

RESOLUTION OF THE SUMMIT LAKE PAIUTE COUNCIL
SUMMIT LAKE PAIUTE TRIBE
OF THE
SUMMIT LAKE PAIUTE RESERVATION, NEVADA

RESOLUTION NO.: SL - 13 - 2008 (Originally enacted March 1, 2008)

TITLE: Response to Findings and Determinations (F&D) of the Audit Reports for 2004 through 2006 of at least \$860,050

WHEREAS, the Summit Lake Paiute Tribe, is a modern entity of the Northern Paiute People known, in English, as Lake Trout and Wild Onion Eaters who, for thousands of years, controlled 2,800 square miles of land in and around Summit Lake as a tribe with sovereign, unlimited, powers and laws (customs, traditions, usages, etc.); and,

WHEREAS, in 1964, and after much consideration, the members of the Lake Trout and Wild Onion Eaters organized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984) as amended, adopting, for certain sovereign purposes, the name "Summit Lake Paiute Tribe" with a tribal constitution titled "Articles of Association," the latter which was approved by the Secretary of the U.S. Department of the Interior on January 8, 1965; and,

WHEREAS, over time the members of the Summit Lake Paiute Tribe have regained a small fraction of their historic land base, including the Tribe's reserved lands (Reservation), and the Indian allotments outside the Reservation boundaries; and,

WHEREAS, the Summit Lake Paiute Tribe's Articles of Association grant to the Summit Lake Paiute Council (see Article II, Section 1) certain sovereign powers, including the power to seek funding from federal agencies like the Bureau of Indian Affairs and the U.S. Environmental Protection Agency (EPA) to improve the welfare and education of tribal members (see Article II, Section 1 (b), (k)); and,

WHEREAS, on January 10, 2008, the Bureau of Indian Affairs (BIA), Western Nevada Agency (WNA), gave notice to the Council that: (1) the Office of Audit and Evaluation (IAE) reviewed the subject audit reports on May 21, 2007, and had concerns with \$478,108 for 2004 and \$660,050 in 2005, of deferred revenue deficits, (2) that Findings and Determination (F&D) for the subject audits was issued on January 10, 2008 sustaining \$478,108 and \$660,050 as questioned costs, and (3) that a Bill for Collection will be issued in 90 days if (1) no appeal was filed with the Civilian Board of Contract Appeals, General Services Administration, 1800 F. Street, NW, Washington, DC 20405 within 90 days of January 10, 2008 or (2) payment is not received (said notice to Council was copied to all tribal members in the January 31, 2008 *Agi Panina Yadooa* (tribal newsletter)); and

- WHEREAS, after the Council had noted an inconsistency in the above notice from the BIA but before the Council could contact the BIA, on January 24, 2008, the BIA issued a corrected notice advising that the total of questioned costs was only \$660,050 not \$1,138,158 (\$478,108 plus \$660,050) thereby also changing the date for an appeal or payment; and,
- WHEREAS, recently the BIA has notified the Council that there is concern over an additional \$200,000 in questioned costs for early 2006; and,
- WHEREAS, the majority of the current members of the Summit Lake Paiute Council have only held office since May 2006; and,
- WHEREAS, members of the Summit Lake Paiute Tribe not just those tribal members who are members of the Summit Lake Paiute Council must figure out a way to deal with the questioned costs caused by other tribal members; and,
- WHEREAS, the options to tribal members are limited, including, as one tribal member recently stated in a letter to the Summit Lake Paiute Council, dated February 29, 2008 (which is attached to this Resolution): compromise assets and reservation resources by (1) considering payment from the Tribal account, (2) taxing tribal members, or (3) selling land, water, hunting and or fishing rights; and,
- WHEREAS, the Council does not believe selling land is a viable option not only because it is opposed to such an idea but because the Council believes that the federal government's trust responsibility to tribal members will not allow it to allow the Tribe to sell tribe land; and,
- WHEREAS, there is insufficient funds in any Tribal accounts to pay the questioned costs but even if there were, the actions of a few tribal members should not harm the many tribal members; and,
- WHEREAS, the Council does not believe that selling water rights is a viable option, however, leasing or permitting water in years where the spring run off is proved to exceed the needs of the Tribe and its resources, namely the fish that we derive our traditional name from as Agi Panina Ticutta, might be an option after exhaustive study; and,
- WHEREAS, the Council does not believe that the selling of hunting and fishing permits would likely yield sufficient revenue to deal with the estimated \$860,050 in questioned costs; and,
- WHEREAS, allowing cattle to graze on tribal land, which would likely cause more environmental harm than sufficient revenues to deal with the estimated \$860,050 in questioned costs, does not appear to be a viable option to the Council; and,

WHEREAS, there are administrative processes whereby the Council can appeal to the Civilian Board of Contract Appeals, General Services Administration, and or ask the U.S. Department of Justice to compromise debts to the federal government over \$100,000; and,

WHEREAS, it appears to the Council that (1) filing an appeal with the Civilian Board of Contract Appeals, General Services Administration, 1800 F. Street, NW, Washington, DC 20405 within 90 days of January 24, 2008 and or (2) asking the U.S. Department of Justice to compromise whatever the actual total of questioned costs is (since it is over \$100,000) are the only options the Council has so as not to compromise assets and reservation resources by (1) considering payment from the Tribal account, (2) taxing tribal members, (3) selling land, water, hunting and or fishing rights, or (4) causing environmental damage to the Reservation and Lake by, for example, allowing cattle to graze on the Reservation.

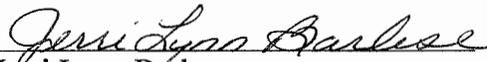
NOW THEREFORE, BE IT RESOLVED that the Summit Lake Paiute Tribal Council has reviewed and been briefed on all the possible options the Tribe has in paying up to \$860,050 to avoid a Bill for Collection and,

BE IT FURTHER RESOLVED that the Summit Lake Paiute Council authorizes the members of the Summit Lake Paiute Council to file an appeal with the Civilian Board of Contract Appeals, General Services Administration, 1800 F. Street, NW, Washington, DC 20405 within 90 days of January 24, 2008 and contact the Assistance Secretary-Indian Affairs, Solicitor and or Regional Solicitors, and or the U.S. Department of Justice, in accordance with Part 6, Chapter 2, of the Indian Affairs Manual, regarding Management Accountability Single Audits, Section 2.12, and seek to have the debts identified from the 2004 through 2006 audits compromised.

CERTIFICATION

I, JERRI LYNN BARLESE, Secretary/Treasurer of the Summit Lake Paiute Council, hereby certify that the above Resolution, No. SL - 13 - 2008, was brought before the Summit Lake Paiute Council at a duly held meeting on the 15th day of March, 2008, with five (5) members present, constituting a quorum, with the following votes to amend Resolution SL-13-2008 originally enacted on March 1, 2008: 1 FOR, 0 AGAINST; and 1 ABSTAINING, with the Tribal Chairman presiding and Not voting, and that this Resolution has not been rescinded, revoked or further amended.

March 15 2008
Date


Jerri Lynn Barlese
Secretary/Treasurer
Summit Lake Tribal Council



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

WESTERN NEVADA AGENCY
311 E. WASHINGTON STREET
CARSON CITY, NEVADA 89701
775-887-3500

**COPY FOR YOUR
INFORMATION**

IN REPLY REFER TO:

Indian Self-Determination Services

JAN 10 2008

Memorandum

To: Director, Office of Audit and Evaluation
Office of the Chief Financial Officer

From: Indian Self-Determination Specialist,
Western Nevada Agency *Marilyn Pettilli*

Subject: Single Audit Reports of the Summit Lake Paiute Tribe
for the Fiscal Years Ended December 31, 2004 and
December 31, 2005

The Office of Audit and Evaluation (IAE) reviewed the subject audit reports on May 21, 2007. In addition to the seven audit findings for 2005 which were repeat findings in 2004, IAE had concerns with \$478,108 for 2004 and \$660,050 in 2005, of deferred revenue deficits, for resolution.

The attached Findings and Determinations (F&D) for the subject audits was issued on January 10, 2008. The F&D sustained \$478,108 and \$660,050 as questionable costs. A Bill for Collection will be issued in 90 days if payment is not received.

The report also contained seven additional findings, with no questioned costs. The Tribe has taken action to resolve or has planned action to resolve the findings. The Tribe and I have met and will continue to meet to improve the corrective action plans and ensure that planned actions are completed.

If additional information is needed, please contact me at (775) 887-3555.

Attachment

cc: SLPT Council Members/Accountant
WRO, ISDS/Awarding Official
Office of Inspector General, Mark Tinsley, C.I.
WNA, Audit file



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
WESTERN NEVADA AGENCY
311 East Washington Street
Carson City, Nevada 89701



IN REPLY REFER TO:

Indian Self-Determination Services

JAN 24 2008

Memorandum

To: Director, Office of Audit and Evaluation
Office of the Chief Financial Officer

From: Indian Self-Determination Specialist
Western Nevada Agency *Marilyn Pettit*

Subject: Amended Findings and Determination
Single Audit Reports of the Summit Lake Paiute Tribe
for the Fiscal Years Ended December 31, 2004 and
December 31, 2005

This document is to amend the Findings and Determinations (F&D) for the subject audits which issued on January 10, 2008. The Office of Audit and Evaluation (IAE) had concerns with the deferred revenue deficits for both 2004 and 2005, for resolution.

The amended Findings and Determinations (F&D) for the subject audits sustains \$660,050 as questionable costs, and not a combination of both years as previously written.

If additional information is needed, please contact me at (775) 887-3555.

Attachment

cc: SLPT Council Members/Accountant
WRO, ISDS/Awarding Official
Office of Inspector General, Mark Tinsley, C.I.
WNA, Audit file

INDIAN AFFAIRS MANUAL

Part: 5	Management Accountability	
Chapter: 2	Single Audits	Page 6

C. Time Limitation. Disallowed costs may not be billed or collected if the F&D is issued more than 365 calendar days following the earlier of the dates that the single audit was received by either the OIG or by the Office of Audit and Evaluation.

2.11 Reinstatement of Previously Disallowed Costs. Subsequent to the awarding official's decision to disallow costs, the recipient may provide additional information that is sufficient for the awarding official to determine that some or all of the previously disallowed costs should be reinstated. In situations such as this, the awarding official should issue a revised F&D, provide a copy to the ALO, and request that the Division of Accounting Management revise or cancel the Bill for Collection, as appropriate.

2.12 Compromise of Audit Related Debt.

A. Assistant Secretary - Indian Affairs may reduce, forgive, or authorize the write-off of audit related debt when the total amount owed by the recipient is less than \$5,000. **Note:** The \$5,000 limit includes all debt owed by the recipient to Indian Affairs, not just the amount owed under one audit. A request to the Assistant Secretary should be submitted through the cognizant Regional Director, Director, Office of Indian Education Programs, or Director, Office of Self-Governance. The request should include sufficient information concerning the financial resources of the recipient for the Assistant Secretary to render an informed decision. If the debt is reduced or forgiven, a copy of the decision memorandum should be provided immediately to the Division of Accounting Management.

B. Solicitor and Regional Solicitors may reduce or forgive audit related debts when the total indebtedness of the recipient does not exceed \$100,000.

C. Department of Justice has sole jurisdiction to compromise debts in excess of \$100,000.

2.13 Closure of Audits.

A. Audits With No Outstanding Disallowed Costs. Management decisions on single audits issued by the OIG are reviewed by the OIG. If the response is acceptable, the OIG provides notification to the official who made the management decision.

(1) If the ALO made the management decision, the OIG provides the awarding official with a copy of the memorandum to the ALO. The awarding official is to provide a copy to the recipient.

(2) If the awarding official made the management decision, the OIG provides the ALO with a copy of the memorandum to the awarding official. The awarding official is to provide a copy of the OIG memorandum to the recipient.

B. Audits With Disallowed Costs. Resolved audits with outstanding disallowed costs are referred by the OIG to the Assistant Secretary - Policy, Management and Budget (PMB) for tracking of collection efforts.

RECEIVED

FEB 29 2008 RBT

February 29, 2008
To: Summit Lake Paiute Council

SUMMIT LAKE PAIUTE TRIBE

This letter is anonymously written to protect myself from backlash by expressing my opinion regarding the debt the Summit Lake Paiute Tribe owes to the federal government.

I am a tribal member of the Summit Lake Paiute Tribe (hereafter referenced as Tribe).

I am deeply disappointed that the Tribe accumulated such a large debt. The debt disclosed in a recent tribal newsletter amounts to greater than one million dollars. What I understand this debt accumulated during the period of 2002 – 2006. During this period, I do not recall the Tribal administration providing extra services or benefits for members of the Summit Lake Paiute Tribe. Rather, it appears there was wasteful spending by frivolous Council activity and unfinished projects. I have heard excuses that this debt is due to incomplete audits, errors in finance management, embezzlement, and illegal use of federal funds by the Council and Tribal administrative staff.

As a concerned tribal member, I hold the Council and their administrative staff employed during the years this debt was accumulated, as the people who should be accountable and responsible for payment of this debt.

I recommend the following Council members, who were in office during the period the debt was accumulated, be subpoenaed at their expense (not Tribal expense) to be given an opportunity to be heard to defend why they should not be prosecuted by the federal government for fraud. These individuals are: Robyn Burdette, Robert Sam, Lucille Sam, Grayson Huitt, and Lorraine Watson.

After these individuals are given an opportunity to be heard by the Tribe, a report should be issued to Tribal members so the Tribe can determine what the best course of action is.

What ever happens with this debt, please do not compromise assets, reservation resources, and rights of the Tribe by considering payment from the Tribal account, taxing the Tribe, selling land, water, hunting or fishing rights.

DISTRIBUTED

Date: 02.29.08 By: RBT

Original: Letters to Council File

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