

# Pyramid Lake Paiute Tribal Council

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## PYRAMID LAKE PAIUTE TRIBAL COUNCIL REGULAR MEETING MINUTES - OUTGOING

Tribal Chambers ~ Nixon, NV

January 8, 2021

### Members Present:

Sherry Ely-Mendes, Vice Chairwoman  
Judith Davis, Councilmember  
Janet Davis, Councilmember  
Cassandra Darrough, Councilmember  
Carolyn Harry, 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 January 8, 2021 Regular (Outgoing) Tribal Council meeting of the Pyramid Lake Paiute Tribal Council to order at 5:00 p.m.

### ROLL CALL

Roll call was taken by Brenda A. Henry, Tribal Secretary. Councilmember Harry arrived at 5:05 p.m. Chairman 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 two additions to the agenda:

1. Add under New Business, #3. Approval Amended Resolution for Withdrawal of Interest Assets from the PLPT Economic Development Fund.
2. Add under New Business #4. Approval to apply for BIA Non-Base Funding for FY21 range Projects with Resolution. Marissa Weaselboy, Natural Resources

Councilmember Smith made a motion to *approve the agenda with additions*. Councilmember Darrough seconded the motion. Votes were seven (7) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried.**

### CONSENT AGENDA

Councilmember Harry connect to the meeting at 5:05 p.m.

Councilmember Judith Davis 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.**

**ENROLLMENT** Joanne Shaw, Enrollment Officer

Councilmember Darrough made a motion to *approve the Recommendation of the Enrollment Committee for Enrollment Rejection with Resolution*. Councilmember Wadsworth seconded the motion. Votes were five (5) **for** and three (3) **opposed** (Harry, Mix, Smith) with zero (0) **abstentions**. **Motion carried.** **RESOLUTION NO.: PL 005-21 ENROLLMENT – DISENROLLMENT ENZO JARED GONZALES CHAVEZ**

Councilmember Janet Davis commented at some point they need to bring back to Council the conversation about blood quantum. It is in the Constitution and ordinances, but they do not want to phase themselves out if applicants can provide the lineage of their ancestry.

Vice Chairwoman Ely-Mendes said if it is a minor child that is disabled and turns 18 and applies to be a Pyramid Lake Paiute Tribal Member, they should be able to, regardless of whether their parents received money on their behalf. They had no choice as to whether their parents are going to take money from another tribe for them and we are basing decisions on whether people are taking money from another tribe instead of whether they belong here.

Councilmember Darrough wanted to make it a directive so it would not sit in limbo? Since they all agreed on it, can they direct the enrollment committee to begin working on the language and do what needs to be done to make it happen?

Councilmember Judith Davis confirmed that yes, all the information regarding minor children is in the ordinances and if a minor who has turned 18 wants to come back, they can. They just need to start reading the ordinances and follow the instructions.

Ms. Shaw said direct lineage goes back to the Constitution.

Vice Chairwoman asked Councilmember Darrough if she was making the motion? Councilmember Darrough said it was a suggestion, it may be a good discussion for the new council.

## **NEW BUSINESS**

### **1. Approval Certification of the 2020 General Election Results.** Karole McQueen, Election Board

Ms. McQueen explained they require certification of the 2020 General Election results. The general election was held on Saturday, December 26, 2020. The polls opened at 6:00 am and closed at 6:00 pm. Total number of eligible voters was 482 and total number of voters that showed up to the polls was 339. There were 21 total alternative voting and seven spoiled ballots. They received one protest, but it was received after the required timeframe, so they were not able to take the protest into consideration. They will have to declare one seat vacant and appoint a successor to fill the unexpired term of Councilmember Janet Davis.

Janet Davis did submit her resignation on Friday, October 2, 2020, via email to Brenda Henry, Tribal Secretary, which stated, "please accept my resignation of my council seat effective at the beginning of the 2021, per election ordinance. I am running for Chairman in the 2021 election. Please contact me should have any questions. Please forward this resignation to the election board". For certification, the following is provided: Chairman Janet Davis received 175 votes and Vice Chairman Steven Wadsworth received 199. There were four seats for council, two-year terms and the following four had the most votes: James Phoenix received 256, Edward Ely III receive 177, Harriet Brady, received 174, and Nathan Dunn received 162. Natalia Gonzales received the next highest votes, she received 155. She will finish out the one-year term of Councilmember Janet Davis. The Election Board recommended approval to move forward to Council to finalize the certification of the election results.

Leona Collins, Election Board recommended declaring the seat vacant before they certify the election results.

After discussion it was decided they needed to first certify the results of the General Election then they can declare the seat vacant.

Councilmember Harry made a motion to *Certify the 2020 General Election Results by recommendation of the Election Board*. Councilmember Judith Davis seconded the motion. Votes were eight (8) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried.**

Councilmember Judith Davis made a motion to *declare the Council seat for Councilmember Janet Davis to be vacant and to appoint candidate Natalia Gonzales, who had the next highest votes of 155 into the vacated seat*. Councilmember Smith seconded the motion. Votes were eight (8) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried.**

**2. Approval Legal Counsel Contract with Kemp Jones, LLP with Resolution.** Chris Mixson and Don Springmeyer, Kemp Jones LLP

Mr. Mixson stated him, and Don Springmeyer have represented the Tribe for over 15 years, maybe 16 or 17 years through the Tribes water issues. They currently changed law firms, they were formerly with Wolf, Rifkin, Shapiro, Shapiro, and Rabin, LLP and are now with Kent Jones law LLP. Their request along with a resolution is to approve an amendment of the Tribal Water Attorney contract to recognize and hire their new law firm. The terms are the same hourly rate, and it is only for one year, because they are switching in the middle of a two-year contract. Their attorney contract is usually for 2 years. Just note the amended contract is effective January 1, 2021. That was the reason for the poll vote, they could continue to work on behalf of the Tribe between the time they started with the new firm and tonight's a formal approval of the amended contract.

Councilmember Harry made a motion to *approve the Legal Counsel Contract with Kemp Jones LLP with Resolution*. Councilmember Judith Davis seconded the motion. Votes were eight (8) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried.** **RESOLUTION NO.: PL 001-21 AMENDED TRIBAL ATTORNEY CONTRACT KEMP JONES LLP**

### **3. Approval Amended Resolution for Withdrawal of Interest Assets from the PLPT Economic Development Fund (EDF).** Jill Mix, Comptroller

Ms. Mix said they did have an approved resolution from previous meeting to withdraw \$5.8 million from the Economic Development Fund (EDF) interest account for the 2021 budget. Chairman Sampson Sr. asked her to call the Bureau of Indian Affairs (BIA) to see what their response was going to be. BIA asked them to rescind the previous resolutions and to add principal and interest. She told them that it was never Council's intention to touch the principal, but they explained that a bond was recalled and the amount that was liquid was \$1.2 million in interest and \$13 million in principle. To get \$5.8 million, they asked us to include the principle in the resolution.

Vice Chairwoman Ely-Mendes said the way she understood it after going back and forth with Jill and reviewing what BIA sent them, their intention was for the Tribe to not take a penalty on money that is already invested, that is interest. They said they have \$13 million of the principal in an overnighter which they were not going to reinvest until they heard from the Tribe. They would like the Tribe to take a portion of the \$4 point something from the principle that is sitting in an overnighter, so the Tribe does not take a hit on drawing down and selling bonds for the interest. They are trying to save the Tribe money from not drawing down on the interest that is invested already. The only way they can do that is having the language in the resolution.

Vice Chairwoman Ely-Mendes further explained the money will all go back, and they are not going to take the whole \$13 million, the remainder of that \$13 million can be reinvested immediately making interest on it again.

Councilmember Harry said she is trying to understand the three sections. The bonds are at \$51 million, what is CMOS at \$8 million?

Ms. Mix said she was given a breakdown of principle and security investments to include what was in the overnighter. She was questioning why they could not take out what was in the interest and they do not have enough that's liquid without incurring a penalty. \$14 million is what is liquid now.

Councilmember Judith Davis said they did approve a budget for 2021. They approved a budget with funds they were going to use including the 10% decrease across the board for each program. She thought this was for 2021, she does not see why they must push it through and not let the new council figure out if this is what the path they want to take.

Councilmember Judith Davis said if they look at the minutes, they passed that night for December 18<sup>th</sup>, there is no amount stated for that night, they threw around numbers but there was no amount, there was no plan.

Ms. Mix said there was a plan, but they went with using all the savings they had to fund 2021 at a 10% decrease. She was worried that if something came up in 2021, they would have no savings to fall back on. You are using all of Vidler, CEMEX, and using potential revenue we do not have to fund these budgets. They

have been asking Council all this year, this is a route that they are trying to take to be financially stable in the future.

Michelle Cahill, tribal member said that resolution was not done in a public meeting. The public does not know what you are doing with the money. Now you are talking about principle. There needs to be some transparency. At the last meeting, Vice Chairwoman Ely-Mendes said she had no problem telling the membership, what they are doing but if you go ahead tonight, you are not telling the membership, you are just doing it. She thinks the membership needs to be informed when you start getting into our principal money. That is not in the Economic Development Plan, not in Section two, not in any of the sections.

Councilmember Darrough said she would like to remind her fellow Councilmembers they did follow the recommendation of the comptroller, and they did come to an agreement and there was a base plan. You are looking at different components of the Economic Development Fund, you are looking at different components that they are accessing to utilize on behalf of the Tribe and its operation. She thinks they need to remember that they are not just pulling this out of the hat, they are not just doing this without planning, they must look at the entire fund and the entire plan. That is what good the governance component and other components were meant for. She would agree with Ms. Mix, they need to move forward. This is not something they have just been making decisions on in 30 minutes, this is something they have been going over for a few months now, with a lot of consideration and a lot of thought and a lot of time put into reading the fund and reading the plan.

Councilmember Harry said it is not only following the recommendation of the comptroller, but there has also been investment, there has been lengthy discussions with the investors. Knowing for the first time, they are being fiscally responsible with a budget for the Tribe that will not turn into a 2019, where they are running out of funds, they are operating on a cash only basis. They will not be operating with no more projections.

Councilmember Harry made a motion to *rescind the last three resolutions to withdraw funds for withdrawal from the EDF and to approve the amended resolution for withdrawal of interest assets from the Pyramid Lake Paiute Tribe Economic Development Fund.* Councilmember Mix seconded the motion. Votes were five (5) **for** and two (2) **opposed** (Janet Davis, Judith Davis) with one (1) **abstention** (Wadsworth). **Motion carried.** **RESOLUTION NO.: PL 002-21 AMENDED WITHDRAWAL FROM EDF**

Councilmember Janet Davis said she voted no again, like she did the last time because she does not feel it is the Council's place to be using the funds for the government and they should not be digging into the principal for any reason at all, let alone using it for salaries and wages.

Councilmember Judith Davis said she is voted no, for the same reason she did the last time when they talked about the interest and she did not think they should be going after that. She does not think they should be going after the principal. Without telling the membership what is happening she thinks that is something that has been protected, and they are bypassing the Economic Development Committee (EDC) that was put in place by former Councils for this very reason so that the councils would not overstep them to use the funds.

Councilmember Darrough said she voted yes because this process was undertaken by Council, because our EDC, as stated in letters to them were not ready to tackle this in a form that it has been presented, so council did and she felt they were in majority at that time, to do what they felt and educated themselves on what would be in the best interest of the Tribe.

Councilmember Darrough also wanted confirmation that if they accepted the resignation of a fellow councilmember earlier in the meeting, does that resignation begin at that moment and time or do they continue to allow them to vote and that resignation comes into play at the end of the meeting.

Councilmember Janet Davis responded that it is at the beginning of the 2021 year, as it has been in the past.

Councilmember Darrough said that is not how she has seen it done in past Councils and it set a precedence. In looking at experience and precedents to the point of where a council member steps down, where she was chosen to step into a council seat because she was a candidate in that specific council election. Again, they are making new precedent and it needs to be on the record.

Councilmember Harry said at that time Councilmember Darrough was appointed, she made the motion. She was appointed from the recent election. She was not the fifth highest voter in the prior election, but the same election that I was elected in.

Councilmember Janet Davis said she has been a part of the election committee for many years and this is what always has happened.

Councilmember Darrough said now it on the record and if there are questions from the community it can be answered.

**4. Approval to Apply for BIA Non-based Funding for FY 21 Range Projects with Resolution.** Marissa Weaselboy, Rangeland Specialist, Natural Resources

Ms. Weaselboy said she is asking for approval for a resolution to apply for the non-base grant funding for range projects. The Natural Resources Department is interested in applying for the BIA Non-Base Funding for FY 2021 for Range Projects to increase water development projects on the PLPR. This would include restoring previous spring and well developments that have been lost to wildfires, flooding and the harsh desert climate (heat and alkali soil). The current BIA Rangeland Grant has been used for rangeland assessments that will quantify AUMs on the range. This information will be factored into the 10-Year Grazing Permits that will include guidelines to adhere to the Range Management Plan that will be completed with the BIA Non-Base Funding for FY2021. The Range Grant Proposal will include contract funding to collaborate with Rangeland Professors at UNR for targeted grazing management to control noxious weeds that behave as fine fuel sources for wildfires. Restoring water developments are pursuant to management plans since it will remove stress from heavily utilized areas along the lake and open grazing on underutilized areas. Two technician positions will be included that will monitor range fences, maintain the water developments and work with the Cattlemen's Association on moving cattle as part of the Range

Management Plan. This one is focused on developing and implementing range management plans, as well as creating water developments, range projects. They will be working with Tim Swanson on what specifically they should protect. A lot of the spring developments with water troughs are next to springs, she is hoping they can also protect water quality surface waters by fencing off the spring heads and she wanted to work with the cattlemen on the cost share regarding labor from them. They would pay for the materials from the grant. The cattleman could restore the spring and put a fence around the spring head so it could be protected.

Councilmember Wadsworth asked if she worked with the cattleman's association on this and Ms. Weaselboy responding yes, she was working with them. She met with Stephen James, Craig Harry, John Guerrero, and Michael O'Daye. She also spoke with Karen Shaw.

Ms. Weaselboy said to protect the solar panels she is going to write two range tech positions into the grant. A part of their job is to be monitoring the panels. They will write into the range permit the grazing permit that cattlemen are responsible for maintenance, but they will also be monitoring them. They will be placed on a steel pipe above the cattle's reach. The only thing they need to worry about is theft.

Ms. Noel stated it does cover indirect and there are no matching funds.

Councilmember Harry made a motion to *approve the BIA Non-based Funding for Fy21 Range Projects with Resolution*. Councilmember Judith Davis seconded the motion. Votes were five (5) **for** and two (2) **opposed** (Mix, Wadsworth) with one (1) **abstention** (Darrough). **Motion carried. RESOLUTION NO.: PL 003-21 2021 BIA RANGELAND FUNDING**

Councilmember Mix said there is a process that they must go through, they must follow protocol. There are policy procedures they must follow.

Ms. Weaselboy said the grant is due on the 13th. There was miscommunication from BIA and she just got the notification.

Councilmember Smith said it has been a really great experience being a first-time council member and she appreciates everybody with their expertise and knowledge. She really looked up to her fellow Councilmembers that had a lot of experience and she gained a lot of knowledge and she had a good time. For the most part she thinks Council's heart is there for people and she has prayers for all for them to have a successful next term and just wish them the best.

Vice Chairwoman Ely-Mendes said thank you, she had a lot of support over the years and feels like it has been a great experience for her to give back to my community. She looks forward to serving the community continually in other ways and in other venues in the future. She appreciated the camaraderie from the Council this year because it was a horrific year to go through, a very challenging and they are moving forward and handing the baton off to some very talented and bright people. She is excited to see what is going to happen in the next coming years. Thanks to all who have supported her over the years. She knows they are still struggling, but thinks they are going to come out bigger and better. They are Pyramid Lake

and they have always been on the top and they will remain there if they stay focused on the Tribe and not on our individual agendas.

Councilmember Judith Davis thanked everybody for their support. It has been a tough year for her. She wanted to let the new incoming Council know there has been so many councils before us. And there is a reason why they did things the way they did, there is a lot of black and white. There is a lot of historical votes that occurred on historical issues that they followed. Learn the organizational chart that was passed by Council, the policies, and procedures, they have committees and boards and if you have something come up on the agenda and you do not understand it, reach out and find your answers. You are going to feel overwhelmed at times but at the end of your meeting, everything you do is for the people. Follow the constitution and by-laws.

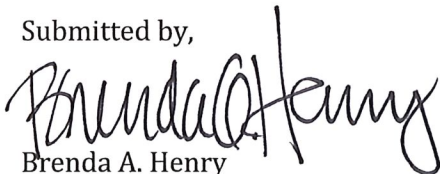
Councilmember Janet Davis said thank you to everyone she has worked with, some in several capacities for years and appreciates all their knowledge.

### 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 6:13 p.m.

Submitted by,



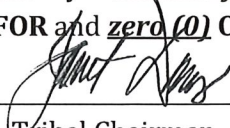
Brenda A. Henry  
Tribal Secretary

## CERTIFICATION

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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 5<sup>th</sup> 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 Chairman  
Pyramid Lake Paiute Tribal Council

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