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& OLSEN

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February 24, 2020

Geoffrey D. Strommer
Hobbs Straus Dean & Walker, LLP
215 SW Washington St., Ste. 200
Portland, OR 97204

Re: *Request for notice regarding upcoming PITU Tribal Council meetings*

Dear Geoff:

The Shivwits Band and Kanosh Band and Cedar Band are pleased that they were allowed to participate in the Emergency Meeting Chairperson Borchardt-Slayton called this past Tuesday. The three Bands plan to participate in every Tribal Council meeting and have formally requested notice of all meetings.

I understand Councilwoman Mayo made a motion on the Tuesday, February 18th Emergency Meeting to have the Tribe pay the legal expenses for Tami to defend herself for her ultra vires actions. I also understand that the motion did not receive a second and was not passed. The Cedar Band, Kanosh Band, and Shivwits Band representatives all opposed the motion, and the action of the PITU Tribal Council was to reject that proposal.

As you know, the Tribal Council Rules of Procedure, Section I(9), state “No member of the Council shall vote on any question [] concerning the conduct of a member of [her] immediate family.” Immediate Family is defined as including parents. Accordingly, it would be a violation of Tribal law for Councilwoman Jeanine Borchardt to vote on a motion for her daughter’s legal fees to be paid by the Tribe. Did Councilwoman Jeanine Borchardt vote on the motion?

Will you please provide a copy of the relevant portions of the journal referenced in the Tribal Council Rules of Procedure, Section 1(7) for the Emergency Meeting on February 18, 2020, and any other Emergency or Special meeting held in January or February, 2020? The journal is a public record according to Section 7. Will the PITU provide a copy of these minutes?

Trying to have that issue voted upon in a secret meeting, after it was defeated by a majority of Bands, and in disregard for clear conflict of interest rules would be a gross miscarriage of justice. Please advise whether such a meeting was called and whether such a motion was passed in contravention of the clear action of the PITU Council this past Tuesday. Regardless of any selective notice, Emergency Meeting Chairperson Borchardt-Slayton may try

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to call with only Indian Peaks and Koosharem, the business addressed at that meeting would have to be brought before the public at the next Regular Council meeting.

Also, no action should be taken without a quorum of at least four members. According to the Constitution, "A quorum shall consist of a majority of the membership of the Council." Constitution, Art. X, Section 1(b)(3). Three is not a majority of six. The reference in the Tribal Council Rules of Procedure to a quorum being three does not apply since it was prior to the amendment of the Constitution adding a sixth member of the Tribal Council, and the Rules of Procedure only apply "so long as such rules are consistent with the provisions of th[e] constitution." Constitution, Art. X, Section 1(a).

Will you please provide a copy of all minutes where actions were taken at any meeting where less than four members were present? The Bands hereby request access to the public journal where those minutes are kept, under the Tribal Council Rules of Procedure, Section 1(7).

Sincerely,



Mark Echo Hawk

MAE/cs

Cc: Cedar Band Council
Kanosh Band Council
Shivwits Band Council
Paul Tsosie