



Picayune Rancheria

of the

# CHUKCHANSI INDIANS

P. O. Box 269 • 35686 Highway 41 • Coarsegold, CA 93614 • (209) 683-6633 • FAX (209) 683-0599

September 28, 1998

## OPEN LETTER TO THE GENERAL COUNCIL OF THE PICAYUNE RANCHERIA OF THE CHUKCHANSI INDIANS

The Tribal Council of the Picayune Rancheria of the Chukchansi Indians has, under Article V, POWERS OF THE GOVERNING BODY, sections (a), (b), (c), and (u) and Article X, sections (1) and (3) of the Constitution of the Picayune Rancheria of Chukchansi Indians, removed Gilbert D. Cordero from his position as Tribal Chairperson and from the Tribal Council on September 25, 1998. After reviewing the following documents: Agreed Upon Procedures of Heath, Claiborne and Associates; Tribal financial records and checks paid; minutes of Tribal Council meetings; minutes of CIHA Board meetings; HUD documents on file at the Tribal Office and Tribal correspondence with HUD; and interviewing Tribal Office staff, the Tribal Council has found that Gilbert D. Cordero has grossly neglected his employment duties and failed to uphold the integrity, dignity, and morality of the Tribal Council.

The removal of Gilbert D. Cordero has been a painful process for all involved. The decision was made only upon a careful and complete review of all available information. Additionally, the Tribal Council has performed their duties as required under the Tribe's Constitution in a manner that has provided Gilbert D. Cordero due notice and an opportunity to be heard. (Article X, sec. 1) This letter will serve to inform the General Council of the procedures and process followed by the Tribal Council in fulfilling their duties. Further, it is hoped that this letter will explain to the General Council why the Tribal Council had absolutely no other option but to follow the course of action that was taken. A brief history of events is required.

On April 13<sup>th</sup> and 14<sup>th</sup>, 1998, Housing and Urban Development (HUD) representatives Mr. Meecham, Ms. Byestwa, and Mr. Pflantz made a site visit to the Tribal Office. At that time the HUD representatives determined that California Indian Housing Authority (CIHA) funds that were expended on the new administration building were ineligible expenses. Gilbert Cordero, without the knowledge and consent of the Tribal Council, approved the expenditure of these funds. At the April 13<sup>th</sup> and 14<sup>th</sup> visit Gilbert Cordero and Jan Fjellbo were informed that all ineligible costs incurred must be repaid to CIHA. Gilbert and Jan were also told at that time that CIHA could not spend any more money on that project. Nevertheless, on April 22, 1998, with only Gilbert's approval as Tribal Chairman, additional CIHA funds were used to pay Mobile Modular for storage of the modular building.

of the Tribal Council were made without the Tribal Council's informed consent. In that this information was not disclosed to the Council it certainly would not have been apparent to the General Council. Therefore, an action initiated by the general council to recall Gilbert Cordero could not have occurred in any event.

Once the Tribal Council was made aware of the likelihood of mismanagement it was the Council's duty and they were compelled under the Constitution to take the action that was taken. Under Article V, POWERS OF THE GOVERNING BODY, section (c) the Tribal Council has the power and the duty "to safeguard the peace, safety, morals, and general welfare of the Tribe." Also, under Section (x) of Article V, the Tribal Council has the power and duty "to exercise such further powers, consistent with this Constitution, as needed to carry out the powers listed herein." It is for this reason alone; acting to uphold their sworn duties under the Constitution that the Tribal Council has taken the serious and severe action that it has been compelled to take.

**Please Note:** A copy of Gilbert D. Cordero's rebuttal to the Specific Findings and Charges in addition to the documents and evidence upon which the Tribal Council based its decision is available for Tribal member's review at the Tribal Office. If you wish to review these documents please phone the Tribal Office to make an appointment. Due to staffing and space limitations no more than three (3) persons at a time will be allowed to review the documents at any given time. Thank you for your cooperation in this matter.



2. Sale of the PRCI (Tribal Council) ~~was to the Tribe in the amount of \$20,000~~ was made without the knowledge or consent of the Tribal Council. Likewise, there was no resolution passed to expend these funds from the Tribe's budget. This purchase also failed to follow procurement policy. (All expenditures over \$300.01 need Tribal Council approval under the Picayune Rancheria of the Chukchansi Indians procurement policy.)
3. \$2,810.00 was paid to Mobile Modular, again over the procurement limit, without Tribal Council knowledge and resolution to expend these funds. Funds were transferred from the CIHA account to the Tribe's account on April, 22 1998. Prior to the improper drawdown, CIHA was informed on April 13, 1998 that this project was ineligible and that no money could be used on this project. Nonetheless, \$2,810.00 was transferred and a check was written to Mobile Modular without the knowledge of the CIHA Board of Commissioners, CCIHA's Executive Director, or the Tribal Council. Gilbert has stated that this transaction was corrected on May 12, 1998; however, the \$2,810.00 was never transferred back into the CIHA checking account.
4. \$4,000 was paid to G.E. Capital for administration building plans, although no resolution to expend these funds was approved by the Tribal Council. Again, procurement policy was not followed. According to representatives of Mobile Modular, Mobile Modula created the plans for the building, and the G.E. Capital plans were not used.

*Article V section (k) "to collect and expend any tribal funds within the exclusive control, of the Tribe, and to recommend the expenditure of any other tribal funds;"*

1. Payment of a non-Tribal member's property taxes. This was an inappropriate and unauthorized expenditure.
2. Countercheck written to Cash in the amount \$300.00, signed by Gilbert on March 12, 1998. No other signature was on the check and no justification for this amount has been found.
3. All of the items listed as violations of Article V section (f), above, also violate Article V, section (k).

*Article V, section (p) "to administer any funds within the control of the Tribe and to make expenditures of available funds for tribal purposes in accordance with a budget approved by the Tribal Council, provided that all expenditures of Tribal funds under the control of the Tribal Council shall be made only by resolution, duly approved at regular or special meetings of the Tribal Council, and that the amount so expended shall be a matter of record;"*

1. Resolutions were not approved by the Tribal Council for any of the items listed above. In addition, resolutions were not passed by the CIHA Board of Commissioners for expenditures from the CIHA account.
2. Assuming that Gilbert viewed CIHA as a program and not a separate entity, he may have felt it unnecessary to obtain approval from CIHA Board of Commissioners. In this case, however, the Tribal Council would have had to pass resolutions for these expenditures. Again, resolutions were not created, or passed, by the Tribal Council.

Chukchansi Indians paid \$11,000 in taxes on this property in July 1998. While the Tribal Council is aware that this land is "Indian Country," the Tribal Council knows this land is not held in trust by the U.S. and is therefore not free from tax. These taxes should have been kept current, so as to lessen the financial burden of the Tribe.

- ◆ Due to the fact that the Tribe is in arrears with the CIHA HUD LOCCS account on the Quartz Mountain property and the administration building, the Tribe and CIHA are unable to apply for HUD funding including the ICDBG grant for FY 99, maximum grant amount \$550,000.

All of the above listed charges show wrongful conduct that affects, interrupts, and interferes with the proper performance of official duties, a gross neglect of duty, and mismanagement or misuse of tribal funds. It is the duty of the Tribal Council, acting in concert, to "*safeguard the peace, safety, morals, and general welfare of the Tribe*". (Article V, section (c).) Therefore, the Tribal Council is compelled, pursuant to Article X, Section 1 and Section 3 of the Constitution of the Picayune Rancheria of the Chukchansi Indians, to follow the process to remove Gilbert D. Cordero as Tribal Chairperson and from the Tribal Council of the Picayune Rancheria of the Chukchansi Indians. Finally, the Tribal Council also has decided that Gilbert D. Cordero be terminated, immediately, as an employee of the Picayune Rancheria of the Chukchansi Indians under section 9.2.3 of the Tribe's Personnel Policies.

-CIHA – Chukchansi Indian Housing Authority

FONSI – Finding of No Significant Impact

HUD – Department of Housing and Urban Development

LOCCS – Line of Credit Control System

RROF – Request for Release of Funds

-CIHA – Chukchansi Indian Housing Authority

FONSI – Finding of No Significant Impact

HUD – Department of Housing and Urban Development

LOCCS – Line of Credit Control System

RROF – Request for Release of Funds