

MINUTES  
Special Council Meeting  
Summit Lake Paiute Council  
Sunday, July 27, 2008

Tribe's Primary Administrative Office, 1708 H Street, Sparks, Nevada 89431-4337

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CALL TO ORDER. At 1:14pm, Summit Lake Paiute Council Chairman Warner Barlese called the meeting to order.

ROLL CALL. Council Secretary/Treasurer Jerri Lynn Barlese called roll. Present: Lorraine Watson, Ernie Barlese, Warner Barlese and Jerri Lynn Barlese. Absent: Jesse Strout. Chairman Warner Barlese asked guests and tribal employees to identify themselves for the record.

Guests: James Barlese and Chanell Barlese.

Tribal Employees: Ron Johnny, Acting Administrator/CASE and Environmental Coordinator.

CHANGE TO AGENDA.

CONSENSUS OF COUNCIL. It was the unanimous consensus of the Council to change the Agenda signed by Council Chairman Warner Barlese on July 22, 2008, changing "1:10pm NEW BUSINESS" to "1:10pm OLD BUSINESS" and adding an item under New Business titled "Treatment as State [TAS] and 401 Certification Application."

OLD BUSINESS.

A. Draft 2007 Audit from Joseph Eve, CPA and Approval of Management Representation Letter. Acting Administrator, Ron Johnny, asked the Council to review the copy of the Draft 2007 Audit the Tribe had received from its Certified Public Accounts (CPAs), Joseph Eve, Great Falls, Montana. After Council members had an opportunity to review the Draft 2007 Audit, Mr. Johnny asked Council members to turn to Audit Page 38, Schedule of Findings and Responses.

07-1 Inventory. Mr. Johnny said he was surprised to see any mention of "no physical inventory records were maintained for the fuel inventory" because he was in possession of the last two Fuel Logs that were kept at the Tribal Office at Summit Lake Reservation. Mr. Johnny explained the Fuel Logs clearly show how much fuel is in the large and small gasoline tanks, and the one tank that holds diesel fuel. When asked by Council members what corrective action he would take to make sure that only informed tribal employees communicated with Joseph Eve, Mr. Johnny stated that in the future he would be the only person to answer questions of Joseph Eve and that he might resort to issuing only written answers to the questions posed to him or other employees.

CONSENSUS OF COUNCIL. It was the unanimous consensus of the Council that before the September 2008 deadline to respond to the Draft 2007 Audit, that Chairman Warner Barlese and Acting Administrator Ron Johnny make sure the response included copies of as many Fuel Logs as the Tribe has to demonstrate that whatever tribal employee advised Joseph Eve that there was no fuel inventory records was either negligent in their answer or intentionally tried to place the Tribe and Council in a bad light.

07-2 Lack of Segregation of Duties. Mr. Johnny advised the Council that the reason for this Finding was that the former Tribal Accountant was given total control over every aspect of the direct deposit system

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the Tribe's bank offered. Mr. Johnny explained that immediately after the now former Tribal Accountant resigned, the Tribe's bank was contacted and her name was removed as having any authority relative with regard to the Tribe's bank account and the bank's Single Point (direct deposit) system by which tribal employee's pay had been directly deposited to the employee's bank account. Mr. Johnny explained that on July 17, 2008, he and Administrative Assistant/Assistant Bookkeeper Brenda Trongon had been trained on the direct deposit aspects of Single Point but that they had also been explained the many other features of Single Point. Mr. Johnny advised that Single Point could have been set up, like he has now done, where if he creates a batch of direct deposit salary payments to employee's bank accounts that Ms. Trongon must approve it and the same thing if Brenda Trongon creates a batch (direct deposit salary payments to employee's bank accounts) that he must approve it. Mr. Johnny further explained that this Finding is also caused, as the auditors specifically stated "The Tribe has limited funds and cannot hire enough accounting staff to supervise others."

CONSENSUS OF COUNCIL. It was the unanimous consensus of the Council that before the September 2008 deadline to respond to the Draft 2007 Audit, that Acting Administrator Ron Johnny is to look into different technologies or how other employees currently with no current role in determining how financial transactions are entered into the financial records can be involved and, for example, approve the entry of another.

1:54pm

07-3 Board Minutes. Council members discussed the problem caused by having most of the Tribe's records, including 2007 Minutes of Council Meetings (not "Board Minutes") in storage in Winnemucca and not available to the auditors when they were in the Reno Primary Administrative Office (PAO), June 9-13, 2008. Chairman Warner Barlese volunteered to look in the file cabinets now at the Tribe's Primary Administrative Office in Sparks (where this meeting was being held) after this Council Meeting ended to see if he could find the file cabinet containing 2007 Council Meeting Minutes.

CONSENSUS OF COUNCIL. It was the unanimous consensus of the Council that before the September 2008 deadline to respond to the Draft 2007 Audit, that Chairman Warner Barlese and Acting Administrator Ron Johnny would search the file cabinets now at the Sparks PAO and try and find 2007 Council Meeting Minutes, and that all Council members were to search their individual files and see if they had copies of any 2007 Council Meeting Minutes.

07-4 Financial Status Reports. Starting at 2:06pm, Council members discussed whether the former Tribal Accountant was overworked or under-qualified for the position since the auditors' Findings conclude that "Accounting personnel did not accurately reflect expenditures when completing the Financial Status Reports (269s). Council members then agreed that from now on they had to hire better qualified persons as the Tribal Accountant and that the current Job Announcement for Tribal Accountant better fits the needs of the Tribe in that the preferred candidate will have an accounting degree and experience in a tribal setting, including with tribes in sanction status.

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CONSENSUS OF COUNCIL. It was the unanimous consensus of the Council that from now on, like the current Job Announcement for Tribal Account, the Tribe had to find a better combination of education and experience in their future Tribal Accountants.

07-5 Capital Asset Records.

CONSENSUS OF COUNCIL. It was the unanimous consensus of the Council that from now on the Tribe had to find a way to create the records the Tribe's Property Management System Manual, page 3, required.

07-6 Journal Entries. Council members discussed on this Finding nearly mirrored Finding 07-4 in that lack of adequate staff played a large role with the two Findings.

CONSENSUS OF COUNCIL. It was the unanimous consensus of the Council that from now on, like the current Job Announcement for Tribal Accountant, the Tribe has to find a better combination of education and experience in their future Tribal Accountants.

2:13pm

07-7 General Ledger Accounts Not Reconciled. Council members discussed the auditors Finding that "The tribe has had turnover in accounting personnel and new personnel have not had time to reconcile all account balances." Council members were hopeful that because the Primary Administrative Office is now located in the Reno-Sparks area that this would give them a better group of candidates to chose from when the Tribe's next Tribal Accountant is hired.

CONSENSUS OF COUNCIL. It was the unanimous consensus of the Council that from now on, like the current Job Announcement for Tribal Accountant, the Tribe has to find a better combination of education and experience in their future Tribal Accountants.

07-8 Payroll Testing. The Council discussed the auditors Findings that the Council, tribal officials and employees had to do a better job in completing the necessary documents when persons are hired as tribal employees and given pay increases, and that the Tribal Accountant (when hired or appointed), now with the assistance of Ms. Trongon as not only an Administrative Assistant but also the Assistant Bookkeeper must find a way of avoiding audit Findings like those listed in this section. Mr. Johnny advised the Council that William Cowan, Director, Natural Resource Department, and he had recently updated the documents used when persons are hired. For example Mr. Johnny stated, the one I-9 form auditors mentioned did not have the Tribe's name or the Tribe's federal tax ID number at the very bottom of the form. In response he and Mr. Cowan went to the Homeland Security web site and utilized the interactive Adobe form posted on the web site, typed in the Tribe's name and federal tax ID number and then made that form part of their electronic collection of forms all persons have to complete with they are hired, contract with, or appointed to work for the Tribe.

CONSENSUS OF COUNCIL. It was the unanimous consensus of the Council that from now tribal officials responsible for assisting persons fill out pre-employment, employment and post-

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employment forms have to pay greater attention to detail, and that since one Finding was that "One's employee's time sheet was not properly authorized," no salary is to be paid unless all employees and the approving officials sign the documents correctly and in accordance with policy.

07-9 941 Reconciliation. Council members discussed on this Finding nearly mirrored Finding 07-4 and 07-6 in that lack of adequate staff, and lack of qualified staff, played a large role with the two Findings.

CONSENSUS OF COUNCIL. It was the unanimous consensus of the Council that from now on, like the current Job Announcement for Tribal Accountant, the Tribe has to find a better combination of education and experience in their future Tribal Accountants.

07-10 Travel Testing. The Council discussed how the location of the Primary Administrative Office in Winnemucca, where Council members could not easily travel to the office, and how difficult it was in complying with tribal policies on travel authorization, and the lack of check signers, caused most of these Findings. Council also discussed on various new policies and the location of the Primary Administrative Office in the Reno-Sparks area should prevent these types of Findings in the future. Acting Administrator Ron Johnny advised the Council that he was working on a policy revision that he would bring before the Council by August 16, 2008, whereby the policy statement on travel would be changed where out-of-state day trips would require prior authorization even if no per diem and no lodging were being paid.

CONSENSUS OF COUNCIL. It was the unanimous consensus of the Council that the Acting Administrator and Department Directors were to do as much as they could to cut down on the auditors concerns for unauthorized travel, if any.

07-11 Cash Management Deferred Revenue Balance. The Council discussed whether it was wise to discuss this Finding given the Council's appeal of the Findings and Determinations from the 2004-2005 audits and the planned appeal from the Findings and Determinations of early 2006 in the 2006 audit.

CONSENSUS OF COUNCIL. It was the unanimous consensus of the Council that this Finding should not be commented on except to say that the Council was exhausting all of the Tribe's options, including that in accordance with BIA Manual, Part 6, Chapter 2, Section 2.12 (page 6).

Cost of 2007 Audit. Council members discussed the Invoice the Tribe had received from Joseph Eve, Certified Public Accountants, relative to completing the 2007 audit thus far.

CONSENSUS OF COUNCIL. It was the unanimous consensus of the Council that the Acting Administrator needs to contact Joseph Eve and obtain the detail required by the Bureau of Indian Affairs so that the total amount could be draw down as quickly as possible and paid.

B. Road Closure. Chairman Warner Barlese asked Acting Administrator and Environmental Coordinator Ron Johnny what steps he had taken to implement the Council's July 19, 2008, decision to close the road on the west side of Summit lake, known by non-Indians as the Soldier Meadows Road, from what non-

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Indians refer to as the Badger Mountain Road to the south boundary of the Summit lake Reservation from Wednesday, August 20, 2008, to Wednesday, September 3, 2008, to all but emergency traffic so construction and other improvements could be made on the Road. Council members also discussed the growing number of non-Indian vehicles on tribal roads and the, apparent, lack of trust responsibility being exercised by federal officials to protect tribal members, tribal lands, the Lake, and the great diversity of tribal resources (Lahontan cutthroat trout, Big Horn Sheep, deer, antelope, sage grouse, rabbits, etc.) on the Reservation by continued non-Indian encroachment. Mr. Johnny explained that his plan was, and he had begun implementation of the plan, to contact:

- Humboldt County, Nevada, Road Department: To place signs at the Leonard Creek and Knott Creek Ranch Roads adjacent the Denio (140) Highway.
- Humboldt County, Nevada, Sheriff's Department: To give them, and have them notify BIA Police dispatched from their Dispatch Center, of the Tribe's new mobile satellite telephone in case an emergency vehicle had to traverse the road closure.
- Washoe County, Nevada, Road Department: To place signs in the Gerlach, Nevada, area, and at the Summit Lake exit from the Vya, Nevada, county road.
- Modoc County, California, Road Department: To place signs in the Cedarville, California, area.
- Caltrans (California Department of Transportation), District 2 (Redding): To place signs in the Cedarville area on state routes (highways) and place notice on their web site, including referring people to the tribe's web site.
- Tribal Liaison, Caltrans, District 2 (Redding): To help get the word out to tribes and Indians.
- Nevada Department of Wildlife (NDOW): To have them give email notice to the hunters and scouts, and their family and friends, possibly impacted by the road closure, and to get data from them on the number of hunters and scouts, and family and friends, that use the Tribe's roads.
- Nevada Indian Commission: To coordinate with state agencies the notice of the road closure.
- Nevada and California Tribes' Environmental Coordinators: To coordinate with tribes the notice of the road closure.
- Burning Man: To confer with them to make sure they agreed the road closure would not impact their participants (their web site advised all participants from the northwest (Washington, Canada, etc.) to travel south on Highway 395, turn east north of Alturas, and travel south from Cedarville, California, on the paved roads) and to get them to place notice on their web site, including referring people to the tribe's web site.
- Bureau of Land Management, Winnemucca, Nevada: To advise their law enforcement officers, give them the Tribe's new mobile satellite telephone number in case they needed to get through the road closure.
- Soldier Meadows Ranch: To give them notice of the Council's decision.

When asked why he had not planned to contact the Bureau of Indian Affairs in Carson City, Mr. Johnny explained that he was focusing what time he had on the greatest resources to get the word out; that BIA didn't have email or public radio station contacts thus they could not get word out to those impacted the most—the public; that he believed this to be an internal tribal matter; and, that to his knowledge BIA Carson City would not likely be impacted since employees from Carson City rarely come to the Reservation without advanced notice to himself or William Cowan, Director, Natural Resource Department.

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Discussion was then had on the disrespect non-Indian hunters, off-road enthusiast, and campers and others give the Tribe when they disregard "no trespassing" signs, fail to close cattle gates that keep cattle from getting into riparian areas, etc.

Mr. Johnny then asked Council members for their assistance in working with tribal employees on the construction project; Council members discussed who could be on the Reservation between Wednesday, August 20, 2008 and Wednesday, September 3, 2008.

Council members asked Mr. Johnny to give an update on his contacts with the U.S. Attorney's Office in Nevada relative to having an attorney from that office attend a Council Meeting so the Tribe could discuss enforcement of that office's trust responsibilities to the Tribe relative to prosecuting trespassers, assisting the Tribe impound trespassing cows and other stock and collecting fees much like cities collect when cars are towed and impounded, and the other items the Council requested education and training on from the U.S. Attorney.

Mr. Johnny asked Council members if they had ever been compensated by the past Solider Meadows Ranch owners when the trail or otherwise transport their cows, bulls and calves across the Reservation. Council members could not recall the Tribe being compensated and expressed interest in what the charge should be per head for each cow, calf and bull whether trailed or transported.

C. Changing Tribal Policies in Response to the Draft 2007 Audit. Acting Administrator Ron Johnny advised the Council that he did not have sufficient time once this Special Council Meeting was called to prepare proposed changes to tribal policies identified in the Draft 2007 Audit, and the Resolutions necessary to effect changes in tribal policies.

CONSENSUS OF COUNCIL. It was the unanimous consensus of the Council that this item would be placed under Old Business at the next Council Meeting.

D. Approval of Minutes. Acting Administrator Ron Johnny explained that because of the short notice for this Special Council Meeting that Administrative Assistant/Assistant Bookkeeper Brenda Trongon did not have enough time to complete the Minutes for the July 19, 2008, Special Council Meeting.

CONSENSUS OF COUNCIL. It was the unanimous consensus of the Council that they would like to see the Minutes for this and the July 19, 2008 Special Council Meetings prepared for consideration and approval at the next scheduled Special Council Meeting on August 16, 2008.

NEW BUSINESS.

A. Treatment as State [TAS] and 401 Certification Application.

MOTION. Motion by Secretary/Treasurer Jerri Lynn Barlese to introduce Resolution SL-33-2008 titled "Application for Treatment as a State and 401 Certification to the Environmental Protection Agency for the Purposes of the Clean Water Act." Motion seconded by Vice-Chairperson Lorraine Watson. Council members discussed how hard the Tribe and its members have worked to protect the Reservation's environment and its resources, including the Summit

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Lake Watershed, and the efforts of others to thwart the Tribe's efforts. Vote called. VOTE: 3 FOR, 0 AGAINST, and 0 ABSTAINING. Chairman Warner Barlese, who did not vote because there was no tie vote, declared the motion passed and Resolution SL-33-2008 enacted.

B. Approval of Purchase of Dell Desk Top Computer and Accessories for Council Members Use at Office. Chairman Warner Barlese advised the Council that he had asked Acting Administrator, Ron Johnny, to look into the cost of purchasing a Dell desk top computer and accessories so that Council members could do their Council and other reports not only at the Tribe's Primary Administrative Office in Sparks but at the Tribal Office on the Summit Lake Reservation and at their homes.

Computers to Be Donated to Council Do Not Have Software; Need to Purchase Software. Chairman Warner Barlese advised the Council of the status of a federal agency giving the Tribe several lap top computers and several desk top computers so that Council members could use them at their homes given the great geographic distribution of Council members as far north as Lakeview, Oregon, and Fort Bidwell, California; as far west as the Sacramento, California, area; and one each in Reno and Sparks. Chairman Warner Barlese said that the federal agency was still processing the donation or transfer but that he wanted to discuss software for the new computer and for the donated computers. Chairman Warner Barlese reminded the Council that computers that will be donated do not have any word processing or other business/report related software like Excel for spreadsheets or Microsoft Office Suite which also includes Word for word processing. Mr. Johnny advised the Council that a tribal employee has offered to sell the Council an unopened version of the same software the Council could purchase through its government purchasing authority with Dell Computer but at a cheaper price; that Dell was quoting about \$140.00 per software license for five (5) licenses, and the employee was offered the unopened version (or license) for \$100.

Council Need for Flash or Jump Drives. Chairman Warner Barlese asked Acting Administrator Johnny whether the hard drive of the new computer was big enough for all Council members to store their reports on. Mr. Johnny replied that while there would be sufficient hard drive space that he preferred that Council members purchase five (5) four (4) Giga Bite (GB) Flash or Jump Drives so that they could carry the Flash Drives with them wherever they went, insert the Flash Drive into any computer and finish their reports or print them.

Council Need for a Desk Top Computer at the Office in Sparks. Council members then discussed how much more work they could get done by way of reports if there was a modern desk top computer at the Primary Administrative Office that would be available for their exclusive use rather than the current system of trying to find a tribal employee who wasn't using their computer or asking tribal employees to type their reports for them. Mr. Johnny said he had looked at Dell's prices for government entities and was certain the Tribe could get an excellent, new, desk top computer for less than \$1,100.00 which would also be Internet accessible through the Tribe's wireless modem.

CONSENSUS OF COUNCIL. It was the unanimous consensus of Council that Chairman Warner Barlese and Acting Administrator Ron Johnny are authorized to purchase a desk top computer, five Flash or Jump Drives at least 4GB each, and five (5) copies of Microsoft Office from Dell and one (1) copy of Microsoft Office from the tribal employee, all for the Council's exclusive use

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relative to the desk top computer to be located in the Primary Administrative Office and the laptop and desk top computers being donated or transferred to the Tribe by a federal agency for the Council's use at their residences.

ADJOURNMENT.

MOTION. Motion by Vice-Chairperson Lorraine Watson to adjourn the July 27, 2008, Special Council Meeting. Motion seconded by Council member Ernie 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 passed and that the July 27, 2008, Special Council Meeting was adjourned at 3:16pm.

CERTIFICATION

I, JERRI LYNN BARLESE, Secretary/Treasurer of the Summit Lake Paiute Council, hereby attest that the above Minutes of the July 27, 2008, Special Council Meeting were approved, as prepared, unless amendments are noted and made during a duly called Special Council Meeting on Saturday, August 16, 2008, with a quorum present, by a Vote of: 3 FOR, 0 AGAINST, and 0 ABSTAINING, and that Council Chairman Warner Barlese did (did not) vote because there (was) (was not) a tie vote.

Aug 18 2008  
Date

Jerri Lynn Barlese  
Jerri Lynn Barlese  
Secretary/Treasurer  
Summit Lake Paiute Council