

Pyramid Lake Paiute Tribal Council

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REGULAR MEETING MINUTES

Tribal Chambers ~ Nixon, NV

February 4, 2022

Members Present:

Janet Davis, Chairwoman
Harriet Brady, Councilmember
Nathan Dunn, Councilmember
Natalia Gonzales, Councilmember
Della John, Councilmember

Steven Wadsworth, Vice Chairman
Judith Davis, Councilmember
Edward Ely III, Councilmember
John Guerrero, Councilmember
James Phoenix, Councilmember

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

CALL TO ORDER

Chairwoman Davis called the February 4, 2022, Regular Tribal Council meeting of the Pyramid Lake Paiute Tribal Council to order at 6:00 p.m.

ROLL CALL

Brenda A. Henry, Tribal Secretary, took roll call. Councilmember Dunn connected at 6:08 p.m. All other Councilmembers were present at roll call and a quorum was established for this meeting.

APPROVAL OF AGENDA

Councilmember Brady requested an addition under New Business regarding the Evaluation of the Chairperson position in the January 7, 2022 (Outgoing) Regular minutes.

Councilmember Ely made a motion to *approve the agenda with the addition under New Business #5. Evaluation of Chairpersons position, January 7, 2022 (Outgoing) Regular minutes.* Councilmember Guerrero 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 of Minutes: January 7, 2022 (Outgoing) Regular and January 7, 2022 (Incoming) Regular

2. Ratification of Poll Vote – 2021 COVID-19 Variants Preparedness & Response Plan with Resolution PL 002-22
3. Approval payment Silver State Government Relations January 2022 Invoice
4. Approval payment Quarles & Brady LLP Invoice #6443369 and #6443370

Councilmember Brady requested to pull the January 7, 2022, Outgoing minutes for discussion regarding the Chairpersons Evaluation. Vice-Chairman Wadsworth recommended pulling both minutes, #1. Approval of Minutes and Councilmember Guerrero requested to pull #4. Payment of Quarles & Brady LLP Invoice.

Councilmember Davis made a motion to *approve consent agenda with exception of #1 & #4*. Councilmember Brady seconded the motion. Votes were eight (8) **for** and zero (0) **opposed** with zero (0) **abstentions**.
MOTION PASSED

Councilmember Brady said regarding the minutes on page 7, when they went into Executive Session, she remembers a discussion early on with the HR person regarding testing the Tribal Council. She distinctly remembers her saying because they are elected officials, not employees they cannot require them to take a drug test. To her, along the same lines, they cannot evaluate the Tribal Chairperson position because of their elected status, and their evaluations technically are through re-election.

Councilmember Guerrero commented they can further discuss Councilmember Brady's item under New Business. His question regarding the Quarles & Brady LLP invoice was whether there is an itemized or breakdown of the invoice, or is she flat-rate?

Councilmember Davis requested clarification if they were only approving the January 7, 2022, Outgoing and Incoming minutes, they cannot reverse the actions Council took, any further action would be discussed under New Business. The Tribal Secretary confirmed they were only approving the minutes.

Vice-Chairman Wadsworth had a correction for both January 7th minutes with the attendance of Chairwoman Davis noted as present when she was not.

Vice-Chairman Wadsworth made a motion to *approve items #1 and #4 on the Consent Agenda*. Councilmember Guerrero seconded the motion. Votes were nine (9) **for** and zero (0) **opposed** with zero (0) **abstentions**. **MOTION PASSED**

NEW BUSINESS

1. Selection Low Flying Aircraft Workgroup Applicants.

The Tribal Secretary Informed Council there were two applicants: Sheri Hunter and Ronald Guerrero, both tribal members from Wadsworth. The posting is currently being reposted, in the hopes of getting a couple more applicants from both Nixon and Sutcliffe communities.

Chairwoman Davis further stated they are looking for enough members to make a committee, they are hoping for enough who show interest in working on a Law & Order Ordinance to address the Fallon Naval

Air Station (NAS) flyovers. They need something in the Law & Order Code so they can report it to the Federal Aviation Administration (FAA) but they need laws on the books to do that. Then the FAA can then pass it on to the Air National Guard, NAS or anyone flying in the Tribe's airspace. The reason this came about is they received a call from the FAA out of Reno asking if the Tribe had anything in the Tribe's code to address the issue. They suggested the Tribe have something in the ordinances so they could let the other agencies know.

Councilmember Davis made a motion to *approve Sheri Hunter and Ronald Guerrero and to keep the flyer posted for more members to apply.*

Chairwoman Davis said Tribal Council can join also because it is an open work group.

Councilmember Gonzales agreed with the motion and wanted to know about the liaison, would they be collaborating with them. Chairwoman Davis said yes, they would but the liaison is mostly involved with the land issues now.

Councilmember John seconded the motion and volunteered her assistance and will share pictures she has been taking of the low flying aircraft.

Councilmember Brady questioned the minimal qualifications since they were using the committee/board application and one applicant supplied his tribal number under the experience and qualifications section. Chairwoman Davis said they are taking all interested parties when asked if there were specific requirements.

Councilmember Dunn asked for an update on the Chairwoman's last meeting with NAS. Chairwoman Davis said they do attend meetings every month which either her or Mervin Wright attend. The meetings are long and drawn out, and mostly has nothing to do with the low flying aircraft but more about the land.

Votes were eight (8) **for** and zero (0) **opposed** with one (1) **abstention** (Guerrero). **MOTION PASSED.**

2. Request Approval Autumn Harry Indigenous Women Fly Fishing Retreat March 31-April 3, 2022.

Autumn Harry

Councilmember Davis said Ms. Harry's letter is requesting permission for a group to visit the east side of the lake.

Councilmember Brady was concerned about the sponsorship because of a previous tribal member who obtained sponsorship through a professional organization and wondering about free advertisement when it comes to images of Pyramid Lake and how the Tribe is protecting itself when tribal members get involved in things like this. There can be a potential for abuse with images.

Councilmember John said the east side is a sacred site and Council approved a resolution for Native people to be able to worship there but at the same time there are burial sites that are close, and she is concerned they will be hiking around the area.

Ms. Harry said they are organizing an Indigenous Women's Fly-Fishing Event and the request is not to ask permission to organize the event. They have 12 Numa woman who will be participating and the primary reason the event is to make fly-fishing more accessible to Native communities. Currently, it is not accessible, and it is expensive. They want to develop ways and create opportunities for Native women to learn and practice fishing. Half of the women are from the Owens Valley area and the other half will be from Pyramid Lake. They plan to go to the east side for 2-3 hours and they will be at the Pyramid only. They would also like to develop a stewardship event where they would be picking up trash either on the east or west side of the lake but that is something they are still developing. They will respect the area while they are there, it will be a time for them to be together and be in a healing place for one another. They plan to bring an elder to offer a prayer while they are there. In response to Councilmember Davis's question, they are requesting permission to go to the east side, the Pyramid.

Councilmember Brady said her concern was the photo ops, will they be taking pictures? Will they be shared and released? What will they be doing with the photos? Ms. Harry said they discussed photos, and none will be taken while they are on the east side. Councilmember Brady said it also includes the west side. Ms. Harry said various guides and groups take pictures and post on social media and in looking at the photo/film policy, tribal members are exempt. She doesn't think she needs permission to take pictures on the west side of the lake before posting. Councilmember Brady was concerned about the organization because it will be their photos as well. Ms. Harry said it is her guide business and she does not see an issue taking women and teaching them fishing, uplifting the work, and encouraging them to continue learning and practicing how to fish. She is unsure she understands the concern. Councilmember Brady said she was under the understanding that she was going to have a company gear her for the event. Ms. Harry clarified they received a grant and are providing all the gear themselves and will be purchasing the gear for everyone else. It is not a sponsored event or a collaboration with a specific brand. Councilmember Brady further questioned the clothing; if Ms. Harry is required to wear it, then it is an advertisement. The NorthFace representative disagreed. Councilmember Brady continued to ask if she (Ms. Harry) does not wear it, does the filming go on? The NorthFace representative stated it is in Ms. Harry's contract and if she does not wear the clothing, then the film would not take place. Councilmember Brady then stated that it was an advertisement; the NorthFace representative stated that it was.

Councilmember John said with corporate sponsorships, for example the Apple event where they took a picture of the lake and all the proceeds went to the artist and the Tribe did not get anything out of it, they must avoid that kind of exploitation. The concern is if she is filming and taking photos and she is corporately sponsored; the Tribe must develop rules about that type of situation. Ms. Harry explained this is not a corporate sponsored event.

Councilmember Gonzales said they did talk about copyright a while ago and noted there are people who come out and take pictures on the lake. How are they going to promote the lake if they do not allow their own

tribal businesses or tribal members to take photos and build their business to show-case?

Jolie Varela, Owens Valley, founder of the Indigenous Women Hike and is in collaboration with Ms. Harry. She received a Thriving Women Grant through the 7th Generation Fund. She coordinates hikes on the John Muir Trail to let people know they are on her ancestral homelands. With Ms. Harry, they wanted to provide an experience for Indigenous women to fish and hike and experience the land. On her Instagram she does not accept sponsored ads.

Nick Cortez, tribal member said it would be good as part of a resolution to include penalties when a person is involved in that type of activity, if they have a video or a sponsorship without the Tribe's knowledge because it has been an issue in the past. He does know of a fishing documentary, there had been a video posted to YouTube where Chrysler was involved, it was more than what it was said to be. It is an issue for the Tribe, when outside companies can capitalize on the fact that a project was approved by Council. Part of the issue would be trying to close the gap within the resolution and making it addition, so they do not have to worry about the whole aspect of it.

Chairwoman Davis said during the last Inter-Disciplinary Team (IDT) meeting they did discuss the film and photography applications, and the review process.

Councilmember Brady reminded everyone these are relevant questions, and nobody is trying to keep any tribal members from doing what they are asking.

Councilmember Guerrero made a motion to *approve the Autumn Harry Request for Indigenous Women Fly Fishing Retreat for March 31 through April 3, 2022, and permission for the group to go to the Pyramid on Friday, April 1 for 2-3 hours.* Councilmember Dunn seconded the motion. Votes were nine (9) **for** and zero (0) **opposed** with zero (0) **abstentions**. **MOTION PASSED.**

3. Request for Approval 2022 Pyramid Lake Paiute Tribal Budget Amendment Resolution. Douglas Williams, Comptroller

Mr. Williams said a budget was not included in the previous budget, so this is an amended resolution.

Councilmember Dunn made a motion to *approve amended 2022 Pyramid Lake Paiute Tribal Budget Resolution.* Councilmember Brady seconded the motion. Votes were seven (7) **for** and one (1) **opposed** (John) with one (1) **abstention** (Wadsworth). **MOTION PASSED. RESOLUTION NO.: PL 012-22 AMENDED 2022 PYRAMID LAKE PAIUTE TRIBAL BUDGET**

4. Request for Approval to Extend the COVID Fiscal Recovery General Welfare Grant Program with Resolution. Douglas Williams, Comptroller

Chairwoman Davis said they received a letter from a tribal member who stated they did not get a notice that the Tribe had these funds available for the Fiscal Recovery General Welfare Program. A poll vote was conducted, and Council made the decision to extend the date for accepting applications from tribal members

who did not submit an application. An explanation letter and application will be mailed to those tribal members who did not apply.

Councilmember Gonzales requested the information be posted to the Tribe's social media, website, newsletter, and post offices.

Councilmember Gonzales made a motion to *approve the extension of the COVID Fiscal Recovery General Welfare Grant Program until March 31, 2022, by noon*. Councilmember Guerrero seconded the motion.

Vice-Chairman Wadsworth said the application needs to be updated, the line that says, they need to be 18 years of age on the date of the application, which was for the first cut-off date and was the date budgeted for.

Votes were nine (9) **for** and zero (0) **opposed** with zero (0) **abstentions**. **MOTION PASSED. RESOLUTION NO.: PL 013-22 EXTENDED COVID FISCAL RECOVERY GENERAL WELFARE GRANT PROGRAM**

5. Discussion January 7, 2022 (outgoing minutes), Chairperson Evaluation.

Councilmember Dunn said he was the person who mentioned the topic initially regarding the evaluation, it was not specific to one person but the position on how the overall operations were working so they could better assist them to do their jobs better.

Councilmember Brady was looking for feedback from the seasoned Council members, is it true from previous Councils, the Chairperson's evaluation is re-election.

Chairwoman Davis read the Personnel Policy: Personnel System Coverage, these personnel policies shall apply to all tribal employees except the following: Tribal Council members elected by popular vote unless they are also employees of the Tribe in other positions. Tribal Council members who are also employees of the Tribe shall be considered tribal employees during work hours and when attending to various functions and activities as part of their job, Tribal Council members are required to gain prior approval from the supervisors. Specifically addresses Tribal Council members elected by popular vote are not subject to the personnel system coverage. There is nothing addressing the Chairperson position.

Councilmember Davis said being on Council before, this has come up and it has always been they are not under the personnel policy. If found guilty or there are some other issues, then you refer to the Constitution and By-laws where it will be heard. The person has five days for the charges to be heard and the decision is made by the Council.

Councilmember Brady said she asked Ms. Hawley about the drug testing and was told they cannot do anything because Councilmembers are elected.

Councilmember Gonzales said going forward there needs to be an evaluation, the Tribal Chairperson manages the day-to-day operations and is the overall supervisor of all the departments. If it is not in the ordinance or Constitution, it needs to be in place going forward. It does not state in the ordinances or policies that the Tribal Chairperson gets a 5% merit raise every year and that is what is done. It is something they

must think about, any organization or company has an evaluation, even from the top, there is always someone who oversees and that is where Tribal Council comes into place. They always say the Tribal Council is supposed to be the Chairperson's boss, but how can they do that without an evaluation. There is also conflict when there are those who work under the Chairperson, with Council you are getting a mixture of different opinions, comments, and suggestions.

Councilmember Ely agreed with Councilmember Davis, the process is in place, it is a one-time 5% cost of living increase. If she is not fulfilling the duty, they do not get re-elected.

Councilmember Gonzales said it was stated to be a merit wage. Chairwoman Davis said they can lock the Chairperson into the same wage for two years if it is an issue. Councilmember Dunn said it is not an issue, it was for measuring performance.

Councilmember Phoenix said he agrees and understands the removal and raise but with the evaluation, they can use a different word to say they are assessing the performance on how the Chairperson is doing. His question is how do they identify if they are doing something wrong, who investigates it?

Councilmember John said there was a resolution in 2022 that made all the employees on the Executive Team subordinate to the Tribal Chairperson, in addition to the Constitution and the personnel policy. The evaluation for the position must be up to the people because they are the ones that elected the position. If they are going to evaluate that position, then they are going to have to evaluate all the Council positions. He does not think it is appropriate for Council to be evaluating administrative performance of a Tribal Chairperson because they do not get involved in the day-to-day duties. That is the Chairperson's job, the staff's job. It is up to the people if they do not like something, they bring it forward and into the hearing process.

Councilmember Davis said the Chairperson is a part of the Council per the Constitution and By-Laws and as a performance, it is their duty. She has been on Council when they put the Tribal Chairperson on unpaid leave for two weeks, rather than do the two thirds vote to get them out, it was a wake-up call for things to get done.

Councilmember Guerrero agreed with Councilmember Davis on the unpaid leave. With the 5% raise costs with inflation, they will have to go across the board with every department on tribal administration if they hold off on it.

Councilmembers Davis and Guerrero further explained to Councilmember Phoenix the process for the last Chairperson that was placed on two-week unpaid leave.

Vice-Chairman Wadsworth said there was a motion made at the last Council meeting before the new members were sworn in. He is not sure if the Human Resources department have been working on the process for the evaluation and the other part of the motion was for him, the Vice Chairman, to perform the evaluation which has not happened yet.

Councilmember Brady asked if workshops are meetings and if a Councilmember misses because that is a part

of their responsibility.

Councilmember Davis commented on meetings for Tribal Council, unless something happened within the last year, there is not anything in writing that says if you are on for two-years and you only make two meetings, which is it. As far as ethics, it still comes down to the two-thirds vote of your constituents.

Councilmember Ely said there is a process in place, and he does not think they need to do an evaluation on the Chairperson.

Councilmember Phoenix confirmed with the mayor's office, they do the same process, they are elected by the people, and they do not get evaluated by the Council.

Councilmember Guerrero suggested a workshop in person to go over the Constitution and By-Laws, so everyone is on the same page.

Vice-Chairman Wadsworth said one of their goals for this year is the Secretarial Election which goes together with changes they want to make.

Councilmember Ely made a motion to *rescind previous directive for an evaluation on Tribal Chairwoman, there is currently a process in place and to rescind the directive for the Human Resources department to develop a process.* Councilmember Brady seconded the motion. Votes were six (6) **for** and one (1) **opposed** (Gonzales) with two (2) **abstentions** (Wadsworth, Dunn). **MOTION PASSED.**

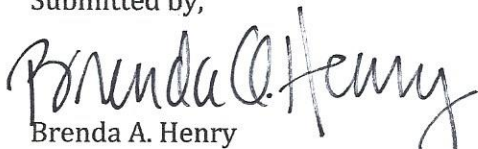
Chairwoman Davis stated the status of COVID cases is 34 positives.

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 7:25 p.m.

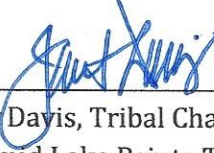
Submitted by,


Brenda A. Henry
Tribal Council Secretary

CERTIFICATION

Pyramid Lake Paiute Tribal Council
February 4, 2022, Regular

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 4th day of March 2022, 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: 
Janet Davis, Tribal Chairwoman
Pyramid Lake Paiute Tribal Council

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