

Pyramid Lake Paiute Tribal Council

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

REGULAR MEETING MINUTES

Tribal Chambers ~ Nixon, NV

May 7, 2021

Members Present:

Janet Davis, Tribal Chairwoman
Harriet Brady, Councilmember
Edward Ely III, Councilmember
Carolyn Harry, Councilmember
James Phoenix Councilmember

Steven Wadsworth, Vice Chairman
Nathan Dunn, Councilmember
Natalia Gonzales, Councilmember
Irwin Mix, Councilmember
Georgina Wadsworth, Councilmember

Note: Due to COVID-19 Tribal Council meetings are closed to the public to ensure the health and safety of attendees. The May 7, 2021 Regular Council meeting was conducted via zoom.

CALL TO ORDER

Chairwoman Davis called the May 7, 2021 Regular 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 connected at roll call and a quorum was established for this meeting.

APPROVAL OF AGENDA

No changes to the agenda.

Councilmember Dunn made a motion to *approve the agenda*. Councilmember Brady seconded the motion. Councilmember Brady requested to have a moment of silence for the War Memorial and Missing and Murdered Indigenous Woman (MMIW). Votes were nine (9) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried.**

Moment of silence was held for the Pyramid Lake War Memorial and MMIW.

PUBLIC COMMENT

Councilmember Gonzales stated a comment for a tribal member wanting to know what is being done about the burned area in Wadsworth. They are concerned of the illegal activity around the trailers.

Chairwoman Davis responded while there is no response to comments in public comment, but it is noted and she would like to inform them that property is not on the reservation. Will forward the information to the police department.

CONSENT AGENDA

Items on the consent agenda include:

1. Approval of Minutes: March 5, 2021 Regular
2. Approval Enrollment Applications four (4) – Regular Membership with Resolution
3. Approval Ratification of Poll Vote – Victim Services OWV FY21 Grants to Indian Tribal Governments Program with Resolution No.: PL 048-21
4. Approval Ratification of Poll Vote – BLM Grant Wildlife, Wild Horse and Burro Utilization and Inventory
5. Approval payment Silver State Government Relations March 2021 Invoice

Councilmember Wadsworth requested to pull #5 for discussion and requested a clarification on Councilmember Harry's correction to the March 5th minutes.

Councilmember Brady requested to pull #2 for clarification on the report.

Councilmember Harry made a motion to *approve #3 and #4 on the consent agenda*. Councilmember Wadsworth seconded the motion. Votes were eight (8) **for** and zero (0) **opposed** with one (1) **abstention** (Mix). **Motion carried.**

Councilmember Wadsworth had a question to Councilmember Harry's corrections to the minutes, she wanted to confirm on page 12, paragraph 7, for the strategies program which was a program under special education strictly for autism and agreed the wording should be capitalized. Councilmember Brady had a question regarding an incomplete sentence on page 9 of the minutes involving a quote which was dropped off mid-sentence made by Chairwoman Davis. It was agreed to table the minutes to confirm the correct wording for the quote.

Councilmember Wadsworth asked if a monthly report is submitted with the Silver State Government Relations Invoice. Chairwoman Davis responded a report is submitted and she can forward it to Council.

Councilmember Dunn made a motion to *table the March 5, 2021 minutes to confirm the quote stated by Chairwoman Davis*. Councilmember Ely seconded the motion. Votes were nine (9) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried.**

Councilmember Brady had a question about the Enrollment Report where Joanne Shaw, Enrollment Officer, mentioned there was glitch with their software for the enrollment equipment. Have they rectified the situation and did it affect the applications? Ms. Shaw responded it will be case by case for each member. It will take a while to fix but will eventually will be. The problem dates back to the 1970s and 80s when the Bureau of Indian Affairs (BIA) using non-reservation Paiutes, non-reservation Shoshones and non-reservation Cherokees. In the actual BIA list, those do not exist, so Progeny (the enrollment software) did not

use them so she will have to go case by case to figure it out if it was non-reservation Paiute, what reservation were they really from.

Councilmember Wadsworth made a motion to *approve #2 & #5 on the consent agenda*. Councilmember Gonzales seconded the motion. Votes were nine (9) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried. RESOLUTION NO.: PL 049-21 ENROLLMENT – REGULAR MEMBERSHIP (4)**

Chairwoman Davis read the names of the newly approved Pyramid Lake Paiute tribal members: Ezikiel Moises Gaytan-James, Georgie Savage new Moon, Carmello Anthony Numez and Owen Wilde Primeau

UNFINISHED BUSINESS

1. Approval of CTAS Grant Application Resolution. Chris Parson, Chief of Police

Chief Parsons said this resolution concerns the 2021 CTAS solicitation which Tribal Council already approved through a poll vote and ratified through the consent agenda. They didn't include a resolution at the time and looking back they now decide it would be better to have one since it is for the Department of Justice (DOJ). They put in for this grant every year, this one specifically is requesting to rehire two officers from a previous grant from 2016 that expired. They had to maintain those positions for a year before the grant comes up again which would be in October. They did request IDC in this grant so if awarded it won't cost the Tribe.

Councilmember Brady asked how the Tribe's wages compare to adjacent counties or various police departments.

Chief Parsons replied looking at the big picture, hourly wage they are 40% behind. This is in comparison to the Reno Sparks Indian Colony Police Officers or other county agencies of comparable size; they are an additional 40% behind when it comes to retirement benefits. Compared to Nevada PERS for police and fire, they cover 42% of that retirement, and Pyramid Lake does a 3% match to a 401k so that is pretty low in comparison.

Lesley Hawley, HR Manager, responded they have submitted an analysis to the Personnel Committee on wage and comparability increases. They are reviewing it and hope they will be increasing salaries on July 1st which would include law enforcement. It's for the all tribal wages. What was recommended was a \$1 increase every year up to 2024. They are looking at law enforcement possibly adopting a GS wage scale that is comparable to our area, and then identifying the classification for redundant positions. Chief Parsons is correct we are across the board below average and not competitive.

Councilmember Harry asked how it would work with existing grants and their current budgets.

Ms. Hawley said with the existing grants they can approve what salary is classified. It would be more for tribal funded that would have possible budget compression but can also be changed based on funding availability.

Councilmember Harry asked if they can improve or modify the grant if salaries get approved.

Chief Parsons responded they can adjust the grant when it comes to salaries and benefits, but they can't request an addition to what they were awarded but can make adjustment to IDC through the life of the grant. Those changes have to be submitted to DOJ.

Councilmember Brady commented this grant is for \$89,000 but in the future can they shoot for the stars and ask for more.

Chief Parsons explained they are capped and limited to how much they can request by how many officers are in the department. Currently they have under 20 and it's zero to 20 for the first step, which is a \$700,000 cap. Whatever they request, whether it's officers or equipment they have to stay under the cap amount. If they are asking for IDC that is also woven into the cap. They have now extended a three-year grant to a five-year grant and there are not enough funds to last for two officers.

Councilmember Brady asked how much overtime do the officers get since the department is so small.

Chief Parsons said they get a lot now because they are short handed and trying to maintain the best posture they can, he averages the officers are making anywhere from 20-30 hours on paper right now and they are exhausted.

Councilmember Mix said in job comparisons, he remembers a while back when Billie Jean Guerrero was the HR Manager, she did a wage comparison which she used Lovelock, Yerington, McDermitt, places that are rural like the Tribe is. She didn't use Reno and he asked her why and is wondering if that is why the Tribe is so low.

Ms. Hawley said the Tribe is basically restricted by tribal funding. In doing the comparison, the Tribe is 4th behind Reno Sparks Indian Colony, Washoe Tribe and Fallon. We are in front of Walker River and Yerington Tribe. She also did the Reno and Sparks area. The last increase for employees was in 2020 but prior to that it was 2013. They have stayed at \$7.25 for a long time. In this plan they will move up to \$12. They were already slated to increase to .75 by July 1st. They are removing any position that is step 1-7 and those positions are reclassified to step 8 which is \$12 and move forward from there. In regards to law enforcement, what they will have if adopted, is they will reclassify to the GS level which is separate from the Tribe's current wage scale and will be aligned with the Nevada area GS wage scale.

Councilmember Mix asked about the Ranger Department and their salaries, they are low compared to the police. They are more public and backup the police department, why aren't their wages the same as the police.

Chief Parsons responded he agrees with Councilmember Mix. The Rangers were the last ones in law enforcement to get a raise. He also believes they should be paid the same as police officers because they have to meet the same the same requirements and the same training. The threat level for them is just as severe because they work out in remote areas.

Councilmember Mix asked about the 401k, he thought the Tribe was at a 6% match.

Ms. Hawley responded they are at 3% and depending on vesting, completing RFPs and moving outside of their comfort zone. They have been with the current company for 20 years now and essentially, they are grandfathered into whatever company they have decided to work with, where she thinks they need to be more competitive. The Executive Team is looking forward to making those changes and hoping it's going to be increasing in the future. As far as PERS, they won't accept a tribal organization but there isn't a reason they couldn't create a retirement that is near that level.

Councilmember Harry made a motion to *approve the CTAS Resolution for the application to the Department of Justice for the CTAS in the amount of \$699,541*. Councilmember Mix seconded the motion. Votes were nine (9) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried**. **RESOLUTION NO.: PL 050-21 CTAS GRANT**

NEW BUSINESS

1. Approval to Reschedule the May 21, 2021 Special Council meeting to May 20, 2021 due to Conflict with Pyramid Lake War Memorial Holiday and Staff Run.

Councilmember Dunn made a motion to *approve the rescheduling of the May 21, 2021 Special Council meeting to May 20, 2021*. Councilmember Brady seconded the motion. Votes were seven (7) **for** and two (2) **opposed** (Harry, Wadsworth) with zero (0) **abstentions**. **Motion carried**.

2. Selection Consolidated Higher Education (CHE) Committee (1 vacancy)

There were three (3) applicants: Elena Chavez, Lynsey Dunn and Marla Hernandez. Ms. Hernandez was disqualified because she stated she lived in Fernley. The flyer for the CHE Committee states they had to be a community member from one of the three communities on the reservation. Tribal Council chose Elena Chavez to fill the vacant position on the CHE Committee.

3. Approval/Discussion Naval Air Station (NAS) Helicopters and Agreement. Sheri Hunter.

Ms. Hunter was not present.

Councilmember Wadsworth said she reviewed the documents submitted. She read the article about the Hualapai Nation and it is included in their constitution regarding air space, it's not in an ordinance.

Chairwoman Davis provided an update on the NAS. Said they have received complaints along with documentation and speaking with Toni Burton, NAS Liaison, some of those were not NAS, they were for the National Guard. Her thoughts are they prepare a letter from either the Tribe's attorney or from the Tribe for a government to government consultation because they have plenty of documentation and plenty of pictures. The most alarming photo was the one around Anaho Island.

Councilmember Brady would also like to see updating the Constitution to include air space.

Councilmember Ely said a letter coming from the Chairwoman would be a good start and they should table Sheri Hunter's request until she is present.

Councilmember Dunn disconnected from the meeting at 6:49 p.m.

Councilmember Ely made a motion to *table the NAS Discussion until the next meeting*. Councilmember Mix said a letter from the attorneys would be better and Councilmember Brady recommended inviting Ms. Hunter back for the next meeting. Councilmember Gonzales seconded the motion. Votes were eight (8) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried.**

3. Approval Renewal of Support for ITCN FY2021-25 DHHS FVPSA Funding Resolution. Clarice Hubbard, ITCN-FVPP

Ms. Hubbard explained she is the program director for the family violence prevention program for the Inter-Tribal Council of Nevada. She is enrolled member with the Elko Band of Tribes. They have been expanding their primary source of funding through the Department of Health and Human Services under HPAA which is a grant they apply for annually. Pyramid Lake along with most other tribes has supported this resolution for them to apply for the funding to be able to provide services to tribal communities in the state. The resolution with the Tribe has previously been for three years. She recently spoke with Mary Dodd, Pyramid Lake Victim Services director and she expressed they wanted to do a stand-alone grant application for the funds. Since this is a Council decision, that is the reason she is present.

Ms. Dodd said one of the issues they had with the State was the drawdown process. The Comptroller, who worked for the Yurok Tribe asked her why they weren't going for the federal funding. At the time when she initially looked at the funding years ago it was only \$11,000 and they were getting more from the State. The State funding does operate the shelter, the operational costs and this year they only received \$29,000, but if they apply it could be more than \$55,000 per year. That is the reason they are looking into applying for it and it would make it a lot easier on the Comptroller. She didn't want to be stepping on toes because both programs have supported each other.

Ms. Hubbard said she agrees with Mary. She's had a conversation with her program specialist, and she wanted to extend an invite to Ms. Dodd to talk about the State funding and why it's so hard for Tribes to apply because it is more complex to apply for than federal funds. Another reason why Pyramid Lake was supporting the resolution was because they do see a lot of the Pyramid Lake tribal community members who like to see an outside resource before they reach out locally for many different reasons, primarily safety. They have always worked together and would like to continue that working relationship but there should be no competition over funding. It is a Council decision and they will support whatever decision the Council makes.

Councilmember Brady asked for clarification if Pyramid Lake applies for the funding if there will be duplication of services or some kind of double dipping.

Chairwoman Davis said they are applying for the funds on their own behalf. They won't appear on the ITCN resolution for tribes being involved with that grant. If they approve the resolution it means they are part of ITCN's funding source but if they deny the resolution it means Ms. Dodd's department can apply on behalf of the Tribe.

Councilmember Harry asked what is the amount and is it based on the number of tribal members, equal percentage amongst the tribes?

Ms. Hubbard said the budget is different every year, it is a formula-based grant so it's based on population, they don't know how much they will get each year. Last year it was lower than the previous year, it's hard to know what the number figure might look like. The solicitation just came out and deadline to apply is July 7th. They don't want to have any controversy or any competition over funding, they are doing well at ITCN. Their programs have expanded into different areas and they just want to make sure the grant get applied for either through ITCN or through the Tribe.

Councilmember Brady made a motion to *table the Renewal of Support for the ITCN FY2021-25 DHHS FVPSA Funding Resolution*. Councilmember Harry seconded the motion. Votes were nine (9) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried.**

After further discussion, Ms. Dodd said they are planning on applying for the funding and Ms. Hubbard stated if they decide to deny then Ms. Dodd could start working on applying for the grant as well as ITCN.

Councilmember Harry made a motion to *deny the Renewal of Support for the ITCN FY2021-25 DHHS FVPSA Funding Resolution*. Councilmember Wadsworth seconded the motion. Votes were eight (8) **for** and zero (0) **opposed** with one (1) **abstention** (Mix). **Motion carried.**

5. Approval Burial Request. Diana John

Ms. John was not present.

Councilmember Brady said she read Donna Noel's comments about the safety issues and public health. If there is a concern, is that something they need to add to an ordinance somewhere and have someone work on it.

Councilmember Ely said there was verbiage in the information from Ms. Noel that when a human passes and they are infected, it dies with them but there are some things like Ebola or other contagious diseases that are a concern for him.

Councilmember Wadsworth said she read up on it and according to state law, the body must be in a container. All funeral directors have to follow, whether they are cremated or buried. But there are other states that say they can be buried environmentally.

Councilmember Brady said it might be based on ethnic groups in the region, with immediate burial within 24 hours if that is the prominent population that allows it.

Councilmember Gonzales said they would have to identify an area for green burials in the Wadsworth cemetery and based on the research there is no issues as long as there are no diseases that could seep into the ground. It's common that a lot of people have done it as long as there are no issues. And if there are those kinds of disease then they have to be cremated or other precautions taken.

Councilmember Ely made a motion to *table the request until an ordinance is in place and to direct the Land and Resources committee to take the lead*. Richard Frazier, Land Manager stated this is out of the realm of the Land & Resources Committee. Chairwoman Davis said she will take to the Executive Team to start the process. Councilmember Brady seconded the motion. Votes were nine (9) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried.**

6. Approval to Post Law & Order Committee Chapter 13 – Towing & Wrecking and Chapter 14 – Repossession. Diana Mitchell, Law & Order Committee Chairperson

Ms. Mitchell said they are updating the ordinance and would like to post for 30 days Chapters 13 and 14.

Councilmember Brady made a general comment if they can start changing the verbiage from Chairman to Chairperson for all the ordinances. Councilmember Wadsworth said the Constitution says Chairman.

Councilmember Dunn made a motion to *approve the 30-day posting of Law & Order Code Chapters 13 & 14*. Councilmember Wadsworth seconded the motion. Votes were nine (9) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried.**

7. Approval Overview of Washoe ArTrail, PLPT Sites and Request to take Photographs and Place Signs. Gabrielle Enfield, County Grants Administrator and Project Director Washoe ArTrail.

Ms. Enfield said the ArTrail is a public participatory experience along a 200-mile route through Washoe County that celebrates cultural, artistic, and historic landmarks. The ArTrail was developed for various reasons, one primarily to celebrate the uniqueness of Washoe County. It is funded by a grant from the National Endowment for the Arts and is an approach that incorporates planning, design, and management of public spaces. Part of the application requires the applicant be a governmental entity that partners with an arts organization. They partnered with the Burning Man project as their arts organization. They also have a number of stakeholders and partners that supported and provided commitment to the project as well as Washoe County management and several departments through the county. The Pyramid Lake Paiute Tribe is one of the stakeholders and have collaborated from the beginning when they started the application. One of the components is identifying existing sites along the route that have historic and cultural sites that exist throughout Washoe County. They did community engagement with story circles back in 2018 and one of those was held at the Pyramid Lake Museum which will be seen on their website. They have plans for an ArTrail App and website/online Story Map along with Interpretive Signs. In May of 2019 she came back to Council and provided an overview and update for the project. She is currently

coordinating with Betty Aleck, THPO. Initially there were 2 sites, the Pyramid Lake Museum and the Winnemucca Dry Lake and three more were added, the Two Battles of Pyramid Lake, Popcorn Rock and the Overlook on SR445 coming into Pyramid Lake.

Councilmember Brady noted a correction on the slide “Koqyoqe” before the word Overlook on Ms. Enfield’s slide show. This word is unknown and we don’t have the letter “q” in our language. It may be a misspelling of the word “Kooyooee”. Ms. Enfield stated she got the word from the historical marker. This needs to be corrected.

Ms. Enfield further explained the phone app and said they will be using QR codes for access. She is asking for approval to use the five locations on the ArTrail as locations for stops or visits and to be able to take photographs to be included on the website. Then to put small brown signs on each of those five sites, the signs are 8x10. They will be putting the signs on posts that are already there, they don’t want to be installing new posts.

Councilmember Harry asked since it’s an endowment, is there any extra protection given to the sites. Ms. Enfield said no.

Ms. Aleck affirmed the sites only include the public areas, no closed sites are included.

Councilmember Brady would like the QR codes to include a statement about the closed areas to reinforce that they are closed and off limits.

Vice Chairman Wadsworth said it wouldn’t be an IT responsibility, they would have to get with the Ranger Station to make sure those areas are included.

Councilmember Harry made a motion to *approve a preliminary request to take photographs, draft the signs and to bring back to Council for review and approval.* Councilmember Dunn seconded the motion. Votes were nine (9) **for** and zero (0) **opposed** with zero (0) **abstentions.** **Motion carried.**

8. Approval NPS Tribal Historic Preservation Office (THPO) Grant Application with Resolution. Betty Aleck, THPO

Ms. Aleck said this is an annual continuous grant. The amounts vary every year and is dependent upon what the Department of the Interior provides and it funds the THPO office.

Councilmember Brady said the wages are low, is it comparable what other tribes get? Is the ANA grant still in existence? Ms. Aleck said the library and museum applies for the ANA grant and every tribe’s THPO departments are different based on funding they from the grant and their tribes.

Councilmember Phoenix made a motion to *approve the NPS Tribal Historic Preservation Office Grant with Resolution.* Councilmember Brady seconded the motion. Votes were nine (9) **for** and zero (0) **opposed**

with zero (0) abstentions. **Motion carried.** RESOLUTION NO.: PL 051-21 NPS TRIBAL HISTORIC PRESERVATION OFFICE GRANT

9. Approval Burial Recovery Plan for the Well Pond Site, to Back-Fill Pond Site and to Direct the Appropriate Department to Carry Out the Function. Betty Aleck, THPO

Ms. Aleck is seeking approval of the recovery plan which is the recovery of the ancestral items and ancestral remains from the Well Pond Site. She also asking for approval to backfill the retention pond after the recovery is completed and to direct the appropriate department to complete it. The recovery plan was approved by the Cultural Resources Committee during an audio conference meeting in February of this year. The Inter-Disciplinary Team (IDT) recommended approval of the recovery plan, recovery of the ancestral remains and approval to backfill the retention pond at its meeting on Tuesday. The recovery plan was developed by Logan Simpson, which is an archaeological firm based in Colorado and was contracted by the Bureau of Indian Affairs, Phoenix Office. The cost of the project is \$25,946 which includes the cost of a fence that will be constructed around the pond which is at the request of the archaeological firm as a privacy fence. Archaeologists, Hannah Steward will be out to supervise, and her resume is included for review. Tina Hart, another member of the Logan Simpson group will assist with the recovery. BIA contract investigator Dusty White will also be assisting. THPO Cultural Resources monitor and any Natural Resources monitors will also help which will be good field training for them. Prior to the field work they will provide 4 hours of training for those participating in the recovery. It's anticipated it will take 50 hours to complete in three days. They will comply with the Tribe's NAGPRA disposition policy as well as federal laws. This location will receive a site number and it will be assessed to determine whether its National Register of Historic Places eligible, it probably does qualify under criterion D, because it will contribute to tribal history and past.

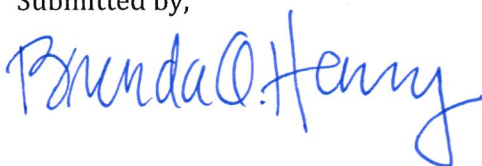
Councilmember Phoenix made a motion to *approve the Burial Recovery Plan for the Well Pond Site, to back-fill the pond site and to direct the appropriate department to carry out the function.* Councilmember Harry said it was stated it would take 3 days, what are those days? Ms. Aleck said the first couple of weeks in June. Councilmember Ely seconded the motion. Votes were nine (9) **for** and zero (0) **opposed** with zero (0) **abstentions.** **Motion carried.**

ADJOURNMENT

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

The meeting adjourned at 8:10 p.m.

Submitted by,

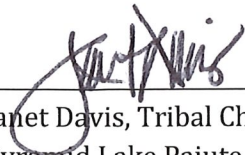


Brenda A. Henry
Tribal Council Secretary

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 3rd day of September, 2021, having nine (9) members present, constituting a quorum, by the vote of seven (7) FOR and one (1) OPPOSED, with zero (0) ABSTENTIONS.

Minutes attested and concurred by: _____


Janet Davis, Tribal Chairwoman
Pyramid Lake Paiute Tribal Council

//
//
/