

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 June 19, 2020

MEMBERS PRESENT: Anthony Sampson, Sr., Chairman Sherry Ely-Mendes, Vice Chairman
Cassandra Darrough William Miller
Janet Davis Irwin Mix
Judith Davis Michelle Smith
Carolyn Harry Georgina Wadsworth

Brenda Henry, Tribal Secretary, had an emergency and Councilmember Gina Wadsworth agreed to take the minutes on her behalf.

CALL TO ORDER

Tribal Chairman Anthony Sampson, Sr. called the June 19, 2020 Special meeting of the Pyramid Lake Paiute Tribal Council to order at 6:04 p.m.

ROLL CALL

Roll call was taken by Gina Wadsworth, Councilmember. Councilmember Carolyn Harry arrived at 6:05 p.m.; Councilmember Cassandra Darrough arrived at 6:07 p.m.; and, Vice Chairman Sherry Ely-Mendes arrived at 6:42 p.m. All other Councilmembers were present at roll call and a quorum was established for this meeting.

APPROVAL OF AGENDA

Chairman Sampson commented there are several changes to the June 19, 2020 meeting agenda. Under Unfinished Business, add Item #2, Approval for Chairman to Sign Road Closure Extension contract. Under New Business, add Item #4, Approval Burning Man Project's Moopathon. The Comptroller is requesting approval of a Resolution to Request Withdrawal of Economic Development Fund. The Executive Officer is requesting approval of a Resolution regarding Emergency Hazard Compensation Rate for Frontline Departments and Employees; also, approval to Rescind and Amend Resolution for Lake Curfew, Shelter in Place/Stay at Home and Fine for Violation of Curfew. The threat of COVID will remain intact along with State of Emergency.

Lesley Hawley, Human Resources Manager is requesting the addition of the approval of the 2020 Wage Scale; classification of Tribal Security Guard; and, revision of Personnel Policy Section 2, Administration of the Personnel Program.

Councilmember Janet Davis made a motion to *approve the June 19, 2020 Tribal Council meeting agenda with the changes*. Councilmember Judith Davis seconded the motion. Votes were seven (7) **FOR** and zero (0) **OPPOSED** with one (1) **ABSTENTION** (Harry). Motion carried.

CONSENT AGENDA

The following items were listed under the Consent Agenda:

1. Approval of Lewis Roca Rothgerber Christie Invoice #1358750 (Fund Code 128)
2. Approval Ratification of Poll Vote for Indian Community Development Block Grant Program
3. Approval Ratification of Poll Vote to Extend NDOT Road Closure to September 30, 2020

Councilmember Janet Davis made a motion to *approve the Consent Agenda*. Councilmember Darrough seconded the motion. Votes were eight (8) **FOR** and zero (0) **OPPOSED** with zero (0) **ABSTENTIONS**. Motion carried.

PRESENTATION

Quarles & Brady LLP Update – Pilar Thomas

Ms. Thomas said they participated in a follow up meeting with the Natural Resources team and Stetson Engineering to discuss the draft MPO and the Tribe's comments to the MPO. We drafted and sent a follow-up comment letter to CEMEX, which served as a basis for the discussion with CEMEX.

At the Business Officer's request, Ms. Thomas said she completed her review, comments and edits to the Verizon cell tower and AT&T cell tower leases. Since the Tribe has several cell towers located on the Reservation, and the likelihood of requests for new ones, Ms. Thomas also developed a Model Cell Tower Lease that incorporates provisions including no waivers of sovereign immunity and to require dispute resolution provisions. She suggested holding a workshop to review any lease agreement the Tribe may considering.

Ms. Thomas said SCS filed a motion to dismiss and the Tribe will be requesting an extension to July 2, 2020 at which time we will respond. She said we hope to have a decision from the court by the end of July.

NextEra has executed its transfer deeds for the two parcels of land to the Tribe pursuant to the Community Benefits Agreement. The amount of acreage is approximately 35 acres and are contiguous to the Reservation. The transfer deeds will be filed with the Washoe County Recorder. Ms. Thomas reported NextEra donated \$1,500 to the Tribe to assist with COVID-19 relief. NextEra made its first CBA payment, in the amount of \$60,000.

UNFINISHED BUSINESS

1. **Approval Personnel Policies and Procedures Manual Section 2 Revision, Administration of the Personnel Program** – Lesley Hawley, Human Resources Manager

Lesley Hawley, Human Resources Manager, said she is requesting approval of a revision to Section 2 of the Tribe's Personnel Policies and Procedures. She received an email from Doug Williams with some recommendations on the Tribal Administrator and she reminded him the Personnel Committee had approved a revision to the same section and were waiting on a recommendation from the attorney. The revision was reviewed by the Personnel Committee on June 18. Under Section 2.4 the Executive Team, clarify administrative process, and striking out hiring because it was reverting back to the Tribal Council. Under Section 2.13 removing Vice Chairman from the chain of command and replacing with the Executive Team. Councilmember Judith Davis suggested changing Section 2.13 to "in the absence of the Tribal Chairman the duties, responsibilities and authority identified in this manual shall rest with the Executive Team."

Councilmember Judith Davis made a motion to *approve the revision to the Personnel Policies and Procedures Manual Section 2, Administration of the Personnel Program*. Councilmember Harry seconded the motion. Votes were seven (7) **FOR** and one (1) **OPPOSED** (Mix) with zero (0) **ABSTENTIONS**. **Motion carried.** **RESOLUTION NO. PL 065-20** Personnel Policies and Procedures Manual Revision of Section 2, Administration of the Personnel Program

(Vice Chairman Ely-Mendes arrives to the meeting)

2. Approval for Chairman to Sign Road Closure Extension Contract

The road closure contract had been approved via poll vote and authorization is needed for Tribal Chairman Sampson to sign the contract. The contract covers the period from July 9, 2020 to October 1, 2020 and is amicable to all parties.

Councilmember Harry clarified if the Tribal Council opens up the Lake, there is the ability to shorten the contract and Vice Chairman Ely-Mendes replied yes, the contract can be amended. The contractor knows the situation and he is open to any date.

Councilmember Judith Davis made a motion to *authorize Anthony Sampson, Sr., Tribal Chairman to sign the Road Closure contract*. Councilmember Janet Davis seconded the motion. Votes were eight (8) **FOR** and zero (0) **OPPOSED** with one (1) **ABSTENTION** (Ely-Mendes). **Motion carried.**

NEW BUSINESS

1. Approval Business License – William Garry DuBay Hot Dog Cart

William Garry DuBay is requesting approval of a business license. Mr. DuBay plans to purchase a hot dog cart for a part-time business and he stated his main sales area will be in Fernley. Councilmember Janet Davis said this will depend on the Tribal Council's decision on whether or not to open the Lake.

Councilmember Janet Davis made a motion to *table the request for a business license from William Garry DuBay until the Tribal Council makes a decision on opening the Lake*. Councilmember Ely-Mendes seconded the motion. Votes were nine (9) **FOR** and zero (0) **OPPOSED** with zero (0) **ABSTENTIONS**. **Motion carried.**

2. Approval Law Enforcement Request to use CARES Funds to purchase Two (2) Ranger Trucks and Four (4) Police SUVs – Chris Parsons, Police Chief

Chris Parsons, PLPT Chief of Police, explained his request to purchase two Ranger vehicles and four Police vehicles out of the CARES Act funding. The Ranger vehicles had already been approved on March 6, 2020 which was prior to the emergency declaration. In order to use the CARES funding, reauthorization of the funding will have to be done. Chief Parsons said those vehicles were ordered but won't arrive until sometime in September. The vehicle production line had been shut down. He was able to locate four SUVs from Jones West Ford and they are police-modeled. The vehicles are currently available for purchase

Councilmember Smith made a motion to *approve the resolution for the request to purchase vehicles for the Ranger Program and Police Department in the amount of \$239,756.* Councilmember Mix seconded the motion. Votes were nine (9) **FOR** and zero (0) **OPPOSED** with zero (0) **ABSTENTIONS**. **Motion carried.** **RESOLUTION PL 066-20** Request to Use CARES fund to purchase Two Ranger Trucks and Four Police SUVs

Councilmember Harry asked Chief Parson for an update on any agreements with other agencies Chief Parson said currently we have mutual aid agreements with Washoe, Lyon, and Storey counties. If he called for assistance, the other agency will respond and vice versa. The other agency's officers will only assist Pyramid Lake officers and if they are needed for longer term, the agreements are not set up for that. There are no agencies that currently have officers available but it may be possible he could get help for a day or so. BIA would probably be the only agency who could supply assistance for longer periods. His past experience is the BIA is very limited with law enforcement presence. Just about every Tribal agency has requested assistance. Currently they have eight officers that are available and two Rangers who may assist.

3. Discussion/Approval Spousal Non-Tribal Member Off-Road Permit

A letter was received from Trish and Chad Conner requesting approval of an off-road permit. Ms. Conner's husband Chad is a non-Tribal member and they have recently purchased a recreational off highway vehicle (ROHV). Mr. Conner has been stopped by the Rangers for operating the ROHV on the Reservation. Pyramid Lake regulations state only Tribal members can operate a ROHV on the Reservation.

Chief Parsons said the individual lives on the Reservation and currently has a tax spousal card. Ranger Mix had stopped the individual for operating the ROHV. There was a second time he was stopped and stated he has a tax spouse card, he should be able to use for recreational activities. He said the only way non-Tribal spouse could operate a ROHV is to get authorization from the Tribal Council.

Vice Chairman Ely-Mendes clarified that the tax spousal card is only for taxes and Councilmember Wadsworth replied yes and some spouses had used the card while at Pyramid Lake but the tax spousal card is only for exemption of taxes. Individuals are informed to contact the Tribal Secretary for information regarding the authorization letter. Councilmember Mix said a lot of Tribal members are purchasing the side-by-sides and is something we need to look into.

The regulation regarding off-road vehicles will be sent to the Law & Order Committee for review and possible recommendations.

Councilmember Harry made a motion to *deny the request for an ROHV off-road permit for Chad Conner, a non-Tribal member.* Vice Chairman Ely-Mendes seconded the motion. Votes were six (6) **FOR** and two (2) **OPPOSED** (Darrough, Judith Davis) with one (1) **ABSTENTION** (Mix). **Motion carried.**

4. Approval Burning Man Project's Moopathon – Marnee Benson

Marnee Benson, Burning Man Project, was present to request a letter of support from the Tribal Council regarding their Moopathon clean-up project. Ms. Benson explained that Dominic Tinio will be walking the distance of Highway 447, beginning in Wadsworth, to pick up litter and debris along the way. The trash he will be collecting will be within the NDOT's right-of-way. Ms. Benson estimates the project will last about eight days and they intend to implement best practices for roadside and COVID safety along with bringing an awareness to Leaving No Trace principles.

Vice Chairman Ely-Mendes made a motion to *approve the request from Marnee Benson for a letter of support for the Burning Man Moopathon project.* Councilmember Janet Davis seconded the motion. Votes were nine (9) **FOR** and zero (0) **OPPOSED** with zero (0) **ABSTENTIONS**. **Motion carried.**

5. Reclassification of Tribal Security Guard and 2020 Wage Scale – Lesley Hawley, HR Director

Ms. Hawley said she is requesting approval of the reclassification of Tribal Security Guard. When a job description is amended for a temporary position, the Personnel Committee reviews and makes a recommendation. The Tribal Security Guard will be working the beaches and the Enterprises.

Councilmember Judith Davis made a motion to *approve the recommendation from the Personnel Committee for approval of the reclassification of Tribal Security Guard.* Councilmember Mix seconded the motion. Votes were eight (8) **FOR** and zero (0) **OPPOSED** with one (1) **ABSTENTION** (Janet Davis). **Motion carried.**

The next item is a request for approval of the 2020 wage scale. The State of Nevada has authorized increases to the minimum wage over the next five years beginning July 1, 2020. The wage scale has been pending. A resolution was presented approving the 2020 Wage Scale. Councilmember Judith Davis asked if the increase will only affect the minimum wage personnel or will cause a ripple effect overall. Ms. Hawley said it will cause a ripple effect and she has submitted the increase to the Executive Team and Personnel Committee for a couple of years because she knew it was going to affect the Tribe's wage scale. It is a five-year increase; from \$7.25 to \$11.00. The Personnel Committee only recommends a one-year approval so we can decide how it's going to be done in the future.

Councilmember Judith Davis asked what the Executive Team's input was in this decision. Doug Williams, Executive Officer, said the Executive Team supported the incremental increases knowing it will have to be reviewed.

Councilmember Harry made a motion to *approve the resolution to approve the 2020 Wage Scale*. Councilmember Judith Davis seconded the motion. Votes were eight (8) **FOR** and zero (0) **OPPOSED** with one (1) **ABSTENTION** (Wadsworth). **Motion carried.** **RESOLUTION PL 067-20** 2020 Wage Scale

Ms. Hawley said to prepare for further increases and that she did request the Executive Team to educate and prepare the department heads with regard to their budgets.

COMPTROLLER – Jill Mix

1. Approval of Resolution to Request Withdrawal of Economic Development Fund

Jill Mix, Tribal Comptroller, said she submitted her report and included a resolution to withdraw \$2,014,094.77 that was remaining in the OST account which will be used for the needed funds for the next Tribal member distribution and to fill in the holes for the budget that revenue was lost from closure of the Lake.

Councilmember Harry asked if the money for the budget will be used for over-expenditures or where will the surplus amount be used. Ms. Mix responded the balance will be used for the Tribally-funded programs that are lacking due to the Lake being closed. In September when the second distribution occurs, she doesn't know if the Tribal Council is going to change the eligibility date or keep it the same. Vice Chairman Ely-Mendes said that will be a decision of the Tribal Council. Councilmember Wadsworth said the number of Tribal members who will turn 18 before the second distribution will have to be determined. Councilmember Harry suggested Ms. Mix meet with Enrollment to determine the number.

Vice Chairman Ely-Mendes made a motion to *approve the recommendation to authorize the Tribal Chairman to request from the U.S Department of Interior the withdrawal of \$2,014,094.77 earned by the Economic Development Fund*. Councilmember Smith seconded the motion. Votes were eight (8) **FOR** and zero (0) **OPPOSED** with one (1) **ABSTENTION** (Janet Davis). **Motion carried.** **RESOLUTION PL 070-20** Authorization for the Tribal Chairman to request from the U.S Department of Interior the withdrawal of \$2,014,094.77 earned by the Economic Development Fund

EXECUTIVE TEAM

1. Executive Officer – Doug Williams

a. Approval Resolution Emergency Hazard Compensation Rate for Frontline Departments and Employees

Doug Williams, Executive Officer, said he is requesting approval of Emergency Hazard Compensation Rate which coincides with the Pyramid Lake Health Clinic's additional 25% increase. The request was reviewed by the Executive Team and Human Resources. The employees affected are the front-line departments and employees and will be funded through the CARES funding and is justified because the employees risks are highest due to engaging directly with the threat of

COVID. The departments they identified include the Pyramid Lake Health Clinic, Police Department, Rangers, EMS, Enterprise employees, and facilities maintenance.

Councilmember Harry made a motion to *approve the resolution approving Emergency Hazard Compensation Rate for Front-Line Departments and Employees*. Councilmember Smith seconded the motion. Votes were nine (9) **FOR** and zero (0) **OPPOSED** with zero (0) **ABSTENTIONS**. **Motion carried.** **RESOLUTION PL 069-20** Emergency Hazard Compensation Rate for Front-Line Departments and Employees

b. Approval to Rescind and Amend Resolution for Lake Curfew, Shelter in Place/Stay at Home and Fine for Violation of Curfew. Leave Threat of COVID Intact and State of Emergency in Place

Mr. Williams said he is requesting approval of a Resolution regarding opening up the Lake. This was a collaborative effort and is a more detailed plan. This is Phase 2 and 12 beaches were identified for opening. Vice Chairman Ely-Mendes said the Tribe has drawn down all of the funding and asked if all of the funding is gone. Ms. Mix said that amount she was referring to was the last (inaudible). Vice Chairman Ely Mendes said if we are counting on that to supplant the programs for the new year and unless we liquidate assets, we will take a substantial hit. She believes the Tribe should enforce carry-in/carry-out because nobody wants to handle trash. The fee schedule is appropriate at this time. She is not in favor of camping. Mr. Williams said the Tribe has total control on the number of people on the beaches. Vice Chairman Ely-Mendes said she has a concern about how the Nixon Store looks and it doesn't seem as if there's a quick resolution of how people are going in/out of the Store. The Store looks like it is under construction and something needs to be done about it now.

Councilmember Harry said is this approved, the date is Friday, July 3, 2020 or what dates are being considered. Mr. Williams said it would be July 3rd. The Security Guard position is being advertised which could be used for the stores. Chairman Sampson his concern with that date is the situation with Law Enforcement and we have to make sure we have enforcement available. There is the opening of the restrooms which is a safety concern.

Councilmember Judith Davis said one of the things that was going to be done was to get a hold of the departments and get their plan together and has this been done. Mr. Williams responded yes, as far as opening the Lake. Councilmember Wadsworth said she agreed with Vice Chairman Ely-Mendes to hold off on opening up camping because the Council needs to see how everything goes with the opening up of day use and fishing. The July 3rd opening day is too soon and the Tribe is not prepared for opening. Councilmember Harry said she appreciates the work that was done and it is a well laid out plan. She thinks the plan can work and we have to be the Tribe that takes the lead. We need to open up incrementally and suggested two beaches north of Sutcliffe. This can be a trial run and we need to look forward. She feels that this is something that can be achieved. The virus is here and will continue to be here but we're looking at increasing the fees which will help us generate more with less time and less exposure. Councilmember Janet Davis said with Law Enforcement possibly being positive, we should wait on opening up the Lake. It's not safe and we have to keep the communities safe. Lives are not worth the money and she understands we will need money but she will have to think about the safety of the communities.

Vice Chairman Ely-Mendes clarified with Councilmember Darrough that there are a lot of calls for people who are at the Lake and it pulls from the communities' need, especially during the summer. Will additional EMS staff have to be hired? This is a health crisis. Councilmember Darrough said she is responding on behalf of EMS. July 4th, historically, is one of the most busy days or weekend of the year. There is a fire risk and right now there is a red flag warning. The fact is, last year there were head-on collisions, domestic violence cases, multiple EMS calls, from one beach to the next, fires in Wadsworth, and they were maxed out. There are so many unknowns this year. They are not responding as they normally would because there is the risk of COVID. As far as additional crew members, they are maxed out in the region.

Councilmember Judith Davis said during the holiday weekends, especially July 4th, people are here Thursday, Friday, Saturday, Sunday and Monday. During most years, Washoe County Sheriffs' Department will put their boat on the Lake and this is a resource we won't have this year because of what they are dealing with in the County.

Councilmember Mix said he appreciates the work that was done on the plan, there won't be as many people on the Lake this year and he would like to discuss this further. We can't be afraid to do this. Councilmember Smith agreed and we need to be proactive. Councilmember Harry said there were comments about the Police Department and this is just a recurring cycle of on/off. Safety has been discussed but nobody is staying home and we are doing the best we can. Vice Chairman Ely-Mendes said those are good points but we need to prepare for opening. She would be comfortable with the plan if it was an August 1st opening date.

Ms. Mix said the number of permits was discussed by the Executive Team and permits can only be sold online. The number of permits sold could be limited. Mr. Williams said the proposal can be changed and an end date can be included just in case there is a spike in number of cases. Everything is ready to go and needs a decision.

Vice Chairman Ely-Mendes asked if the Tribal Council is ready to make a decision or will we need a workshop. Councilmember Judith Davis said it will have to be a special Tribal Council meeting if a decision needs to be made. Vice Chairman Ely-Mendes said there are a number of things that have to be assured such as the number of people to be hired, the July 3rd date is too soon and she would like to open on August 1 and to have everything in place. Once the road is open, she is not sure how much support we would get from the NDOT.

A Special Tribal Council meeting is scheduled for Wednesday, June 24, 2020 at 5 p.m. Recommendations to be submitted by Monday, June 22, 2020 to Doug Williams, Executive Officer.

2. Business Officer – Benjamin John

Benjamin John, Business Officer, said in dealing with Verizon Wireless, they are basically saying they want the Tribe to sign the lease they provided. The Tribe's lease includes all of the federal regulations that are required of the Tribe. The Verizon representative wanted a comment from the BIA. Mr. John said he told Verizon it didn't matter who writes the lease as long as it includes the federal regulations.

He said this came about as a result of the AT&T lease expiration and the lease had included a bunch of comments. The Verizon attorney had drafted a lease which was sent to the attorney for review. He then reached out to the BIA and their policy is if they don't approve the lease, it would be set aside. Mr. John said the original lease that was approved, was between Verizon, the BIA and the Tribe. The BIA is not supposed to be a party to the lease.

Councilmember Janet Davis asked if the liability waiver is going to be effective. There are people coming from all over and she is concerned the fireworks aren't going to be used responsibly. Mr. John said he spoke with Wes Williams and he said the form says the Tribe is providing a designated area and there is wording on the form that says fireworks will not be taken off of the Reservation. Once the fireworks leave the Reservation, the liability is on the individual. Councilmember Darrrough said there have been meetings with Truckee Meadows Fire Protection District regarding the waivers and the waiver does release the liability of the Tribe because it is specifically written. The waiver allows tracking of individuals who are setting off the fireworks. The problem is when fireworks are set off in the communities. The fireworks have been tested by the Fire Department and they shoot the way they're supposed to shoot.

Mr. John asked if the Ordinance was amended to make fireworks legal to sell for the Tribe. He is unable to find any resolution to allow this. Councilmember Wadsworth said it should have been in 2011 or 2012.

TRIBAL CHAIRMAN'S REPORT – Anthony Sampson, Sr.

Chairman Sampson reported the CEMEX issue is being worked on with Pilar Thomas. He has been working with the Nevada Indian Commission on the education portion at Natchez Elementary. He did invite some Tribal Councilmembers to discuss this with the Washoe County School District (WCSD) but they didn't want to meet with the Tribe because they knew we were going to ask questions about Natchez Elementary. He told them because they (WCSD) are talking about equity and diversity at the State level, the Tribe wants the same for our students. He will be trying to schedule a meeting with the WCSD Superintendent.

Chairman Sampson said he has concerns about opening up the Lake. We need to make sure a solid plan is in place. This is a decision of the Tribal Council but we need to make sure we keep our people safe.

ADJOURNMENT

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

The meeting adjourned at 9:58 p.m.

Tribal Council meeting minutes taken by Councilmember Gina Wadsworth.

Transcribed and submitted by,



Gina Wadsworth

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 17th day of July 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 Tribal Council

//
//
/