

Pyramid Lake Paiute Tribal Council

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REGULAR MEETING MINUTES

Tribal Chambers ~ Nixon, NV

April 1, 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 April 1, 2022, Regular Tribal Council meeting of the Pyramid Lake Paiute Tribal Council to order at 6:01 p.m.

ROLL CALL

Brenda A. Henry, Tribal Secretary, took roll call. All Councilmembers were present at roll call and a quorum was established for this meeting.

APPROVAL OF AGENDA

There were no changes to the agenda.

Councilmember Ely made a motion to *approve the agenda*. Councilmember Brady seconded the motion. Votes were nine (9) **for** and zero (0) **opposed** with zero (0) **abstentions**. **MOTION PASSED**

PUBLIC COMMENT.

Marnee Benson, Director Government Affairs for Burning Man. Ms. Benson confirmed the 2022 Burning Man event for August 28th thru September 5th. They have the same maximum number of people as 2018-2019 which is 80,000. They have reached out to the Tribe's various departments for a kickoff meeting to discuss topics to coordinate as they have done in the past, including public health and safety, messaging, traffic management, highway cleanup operations, lake maintenance, trash collecting, vendors and EMS. They are looking forward to collaborating with the Tribe and looking forward to submitting a fuller agenda item at the next meeting.

CONSENT AGENDA

Following items were included on the Consent Agenda:

1. Approval of Minutes: March 4, 2022, Regular
2. Approval payment Silver State Government Relations February & March 2022 Invoice
3. Approval payment Quarles & Brady LLP March Invoice #6461398
4. Approval NCAI 2021-2022 Tribal Membership with Resolution. **(Resolution No.: PL 034-22, 2021-22 NCAI TRIBAL MEMBERSHIP DUES)**

Councilmember Brady requested to pull #1 for discussion.

Councilmember Pheonix made a motion to *approve Consent Agenda items #2 thru #4*. Councilmember Guerrero seconded the motion. Votes were nine (9) **for** and zero (0) **opposed** with zero (0) **abstentions**.
MOTION PASSED

Councilmember Brady stated her only correction to the March 4, 2022, minutes was the change of the acronym ITC-NV to ITCN.

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

NEW BUSINESS

1. **Selection of Pyramid Lake Housing Authority (PLHA) Board of Commissioner Vacancy (1 vacancy).**

There were four (4) applicants: Gina Wadsworth, Irwin Mix, Leona Collins, and Brandon Serawop. Tribal Council voted by ballot with a tie between Irwin Mix and Leona Collins. Chairwoman Davis broke the tie with the selection of Irwin Mix to fill the vacancy on the PLHA Board of Commissioners.

2. **Request for Approval to Sign Opioid Forms with Resolution.** Wes Williams, Law Office of Wes Williams Jr.

Mr. Williams said they have been working on the Opioid cases for a couple of years now. Originally, they filed one lawsuit against a number of manufacturers, distributors, and some of the stores that have sold in their pharmacies. A couple of the manufacturers have filed for bankruptcy because of this. Purdue Pharma and Mallinckrodt are two that did. They are at a point now where some have agreed to settle but with a lot of conditions. Before Council tonight are Johnson & Johnson, which is one of the manufacturers and three distributors: Amerisource Bergen, Cardinal Health and McKesson. All three cases are pending in federal court in Ohio. The court split the states, cities, and counties into one settlement negotiation and the tribes into another settlement negotiation. Frazer P.L.C. Law firm, who has been active and negotiating on this case, they represent smaller and medium sized tribes and Pyramid Lake is a client of them. Johnson & Johnson has agreed to settle for \$150 million, which will be split among all the tribes. 90-95% of the tribes must agree to the settlement otherwise, it will not go through. Tribes can opt out and go against the companies on their own if they choose which would be a lengthy process and he does not recommend the Tribe do that, he recommends the Council approve the two settlements. The courts are still deciding how to

do the actual allocation between all tribes. There was a formula used during the Purdue Bankruptcy where it was based on tribal enrollment but there are other things that need to be considered such as if you are in a rural area or have access to treatment centers or hospitals. They are pushing to change the allocation formula they used in the Purdue case, so it is fair to the smaller and medium sized tribes. They are still working on this and will be a few more months to get it finished.

Mr. Williams provided a brief history of the events leading up to this settlement. Two or three years ago there was a big tobacco litigation which came from the state suing the tobacco companies twenty years ago for causing cancer. Those tobacco companies ended up settling with states and tribes were not involved in it. The states did not try to help the tribes with all the money they received. Then there was a similar type of case where the big companies were taking advantage of people throughout the United States and the tribes realized they needed to file their own cases and not rely on the states. That is when the Tribe got involved. There were seven or eight tribes in Nevada that were involved. One of the big issues was deciding on where to file, in tribal courts or in federal court in Nevada. What the Tribe ended up doing was filing with tribes from across the country in one case in Ohio, in federal court. They were suing all the big manufacturers, distributors, and some pharmacies, the biggest three manufacturers, Purdue Pharma, Mallinckrodt and Johnson & Johnson. The Tribe is dealing with Johnson & Johnson because the other two filed for bankruptcy. Purdue agreed to a settlement, but a couple of states protested so it is back in court. Mallinckrodt is not as big as Purdue, and they are still working on a settlement. Recently there was an added new defendant, a company that worked with these manufacturers and distributors were in the background. Throughout the discovery, it was found this company had a marketing scheme making millions teaching them how to get doctors and people hooked on opioids and flood the market with opioids. That case was filed recently, and it is being included so these cases are not close to being finished. The law firm of Frazer is working hard for the small and medium tribes because of the allocation method. The two biggest tribes causing issues is the Navajo and Cherokee, during the past couple of years during the pandemic they have added over 100,000 members or more, so they are pushing for the enrollment, so they get a bigger chunk of the funds.

Councilmember Guerrero made a motion to *approve the authorization to sign the Opioid forms with Resolution*. Councilmember Brady seconded the motion. Votes were nine (9) **for** and zero (0) **opposed** with zero (0) **abstentions**. **MOTION PASSED. RESOLUTION NO.: PL 035-22 OPIOID SETTLEMENT**

3. Request for Approval to apply for Funding OVW FY22 Transitional Housing Assistance Grants for Victims of Domestic Violence, Dating Violence, Sexual Assault and Stalking with Resolution. Mary Dodd, Victim Services Director

Ms. Dodd said this is continuation funding for the transitional housing program. In the last grant cycle, they assisted fourteen families with transitional housing because of rent and the price of everything increasing. They are looking to assist a minimum of six people on transitional which will cover the cost of rent, deposits, education, and childcare assistance. It covers for a transitional housing advocate at 100% and 10% of the coordinator salary to oversee the project. The funding is \$550,000 for a period of three years.

Councilmember Guerrero made a motion to *approve the submission of the OVW FY22 Transitional Housing Assistance Grant with Resolution*. Councilmember Davis seconded the motion. Votes were eight (8) **for** and zero (0) **opposed** with one (1) **abstention** (Brady). **MOTION PASSED. RESOLUTION NO.: PL 036-22 OVW FY22 TRANSITIONAL HOUSING ASSISTANCE GRANT**

4. Request for Approval TO APPLY FOR Funding OVW FY22 Rural Domestic Violence, Dating Violence, Sexual Assault and Stalking Program with Resolution. Mary Dodd, Victim Services Director

Ms. Dodd said the Rural Grant is a continuation program for \$690,000. It covers the coordinator salary, 50% of the counselor salary for one of the victim advocates and 25% of the coordinator of the assistant salary. It provides for assistance, money for food, transportation, and shelter. They will be doing more cultural arts and activities for the participants. This grant is for three years.

Councilmember Ely made a motion to *approve the OVW FY22 Rural Grant with Resolution*. Councilmember Dunn seconded the motion. Votes were eight (8) **for** and zero (0) **opposed** with one (1) **abstention** (Brady). **MOTION PASSED. RESOLUTION NO.: PL 037-22 OVW FY22 RURAL GRANT**

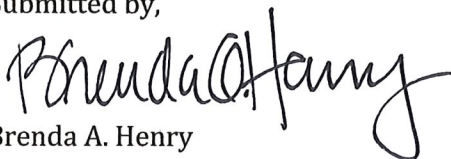
Councilmember Guerrero brought up voting when it includes immediate family, does it include spouse, mother, father, son, daughter, brother, and sister. Is it a conflict of interest or do they vote based on how they feel? Chairwoman Davis said it is immediate family but for her, an aunt is close family but when you are voting for your family, you are voting on behalf of everyone who voted for you as well. Councilmember Brady said when it came to Mary's salary, she felt uncomfortable voting on her sister's salary which is why she abstained. Vice-Chairman Wadsworth said he usually abstains when it comes to votes where he is close to them. Councilmember Guerrero said it could be an awkward situation when approving grants, there are two different ways to view it. With the grant process, it is for the people. Councilmember Brady said she understands and did vote for other grants, but it gets uncomfortable when it comes to salary. Councilmember John said she agrees with everyone's comments but when she votes if the person is living in her home and they have a connection than when they live in their own home, they are separate. Because the whole idea of tribes is based on bands and families, and everyone is related. There are different degrees among that, if they are living in your home and you have a financial benefit from them. Councilmember Dunn said he stays away from anything that could be a conflict especially when it comes to family. If it is a personal gain for yourself, you want to stay away.

ADJOURNMENT

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

The meeting adjourned at 6:38 p.m.

Submitted by,

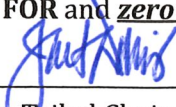


Brenda A. Henry
Tribal Council Secretary

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 6th day of May 2022, having nine (9) members present, constituting a quorum, by the vote of eight (8) FOR and zero (0) OPPOSED, with zero (0) ABSTENTIONS.

Minutes attested and concurred by: _____


Janet Davis, Tribal Chairwoman
Pyramid Lake Paiute Tribal Council

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