

Pyramid Lake Paiute Tribal Council

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SPECIAL MEETING MINUTES

Tribal Chambers ~ Nixon, NV

February 19, 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 February 19, 2021 Special Tribal Council meeting of the Pyramid Lake Paiute Tribal Council to order at 6:02 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

Tribal Secretary requested to remove the January 15, 2021, Special minutes.

There was a request to add 4 individuals to the approval for the authority, release, assign and conveyance under New Business: Michele Smith, John Guerrero, Stephen Jim, and Noah T. Servilican

It was requested to add "with resolution" for #5 under New Business.

Councilmember Harry made a motion to *approve the agenda with the removal of the minutes and additions under New Business*. Councilmember Dunn seconded the motion. Votes were nine (9) **for** and zero (0) **opposed** with zero (0) abstentions. **MOTION PASSED**

CONSENT AGENDA

Items on the consent agenda included:

1. Approval Payment Wes Williams, Tribal Attorney January 2021 Invoice #3732
2. Approval Human Resources Classification – Behavioral Health Program Director
3. Approval Payment Silver State Government Relations 2021 Lobbying Services Retainer

Councilmember Harry made a motion to *approve the agenda*. Councilmember Phoenix 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

Ms. Thomas provided an update on her monthly report for January 2021. She continues to monitor the implementation of the CARES Act and other legislation related to COVID-19. With the new administration, they have proposed a \$1.9 trillion COVID relief legislation. This includes, at least \$20 billion in additional funds for Indian Tribes.

Crown Castle Lease, they have finalized the terms of the cell tower lease, and briefed Council. Council approved the lease on February 5th.

Kinder Morgan Easement, she briefed Council on the general terms of the new proposed easement agreement with Kinder Morgan. They still await the final appraisal to complete the negotiations.

Numu Inc. Land Assignment, she attended the Numu briefing on its new proposal to expand the land assignment area. Worked with Council on reviewing the proposed changes from Numu on the land assignment agreement, district charter and service plan. She supported Council in the negotiation of key business and policy terms and provisions.

Paiute Pipeline Easement, she drafted a new easement agreement for the Paiute Pipeline grant of easement. Southwest Gas provided additional information, but they are awaiting additional information related to permits. She also sought review from the Tribe's THPO and Natural Resources office on the environmental assessment and thoughts on mitigation measures. She will brief Council in February on the easement application with recommendations for negotiating a new easement agreement and compensation for the requested easement grant.

Cannabis Regulatory Matters. They filed a motion to amend or alter the Tribal Court's final judgement and opinion in December and SCS files it's response on January 19th. They filed the reply at the end of January, now awaiting the Court's decision on the motion. Lien Litigation in State Court. They filed a motion to dismiss on sovereign immunity grounds on January 4th. Net Development requested an extension to respond, which is due in February. Their reply will be due 10 days later.

NextEra Solar Projects. NextEra submitted its response to the NV Energy RFP in early January and included the potential project with the Tribe in the submission. If NV Energy selects the NextEra response, then they will begin negotiation the final terms of the lease form and the environmental review process. They will need to renegotiate the Option Agreement to extend the time and resolve the potential conflict with the proposed Numu Land assignment.

Chairwoman Davis brought up the traffic by the Olinghouse turnoff. Vehicles are not stopping, not heeding oncoming traffic and they are also using another dirt road further north as access. Ms. Thomas said we should document the occurrences since traffic was a major issue addressed with them in the community benefits agreement. They committed to mitigating traffic issues and committed to NDOT with respect to traffic control measures since SR 447 is NDOT's responsibility. There were traffic control measures and air quality monitoring. Chairwoman Davis said she will inform the Tribe's Police Department to keep an eye out. Councilmember Brady said this occurs between 4:15-5:00 pm.

Councilmember Harry said there is a lot of excavation occurring and normally there are cultural monitors paid by the company through a contract. Ms. Thomas said NAGPRA doesn't apply to off reservation land, it only applies to federal actions but since they are digging, they can ask to have a monitor present. She will suggest to NextEra to contact THPO and Chairwoman Davis to coordinate having a cultural monitor on site.

2. Pyramid Lake Jr/Sr High School Introduction. Amanda Lister and Sarah Russell

No representatives in attendance.

3. Introduction to Crossroads Services. Judy Kroshus

Ms. Kroshus explained the Crossroads Program is a collaboration between the Washoe County Human Services Agency and Catholic Charities of Northern Nevada. It is a sober living community for men who are ready to leave addiction and homelessness. With the program being located in Washoe County, tribal member men are eligible for the program. The men go through life skills training, substance abuse counseling, job training and they stay until they are ready to go out on their own. They have had individuals successfully complete the program at 6 months through 2 years. There is no charge for the program unless they have Medicaid or when they start working may pay up to \$315. per month or by a sliding scale for a studio apartment on the property. Their intake process takes a week, by phone for the applicants.

Chairwoman Davis said she would forward her information to the Pyramid Lake Health Clinic and Sumunumu Program.

Councilmember Brady asked if there are any restrictions during the intake period.

Ms. Kroshus said the first 3 weeks is the induction phase, this where they get an introduction to their expectations at the center, all their evaluations, mental health evaluations, then their treatment plan is determined by their provider which dictates the classes (substance abuse, parenting, etc.), to move through the phases to the point where they can go to work.

Councilmember Harry asked if she could write an article for the tribal newsletter. Ms. Kroshus agreed she can provide an article.

NEW BUSINESS

1. Approval Pyramid Lake Housing Authority Release, Assign, and Conveyances with Resolutions.

Kathleen Frazier, PLHA Director

a. Gwendolyn P. Sanchez. Project 4-10 W102, entered into agreement September 22, 1994. Has satisfied all obligations under the MHOA.

Councilmember Ely made a motion to *approve release, assign, and conveyances with resolution for Gwendolyn P. Sanchez*. Councilmember Dunn seconded the motion. Votes were eight (8) **for** and zero (0) **opposed** with one (1) **abstention** (Mix). **MOTION PASSED. RESOLUTION NO.: PL 018-21 PLHA RELEASE, ASSIGN, AND CONVEYANCES – GWENDOLYN P. SANCHEZ**

b. Janine D. Lowery. Project 4-10 W116, entered into agreement December 5, 1994. Has satisfied all obligations under the MHOA.

Councilmember Harry made a motion to *approve release, assign, and conveyances with resolution for Janine D. Lowery*. Councilmember Wadsworth seconded the motion. Votes were nine (9) **for** and zero (0) **opposed** with zero (0) **abstentions**. **MOTION PASSED. RESOLUTION NO.: PL 018-21 PLHA RELEASE, ASSIGN, AND CONVEYANCES – JANINE D. LOWERY**

c. Burchard B. Kochamp. Project 4-10 W130, entered into agreement November 22, 1994. Has satisfied all obligations under the MHOA.

Councilmember Dunn made a motion to *approve release, assign, and conveyances with resolution for Burchard B. Kochamp*. Vice Chairman Wadsworth seconded the motion. Votes were nine (9) **for** and zero (0) **opposed** with zero (0) **abstentions**. **MOTION PASSED. RESOLUTION NO.: PL 019-21 PLHA RELEASE, ASSIGN, AND CONVEYANCES – BURCHARD B. KOCHAMP**

d. Jolyn Sander. Project 4-10 W105, entered into agreement January 5, 1995. Has satisfied all obligations under the MHOA.

Councilmember Harry made a motion to *approve release, assign, and conveyances with resolution for Jolyn Sander*. Councilmember Ely seconded the motion. Votes were nine (9) **for** and zero (0) **opposed** with zero (0) **abstentions**. **MOTION PASSED. RESOLUTION NO.: PL 020-21 PLHA RELEASE, ASSIGN, AND CONVEYANCES – JOLYN SANDER**

e. Joanie S. Wadsworth. Project 4-10 W104, entered into agreement May 27, 2003. Has satisfied all obligations under the MHOA.

Councilmember Ely made a motion to *approve release, assign, and conveyances with resolution for Joanie S. Wadsworth*. Councilmember Gonzales seconded the motion. Votes were seven (7) **for** and zero (0) **opposed** with two (2) **abstentions** (Steven Wadsworth, Gina Wadsworth). **MOTION PASSED. RESOLUTION NO.: PL 021-21 PLHA RELEASE, ASSIGN, AND CONVEYANCES – JOANIE S. WADSWORTH**

f. Dina L. Christensen. Project 4-10 W127, entered into agreement February 19, 2009. Has satisfied all obligations under the MHOA.

Councilmember Harry made a motion to *approve release, assign, and conveyances with resolution for Dina L. Christensen*. Vice Chairman Wadsworth seconded the motion. Votes were nine (9) **for** and zero (0) **opposed** with zero (0) **abstentions**. **MOTION PASSED. RESOLUTION NO.: PL 022-21 PLHA RELEASE, ASSIGN, AND CONVEYANCES – DINA L. CHRISTENSEN**

g. Michele L. Smith. Project 4-10 W123, entered into agreement February 3, 1995. Has satisfied all obligations under the MHOA.

Councilmember Phoenix made a motion to *approve release, assign, and conveyances with resolution for Michele L. Smith*. Vice Chairman Wadsworth seconded the motion. Votes were nine (9) **for** and zero (0) **opposed** with zero (0) **abstentions**. **MOTION PASSED. RESOLUTION NO.: PL 024-21 PLHA RELEASE, ASSIGN, AND CONVEYANCES – MICHELE SMITH**

h. John Guerrero. Project 4-11 W3, entered into agreement September 11, 1996. Has satisfied all obligations under the MHOA.

Councilmember Harry made a motion to *approve release, assign, and conveyances with resolution for John Guerrero*. Councilmember Brady seconded the motion. Votes were nine (9) **for** and zero (0) **opposed** with zero (0) **abstentions**. **MOTION PASSED. RESOLUTION NO.: PL 023-21 PLHA RELEASE, ASSIGN, AND CONVEYANCES – JOHN GUERRERO**

i. Stephen Jim. Project 4-10 W131, entered into agreement January 26, 1995. Has satisfied all obligations under the MHOA.

Councilmember Harry made a motion to *approve release, assign, and conveyances with resolution for Stephen Jim*. Vice Chairman Wadsworth seconded the motion. Votes were nine (9) **for** and zero (0) **opposed** with zero (0) **abstentions**. **MOTION PASSED. RESOLUTION NO.: PL 026-21 PLHA RELEASE, ASSIGN, AND CONVEYANCES – STEPHEN JIM**

j. Noah T. Servillican. Project 4-10 W103, entered into agreement October 29, 2015. Has satisfied all obligations under the MHOA.

Councilmember Dunn made a motion to *approve release, assign, and conveyances with resolution for Noah T. Servillican*. Councilmember Brady seconded the motion. Votes were nine (9) **for** and zero (0) **opposed** with zero (0) **abstentions**. **MOTION PASSED. RESOLUTION NO.: PL 025-21 PLHA RELEASE, ASSIGN, AND CONVEYANCES – NOAH T. SERVILICAN**

2. Discussion THPO Report Well Pond Site. Betty Aleck, THPO

Ms. Aleck, THPO, provided an update to include the site visit from Logan Simpson Archeologist, Hanna Stewart and Bia Contract Investigator Dusty Whitting. They visited the site the previous week. The remains were spotted in the well drilling pond on December 19, 2020, by an employee of Bruce McKay Drilling. The employee did notify the project supervisor to stop the work, but the supervisor ignored him. The employee did video tape the incident. That evening, a citizen sent her the video. On December 20, 2020, she called Ranger Mark Mix of the possible human remains being found and sent him the video. Range Mix went to the

site later that day, as well as herself and Cultural Resources Committee member Buck Sampson. Water was in the pond, and it was agreed that remains were most likely in the pond. Ranger Mix altered finds remains in the pond on the week of December 21-28, 2020, after the water evaporated. He took the remains to the Washoe County Coroner's Office to determine whether the bones were indeed human or not, and if the bones were modern day or archeological. On January 13, 2021, the bones were determined to be human by the medial examiner. Ranger Mix had collected over a dozen human remains. Ms. Stewart examined the remains on February 11, 2021, in a meeting room located next door to the THPO – Transit Office. She determined the remains were that of a child between the ages of 5-10 years of age. The child had a physical handicap as the bones in the cervical vertebrae (neck bones) curved to the right indicating the head fell to one side. On February 12, 2021, THPO, Ms. Stewart, Mr. Whiting, Ranger Mix and monitor Ben Aleck met at the well pond site. Also attend the site visit were Executive Officer Vinton Hawley and Tribal Secretary Brenda Henry. More human remains were spotted in the pond and removed by Ranger Mix. Whitting took measurements of the site and GPS points. Ms. Stewart also looked over the site. Ms. Stewart assessed the additional human remains that were collected on that day. A partial mandible (lower jaw) was found. Ms. Stewart determined that bone was that of a man over the age of 20. A heel bone (calcaneus) was also found. The bone was fused. Ms. Stewart was uncertain whether the heel bone belonged to the 20-year-old man or another individual. She will further research the condition. Ms. Stewart and Mr. Whitting will develop a scope of work in the coming weeks. The overall site is about 141 feet by 68 feet. They estimate a total of 8 days to recover the remains. Ms. Aleck said if additional remains are found that are of different individuals, will the Council want them to continue or they can stop, and Council can designate the area part of the cemetery or cover the pond with something solid like rocks to keep the area in place without disturbance where they are. That area will become an archeological site, it will receive a site number, most likely it will be eligible for the National Registry for Historic places. With that designation it will have a buffer zone in case there are other remains present there. The data recovery is not a full-scale investigation, it will only recover scraping of the soils to see if there are additional remains below, but it will require screening of the majority/80% of the berm. The BIA Archeological Department in Phoenix, Arizona is paying for the entire project. They will bring out archeologists from Logan Simpson both out of Phoenix and Colorado. It will give them an opportunity to provide the Tribe's monitors to learn skills, they will use it as a learning situation. She will invite cultural monitors out of the Environmental Department also. THPO will receive a full technical report of the site and complete IMAC forms.

Councilmember Harry asked what the recommendation was of the Cultural Committee. Ms. Aleck said she has not given them the update yet, but they are aware of the situation. She has not given them new updated information, but their previous recommendation was approval of recovering remains that were visible and reburial in the repatriation area of the cemetery. They do not know if the remains were there or were brought in when Public Works brought in additional fill dirt to secure the berm. It could be because the mandible had a partial cut that was new according to the osteologist. And there was only half of the remains of the younger person, so when they cut into the hill maybe they only took part of the remains. They still must find out where the fill dirt came from. They do not know how old the remains are, they would have to be DNA tested.

Councilmember Brady asked if the committee was going to consider radio dating the remains. Ms. Aleck said she hasn't asked them but if Council wants it done, they can get it done.

Chairwoman Davis said they would go with the recommendation of the committee and the THPO department. Do they need to fence off the area?

Councilmember Mix stated on every construction site, when remains are found everything is automatically stopped. That should have been done and reported. Ms. Aleck said Ranger Mix stopped the construction, but they did not listen to him. Councilmember Mix said if they did not listen, the Police Department should have been notified immediately.

Councilmember Gonzales asked how long did they continue to work after it was discovered? Ms. Aleck said they were finished with the pond after December 20th, but they continued with the piping, she was uncertain if the pipes were in the ground or when she saw them. She asks them to not use any fill dirt but then the dirt from the piping was gone. Ranger Mix did an incident report on it and it was detailed on everything that happened. Regarding the fencing, it was a discussion with BIA, and they will fund it, she will follow up on it.

Councilmember Gonzales asked who oversees the well project. Ms. Aleck said the Public Works department oversees the project which was a part of the Covid projects.

Ms. Aleck said they will bring to Council information to allow the work for approval.

Councilmember Brady asked about education for the departments on this issue. Does THPO provide education to the departments? Ms. Aleck said they all know; the Housing Department and Public Works knows and have trained cultural monitors. Somehow, they missed the mark on this one. She talked to interim Public Utilities Director after the week of the 21st and she asked him how long he worked for the Tribe and if he knew that if he saw an artifact or human remains to stop construction. He said he worked for the Tribe for 13 years and he did not know. She talked to him for an hour, and he still pushed to finish the project, said he had to the end of the month to finish due to the Cares Act funding ending.

Councilmember Mix requested Council go into Executive Session on this issue. The company also needs to be reported to the Better Business Bureau and fined.

Ms. Aleck said the employees of the company were responsive to Ranger Mix including the employee who provided the video. She recommends Council read Ranger Mixes report.

Vice Chairman Wadsworth said he would like temporary fencing to be put up while waiting for fencing from BIA.

4. Discussion Follow-up Noise Complaint Issues NAS Fallon. Toni Burton, Tribal relations Coordinator NAS Fallon.

Ms. Burton stated they are here to follow-up on complaints that were received regarding low flying aircraft and noise problems. She will have Rob, a liaison with the Navy to go over a presentation. Just to note the Navy is not the only aircrafts that are flying over the reservation.

Rob Rule, Community Plan & Liaison, NAS, provided an overview of the NAS training area, there is restricted training airspace north of Pyramid Lake where training is done from 6am to 11pm, Monday thru Friday or as needed on the weekends. He provided the various types of aircrafts the Navy uses.

Councilmember Brady asked when looking at the fly pattern in the MOA why they could not just move the training area north of Pyramid Lake. Mr. Rule said it is a part of a larger scale that is used along with FAA and involves all airspace, it is included in the total national airspace.

Councilmember Harry asked following up on the site #5 of the MOA on the flight patterns and how it would be a domino effect, but she is not sure if the Tribe was ever consulted regarding the MOA. There is a lot of stress on the environment, the lake, the fisheries, the pelicans, and the cattle. Most of the complaints are from the low flying planes. She is not sure if the presentation addressed these issues or provided a remedy for it or for what the next step would be. Mr. Rule said the Reno MOA has been there for decades maybe predating the mid-early 80s. Those areas were worked on between the FAA and the military to determine use.

Chairwoman Davis asked if there is a specific altitude these aircraft should be flying because the complaints are about aircraft that are low enough to be seen through people's windows and they should not be that low.

Ms. Burton said from reports she is seen 1500 feet is the number she is seen around the towns and because it's so close to the lake. Because so many different aircrafts are in the air, the Tribe needs to address these issues with the FAA. She has been doing some research and the FAA is currently doing some noise studies and this may be the time for the Tribe to reach out to them because they do the overall scheduling. They have been in contact with James Phoenix through the National Guard, they have had some low flying flights over the reservation. They can only address the Navy issues. Maybe if there was a staff member, they can work with who can reach out to the community and get specific times and locations they can address on their end. It is hard to address without dates and times, they have no issues addressing and finding out on their end.

Councilmember Mix asked what it is going to take for them to stop flying low over the reservation and lake. It only takes one accident which one to many. Vice Chairman Wadsworth followed-up that it has already happened when an aircraft crashed into the lake. It disturbs the tribal members to live in peace with the aircraft shaking houses and windows. Stop flying overpopulated areas.

Mr. Rule said he understands. If the Tribe can provide specific areas, they can come back with recommendations.

Chairwoman Davis said they can find someone to work with them but hope they won't keep going around and round with recommendations. Does not want to make this a monthly thing but work toward something to accomplish something. She will provide specific information that tribal members have been sending her along with the information provided by Sheri Hunter.

Councilmember Brady asked about the drop box, whether it has been created yet and to include the Navy fleet on it to help in identifying the aircraft.

Chairwoman Davis said it has not been created yet, but we do have their presentation and can take the information from them and assign to the Administrative Assistant to create something.

Councilmember Mix asked about NAS aiding in funding to support a person looking into these reports.

5. Discussion/Approval Tribal Council Oath of Confidentiality.

Councilmember Wadsworth said the Council was not opposed to signing but the concerns were removable of Tribal Council members and penalties being applied because there is a process for removal in the Election Ordinance.

Councilmember Ely said he knows it a sensitive subject, things are needed to be kept confidential but there is a fine line when they have constituents asking them what they are doing.

Councilmember Gonzales said she feels the same way, where do they draw the line. They are there for the people and should be providing the information. It is an issue if they are scared to speak if they are going to get removed. There is nothing that says who will enforce it and there is no process on how you will be removed. It needs to be investigated further.

Councilmember Phoenix said they need to have a process so that when something does happen, they will have something to follow.

Councilmember Wadsworth said there is a draft ethics policy that was at the personnel committee level, but she is not sure who drafted it. It is pretty much common sense, when you are in a closed session, you do not want to be repeating information said.

Councilmember Harry said she did sign it and its common sense, if it is of a confidentiality matter, personnel items, and attorney client privilege.

Councilmember Mix said he must explain to members why he can't divulge the information to them. Closed session is closed session.

Councilmember Gonzales mentioned when they spoke with the Cattleman's, that is where they needed to know the information and they didn't have it. She does not see what is wrong with giving them the information.

Vice Chairman Wadsworth said he thinks it is incomplete and they need to further review.

Chairwoman Davis said the boards and the committees have their own policies and develop their own confidentiality statements.

Councilmember Phoenix made a motion to *table for a discussion in an Executive Session before the March 5, 2021, meeting*. Councilmember Dunn seconded the motion. Votes were seven (7) **for** and zero (0) **opposed** with two (2) **abstentions** (Harry, Mix).

6. Approval 10-year Grazing Permit Extension with Resolution. Karen Shaw, Pyramid Lake Cattleman's Association, and Stephen James, Vice Chairman

Mr. James said he spoke to Jerry Emm at BIA, and he recommended they go with the extension because there are several things at the BIA level that can't follow through with the 10 years at this time. They are requesting an extension until March 14, 2022.

Mr. Emm said there is 2 difference issues. The original permit expired in 2019 and the Tribe has been running on extensions to keep the Tribe in compliance. The BIA has been without a range specialist and been working with region and were on tract to get it done this year then COVID happened. They wanted to do the 1-year extension and working with the Cattleman's and Natural Resources to have this new permit in place by the end of June.

Councilmember Mix asked about the area that is being utilized by NextEra and Numu Inc., do they include that area in the permit.

Mr. Emm said they had a discussion on that area because it uses part of the Winter Range, but it can be added into the permit. The Tribal Council can make that decision. His suggestion is to put a condition in the permit on those units as they are in/within development, they are taken out.

Mr. James said that was agreed to at their last Cattleman's meeting.

Karen Shaw said within the Constitution they are considered first for the land use, and it's never been amended.

Councilmember Harry made a motion to *approve the request for a 1-year Extension for the 10-year Grazing Permit with Resolution*. Councilmember Mix seconded the motion.

Pilar Thomas, Quarles & Brady LLP, ask to confirm with Mr. Emm the Tribe has full authority to allocate the grazing permit when it goes from the BIA to the Tribe. The regulation also has a prevision in it that allows the land in the permit to be removed and she presumes that is what he is referring to when he is saying that as the land gets developed it can be removed from the permit so there is no conflict in the use.

Mr. Emm said that is correct. Put the conditions in the 10-year permit and then the Tribe just submits a modification.

Ms. Thomas said when she reads the regulations there is a time notice (90 days) when that takes effect.

Mr. Emm said that is true but in working with the Tribe it would be easy to do.

Mr. Thomas said the Cattleman's and ranchers get a sub-permit of the Tribe's permit.

Mr. Emm said according to the ordinance the Tribal Council can sub allocate those AUMs to the Cattleman's Association but if the TC wants to hold and change, they can. Under the ordinance there is the ability to sub-allocate and turn the management to the Cattleman's Association.

Ms. Thomas said she does not read the ordinance to allow for a removal process.

Karen Shaw asked if she is also looking at the Constitution, it does state the priority is to be given to the Cattleman's.

Ms. Thomas said she understands but the question is once the allocation is given then when the permit is renewed, if there is a decision to use the land for something else, the land must be removed from the permit. Just trying to clarify under federal regulations which controls the permit, the land can be removed under federal regulations. Clarifying the process for the land to be removed under tribal law which controls the allocation.

Mr. Emm said he suggest the condition should be written into the new permit. That would satisfy the CFR.

Ms. Thomas said she is still unsure of the process. With NextEra there is an option agreement that covers several thousand acres, the lands not actually being used so there is no conflict of use between grazing and studying the land for a project. If a project comes to fruition and Council enters into a lease agreement and if that portion of land is finalized and it will be a lease, the permits will have to be amended for the land to be removed from the grazing permit. If Numu Inc. gets their land assignment, they are a Section 17 Corporation, they can lease the land without BIA approval under federal law. Once it gets turned over to Numu Inc. to develop they do not have to get anyone's approval to develop the land.

Chairwoman Davis said the project with Numu Inc. is not set in stone, they are still having workshops on the project.

Votes were eight (8) **for** and zero (0) **opposed** with one (1) **abstention** (SWadsworth). **MOTION PASSED.**
RESOLUTION NO.: PL 027-21 1-YEAR EXTENSION TO 10-YEAR GRAZING PERMIT

7. Approval for Washoe County Search and Rescue Training on Reservation. Don Pelt, Emergency Response Coordinator

Mr. Pelt is requesting approval for the Washoe County Search and Rescue Hasty Team and Special Vehicles Unit to train on the reservation. Not only does the EMS department participate in the training but it includes the Police and Range Departments for search and rescue both on land and water. The training will be by air, land, and boat. It is to be Conducted in non-residential areas or on the lake. The Request is for 2 years with training about 6 times a year. The training will not be on restricted areas but in the northern areas. Mr. Pelt will provide notification to the community of any training in the area.

Councilmember Brady made a motion to *approve the Request for the Washoe County Search and Rescue to Train on the Reservation*. Councilmember Harry seconded the motion. Votes were nine (9) **for** and zero (0) **opposed** with zero (0) **abstentions**. **MOTION PASSED.**

EXECUTIVE TEAM

1. EXECUTIVE OFFICE. Vinton Hawley

a. Approval Hazard Pay giving Tribal Chairwoman Authorization to Invoke Resolution

Mr. Hawley stated resolution PL 061-20 was passed regarding hazard pay. The Executive Team reviewed because they were working on preparedness. This is a tool to be prepared in the event of events where hazard pay may be issued, and it is depended upon funding. This resolution is to allow the Chairperson to invoke and authorize hazard pay if needed in lieu of getting Tribal Council approval.

Councilmember Wadsworth asked if the Personnel Committee review this.

Councilmember Wadsworth made a motion to *table and send to the Personnel Committee for review*. Councilmember Ely seconded the motion. Votes were nine (9) **for** and zero (0) **opposed** with zero (0) **abstentions**. **MOTION PASSED.**

2. BUSINESS OFFICE. Benjamin John

Councilmember Wadsworth wanted to know who the new trailer located next to the Social Services building is for. Mr. John said it was going to be used for drug testing, but HR and backgrounds were not supposed to be moved out of the admin building. Chairwoman Davis said they offered it to Transportation Planning, but they are waiting for the Transit building to open. Right now, it isn't hooked up to sewer, but it has electricity.

Councilmember Harry asked what the feasibility study is on. Mr. John said it's to build a tribal plaza truck stop where I-80 Smoke shop sits. The feasibility study came back, it looks like something they can work with, but they had another meeting with the consultant who may have a business idea potentially like the Loves Truck Stop, the next thing they will have to do is to bring them into Tribal Council to explain their business idea. They need to also get the land assignment for the area. The area would increase to the Depaoli field towards the freeway, and this would remove the RV park. If there is enough room, there would be a RV campground and not a trailer park.

Councilmember Harry said she remembers previously that it was a big deal to change the exit, it had to be wider for the trucks.

Councilmember Wadsworth asked if this project could go under Numu Inc. Mr. John said Numu Inc., told him they work on bigger projects than gas stations.

There was discussion regarding the business license for Papa's Restaurant. He does not seem to be following the directives regarding the wearing of masks and social distancing. Mr. John said he is not sure if he's following those directives since he hasn't been back in there since the last meeting. Chairwoman Davis said they could have closed him down, but Council decided to give him a chance and he is not following the directives given. Councilmembers should go over there and document since he knows Ben and would say he is following. Councilmember Wadsworth ask that he be put on the next meeting, this will allow Benjamin to check him out and inform him. It was the consensus of Council to follow through on this.

3. PROGRAMS OFFICE. Shellay George-Kawich

Ms. Kawich said 3 of the 10 programs she was assigned are red flagged. Judicial was closed on January 29th, shut down temporary, some cases are still being heard. They have since rectified some of those matters with contractual services. With Child Care they are still making effort and ensuring following CDC guidelines and see what they are doing to mitigate reopening. The soap dispenser and hand wipes are non-

touch, the 2-day cares are almost finished and checking on the modular to see when they will be finished. The Social Services Program had some issues, but she is working on the issues and still getting familiar with the day-to-day concerns.

Councilmember Brady was asking why there is no closing date for most of the jobs. Councilmember Wadsworth said she is on the Personnel Committee and said those are jobs that have been posted for some time. Councilmember Brady asked if the policies are being followed and it was confirmed they are by both Councilmember Wadsworth and Ms. Kawich.

Councilmember Brady asked about incentive pay, has it been explored or used. Councilmember Wadsworth said it's hasn't but since she's been on the personnel committee, she knows Enterprise has been working on their own personnel policies because they don't fit into the Tribe's overall policies because of the different shifts they work at.

COMPTROLLER. Jill Mix

1. Approval 401k Trustee Change Resolution

Ms. Mix said this resolution is to remove the last Chairperson and Executive Officer.

Councilmember Wadsworth made a motion to *approve the 401K Trustee Change resolution*. Councilmember Harry seconded the motion. Votes were eight (8) **for** and zero (0) **opposed** with one (1) **abstention** (Steven Wadsworth). **MOTION PASSED. RESOLUTION NO.: PL 028-21 401K Trustee Amendment**

Ms. Mix is asking for a formal directive from council to rescind the last resolution for the EDF resolution since the budget is already approved and they need to reinvest the funds.

Councilmember Gonzales made a motion to *direct finance to rescind the previous EDF resolution*. Councilmember Dunn seconded the motion. Votes were five (5) **for** and four (4) **opposed** (Steven Wadsworth, Harry, Mix, Wadsworth) with zero (0) **abstentions**. **MOTION PASSED.**

CHAIRWOMAN'S REPORT

The report was forwarded to Council for review.

EXECUTIVE SESSION

Councilmember Mix made a motion to *move into Executive Session*. Councilmember Dunn seconded the motion. Votes were nine (9) **for** and zero (0) **opposed** with zero (0) **abstentions**. **MOTION PASSED. Tribal Council moved into Executive Session at 11:16 p.m.**

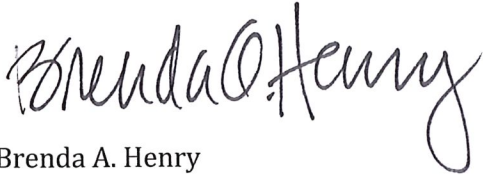
Vice Chairman Wadsworth made a motion to *move out of Executive Session*. Councilmember Mix seconded the motion. Votes were nine (9) **for** and zero (0) **opposed** with zero (0) **abstentions**. **MOTION PASSED. Tribal Council moved out of Executive Session.**

ADJOURNMENT

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

The meeting adjourned at 11:41 p.m.


Submitted by,



Brenda A. Henry
Tribal 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 2nd day of July, 2021, having eight (8) members present, constituting a quorum, by the vote of seven (7) FOR and zero (0) OPPOSED, with zero (0) ABSTENTIONS.

Minutes attested and concurred by:  7/06/2021.

Janet Davis, Tribal Chairwoman
Pyramid Lake Paiute Tribal Council

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