying those proceeds to the federal government.

Tribal member Audrey Frank stated that she wanted the Council not to act today on the proposed Council Resolution or the other handouts (e.g., copy of page 6 (Part 6, Chapter 2 (Management Accountability, Single Audits))), and the letter from the anonymous tribal member) which were available to Guests as they entered the Council meeting. Rather, Ms. Frank wanted the Council to wait to act until it polled each tribal member by mail and received responses from each and every tribal member. Discussion was then had on whether the Council could afford to wait given the 90-day response deadline in the last, corrected notice the Tribe received from the BIA on \$660,050.00 in questioned audit costs. Consensus of tribal members, including Council members, present: The Council had given notice since the January 16, 2008, Council Meeting in Alturas, California (by handing out copies of this meeting's Agenda) that this issue would be discussed and acted on today, and that the 90-day deadline for responding to the corrected notice did not afford the Council time enough to wait on responses from tribal members.

Tribal member Audrey Frank then suggested that the Council allow cattle to graze on the Reservation, and pay the questioned audit costs from those proceeds even if it took a long time to pay off that debt. Discussion was then had on the 20-30 years it might take for grazing permits revenue to pay off the questioned audit costs, and whether using such revenue for the benefit of past Council members rather than all other tribal members was the right thing to do.

Council member Jesse Strout wondered whether the Tribe could safely commit other tribal resources to pay the questioned audit costs, like gravel. Discussion was then had on whether a large gravel pit operation would cause environmental damage to the Reservation and Summit Lake.

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As Council members started to discussed the proposed Council Resolution that Jerri Lynn Barlese, in her capacity as immediate past Acting Tribal Chairperson, had directed the Chief Administrative Employee to draft, tribal member Audrey Frank agreed with Tribal Chairman Warner Barlese and all other Council members that selling Reservation land should not be an option.

Tribal member Audrey Frank then asked if the Council could cut other tribal expenses to pay the questioned audit costs, like the IPA (Intergovernmental Personnel Agreement) with the U.S. Fish and Wildlife Service. Discussion was then had on the greater benefit of having the IPA in place, and why tribal accounts should not be taxed to pay the questioned audit costs.

**MOTION.** At 10:55am, Council Secretary/Treasurer Jerri Lynn Barlese made a motion to enact the proposed Resolution, titled "Response to Findings and Determinations (F&D) of the Audit Reports for 2004 through 2006 of At Least \$860,050." After a moment of silence, Tribal Chairman Warner Barlese reminded the Council that a seconded was needed or the Motion would die for the lack of a second. Council member Jesse Strout seconded the Motion. Vice-Chairperson Lorraine Watson stated she wanted "or June" removed from the second page of the proposed Resolution in the second Whereas, however, the motion was not amended to remove "or June" from the proposed Resolution. Tribal Chairman Warner Barlese then called for a vote. VOTE: 3 for; 0 against; and 1 abstained. Because the Tribal Chairman only votes in the case of a tie, and there being no tie vote on the Motion, Tribal Chairman Warner Barlese did not vote. Vice-Chairperson Lorraine Watson advised she abstained because she was a Council member during the period of questioned audit costs. Tribal Chairman Warner Barlese announced the Motion had passed and the Resolution was enacted.

**Vanessa Garfield's Request for Educational Assistance**

Consensus of the Council: If there is money in the Tribe's account, and she meets the requirements of maintaining the required number of educational units and grades, assistance will be provided from existing and future funding.

**Indian Child Welfare Act (ICWA)**

Consensus of Council: Council Vice-Chairperson Lorraine Watson is to continue coordinating ICWA responses until the Tribe hires someone to fill the position as ICWA Worker. Tribal Chairman Warner Barlese stated he wanted to see an ICWA Worker Job Announcement posted, in accordance with tribal policies, as soon as possible. Vice-Chairperson Lorraine Watson said she would like to see "ICWA" on the March 15, 2008 Council Meeting Agenda.

**Enrollment**

At 11:20am, Consensus of Council: Secretary/Treasurer Jerri Lynn Barlese is to continue coordinating Enrollment responses until the Tribe hires someone to fill the position as Enrollment Worker. Tribal Chairman Warner Barlese stated he wanted to see an Enrollment Worker Job Announcement posted, in accordance with tribal policies, as soon as possible. Tribal Chairman Barlese said he wanted to see Job

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Announcements for all the positions the Tribe is suppose to have posted as soon as possible, in accordance with tribal policies.

Minutes of Previous Meetings

Tribal Chairman Warner Barlese said that earlier today he gave the Chief Administrative Employee (CAE) paper copies of the January 19, 2008 and January 26, 2008 Council Meeting Minutes and that he would email the CAE electronic copies of those paper copies so they could be finished and circulated for approval by the Council during the March 15, 2008 Regular Council Meeting.

Vice-Chairperson Lorraine Watson said she had not yet finished the drafts of the Council Meeting Minutes she was working on but that she would coordinate their completion with Secretary/Treasurer Jerri Lynn Barlese. Tribal Chairman Warner Barlese asked that Council member Watson complete those drafts of Minutes and get them to the CAE in enough time to circulate them for approval during the March 15, 2008 Regular Council Meeting.

10:00am, Wednesday, March 15, 2008 Meeting with BIA on Fisheries and Range Recontract Applications

At 11:34am, discussion was had about the upcoming 10:00am, Wednesday, March 15, 2008 Meeting with BIA in Carson City on the Fisheries and Range Recontract Applications. Vice-Chairperson Lorraine Watson and Secretary/Treasurer Jerri Lynn Barlese said they would accompany the CAE and Natural Resources Department Director to the meeting.

Tribal Chairman Warner Barlese wondered whether the Roads Recontract Application could be amended to give Humboldt County Roads Department some of the annual \$3,000 allocation from BIA to clear the county roads when tribal employees needed to get to the Reservation to prepare for the annual spawn run of Agai (Lahontan Cutthroat Trout). Tribal Chairman Barlese asked the CAE to confer with the Natural Resource Department Director about this.

Web Site Update

Tribal Chairman Warner Barlese asked Ron Johnny in his capacity as Environmental Coordinator, to give an update on the development and activation of the Tribe's new Environmental Protection web site. Mr. Johnny advised the Council of its status.

ADJOURNMENT

MOTION. At 12 Noon, Secretary/Treasurer Jerri Lynn Barlese made a motion to adjourn the March 1, 2008 Council Special Meeting. Vice-Chairperson Lorraine Watson seconded the motion. No discussion followed. VOTE: 4 for; 0 against; 0 abstaining. Because the Tribal Chairman only votes in the case of a tie, and there being no tie vote on the Motion, Tribal Chairman Warner Barlese did not vote.

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CERTIFICATION

I, JERRI LYNN BARLESE, Secretary/Treasurer of the Summit Lake Paiute Council, hereby state and affirm that the above Minutes of the March 1, 2008 Special Meeting of the Summit Lake Paiute Council were approved, as amended if any amendments were made, during a duly called meeting of the Summit Lake Paiute Council on March 15, 2008 by a vote of the 2 for, 0 against, and 0 abstaining, and that Tribal Chairman Warner Barlese (did or did not) vote because there (was or was not) a tie.

  
\_\_\_\_\_  
Jerri Lynn Barlese, Secretary/Treasurer  
Summit Lake Paiute Council

March 15 2008  
\_\_\_\_\_  
Date