

Pyramid Lake Paiute Tribal Council

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SPECIAL MEETING MINUTES

Tribal Chambers ~ Nixon, NV

April 16, 2021

Members Present:

Janet Davis, Chairwoman
Harriet Brady, Councilmember
Edward Ely III, Councilmember
Carolyn Harry, Councilmember
James Phoenix Councilmember

Steven Wadsworth, Vice Chairman
Nathan Dunn, Councilmember
Natalia Gonzales, Councilmember
Irwin Mix, Councilmember
Georgina Wadsworth, Councilmember

Note: Due to COVID-19 Tribal Council meetings are closed to the public to ensure the health and safety of attendees. Councilmembers attended in person, keeping to 6-foot distancing, and via audio conferencing.

CALL TO ORDER

Chairwoman Davis called the April 16, 2021 Special Tribal Council meeting of the Pyramid Lake Paiute Tribal Council to order at 6:00 p.m.

ROLL CALL

Roll call was taken by Brenda A. Henry, Tribal Secretary. All Councilmembers were present at roll call and a quorum was established for this meeting.

APPROVAL OF AGENDA

Chairwoman Davis stated the Pyramid Lake Cooperative Cattleman's Association requested the removal of 4. Approval Tribal Consultation from All Tribal Departments regarding the Pyramid lake Cooperative Cattleman's Association (PLCCA) under New Business.

Councilmember Harry made a motion to *approve the agenda as amended*. Councilmember Dunn seconded the motion. Votes were nine (9) **for** and zero (0) **opposed** with zero (0) abstentions. **MOTION PASSED**

CONSENT AGENDA

Councilmember Brady requested to pull items #1. Wes Williams February 2021 Invoice #3747 and #2. Quarles & Brady LLP March 2021 Invoices #6349338 (128-3), #6349339 (080) and #6349340 (128-3).

Items on the consent agenda included:

1. Approval payment of Lewis Roca Rothgerber Christie Invoice #1390987 Net Development Company
2. Approval payment of Lewis Roca Rothergerber Christie February and March Invoices.

Councilmember Wadsworth made a motion to *approve the consent agenda with exception of #1&2*. Councilmember Ely seconded the motion. Votes were nine (9) **for** and zero (0) **opposed** with zero (0) **abstentions**. **MOTION PASSED**

Councilmember Brady asked if repossessions went through the Tribal Court. Chairwoman Davis said they tried, which is the reason it went to legal.

Councilmember Brady asked if NUMU Inc has been billed for items when they used the Tribe's legal counsel. Chairwoman Davis said it will be on the agenda for May to have NUMU Inc. charged for invoices.

Vice Chariman Wadsworth made a motion to *approve consent agenda items #1 Approval payment of Wes Williams February 2021 Invoice #3747 and #2. Approval payment of Quarles & Brady LLP March 2021 Invoices #6349338 (128-3), #6349339 (080) and #6349340 (128-3)*. Councilmember Brady seconded the motion. Votes were nine (9) **for** and zero (0) **opposed** with zero (0) **abstentions**. **MOTION PASSED**

PRESENTATION

1. **Legal Update.** Pilar Thomas, Quarles & Brady LLP. Report submitted.

Ms. Thomas explained items in her report.

COVID Relief. She is still monitoring the implementation of the COVID Relief Act of 2020 and the newly enacted American Rescue Plan which has over \$31,5 billion in funding for Indian Tribes. She drafted a detailed summary of the ARP with the most relevant funding provisions for the Tribe and conducted a Tribal Council workshop to review these funding opportunities. In addition, she attends the Treasury consultation session for the Fiscal Relief Fund which is \$20 billion for Tribes and drafter comments for the Tribe's consideration and submission.

HEARTH Act Leasing Ordinance. They received notice from BIA that they have begun the review of the Tribe's Leasing Ordinance. The next step is to wait for comments from BIA on potential changes to the Ordinance and a conference call to review BIA's comments.

Kinder Morgan Easement. They received the final appraisal from Kinder Morgan, and she has a follow-up meeting with the Chairwoman and Business Officer to review the results and determine next negotiation steps.

Numu Inc. Land Assignment. She understands Tribal Council conducted 2 public discussions on the Numu Land Assignment and she's waiting for Council's direction for the next steps.

Paiute Pipeline Easement. They are waiting for a response from SW Gas and Paiute Pipeline Company on the draft easement agreement. There is a follow-up meeting scheduled for April then she will brief Council.

Tribal Court Litigation. They continue to wait the Court's decision on their Motion to Amend the judgement.

Lien Litigation in State Court. They filed their Reply in March and the briefing is complete. The court has scheduled oral argument on the Tribe's Motion to Dismiss for April 19th at 11am.

The Tax Department provided a tax bill to Green Light District LLC for taxes owed on the leased grow pods. She's waiting on direction from the Tax Commission and attorney on the final resolution of the taxes owed.

They are waiting for the Council's final decision on the Numu Land Assignment before they move forward with a potential amendment to the Option Agreement with NextEra.

Council raised concerns about traffic from the Dodge Flat Solar construction, along with a request for tribal cultural monitors presence. NextEra provided contact information for the new tribal relations manager who arranged for cultural monitors. NextEra project manager, Bill Watson, will meet with Council and provide regular updates on the project construction and job opportunities.

2. Long range Transportation Plan. Johnnie Garcia, Transportation Planning

Mr. Garcia introduced Elizabeth Whitlock who was hired to do the plan since it's an extension plan.

Sherry Ely-Mendes, Transportation Planning Assistant asked if everyone knew what the long-range transportation plan is. They do have on the books now and the process they are going through is to update the plan they currently have. Along the way as projects came and funds became available in the planning process they would either add or update the plan as they go along. This one is a complete overhaul of the long-range transportation plan which usually happens every five years. Ms. Whitlock came highly recommended from High Roads Engineering, she is the project manager and she will provide an overview.

Ms. Whitlock provided the overview of the transportation program through the Office of Tribal Transportation. The whole process is in conjunction with both the transportation program and the Bureau of Indian Affairs (BIA). The Tribe has an existing long-range transportation plan that was completed in 2011. The latest minor update was done in 2018, but the last road inventory update was done primarily in 2011 and only one route was updated in 2014. They want to assess the transportation needs both for a short-term project range and for a 20-year ultimate long-range plans. They would like to develop a prioritized list of the road improvement and update the construction cost related to those road improvements. One of the important items is the safety funding for the trail in Wadsworth, to add that road to the inventory so they can spend the transportation dollars on the project. Part of the update process is to reach out to everyone and that's a part of the reason for tonight's presentation is to provide public outreach and get as much input and comments for both the administration and tribal members. Since the Tribe is within a county and have surrounding connections to the counties, the county roads departments, the Nevada Department of Transportation, any school district input will be valuable for bus routes, Regional Transportation Planning organizations and BIA will provide input into the long-range plan. The other stakeholders might include people who may have road maintenance responsibilities that could be county, road users who drive on the roads, delivery routes, emergency service routes for police department, fire department, EMS concerns and economic development ventures for tourism and the lake. The study area is the reservation boundary. Some key updates are all of the demographic information, the population information and the current land use and any future developments that the Tribe may have.

3. **PCC Update.** Janet Davis, Tribal Chairwoman

Chairwoman Davis explained in August 2018 NUMU Inc presented the Industrial Park concept, in December 2019 Tribal Council approved the assignment of 890 acres through resolution 103-19. The assignment was approved but not granted. March 2020 Numu Inc sought Tribal Council's action to approve the development agreement with Pyramid Commerce Center, LLC with the resolution. Tribal Council did not approve the agreement but directed legal counsel to review. March 2020 through March 2021, numerous workshops, and meetings with Tribal Council and Numu brought the development agreement to Tribal Council several times. Tribal Council then assigned a negotiating team comprised of Council members, department heads, and legal counsel to work on the development agreement with Numu Inc. Tribal Council stopped all negotiating until the public meetings with tribal membership. Two public meetings were planned and held with Numu on March 16th and March 20th through zoom conferences, tribal members were able to listen to the presentation and have input. Tribal members have written letters to voice their input as well. The letters have been shared with Tribal Council and Numu Inc. Numu Inc requested a meeting with Tribal Council which was scheduled for April 8, 2021. Tribal Council had discussed the outcome of the 2 public meetings to answer the concerns of the impact of this project and discussed Pyramid Lodge. The consensus of Tribal Council was to request the following from NUMU Inc. Community Needs Assessment, a cost benefit analysis including business model, financial pro forma of the tribal corporation, financial data of the tribal corporation, financial data on the rate of return on tribal investment into the tribal corporation, full financial report for the Economic Fund received, full report on all finances and disclosure of ownership from Numu Inc on the Pyramid Lodge. Vice Chairman Wadsworth, negotiating team, had a call with Cassandra Darrough to go over these items requested. A tribal follow-up with the Environmental department to do an environmental assessment which included a water assessment. The tribal work with BIA appraisal and valuation services office, the appraisal report will be used to establish the fair market rental value. The information gathered will assist Tribal Council in deciding on how to move forward. At this time, no Tribal Council formal decision to either move forward or to stop the project of the PCC. They encourage tribal members to have input, they can submit letters or comments, Tribal Council would like to hear their input.

NEW BUSINESS

1. Selection Pyramid Lake Housing Board of Commissioners (2 vacancies).

Tribal Council, by ballot, selected Paula Wright and Stephanie Chapoose to fill the 2 vacancies on the Pyramid Lake Housing Board of Commissioners.

2. Approval Selection of A&K Earthmovers for Construction Bid for Pyramid Lake Health Clinic (PLHC) Parking Lot Project. Dawna Brown, PLHC Director

Ms. Brown said the Pyramid Lake Health Board chose A&K Earthmovers for their proposal for the construction of a parking lot project at their March 30th meeting. They are looking for Council approval so they can start the project. It will bring 57 more parking spaces to the property. Employees, patients and visitors will be parking in various spots during construction, they will also be utilizing the area behind the Nixon Store.

Councilmember Dunn made a motion to approved A&K Earthmovers for Construction of the PLHC Parking Lot Project. Councilmember Gonzales seconded the motion. Votes were nine (9) **for** and zero (0) **opposed** with zero (0) abstentions. **MOTION PASSED.**

Ms. Brown noted that they spent the last two days on their accreditation survey and they wrapped up that day.

3. Approval Tribal Transportation Improvement Program (TTIP) 2021-2025 with Resolution. Johnnie Garcia, Transportation Planning

Councilmember Harry said there were a lot of comments against the bikeway but it's still listed as the fourth project on the list from Nixon to Sutcliffe. Is it approved?

Mr. Garcia said it has already been approved, they are doing it and have funds going into it now.

Councilmember Harry asked despite the number of comments against the bike path received?

Mr. Garcia said it's up to Council, they can take things off, otherwise it's good to stay and they keep going with it.

Councilmember Harry said she wasn't on Council at the time but she was one of those who submitted comments against it for several reasons, she is not sure if Council received those comments.

Mr. Garcia said he thought Council at that time were more for it, so they just keep going. The TIP is where the money is actually allocated. It was posted for the public to see and comment on. This is a continuation of last year's TIP, where the money, \$937,000 is allocated out into these projects. They need approval of a resolution so the BIA can put into their system and it'll go to the next level, the federal highways, where they will have a document that say this is an approved tribal transportation improvement program. Then they can spend the funds for what is in the resolution.

Councilmember Wadsworth said she has the same concerns with the bike path and she wasn't on Council at the time either. She would like to see the first plan but am waiting on Ms. Ely-Mendes to provide it.

Mr. Garcia said it is due May 15th, this has to go through the allocations that requires the resolution. It includes the funds for the transit or they can lose the funding they need to construct that project. The projects on the list are not tentative, they all have been approved by Council.

Councilmember Phoenix made a motion to *approve the Tribal Transportation Improvement Program (TTIP for 2021-2025 with Resolution.* Councilmember Dunn seconded the motion. Votes were four (4) **for** and three (3) **opposed** (Steven Wadsworth, Harry, Mix) with two (2) **abstentions** (Ely, Gina Wadsworth). **MOTION PASSED. RESOLUTION NO.: PL 046-21**

Chairwoman Davis comment that Council can revisit but it's important that they pass the budget matters for the rest of the projects.

EXECUTIVE TEAM

1. BUSINESS OFFICE. Benjamin John

The Business Officer was not in attendance.

2. PROGRAMS OFFICE. Shellay George-Kawich

Ms. Kawich submitted her report. Working with individual to make sure their budgets were in order, there has been a number of budget modifications to deal with. They thought they would have to seize the Social Services budget but fortunately their funding award came in and the proper documentations were signed. The other program is the Numaga Elders program, they have a couple of modifications to get done for the awards they received. She is still learning about the programs and the processes.

Councilmember Brady asked about the mismanagement of the adult funds in Social Services, was it resolved and is there a safety mechanism in place to prevent it from happening again.

Ms. Kawich said they are still looking into it, doing the investigation and backtracking. She can't expounds on it right now. She can't comment or discuss it now since the accounting process is still being looked into.

Councilmember Brady said she is hoping the procedures get modified or to make sure they are followed. Are the correct procedures being followed with the credentialed personnel regarding child abuse cases, are they following the social services practical guidelines?

Ms. Kawich said those are questions for the director. It's an area she doesn't like to focus on because it's protected. She doesn't get involved in those specific cases, Child Protection team cases. But they do hope they are following the guidelines. The director is new to the department so she could address the question to her and then revisit it.

Councilmember Brady said everyone has to be within their credential area, nobody should be assigned to cases that are out of their area.

Chairwoman Davis reminded them they shouldn't be speaking about personnel issues in a public forum.

Councilmember Wadsworth asked if Burning Man has been permitted since she attended the zoom call or if it's still in the planning stages.

Ms. Kawich said they are still in the planning stages but they are aware of the pandemic and may have to cancel.

COMPTROLLER. Jill Mix

a. Approval NV Energy Service Agreement Right of Way (ROW) for E. W. Pyramid Lake Road Nixon Daycare Center with Resolution.

Councilmember Wadsworth asked if this was similar to the EMS program. Ms. Mix confirmed that it was.

Councilmember Wadsworth made a motion to *approve the NV Energy Service Agreement ROW for E.W. Pyramid Lake Road Nixon Daycare Center with Resolution.* Councilmember Phoenix seconded the motion. Votes were nine (9) **for** and zero (0) **opposed** with zero (0s) **abstentions.** **MOTION PASSED. RESOLUTION NO.: PL 047-21 NV ENERGY SERVICE AGREEMENT ROW NIXON DAY CARE**

Ms. Mix provided an update on the CARES projects, Nevaco will have power the next week, the Wadsworth Day care is almost ready, they are putting on the railings the next week. They have power over there. EMS is completed. Sutcliffe Community building or the Distance Learning Center is completed. They are just now waiting on the Nixon Day Care modular.

Councilmember Mix said he would like to name the learning center in Sutcliffe after Albert Phoenix Learning Center for all he's done to keep that building alive.

Chairwoman Davis agreed and they need to have a grand opening to see what the Cares project funds went to. They will put it on the May agenda, as suggested by Councilmember Brady, to make it formal.

Councilmember Wadsworth said they should do a resolution or proclamation also.

Councilmember Harry asked about the income from 2020 verses 2021. Last year at this time in March the Tribe had \$591,000 earned and now we're about \$260,000 less than where we were last year? She thought we were making more in permits sales.

Ms. Mix said for the permits sales year to date I March 2020 they had \$346,852 in permits and this year they have \$925,665 in permits, an increase.

CHAIRWOMANS REPORT

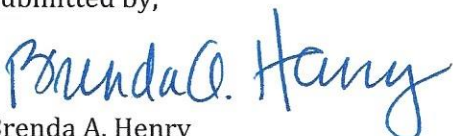
Chairwoman Davis summarized her report for Council.

ADJOURNMENT

With no further business before the Tribal Council, Councilmember Mix made a motion to adjourn the meeting. The motion was seconded by Councilmember Gonzales. Votes taken were all in favor, **motion carried.**

The meeting adjourned at 8:44 p.m.

Submitted by,


Brenda A. Henry
Tribal Council Secretary

CERTIFICATION

The foregoing minutes were adopted by the Pyramid Lake Tribal Council, governing body of the Pyramid Lake Paiute Tribe, at a meeting duly held on the 20th day of August, 2021, having nine (9) members present, constituting a quorum, by the vote of eight (8) FOR and zero (0) OPPOSED, with zero (0) ABSTENTIONS.

Minutes attested and concurred by: Janet Davis

Janet Davis, Tribal Chairwoman
Pyramid Lake Paiute Tribal Council

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