

Pyramid Lake Paiute Tribal Council

Post Office Box 256
Nixon, Nevada 89424
Telephone: (775) 574-1000
Fax (775) 574-1054

REGULAR MEETING MINUTES

Tribal Chambers ~ Nixon, NV

October 7, 2022

Members Present:

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

Judith Davis, Councilmember
John Guerrero, Councilmember
James Phoenix, Councilmember

Member Absent: Janet Davis, Tribal Chairwoman Edward Ely III, Councilmember

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

CALL TO ORDER

Vice Chairman Wadsworth called the October 7, 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 Council Secretary, took roll call. Councilmember Dunn arrived at 6:11 p.m. Chairwoman Davis and Councilmember Ely were absent. All other Councilmembers were present at roll call and a quorum was established for this meeting.

Vice Chairman Wadsworth noted Chairwoman Davis is out on approved travel.

APPROVAL OF AGENDA

Requested to add after the Consent Agenda Enrollment #1. Approval Acknowledgement of Relinquishment with Resolution and addition under New Business #3. Approval October 2022 Domestic Violence Awareness Month.

Councilmember Guerrero motioned to *approve the agenda with the addition of Enrollment - Acknowledgement of Relinquishment - Adult and under New Business #3. Request for Approval October 2022 Domestic Violence Awareness Month Proclamation.* Seconded by Councilmember Davis. Votes were six (6) **for** and zero (0) **opposed** with zero (0) **abstentions**. **MOTION PASSED**

PUBLIC COMMENT.

Bonnie Akaka-Smith. Food Distribution Program. Ms. Smith stated up to a few minutes ago she was the Food Distribution Program Director (Ms. Smith turned in her resignation) and wanted to brief Council on the

program's budgetary issues because she did have a fiduciary responsibility to Tribal Council as the governmental officials who oversee the program. She has been told and pressured for a week and a half prior to this meeting that she is giving back over \$300,000 to the United States Department of Agriculture (USDA). That is not the case. This past Tuesday and Wednesday she was in her office day and night to reconcile every last document. Bottom line it is about \$150,000 going back and according to the USDA, it's not a problem because they are a start-up and have no historical figures to base their budget on (since the program is new). It's not an issue to bring it back and reissue it to the following year. She was told the issue was resolved. So, she closed the doors as she was strongly suggested to do and to give away all the perishables and pantry items. Then the next day she was told they found a solution and to send everybody a notice that they are open and running as usual. They wiped out almost all the food they had other than the USDA food so, the staff is rebuilding it. She had to then call every vendor again and tell them that the program was open again and to proceed as normal. Because her health is more important, she would like to suggest to Council to meet with multiple directors and to sign an agreement with them as they come in to have an open discussion and that there will be no retaliation, no liability. They need to be honest because when she tried to find somebody to come in as a witness on this meeting she had last week, every director she talked to was afraid of retaliation and told her no. She had the Human Resources (HR) Director attend with her and when they are there, they are supposed to be quiet and not say anything but the HR Director started defending what her supervisor was saying so she had no recourse.

Diana Mitchell. Ms. Mitchell stated in regards to the same topic, listening to the chaos and abrupt change to the food program, it's important they recognize the community programs support one another in getting the information out. She has promoted the food program because she knows they need their information sent out and it's a venue to get her information out. They need to recognize this program is a resource to not only the elders but the community and not everyone is on Facebook, so there is a missing link somewhere. There is a lot of people out there who don't know this has happened. This is a program for the community and when they do things like this they damage the community, they don't trust them anymore. If there are things that need to be fixed, tighten it up instead of pointing fingers. Instead of saying close it, it's not thinking about the community and their needs. The Tribe put a lot of money into that building, to get it up and going, so keep it up and open.

Councilmember Dunn arrived at 6:11 p.m.

CONSENT AGENDA

Following items were included on the Consent Agenda:

1. Approval Enrollment – Regular Membership (3) with Resolution
2. Approval Kemp Jones LLP August 2022 Invoice
3. Approval Stetson Engineers Inc August 2022 Invoice #1336-2208 & #1336-01-2208
4. Approval Ratification of Poll Votes – Day Care Purchase WePlaySmart Touch Tables, Chairwoman Travel 2022 NIEA Convention, Air Quality Vehicle Purchase, Elder Energy Request Karen Moore

Councilmember Guerrero motioned to *approve the Consent Agenda*. Seconded by Councilmember Dunn. Votes were seven (7) **for** and zero (0) **opposed** with zero (0) **abstentions**. **MOTION PASSED. RESOLUTION NO.: PL 109-22 ENROLLMENT – REGULAR MEMBERSHIP (3)**

Vice Chairman Wadsworth welcomed the new members of the Pyramid Lake Paiute Tribe:

Derek James Butcher
Luna Sage Kamp
Monica Maria Ruiz

ENROLLMENT. Joanne Shaw, Enrollment Officer

1. Request for Approval Enrollment – Acknowledge of Relinquishment with Resolution.

Councilmember Guerrero motioned to *approve the Acknowledge of Relinquishment - Adult*. Seconded by Councilmember Dunn. Votes were seven (7) **for** and zero (0) **opposed** with zero (0) **abstentions**. **MOTION PASSED. RESOLUTION NO.: PL 110-22 ENROLLMENT – ACKNOWLEDGE OF RELINQUISHMENT – JENNIE MARIE WADSWORTH**

UNFINISHED BUSINESS

1. Comptroller Monthly Report. Douglas Williams, Comptroller

a. Numaga Senior Advisory Board Bank Account.

Mr. Douglas said he reached out to Wells Fargo representatives to let them what they wanted to do. He included the September 22nd bank statement for Council review. He noted the fees are still being applied and also included the authorized signers for the account, Leona Collins, Carla Molino and himself. Also, noted is the donation transfer along with the journal entry for their donation in the amount of \$2,000. For the additional fees, there were services that were added to the account along with some of the Tribe's other accounts that didn't have those services which are fraud protection services. This was a recommendation from the Tribe's Treasury Management contact and were added to these accounts for the Tribe's protection, to include check fraud protection, to change fraud defaults, and pay to review return on account on those two accounts listed. The other services that are on each of Tribe's accounts are ACH fraud filter, ARP register maintenance, image positive pay statements and notice transaction search, and Treasury information reporting. It was his recommendation to have those protections added to all of the Tribe's accounts. Those were the services that had a fee that Numaga saw in the change. With review of his email attached, the bank is looking at having those fees reversed because Numaga wants to go back to the way it was with no fees. To make sure Council is aware, when they remove the fees the services will be removed, and his recommendation to keep the services, the fraud protection and check fraud protection, the Tribe or Council if they choose can pay for the fees to keep the services. He is asking Council for consent or directive to move in that direction or not. The fees are \$140.39 a month for just that account.

Councilmember John said that is about \$1,600 a year in fees. Mr. Williams confirmed their account had \$4,730.21 as of September 30th. Whatever is decided he will work with Wells Fargo to have the fees reversed if that is what Council wishes.

Councilmember Brady said considering all the accounts the Tribe has with Wells Fargo, they are not willing, considering Numaga is under the Tribe's umbrella, to forgo the fees? Mr. Douglas said the bank will reverse all the fees for that account but they won't have the services. He could ask them if they would be willing to waive the fees and keep the services but he is not sure they will. Councilmember Brady said he

should ask since we bank with them a lot, why should they have to pay that much if they are under the Tribe's umbrella?

Councilmember John motioned to *direct all service fees removed and to put the account back to the status it was previously*. Seconded by Councilmember Guerrero.

Leona Collins said they would like to go back to the type of account they had before where there were no fees taken out because they only write a check for \$75 when there is a senior death and unfortunately, they have had a lot of those. They also might purchase prizes for parties and that is only what they spend their funds on, and \$140 out of their account a month is a lot of money. And to not have the Tribe as a check signer on their account, right now their account has a high balance of \$4,000 and their account has been as low as \$400-500.

Councilmember John asked why is the Comptroller a check signer? Isn't that a violation of internal control because he is moving money around? Mr. Williams said the recommendation at the bottom of his report says being the Comptroller, having the financial responsibility for all the Tribe's funds, finances and accounts. Having access to all accounts listed at Wells Fargo, he notes some don't have fraud protection services, so it's his obligation to protect the Tribe's money. In doing so, it added those services and fees to the accounts that don't have it.

Councilmember Gonzales just wanted to ensure they can go back to the way the account was previously and if they want to add those services later they can.

Councilmember Davis requested clarification if it could go back to the way it was before. Mr. Williams said the account can go back to the way it was previously.

Councilmember Guerrero stated this was a directive previously given.

Votes were seven (7) **for** and zero (0) **opposed** with zero (0) **abstentions**. **MOTION PASSED**

Councilmember Davis said on the last page dated October 6th, from Wells Fargo it mentions the three check signers, has that been changed or is he still a check signer for the elders? Mr. Williams confirmed they are the authorized signers on the account now. Ms. Collins stated when they first found out what was going on, there was a check signer on the account that wasn't an authorized signer. Carla Molino stated the name was removed.

2. Programs Office Monthly Report. Shellay George-Kawich, Programs Officer

Ms. Kawich explained from prior notes when she first submitted the Parks and Recreation position description, it was stopped by Council and their directive, as she understood was to put the parks and recreation back into it. She did put it back and she thought the directive was to bring it back to Council for approval. She didn't make any changes, it will remain Parks and Recreation.

Councilmember Dunn mention the description says to report to the Tribal Chairperson but it should be to either Ben John or her. Ms. Kawich said she can make that change.

Councilmember Davis said the change should follow the organizational chart.

Councilmember Davis motioned to *move forward with the Parks & Recreation Position Description with the change to the position from being under the Tribal Chairperson. Councilmember Davis also stated after looking at the organizational chart, the position is under the Executive Officer, so it should probably either go under the Programs Office or the Business Office depending upon how the Executive Team split the programs. Ms. Kawich stated it is under the Programs Office.* Seconded by Councilmember John. Votes were seven (7) **for** and zero (0) **opposed** with zero (0) **abstentions**. **MOTION PASSED**

Councilmember Dunn asked how it was going for the smartboards. Ms. Kawich said it's going well with the waiver, they don't have anything pending. The waivers came through from the federal government. Councilmember Gonzales asked moving forward, how much do they have and how long is the waiver for. Ms. Kawich said Chairwoman Davis forwarded the information to Council in regards to the fund codes and grants that were waived. Some of them were extended to 2023 and others to September 19, 2024.

Councilmember Brady suggested the next time something like this comes forward with a big purchase price, she would like to see references to who else may have been using the equipment. At the time, Vice Chairman Wadsworth said the Reno Sparks Indian Colony was using it. Ms. Kawich stated it was recommended through Region Nine and all other regions and because the funding is there, a lot of other agencies are putting it into force and ordering them.

Councilmember Davis asked if they were still advertising for a Child Care Coordinator or Director or are they going to split the two? Ms. Kawich said currently Bernadette Wadsworth is the interim Director and the position is announced.

NEW BUSINESS

1. Request for Approval Technology Consent Agreement for Easement for Fiber Optic Lines & Fiber Optic Installation Services and Facility Use. Greg Gardner, Technology Director

Mr. Gardner provided an overview of the project. A Memorandum of Understanding (MOU) was done in June. Gerlach is the target for Washoe County and they are working with Digital Technology who won the contract to route to Gerlach. It is in the best interest of the Tribe to work with them to receive the benefit where they will be able to get fiber to Marble Bluff as a revenue source and to allow them to piggy back on the Tribe's network to get into Reno once they get to Nixon which is another revenue source. Basically, from their node building in the back yard, they will cross the maintenance yard, trench it and then go up on poles and around the road maintenance yard, then over to Church Hill on the NV Energy poles, which is about two blocks through the neighborhood. Then there will be new poles on Valley Road, a dirt road that goes out toward Winnemucca flumes, on the right side of Marble Bluff, where they will pick up the NV Energy poles and go up to Marble Bluff and they will continue to Gerlach. The NV Energy poles will continue on the reservation for about 6 miles. This will save the Tribe \$250,000 in construction to get to Marble Bluff and will save \$125,000 in fiber equipment back into Reno. They will run a new network for the Tribe, that supports all the subscribers on the cell tower and they will do all the maintenance on the fiber going out. The only thing the Tribe will have to pay is for the fiber up to Marble Bluff to include the installation which is about \$165,000. The e-rate with Washoe County is for eight years on the contract up to Gerlach, which would be extended as more customers come on as they build out. Once they apply, the Tribe needs to indicate a consent which is

for the reason for the consent agreement to move forward. It will include meetings with BIA, the Chairwoman and contractor on finalizing it.

Councilmember John said she would like to see a cost benefit analysis on the tradeoffs because right-away and easements are bread and butter for the general fund and how many years is this to be at? Mr. Gardner said it's a 20-year easement and the easement is only three and a half miles up to the NV energy line on a dirt road.

Councilmember Brady asked about the \$150,000 remediation, would it be an issue if they raised it to \$200-500,000? Mr. Gardner stated it is included in the terms of the easement and yes, because they are probably at a breaking point for what it's worth for the project to go up. When he was working the numbers, he came up with approximately \$50,000, however, they will be paying the Tribe \$12,000 a year. He emphasized the BIA is going to go through the valuation issue, NEPA reclamation plans and performance bond, which they will oversee. Councilmember Brady stated that was what she was trying to get at, the performance bond, if they can raise it up to a minimum of \$200-500,000 because of the issue they had with the Nevaco building where it wasn't cleaned up.

Mr. Gardner said performance bonds are expensive and tied to the cleanup which will probably be about \$5-10,000. When they trenched along the highway all the way from Sutcliffe on down it was like \$25,000 and with this project they are just putting in poles. Another point is the way the attorneys phrased the contract is if the conditions are not satisfactorily met, the easement will not be granted.

Vice Chairman Wadsworth said there are differences with these two projects, like Mr. Gardner stated with the trenching which was 40 miles, cut up the ground and reseeded for \$25,000, with this project there is 75 poles where they will be digging a hole and putting it in which is a lot less damage for disturbance.

Councilmember Brady said she is for the project but she is concerned with the amount of the performance bond.

Mr. Gardner said the amount was determined by the attorney, Pilar Thomas, the Tribe's attorney. It was an amount they came up with the contractor who was reluctant but was convinced to go along with it.

Ms. Thomas, said the challenge with trying to identify the appropriate amount of a performance bond is having a good understanding of the cost of reclamation. One thing BIA does not typically require, is an escalation of the bond. She heard the comment that in 20 years it might be more expensive to reclaim and will probably will be but the regulations, however, do not require an escalation of the bond amount. That doesn't mean it can't be requested. One option might be for the purpose for the initial costs, she was looking at the documents and there is a proposed reclamation plan. DTS would have a cost estimate to comply with and to complete the plan. With 60-65 poles there is a lot of digging, they have to go pretty deep, it's not a great area but it is a lot of holes going in the ground, these are not your typical telephone poles, they are going to be a bit more than that. There is a reclamation plan for \$150,000, is it the right amount? they could ask BIA to resolve it for them. With some of the other pipeline easements where they have said to the pipeline company, they don't know what the number is, the company won't give them a number so they are going to let BIA decide what the number is going to be because it is a condition of the grant. The BIA won't approve the grant unless they are satisfied with the bond. Another option would be if DTS is agreeable to have an escalator clause in the bond amount so that, for example, every five years with this being an easement as they

understand the terms of the deal, there would be no compensation for the easement. In lieu of the typical cash compensation, DTS will be performing certain services for the Tribe, including building the power line itself, putting in the poles and wires at no cost to the Tribe and yet providing a service to the Tribe because the Tribe will have a fiber line attached to those poles and wires. That compensation is probably a fair compensation but she thinks a point raised earlier asking to see a cost benefit analysis of that isn't fair compensation. You wouldn't typically have an escalator clause outside of the easement payment, unless, it was tied to the Bureau of Land Management (BLM) easement rates, which the Tribe does get on all their easements that are approved, the Tribe is compensated exactly how BLM is compensated. There is an annual adjustment every time the BLM rate adjusts which the Tribe gets also. It's a starting point for whether they are proposing is fair compensation in lieu of the Tribe getting paid. The performance bond covers more than just reclamation, it also is intended to cover completion. It's intended to cover payment and reclamation. The BIA can determine what the bond is supposed to be or the Tribe can add an escalator clause so that in five, ten years or halfway through the easement it can be re-evaluated. There is nothing in the regulations that prevents this and there is nothing that requires it.

Councilmember Davis had a question regarding the map crossing the maintenance yard, she thought she read the easement said they are going to trench 10 feet and the Tribe is agreeing not to do anything within that 10 feet, but the Tribe has already lined up in this area that is shown on the map. Mr. Gardner said there are pipes there but they will have to work around them since they are not going to move the pipes. They will address this issue with BIA, the easement is to prevent the next person from interfering with what the Tribe is doing. Councilmember Davis asked if it's going to be one line. Mr. Gardner said it's one cable with 24 fiber optic lines, six for the Tribe, six for each tower. Councilmember Davis' concern was them adding another line under the easement. Mr. Gardner said it's specified in the contract. Councilmember John said the area they are talking about is being used by the Tribe, the ten feet can't happen because it's already being used all the way up to Arrow Street. Mr. Gardner said they will be doing a title search, so they are outside that road easement. Vice Chairman Wadsworth requested Councilmember John state for the record who is using the land because they are talking with Richard Frazier and nobody has any land assignments there. Councilmember John stated it's a range unit and people go to the dump using that road, to the rodeo grounds and it's by the cemetery. Mr. Gardner said another point is if someone does want a land assignment there it will be cheaper for them to run power because there will already be poles there.

Ms. Thomas said this easement is not an exclusive easement, the Tribe still has the right to use this easement area as long as it doesn't interfere with DTS's use of the easement area which is the poles. You can't put buildings on the easement or other structures, but you can put fences on it if you need to protect things. There is standard language in the Tribe's easements that has been negotiated on all easements, refer to section 2.2 on the easement agreement, the Tribe retains the right to use the easement area in any reasonable manner which the Tribe desires but can't obstruct any buildings or permanent structures, walls, fences that would unreasonably interfere with the grantee DTS's has purpose and uses. The Tribe may consent to other easements over and along the easement area so long as the other easements don't interfere. She doesn't know the exact legal description since she just received the documents that day and hasn't had a chance to take a look at the exact legal description. There will be a legal survey done where they will be able to determine exactly where the road is versus where the lines will go. For example, the Tribe can give another easement, a road under the power lines, the road would be an easement that would cross another easement. Grazing is a perfect example, they have this on the pipelines further south because the Tribe would want to continue to

let people graze on top of those pipelines. There is also language that states this easement cannot interfere with existing rights either. Grazing rights have prior rights and there might be other easements out there that have superior rights to this easement and DTS is risk to take the easement subject to existing rights.

Councilmember Brady motioned to *accept the consent agreement to include an exploratory inquiry to the BIA on the possibility of increasing the performance bond to a base of \$200,000 and upward and to include an escalator clause.*

Ms. Thomas said In reviewing the documents for this agreement, they appear to be the one they drafted but she has not had a chance to see if DTS changed anything in either of the agreements. With this in mind she can't recommend Council approve the documents until she had a chance to compare them to the original language they drafted. Another requirement when submitting to BIA is a written resolution and when using tribal funds there also needs to a written resolution which none was included. Without the resolutions, the agreements will not have any validity to BIA or to the Tribe's Constitution.

Councilmember Gonzales stated there was a resolution included but Ms. Thomas again stated she hasn't read the agreements or resolutions so she doesn't know if they are sufficient.

Jonathan Young, CEO of Digital Technology Solutions, Inc., stated the pole line that is being proposed to go to Marble Bluff/Gerlach is also a benefit of the Tribe to be able to service Marvel Bluff and provide revenue to the Tribe via Washoe County and other institutions that are currently having services above Marble Bluff, CommNet is one and the Tribe is looking at \$1,000s of dollars a month from the work they are proposing by going out to Marble Bluff and from the other entities on top of a revenue generation from DTS. Once it's installed the benefits won't go away as long as the towers are on top of the mountain because cell service is being provided also. There were no changes to the contracts, he's accepted it exactly the way it was presented with no changes.

Councilmember Brady motioned to *rescind her previous motion and to table for legal review both consent and facility use agreements with resolutions & to bring back to Tribal Council at the October 21, 2022 Special Council meeting.* Seconded by Councilmember Dunn. Votes were seven (7) **for** and zero (0) **opposed** with zero (0) **abstentions.** **MOTION PASSED**

Councilmember Guerrero stepped down at 7:19 p.m. to present the next item.

2. Request for Approval Review & Directive Exclusion Ordinance. John Guerrero, Councilmember

Councilmember Guerrero is proposing a draft Exclusion Ordinance under the Legislative Branch to be approved by Tribal Council, then have legal review, then to the Law & Order Committee to request 30 day posting. He copied the ordinance from the Duck Valley Paiute Shoshone Tribe's Exclusion Ordinance. Reno Sparks also has an Exclusion Ordinance and they are excluding people off their reservation and where are they going to go? They will probably come to Pyramid Lake with their issues. We need this ordinance for public safety and domestic violence. That is the reason he is bringing before Council instead of the old fashion route, going to the committees for approval. He's using this as a Legislative Branch as a Councilmember to bring this forward. After it's approved, they can get legal review, send it to the committees, Police Department, Domestic Violence and other programs that can take a look at the ordinance, then still have it posted for 30 days.

Councilmember Gonzales stated this is what was stressed at the conference they attended in Alaska, looking into the ordinances and updating them. A lot of Tribe's were looking into this exclusion to protect the people. It was stressed about updating ordinances in place to protect the community.

Councilmember Dunn asked what is the difference between banishment and exclusion? Councilmember Guerrero said it's a paragraph with 3 lines in the constitution. Councilmember Dunn said he is for it but he would rather have community input before they move forward. Councilmember Guerrero said this a Legislative Branch request coming from a Councilmember, they can give directives to committees. He's done it in 2017-18 and they are finally going through with the Secretarial votes. They have given committees directives and they are still waiting after how many years? Councilmember Dunn noted typos and corrections, with the organizational chart, the Chairperson would not direct the Law Enforcement, it would be the Executive Officer and they need to amend the organizational chart.

Councilmember Davis said they need to note for the record this draft Exclusion Ordinance is not being voted on but for Council to review, direct it to the Law & Order Committee for review, editing and posting for public comment. The committee needs to look at what's in the draft Exclusion Ordinance and what is currently in the Law & Order Code.

Jolyn Sander said what is in the Law & Order Code is nothing, it doesn't cover, she agrees with Councilmember Guerrero. There are a lot of issues on the reservation and they are from non-tribal members that whether it be their spouse for domestic violence or in her daughter's case, Law Enforcement was called 14 times, she even filed a restraining order to protect her grandchildren but didn't have any standing in the court because she didn't live in the home. There are no avenues if the victim chooses to stay in the relationship. He was removed off the reservation a couple of times but they come back. There are non-tribal members in court with serious narcotic charges and you know they are dealing because they are caught with the drug items and the court has no penalties for them. The drug issue amongst the children is greater than it's ever been. Fentanyl is the big thing now, they are lacing it with everything, the kids are killing themselves, their brains and this is our future generations. We have to take steps to protect our tribal members and remove those, even if they are tribal members. There are so many children here whose parents not taking care of the kids, the grandparents are raising them. They are not productive citizens in the communities so they don't need to be here.

Councilmember Gonzales stated it was one thing that was stressed, is how do they protect the minors? There are a lot of issues on how minors are not protected and the loop holes in the judicial system. There are people who are habitual offenders but keep getting off because they don't care about the penalties. Ms. Sanders agreed, they had one tribal member in court who had three domestic offenses and they received house arrest, who knows this won't result in a fatality.

Irwin Mix said this is an important issue for all the communities but they have a committee that is supposed to follow through with what is being brought, this should be brought to the Law & Order Committee. The Council needs to make a directive to the committee to jump on this ASAP, otherwise, why even have committees if you are not going to use them.

Diana Mitchell, Law & Order Chairperson, said there was a meeting a month or so ago where there was a directive and they've been waiting for it to come their way. She did give the committee advance warning of

this. They have already started to look at information from Duck Valley, Reno Sparks and Washoe Tribe to prepare for it.

Leona Collins said everyone has probably all heard by now about our neighboring tribe with the shootings and stabbings and they have excluded their tribal members for a good number of years. What's to protect our Tribe from those people coming here? Because they are our family members here, does the Tribe honor what other tribal courts or their Council has done or do we ignore it.

Jolyn Sander said we should honor it, if they are caught here or seen out here it needs to be brought to council's attention to do an exclusion from the reservation because we do have all these ties. Need to also expedite this process for this ordinance, the way it was done in the past is they have held a working group meeting with different programs, the law enforcement, the court, any Councilmembers with legal in attendance so everyone is on the same page.

Councilmember John said the way the ordinances are, they can be presented by any tribal member who can write an ordinance and put it together as a proposal.

Lesley Hawley said it's a good recommendation and she agrees but wants Council to remember that this has to align with the Constitution a well. She would recommend to move forward but be careful of what type of approval is made.

Karen Shaw said similar to what this is about as with the Cattle Association, they have people who come here, or are married to somebody here and if they are convicted of a crime, like cattle wrestling from another reservation, they are not allowed to run cattle or horses on the ranges. It's a mutual agreement among the associations. If you are going to consider banning someone, you need to consider civil rights.

Irwin Mix mentioned back in 2000s, the Chief of Police came before Council regarding a person who was tier one living across from Natchez and they had him escorted that night off the reservation, the Council decided to ban him from the reservation. It has been done by Council before.

Councilmember Gonzales said they don't want to micromanage but it has been discussed with the different ordinances, they wanted to see them updated but she is not sure if it's been stressed by administration.

Vice Chairman Wadsworth recommended a motion.

Councilmember Davis would prefer to move forward with a consensus because a motion would seem like they are accepting this ordinance as presented and with a consensus it would allow to move forward and to allow changes as needed.

Councilmember Phoenix said to include the working group to expedite the process.

Councilmember Brady asked if this starts with a working group? Councilmember Davis said it would be the Law & Order Committee first and they would create the working group.

Ms. Mitchell said she has already reached out to Wes Williams in regards to the exclusion when she thought a directive was coming from Council and they were preparing for it. She is requesting the information be

forwarded to her so they can get it out to the departments for review and get it on their agenda for their next meeting.

Leona Collins stated if you are on a board or committee and you know something needs to be changed do they need a directive from Council? No, they don't.

Vice Chairman Wadsworth stated the *consensus of Tribal Council was to officially send the draft Exclusion Ordinance to the Law & Order Committee, they will move forward with creating a working group to expedite a draft document to bring back to Tribal Council for approval to post.*

3. Request for Approval October 2022 Domestic Violence Awareness Month Proclamation.

Ms. Sander explained October is Domestic Violence month, and they do have events scheduled for later in the month.

Councilmember Davis had one correction at the end of the proclamation to add Domestic Violence Awareness Month.

Councilmember Brady motioned to *approve the Domestic Violence Awareness Month Proclamation.* Seconded by Councilmember Dunn. Votes were seven (7) **for** and zero (0) **opposed** with zero (0) **abstentions.**
MOTION PASSED

Councilmember Gonzales asked if the Parks & Recreations went back to the Personnel Committee for approval to be presented back to Council. There were corrections from the Personnel Committee and HR.

Ms. Hawley stated any changes will go through the Personnel Committee. When Council tabled it, they didn't accept the recommendations and they wanted to return recreation under the job description. It has to go back with the changes recommended by the Personnel Committee and then it would be put back on the agenda for action. Next Personnel Committee meeting is scheduled for November 1st since they already had their October meeting. It should be on her report for approval in November.

There were questions on the previous motion for this job description, whether it was approved to move forward for posting or if to send back to follow the process. Tribal Secretary read the motion which was to move forward with the change to the position being under the Tribal Chairman back to the Executive Officer, Ben John or the Programs Office.

Ms. Hawley stated by approving it and moving forward they are setting precedence for any job description that comes before Council outside of the process.

Councilmember Davis rescinded her previous motion and motioned to *move forward with the Parks & Recreation Position Description by following procedure and forwarding to the Personnel Committee for review then back to Tribal Council for approval.* Seconded by Councilmember John. Votes were seven (7) **for** and zero (0) **opposed** with zero (0) **abstentions.** **MOTION PASSED**

Councilmember John asked if the audit was done on September 30th. Vice Chairman Wadsworth said that would be a question for the Comptroller.

ADJOURNMENT

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

The meeting adjourned at 7:53 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 4th day of **November 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

//
//
/

