

# Pyramid Lake Paiute Tribal Council

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## SPECIAL MEETING MINUTES Tribal Chambers ~ Nixon, NV April 15, 2022

### Members Present:

Janet Davis, Chairwoman  
Harriet Brady, Councilmember  
Edward Ely III, Councilmember  
John Guerrero, Councilmember  
James Phoenix, Councilmember

Steven Wadsworth, Vice Chairman  
Judith Davis, Councilmember  
Natalia Gonzales, Councilmember  
Della John, Councilmember

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*Note: Due to COVID-19 Tribal Council meetings are closed to the public to ensure the health and safety of attendees. Councilmembers attended via zoom audio conferencing.*

### CALL TO ORDER

Chairwoman Davis called the April 15, 2022, Special Tribal Council meeting of the Pyramid Lake Paiute Tribal Council to order at 6:00 p.m.

### ROLL CALL

Roll call was taken by Brenda A. Henry, Tribal Secretary. Councilmember John connected at 6:20 p.m. All other Councilmembers were present at roll call and a quorum was established for this meeting.

### APPROVAL OF AGENDA

Chairwoman Davis stated one addition to the Consent Agenda #10. Individual Donation Requests for Shari Williams and Jaelece Wasson.

Secretary Henry said they would be deleting under Unfinished Business #1, who will not be in attendance.

Councilmember Guerrero made a motion to *approve the agenda with changes*. Councilmember Dunn seconded the motion. Votes were eight (8) **for** and zero (0) **opposed** with zero (0) abstentions. **MOTION PASSED**

**PUBLIC COMMENT.** No public comment.

### CONSENT AGENDA

Following items were included on the Consent Agenda:

1. Approval Minutes: March 18, 2021, Special
2. Approval Human Resources Classification 128 – Roads Maintenance Supervisor

3. Approval Quarles & Brady February 2022 Invoice #6461398
4. Approval Individual Donation Request for Natasha Williams (\$100)
5. Approval Individual Donation Requests for Harrison & Lorena Eben (\$200)
6. Approval Donation Requests Red Dress Social Pow-wow Group (\$250)
7. Approval CHE Scholarship: Sloan Sampson; AVT Scholarship: Rochelle Hagan; and \$500 Scholarships: Sloan Sampson & Pamela Wright
8. Approval Ratification Poll Vote: Elder Energy Request Burchard Kochamp, Quarles & Brady Invoices, RAISE Grant with Resolution & Camp4 Final Video Autumn Harry
9. Approval Wes Williams March 2022 Invoice
10. Donation Requests Shari Williams (2) and Jaelece Wasson (1)

Councilmember Brady requested to pull #1 for discussion.

Councilmember Davis requested to pull #6 for discussion.

Councilmember Dunn made a motion to *approve #2-5, and #7-10 on the Consent Agenda*. Councilmember Ely seconded the motion. Votes were eight (8) **for** and zero (0) **opposed** with zero (0) **abstentions**. **MOTION PASSED.**

Councilmember Brady requested a confirmation on who requested the Executive Session in the minutes. Secretary Henry will confirm the information and return it to the agenda for approval.

Councilmember Ely made a motion to *table March 18, 2022 minutes*. Councilmember Brady seconded the motion. Votes were eight (8) **for** and zero (0) **opposed** with zero (0) **abstentions**. **MOTION PASSED.**

Councilmember Davis requested clarification on the donation request. In the letter from Beverly Harry she says each sponsored dancer will receive \$250., and please make the checks to these individuals. Would like to know if they requesting the group rate for the Pow-wow or the individual rate in sponsoring the head dancers? Councilmember Dunn said when he read the letter his thought was to approve for a group rate.

Councilmember Dunn made a motion to *approve the group donation for the Red Dress Pow-wow*. Councilmember Davis seconded the motion. Votes were eight (8) **for** and zero (0) **opposed** with zero (0) **abstentions**. **MOTION PASSED.**

## **PRESENTATION**

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

Ms. Thomas was not in attendance.

### **2. Bluebird CPA Final 2020 Audit Report.** Jamshed Kudratov, Bluebird CPA

Mr. Kudratov said this is the second year as lead auditor for the Tribe. Why an audit, it's a uniform guidance if \$750,000 in any fiscal or calendar year is spent, and the audit financial statements need to be submitted to the Federal Audit Clearinghouse. Another reason is accountability to Tribal Council and tribal membership. They had a filing deadline of September 2021 but due to closures and COVID, the deadline was extended to March 31, 2022, a six-month extension. The content of the report starts with the report itself which states their responsibility, managements responsibility and it tells about audit opinion and then the financial

statements which is followed with a note disclosures and supplemental schedules. There is a second part which is the single audit and grant contracts required by uniform guidance which has a SEFA schedule, reporting on internal controls or financial reporting and internal controls over major program requirements and schedule of findings. They have to follow up with any prior audit findings to see if they were resolved in the current or 2020 audit year and provide any required opinion reports on compliance with the grants and contracts.

The audit starts with risk assessment, developing their expectations, looking at the numbers, talking with management and those charged with governance and to see what changed from the prior year. If anything is outside their expectations they spend more time and resources on that area. They also do fraud inquiries with management, employees and those charged with governance. Once the audit field work is performed, he reviews the audit work and summarizes audit conclusions. Next is a two tier review, first is a technical review, then the engagement partner review. Once engagement partner review is done, the management looks at the draft financial statements and if it's approved, they finalize it and electronically file it to the Federal Audit Clearinghouse with a copy to the Tribe.

The results for the 2019-2020 two year comparison: Income statements, program revenues increased 74% from 20 million in 2019 to 35.5 million. Two factors affected these numbers: 17 million was an increase coming from the Coronavirus Relief Fund which was passed under the Cares Act and was a boost in 2020. There was a decrease of 2 million which is result from clinic revenues going down because of the closures and some of the departments being closed. The clinic revenue went down and the expenses went up 14 million driven by Coronavirus relief fund. There was a \$6.2 million transfer to NUMU Inc. for economic development purposes in 2019, there were no transfers in 2020. This just covers governmental departments, it does not include any Enterprises of the Tribe. There were some findings they had to bring to the attention of management and those charged with governance. Overall, intergovernmental revenues went from 43% to 70% which were grants. With grants there was 29 million with federal grants and contracts in 2020. Charges for services decreased mostly because of closures, permits and fees, rents and leases, sales tax were comparable. Investment income decreased in 2020 because there was a market meltdown in March but it recouped a little bit. The Tribe owns 91% of their assess verses how much is owed, which is a very healthy balance sheet.

There were three findings, the first one is third-party revenues and accounts receivable that were not completely reconciled with the clinic, it looked high. They had to develop manual schedules and worked with the clinic to look at actual monies they received in subsequent years and came up with a receivable balance. The second finding was related to capital asset listing. They noticed with some assets, most were related to the CRF funds and he thinks it's partially the cause because the management in the fiscal department were in a transition. This was the cause of some of this issue but they did notice the distribution funds, a capital assets fund was included as not capitalized and not included in the listing, so there weren't expenditures in the books which caused the listing bill to be understated. The third finding was largely related to reporting and aid to tribal governments. The enrollments and its enrollment services had narratives submitted but they were not able to verify the submission of it. Another recorded finding related to Coronavirus Relief Fund where one was late and one was not submitted. This finding was common among all tribes because of the bugs in the government websites. The first three findings were corrected by management and the last one was immaterial, so management decided to pass to correct those. The first one was the accounts receivable

for the clinic which was overstated by \$584,000, the next one is direct receivable related, it was understated by \$46,000. The uncorrected misstatements was a few invoices that were not material enough for the audit, so they left it as unrecorded misstatements.

Councilmember Brady asked on the last slides did it mean the money was written off or the Tribe just written it off? Mr. Kudratov said in regards to the corrected misstatements, the Tribe was overstating accounts receivable by \$584,00, it's not a write off, the clinic was not clearing the payments. They were getting payments but they were not going into the billing system and showing the claims as paid. They had to recreate the spreadsheets to balance it out. With the \$65,000, the uncorrected misstatements, these were statements that didn't come in at the end of the year and were recorded in the 2021 year.

Mr. Williams thanked Mr. Kudratov for his presentation and explained to Council, the issues with the clinic, they are working on communication, they have new software and are having them submitting to the GL so they can reconcile their accounts. All the findings have been addressed and they have a plan moving forward to correct them and hopefully they will not be on the next audit.

Councilmember Davis asked about the capital asset listing, would that include the daycare centers, the modular that were purchased? Mr. Williams responded yes, it includes items that were purchased with the Cares Funds, the daycare centers, food distribution, all the big major purchases.

Mr. Kudratov said they have scheduled the next audit for July and there is no extension, the coming audit will be due in September.

#### **UNFINISHED BUSINESS**

**1. Request for Approval Permission to Kayak Perimeter of Pyramid Lake.** Leona Sherman

Ms. Sherman was not in attendance.

**2. Request for Approval Pyramid Lake Cooperative Cattleman Association (PLCCA) Grazing Permit with Resolution.** Eyan James, Pyramid Lake Cooperative Cattleman Association

Councilmember Brady asked what the total amount of cattle is within the reservation boundaries. Mr. James said he didn't have exact numbers but it's somewhere around 1500 head of cattle. He explained in accordance with the Management Plan they have 35,666 AUMs and they can run 1,588 cattle.

Vice-Chairman Wadsworth asked about clarification for the \$1 per head for the grazing season, did the Cattlemen's come up with how they plan on spending it. In accordance with the grazing ordinance, it is supposed to be set aside for the cattlemen but it looked like it was going to the general fund. Councilmember Guerrero said in the past it was set aside in the resolution with the permits, to utilize as per grazing units and those accounts were set up in 2003 when the cattlemen worked with the Environmental Department, Jerry Emm, at the time. They worked in collaboration with the NRCS, Cattleman Association, and Environmental Department for the grazing allocations and the \$1 per head. Councilmember Dunn asked if they could raise the \$1 amount so there would be more funds available. Karen Shaw, PLCCA Secretary, said the dollar amount is based on the AUM and the Bureau of Land Management (BLM) charges their people \$1.34. Other reservations charge differently. BLM uses the land use agreement on White Hills, Pah-Rah and Hardscrabble

and they pay \$1.30. In the Constitution it states a tribal member cannot be charged more than a \$1. They do have a Cattleman Association budget that they have had since the 60s that has rolled over every year. Primarily the Cattleman Association only used it for drift fences. The boundary fences have always been an issue on whose responsibility is it. Is it BLM, the Tribe or Bureau of Indian Affairs (BIA)? They were working on a grant with Marissa Weaselboy.

Councilmember Guerrero made a motion to *approve the Pyramid Lake Cooperative Cattleman Association 10-Grazing Permit*. Councilmember Dunn seconded the motion. Votes were eight (8) **for** and zero (0) **opposed** with one (1) **abstention** (Steven Wadsworth). **MOTION PASSED. RESOLUTION NO.: PL 040-22 PYRAMID LAKE COOPERATIVE CATTLEMAN ASSOCIATION 10-YEAR GRAZING PERMIT**

## NEW BUSINESS

### 1. **Request for Approval Land Assignment Requests with Resolutions.** Jolyn Sander, Land & Resources Committee

- a. **Rory K. Shaw – Wadsworth.** Requesting .3-acre home site at 513 5<sup>th</sup> Street Wadsworth.

Councilmember Ely made a motion to *approve the Land Assignment for Rory K. Shaw*. Councilmember Brady seconded the motion. Votes were nine (9) **for** and zero (0) **opposed** with zero (0) **abstentions**. **MOTION PASSED. RESOLUTION NO.: PL 041-22 LAND ASSIGNMENT – RORY K. SHAW**

- b. **Jeremiah L. Sampson – Nixon.** Requesting 10-acre assignment north of State Route 446 to be used for a home site, farming and animals.

Councilmember Davis made a motion to *approve the Land Assignment for Jeremiah L. Sampson*. Councilmember Dunn seconded the motion. Votes were nine (9) **for** and zero (0) **opposed** with zero (0) **abstentions**. **MOTION PASSED. RESOLUTION NO.: PL 042-22 LAND ASSIGNMENT – JEREMIAH L. SAMPSON**

- c. **Janine D. Lowery – Wadsworth.** Requesting .4-acre home conveyance in Wadsworth.

Councilmember Guerrero made a motion to *approve the Land Assignment for Janine D. Lowery*. Councilmember Ely seconded the motion. Votes were nine (9) **for** and zero (0) **opposed** with zero (0) **abstentions**. **MOTION PASSED. RESOLUTION NO.: PL 043-22 LAND ASSIGNMENT – JANINE D. LOWERY**

- d. **Arlen Tobey – Sutcliffe.** Requesting .5-acre home site located at 2445 Sutcliffe Highway SR445.

Councilmember Phoenix made a motion to *approve the Land Assignment for Arlen Tobey*. Councilmember Guerrero seconded the motion. Votes were nine (9) **for** and zero (0) **opposed** with zero (0) **abstentions**. **MOTION PASSED. RESOLUTION NO.: PL 044-22 LAND ASSIGNMENT – ARLEN TOBEY**

- e. **Davenna Love – Wadsworth.** Requesting .3-acre home site in Wadsworth.

Councilmember Davis made a motion to *approve the Land Assignment for Davenna Love*. Councilmember Guerrero seconded the motion. Votes were nine (9) **for** and zero (0) **opposed** with zero (0) **abstentions**. **MOTION PASSED. RESOLUTION NO.: PL 045-22 LAND ASSIGNMENT – DAVENNA LOVE**

f. **Dean Barlese – Nixon**. Requesting .5-acre existing home site at 699 Arrow Street in Nixon.

Councilmember Ely made a motion to *approve the Land Assignment for Dean Barlese*. Councilmember Guerrero seconded the motion. Votes were nine (9) **for** and zero (0) **opposed** with zero (0) **abstentions**. **MOTION PASSED. RESOLUTION NO.: PL 046-22 LAND ASSIGNMENT DEAN BARLESE**

g. **William N. Miller – Sutcliffe**. Requesting .5 acre home site at 2475 Hardscrabble Road in Sutcliffe.

Councilmember Davis made a motion to *approve the Land Assignment for William N. Miller*. Councilmember Dunn seconded the motion. Votes were nine (9) **for** and zero (0) **opposed** with zero (0) **abstentions**. **MOTION PASSED. RESOLUTION NO.: PL 047-22 LAND ASSIGNMENT WILLIAM N. MILLER**

**2. Request for Approval Marble Bluff Communication Tower Replacement & Building Addition.**

Melissa Lawney, Regional Communications Coordinator, Washoe County.

Ms. Lawney explained Washoe County is currently operating the Communication site at the Marvel Bluff for all public safety and the Police at Pyramid Lake. The Project is called the NSRS P25 Upgrade. The cost will be covered by the county for the tower and a new building. They are members of the Nevada Shared Radio System (NSRS) which consists of three members: Washoe County, NV Energy and Nevada Department of Transportation (NDOT). The NSRS Upgrade started in 2018 and is on-going until 2025. Marble Bluff is just one of 119 sites. NSRS is a statewide system that seeks to cover 93% of roads and by-ways for the entire state of Nevada. They are upgrading to a P25 protocol which is more open source, public safety radio system which is the requirement nationwide. They are proposing to replace the tower mostly due to risk and having the two shelters helps them keep their system running along with helping with other projects with the Tribe such as the fiber to Gerlach and internet and fiber circuits that the Tribe has planned for the future. With assistance with Greg Gardner and Steven Wadsworth providing some requirements, they went through the bidding process. A summary of the existing layout and replacement of the tower, equipment and buildings was explained. They are working with Chip Lewis, BIA's Regional Environmental Protection Office, to get a Categorical Exclusion Documents but they do need to renew the lease between Washoe County and Pyramid Lake. The existing lease expires in October of 2022. They are also working with Lexie McWilliams, BIA Realty Specialist for updating and securing a BIA Business Lease. There was some confusion on who owned the tower because BIA had the documents for Los Angeles Department of Water and Power (LA DWP) but he towers were officially signed to the Tribe in the 70s. If the Tribe needed copies of those documents, they can provide because they did reach out to LA DWP for the original documentation to help with the ownership because BIA was unsure of ownership. Some updates, they are currently working with NV Energy to upgrade the transformer and they are also working on a Section 106 Report that will be conducted prior to any groundbreaking of the project. They are working closely with the Tribe's Technology Department and Ms. Aleck, THPO. She has contact with the TERO office as well as the insurance office. They have had a few meetings to ensure they are following all the rules and working closely with the Tribe for all requirements. They were supposed to have a JOC meeting to approve the additional expenditure however, they did not have

a quorum. However, the project is fully funded. They were hoping to start May 10<sup>th</sup> but because they do not have the JOC approval to move forward, they will have an emergency meeting with the MOC on May 6<sup>th</sup> and not meeting with the Board of County Commissioners until the end of May, if not by June. Once they break ground, Marble Bluff will take 6-8 weeks for total completion. They will be placing a temporary "site on wheels or sound" because they do not want the Tribe to be without communication. It will be place behind Marble Bluff and it's a 100-foot articulating tower. Once they remove the existing microwave dishes from the tower and moved to the temporary tower, there will be a 15–20-minute outage time but they will notify the dispatch centers, police and fire 72 hours before the outage.

Councilmember Ely made a motion to *approve the Marble Bluff Communication Tower Replacement & Building Addition*. Councilmember Brady seconded the motion. Votes were eight (8) **for** and zero (0) **opposed** with zero (0) **abstentions**. **MOTION PASSED.** *Councilmember Dunn lost audio connection and was unable to vote.*

**3. Request for Approval for Pyramid Lake Fisheries Executive Director.** Richard Frazier, PL Fisheries Board of Trustees

Mr. Frazier said there were two (2) applicants for the position. The Board of Trustees selected based on the interview process with the selection of Mervin Wright Jr. by consensus vote.

Councilmember Davis made a motion to *approve the appointment of Mervin Wright Jr., as the Executive Director for the Pyramid Lake Fisheries*. Councilmember Ely seconded the motion. Votes were nine (9) **for** and zero (0) **opposed** with zero (00) **abstentions**. **MOTION PASSED.**

Mr. Wright made a statement to Council thanking them for their support.

**EXECUTIVE TEAM**

**1. Business Office.** Benjamin John, Business Officer. Report Submitted.

**a. Request for Approval Pyramid Lake Liquor Commission to send Notice of non-Compliance to Pyramid Lake Lodge Owner and JGFP Group LLC Registered Agent.**

Mr. John drafted a letter for Tribal Council as the Liquor Commission to the Pyramid Lake Lodge for operating without a liquor license and technically operating illegally. Mr. John included all correspondence with Justin Greenberg, Owner of the Pyramid Lake Lodge when he submitted for a business license. Mr. Greenberg submitted three applications but only paid for two. Mr. Greenberg was sent an email telling him Mr. John couldn't process the application without payment and hasn't received a response. Mr. John is not sure who told Mr. Greenberg this item was on the agenda this evening for not complying because he contacted him earlier and said he just doesn't want to pay and that is the reason for the request for approval of the letter. Councilmember Brady asked what the next step is. Mr. John said sending him a letter is not the next step, there is nothing in the ordinance that requires notification. The ordinance deals with violations, it is taken to tribal court, get the decision from the court and seize the property. Councilmember Ely recommended they follow the process and file in tribal court and start the process. Mr. John said the last he talked to Mr. Greenberg, his argument is he is paying the State Liquor License and doesn't have to pay the tribal one, he can't afford to pay both.

Councilmember Gonzales asked if Papa's establishment has a Liquor License since he sells liquor. Mr. John said he never applied. Councilmember Dunn stated doesn't he report to the State, he thought they had this discussion about taxes before. Mr. John said it was brought up by Mr. Greenberg also. When looking into the State Liquor Licensing, they do not regulate the retail sales, the bar selling to customers, they regulate the wholesaler, so Papas got a liquor license from the state as a retailer, but that allows him to be able to buy from the state licensed wholesalers who can only sell to state licensed retailers. If they are doing it in whatever municipality, they also need to get their liquor license for the business itself.

Councilmember Davis had a correction regarding a date at the end of the letter. Mr. John will correct. Her other comment was Tribal Council needs to send the letter and get this process moving. She understands there are other things they haven't paid.

Vice Chairman Wadsworth made a motion to *approve a certified Non-Compliance letter with correction to be mailed to Pyramid Lake Lodge Owner, Justin Greenberg and JGFP Group LLC Registered Agent.* Councilmember John seconded the motion. Votes were nine (9) **for** and zero (0) **opposed** with zero (0) **abstentions**.  
**MOTION PASSED.**

Councilmember John said in listening to Councilmember Gonzales's comment regarding Papa's establishment, they should consider making a motion and send them a letter also. Councilmember Dunn said he agreed but they do not regulate them, which is what they were talking about with Mr. John when they were discussing taxes. Councilmember Guerrero said it did come up during a meeting with Council before, he is not sure of the recommendation or what the outcome of the taxes and licensing was for the establishment in Wadsworth. Are they going to get themselves in a situation again, is that why the state took it over for the health permit? Mr. John said it was last year when they started enforcement with Papa's, and he said he paid Washoe County property tax. The Tribe's inspection tool is Indian Health Service, so they were contacted and initially wouldn't do an inspection because it's fee land but said if the Tribe wrote them a letter requesting the inspection, they would do it, even though it's not their purview of what they normally do. The Indian Health Service reached out to Washoe County because they did not respond to the Tribe. The result of it was Washoe County recognized jurisdiction over Papa's Restaurant. They said he needs to do certain things, but they never follow through. They acknowledged jurisdiction to Indian Health Service, but they didn't enforce anything which is where they are at this point. In talking with the Tribe's legal counsel, she said there is enough case law to support the Tribe exercising jurisdiction on fee land within the boundaries of the Reservation. They could send the same letter to Papa's but unsure he will acknowledge it.

In regard to signage, there is nothing in any ordinance referencing signage but still looking into it. There are the state highways that run through the Reservation with the easements for NDOT. It is questionable whether they can regulate them or not. These are questions that will have to be answered if they go further and get areas developed and will need more in-depth research with the Law & Order Committee. Councilmember Brady said if they are advertising, we should be grabbing those dollars. Even with Amazon coming onto the reservation for deliveries, shouldn't they be taxing them. She did get a tax letter from Amazon, so they do recognize it and she would like to see the taxes go to the Tribe instead of the State. Mr. John said they can do that; the Tribe just must move forward with it. He is sure the Reno-Sparks has already done that.

Mr. John said another item he is working on is with Don Pelt which is still up in the air regarding Washoe County, who has not approved it yet and they have one more thing to check on and they will bring back to



Council when it is ready. Councilmember Davis said her question was an update on the agreement with Gerlach. Her other question was regarding #11 on his report with the beach monitor. The Human Resources (HR) Department did have employee cards when there was a flood, and the highway was closed so he can check with them.

**2. Programs Office.** Shellay George-Kawich, Programs Officer. Report Submitted

The Programs Officer was not present for the meeting. Chairwoman Davis presented her action item.

**a. Request for Approval Tribal Facility Building Use Policy and Agreement Form.**

Councilmember Dunn said he would want the Tribe would keep the deposit to go back into maintenance, especially for the gym which needs new windows. Chairwoman Davis said the deposit is for guaranteed cleaning. The use fee is what the Tribe keeps. Councilmember Dunn said they should swap the amounts for the deposit and usage fee. Councilmember Davis said her change was on page one towards the bottom regarding the balloons, to remove the sentence, "deposit will be forfeited". On the next line all trash must be tied, bagged and removed from the premises, remove, "failure to remove trash will occur \$20 a bag." On the bottom it says if the facility is damaged or not cleaned to the pre-event status, deposit will be forfeited. She would add criminal or civil charges may apply. This is because of an event where the place was left in a mess with alcohol bottles all over the place, that one should have been a court case.

Councilmember Phoenix said his issue is the \$100 fee for the Community Center in Sutcliffe. Would it be the same for those who just want to use it for a few hours, could they lower the usage fee?

Councilmember John asked if the tribal committees and the tribal youth groups have to pay the \$100. Councilmember Davis said the committees and youth groups are exempt from the usage fee.

Ms. Henry, Tribal Secretary, said they removed the charitable and religious organizations from the exemption, they will require a special permission from the Chairpersons office. Elders are exempt also but there is a note because tribal members claim the request is for an elder just to get the exemption. It has to be for an elder event. The maintenance department wanted to put a cap on how long events are held, they would like them to end no later than 8pm.

Councilmember Brady said she would like to see something about people who dump their cooking oil, she saw people dumping their oil outside the building at the Wadsworth Community Center. Councilmember Dunn asked about a dumpster for dumping oil. Councilmember Brady said it seemed it would cost more, it should be if they bring it in, they should take it out.

Chairwoman Davis asked for a consensus to remove the part for the balloons or face forfeiture. Councilmember Davis said she has gone into the Wadsworth Community Center and balloons have been caught in the fans. Councilmember Brady said to leave it in and add a \$20 fine if they get tangled in the fans. Vice-Chairman Wadsworth said to remove the \$20 fee from the trash and add it to the balloons then if they don't remove the trash from the premises, they forfeit their deposit.

Councilmember Phoenix said he was ok with the deposit but had an issue with the use fee for the Sutcliffe Community Center. Chairwoman Davis commented they wanted the fee to be more because with the Sutcliffe

building, it is brand new and the deposit won't pay for replacing anything there. Councilmember Phoenix said he would like to see the use fee be \$50 for that building.

Councilmember Gonzales asked if the gym and gym parking lot should be together. Chairwoman Davis said they are separate because sometimes people only request the parking lot for a carwash, taco sales or a bazaar/craft fair. If they rent the gym the parking lot is included for parking. Councilmember Gonzales would also like to add the parking lots to the other buildings because of the food sales in the parking lots.

Councilmember Davis made a motion to *table the Program Officer's Report to include the Tribal Facility Building Use Policy and Agreement Form request*. Councilmember Gonzales seconded the motion. Votes were nine (9) **for** and zero (0) **opposed** with zero (0) **abstentions**. **MOTION PASSED.**

**COMPTROLLER.** Douglas Williams.

Mr. Williams read his report. Staffing, they hired Melissa Whitebird, finance technician who will work the front desk and she will be cross trained with invoicing AP and other items. The Executive Team continues to meet every Thursday. The financial update for this month is mostly the audit. Bluebird did a presentation to Council. There are copies of the presentation available to tribal members, but it is not public information. Contact his office for a copy. They have the 2020 audit completed and they have the 2021 audit scheduled for a pre-meeting on July 18<sup>th</sup>. For the Cares Act funds, they have submitted the final report for the month. The reporting period ends September 2022. They allocated and spent all the funds which is the reason they were able to submit the final report. They must keep the records on hand for five years in case the Office of Inspector General wants to conduct an audit. They have a close out process so if there are any questions or concerns or need for further information the documents will be readily available. With the ARPA funds they are coming up on the first report that is due at the end of the month so they will be working on getting other expenditures together, the project and setting up the reporting portal for the Chairwoman and himself to access. Discussions they had in the Executive Team was the supplement EMS and Police Department from the ARPA funds. By doing that it will help relieve the general fund. It is an allowable expense and will help the general fund overall. He will identify the expenditures and moving them into the ARPA budgets and funds. The general fund programs and budgets, they agreed will report to Council on a quarterly basis. He submitted the RFPs for those departments. He has renamed the reports for easier reading. He has been working with the tax department, gaining understanding of all their accounts and how they collect their funds, supplement their expenditures, reimburse the Tribe and collaborating with them to ensure they are reporting on time. With the R&Es, the first quarter, all the indirect cost expenditures were posted which can be seen reflected in the line item 6999. Everyone should have a true picture of their budgets. In his report last month, he reported he was meeting with Wells Fargo to get a better understanding of the Tribe's accounts, how they work, numbers of accounts and who has access and how Wells Fargo can offer the Tribe services they are not utilizing. He met with the Wells Fargo team for the Tribe, a customer care representative, accounts receivable and services, treasury management and investment manager. They are working to streamline services internally like online payment options and paying vendors via ACH payments, so they don't have late payments. They will be having MIP training, which is the accounting software program for finance, it will be a three-day training and all finance staff will be participating.

**CHAIRWOMAN'S REPORT** Janet Davis, Tribal Chairwoman

**a. Request for Approval to Return to In-Person Meetings.**

Chairwoman Davis said they at times have a tough time accessing the meetings and people are sitting on the side of road in their cars. Everyone wants to open and it's just a part of it and they need to start moving forward.

Councilmember Gonzales asked if the Chairwoman spoke with the Health Director in regards to how it will affect funding and if there is still an incident command. She would like for the Tribe to speak with the Health Department and collaborate with them. Chairwoman Davis she they did speak a little bit and she did send out a public health emergency declaration. They have been down to little or none positives for a while now. If you look at the resolution, the reason she wants to rescind is because it states there is a directive #010 stay at home order, there is also a curfew from 10pm to 5am and violators will be subject to \$100 fine. There are items on the resolution they are not following which is the reason for rescinding. There are policies in place that adhere and follow the policies for COVID pay, COVID leave in the Vaccination Policy which have already been approved. Councilmember Gonzales reiterated her concern is doing this without collaborating with the Health Clinic and doesn't want to see it affecting any funding going forward. They need a plan on how they will be going forward. Chairwoman Davis said other clinics, Reno-Sparks Colony have lifted, they don't have the incident command now, but she is asking not to rescind the resolution now but is asking about the in-person meetings. Councilmember Gonzales asked if they were taking into consideration the state extending their 90 days which just came out Wednesday. Chairwoman Davis said the resolution is a declaration of emergency and they can revisit the health part of it; what came out was the renewal of the determination that public health emergency exists, and she doesn't believe they are in a declaration of emergency at the moment because they are all back to work as normal.

Councilmember Davis said she did not see why they needed to rescind the resolution because it was put in place at that time affecting what was going on at that time, and they received COVID funds that backed the resolution. If they stop the resolution, a new one should have been made which stated it supersedes resolution PL 048-20. It states in it the Pyramid Lake Paiute Tribe received funds as a result of the state of emergency and they wouldn't want to rescind a resolution because they received funds because of it, a new one would have to be made to supersede it. Also, policies that came out of the formation of this resolution would need to stay in place. Chairwoman Davis said the main reason for rescinding was for the stay-at-home order and the curfew. Councilmember Davis said at the time the resolution was passed, they did have a curfew and there was a stay-at-home order, so they don't want to wipe the resolution off the books, this resolution needs to stay in place for the record.

Lesley Hawley, HR Manager, agreed with Councilmember Davis, a lot of the policies referred to the fact they were temporary during the pandemic. You would have to create a new resolution that supersedes but for their policies to stay in effect they must be within this pandemic.

Councilmember Brady said they need to move forward but the Health Clinic needs to be open if they are expending time and energy cleaning out those outcroppings of building, they can clean up the clinic as well. They need to start servicing the people again.

Councilmember Dunn made a motion *deny the request to return to in-person meetings.*

Councilmember Gonzales said with what the state has said with the health official, she would like to revisit in 90 days and see where they are at with the new variant, and collaborate with the Health Clinic Director. With the transparency of zoom, with more tribal members being able to attend they don't have to make them feel unsafe or compromise their health. They need a plan moving forward. Councilmember Gonzales seconded the motion.

Ms. Hawley said we are in an endemic and they are having an uptick. One of the things she has been monitoring is how it's going to affect them here. There is liability because they are open. She does agree with Councilmember Gonzales, they have to have a plan B just in case it doesn't work out and they end up moving back into a pandemic.

Councilmember Dunn amended his motion to *revisit in 30 days*, he does not want it to be not in-person but just to be preventive.

Councilmember Davis asked for clarification from Councilmember Gonzales on the 90 days. Councilmember Gonzales said there was some concerns with the upticks with the health officials. Chairwoman Davis said it doesn't say 90 days, there was no date stated. Ms. Brown sent out a declaration but there were no dates on it.

Councilmember Guerrero said they were talking about the federal CDC and holding it back for another two weeks because the federal airports and government were still in a two-week mask mandate.

Councilmember Dunn said he *meant 90 days, not 30 days*.

Votes were four (4) **for** and five (5) **opposed** (Wadsworth, Brady, Ely, Guerrero, John) with zero (0) **abstentions. MOTION FAILED.**

Councilmember Gonzales made a motion to *table for 30 days, for Chairwoman to have a plan to move forward and to work with the departments on how it will be setup, and to let the membership know how they will be able to attend the meetings*. Councilmember Davis seconded the motion. Votes were six (6) **for** and three (3) **opposed** (Brady, Ely, John) with zero (0) **abstentions. MOTION PASSED.**

Chairwoman Davis said they will bring this back at the May 15<sup>th</sup> meeting.

**b. Request for Approval to Rescind Resolution No.: PL 048-20 State of Emergency Declaration COVID**

Chairwoman Davis said they already had the discussion they will provide a new resolution and to not rescind this resolution.

Councilmember Ely made a motion to *produce another resolution and to not rescind this resolution PL048-20*. Councilmember Davis seconded the motion. Votes were nine (9) **for** and zero (0) **opposed** with zero (0) **abstentions. MOTION PASSED.**

**c. Request to Reschedule May 20, 2022, Special Council meeting to May 19, 2022, due to Pyramid Lake War Memorial Holiday.**

Request to reschedule May 20<sup>th</sup> meeting due to the War Memorial Holiday.

Councilmember Guerrero made a motion to *approve the request to reschedule the May 20, 2022 Special Council meeting to May 19, 2022, due to the Pyramid Lake War Memorial Holiday.* Councilmember Dun seconded the motion. Votes were seven (7) **for** and two (2) **opposed** (Brady, John) with zero (0) **abstentions**. **MOTION PASSED.**

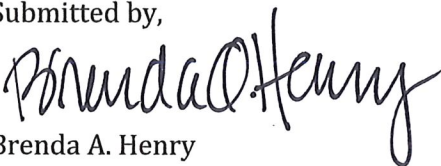
Councilmember Brady said she revisited what Carolyn Harry said last year, the reason she voted no, it goes in part with how they commemorate, how those people passed away back in 1860. We need to remember they are able to move forward and do things because of it and what better way to exhibit that honor and it's also Pyramid Lake High School's prom night.

### ADJOURNMENT

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

The meeting adjourned at 9:09 p.m.

Submitted by,



Brenda A. Henry  
Tribal Council Secretary

## CERTIFICATION

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The foregoing minutes were adopted by the Pyramid Lake Tribal Council, governing body of the Pyramid Lake Paiute Tribe, at a meeting duly held on the 19 day of May 2022, having 9 members present, constituting a quorum, by the vote of 8 **FOR** and 0 **OPPOSED**, with 0 **ABSTENTIONS**.

Minutes attested and concurred by: \_\_\_\_\_



Janet Davis, Tribal Chairwoman  
Pyramid Lake Paiute Tribal Council

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