

Pyramid Lake Paiute Tribal Council

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PYRAMID LAKE PAIUTE TRIBAL COUNCIL SPECIAL MEETING MINUTES Tribal Chambers ~ Nixon, NV March 20, 2020

Members Present

Anthony Sampson Sr., Tribal Chairman
Janet Davis, Councilmember
Judith Davis, Councilmember
Cassandra Darrough, Councilmember
Carolyn Harry, Councilmember

Sherry Ely-Mendes, Vice Chairman
William Miller, Councilmember
Irwin Mix, Councilmember
Michele Smith, Councilmember
Georgina Wadsworth, Councilmember

CALL TO ORDER

Tribal Chairman Anthony Sampson Sr. called the March 20, 2020 Special Tribal Council meeting of the Pyramid Lake Paiute Tribal Council to order at 6:03 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

Chairman Sampson Sr., requested the following changes to the agenda:

1. Addition under Consent Agenda #4. Approval Enrollment two (2) Applications with Resolution: Regular Membership
2. Under New Business Move #6. Approval Tribal Development Services (TDC) Agreement with Resolution to Executive Session after Consent Agenda
3. Addition of Unfinished Business #1. Approval/discussion Closing Lake Recreation.
4. Remove under New Business #8. Discussion/action of US Navy Helicopters Flying over Reservation. Sheri Hunter
5. Remove under New Business #9. Approval/discussion Truckee Meadows Parks Foundation Agreement.
6. Add under Executive Office b. Approval of Court Resolution Postponing and Limiting Services
7. Add under Chairman's Report a. Elder Emergency and Donation Requests Procedure.

Vice Chairwoman Ely-Mendes made a motion to *approve the agenda with the changes*. Councilmember Judith Davis seconded the motion. Votes were nine (9) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried.**

CONSENT AGENDA

Councilmember Judith Davis requested the following correction to the February 11, 2020 Special meeting minutes: page 2, #1, line 6 add word “not”, this was referring to the court cases.

The following items were listed under the Consent Agenda:

1. Approval of minutes: January 17, 2020 Special, February 7, 2020 Regular, February 11, 2020 Special and February 21, 2020 Special
2. Approval CHE \$500 Scholarships: S Smith, J Gotcher, M NewMoon, and C Reynolds
3. Approval Wes Williams February 2020 Invoice #3563
4. Approval Enrollment Two (2) Applications: Regular Membership with Resolution

Councilmember Harry made a motion to *approve the consent agenda with correction to February 11, 2020 Special minutes*. Vice Chairwoman Ely-Mendes seconded the motion. Votes were nine (9) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried.** **RESOLUTION NO.: PL 041-20 ENROLLMENT – REGULAR MEMBERSHIP (2)**

EXECUTIVE SESSION

Vice Chairwoman Ely-Mendes made a motion to *move into Executive Session*. Councilmember Smith seconded the motion. Votes were nine (9) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried.** *Tribal Council moved into Executive Session at 6:07 p.m.*

Councilmember Judith Davis made a motion to *move out of Executive Session*. Councilmember Smith seconded the motion. Votes were nine (9) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried.** *Tribal Council moved out of Executive Session at 6:49 p.m.*

Councilmember Judith Davis made a motion to *TABLE the Tribal Development Services (TDC) Agreement with Resolution and forward to Pilar Thomas, legal counsel for review*. Councilmember Miller seconded the motion. Votes were nine (9) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried.**

PRESENTATION

1. Quarles & Brady LLP Update. Pilar Thomas

Ms. Thomas was not in attendance.

Vice Chairwoman Ely-Mendes made a motion to *TABLE Pilar Thomas, Legal Counsel report*. Councilmember Darrough seconded the motion. Votes were nine (9) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried.**

2. Coronavirus Update. Dawna Brown, Pyramid Lake Health Clinic Director and Don Pelt, Pyramid Lake Emergency Response Coordinator

Mr. Pelt provided an update of the emergency management services provided during COVID-19. Currently there are 109 cases in Nevada, 16 in Washoe County, 1 in Lyon County and 1 in Carson City.

Ms. Brown provide an update on the health clinic's readiness in preparing for COVID-19. Currently they are providing a drive-thru/walk-in medical clinic and pharmacy, the hours are 8:30 to 1pm daily and is modified daily based on need. Dental services have been cancelled with exception of emergencies, and for behavior health they are continuing with scheduled appointments for employees and patients due to the stress of COVID-19. Everyone must call before they show up. Their supplies are limited due to supply orders being pushed back for deliveries but overall they are working to meet the changing and challenging needs of COVID-19, for both employees and patient needs.

Updates will be provided to the Administrative Assistant for upload to the Tribe's media pages.

UNFINISHED BUSINESS.

1. Approval/discussion Closing Lake Recreation.

Jill Mix, Comptroller, said the monthly revenue is \$124,000, but currently the average is at \$100,848. She is not sure if this is something the Tribe can bill for, loss of revenue. She is not looking at salaries since a proclamation has already been approved. Last year at this time they collected \$364,444 in revenue. Vice Chairwoman Ely-Mendes asked if we can get a reimbursement for lost revenue. Don Pelt, EMS Coordinator, said they can ask FEMA for it but he's not hopeful we would receive because it would be a projection and typically it's impossible to reimburse on a projection. What the Tribe can possibly do is file for absolute losses. Councilmember Wadsworth said when Della John, former Executive Officer was here she was looking into reimbursement through the Tribe's insurance for loss of profit and was going to ensure it was included in the insurance. Vice Chairwoman Ely-Mendes stated after looking at what the Tribe is doing internally and externally with businesses closings due to COVID-19 she would agree to closing the lake to all recreation. Ms. Mix said it's possible the enterprises would be able to recoup some of their costs through the small business loans but the Tribe wouldn't be able to. It all depends on how long the Tribe will be closed down. If we close down for more than two months, we'll have to consider cutting back for the Tribe because there are no guarantees on reimbursements. Vice Chairwoman Ely-Mendes stated we don't need people coming out and camping when they should be staying in their homes. Ms. Mix stated if they do decide to shut down the lake, the Tribe does have resources to draw from.

Norman Duncan made a donation to the Pyramid Lake Tribe of \$100, Councilmember Mix matched the donation along with Chairman Sampson Sr.

Councilmember Janet Davis made a motion to *approve the closure of Pyramid Lake for all recreation: day-use, camping, fishing and boating. Closure will be for non-tribal members. Effective Monday, April 23, 2020 until further notice.* Councilmember Smith seconded the motion. Votes were nine (9) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried.**

Chairman Sampson Sr., announced the name of the newly Pyramid Lake Paiute Tribal member.

Brooke Ann Trujillo
Frank Robert Moser

NEW BUSINESS

1. Approval Request to Conduct Trash Pollution Cleanup for March 29th. Norm Harry

Mr. Harry was not in attendance for this request.

Vice Chairwoman Ely-Mendes made a motion to *TABLE the request to conduct trash pollution cleanup for March 29th*. Councilmember Wadsworth seconded the motion. Votes were nine (9) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried.**

2. Tribal Facility Building Use Policy. Lori Black

Ms. Black came before Council because of an issue with their previous applications for gym use for an annual basketball tournament for her family. She submitted her application on January 8th and two months later she received an email from the Janet Davis, Tribal Recreation Director, asking for payment for the usage fee for the event. The same day she found out there was a new Facility Building Use Policy which was approved in 2019. She's been operating on the old policy and wants clarification on when the new policy was approved. In the policy it states the applications are submitted to the Executive Officer but the approval signature on her request came from Tribal Recreation.

Councilmember Janet Davis, speaking as the Tribal Recreation Director explained the Program Officer, Lynda Ciceu (former Comptroller), and Randa Mitchell were trying to get the process stream lined and written down when they reviewed the policy and to-date a lot of people are using it. The original policy was approved in 2018. It costs \$2000 a month for propane, \$400 for electricity, and cleaning supplies comes out of Tribal Recreation and Maintenance budget. People have paid the use fee for use of the gym: birthdays, weddings, a boxing event (paid \$100 a day), and even elders have paid.

Ms. Black said she didn't know about the new policy until later this year.

Ms. Davis explained that if there is a profit then the fee is paid. If they are going to start waiving then who is going to say what events get waived. She schedules and coordinates the gym. Councilmember Mix said there used to be Parks and Recreation Committee to make those decisions. As far as the event in question, that is not for profit, they give away all their stuff, none of it goes into their pocket, plus it's an event that is done every year.

Chairman Sampson Sr., said they also have to take a look at the costs for the building to be opened and used. Maybe the Parks and Recreation Committee needs to be re-instated. Vice Chairwoman Ely-Mendes said this is an administrative function and recommended it go back to the Executive Team and for them to bring it back with recommendations for improvement.

Vice Chairwoman Ely-Mendes made a motion to *forward back to the Executive Team for review, revision and recommendations for improvement. Review the need for a Parks and Recreation Committee and to bring back to Council with an update.* Councilmember Darrough seconded the motion. Votes were eight (8) **for** and zero (0) **opposed** with one (1) **abstention** (Janet Davis). **Motion carried.**

3. Approval to Accept the Annex in the Regional All Hazards Mitigation Plan to FEMA with Resolution. Don Pelt, Emergency Response Coordinator

Don Pelt is asking to renew the All Hazards Mitigation Plan as part of the Washoe County Regional Emergency Operations Plan. It's a five-year renewal that has to be done every 5th year. Currently we're working on the 2015 plan, we have to have a plan approved and in place in order to apply to FEMA for any reimbursements on any disasters. There is a resolution which needs approval and this has also been discussed and approved by the Executive Team.

Councilmember Wadsworth noted on the last WHEREAS on the resolution, scratch living document and revise to "The Regional Hazard Mitigation Plan will continue to be revised as new developments occur", and remove the last BE IT FINALLY RESOLVED.

Vice Chairwoman Ely-Mendes made a motion to *approve the Annex in the Regional All Hazards Mitigation Plan with correction to resolution.* Councilmember Smith seconded the motion. Votes were nine (9) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried.**
RESOLUTION NO.: PL 042-20 REGIONAL ALL HAZARDS MITIGATION PLAN ANNEX

4. Approval of Proclamations: National Child Abuse Prevention Month, Sexual Awareness month and National Crime Victims' Rights Week. Victim Services

There were no representatives from the Victim Services Department.

Councilmember Wadsworth made a motion to *TABLE the proclamations until the April 3, 2020 meeting.* Councilmember Judith Davis seconded the motion. Votes were nine (9) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried.**

5. Approval for Electrical Installation for Clinic Generator. Dawna Brown, Pyramid Lake Health Clinic Director

Ms. Brown is requesting approval for Merit Electric to install the backup generator purchased from Nevada Energy Systems for the health clinic.

Vice Chairwoman Ely-Mendes made a motion to *approved the Electrical Installation for the Clinic Generator.* Councilmember Darrough seconded the motion. Votes were nine (9) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried.**

6. Approval Land & Resources Committee Letter Transfer of Titles with Resolution. Richard Frazier, Land Manager

Mr. Frazier presented a letter which was developed through the Land and Resources Committee to the Court designating guidelines for making decisions/approvals on transfer of titles on homes. They gave 3-4 supporting guidelines for applicants to show and determine the resolution in transfer of titles. Currently there is no guidelines to determine who will get a transfer of title. He's sure the Court will be following the American Indian Probate Code designation, he doesn't think the new judge realizes the Tribe is not in that capacity. The applicant will obtain the land assignment first, once it gets approved they will be supplied with a letter from the Tribal Secretary's office along with the resolution and they will present those documents to the Court along with their transfer of title request.

Councilmember Judith Davis stated this would have to go to the Law & Order Committee so it can be added to the Law & Order Code which the court follows.

Councilmember Harry made a motion to *approve the resolution for the Transfer of Titles to the Tribal Court*. Councilmember Judith Davis seconded the motion. Votes were eight (8) **for** and zero (0) **opposed** with one (1) **abstention** (Mix). **Motion carried**. **RESOLUTION NO.: PL 043-20 TRIBAL COURT PROCESS HOME TITLE TRANSFERS**

COMPTROLLER. Jill Mix, Comptroller

1. Approval Wells Fargo Signature Authority for Numaga Resolution.

Ms. Mix is requesting a resolution approved for Numaga Senior Center so they can make the changes and forward to the bank.

Councilmember Janet Davis made a motion to *approve the Wells Fargo Signature Authority for Numaga Resolution*. Councilmember Mix seconded the motion. Votes were nine (9) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried**. **RESOLUTION NO.: PL 044-20 WELLS FARGO SIGNATURE AUTHORITY FOR NUMAGA**

Councilmember Mix asked about the investments in the banks. Ms. Mix said our investments are in securities which BIA requires them to do, it's not much risk.

EXECUTIVE TEAM

Executive Office. Douglas Williams. Report submitted.

Mr. Williams said since they've identified essential departments, he consolidated all the departments and reached out to the directors to have them list the services they are providing.

Councilmember Mix asked if the Telecommuting Resolution that was approved was temporary or not. Councilmember Wadsworth said there was a difference in the resolution that was approved and the one that was put out. Mr. Williams said it is temporary but it needs to be on the books in case a threat like this occurs again but this one is specifically for COVID-19.

Lesley Williams, Human Resources Director, said if they wanted to continue with the policy it would have to go before the Personnel Committee to follow the process.

Councilmember Wadsworth would like the Telecommuting Policy, even though it was approved, to go before the Personnel Committee for review to document that it has gone through the process.

a. Approval of TERO Job Reclassification.

Mr. Williams submitted the reclassification with budget for approval. Councilmember Wadsworth ask what the budget was for the TERO renovation. Mr. Williams didn't have the figures but stated he would email it to Council. This position is non-essential.

Vice Chairwoman Ely-Mendes made a motion to *approve the posting of the TERO Job Reclassification when tribal operations return to regular business, there is currently a hiring freeze due to COVID-19.* Councilmember Harry seconded the motion. Votes were six (6) **for** and three (3) **opposed** (Judith Davis, Wadsworth, Janet Davis) with zero (0) **abstentions**. **Motion carried.**

b. Approval of Court Resolution Postponing and Limiting Services with Resolution.

Khira Shaw, Tribal Court Administrator

Mr. William said they would like to post-pone the jury bench and speedy trials for 90-days due to COVID-19 without violating anyone's rights. There are currently 6 jury trials from March to May that are pending. They've already contacted their clients to call in telephonically.

Councilmember Harry made a motion to *approve the resolution authorizing the Pyramid Lake Tribal Court to suspend the enforcement of the 90-day speedy jury trial rule and to reassess after 30 days.* Councilmember Darrough seconded the motion. Votes were nine (9) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried.** **RESOLUTION NO.: PL 045-20 TRIBAL COURT TEMPORARY SUSPEND SPEEDY JURY**

Councilmember Wadsworth asked in the emails from both the Chairman and the Executive Officer there is mention of a point of contact, she's wondering who that is. Mr. Williams stated it is Dona Pelt, he is the emergency contact who will relay it to the Administrative Assistance to get it on the Tribe's social media. Councilmember Wadsworth asked when the Administrative Assistant's title was changed from the Business Assistant. Mr. Williams said her EAN was changed 2-3 months ago.

Councilmember Judith Davis would like to remind everyone that anything that goes to Council must go through the Tribal Secretary for distribution to Council.

Felicitas Guevara, HR Generalist, stated that a point of contact is needed since their office was trying to coordinate with the Health Clinic and they need to ensure they provide the correct information.

Councilmember Judith Davis asked about the organizational chart, asked if the two departments that were reassigned back under the Chairman's office were notified. Mr. Williams confirmed they were contacted.

Business Office. Benjamin John. Report submitted.

Mr. John was not in attendance.

Councilmember Wadsworth made a motion to *TABLE the Business Office report*. Vice Chairwoman Ely-Mendes seconded the motion. Votes were nine (9) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried.**

CHAIRMAN'S REPORT. Anthony Sampson Sr., Tribal Chairman. Report submitted.

Chairman Sampson Sr. summarized his report.

Reported he attending a meeting on the Fallon Air Station Expansion which is opposed by Fallon, Walker River, Lovelock and the Pyramid Lake Paiute Tribe. He had a concern on what the expansion would include and how it would affect Tribes. The Fallon Tribe made it known they would be putting in for the land when the Fallon NAS was done using it. He directed THPO to look into her files to see if there was anything where the Tribe could identify as a part of our reservation.

He reached out to the Nevada Department of Taxation, Marijuana Division to schedule a meeting. His concerns were how to move forward with the S-Bar-S Ranch Project if the Tribe wanted to continue with it. The Tribe did receive numbers for the matrix system but nothing was put into the system on whether the product was being sold. With the product that's still at the ranch, the Tribe can sell it but currently everything's on hold but they are still moving forward.

Had a meeting with Gerry Emm at BIA requesting information on the S-Bar-S Ranch land application. He gave them the option to full the application from fee to trust and leave as fee patent land.

Talked with Natural Resources about CEMEX, at the time didn't have the mining plan but since then we received and it was forwarded to Chris Mixson, Water attorney, regarding the dewatering in the Wadsworth area. There is a cost of \$21,000 to do the dewatering model. John Guerrero asked if they could stop the dewatering now because it is affecting the groundwater there now.

At the last meeting he stated there needs to be more collaborating with the committees, boards and directors so they can move different projects to the community and provide more information.

He went with Technology and the Tax Department to the S-Bar-S to take photos of the new structures that were constructed on the site and to do a survey of the area.

Because of a complaint from Sheri Hunter regarding fly-bys, he was looking to see if there was some sort of agreement but there was none. He will be getting with Fallon Naval Air Station to see if he can get something in writing with the Tribe.

Vice Chairwoman Ely-Mendes would like a briefing regarding the dewatering in Wadsworth. Are we looking at the agreement? Chairman Sampson Sr., said they are looking at the document.

Mr. Williams said the Nixon Day Care is closed because it is going through renovation, but both centers will eventually be closed due to COVID-19.

a. Elder Emergency Request Procedure. Tribal Secretary said a year or so ago the Executive Team started approving the Elder Emergency Requests and Donation Request just to expedite instead of holding until Council meetings. She would like to know if Council would like to continue this practice since the Business Office would like a directive from Council to continue.

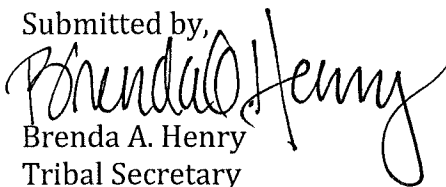
Councilmember Judith Davis made a motion to *direct the Executive Team to continue to review and approve Elder Emergency and Donation requests, and to bring back to Council an updated policy.* Councilmember Wadsworth seconded the motion. Votes were eight (8) **for** and zero (0) **opposed** with zero (0) **abstentions.** **Motion carried.**

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 9:20 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 1st day of May, 2020, having ten (10) members present, constituting a quorum, by the vote of nine (9) FOR and zero (0) OPPOSED, with zero (0) ABSTENTIONS.

Minutes attested and concurred by: _____


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

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