

Pyramid Lake Paiute Tribal Council

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PYRAMID LAKE PAIUTE TRIBAL COUNCIL REGULAR MEETING MINUTES - INCOMING

Tribal Chambers ~ Nixon, NV

January 8, 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 Janet Davis called the January 8, 2021 Regular (Incoming) Tribal Council meeting of the Pyramid Lake Paiute Tribal Council to order at 6:37 p.m.

ROLL CALL

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

APPROVAL OF AGENDA

No changes to the agenda.

Councilmember Wadsworth made a motion to *approve the agenda*. Councilmember Dunn seconded the motion. Votes were nine (9) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried.**

PUBLIC COMMENT

Mervin Wright Jr. Mr. Wright congratulated the new Councilmembers. His comments are on behalf of the Economic Development Committee (EDC) but also as a tribal member (TM). The Pyramid Lake Economic Development Plan (EDP) Volume 1 provides goal 2.1 Create a Separate Tribal Business Corporation (page 13). This is NUMU, Inc. The policy subsection 2.1.1 states Separate the Tribal Enterprises from the Tribal Government. The EDP never intended that the term tribal enterprise is exclusive to the I-80 Smoke shop, the Nixon Store, or the Marina. In fact, these tribal enterprises are automatically established and do not exist because of the EDP, therefore it conforms to Goal 2.1. Anything resembling injection of the tribal government, its representatives, or officials into the tribal enterprise is a conflict of interest, such as

appointing ex-officio or having direct involvement. Any interpretation otherwise is misrepresentation of the EDP intent and can appear to be an abuse of authority.

The EDP Volume 2 states, “the purpose of this Plan is to establish the policy matters for the use of both the principal and interest amounts of the Pyramid Lake Economic Development Fund.” Therefore, as a matter of policy the Pyramid Lake Economic Development Committee (EDC) is established in accordance with this EDP purpose. The EDC is established to “ensure accountability, financial stability and provide a transparent public process for the management of the Pyramid Lake Economic Development Plan and the Pyramid Lake Economic Development Fund.” Nowhere does it state that the EDC is restricted or limited to the management of the principal of the EDF, a perception otherwise, or to ignore policy provisions of the economic development plan is a willful and intent to misrepresent the authority as described in the economic development plan. Earlier tonight, you probably listened to the discussion regarding access to the principal and previous tribal council discussions. That was the position that was stated that the Economic Development Committee is only responsible for the principal. Well, nowhere did they even know about the decision that was made to access for \$5.8 million. As a matter of fact, I heard about it from a tribal member who called me and said, I heard a rumor. Can you find out if it is true? he found out it was not a rumor. This is how the communication has been all year, regarding the EDP, all the decisions that went into accessing funds, there is no information, no documentation, no justification, or no budget that is available to explain its purpose for the \$5.8 million. Again, to ensure accountability, and to provide information to the public as a part of the fiduciary duty to the tribal membership. It is a simple expectation, but it was absent. It would be important to know how that \$5.8 million decision was recommended. He implores each of you to read Volume One and Volume Two, of the EDP and certainly they can provide that to you them. And he looks forward to working with all of them.

NEW BUSINESS

1. Approval Economic Development Committee Request for Access to Office of Special Trust (OST) Services Resolution. Economic Development Committee (EDC)

Mervin Wright said Della John is the Chairperson for the EDC but she is not connected yet so he will present.

Mr. Wright explained their committee were seated in the summer of 2019. They started their task of looking at the charges the EDP directs for the committee to complete. The first thing they started was working with the Executive Team (ET) to try to establish a budget and operating budget. At the same time, they felt they needed to have access to the Office of Special Trustee in Albuquerque, for training, to access information, and to discuss details of the portfolio, so they can develop the investment plan. Three times they submitted their budget request. And here they are, almost two years later, and they have basically been volunteering their time, they do not have access to legal counsel, they do not have access to financial consultants, to help them with their duty with the charge that they have been given. They met with Council last summer and followed up in October. Their request is to be able to contact OST and get access to information. They did not have the information and were completely unaware of any of the details stated earlier during the discussion regarding the principle. They were also not involved in the decision last summer to withdraw the \$3.5 million for the distribution. The tribal council was informed the Executive

Team met with the Economic Development Committee and they said it was okay. That is not true. He is still researching so they can put on record, the \$3.5 million decision was based on a lie, or at least part of the decision was pushed that way. They are requesting permission to access the Office of Special Trust (OST) in Albuquerque so they can begin the process to develop the investment plan. Some of the details described earlier with the discussion regarding the resolution, those would-be advisable points that the EDC would be making to Tribal Council. Investment instructions will come forward from BIA, there will be a letter that that would require the chairperson's signature, and those are standard forms that occur every year. There is a difference between this resolution and the resolution that authorizes the chairman, the Vice Chair, and the comptroller access.

Councilmember Harry asked if this request went through the Executive Team or if it is coming straight from the EDC? Mr. Wright said it is coming directly from the EDC because they have not had good support from the Executive Team.

Councilmember Wadsworth said she did not think the committees meet with the Executive Team unless they have business with them. As the chairman of the Personnel Committee, they only meet with the executive team when they are requesting action on an item. She does not see why the committees, or the boards would have to meet with the executive team. I know the departments do but not the committees and boards.

Councilmember Phoenix said it looks like they are asking for the tool to do the job. And that is what it looks like to me nothing secret. He just asked for access to information, it includes training and support They are asking for tools to do the job and make better decisions.

Councilmember Wadsworth asked if the finance department provide any of that information to them. Mr. Wright said they have probably received two reports since last year.

Councilmember Wadsworth recommended to Chairwoman Davis they meet with the Executive Team to coordinate with the finance department to provide this information. This is an important committee that the Tribal Council has developed and if they do not receive the information on a timely basis, they cannot do a whole lot. And instead of the extreme of having to do a resolution, she thinks the Chairwoman needs to direct the department to provide the information to the committee. Otherwise, they would be spinning their wheels trying to develop programs for tribal members (TM) who want to develop their own businesses.

Chairwoman Davis said if that is Council's wishes, then put it in a motion and there will be a record of it. Then she can work with the EDC and make it happen, but she would like direction from Council in a motion than doing a directive.

Councilmember Brady was concerned there is a committee that has been in existence for two years. It appears that they have been spinning their wheels, they are not getting any stipends, their budget has not been approved and she do not know how it went on this long. She's gone to a couple of meetings, granted only a couple but it just seems like there is some contention there. It almost has the appearance of some

things not being followed through all the way. She would agree with what Councilmember Wadsworth is suggesting about having the chairperson meet with all the respective parties to get this going.

Benjamin John, Business Officer, said he met with the EDC the first time they had a meeting. He met with them a few other times after that. He told them, for them to get a budget, they had to do it the same way NUMU Inc. did it when they were the Economic Development Committee. They complete a budget, and they get it on the agenda. They asked Council for approval to withdraw the funds from the EDF for their budget. They were told that multiple times. The administration or the tribe itself, is not the one that is going to fund the EDCs budget. It is coming out of the funds that are available, the economic development funds, that is where their budget comes from, for the record.

Mr. Wright stated they have the emails stating they needed to submit those budgets to him. And that is what they did three times. Mr. John stated it was to go directly to Council and not to him, just like NUMU Inc. did.

Mr. Wright responded if that were the case, they would have done it because they were ready to go., but then they were told they had to get it to the Executive Team which they did.

Councilmember Harry said she agrees with Councilmember Wadsworth that it sounds like there is a lot of items that need to be worked out and discussed and communication needs to be improved, but to put it in the form of a resolution is a hindrance. There must be better communication and with working with the new chairperson, and they can bring it back to Council.

Councilmember Harry made a motion to deny.

Chairwoman Davis said she would like to hear from the other tribal council members.

Councilmember Ely asked a question regarding the seventh Whereas, it says the EDC will be writing an informed record providing informed recommendations to the Tribal Council regarding the use of the Economic Development Funds. According to this resolution, the committee is a recommending committee. Mr. Wright said they always have been a recommending committee.

Councilmember Dunn said he served on the committee when they first were established and what Mr. Wright said is true. He would like to move forward so they can get the tribal members some opportunities to develop their entrepreneurship.

Councilmember Gonzales said as new council she would like to hear both sides and find out what is going on. It seems like there is communication lost somewhere and if they are not getting the information they need in a timely manner, then they need to find out exactly what is going on.

Chairwoman Davis said it sounds like Council consensus is for the chairperson to work with the EDC and admin to get this done. She would like to have it in a motion for record.

Mr. Wright said they found out from OST that they would not entertain any contact with anyone other than who is listed in a Tribal Council resolution. That has been one of the hang ups, they will not even entertain phone calls. They will not entertain anyone not listed in a tribal resolution which is the reason for the resolution.

Vice Chairman Wadsworth said he has some experience from old economic development they did years ago. Since it is brand new and they almost have a brand-new council, this is one of those things they need further education on so that everybody can get brought up to speed.

Councilmember Mix said the Chairwoman should coordinate with the EDC and Administration on this and bring back to Council.

Councilmember Dunn said they can move forward with this; it has been sitting for quite a while and for many years people have been working on this plan.

Councilmember Dunn made a motion *to approve the resolution submitted on behalf of the Economic Development Committee (EDC) for access to information from the Office of Special Trust (OST).*

Councilmember Phoenix seconded the motion. Votes were four (4) **for** and three (3) **opposed** (Harry, Mix, GWadsworth) with two (2) **abstentions** (SWadsworth, Gonzales). **Motion carried.** **RESOLUTION NO.: PL 007-21 EDC OST AUTHORIZATION**

Councilmember Harry said she voted no because she thinks they can use this time to be worked out between the tribal entities. She believes when there is too many hands receiving those reports, it could be convoluted for just misrepresentation.

Councilmember Wadsworth said she voted no because she thinks it should be done at the lowest level before moving to a resolution level.

Mr. Wright thanked Tribal Council for their support and for those that do not have enough confidence with what they are doing, they will provide as much information they can, and with everything that they have done. They will put together a budget as explained by Mr. John and bring back to Council just as NUMU Inc did. They will work with everyone they must to make sure the investment plan gets completed. These applications and all the procedures are finished. And they just established better communication. As the Vice Chair for the committee, he will make that commitment to provide as much information as he can to the Tribal Council.

Chairwoman Davis said she also makes the commitment as the Tribal Chairwoman to work with the EDC and get the information out to all Councilmembers so they can move forward with the economic development plan. She makes the commitment to work with them. As Councilmember Wadsworth said they must work at it at a lower.

2. Selection Pyramid Lake Fisheries Board of Trustees (1 vacancy).

Tribal Secretary requested to table this item; all information not provided.

Councilmember Harry made a motion *table the selection of the Pyramid Lake Fisheries Board of Trustees until the Special meeting*. Councilmember Brady seconded the motion. Votes were nine (9) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried.**

3. Approval to Repost Economic Development Committee Vacancy.

Councilmember Wadsworth made a motion *to approve the reposting of the EDC vacancy*. Councilmember Brady seconded the motion. Votes were nine (9) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried.**

4. Selection NUMU Inc Board of Directors (3 vacancies).

There were three (3) applicants: Debra Harry, Gary Shaw, and Kip Ritchie.

Councilmember Dunn made a motion *to accept/approve the three (3) applicants for the NUMU Inc. Board of Directors*. Councilmember Phoenix seconded the motion. Votes were eight (8) **for** and zero (0) **opposed** with one (1) **abstention** (Harry). **Motion carried.**

5. Selection Tribal Council Representative to Pyramid Lake Fisheries Board of Trustees (2 vacancies)

Councilmembers Ely and Mix volunteered to serve as Tribal Council representatives on the Pyramid Lake Fisheries Board of Trustees.

Councilmember Harry made a motion *to approve Councilmembers Ely and Mix as Tribal Council representatives on the PL Fisheries Board of Trustees*. Councilmember Dunn seconded the motion. Votes were seven (7) **for** and zero (0) **opposed** with two (2) **abstentions** (Ely, Mix). **Motion carried.**

6. Selection of Tribal Council Representative to Pyramid Lake Board of Education (1 vacancy)

Councilmember James Phoenix volunteered and was selected to serve as Tribal Council representative on the Pyramid Lake Board of Education.

7. Selection Tribal Council Representative to PLTHC Health Board (2 vacancies)

Councilmember Dunn and Gonzales were selected to be Tribal Council representatives on the PLTHC Health Board.

Councilmember Harry made a motion *to approve Councilmembers Dunn and Gonzales to the PLTHC Health Board*. Councilmember Mix seconded the motion. Votes were seven (7) **for** and zero (0) **opposed** with two (2) **abstentions** (Dunn, Gonzales). **Motion carried.**

8. Selection Tribal Council Representative to NUMU Inc. Board of Directors (1 vacancy)

Councilmember Brady was selected to serve on the NUMU Inc. Board of Directors.

9. Approval Tribal Council Wells Fargo Signature Authority Resolution.

Chairwoman Davis said this resolution is to approve authorized signers for checks.

Councilmember Ely made a motion *to approve the resolution for TC Wells Fargo Signature Authority.*

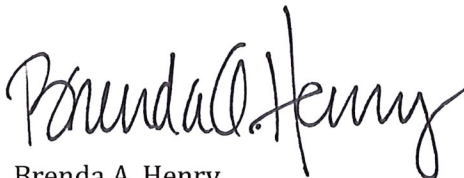
Councilmember Brady seconded the motion. Votes were eight (8) **for** and zero (0) **opposed** with one (1) **abstention** (SWadsworth). **Motion carried.** **RESOLUTION NO.: PL 004-21 WELLS FARGO SIGNATURE AUTHORITY**

ADJOURNMENT

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

The meeting adjourned at 7:48 p.m.

Submitted by,

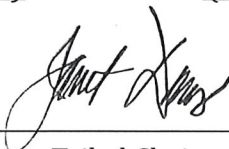


Brenda A. Henry

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 5th day of February 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, Tribal Chairwoman
Pyramid Lake Paiute Tribal Council

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