

# *Pyramid Lake Paiute Tribal Council*

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## **PYRAMID LAKE PAIUTE TRIBAL COUNCIL REGULAR MEETING MINUTES Tribal Chambers ~ Nixon, NV August 7, 2020**

### **Members Present:**

Sherry Ely-Mendes, Vice Chairwoman  
Judith Davis, Councilmember  
Janet Davis, Councilmember  
Cassandra Darrough, Councilmember  
William Miller, Councilmember

Irwin Mix, Councilmember  
Michele Smith, Councilmember  
Georgina Wadsworth, Councilmember

**Member Absent:** Anthony Sampson Sr., Tribal Chairman

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*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**

Vice Chairwoman Ely-Mendes called the August 7, 2020 Regular Tribal Council meeting of the Pyramid Lake Paiute Tribal Council to order at 6:10 p.m.

### **ROLL CALL**

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

### **APPROVAL OF AGENDA**

Vice Chairwoman Ely-Mendes requested the following changes to the agenda:

1. Removal of #1, under New Business, Discussion Lawrence O'Daye lease Issues. Lawrence O'Daye. Councilmember Janet Davis question why it was removed because this was a request from a tribal member. Per Chairman, issue is being worked at the Executive Team level.
2. Councilmember Harry requested to move #6 under New Business to #4.

Councilmember Janet Davis made a motion to *approve the agenda with changes*. Councilmember Judith Davis seconded the motion. Votes were eight (8) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried.**

## CONSENT AGENDA

Councilmember Janet Davis requested to pull #3. Approval Ratification of POLL VOTE – Resubmit Office of Special Trust (OST) Resolution for access to earned interest ED Funds and RESCIND RESOLUTION PL 070-20.

Items approved on the Consent Agenda:

1. Approval of Minutes: July 17, 2020 Special and July 23, 2020 Special
2. Approval Quarles & Brady LLP July Invoice #62765016 (128-3), #62765018 (080) and #6276019 (146-1).

Councilmember Harry made a motion to *approve #1. Approval of Minutes: July 17, 2020 Special and July 23, 2020 Special and #2. Approval Quarles & Brady LLP July Invoice #6276016 (128-3), #6276018 (080) and #6276019 (146-1)*. Councilmember Smith seconded the motion. Votes were eight (8) **for** and zero (0) **opposed** with zero (0) **abstentions** (Smith). **Motion carried.**

Councilmember Janet Davis said it concerned the letter they received from the Economic Development Committee, she wanted to clarify the process in not using the committee prior to approving. Councilmember Harry said in looking at the Economic Development plan it appears they deal with the principle and Council is dealing with the interest. Vice Chairwoman Ely-Mendes said in working with the interest of the Economic Development plan there are guidelines they have to follow on how they're going to drawdown because OST/Bureau of Indian Affairs (BIA) have to approve it. They didn't have an issue with it the first time but this time there were some language changes that held it up. As a Council they should consider getting the Economic Development Committee in the loop with the development on the reservation, however, she sees they are bringing some processes forward to be approved and without approved processes they don't have anything to go on that's why they didn't involve the committee. Councilmember Harry said she thought it was expected the Chairman to respond to them in writing. This involved the interest amount and not the principle. Vice Chairwoman Ely-Mendes agreed about every committee responding in writing but it hasn't been the practice and something they should require.

Councilmember Harry made a motion to *approve #3. Approval Ratification of POLL VOTE – Resubmit OST Resolution for access to earned interest ED Funds and RESCIND RESOLUTION PL 070-20*. Councilmember Judith Davis seconded the motion. Votes were seven (7) **for** and one (1) **opposed** (Janet Davis) with zero (0) **abstentions**. **Motion carried.**

## EXECUTIVE SESSION

Councilmember Harry requested that the Executive Team be connected during the Executive Session.

*Council went directly into Executive Session without a motion. Executive Session was started at approximately 6:30 p.m.*

Councilmember Smith made a motion to *move out of Executive Session*. Councilmember Janet Davis seconded the motion. Votes were eight (8) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried.** *Tribal Council moved out of Executive Session at 7:20 p.m.*

## **NEW BUSINESS**

### **1. Approval to Request Authorization to Receive Investments Reports and Approve Governmental Entity Form.** Mervin Wright, Economic Development Committee (EDC)

Mr. Wright commented on the statement during the Consent Agenda where the committee is only to deal with principle. He reminded Council when they went through the process of amending the plan so they can distribute the per capita, there were 3 options for distribution: 100%, 20-50% or 0% of the interest. They selected the 20-50% of the interest. During the discussions they also talked about responsibility of funding the 7 elements in the plan and the Council made it clear that the principle is not to be touched. So when the statement was made about the committee dealing with the principle that wouldn't make any sense. Tribal Council made the decision to leave the principle where it's at and they would work off the interest. The committee was informed the interest earned of the \$2.4 million, their decision at the committee level was to take the \$2.4 million and allocate it to the elements according to the percentages. They had little support from administration, they have not received any investment reports, no information on what accounts were used to withdraw, they don't know what's not in liquid form to put into the over-nighter account that they would be able to request allocation to the 7 elements. He does have a letter he wants to read into the record. He read the letter from the EDC to Tribal Council which is in response to the most recent distribution and the access to the Economic Development Funds. They haven't received any information regarding the CARES Act funds, if there's a plan, a budget. The only information he has is the 2 announcements that were made, one saying there was going to be 3 distributions in the amount of \$2,000 for May, August and December. The last announcement for another distribution using the Economic Development fund. "FOR THE RECORD, the Pyramid Lake Tribal Council appointed the EDC members and outlined our responsibilities through Resolution No. PL 074-19. NUMU, INC transferred the EDC responsibilities to us. We were informed that NUMU INC, as acting EDC, withdrew 46 million from this fund. The fund amount remaining was projected to earn \$2.4 million per year in interest. Per the Economic Development Plan Volumes, I and II, our committee was to use this interest earned to develop process and recommend economic development grants or loans be made to Tribal members or Tribal government per the 7 categories identified. The Council changed this to allow access to principal and interest. The Committee is here tonight regarding our may 19, 2020 letter to the Tribal Council requesting to receive the Development Fund investment reports prepared by the Office of Special Trustee to develop a fund investment plan and to present the Government application to be considered for approval. Per the adopted Economic Development Plan, if the Tribal Council has or will authorize the use of Economic Development funds (interest or principle) it must be presented to the EDC to review any and all requests so that the request is assured that it complies with the 7 elements established in the Pyramid lake Economic Development Plan. We believe that the Economic

Development Funds should not be used in the sole hands and authorization of any Tribal Council as all Tribal Councils in the future may also find a need and remove interest or principle, therefore depleting this fund. We disapprove of any use of the Economic Development Funds (principle or interest) if the proper process is not followed as identified in the approved Pyramid Lake Economic Development Plan or complying with Resolution No. PL 074-19. We are committed to this process for the protection of these funds for our future generations so that they will also receive the Pyramid Lake Economic Development Fund benefits.

They're requesting to receive copies of the Investment Reports. They've met with Administration 3 times, each time they were told they would receive them but haven't. From what he understands, the \$3.5 million has been withdrawn from Office of Special Trust (OST) and there's a resolution for the withdrawal for the \$2.4 million. They looked at the CARES Act funding, this is what it's for. When Council made its commitment to do a distribution there was no mention of the Economic Development fund. When Chairman Sampson spoke to him back in March or April, he told him Council was wanting to access the Economic Development fund, at that time he told him he needed to talk to Della John, EDC Chairman. She sent him emails but didn't get a response. The previous week he did speak with the Chairman and he did say the \$3.5 was withdrawn, which leaves them with questions. He hopes the CARES Act can be shared with the committee, to see if there were instructions on how the principle and interest is going to be continued to be invested so they can get the greatest return on the investment. The options that he mentioned, they are very clear, he's not sure what's changed. The plan was amended and they needed a committee so 5 of them were appointed and went through the process. If anything has changed it needs to be a matter of public record so they know the Economic Plan has been amended.

Councilmember Harry asked when he was talking about the 3 options for distribution, was that for that one distribution? Mr. Wright said the plan stated it was a one-time distribution which meant to him to mean there would be no more distributions. Councilmember Harry said she thinks it's authority for that one distribution. Mr. Wright said they would like to know the recommendations that led to the distribution and everything that supports the decision so they know what happened and how it happened. Resolutions have been passed, they are not looking to undo what's been done but now to make the proper adjustments so they know where they go from here. Councilmember Harry said they do have a spending plan for the CARES Act and they've been meeting extensively with the projects, funding and line items. She's not at liberty to make it public but it is available. Councilmember Janet Davis said they asked and requested the plan be given to the public so there's no questions. Vice Chairwoman Ely-Mendes said the Council needs to make a directive and not ask the administration to get information to the public. It is something they need to work on. She agrees the EDC needs to be involved and providing their recommendation to Council. She knows all the committees and boards that meet now have policies and procedures and by-laws they uphold. She wasn't sure the EDC had these and brought to Council for approval. With them asking for stipends is valid and should be considered. She does remember that NUMU Inc., did start the process and they may have missed a step and the EDC should have provided a recommendation. Mr. Wright said they do have policies and procedures in place. Della John, Economic Development Chairwoman said their by-laws and procedures are included in Resolution No.: PL 074-19, adopted on October 2019. Councilmember Darrough said she specifically asked the Administrative Team, was the EDC was consulted on accessing the Economic Development funds for the distribution and she was told they were. The process and resolution had been

complied with and the distribution had gone through the proper process. It goes through the EDC for approval to Council with a resolution for approval then it is sent to OST. Ms. John said the committee last met on February 24<sup>th</sup>, but they remained in contact via email and in May they drafted the May 19<sup>th</sup> letter because one of their charges was to do the investments but they didn't know how much funds were there because they didn't have copies of the investment reports. Then they found out the CARES grant funds were coming out of the Economic Development funds and they were never contacted. Councilmember Darrough said she appreciated the comments and wanted to make sure they following and recognizing the role the EDC they play in accessing the Economic Development funds.

Councilmember Darrough made a motion to *approve EDCs request to receive the Investment Reports*. Councilmember Harry seconded the motion. Councilmember Judith Davis asked if Council needed to approve the report prior to sending it to the EDC. Vice Chairwoman Ely-Mendes relayed that Councilmember Darrough said the EDC does their work from those reports. It would be nice if Council had the reports also so they're on the same page. Votes were seven (7) **for** and zero (0) **opposed** with one (1) **abstention** (Mix). **Motion carried.**

Ms. John said the grant application form is for when the Tribe requests access to funds for a project that fall within the 7 categories They have another form that they will submit to Council at a later date for individual tribal members. This is only for the Pyramid Lake Tribal Government who is authorized to get access to funds.

Councilmember Harry asked with NUMU Inc., where does the cohesiveness lie? Asked if they knew they had Council representation on NUMU Inc.? she thinks it would be beneficial if EDC serve as the Tribal representative to NUMU Inc. They would be working with them and would advise the Council on their best interest. Mr. Wright said that wouldn't be possible because if NUMU Inc., needed funds from the Economic Development fund they would have to go through the EDC to request funding. It would be a conflict of interest to serve on NUMU Inc., they are a corporation that's supposed to be stand alone and separate from both the Tribal Council and the committee.

Councilmember Judith Davis made a motion to *approve the Governmental Entity Form*. Councilmember Darrough seconded the motion. Votes were seven (7) **for** and zero (0) **opposed** with one (1) **abstention** (Mix). **Motion carried.**

## **2. Approval to Post for 30-days. Diana Mitchell, Law & Order Committee**

Ms. Mitchell confirmed the PLPT Trust Lands and Leasing Ordinance Title 3 and the PLPT Business License and Permitting were ready to post for 30-days for comment. Douglas Williams, Executive Officer clarified the PLPT License and Permitting Ordinance was ready for final approval and submission to Bureau of Indian Affairs and the Government Enterprise Corporate Code was to be posted for 30-days.

### **a. Pyramid Lake Paiute Tribe (PLPT) Trust Lands and Leasing Ordinance Title 3.**

### **b. Correction Government Enterprise Corporate Code.**

Councilmember Judith Davis made a motion to *approve the 30-day posting of the PLPT Trust Lands and Leasing Ordinance Title 3 and the Government Enterprise Corporate Code*. Councilmember Smith seconded the motion. Votes were eight (8) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried.**

**3. Approval Resolution Furthering Education Grant Support Program.** Douglas Williams, Executive Officer

Councilmember Mix left the Council meeting.

Mr. Williams explained the Further Education Grant Support Program was developed by the Executive Team under an expenditure line items for CARES Funds. The justification is due to COVID pandemic, schools going remote, distance learning, and K-12 but also this grant helps out the college students and further education trade schools. Councilmember Judith Davis asked why it's under the Business Office with emails to the Business Assistant, why is it not through the Higher Education Department. Mr. Williams said the Executive Team chose to house it through the Business Office. Councilmember Janet Davis said because Higher Education was told they couldn't spend their enrichment funds, she thought this grant was to help out with the enrichment line item. To her it's a substantial amount and her concern is how many devices, laptops have they received for the community. In helping with the census they have 500 households in the communities. Mr. Williams said they have 90 Ipads ordered and another 20 stationary computers to be housed in the TERO building which leaves them a budget of \$40,000 to order additional. Councilmember Janet Davis said that's 130 so what budget is it coming out of. Mr. Williams said it's the grant support program in education, they passed \$100,000 out of CARES, along with the small business grant support program which was a part of the approved spending plan. Councilmember Janet Davis said she doesn't think they'll be ready with the devices for the households. They're not going to be able to help their students. Mr. Williams said Natchez and the high school are giving out their own equipment for their students. Karen Shaw, Higher Education Director, said she has a few concerns. How are they going to securely know the application process, she thought it would be for students that already has gone through her department and be cleared with the requirements (applied to FASTA, accepted to the institution, carry a 2.0, gone through the committee and was approved). She was told she didn't have her tribal funds, \$149,000 out of her program, she only has the 638 funding for the undergraduates, she doesn't have access to enrichment or her \$500 scholarships. She thought the students would go through this requirement, she was not included in the planning. She currently has 25 students in consolidated higher education, 17 in enrichment, 5 of those are masters programs, and 25 \$500 scholarships. Her program has taken a significant impact. She is in the dark on how this program was decided, how it's going to be distributed, whose going to be doing the clearance on the distributing, she reminded all of the FERPA laws, how is the Business Office going to be accessing the students information or are they just going to go off the form. How are they going to validate their school, she gets a lot of applications and they're not even in school. She understands it can't be used to supplement her program but there needs to be checks and balances. Mr. Williams said this is the higher education budget that they developed, it went to Council with resolution and identified the budget and once you read the application you'll see how it's laid out with the justification. This is not through the Education Department but through the Tribe under the CARES fund. Pilar Thomas, legal counsel, explained the goal was to help students who are in post-

secondary higher education schools. Because the schools are shut down and students have to remote school with other services needed and other expenses, the idea with this CARES funds has to be focused on increased expenditures for these students to help them continue with their education. When she first reviewed the application it sounded like a scholarship program and it can't be a scholarship program, this is a COVID specific expense program. It's a Council decision on whether to tier the amount or everyone gets the same amount. One question was in regards to GPA, but for this program it doesn't matter, as long as they're in school, that's what the program cares about. Councilmember Janet Davis asked why it has to be incremental, why can't it be the same amount across the board. Did Tribal Council approve \$100,000 or what was budgeted? Councilmember Harry asked if tuition can be used as a justification for the grant. Ms. Pilar said tuition was not included in the treasury guidance, she would be hesitant to recommend to use this education grant for tuition if students can't pay for tuition if they can't work anymore. Councilmember Janet Davis asked where would they get more funds if they over allocate for this grant. Mr. Williams said they will reallocate and repurpose funds from the CARES Act funds. She would prefer a flat amount for everyone verses a tiered amount to be fair for everyone. Councilmember Wadsworth said based on the numbers from the Higher Education Department, this would be well over the amount allocated for this program. These are students who have a need through the Higher Education program. Karen Shaw, Higher Education Director, said based on the unmet need of her students it is \$275,000 which she can't fund the complete amount because they're unable to, they do a percentage of their unmet need and it's divided between the different terms so it's even divided even more. With her enrichment funds she supports a total \$15,000 and her \$500 scholarships totals \$12,500, but she won't be able to support these because her tribal funds were taken away. She has a total of 40 students now since some have chosen not to go back to school because of schools shutting down. These are students who have applied and are qualified for scholarships. Councilmember Wadsworth agreed with Councilmember Janet Davis for a flat amount. Vice Chairwoman Ely-Mendes agreed also since it's not a scholarship but doesn't agree about not asking for verification if they're enrolled in school. Anyone can say they're in school and get the funds. Ms. Thomas said the application requires them to say they're registered and they have to provide proof they're enrolled. The funds are only meant to cover expenses to the end of the year. Councilmember Judith Davis agrees but doesn't know why they're recreating the wheel, this needs to go back under the Higher Education department, maybe a separate COVID budget for it. Mr. Williams agrees this budget is coming out of CARES funds and they can repurpose the funds to meet the' not under the Higher Education director now is because there is an internal issue which they are addressing but they can consider it after the issue is resolved. He did meet with the director and discuss the budgets on why tribal funds aren't being spent, they looked at CARES funds to be another justification on how they can support their higher education students. The amount would have been higher had the Executive Team had the numbers and information. Ms. Shaw reiterated that yes they are going through some issues but she was not totally included, she wasn't given a written directive on any of this grant. They are at a point where students have expected things to have taken place and with the lack of communication, lack of working together, they are where they're at. Mr. Williams said this has been in collaboration with legal and the Executive Team. Councilmember Harry suggested \$3,000 which is less than 34% of the unmet need. She recommends \$2,500-\$3,000 and they do have the funding from the CARES funding. Councilmember Wadsworth said it should be a flat amount and the \$3,000 proposed is too much, since they don't know the number of student s who will apply

and it should be under the Higher Education program since they will be collecting the information which will be beneficial to the program. She suggests \$2,000 for the grant.

Councilmember Harry made a motion to *approve the Furthering Education Grant Support Program for \$3,000 flat rate amount with the ability to modify the budget to meet the amount of students applying.* Councilmember Smith seconded the motion. Votes were three (3) **for** and four (4) **opposed** with zero (0) **abstentions**. **Motion Failed.**

Councilmember Darrough left the Council meeting.

Councilmember Judith Davis made a motion to *approve the Furthering Education Grant Support Program for \$2,000 flat rate amount.* Councilmember Wadsworth seconded the motion. Votes were four (4) **for** and two (2) **opposed** (Harry, unk) with zero (0) **abstentions**. **Motion carried.**

Councilmember Janet Davis made a motion to *approve the Furthering Education Grant Support Form, for the program to be overseen by the Higher Education Department and the form and cover letter to reflect the change in departments.* Councilmember Wadsworth seconded the motion. Votes were five (5) **for** and one (1) **opposed** (Smith) with zero (0) **abstentions**. **Motion carried.**

Councilmember Smith made a motion to *approve the Resolution approving the Furthering Education Grant Support Program.* Councilmember Judith Davis seconded the motion. Votes were six (6) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried.** **RESOLUTION NO.: PL 079-20 CARES ACT HIGHER EDUCATION SUPPORT GRANT PROGRAM**

Douglas Williams announced his resignation, his last day will be August 14, 2020.

#### **4. Approval Business License Ordinance Title 3 Chapter 17-Business License Ordinance with Resolution.** Diana Mitchell, Law & Order Committee

Ms. Mitchell said this ordinance they worked on before the COVID-19 pandemic started. It was approved by the Law & Order Committee to forward to Council for approval. Della John submitted her comments, she was concerned about the license controlling everything, she was hoping it would be favorable to tribal members so they don't have to go through the same approval procedures as the outside businesses requesting a business license on the reservation. She would like it to be a little more friendly for tribal members to start businesses. Benjamin John, Business Officer did provide the comments with his responses to the committee for their recommendation.

Councilmember Wadsworth made a motion to *approve the Business License Ordinance Title 3 Chapter 17 - Business License Ordinance with Resolution.* Councilmember Smith seconded the motion.

Councilmember Harry asked about Ms. Johns comments regarding Tribal Constitution authority to grant/levy taxes or license fees on tribal members, all sections that mention that need to be eliminated/deleted which makes sense, do they know if that was added to the final ordinance. Vice Chairwoman Ely-Mendes said there is a fee that is charged, not a tax, for example those who sell



during Burning Man. Ms. John said looking at the Constitution it says to not charge tribal members no more than \$1. Vice Chairwoman Ely-Mendes said it's a permit and she thinks it's allowable.

Votes were six (6) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried.**  
**RESOLUTION NO.: PL 078-20 LAW & ORDER CODE - BUSINESS LICENSE & PERMITTING ORDINANCE**

Ms. Mitchell commented due to the process of getting changes done to the regulations brochure , if there will be changes for the re-opening this go back to the Regulations Workgroup. Vice Chairwoman Ely-Mendes mentioned that with the recommendations provided by the Executive Team about changing the fee amounts for all recreation use and reduce the amount of people who come to the lake by 50% with sales only by tribal vendors then the Tribe can control through the kiosk the number of permits sold and increase the rate for revenue. The Executive Team didn't make that proposal and with the Executive Officer leave, we are now at a critical point and we need to consider the changes. Councilmember Janet Davis asked that the Executive Officer get this project completed before he leaves office along with other loose ends, who is he handing everything over to. Vice Chairwoman Ely-Mendes said maybe we need to increase by 100%. Councilmember Janet Davis suggested changing the amount to per person instead of per car. She went to Crater Lake awhile back and it was \$30 a car load.

**5. Approval to Re-open Beaches closed due to Cyanobacteria Bloom.** Kameron Morgan, Water Quality Specialist

Mr. Morgan was unable to attend the meeting but submitted his report on the lowering of the level of the Cyanobacteria in the lake, he recommended re-opening of the lake with caution to continue to avoid areas of the bloom. Tribal members and residents may continue to use the lake.

Councilmember Smith made a motion to *approve the Re-opening of the Beaches with Caution Notice to tribal members and residents*. Councilmember Judith Davis seconded the motion. Votes were six (6) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried.**

## **6. Discussion of Enrollment Issue.**

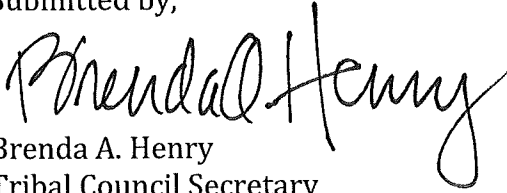
Vice Chairwoman Ely-Mendes commented they can't just have a hearing without any response, maybe the Chairman should respond they considered it and haven't made a decision on it. Councilmember Janet Davis said she didn't think the Enrollment Committee was consulted and that was part of the reason it got tabled. Vice Chairwoman Ely-Mendes said the Enrollment Committee will probably have the same answer as what was in the letter that was sent out. There is a request for the Chairman to follow-up.

## **ADJOURNMENT**

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

The meeting adjourned at 9:23 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 18th day of **September 2020**, having ten (10) members present, constituting a quorum, by the vote of nine (9) FOR and zero (0) OPPOSED, with zero (0) ABSTENTIONS.

Minutes attested and concurred by:   
Anthony Sampson Sr., Tribal Chairman  
Pyramid Lake Paiute Tribal Council

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