

# Pyramid Lake Paiute Tribal Council

Post Office Box 256  
Nixon, Nevada 89424  
Telephone: (775) 574-1000  
Fax (775) 574-1054

## PYRAMID LAKE PAIUTE TRIBAL COUNCIL SPECIAL MEETING MINUTES Tribal Chambers ~ Nixon, NV July 17, 2020

### **Members Present**

Anthony Sampson Sr., Tribal Chairman	Sherry Ely-Mendes, Vice Chairman
Janet Davis, Councilmember	Irwin Mix, Councilmember
Judith Davis, Councilmember	Michele Smith, Councilmember
Carolyn Harry, Councilmember	Georgina Wadsworth, Councilmember
William Miller, Councilmember	

**Member Absent**      Cassandra Darrough, 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**

Tribal Chairman Anthony Sampson Sr. called the July 17, 2020 Special Tribal Council meeting of the Pyramid Lake Paiute Tribal Council to order at 6: 04 p.m.

### **ROLL CALL**

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

### **APPROVAL OF AGENDA**

Chairman Sampson requested the following change to the agenda: Under New Business add #4. Approval Business License – Cirila DeGarmo, Angel's Touch Cleaning and removal of Executive Session.

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

### **CONSENT AGENDA**

Councilmember Harry requested to pull the minutes: April 27, 2020 Special, June 19, 2020 and June 24, 2020 Special minutes for corrections.

Vice Chairwoman Ely-Mendes made a motion to *approve #2. Approval Payment Wes Williams June 2020 Invoice #3616 and #3. Approval Payment Silver State Government Relations Invoice #1093.* Councilmember Wadsworth seconded the motion. Votes were eight (8) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried.**

Councilmember Harry made minor corrections to the April 27, 2020 Special. For the June 19, 2020 Special minutes, on Page 7, she said the virus is here, it's going to be here but we're looking at increasing the fees which will help us generate more with less time. On page 8, clarity on the comments she made regarding Chief Parsons regarding their incidents of coronavirus, it stated she commented "there were comments about the Police Department and this is just a cycle", it should say "recurring cycles on/off". No changes to the June 24, 2020 Special minutes.

Councilmember Judith Davis made a motion to *approve the April 27, 2020 Special minutes, June 19, 2020 Special minutes and June 24, 2020 minutes with corrections.* Councilmember Harry seconded the motion. Votes were eight (8) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried.**

Councilmember Wadsworth requested a written report with Will Adler's Silver State Government Relations Invoice #1093. Chairman Sampson Sr., said the report may have gone to Benjamin John, Business Officer, will confirm.

## **PRESENTATION**

### **1. Nevada Department of Transportation (NDOT) Landscape and Aesthetics.** Lisa Harris, Landscape Architect, NDOT

Ms. Harris stated they held a stakeholders meeting on the landscape and Aesthetics for State Route (SR) 445, Pyramid Highway from Queen Way to Golden View Drive on May 1, 2020. Betty Aleck, THPO, attended the meeting and suggested a presentation before Council for feedback on their designs for Pyramid Highway. The master plan was approved in 2002 for the Nevada State Highway, in 2005 there were specific corridors in the plan throughout the State. The project is phase I of RTC Pyramid connector project, NDOT is collaborating with RTC with the design of the project. It goes from Queen Drive to Golden View Drive and will include lane widening from 4 to 6 lanes from Queen to Los Altos and multimodal improvements from Los Altos to Golden View Drive. Their concept theme is Pyramid Lake Biodiversity. The tufa rocks on Anaho Island provide a sanctuary for many species of water fowl including the American White Pelican nesting. Below the lakes surface lives the endemic Cui-ui fish, a historical food source for Paiute people and pelicans. Potential features include aesthetic patterning on walls, erosion control, slope treatment, median and trail enhancement (non-irrigated, rock, adapted plants), and freestanding elements. She provided 3 concept sound wall aesthetic patterning for Council to review, they were a combination of pelican and fish ideas. Councilmember Harry asked if there going to be any printing of the word "kooyooee" on the walls, and if so, she would like to see this in the culturally correct spelling/pronunciation of the fish. Councilmember Wadsworth said if they would like to tie it in with the McCarren/Pyramid, there is the picture of the Pyramid on the section, but she would like to see Pyramid formation on the wall. Ms. Harris said the wall will not be the complete

stretch from Queens Way to Golden View, it will be broken up. Councilmember Wadsworth preferred they not use rocks in the median since they tend to get in the road. Councilmember Janet Davis thanked them for thinking of the Tribe and providing a presentation.

## **2. Quarles & Brady LLP Update.** Pilar Thomas, Legal Counsel

As required under their contract Ms. Thomas provided her monthly update for the month of May 2020.

**a. General Government Activities.** Ms. Thomas has continued to monitor the implementation of the CARES Act and other legislation related to COVID-19. She assisted the Business Office with applying for the USDA's Paycheck Protection Program to help offset costs at the Enterprise Businesses with language in answering questions on the application itself. The Tribe now has until August 30<sup>th</sup> to apply, you can borrow up to \$10 million or 2 ½ times the payroll cost, 8-10 weeks payroll costs or you can also use the funds for utility or rent payments and you have 24 weeks to do it. The biggest benefit is that it is a forgivable loan. She forwarded a memo to Council the prior week regarding the status of the Title IV funds, a part of the billion dollar funds, the Tribe got access to. The Treasury has disbursed all the funds to the Tribes but held back some because of the Alaska Native Corporations litigation. All the Tribes for now have received all their funds. Treasury did update guidance at the end of June and beginning of July. Her memo summarizes the updated guidance with new directions on how the money can be spent. She wanted to make sure the Council had this information for guidance in the funds they received. The Tribe will also start reporting and the first report was due that day, it's a summary report but will have a more detailed report that will be required in September, then a quarterly report after that, a report in October and January on how the funds were spent.

**b. Cannabis Regulatory Matters.** In May the Tribe filed a lawsuit in Tribal Court, SCS's answer to the complaint was due in June, they filed a motion to dismiss, the Tribe responded to the motion on July 2<sup>nd</sup>. SCS filed their reply the day before, so they're still in Tribal Court. Hopefully we'll see a decision on the court case by the end of July. In addition, SCS did file a notice of arbitration claim with AAA. The Tribe responded that the arbitration process should wait and be stayed until the Tribal Court can rule on whether this is an agreement. There was back and forth conversations but in the end, AAA said no they're not going to wait. The firm will start working to slow the process down while they wait for the court to decide. She would like to schedule a meeting with Council the next week to go through the rest of the details either a workshop or Executive Session.

**c. CEMEX.** At the Water Team meeting, the water team sent CEMEX a letter that put them on notice of a breach of its lease through damages to the Tribe's ground water resources and demanding that CEMEX stop dewatering the mining pit in Area A. The Tribe should be expecting a letter from CEMEX updating their to-do list.

**d. NEXTERA.** No updates from NEXTERA. COVID has everyone on a standstill.

## **NEW BUSINESS**

### **1. Selection Gaming Commission (2 vacancies)**

There were two applicants received for the Gaming Commission vacancies. Lori Black received 5 votes and Tanda Roberts received 7 votes with 2 votes to repost. Ms. Black and Ms. Roberts were chosen to serve on the Gaming Commission.

### **2. Approval Letter of Support or Resolution for Student Enhancement Project at University of Nevada Reno.** Markie Wilder, Indigenous Student Services Coordinator

Ms. Wilder explained she is working on a grant that would benefit Pyramid Lake students and she is requesting a letter of support or resolution from the Tribe. This grant is through the Native American Research Center for Health (NARCH). The Student Enhancement Project at UNR will meet the differing needs of students to prepare them for biomedical research careers. In order to increase the number of AI/AN who participate in research, activities are needed that encourage AI/AN students to participate in research and to provide opportunities to receive high quality research training and mentorship. The Student Enhancement Project at UNR will partner with an existing successful undergraduate research programs (aim-1), provide opportunities for mentorship (aim-2), and outreach to Nevada Tribal Nations to raise awareness of research and encourage high school students to consider biomedical research careers

Vice Chairwoman Ely-Mendes made a motion to *approve the Letter of Support and Resolution to Collaborate with UNR's Indigenous Student Services*. Councilmember Judith Davis seconded the motion. Votes were eight (8) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried.**

### **3. Approval Request Light of Life Church Ministries.** Leo, Gloria, and Cameron Smith

Ms. Smith provided Council with a background of the Light of Life Church Ministries and their various temporary locations. She reminded Council they gave up their original land assignment for the Tribe's Wadsworth Community Complex currently in the planning phase to be built by the Wadsworth New Community Center. They need a temporary location to store the modular until a permanent place is decided on. The area by the brown building was discussed and possible use of the brown building for church services but it was noted they couldn't permanently designate the brown building for that purpose since it is a community building.

Councilmember Harry made a motion for the *Executive Team to coordinate a temporary storage area for the modular and to coordinate with Richard Frazier, Tribal Lands Manager for available land assignment in Wadsworth, in addition, the Tribe was not liable for any damages to the trailer while in temporary storage*. Vice Chairwoman Ely-Mendes seconded the motion. Votes were seven (7) **for** and zero (0) **opposed** with one (1) **abstention** (Smith). **Motion carried**

### **4. Approval Business License Renewal – Cirila DeGarmo, Angel's Touch Cleaning**

Brenda A. Henry, Tribal Secretary said this was a renewal of Ms. DeGarmo's business license. No issues reported with this business during the past year.

Vice Chairwoman Ely-Mendes made a motion to *approve the Business License Renewal Permit for Cirila DeGarmo, Angel's Touch Cleaning*. Councilmember Smith seconded the motion. Votes were eight (8) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried**

#### **COMPTROLLER – Jill Mix, Comptroller**

Ms. Mix was not in attendance.

#### **EXECUTIVE TEAM**

Councilmember Harry asked about the fireworks revenue, does it go back into supporting the enterprises or the general fund. Councilmember Wadsworth said there's a safety fund, an extra \$15 that is paid and goes to the Tribe. It supports the Rangers, Law Enforcement and Fire/EMS. Councilmember Harry said the Tribe is also funding those same mentioned areas with COVID and not using general funds. Vice Chairwoman Ely-Mendes said they can't just change their practices, it was the agreement at the time they decided to do fireworks. It was the only way they would approve fireworks since they were impacted by the garbage and potential fires. Currently it may be the only revenue the enterprise is making. They are asking, which should be a general practice is to get an update on their revenue and expenses and not once or twice.

#### **1. Executive Office. Douglas Williams**

Mr. Williams said in regards to a question by Councilmember Wadsworth regarding the cost of the housing units, the \$103,000, it was confirmed by the Vice President and General Manager is either for the 5-person sleeper or 4-person duplex apartment. It wouldn't be for a 100 people it would only be for the 4 or 5 persons. The pricing does not include the delivery and setup.

In regards to administration returning, the initial step would be to coordinate with the directors and get their input, he included everyone's responses in his report. Each Department Director is aware of the COVID guidelines, majority of them have goals and objectives in place, and will continue to address the safety and retrofitting of the buildings. Will continue to move forward to the August 3<sup>rd</sup> potential returning date.

As far as the Smith request that was approved, do they have to come back if they find a storage area? Was reminded it was put on the Executive Team for temporary storage.

All the committees that they identified were notified through Lori to let all the committee chairs they can meet.

Councilmember Judith Davis asked when he does meet with the Smiths an agreement needs to be drawn that the Tribe won't be liable for it when in temporary storage.

Vice Chairwoman Ely-Mendes said in regards to the August 1<sup>st</sup> return, Council needs to weigh their options to bring people back from furlough considering the substantial reduction in the budgets and the increased threat of COVID since things have since started to open up. Her thought is

they're probably making more money on unemployment than what the Tribe can afford to pay them on a regular basis or a reduced schedule basis so why would they do that. They're not required to seek work since they normally would have a job to come back to. We're not financially prepared to bring who we deemed non-essential back yet and she thinks the Council rethink the October 1<sup>st</sup> date. They need to rethink what date is logical to bring people back. May need to have another COVID discussion meeting along with opening of the lake. Mr. Williams said he has three plans: full time coming back, reduced hours or finding other jobs for employees, COVID related jobs. Continue to move forward with those options. Councilmember Janet Davis said they need to let the department know what is going to be cut in their budgets, need to have a concrete plan. Mr. Williams said they've been monitoring the unemployment and the extra funds with it but things change daily. Vice Chairwoman Ely-Mendes said they probably should get a hold of the Tribe's lobbyist and ask him what the progress is in the legislature regarding the extension in Nevada of the unemployment COVID until December 31<sup>st</sup> because she was hearing on the news that Senator Cortes-Masto is a bill that would extend it until December 31<sup>st</sup>. Councilmember Janet Davis said they also need to let the directors know what they are trying to cut the budgets by, 50%, 75%, etc. What is the goal, what is the outcome they're trying to do? Councilmember Judith Davis said they need to keep in mind that they knew the extra unemployment funding was going to go until the end of July. One of the things they were also talking about with the Executive Team was even though they come back are they going to be looking at a layoff come October/November/December. So, if they, as Council, keep them on furlough longer, then they can't take a look at the budget and see where the Tribe is short. It is difficult to get on unemployment and they don't want to be interrupting their service.

Councilmember Harry asked the status of PPE and retrofitting. Mr. Williams said the administrative building is priority. The next priority is the Child Care centers. He followed up with Don Pelt regarding the PPE and was told they already placed an order. Vice Chairwoman Ely-Mendes said retrofitting of the buildings is going to be a priority in making their decision on the furlough, they don't want to be bring people back in unsafe conditions. They also need to think a potential date for opening the lake and departments can get ready. Maybe October 1<sup>st</sup> since the fisherman are a different crowd than the beach crowd they don't like to be close to each other. Councilmember Janet Davis would like them to reach out to the employees who didn't get on unemployment and offer them some of the COVID positions. Mr. Williams said there were 2 employees who weren't able to get on unemployment but they were able to assist them with alternative options. Councilmember Wadsworth asked Mr. Williams and Michele Smith, Transit Director, about a possible move for the Transit Office for safety concerns, would like an update. Ms. Smith said she had an idea but was ready to discuss since she hasn't discussed it with the director, she would like to address with them first. The issue was no bathrooms and running water.

***Council requested a meeting scheduled for Thursday, July 23, 2020 at 5 p.m. for an update on furlough of employees.***

**CHAIRMAN'S REPORT - Anthony Sampson Sr., Tribal Chairman**

Chairman Sampson Sr. said he's been in touch with the clinic on what their projects are with the CARES Act funding. They had three projects, install installation generators, dental and updated software for pharmacy delivery system. The Health Clinic director also did a mandate before Council of wearing a mask in public, traveling out of state complete a minimum 14-day quarantine, patients do a 14-day isolation after testing positive for COVID 19. There was an update, they do have 3 new cases. The Police Department has positive cases and he's reached out to the Bureau of Indian Affairs, they had no officers available. Met with Police Chief and they have enough personnel to cover the area. CEMEX moving forward, reached out to Pilar Thomas and Donna Noel in regards to the separation of duties. Have a meeting with Washoe County School District, asking Carolyn Harry to attend via a zoom meeting because she knew what programs were at Natchez at that time. S Bar S there are concerns, there was an environmental impact study done from Environmental to Ms. Thomas office. He did sign the paperwork regarding the Sutcliffe Lodge so that is complete.

**Business Office.** Benjamin John

Mr. John said Aquafer 4 has risen about 1 foot since CEMEX stopped pumping. Another foot will allow them to turn the pumping up to 450.

The Enterprise applied for the payroll protection loan. They were approved but have to open an account from the loan bank. They just needed approval from the Chairman to sign off on the account since the Tribe is the owner.

Buildings - maintenance will be setting the doors in the administrative building, he's done measurements in Tribal Court for those individuals to come back. They're checking with Natural Resources for the Air Conditioning in Natural Resources. They are also waiting on the electrician because they will need to know how much power they'll need.

They have a meeting with Enterprises regarding not having to pay taxes for gas but they have another call next week because they don't know if it will be an advantage.

They also have a conference call with the person who sells the fireworks about the Enterprise being a distributor in this area for them. Councilmember Harry asked if they made profit from the fireworks. Mr. John said he didn't have the numbers but he does know they made a profit, they're still working on the invoicing. Councilmember Mix asked Tax Department, how could they not be taxed when they have contractors coming for Housing and they have to be taxed. Councilmember Wadsworth, speaking as a tax employee, said they are still researching it and have reached out to their tax attorney. Mr. John said the company is saying it's in their treaty agreement, they had to fight it in court and won, this company is based out of Washington. They don't have to charge other native owned businesses tax and they don't get charged either for transport or delivery.

Councilmember Wadsworth asked if he's met with other departments in regards to the furlough ending. Mr. John said all his departments are back to work and they're doing what they need to do to be safe.

**Council requested a meeting scheduled for Thursday, July 23, 2020 at 5 p.m. for an update on furlough of employees and budget update.**

Mr. John said Public Utilities has been working with the Natural Resources department, they had an idea that the new wells acquired with the Crosby property, if they can do a flow test on the wells and they produce enough water, they may be able to take the Mullins Pass Treatment Plant off line and not use anymore. Who would he need to coordinate with to complete this. Vice Chairwoman Ely-Mendes said she thinks it may be a partnership and speak to the person leasing the property. She can get with him on Monday. A portion of it is under Hardscrabble and she doesn't know if they can use the water for anything other than flowing into the lake. If it was purchased under the WRAP committee then it can't be used for anything other than to flow into the lake. They can get it clarified with Mr. Peskin.

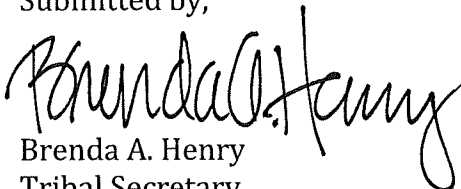
Chairman Sampson Sr., said he will have to get with Jill Mix, Comptroller, regarding the OST funding that was requested. They will have to re-look at the paperwork.

**ADJOURNMENT**

With no further business before the Tribal Council, Vice Chairwoman Ely-Mendes 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 8:47 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 \_\_ day of \_\_, 2020, 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:   
Anthony Sampson Sr., Tribal Chairman  
Pyramid Lake Paiute Tribal Council

//  
//  
/