

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

RESOLUTION NO.: SL - 27 - 2008

TITLE: Response to Findings and Determinations (F&D) of the Audit Report for 2006 of \$266,825

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 May 21, 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 February 15, 2007, and had concerns with \$266,825 for 2006 of deferred revenue deficits, (2) that Findings and Determination (F&D) for the subject audits was issued on May 21, 2008 sustaining \$266,825 in disallowed costs, and (3) that the Tribe has 90 days to appeal to the Civilian Board of Contract Appeals, General Services Administration, 1800 F. Street, NW, Washington, DC 20405 within 90 days of May 21, 2008 (said notice to Council was copied to all tribal members in the June 19, 2008 *Agí Panina Yadooa* (tribal newsletter)); 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: 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 \$266,825 in disallowed 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 \$266,050 in disallowed 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 May 21, 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 \$255,825 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 May 21, 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 2006 audits compromised.

CERTIFICATION

I, JERRI LYNN BARLESE, Secretary/Treasurer of the Summit Lake Paiute Council, hereby certify that the above Resolution was brought before the Summit Lake Paiute Council at a duly held meeting on the 21st day of June, 2008, with a quorum present, with the following votes to adopt the Resolution: 3 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.

June 21 2008
Date

Jerrilyn Barlese
Jerrilyn Barlese
Secretary/Treasurer
Summit Lake Tribal Council



IN REPLY REFER TO

United States Department of the Interior

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



Indian Self-Determination Services

MAY 21 2008

Certified Mail - Return Receipt No. 7007 0220 0001 9062 6206

Mr. Warner Barlese, Chairman
Summit Lake Paiute Tribe
3690 Grant Drive, Suite K
Reno, Nevada 89509

RECEIVED

MAY 22 2008

SUMMIT LAKE PAIUTE TRIBE

Dear Mr. Barlese:

Enclosed is a copy of the Findings and Determination that reflects a final decision of the Awarding Official with respect to the Single Audit Report of Summit Lake Paiute Tribe for the Fiscal Year Ended December 31, 2006, Report No. 06-4116.

You have a right to dispute any information contained in the Awarding Official's final decision. Should you elect to file an appeal, the following appeal notice is hereby provided:

APPEAL NOTICE

This is a final decision of the Awarding Official. You may appeal this decision to the:

Civilian Board of Contract Appeals
General Services Administration
1800 F Street, NW
Washington, DC 20405

The Civilian Board of Contract Appeals (CBCA) is the authorized representative of the Secretary of the Interior with jurisdiction to hear and determine appeals relating to contracts (or grants) made by any Bureau or Office of the Department of the Interior.

If you decide to appeal, you must mail or otherwise furnish a written notice of appeal to the CBCA within 90 days of receipt of this decision and provide a copy to the Awarding Official from whose decision the appeal is taken. The notice of appeal must indicate that an appeal is intended, reference this decision, and identify the contract number and the audit report number.

If you appeal to the CBCA, you may, solely at your election, proceed

under the Board's small claims procedure for claims of \$50,000 or less or its accelerated procedure for claims of \$100,000 or less. Instead of appealing to the CBCA, you may bring an action directly in the U.S. Claims Court within 12 months of the date you receive this decision.

Sincerely,



Superintendent

Enclosure

cc: SLPT Council Members/Accountant
Director, Office of Audit and Evaluation
WRO, ISDS/Awarding Official
WNA, Audit files



IN REPLY REFER TO:

Indian Self-Determination Services

United States Department of the Interior

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

**COPY FOR YOUR
INFORMATION**



MAY 21 2008

Memorandum

To: Director, Office of Internal Evaluation and Assessment
Office of the Deputy Assistant Secretary, Management

From: Superintendent, Western Nevada Agency /s/ Athena R. Brown
Attn: Indian Self-Determination Specialist

Subject: Single Audit Report of the Summit Lake Paiute Tribe for the
Fiscal Year Ended December 31, 2006, Report No. IEA 06-4116

The Office of Internal Evaluation and Assessment (IEA), reviewed the subject audit report on February 15, 2008. The Tribe had expended less than the \$500,000 threshold in 2006; therefore, not required to file the audit report with the Federal Audit Clearinghouse. In addition to the nine audit findings for 2006, which were repeat findings from 2005, IEA had concerns with additional \$266,825 deferred revenue deficits.

The report also contained nine findings, with no questioned costs. Of the nine findings, the other seven were repeat findings from prior year audits and two were additional. The Tribe has taken action to resolve or has planned action to resolve these findings. The Tribe and I have discussed corrective actions and BIA will continue to monitor activities and improvements relative to the findings.

The attached Findings and Determinations (F&D) for the subject audit was issued on May 21, 2008. The F&D disallows the increased deferred revenue \$266,825 as questionable costs; however, it is recommended that this single audit report remain open until further clarification is received and/or judgment received from the appeal of the 2004/2005 findings.

If further information is needed, please contact Marilyn Bitisillie, at (775) 887-3555.

Attachment

DEC-04-2003 (THU) 14:45

INDIAN AFFAIRS MANUAL

Part: 5
Chapter: 2Management Accountability
Single Audits

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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.