

# *Pyramid Lake Paiute Tribal Council*

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## **REGULAR MEETING MINUTES Tribal Chambers ~ Nixon, NV November 4, 2022**

### **Members Present:**

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

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

**Member Absent:** Nathan Dunn, Councilmember

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

### **CALL TO ORDER**

Chairwoman Davis called the November 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 arrived at 6: 03 p.m. Councilmember Dunn was absent. All other Councilmembers were present at roll call and a quorum was established for this meeting.

### **APPROVAL OF AGENDA**

Requested to add the following to the agenda: Add under Consent Agenda #4. Approval Wes Williams October 2022 Invoice #4024, add under New Business #2. Request for Approval for Chairwoman Davis to attend the 2022 White House Tribal Nations Summit November 29 thru December 2, 2022, and add under New Business #3. Request for Approval Election Board Primary Election to Conduct a Hand Count.

Councilmember Brady motioned to *approve the agenda with the additions* Seconded by Councilmember Ely. Votes were seven (7) **for** and zero (0) **opposed** with zero (0) **abstentions**. **MOTION PASSED**

**PUBLIC COMMENT.** No public comment.

### **CONSENT AGENDA**

Councilmember Gonzales arrived at 6:03 p.m.

Following items were included on the Consent Agenda:

1. Approval of Minutes: August 5, 2022 Regular, September 2, 2022 Regular & October 7, 2022 Regular
2. Approval Quarles & Brady LLP September 2022 Invoice #6533996
3. Approval Consolidated Higher Education \$500 Scholarship – Janine Heidi Barlese and Nicholas Cortez
4. Approval Wes Williams October 2022 Invoice #4024

Councilmember Brady requested to pull the October 7, 2022 minutes for discussion.

Councilmember Davis requested to pull item #3 for discussion.

Councilmember Ely motioned to *approve the Consent Agenda with exception of the October 7, 2022 minutes and item #3. CHE Scholarships*. Seconded by Councilmember John. Votes were seven (7) **for** and zero (0) **opposed** with zero (0) **abstentions**. **MOTION PASSED.**

Councilmember Brady said she sent out an email to Council with her edits. There were no suggestions from Council.

Councilmember Brady motioned to *approve the October 7, 2022 minutes*. Seconded by Councilmember Davis. Votes were eight (8) **for** and zero (0) **opposed** with zero (0) **abstentions**. **MOTION PASSED.**

Councilmember Davis requested #3 to be pulled for clarification that the request is within the guidelines of the scholarship fund.

Karen Shaw, CHE Coordinator said they had a meeting the previous night and they are currently going over the policies for amending. The last time the policies were upgraded was in 2016, at that time, Anthony Sampson came forward to Council to change the amount from \$350 to \$500 for tribal members to attend workshops and conferences and it didn't indicate there had to be proof like earning credit since these types of events don't offer credit. Both individuals already attended the event but she didn't make it on the agenda for prior approval but it was approved by the committee. This request is within the guidelines and it is on the application. On the application it reads, the \$500 Pyramid Lake Tribal Scholarship is able to assist tribal members to full a portion of the applicants' educational costs. The award is to assist in courses in college, vocational school, professional development courses, including attendance at workshops and conferences. They are working on updating the policies, the last time was back in 2009 but there were resolutions in between like the one to increase the amount. Applicants only get it once a year. In 2020 they lost their tribal funding and nobody was eligible, it was when all tribal funds were taken back. In 2021 and this year, everyone applied. Typically, they usually have about 25 applications total but this fall they had over 45 and it wiped out the account. She had to do a modification to increase to \$25,000 but that is where they are going to stop it since everyone has received it for the year.

Councilmember Gonzales thought it would be included in the department's budgets for professional development.

Chairwoman Davis some programs do if they are grant funded and it is a requirement for their grant to attend conferences. She doesn't think tribal budgets provide for it.

Councilmember Gonzales said once everyone finds out about this the budget is going to run out quickly. She doesn't think most of the community knows they can use it for professional development and they don't have to get a credit for it. Once people start hearing about it, she will start getting a lot of applicants.

Ms. Shaw said when she does she will have to start researching them. Ms. Shaw noted that Mr. Sampson had some apply for the \$500 just because they were traveling. She will have to check to ensure the course is legit. Currently the applicants applying for the \$500 have been employees or tribal workers but it is also for tribal members.

Councilmember Brady commented she said she was cutting it off for those in the Fall what about the one's who apply in the Spring? Ms. Shaw said she has already modified the budget and they did talk about with the committee on how it would affect the students in the Spring. Before the modification there was \$20,000 in the budget, which is gone already but she did the modification for an extra \$5,000. She has three budgets that she works with, with the 212 she can't move funds, her tribal funds can't be moved but her 638 Consolidated Higher Education funds can be moved. The committee has been talking about the \$20,000 going back into tuition rather than going into someone's pocket because there is nothing stated to prove they used it. There are students who do use it for books or put it back into their tuition. It is something they would like to tighten up in policy and they are talking about possibly taking the line item out and putting it back into scholarships. They started working on the policy before COVID, then stopped and it is tedious, they worked on it for two hours and only got three paragraphs done but they want to be fair and equitable. This year, they are fortunate because they have AR funds but they will be going back to their regular budgets and it's going to be tight again and they have more students. She is trying to make a plea to the bureau that they have more students than they had in the past. Historically they had up to 13 students, now she is averaging 28 to 32 students and that is just their undergraduates. It's not counting the master's programs and they one PhD program this year and part-time students.

Councilmember Brady said ever since Ms. Shaw has been in the position (Brady) has seen an upward in numbers. Councilmember Brady still has people who come up to her and make comments about woman getting discouraged about being not married, which shouldn't matter, where they want to promote higher education across the board and include all the other educational programs and not have someone put in their own personal views and cut people off and not respond or process their applications. Ms. Shaw said she tries to make sure all the funding gets used, there shouldn't be no carry overs. In the past there were large amounts of carry over that should not have been occurring, \$15,000-\$20,000. It should be going to the students and not carried over.

Councilmember Gonzales asked if she could put it the information out to the community and it's not just for those who work for the Tribe but for all tribal members correct? Ms. Shaw said it's for all tribal members and it doesn't say you have to live on the reservation. It is on the website except for the policies.

Councilmember Davis motioned to *approve the item #3. CHE Scholarships for Janine Heidi Barlese and Nicholas Cortez*. Seconded by Councilmember Ely. Votes were eight (8) **for** and zero (0) **opposed** with zero (0) **abstentions**. **MOTION PASSED.**

**NEW BUSINESS**

**1. For discussion PLHA Future Housing Development Site – Conflict with Fernley Commerce Center under Construction.** Kathleen Frazier, Executive Director PLHA

Ms. Frazier said she was directed to write a letter to the Chairwoman for fact finding on the Fernley Commerce Center in Fernley or whether anyone is attending the Fernley City Council meetings. They think they should be receiving more information that the Tribe is involved since they are planning a subdivision below the hill. It has been brought to her attention by her Development Coordinator, the person who coordinates their environmental assessments for their HUD funded projects, that they may not pass an assessment. In their research, there has to be a buffer zone between a residential area and an industrial area. Currently, Lyon County requires up to 50 feet between each area, and Washoe County in 2016, required a minimum of 50 feet. According to a map provided, there may not be 50 feet between the corner of their proposed subdivision and the boundary of the commerce center. They have over a half a million dollars invested in their architect now and it won't be worth it for them to go ahead and plan and not be able to build there. Included is a sample of their environmental form, and not only is the buffer zone an issue but the air quality, the noise and the lighting, the nuisance factors, all those have to be assessed. If they don't pass their assessment, there is no use putting more money into the project. The project is already in development and construction and you know they are not going to stop.

Chairwoman Davis asked if they had an alternate spot to build. Ms. Frazier said they do have three other sites, and currently their architect is doing the site designs. This was a prime area they were looking at, they are just wondering if anyone has more information on this. Chairwoman Davis said its private funds and they don't have control over it. Councilmember John commented they don't do environmental assessments because it is privatized.

Ms. Frazier said she would have thought the City of Fernley would have had the courtesy being its neighbor to either notify or invite the Tribe to its meetings.

Councilmember Brady said that was what she was trying to get across to Chris Mixson at the Water Team meeting was to at least investigate it. She understands privatization but at the same time when you are talking about federal lands, it seems like they can put a halt to it especially in that questionable area especially about the ground water with the river being so close.

Ms. Frazier asked where are they getting their water, where is their septic, she understands it's industrial but they have to have restrooms and water.

Chairwoman Davis said she spoke to Ms. Thomas, legal counsel, about it and told her is private funds and they don't have control over the land. They only have control over the reservation land. Councilmember Brady responded still it's a contaminate coming into the reservation it seems like that would pose some legal aspect that it might provide damage to the Tribe because of the Clean Water Act. Chairwoman Davis said she can follow up with Donna Noel, Natural Resources Director. Councilmember Brady said maybe a moratorium for that one section. Chairwoman Davis said she is not sure about a moratorium but maybe they could get some language drafted and find out if they can do anything.

Councilmember Gonzales said Mr. Mixson knew this was occurring and thought they would at least figured out if there were issues with it, they would have brought it up. Fernley has been talking about this for over three years now and it's been in the works for a long time. It's a little too late for the Tribe to do anything since they are already building. They posted everything they were doing, it's on their website. That's how they knew about it three years ago.

Councilmember Ely asked how much money has been put into the site development so far? Ms. Frazier said they already paid over 25% of the contract, she doesn't have a specific amount, and they haven't put a stop to it yet. Councilmember Ely commented it's a lot of money they won't be able to recover and they don't have a lot of.

Chairwoman Davis said she can follow-up with Ms. Noel and the Water Team, it's the only avenue she can think of now

Councilmember Ely said he conveyed the message to the Housing Board, they had no control over private land or private money. But what if they were building a nuclear power plant right next to the Tribe? Or maybe it's going to be a pattern now that they can build right next to the reservation. You would think there would be something the Tribe can do.

Councilmember Brady said there is an organization in Reno that gets involved in things like this PLAN, Fulkerson, maybe they should follow-up with them and see what they could do legally.

Councilmember Davis said to reach out to the City of Fernley directly instead of going a round-about way after following up with Mr. Mixson. Councilmember Phoenix agreed, they should have that relationship with Fernley, open the door and find out what is going on. Councilmember Davis said to ask the questions, are they going to put a hotel, how big is it going to be, where they getting their water and sewer, are there warehouses, government to government, they should be able to go to Fernley and get those answers.

Councilmember Ely said personally, they are going to say it's on their website, but they are not being neighborly, think they are being quiet because they knew the Tribe was going to have issues with it.

Ms. Frazier said she was bringing it to the Council's attention because this should be coming from the Tribe and not the Housing Authority to be asking these questions and getting details. Chairwoman Davis said they will follow-up.

Councilmember Davis asked when is the next Water Team meeting? If they have already spent 25% of their contract do they need to temporary shut down? Ms. Frazier said they have a meeting on the 9<sup>th</sup> with their contractor. Councilmember Davis said because the concerns were raised on the groundwater, they should raise the concerns with the State and if Fernley has to shut down, then they should, why should the Tribe have to stop doing what we are doing because of them when the Tribe has water rights and the river next to us, let's protect what we have.

Ms. Henry, Tribal Secretary, interrupted to let everyone know there will be a Water Team meeting in November per Ms. Noel.

Chairwoman Davis said they will put them on the agenda. Ms. Frazier said she will attend.

Chairwoman Davis reminded Council that with these concerns, they actually thought about having the PCC on the Tribe's land with the same situation and she is glad they are talking about the concerns.

Councilmember Ely said it is a good point because their next development for housing is by the water tank which would have been next to the proposed industrial park.

Nick Cortez, in the audience said according to Fernley's website, they are on-going with eh sewer and water development is under review. The proposed building is 463,000 square feet and the onsite improvements of the foundation, facilities and accessible parking are also under review

Councilmember Davis said the Land Manager brought them photos that shows there is going to be a hotel and two or three warehouses.

Councilmember Brady said they are under review the Tribe can still do a letter of protest.

Jolyn Sander, in the audience, said they should get Indian Health Service (IHS) involved since they have a facility right there and how is it going to affect the existing buildings that are there, the RV park, treatment program and Victim Services Program.

**2. Request for Approval for Chairwoman Davis to attend the 2022 White House Tribal Nations Summit November 29 thru December 2, 2022.**

Councilmember Brady said it's important she attend because we need to keep our name out there on the national level and with the tribes in the Great Basin, as well as a national level.

Councilmember Brady motioned to *approve the Chairwoman's request to attend the 2022 White House Tribal Nations Summit*. Seconded by Councilmember Ely. Votes were eight (8) **for** and zero (0) **opposed** with zero (0) **abstentions**. **MOTION PASSED**

**3. Request for Approval Election Board Primary Election to Conduct Hand Count.** Jolyn Sander, Election Board

Ms. Sander said there has been some concern from Council the board is doing a hand-count or does the Tribe want to spend \$6,000 for the Primary Election? They can do the hand-count since it is only three candidates on the ballot. They did a head-count when it was the Secretarial Election, it takes more time but it is up to Council.

Councilmember Gonzales said the concern from Council was if the Council wanted to use the \$6,000 to eliminate one person and it was mentioned there could be a recommendation from the board to not have a Primary Election.

Ms. Sander said it is in the ordinance, there has to be a Primary Election, even to eliminate one person. If they had nine people running for Council, then they would have the Council seats on there also.

Councilmember Guerrero said they could recommend they don't have a Primary Election and go back to the old General Election and amend the ordinance.

Ms. Sander said it would take an amendment to the ordinance and can be done but you have to remember in the past it was the Council that wanted a Primary so it depends on who is sitting on Council. If that is what the Council wants to do then they can make the recommendation to the board to make the change. It'll take time since it has to be posted.

Councilmember Ely motioned to *approve the Election Boards request to Hand Count the Primary Election Ballots*. Seconded by Councilmember Brady.

Councilmember Gonzales asked who is doing the hand-count, it's a concern from a lot of tribal members, they are asking who is doing it since the families are so big.

Ms. Sander said the board will be doing the hand-count and everyone that had an immediate family member running has stepped down from the board. She is down to herself and another committee member and the alternates at this time, who have no conflict with anyone who is running.

Votes were eight (8) **for** and zero (0) **opposed** with zero (0) **abstentions**. **MOTION PASSED**

Councilmember Guerrero said this is the first time he has heard anything like this from the board being brought to the Council. It's great they are doing it but give them an update on what is going on.

Ms. Sander said they were present at the last Council meeting and brought it up but there was no consensus or motion made. Those questions are going to be asked and that is why she brought it before Council. Her next question is ballots. Chairwoman Davis said to work with the Tribal Secretary to get them made.

Councilmember Guerrero asked if BIA will be on-hand. Ms. Sander said they request BIA but they have never shown up, usually ITCN sends a representative.

Councilmember Davis asked if BIA was contacted. Ms. Sander said they won't come. Councilmember Davis said they are going under the federal regulations where they can't monitor anything with Tribes. They started bowing out from the Tribes when they were trying to push for the Tribes, when they are doing their Secretarial Elections to take BIA oversight out of their Constitutions but it didn't pass Pyramid Lake.

Councilmember Guerrero asked about the Tribe's Secretarial Election, is that item still in the Constitution? Vice Chairman Wadsworth said its question number 5. Chairwoman Davis said they are still waiting on the Solicitor's office from BIA.

Councilmember Gonzales asked for next year could they look at the absentee ballots. Ms. Sander said it's a part of the Constitution as far as the absentee ballots are. They tried to change it during the last Secretarial Election but it failed because they didn't open up the voting.

Chairwoman Davis said BIA approved \$3,000 to help with the election costs so at least they know something is going to happen.

Councilmember Davis said at the last meeting the Comptroller said he was going to contact the firm that is in the office now to see if they would step in and he was going to get back to Council to let them know if they would take the position of the Comptroller and she hasn't heard anything on it.

Chairwoman Davis said she provided the information to Council in her update report to them. Sheri Hunter is overseeing but because she is a contractor she can't supervise the office. She is the direct supervisor in finance but Sheri is overseeing the work and is working closely with Pamela Wright and John McCauley. Sheri is overseeing the administrative work and everyone is doing their day-to-day jobs as usual. They also got a full time AP person on board who just finished up the background.

Councilmember Davis said for the record, he did say that was what he was going to do, contact them and they don't have anything on record as a second part of that. In regards to the Senior Citizens Bank Account, has that been taken care of. Chairwoman Davis said it has been taken care of and the reason they were getting the charges was they added all the extras, the no fraud. It was all removed so they shouldn't be getting charged and their check signers are back to the way it was. Councilmember Davis asked about the Food Distribution Director, do they have an interim director for the program? Chairwoman Davis said Ben John is following on it, currently everyone is still doing their duties day to day. Councilmember Davis said he is getting himself pretty thin since he is also overseeing the PUD and his normal duties including real estate.

Councilmember Gonzales asked about the contractors at the Court, who oversees them. Chairwoman Davis said she oversees the program and Shella Kawich, Programs Officer oversees the personnel.

#### ADJOURNMENT

With no further business before the Tribal Council, Councilmember Ely motioned to adjourn the meeting. Councilmember Guerrero seconded the motion. Votes taken were all in favor, **motion carried.**

The meeting adjourned at 6:56 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 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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