

Pyramid Lake Paiute Tribal Council

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REGULAR MEETING MINUTES

Tribal Chambers ~ Nixon, NV

May 6, 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

Member Absent: 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 May 6, 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. Councilmember Phoenix was absent. All other Councilmembers were present at roll call and a quorum was established for this meeting.

APPROVAL OF AGENDA

Chairwoman Davis requested the removal under New Business #1. Request for Approval NDOT Marble Bluff, SR 447 Road/Cliff Repair. NDOT is still evaluating.

Councilmember Guerrero requested to add opening the Council meetings to in-person. Councilmember Dunn noted this topic was scheduled to be on the May Special Council meeting.

Councilmember Guerrero made a motion to *approve the agenda with the removal of the NDOT Marble Bluff item and addition under New Business #3. Discussion and/or Approval to Open Council meetings to in-person.* Councilmember Ely seconded the motion. Votes were eight (8) **for** and zero (0) **opposed** with zero (0) **abstentions**. **MOTION PASSED**

PUBLIC COMMENT. There were no public comments.

CONSENT AGENDA

Following items were included on the Consent Agenda:

1. Approval of Minutes: March 18, 2022, Special & April 1, 2022, Regular
2. Approval payment Quarles & Brady LLP March Invoice #6471749
3. Approval Enrollment Eleven (11) Applications for Regular Membership with Resolution
4. Approval Group Donation Request 2022 PLHS Senior Class
5. Approval Individual Donation Requests – Jose Velazquez, Natalia Gonzales, Nadia Velazquez, Tatiana Velazquez & Jose Velazquez Jr.

Councilmember Brady requested to pull items #1, 4 & 5 for discussion.

Councilmember Ely made a motion to *approve Consent Agenda items #2 & #3*. Councilmember Brady seconded the motion. Votes were eight (8) **for** and zero (0) **opposed** with zero (0) **abstentions**. **MOTION PASSED**

Councilmember Brady noted her corrections to the March 18, 2022 Special meeting minutes were made. She had a correction to page 8 in the last sentence to change the word ask to asked and on page 9 in the middle of the 3rd paragraph, the word defenses should be changed to fences.

Councilmember Davis made a motion to *approve #1. March 18, 2022, Special and April 1, 2022 Regular minutes*. Councilmember Brady seconded motion. Votes were eight (8) **for** and zero (0) **opposed** with zero (0) **abstentions**. **MOTION PASSED**

Councilmember Brady said in regards to #4 the Group Donation request for the 2022 PLHS Senior Class, she spoke with an individual associated with the senior class and they were under the impression fundraising efforts were successful and they raised enough money and were unclear why the request was put in. She would like to table for clarification.

Councilmember Dunn made a motion to *approve the Group Donation Request for the 2022 PLHS Senior Class*. Councilmember Gonzales seconded motion. Votes were six (6) **for** and zero (0) **opposed** with two (2) **abstentions** (Brady, John). **MOTION PASSED**

Councilmember Brady requested clarification on the Individual Donation Requests, it seemed to her there was fine line between individual and group because of the number of requests from one family and one adult requesting on behalf of another adult when adults should be asking on their own behalf.

Councilmember Dunn said he understood what Councilmember Brady was saying but it's not in writing in the policy, he wants to move forward and approve the individual requests because these individual requests could be different circumstances.

Brenda Henry, Tribal Secretary, explained she doesn't typically receive donation requests from one family asking for a donation for every family member. Requests usually are received with a justification like a flyer of an event to assist with travel expenses or an invoice to assist with purchasing a piece of equipment or clothing required for a sports event but there is always a backup document for justification.

Councilmember Davis said in reading the letter she understands they are all in the same household but she only saw one girl's name on the backup paperwork. It would help if they could associate what paperwork goes with each child.

Mr. Velasquez said he submitted the letter and submitted as a household. Councilmember Brady said the other adult should submit their own letter so they don't set a precedent of one adult asking on behalf of another unless there were extenuating circumstances.

Councilmember Dunn made a motion to *approve the individual donation requests for the Velazquez Family and Natalia Gonzales*. There was no second. **MOTION FAILED**

Councilmember Guerrero made a motion to *table the donation request for the Velazquez Family and Natalia Gonzales*. Seconded by Councilmember Davis.

Councilmember Dunn requested confirmation on the timeframe needed for the donation. Ms. Gonzales stated they are traveling all the time.

Votes were six (6) **for** and one (1) **opposed** (John) with one (1) **abstention** (Gonzales). **MOTION PASSED**

For the next time they request a donation, Councilmember Davis provide clarification, adults should submit separate letters for themselves and for the children's requests they need separate justification documents that states their names.

Once the documents are provided a poll vote will be conducted.

Chairwoman Davis welcomed the newly approved Pyramid Lake Paiute tribal members: Mariana Isabel Aquero-Mejia, Matthew Tyler Chargualaf, Lyla Pancho, Eztli Andres Rodriguez, Ohtli Gabriel Rodriguez, Yaretzi Adalyn Rodriguez, Paul jack Scheuermann, Cayden Matthew Seitz, Shane Frazier Sellars, Jurrell June Washington, and Mila Irene Yellowhair.

UNFINISHED BUSINESS

1. Request for Approval Tribal Facility Building Use Policy and Facility Equipment Use Agreement Form.

Councilmember Dunn asked if the locker rooms in the gym will be open. Chairwoman Davis said one locker room is open the other is being used as storage.

Chairwoman Davis explained when the buildings are checked out, the Maintenance Department provides the walk-thru form and does the walk-through with the individuals before they are given the keys and again when they turn in the keys. Councilmember Brady asked if the form will be updated. Councilmember Gonzales said the elders need to be added along with the Wadsworth Parking Lot. Councilmember Dunn asked if the approval for the charitable and religious organizations will go through the Chairpersons office or the Executive Team. Chairwoman Davis confirmed the Executive Team will review and approve.

Councilmember Davis said that was her concern also because at one point they had a church group reserved in the new building for every weekend for the summer and it locked up the building for tribal members being able to use it. Chairwoman Davis said for that one it came to Council for approval.

Councilmember Davis commented she didn't see any emails from the Program's Officer showing she was working on it since it was an action item on her report.

Councilmember Ely made a motion to *table for changes & conduct a poll vote*. Councilmember Guerrero seconded motion. Votes were eight (8) **for** and zero (0) **opposed** with zero (0) **abstentions**. **MOTION PASSED** Councilmember Davis voted yes but noted this item didn't need a vote since it was already tabled.

NEW BUSINESS

1. Request for Approval for ARPA Broadband Design Phase I Contract with Digital Technology Solutions. Greg Gardner, Technology Services Director

Mr. Gardner explained the fiber design project for Sutcliffe and Nixon went through the process, they received two bids that were very close. The bids were from Digital Technology Solutions for \$311,342.50 and CommNV for \$323,211. Far West Engineering, project management company assisting with the project were included to provide an analysis of the two bids. The two companies were basically the same but Digital Technology Solutions had more experience and knowledge of what they were trying to do with their project. The design is for hooking fiber, mostly aerial through the poles, getting permitting and engineering, and getting approvals from either AT&T or NV Energy depending on who is controlling communication and access.

Councilmember Ely made a motion to *approve the ARPA Broadband Design Phase I Contract with Digital Technology Solutions*. Councilmember Dunn seconded motion. Votes were six (6) **for** and zero (0) **opposed** with two (2) **abstentions** (Wadsworth, John). **MOTION PASSED**

Councilmember Guerrero asked when will Wadsworth be included. Mr. Gardner explained they have to be careful with the Wadsworth area, they can't compete with Charter, they are not allowed to go where Charter does business but they will try to fill the gaps especially along the river where Charter doesn't provide service. Once they get the project going they will have a better idea of the budget and how to include Wadsworth. They are hoping the construction contract will be ready at the end of the year. The goal is to provide internet to everybody in Wadsworth who doesn't have access.

Councilmember Gonzales said she wished they knew beforehand they wouldn't be able to provide service to all communities and it's not a guarantee they will get help for internet. Mr. Gardner said in the original budget submitted they did specify the areas and how much they were going to allocate to those areas. It was mentioned they would probably have to do wireless in Wadsworth because of the issue with federal and state grants that will not allow you to compete with an existing business on a project like this. Again, their goal is to provide internet access to everybody in Wadsworth who don't have access. Councilmember Gonzales stated maybe they can do something going forward for the members who have to use Charter in Wadsworth because it's unfair for some to be getting a reduced rate while others have to pay on the outside for a higher rate. Mr. Gardner said he understands and sympathizes since he pays for Charter service. The funding for wireless won't be a lot compared to running fiber in the Wadsworth area and can still meet the specs for what people want. People are finding out now with good internet service they can stream video.

Nick Cortez, tribal member, said looking back at the approval, the main reason for the broadband was for the children's education and to provide services to families. He is confused hearing the phrase grant money because he didn't know you can make revenue from grants and now hearing Wadsworth might not be serviced is a little concerning. Mr. Gardner said there are federal programs through the FCC that internet and

phone providers use for disadvantaged households to get subsidized service which is an option they will look into.

Councilmember Brady reiterated they were informed early on and their priority was stated several times. They did talk about Sutcliffe and Nixon and Nick Cortez is correct it was for the benefit of the children in regards to the internet, especially since they were in lockdown when everything was closed for COVID. For the record, they were informed and she thanked the IT Department for making sure the timelines are being followed. And there is a way for elders to pay a reduced rate, unfortunately you can't get everything for free, but they will do their best to make sure all residences are serviced. In the beginning Spectrum was also mentioned as well as Charter, so everyone on Council was informed.

Councilmember John said she recently referred a person to a provider she uses on the east side of the river in Wadsworth because she has been with them for quite a while. That person reported they were going to have to pay a \$250 deposit for the nodule on the roof because the provider told them they were located on the reservation and they have no way to collect if they don't pay their bill or get their equipment back. She thinks the providers are discriminating against tribal members saying they can't get their equipment back when there is a process already in place through Tribal Court. If the Tribe is going to be an internet provider they need to put their own people first. The Tribe needs to have a whole broadband or internet plan in place. They had one at one point but not sure what happened to it. It's where the Tribe applies for the internet licenses, the FCC licenses to be a provider and the planning is completed so they can eventually charge for a service and then you can be a provider to the people but you have to have the infrastructure in place.

Vice-Chairman Wadsworth provided clarification on a couple items: he works with Mr. Gardner during the day and he often uses the word grant, it's not a grant, it is the ARPA funding. In regards to Mr. Cortez, there are rules they have to follow, they are less stringent than a grant but includes affordability, that is mandated under the for the ARPA, it has to meet certain speed qualifications but be affordable. They are not 100% sure of the price yet but it will be affordable which is stated in the final rule from the government. To address Councilmember John's statements, who wasn't on Council at the time, this project included every home in Sutcliffe and in Nixon, Wadsworth was tacked on for the whole project to hit the homes missing internet who don't get Charter. The problem with Charter, who covers most of Wadsworth is that it eliminates them from grants. They cannot get a grant that has anything to do with Wadsworth but they can use ARPA funding because it is not a grant, which is the reason they are hitting the outlying areas of Wadsworth. You have to remember that Charter is in Wadsworth to provide broadband and Nixon and Sutcliffe don't have anything and by definition there is no broadband in two communities out of three.

Councilmember Guerrero asked if Charter had a right-of-way or business license in Wadsworth to work on the reservation? Councilmember Brady agreed, those are types of revenue the Tribe should be getting especially when you look at your bill. The Business Office should be checking this out. Just like advertising, the Tribe is losing money by not making them pay accordingly. And to reiterate what Councilmember Davis said, we need to reclaim our land and that includes those business areas where they can be collecting revenue.

2. Request for Approval Withdrawal of Docket 87B Funds for the Burial Fund.

No discussion.

Councilmember Guerrero made a motion to *approve the withdrawal of Docket 87B Funds for the Burial Fund*. Councilmember Brady seconded the motion. Votes were eight (8) **for** and zero (0) **opposed** with zero (0) **abstentions**. **MOTION PASSED. RESOLUTION NO.: PL 050-22 DOCKET 87B FUND WITHDRAWAL FOR BURIAL FUND**

Councilmember John said other Tribes use the ARPA funding for burial assistance during COVID. Chairwoman Davis said the Tribal Secretary does ask the question on whether the death was COVID related.

Councilmember Brady asked about the one person who called to inform about a tribal member passing and didn't ask for assistance and wondering if there was a follow-up call. Brenda Henry, Tribal Secretary, said with that individual, they were fostered out a long time ago and she ended up with a family in Las Vegas and later moved to California. She was in a family that was pretty well off and a family member was calling to let the Tribe know of her passing as a courtesy. He was informed if they needed burial assistance he just needed to contact the Tribe but they never called back.

3. Request for Approval to Open Tribal Council Meeting to In-person.

Councilmember Dunn asked if they followed up with the Health Officials regarding safety.

Chairwoman Davis said the health officials were advising them not to open up because the Tribal Health Clinics were not opening up until 2023 but as a Tribe, they have already opened.

Councilmember Guerrero said he wanted to be proactive so they can reopen in 30 days. There was a consensus to open 30 days which would be May 15th and the next Council meeting is May 19th which would push it past 30 days. He just wanted to be proactive since they opened the buildings and the State is planning on opening everything on May 20th.

Councilmember Brady made a motion to *approve opening Tribal Council meetings to in-person starting with the May 19th Special Council meeting*. Councilmember John seconded the motion.

Councilmember Gonzales wanted to stick with what Council decided to discuss after 30 days. They asked for a plan on how they were going to do the reopening rather than just saying everything's open. It was also discussed they would talk with the Health Department Director. They need a plan going forward, how are they going to do this, how will they inform the community, will they be checking temperatures of individuals attending meetings. They need to have a plan going forward and discuss it within 30 days which would be at the May 19th meeting.

Councilmember Dunn agreed with Councilmember Gonzales. It was the reason they were going to put it on the agenda for May 19th. He would like to see feedback on a plan. He noted him and Councilmember Brady were in Tribal Chambers.

Councilmember Ely said he serves on the Pyramid Lake Housing Board and is a Councilmember representative on the Pyramid Lake Fisheries Board. They are meeting in-person and he thinks other committees and boards are meeting in person and not sure why Council is not.

Councilmember Brady said she teaches at Pyramid Lake High School and the kids are there along with other Councilmembers. They have been open and they have a gizmo that cleans the classrooms and the desks are cleaned and sanitized. They have to lead by example and get back to business.

Councilmember Davis said at the last meeting it was said some of the committees were meeting and others were meeting if they chose to. If they are going to go back to meeting in-person then all the boards and committees need to. There was discussion about zoom, they do get a lot of tribal members on zoom. They have been in COVID for two-years and would think they would have zoom down and ready to go for those choosing not to attend in-person.

Councilmember Gonzales agreed more tribal members attend via zoom and transparency is better. Due to all the issues with zoom in the tribal chambers, they should have a plan going forward and as they talked before at the last meeting, it's important for them to have the Health Director in attendance collaborating with each other. It's important for the departments to have a plan moving forward. The Health Clinic was complemented on their incident command and sticking with the plan. They were commended on how they were running their services and that is why it's important to be talking to them, the clinic plays a big part of the community and they need to have a plan moving forward, they just can't open the doors.

Vice-Chairman Wadsworth agrees it's time to open, it's now two years and they are better equipped to deal with it. Yes, there were issues with zoom connections in the chambers and it will take funds to provide the setup needed but they do have a plan for a temporary setup.

Votes were six (6) **for** and two (2) **opposed** (Dunn, Gonzales) with zero (0) **abstentions**. **MOTION PASSED.**

Councilmember Gonzales said she opposed because they don't have a plan and have not collaborated with the Health Director.

Councilmember Davis said she is attending from Natural Resources due to the feedback when there are two or more laptops connected in chambers.

Next meeting will be in-person.

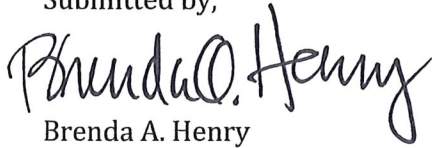
Councilmember Davis asked for clarification on whether there would be a Water Team meeting on May 18th and is it via zoom. Chairwoman Davis confirmed there will be a Water Team meeting and it will be zoom since the motion was to be in-person starting with the May 19th meeting.

ADJOURNMENT

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

The meeting adjourned at 7:21 p.m.

Submitted by,

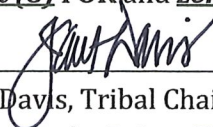


Brenda A. Henry
Tribal Council Secretary

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 1st day of July 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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