

Pyramid Lake Paiute Tribal Council

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PYRAMID LAKE PAIUTE TRIBAL COUNCIL REGULAR MEETING MINUTES - OUTGOING Tribal Chambers ~ Nixon, NV January 3, 2020

MEMBERS PRESENT

Anthony Sampson Sr., Tribal Chairman
Janet Davis, Councilmember
Judith Davis, Councilmember
Nathan Dun, Councilmember
Sherry Ely-Mendes, Councilmember

Alan Mandell, Vice Chairman
John Guerrero, Councilmember
William Miller, Councilmember
Sharon Shaw-Keever, Councilmember
Michele Smith, Councilmember

CALL TO ORDER

Tribal Chairman Anthony Sampson Sr., called the January 3, 2020 Regular meeting of the Pyramid Lake Paiute Tribal Council (Outgoing) to order at 5:01 p.m.

ROLL CALL

Roll call was taken by Brenda A. Henry, Tribal Secretary. Councilmember Dunn arrived at 5:29 p.m. All other Councilmembers were present at roll call and a quorum was established for this meeting.

APPROVAL OF AGENDA

Chairman Sampson Sr., requested the addition under Unfinished Business #1. Approval to Reimburse Tribal Member for Flood Damages Claim. Douglas Williams, Executive Officer and under New Business #2. Approval for Chairman, Janet Davis and other Councilmembers who wish to attend the Native American Presidential Forum 2020 in Las Vegas, NV, January 14-15, 2020.

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

PUBLIC COMMENT. No Public Comment

CONSENT AGENDA

The following items were approved under the Consent Agenda:

1. Approval of Minutes: October 18, 2019 (Special), November 1, 2019 (Regular), and December 20, 2019 (Special)
2. Approval Enrollment Two (2) – Regular membership with Resolution.
3. Approval of 2020 Spring Scholarships: CHE Higher Ed Applications: A Douglas, J Jenks, J Sampson; Enrichment Scholarships: A Harry, B Wadsworth, H Brad, R Hicks Jr., M Robertson, I Dunn, M Marsh; AVT: C Patrick; and \$500 Scholarships: c Dunn, N Dunn, A Florez, G Hagen IV, A Harry, J Jenks, D John, M Robertson, J Sampson and R stump.

Councilmember Smith made a motion to *approve the Consent Agenda*. Councilmember Miller seconded the motion. Votes were eight (8) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried.** **RESOLUTION NO.: PL 001-20 ENROLLMENT – Regular Membership (2)**

ENROLLMENT – Joanne Shaw, Enrollment Officer

1. Conduct two (2) Rejection Hearings – Adult with Resolution.

Ms. Shaw asked the audience if anyone was in attendance for the disenrollment hearing, there was no response. All necessary paperwork and dates were met to continue with disenrollment.

- a. Disenrollment hearing for Rose Hunter.

Vice Chairman Mandell made a motion to *accept the Disenrollment of Rose Hunter with resolution*. Councilmember Shaw-Keever seconded the motion. Votes were eight (8) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried.** **RESOLUTION NO.: PL 002-20, ENROLLMENT – Disenrollment Membership – Rose Hunter.**

- b. Disenrollment hearing for Daniel Hunter.

Vice Chairman Mandell made a motion to *accept the Disenrollment of Daniel Hunter with resolution*. Councilmember Smith seconded the motion. Votes were eight (8) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried.** **RESOLUTION NO.: PL 003-20, ENROLLMENT – Disenrollment Membership – Daniel Hunter.**

2. Schedule a Disenrollment hearing.

Tribal Council agreed to schedule a disenrollment hearing for a tribal member who is dually enrolled for February 7, 2020 Regular Council meeting.

Councilmember Ely-Mendes made a motion to *schedule a Disenrollment hearing for February 7, 2020 for one (1) adult*. Councilmember Janet Davis seconded the motion. Votes were eight (8) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried.**

Chairman Sampson Sr., announced the new Pyramid Lake Paiute Tribal members:

Mason Rivas Brady

Sloan Shay Tsonetokoy

UNFINISHED BUSINESS

1. Approval to Reimburse Tribal Member for Flood Damages Claim. Douglas Williams, Executive Officer

Councilmember Dunn arrived at 5:29 p.m.

Mr. Williams brought forth the numbers for the reimbursement for damages caused by the flood for Dorothy Ely in the amount of \$10,275. Funds were identified through tax. The Tribe's insurance wouldn't cover the damages due to the amount being under \$100,000. Councilmember Judith Davis asked if this was addressed with A&K on whether they wouldn't cover the damages either. Mr. Douglas confirmed yes that was correct. Councilmember Janet Davis asked if the last payment was made to A&K. Mr. Douglas confirmed that yes the last payment was made. Councilmember Janet Davis said there were still issues that needed to be addressed and they didn't get a follow-up. Jill Mix, Comptroller (interim) verified that payment was made but she wasn't aware there were issues. Councilmember Ely-Mendes said she recalled the conversation when Mervin Wright Jr. said who the money they received the funds from, she was unsure where it came from, but they would have people who came out to inspect the whole project and put their stamp of approval on the work that was done, then she's not sure if at that point the Tribe is obligated to pay them. She thinks tribal members, after the fact identified issues with the delivery system which is not kosher. Chairman Sampson Sr., said he believes Mr. Wright did come to Council, did explain what they had done after they found out some of the irrigation ditch had blown out, they had to go back and do patch work, install head gates. Councilmember Janet Davis said it that on the old system, the new system still had issues with delivery. Councilmember Judith Davis asked Gina Wadsworth (tax department in the audience) if the funds were identified in tax. Ms. Wadsworth said she wasn't aware of any request so she wasn't sure. Ms. Mix said it was not out of tax, but funds that were identified from 2019 where x-amount of projects were approved and there was a small amount that was not allocated and this where the funds are coming from. Councilmember Guerrero asked if any flood that happens are they going to pull out of that funds to pay if they pay now. Everyone gets flooded out. Councilmember Ely-Mendes commented she thinks it goes back to when everybody was in favor of getting a new ditch and informed but when the Tribe initiated this project they did not have a project manager. There were several instances of the company overstepping their boundaries by using private land assignments to house equipment, housing dirt, taking down fences (she knows of a neighbor who just put up a fence and they totaled his fence which they never put back up). They were negligent and along the way and nobody from the Tribe watched it. They said they called the Tribe multiple times to work some of the issues with and nobody answered their phone. She thinks it more an issue of liability and responsibility because now people who thought it wasn't to be done would have protested it if they knew how unreliable and incompetent how the contractor behaved with the project and there was no oversight by the Tribe to manage the project as it went. The land owners are not liable in that instance. If it was just a flood and it flooded over the old ditch and it happened then it's a different story. It's a liability of the Tribe for not having oversight of the project. Councilmember Judith Davis said there was two elders who came in regarding this issues and the

Tribe gave them funds to help them get started and we were supposed to look into A&K and the Tribe's insurance. Mr. Wright said he got with Donna Noel about it and when it was initially submitted to them they didn't receive any income loss so they couldn't proceed any further but their determination was based on the fires before, the range and the fact that the berms above before wore out and this was just an act of God. Councilmember Janet Davis said this wasn't an act of God that the ditch was covered over and the water had nowhere to go. Councilmember Guerrero said the State claimed this area, the Palomino area, to be a State of Disaster. Vice Chairman Mandell asked if all has been done to exhaust what needs to be done. Mr. Williams said they've done everything, checking with Tribe's insurance and A&K, next step is to take legal route.

Councilmember Guerrero made a motion to *approve if all aspects have been taken to resolve, the payment to Dorothy Ely for Flood Damages*. Councilmember Smith seconded the motion. Votes were seven (7) **for** and zero (0) **opposed** with two (2) **abstentions** (Ely-Mendes, Dunn). **Motion carried.**

NEW BUSINESS

1. Certification of 2019 General Election Results. Jolyn Sander, Election Board

Ms. Sander provided a copy of the board minutes and election results to Councilmembers. There was no protests. Vice Chairman Mandell had a question regarding the under votes, are the ballots spoiled or are they counted. Ms. Sander said they are counted? They are only spoiled if they vote for more or if their lines are unreadable.

Councilmember Dunn made a motion to *certify the 2019 General Election Results*. Councilmember Shaw-Keever seconded the motion. Votes were eight (8) **for** and zero (0) **opposed** with one (1) **abstention** (Janet Davis). **Motion carried.**

2. Approval for Chairman and Councilmembers to attend the Native American Presidential Forum 2020 in Las Vegas on January 14-15, 2020.

Councilmember Janet Davis received an invite for any Councilmembers wishing to attend. She said she is interested in attending since she works with elections. Councilmember Dunn said this should be brought up with the New Council.

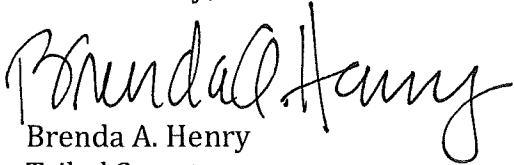
ADJOURNMENT

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

The meeting adjourned at 5:34 p.m.

Following adjournment of the outgoing Pyramid Lake Tribal Council, the incoming Tribal Councilmembers: Janet Davis, Carolyn Harry, Irwin Mix and Georgina Wadsworth, were sworn into office by Christopher Parsons, Pyramid Lake Paiute Tribe Police Chief.

Submitted by,




Brenda A. Henry
Tribal Secretary

CERTIFICATION

The foregoing minutes were adopted by the Pyramid Lake Paiute Tribal Council, governing body of the Pyramid Lake Paiute Tribe, at a meeting duly held on the 7th day of February, 2020, having nine (9) members present, constituting a quorum, by the vote of seven (7) FOR and zero (0) OPPOSED with one (1) ABSTENTIONS.

Minutes attested and concurred by:



Anthony Sampson Sr., Tribal Chairman
Pyramid Lake Paiute Tribal Council

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