

# Pyramid Lake Paiute Tribal Council

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## REGULAR MEETING MINUTES

Tribal Chambers ~ Nixon, NV

July 1, 2022

### Members Present:

Steven Wadsworth, Vice Chairman  
Harriet Brady, Councilmember  
Nathan Dunn, Councilmember  
Natalia Gonzales, Councilmember  
Della John, Councilmember

Judith Davis, Councilmember  
Edward Ely III, Councilmember  
John Guerrero, Councilmember  
James Phoenix, Councilmember

**Members Absent:** Janet Davis, Tribal Chairwoman

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*Note: This meeting was in-person but zoom conferencing was an option for presenters and audience.*

### CALL TO ORDER

Vice Chairman Wadsworth called the July 1, 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. Chairwoman Davis was absent. All Councilmembers were present at roll call and a quorum was established for this meeting. Note Councilmember Ely attended via zoom for safety reasons.

### APPROVAL OF AGENDA

Councilmember Guerrero requested an Executive Session regarding public safety.

Councilmember Ely made a motion to *approve the agenda with the addition of an Executive Session*. Councilmember Dunn seconded the motion. Votes were eight (8) **for** and zero (0) **opposed** with zero (0) **abstentions**. **MOTION PASSED**

### PUBLIC COMMENT.

**Allen Primeau.** Mr. Primeau had a solution to problems at the lake, there are non-tribal members not following the law, not respecting the lake, and blocking areas off from other tribal members. Stated the Tribe doesn't have enough Rangers and his solution according to the Police Department rulebook, the Police Sergeant, Police Chief or Tribal Council can make this order effective now, get an order to the sergeant to start patrolling the beaches now. He went to the beaches, wasn't violating anyone's rights, he saw 50 cab trailers, non-tribals, none of them registered or with expired registrations. If they are doing that they are

doing so much more. There are drugs, there is alcohol, there is sex offenders out there, everything out there you can't imagine. There is plenty out there for the cops to do but they don't have the Rangers out there for whatever the reason. Council can make the executive order tonight immediately. The only time it makes a difference is after 90 days if you want to keep the order it has to go to Council to make a permanent executive order to the Police department. That is his issue and his solution, the Police Department used to do. When he was a cop in Las Vegas, they used to walk the parking lots and cite unregistered vehicles. When you are the only Ranger out there, they tend to let things go and focus on the big things. Hope Council is on board because security is a part of the 638 contracts. They need to make the officers help the rangers, he did it when he was Chief of Police, and they hated it because they wanted to be state troopers, LAPD, Reno-Sparks PD, they don't want to be on the beach.

**Mervin Wright Jr.** Mr. Wright, Vice Chairman, Economic Development Committee (EDC) spoke on behalf of the committee regarding the item under New Business #1. The Pyramid Lake Economic Development Plan (EDP) describes the responsibility of the EDC to develop an investment fund under Volume 2 EDP that outlines the duty of the EDC to develop new investments. On page 4, Volume 2 of the EDP, it includes the following: The Tribe believes the most effective use of the Pyramid Lake Economic Development Fund (EDF) and the greatest way maximizes job creation and revenue for the Tribe was to have the federal government continue to manage the fund. It goes on to say the purpose of this plan is to establish in writing the policy matters concerning the use of the Pyramid Lake EDP in order to maximize job creation and revenue for the Tribe and its members. Volume 2 also describes the EDC as accountable for the EDF. The EDC is confident the accountability of the EDF remains with the EDC to report all the management activity of the EDF which is important to the entire tribal membership. The options in Volume 2 are not in question but both options include the following: in order to ensure accountability, financial stability and provide a transparent public process for the management of the EDP and the Pyramid Lake Paiute EDF, the Tribe shall create an EDC that further states the goals of the committee shall be the following. Number 2, to develop investment plan for the EDF. Breakwater Investment Group is a consultant instructed to manage the minor trust account which should remain with the minor trust account. The Tribe is duly responsible for managing the EDF, the Federal Office of Trust Fund investments and no where is it known where a tribe delegates that responsibility to a consultant. This topic is about lost investment revenues from a minor trust account by using the EDF. Always remember that precedent is not always a good thing. The EDP is rigid with the use of the EDF interest. The Tribe is clear it's intention of the EDP and its use for economic development for the Tribe.

**Paula Wright.** Comment read by Brenda A. Henry, Tribal Secretary. "Respected Tribal Councilmembers, I am sending this photo I took on June 16, 2020 (included a photo of a cabana missing table and bench). This cabana needs repair as well as others at the Marina Beach in Sutcliffe. Since the Tribe has increased the day use and overnight camping fees, there is no reason to invite public criticism by forgetting to maintain existing structures on the beaches. The days of pointing fingers or putting blame on individuals is over. We are all responsible for the upkeep of our beaches and lake. I can only do so much. Paula Wright, Nixon NV".

**Councilmember Judith Davis** read her letter submitted to Council with three photos of a property on School Street showing power lines, squatter trailer site and an up-close photo of Nevada Energy power lines in Wadsworth. "Pyramid Lake Tribal Council. Please accept this as a written concern for the safety of the Community of Wadsworth. On Sunday, June 12<sup>th</sup> we had a wind storm which lasted most of the day. In the late afternoon the wind knocked out power to the older section in Wadsworth (Reservation Rd, Wadsworth

Street, etc.) At approximately 6pm I noticed the Nevada Energy truck trying to figure out how to access the transformer, which is located behind the homes on the East side of Wadsworth Street. The pictures attached show the location of the power lines, which had a dirt access road following the power lines for Nevada Energy. The direct road comes off School Street crossing Ackley. Please note the road is NOT accessible due to the squatter trailers now in that area. This is the same trailer that tried to set up last year on the end of Kammu Drive. It would be very unfortunate if the transformer could not be accessible during an emergency because of these squatters, leaving our tribal member homes at risk. It is unfortunate that people have to live this way, either by choice or society – without electricity, gas, running water for drinking, bathing or having restroom facilities. But I don't think our tribal members have to pay the price of their homes and/or lives for these squatters. We as Pyramid Lake tribal members, have a land assignment process we have to follow, we can not just set up anywhere and fence off whatever boundary we choose, we follow our process then our applications must be approved by the Tribal Council, hope you find this issue worth addressing. Respectfully submitted, Judith M. Davis, tribal member."

### **CONSENT AGENDA**

Following items were included on the Consent Agenda:

1. Approval of Minutes: May 6, 2022 Regular & June 3, 2022 Regular
2. Approval Enrollment – One (1) Application Regular Membership with Resolution and One (1) Relinquishment of Acknowledgement by Tribal Council with Resolution
3. Approval Ratification Poll Votes (2): Elder Emergency Request Clifford Davis, Lori Black, Phoebe Bender, Alvin James and AIS Truck Purchase
4. Approval Individual Donation Request Jace Harry for \$100

Councilmember Brady requested to pull #1 for discussion.

Councilmember Dunn made a motion to *approve items #2 thru #4 on the Consent Agenda*. Councilmember John seconded the motion. Votes were seven (7) **for** and zero (0) **opposed** with one (1) **abstention** (Dunn).

### **MOTION PASSED**

Councilmember Brady forwarded changes to both minutes to Councilmembers for review. There were no comments regarding the changes.

Councilmember Brady made a motion to *approve the May 6, 2022 Regular and June 3, 2022 Regular Minutes*. Councilmember Phoenix seconded the motion. Votes were eight (8) **for** and zero (0) **opposed** with zero (0) **abstentions**. **MOTION PASSED**

Vice Chairman Wadsworth welcomed the newly approved Pyramid Lake Tribal member: Andrew James Hay.

### **UNFINISHED BUSINESS**

**1. Discussion Status Update NUMU Inc. Conveyance Progress.** Cassandra Darrough, Executive Project Director

Ms. Darrough provided an update on the progress of the items of concern brought out during the June 15<sup>th</sup> meeting. In regards to the Crosby Property, they have issued a note payoff demand letter to JGFP, requiring

conveyance of APNs 079-230-07 and -11 by September 15, 2022, three months after the last Tribal Council meeting. They are confident they will fully be able to complete the transfer and conveyance of land back to the Tribe. They have started the phase one Environmental Site Assessment and signed off on the field work to be completed. As of Wednesday, they have gone out and done the initial site inspection and that information is being provided by both NUMU Inc. and JGFP. They are expecting the draft report to be completed and submitted by July 8<sup>th</sup> which is a deadline they created. They are also working on the water rights conveyance with Chris Mixson, the water attorney, which goes hand in hand with the land conveyance. They are waiting for a status update from Mr. Mixson on what is required and requested is the reports of the conveyance abstract and title for those water needs for the remaining APNs 07 and 011 which they need for the water rights conveyance. She doesn't have a date for providing an update on this information but hoping they will have information after the holiday weekend. They have asked JGFP to provide the required documentation for closing including the owner's declaration and a draft release to replace the joint development agreement. Dan Ray-Bear and Justin Greenberg's attorney are working on those. They would like the Tribe to decide and inform them on who should receive the conveyance and be the lessor for the required lease. They requested this at the last meeting and basically received Council's verbal agreement to move forward in a direction culminating the completion by September 15<sup>th</sup>. They think it would be good to put it in a resolution that they would draft and break down for Tribal Council to review and approve. It would create transparency and accountability on NUMU Inc.'s part and something Council can track and record.

Councilmember John asked what was her understanding of the directive. Ms. Darrough said it was to be completed by September 15<sup>th</sup>, the land conveyance but what was still undecided was what was going to be more efficient, either having NUMU Inc. work through the land conveyance process completely, have that land transferred to the Tribes Section 17 and then immediately turn it over to the Tribe or if the Tribe was to take on the land conveyance process, dedicating staff to it specifically and complete the process themselves. The land conveyance would go directly from Justin Greenberg, JGFP and to the Tribe. With what they have been able to work through in the last two weeks since June 15<sup>th</sup> is that it would be effective and efficient for them to continue. Herself and Dan Ray-Bear, have been exclusively working on the process and procedures, and maintaining contact with all the people and parts that are in place now to make the events happen quickly. At this point it would be good to allow them to continue to work on that progress while maintaining some accountability.

Councilmember Ely said in the last meeting it was his understanding from Dan Ray-Bear they would go back to NUMU Inc. because there is already an agreement in place and as soon as a NUMU Inc. received it, they would turn it back over to the Tribe. Vice Chairman Wadsworth said that was an idea that was put forward but nothing was concrete. The two options, Ms. Darrough is explaining is NUMU Inc could work on it through JGFP and then turn it over to the Tribe or if the Tribe took it over, then the Tribe would have to develop a new agreement with Justin Greenberg and that could expand the time out to maybe a year.

Councilmember Brady said she was under the same understanding as Councilmember Ely and was mystified it seemed like they took a step backwards. The comment she made was to make sure that before any finished agreement would go through with Mr. Greenberg's attorney, it would be put before Council but that NUMU Inc. was supposedly already handling it.

Ms. Darrough said both of their understandings are correct and she does agree with Vice Chairman Wadsworth in that they have the two options. They are requesting more clarity and it just isn't written in the document.

Councilmember Davis said that is why they asked for the meeting to come back, so they could have something in writing that they could have a paper trail on what their actions are but that didn't happen.

Vice Chairman Wadsworth said NUMU Inc. set the deadline for themselves and they would request to bring forward a resolution. If Council doesn't feel the need for a resolution, they could just make a motion.

Councilmember Gonzales stated it needs to have a paper trail.

Mervin Wright Jr. said when Anthony Sampson was the Chairman he got a call from Aaron Peskin regarding the water rights on the Crosby property saying he received a call from Sherry Ely but didn't know why she was calling him. He believed at the time she was the Tribal Council Liaison for NUMU Inc. He asked Mr. Sampson for an update on what was going on and he volunteered information about the sale, saying the Tribe was going to buy Crosby's property. The Tribe was going to give the funds to a third party to buy the property because Fred did not want to sell to the Tribe. He immediately thought how is the Tribe going to be responsible to this third party and it's clear now that the Tribe was never going to get the property in the beginning and as it stands now, the Tribe does not have the property, but it's the Tribe's funds that paid for it. He wouldn't expect anything less than the property coming to the Tribe. However, they negotiated the lease arrangement, certainly it has complicated matters but the property has to become the Tribes property, whatever it takes, however managing it is not the question, right now, it's just getting the property in the Tribe's name, then the Tribe can deal with the management.

Ms. Darrough said she agrees with most of what Mr. Wright said but clarified there are three other parcels associated with this property along with the water rights which occurred under Chairman Sampson's term. They are now completing APNs 07 and 011 which are in progress now.

Councilmember Davis said in the last meeting when they were talking about this there were reasons they didn't decide that night was because the two attorneys were talking and they wanted to see what they came up with. They wanted to make their motion or resolution with timelines with it. She doesn't feel comfortable tonight deciding because they don't know what the attorneys are looking at.

Nick Cortez, in the audience ask how long is the lease for. Ms. Darrough said the lease is for 10 years and they are going into year four on it would be up to the Tribe's negotiations on what that term will look like. That will be part of the responsibility once the land is conveyed fully back to the Tribe. The administration and Tribal Council will have to determine what it's going to look like. They do need timelines, they have a general timeline which they have set and have full confidence they will be able to have this process completed by what was submitted to Council. The request is to make it formal, as far as either a motion or a resolution, they can help facilitate that creation and bring it back at another Council meeting.

Mervin Wright commented on the eviction of Bilbao, they need to review the termination clause, release without action and force the issue. Vice Chairman Wadsworth said it was discussed at a meeting and it was brought to their attention there was no termination clause in the lease. He was reading the minutes from 2019 and it stated in there the Tribe is not the owner even though the Tribe paid for it using tribal funds.

Leona Collins, in the audience, said there was a word that Councilmember Brady used that would prohibit that individual from selling the property out from under the Tribe? It seems like he has already taken a \$50,000 loan on the property, what does the Tribe have in place to protect him from selling out. Councilmember Brady said the word is les pense and she brought it to Ray-Bear's attention to look into it. There are concerns and Mr. Greenberg is just deflecting. Ms. Darrough said that is one of the items they are working on now with Mr. Greenberg's attorney.

Councilmember Davis said for the record, the membership needs to know the Joint Development Agreement (JDA) is NUMU Inc.'s agreement not the Tribes. There is nothing that says the Tribe has to have an agreement with him when the Tribe gets it back.

Ms. Darrough said people need to understand in order for them to move forward she is going to recommend to their board they begin with community presentations again which was a process they were ready to begin but then the pandemic occurred. An item that Mr. Ray-Bear wanted her to note was certain required documentation is needed for the title insurance company in order to close on the conveyance for the property, one of these items they will need from the Bureau of Indian Affairs (BIA) called a Certificate of Good Standing for the Section 17 Corporate status. NUMU Inc., itself cannot directly request from the BIA, Tribal Council would have to request it from BIA and it's not technically a certificate but a letter basically stating that NUMU Inc. is by their records a Section 17 Federally Chartered Business Corporation for the Pyramid Lake Paiute Tribe and states the rules regarding Section 17. BIA signs off on it and it typically takes a month once the Tribe submits the request. Tribal Council is being made aware of it tonight so the request can be made and hopefully completed in time for the conveyance before September 15<sup>th</sup>. She will send the information that is needed for the Chairwoman to conduct the request.

Mervin Wright stated the Tribe needs to get the documents to know how this happened. \$4.2 million dollars is a lot of money and it sound like someone took advantage of the circumstances, the Tribe needs to know at least how it happened.

Councilmember Brady said it's not just the one document because it didn't happen overnight, it happened over quite a few meetings. It's needs to all be brought together because it was never the Tribe's intention to give NUMU Inc. that money and just walk away with it. It was always the intention that NUMU Inc. would be the middleman and everything would come back to the Tribe.

Councilmember Guerrero stated maybe they should meet with BIA because they stated that once this transfer of conveyance is completed it will go to the Pyramid Lake Paiute Tribe. He called them and got all the information needed, shouldn't the Tribe be getting this information. Mervin Wright said when they used to call BIA, they always said it's a tribal issue.

Vice Chairman Wadsworth reminded Council they need to let Ms. Darrough finish what she needs to discuss and then they can decide if they need to make a motion or request a resolution for the next meeting.

Ms. Darrough said there are more collaborative ways to work through this, if they need to pull in BIA they can do that but they have their marching orders so they can carry them out. Part of the resolution they are requesting so they know where this conveyance immediately goes to upon its completion. From what Mr. Ray-Bear has stated to her it immediately goes between the Section 17 and the Tribe. There is no process between the Section 17 and the Tribe as far as conveying the land, it goes immediately to the Tribe because

the Section 17 is the business arm of the Tribe. But if they want it in concrete then the resolution with the written statements will make it concrete. Councilmember Davis said that is what they said at the last meeting, everybody was in consensus of moving forward but Mr. Ray-Bear said they should wait to make the decision because he was still talking with his attorney.

Ms. Darrough said the items she is speaking on now is the items that her and Mr. Ray-Bear have made progress on. Specifically, the pay on demand letter, which is a different terminology here and they using it with Mr. Greenberg. They are leaning on him to ensure this is serious, they mean business, they need the information and it needs to happen by this date.

Councilmember Davis asked on the pay off demand letter the board had waived his fees when he was shut down during COVID when the lake was closed, does NUMU Inc. have the power to waive those fees? Ms. Darrough said because it is a part of the JDA and those monthly fees are specifically stated in there they were able to do that. What the board has done since then is created a list of what he is required to pay in back payments and specified that it was only going to be for the exact amount for when the lake was closed. One of his reasonings was the lake was completely shut down and they had no business, he kept the food bank open and a skeletal staff on board in order to provide for the tribal member, non-tribal members that he employed so they were able to keep working during COVID. He did not immediately start receiving revenue the day they opened the lake back up and that was one of the reasons NUMU Inc. was able to extend it past those six months. But based on the occurrences since then, the board decided to specify it is only for the six months that it was waived and they are now awaiting payment on that now. This is the \$50,000 that Ms. Collins brought up and is the interest based on the entire \$3.9 million. In explaining what Mr. Ray-Bear described is the actual amount that the \$50,000 interest is the \$201,000 promissory note balance and that legally, for all intent and purposes, \$50,000 interest on the \$201,00 was almost unreasonable and it was something that would not occur outside of regular business practices. That is one reason they were looking at waiving the \$55,000 interest.

Councilmember Brady said it's disheartening because Mr. Ray-Bear was talking tough when he said a deal is a deal and now this with the \$201,000 note balance. It's concerning because there is waffling going on. Ms. Darrough reiterated her concern is that Mr. Ray-Bear is not standing by his tough talk, they are going to hold to demanding \$55,000 interest but they are not. Mr. Ray-Bear is telling the board that while they can do this, it is NUMU Inc.'s decision to do this. By business standards, this is literally not a fair amount of interest to demand, like this amount of interest was drawn up based on the entire amount of the land and the value of the land, however, the loan itself, note balance is \$201,000.

Councilmember Davis said he also took loans out on the property, he also received ARPA funds, it's like he walked away with the Tribe's money and all that funding. Ms. Darrough said the ARPA funds was in order to maintain the employment, it is going to be addressed in their next financial cycle but it is not an agenda item for tonight, just to review. Council did request more information regarding the financials and they will do everything they could to obtain the financials up to the end of this quarter. She provided the financials from 2019 to the end of June 2022 to the Tribal Secretary for Council to review.

Councilmember Brady said she appreciates the information but at the same time has Mr. Greenberg reported to NUMU Inc., verbally or through emails that he received money. Ms. Darrough said she could not answer the question but she could take it back to the group, she communicates with him through emails

and through Mr. Ray-Bear almost exclusively now. Councilmember Brady said she has brought it to NUMU Inc.'s attention and has been asking every month now since Brian Wadsworth brought it up in August. Ms. Darrough said Mr. Ray-Bear explained that recording is going to be in the next cycle when it comes in, they have their financials and their audit is just about completed for 2020. Now they are working towards the term for the period of the ARPA funding. They can go back and with their next audit they will be able to report on it again, they are not out of any deadline of reporting that information but it does need to be recorded.

Ms. Darrough read the document again, after with interest will release Justin JGFP and the promissory note is related deed of trust to add closing and conveyed APN 07 and 011 and to pay the remaining \$201,000 balance. Those are a part of that, it can't take one without the other, it has to happen. That is what she wants Council to understand about this, it is pending. This is a part of what the attorneys are working on. They have received based on the fact they didn't really know Mr. Greenberg and his attorney, they have received responses confirming the funding obligations for the promissory notes for 2019 and 2020 which they need in order to complete the audit from 2018 to 2020. They have a deadline for bluebirds, CPAs, their auditor, Joshua Bucha, told them he is looking at completing this within a two-week timeframe, at which time the audit will be complete and it will be submitted to Council. Continuing on with her remaining item, they have provided for the Pyramid Lake Lodge an accounting for specifically requested JGFP promptly pay the \$36,000 and additional rent based on the corrected billing for and that is for those wage months the Tribe was closed and the reservation was only closed for six months. Through his attorney, they have his response that he has no problem paying that amount. It was requested JGFP provide more information on previously used gambling devices and reiterated they must comply with tribal and State liquor laws under 25 USC 1161. Mr. Ray-Bear provided federal and state statutes to Mr. Greenberg's attorney to make it implicitly clear that he is required to comply under federal for the Tribe and State law. They have requested information specific on gaming devices, their condition and what exactly they are because if the Tribe were to consider re-engaging in gaming at some point in the future, they need to know the status of those devices. A side note, he has to provide that information, additional rent, financial and profit loss statement which is due by the end of the first week in July.

Councilmember Dunn asked what is the time frame for the \$36,000. Ms. Cassandra said according to the rent arrearages, they requested the past due rent, under the JPA to be paid by the end of this month.

Councilmember Ely said back in the June meeting, when Dr. Harry was presenting, she informed him that the gaming devices were owned by Fred Crosby and were in his possession or are they in Mr. Greenberg's possession? In her explanation she said Fred Crosby could not turn them over to anybody that didn't have a Nevada State Gaming License. Ms. Darrough said Mr. Crosby is able to provide information to Mr. Greenberg as the buyer of those devices but he does not have a gaming license. He can provide the information but those devices as of today are still in storage in Sutcliffe.

Mervin Wright stated the Tribe has jurisdiction, the State does not have jurisdiction over here. That was already settled when they were dealing with Crosby, anyone who brings up State authority or responsibility is nonsense. Ms. Darrough said he is correct and that is why she specifically said these two items are not related. She discussed this with Mr. Ray-Bear and they need to make it clear with the board that Mr. Greenberg can continue to make excuses, but they need to stand on the federal statutes, rights, laws of the Tribe because he is fully ensconced in the outer boundaries of this reservation, even if it's not



tribal trust land yet, he is still bound to the Tribe's ordinances and regulations that exist within the boundaries. It is something they continue to make clear to Mr. Greenberg. When they began the business, it was under Washoe County purview and he has paid all of those fees and licenses to the county up to this point with no issue. The issue now is just communicating that the Tribe may not have enforced their ordinances or regulations in the past, but the Tribe is now and has full right and ability to do so. He needs to pay and he also needs to pay the county. With gaming, it would be an agreement between the Tribe and whoever is going to operate the gaming devices there and would be enforceable by the Tribe's gaming regulations.

Councilmember John commented this is all an agreement between NUMU Inc. and Mr. Greenberg, and as Council, or as the Tribe, they used tribal funds. What worries her is their responsibility as a Council on this, she feels they need protection.

Councilmember John motioned *for Tribal Administration to get the Tribe's Attorney involved to Protect the Tribe's interest in this matter*. When NUMU Inc. brings forward their options, what is the impact? The Tribe needs legal representation because it's complicated and the Tribe doesn't know the details of the deal and they don't want to get involved in NUMU Inc.'s agreement with the third party. They need to protect the Tribe's interest because they are using the people's money. Council needs to have the Tribe's attorney involved to review and provide examples to Council about the options because they are not experts in these fields.

Allen Primeau said the Nevada Revised Statutes has laws that can be used if they are going to play games. It's thinking outside the box but they will work. The laws protect everyone as a whole, nobody is above it. This person can be held accountable under business law in the Nevada Revised Statutes.

Ms. Darrough said she agrees and it's not thinking outside the box, it's a process or steps they have to go through. Step one and two didn't work and now they are going to litigation, they are on the decision right before that step. It's an option that is in front of them now and they are working through the process to get the land conveyed and in the Tribe's possession. That is the reason the Council delegated the task to NUMU Inc. in 2019.

Councilmember Guerrero requested they get the attachments from #9A to S, it's all the preliminary reports, amended the 21st, 2020 prepared by the Western Title Company to include the draft reports. This is the agreement that the Tribe made with that guy, it should be in the office somewhere. It states the personal property taxes, insurance policies, titles, summary of other relevant terms and conditions, expiration of optional terms, closing dates and other dates and titles, he would like to get that information. This is the fact sheets of May 8<sup>th</sup>, 2020, JGFP acquisition for the Pyramid Lake Paiute Tribe Land and Water, it includes the project name, description of land improvements and personal property and a description of what was supposed to happen.

Vice Chairman Wadsworth asked the Tribal Secretary to put these documents together for Council.

Councilmember John restated her motion *that she wants the Tribe's attorney to consult with Tribal Administration to review the options that was given to Council so they can decide and they know what the consequences are for the options*. Councilmember Ely seconded the motion.

Councilmember Davis asked for clarification when Councilmember John says Tribal Administration, does she mean the Chairwoman? Councilmember John said she can amend to say Chairman or Vice Chairman since the Chairwoman is not present.

Councilmember Gonzales said this was brought up by the Chairwoman last time where she wanted to hire Ms. Thomas but they said it was between NUMU Inc. and their attorney to get it figured out because the agreement was between them.

Councilmember Davis said she thought Councilmember John made the same comment during that meeting that the Council/Tribe needs to be covered and Council asked who was their attorney and the Chairwoman mentioned Ms. Thomas as their legal counsel but she isn't. Vice Chairman Wadsworth said Ms. Thomas is the Tribe's general counsel.

Councilmember Gonzales said she would like to wait until they get all the information like Councilmember Guerrero was talking about and to sit down and sort it out.

Vice Chairman Wadsworth said it would be Ms. Thomas since The Tribe pays her a retainer every month or they could use Wes Williams.

Votes were five (5) **for** and four (4) **opposed** (Davis, Gonzales, Guerrero, Phoenix) with zero (0) **abstentions**. (There was a tie, Vice Chairman Wadsworth vote yes to break the tie). **MOTION PASSED.**

Vice Chairman Wadsworth asked Council if they would like to make a motion for NUMU Inc. to come back with a resolution with the hard dates, which were provided by NUMU Inc., for the conveyance to be transferred over by September 15<sup>th</sup>.

Ms. Darrough stated they presented September 15<sup>th</sup>, with full confidence they will be able to meet it by the end of the month.

Councilmember Davis made a motion to *ensure the resolution from NUMU Inc. is provided to Council at their next meeting on July 15<sup>th</sup>*. Councilmember Phoenix seconded motion. Votes were eight (8) **for** and zero (0) **opposed** with zero (0) **abstentions**. **MOTION PASSED**

Councilmember Gonzales asked if they would be giving the Chairwoman a directive on what attorney to consult and how much it would cost? Vice Chairman Wadsworth said it would be up to the Chairwoman's discretion after meeting with the Executive Team to see which attorney would fit for the consultation.

## **NEW BUSINESS**

**1. Request for Approval Investment Policy Statement, PLPT Economic Development Fund Trust & Economic Development Minor's Trust with Resolution.** Leilani Wilson Walkush, Breakwater Investment Group, LLC

Ms. Walkush outlined an overview of the Economic Development Fund (EDF) versus the two trusts. If Council remembers during the three workshops they had with them this year, they spent a lot of time going through the details but she would like the membership know they have an opportunity to reach out to her with any specific questions to assist in understanding the difference between the fund and the two trusts.

It is also important because of the questions and comments from the Economic Development Committee (EDC) and NUMU Inc., based on the presentations just given there are some overlap and separation. Note, she is always available to those entities if they have questions. Earlier there was mention of the Economic Development Plan (EDP), Volume two, in it states, "the investment policy section of this plan outlines the guidelines and objectives for the federal government to follow while managing the Pyramid Lake Economic Development Fund (EDF)", they do not manage the fund, the fund is managed by the federal government as stated in the EDP. They manage the trust which came afterwards. The money from the Settlement Act is with the federal government and the Tribe works directly with them. There are three requirements and two restrictions of the funds, if the Economic Development Committee or NUMU Inc. are using funds from this fund they, along with their attorneys need to be familiar with the EDP plus the Councilmembers who are overseeing these organizations and entities. Page 9 and 10 of the EDP, Volume Two, outlines a plan goal list that was approved and so those entities, the EDC and NUMU Inc., are supposed to be focusing on those goals and lists if they are using funds from the EDF with the federal government. On page 11, it restates the principal and the interest, the remaining interest from the original settlement are managed by the federal government. They don't have anything to do with the principal or interest with the federal government. On page 12, it talks about if there were any funds distributed, this is where the details of Option A, which was approved in 2018 and this is how they are involved under Option A. It allowed, at the time 50% of the interest to be withdrawn from the federal government from the EDF and then distributed equally to the membership. When that happened in the plan, it also required the minor's portion to be managed by the Tribe and at the time she was a part of the discussion where the Tribe asked the federal government if they would manage the distribution and minor's accounts and the federal government said no, they wouldn't be involved. If there was a withdrawal from the EDF, specifically the principal amount, according to Option A, the Tribe would have to manage it separately from the federal government funds and that's where her company came in. Two trusts were setup in 2018, the EDF Trust and Minor's Trust. The resolution she is presenting is to cover the investments of those two trusts and not the fund and the investment policy statement they are discussing is for the two trusts not the EDF. In the EDP there is a specific formula on how the principle and the interest can be used. Again, that is with the federal government, they don't get involved but they can consult if there are issues or questions and there are no additional costs under their agreement. Any funds that come out has to be used for those principal purposes and there are restrictions on how much can come out per year and there are different rules for using the interest portion. Finally, on page 19 of the EDP it lists the investment policy plan for the money that is held with the government, which they are not changing, the investment policy they are discussing will be for the two trusts.

Councilmember John said looking at the investment policy, there is a section that says the ED principle cannot be used and it was gong to be put in a long-term investment. She agrees this should only concern the minor's and distribution trusts so any part of their investment policy that refers to the EDF principle should be taken out.

Ms. Walkush said to be clear, they are not recommending any changes to the plan in the EDF, they are not recommending any changes to how the federal government is managing the \$40 million. That is why it gets confusing and is important for them to continue to have conversations. The principle they are talking about in the investment policy statement which would govern the EDF trust and the minor's trust, there is a principle amount in there but it is not the \$40 million principle amount. It is the principle amount that came out of Option A and separate from what the federal government manages. There was a principle

amount in 2018 in April that went in and that is the principle amount that is being referred to, the trust principle, not the settlement principle.

Councilmember John said she was referring to the last paragraph on page four of seven, the reference.

Ms. Walkush explained they could remove that but the reason why it is there is because the master trust, the EDF trust was created so anytime there is withdrawals from the federal government, it can pass through the EDF trust. It was written so when a distribution is taken, a 1034 form is completed and a principle or interest is needed to be identified and based on the restrictions the EDF trust can determine how the Tribe is going to use it because in the EDP, it restricts the Tribe to 10% of each of the principals each year. So, if you wanted to do a project, and you wanted to get it done in three years but you have to take ten years to get all the money out, you might want to start taking the money out now and setting it aside. That is where the EDF trust allows the Tribe to take it out of the government and build it up. The only language that is recommended to change is on page five and it's the section where it says minor's trust will be managed through age bands with the following asset allocation. Back in 2018, they had a different chart there and this one was developed in conversations with Council this year. It amends it from five age bands down to four. When kids turn 18 they have six years to withdraw their funds so they have up until age 24 and with those four age bands that remain, there are slight allocation adjustments between the cash and the equity. That is the only portion that they have changed.

Vice Chairman Wadsworth explained once the minor age hits 16, the account no longer gains interest, so it doesn't have the opportunity to lose funds and it no longer gains interest. That is what is being changed, so from age 16-24, the account has the opportunity to regain some funds if they leave it in the fund after they turn 18, it's an option the minor has. When they turn 18, they can still take the money in the trust or they can leave it in there until they turn 24 so it can gain more interest but there is the possibility it can lose also.

Ms. Walkush explained they do provide educational information for the Tribe's newsletters which they will provide once this is approved. They can also do in-person or virtual training. There is no additional cost for either. When it comes to deceased members, there is a process to go through for the estate to get access and the trust has already dealt with this. This is for the beneficiaries for both an adult or minor.

Councilmember Phoenix motioned to *approve the Investment Policy Statement with the recommended changes to the PLPT Economic Development Fund Trust & Economic Development Minor's Trust with Resolution*. Councilmember Davis seconded motion. Votes were six (6) **for** and two (2) **opposed** (Brady, John) with zero (0) **abstentions**. **MOTION PASSED. RESOLUTION NO.: PL 083-22 INVESTMENT POLICY STATEMENT ECONOMIC DEVELOPMENT TRUST FUNDS**

#### **CHAIRWOMANS REPORT**

Councilmember Gonzales motioned to *table the Chairwoman's Report*. Councilmember Dunn seconded motion. Votes were eight (8) **for** and zero (0) **opposed** with zero (0) **abstentions**. **MOTION PASSED**

#### **EXECUTIVE SESSION**

Councilmember Dunn motioned to *go into Executive Session*. Councilmember Guerrero seconded motion. Votes were eight (8) **for** and zero (0) **opposed** with zero (0) **abstentions**. **MOTION PASSED**. *Tribal Council went into Executive Session at 8:12 p.m.*

Councilmember Guerrero motioned to *move out of Executive Session*. Councilmember Ely seconded motion. Votes were eight (8) **for** and zero (0) **opposed** with zero (0) **abstentions**. **MOTION PASSED**. *Tribal Council moved out of Executive Session at 10:06 p.m.*

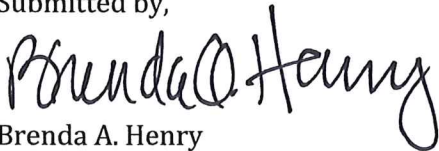
Councilmember Davis motioned to *approve the Tribe's Organizational Chart to place the Police Department under the Chairperson*. Councilmember Gonzales seconded motion. Votes were eight (8) **for** and zero (0) **opposed** with zero (0) **abstentions**. **MOTION PASSED**

### 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 10:07 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 2<sup>nd</sup> day of December 2022, having seven (7) members present, constituting a quorum, by the vote of six (6) 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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