

Pyramid Lake Paiute Tribal Council

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REGULAR MEETING MINUTES Tribal Chambers ~ Nixon, NV March 3, 2023

Members Present:

James Phoenix, Tribal Chairman
Harriet Brady, Councilmember
Nathan Dunn, Councilmember
John Guerrero, Councilmember
Genevieve John, Councilmember

Steven Wadsworth, Vice Chairman
Judith Davis, Councilmember
Edward Ely III, Councilmember
Della John, Councilmember

Member Absent: Natalia Gonzales, Councilmember

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

CALL TO ORDER

Chairman Phoenix called the March 3, 2023, Regular Tribal Council meeting of the Pyramid Lake Paiute Tribal Council to order at 5:30 p.m.

ROLL CALL

Roll call was taken by Brenda A. Henry, Tribal Council Secretary. Councilmember Gonzales was absent. All other Councilmembers were present at roll call and a quorum was established for this meeting.

APPROVAL OF AGENDA

Chairman Phoenix read the agenda.

Councilmember Ely requested to add a discussion on NUMU Inc. at the end of New Business.

Councilmember Brady requested to have a moment of silence for the tribal members who passed in 2022 & 2023.

Councilmember Davis motioned to *approve the agenda with additions*. Councilmember Ely seconded the motion. Votes were eight (8) **for** and zero (0) **opposed** with zero (0) **abstentions**. **MOTION PASSED**

A moment of silence was held for all the tribal members who passed in 2022 and for those who passed in 2023.

EXECUTIVE SESSION. Interview Tribal Court Administrator

Councilmember Ely motioned *move into Executive Session*. Councilmember Genevieve John seconded the motion. Votes were eight (8) **for** and zero (0) **opposed** with zero (0) **abstentions**. **MOTION PASSED** *Tribal Council moved into Executive Session at 5:35 p.m.*

Councilmember Dunn motioned to *move out of Executive Session*. Councilmember Ely seconded the motion. Votes were eight (8) **for** and zero (0) **opposed** with zero (0) **abstentions**. **MOTION PASSED** *Tribal Council moved out of Executive Session at 6:29 p.m.*

PUBLIC COMMENT

Bonnie Akaka-Smith, Tribal member. Ms. Akaka-Smith stated she submitted a request for an executive session, but it was pulled by the Chairman, and she understands and appreciates why it was pulled. He is addressing some of the issues that she brought to his attention, and she is confident that at some point they will come to a resolution. She read for the record her statement. "I'm no longer contagious, I am not influenza B positive or COVID positive. I've tried to get the swelling down in my throat and in my lungs so I can get back to work. The reason I'm wearing the mask is only for everybody's comfort. If you can hear her, great, if not let her know and she will take it off. Further, for the record. My name is Bonnie Akaka-Smith, my tribal member ID is XXXXX. I'm the former Food Distribution Director and need to make a statement on the record. I had my unemployment interview yesterday and advised that it will most likely be denied because I chose to take the high road and show integrity in my resignation letter by keeping it general and not citing each incident of harassment that occurred. I've already received two denial letters this morning and more will be coming. I had realized that for me to work for my tribe, I had to diminish myself and my abilities in order to get things done at the Tribal Administration level. While being able to be myself with outside agencies and entities to get things done for the programs I have worked with I brought credibility to the department and Tribe, through relationships with outside agencies, entities and political persons in office, even when I was given a sarcastic look from someone in administration when I told them I would be requesting community project funding through Senator Cortes-Mastos office, this person did not know of my relationships with staff in many of these political offices. For legislative action, the program was awarded \$597,000, in either November or December, I'm not sure. I was advised of it by the office in December by somebody on the staff. The use of it was to complete the renovation of the facility because that facility still is not ready to truly store the food and processing. There are still open walls. The purpose of these funds is to finish the inside walls of the whole building and also to drywall and put new stairs that are safe, legal and permitted for the staff to get to the offices. Further I should not have to operate in survival mode in order to develop, implement and operate any essential program on our reservation. It is time for me to switch to living mode, no longer survival. I'm no longer willing to diminish myself in order to fit in, as an employee for our Tribe. I'm unwilling and unable to work with the Business Officer, the sole determining person to issue business licenses. So, I've taken my economic impact off the reservation to outside communities. I will contribute to the building of their economic base, not ours. I will not prepare nor sell any of my foods within reservation boundaries. If I do prepare anything, it will be freely given and so here I should not have to operate. I'm taking my skills, abilities and talents and going where they will be appreciated. I want to thank the Tribe at this point for giving me the clarity that I am who I am and it's okay to be who I am. And I claim it, I'm no longer willing to make myself invisible to operate in our communities which I have been doing for the past several years. I have been helping departments write grants because they have not been getting any help. Unknown to all you guys, I've been doing all that quietly, not getting paid for any of it, because I see the need and the inability

of what was going on to have that need met and I feel a personal responsibility. And I would hope that everybody who sits up here has that community minded stuff, not the attitude of well, we're in control, we take care of everything. Please keep in mind our community members should always come first and in their best interest and I do want to say it's a shame that a former Tribal Chairwoman is forced out of community service. I truly believe that I have been forced out of community service within our Tribe, I would like to take a moment to remind this Council that whether they provide oversight to administration and fiduciary issues, they are still ultimately responsible for the delivery of the grant protocols and the personnel administration of the Tribe. Lastly, I want to say my wish for everyone living here is that you realize success is beyond your dreams, as we often limit ourselves and we all deserve more than we think we deserve. So, with that, I want to thank you all and wish you all the best future and let you know that I will never work for my Tribe again and I have advised the Chairman, I will no longer work for free for this Tribe either. I'm valuable, I'm worth more, my PTSD kicked in with all that is happening, I went to the authorities to let them know, administratively and I was laughed at and told to deal with it. I was also told why you don't apply for the Executive Director's position, and I told the individual I attempted on at least four occasions and every time it was posted and I called and was told by HR, it's no longer available, even though it was still on the list. I want to thank everybody for the gift of clarity of where I belong and where I don't belong. I've had to fight to be a tribal member and will no longer do that."

Mervin Wright Jr., PL Fisheries Director. Mr. Wright reported on the Lahontan Cutthroat Trout (LCT) Interagency meeting he attended in Reno-Sparks along with the US Fish & Wildlife Service (USFWS), Nevada Department of Wildlife (NDOW) and the Summit Lake Tribe. In the report for the Truckee River Basin report, they made no mention of Pyramid Lake Fisheries and what they are doing to help with the LCT recovery. All they spoke about was the Pilot, which was frustrating. They talked about how they are using genetics management and DNA analysis to pair LCT and how they wanted to use genetic management for recovery. At the fisheries they are not into using DNA analysis on the fish they spawn. He reminded them nature selects the fish that come into the channel. What he saw in their DNA reports was like what he saw during the NAGPRA effort with Spirit Cave, Wizards Cove with the 24 collections from Pyramid Lake, Kennewick in Washington and there were three collections in LA. They used the DNA analysis to try to prove there was another race of people here before us, that is what they were trying to prove, even though the Spirit Cave collection had rabbit nets, the bark clothing, and everything we used at the time we were discovered, they call it cultural continuity, but yet they wanted to prove we were not the first people here. When I look at what they are doing with LCT genetics, it's the same thing. The fish share traits, genetic markers, they call them genetic traits. What they saw in their analysis of the ancient Lake Lahontan model, they had the Truckee River connected to Pyramid Lake. It was skewed, incorrect because the Truckee River once flowed out into the Carson sink along with Walker. About 8,000 years ago there was a huge seismic event, which you can see at Big Bend and Hill Ranch Road, the whole hillside was once one big hill at one point. When that happened 8,000 years ago is when the Truckee River turned north, and the Walker River turned east but both those rivers flowed into the Carson Sink. It can be seen in Hazen and when I mentioned it to Mary Peacock said she didn't know that. What the USFWS is doing, I didn't agree with using genetic management for recovery and they need to look at restoring the habitat for recovery. The Fisheries will continue to do what they are doing and will spawn Pilots this year. I told that to the group and spoke to Daniel Cos who said they wanted to come out and clip the fins so they could do DNA analysis on what they spawn. They do good work at the Fisheries and will continue to do what they have been doing for the past 50 years.

CONSENT AGENDA

Following items were on the Consent Agenda:

1. Approval Group Donation Duckwater Shoshone Tribe Powwow Committee
2. Approval Ratification Poll Vote Elder Energy Requests: Virginia Calico, Linda Smith and Pamela Harris
3. Approval Quarles & Brady January Invoice #6674040

Councilmember Genevieve John requested to pull items #1 & 3. for discussion.

Councilmember Guerrero motioned to *approve item #2 on the Consent Agenda*. Councilmember Brady seconded the motion. Votes were eight (8) **for** and zero (0) **opposed** with zero (0) **abstentions**. **MOTION PASSED**

Item #1

Councilmember Genevieve John asked when they will schedule a budget meeting? How do they know how much funds they have for the donation line item. What is the process for the budget meeting? She is expecting to see the line items within the budget for each program. The IDC and indirect. What is left of the 2022 budget and if there is any carryover. What is the actual funding and project proposed for 2023? What are the major repairs and maintenance that are needed and how will they fund it? Is there a priority list for these? She lives in Wadsworth and when the Nixon cemetery was approved for expansion, the Wadsworth cemetery was also approved at the same time. The Wadsworth cemetery is badly in need of expansion, and she spoke with staff and was told they were not given a directive for it, and it needs to come from the Chairman's office to be planned for.

Councilmember Della John said she would like to hear from the directors.

Council scheduled budget meeting scheduled for March 20, 2023, at 5pm with budget material provided no later than March 15, 2023.

Councilmember Genevieve John motioned to *table item #1 until the April Council meeting after the budget is approved*. Councilmember Brady seconded the motion. Votes were eight (8) **for** and zero (0) **opposed** with zero (0) **abstentions**. **MOTION PASSED**

Item #2

Councilmember Genevieve John would like to see the hours provided for each itemized item on her invoice.

Councilmember Davis said she wished they did this earlier because the previous Chairwoman stated they were not getting \$9,000 worth of work but were paying the flat rate.

Councilmember Genevieve John motioned to *table item #3 until hours are itemized on the invoice*. Councilmember Dunn seconded the motion. Votes were six (6) **for** and two (2) **opposed** (Wadsworth, Brady) with zero (0) **abstentions**. **MOTION PASSED**

NEW BUSINESS

1. Request for Approval Lahontan Hatcher Video. David Hanson, Farmers Conservation Alliance

Councilmember Guerrero left the meeting at 6:56 p.m., he later reconnected to the meeting via zoom because he wasn't feeling well and wanted to ensure he didn't pass anything on to everyone present. He informed the Tribal Secretary via email. (Councilmember Genevieve John's corrections from May 5, 2023)

Mr. Hanson explained he works for the nonprofit Farmers Conservation Alliance in Oregon, who designed the fish screen that is used at Derby Dam for the fish passage which was put in place a couple years ago. They did a lot of video work following the process of building the fish screen and included video of the Pyramid Lake Fisheries Hatchery. He worked with Dan Mosely at the time to receive approval from Tribal Council in 2021 when they were going through their spawning procedure. They interviewed some employees at the Hatchery office, along with Mr. Wright and Mr. Mosley. They have two videos, one is a video profile of Autumn Harry and her connection to the lake, the land, water and to the Tribe and the other video showcases the work of the hatchery and recovering Lahontan Cutthroat Trout (LCT). There is a third video which was done for internal use to show the spawning procedures to be used as an archival piece to educate within the hatchery program. They are hoping to use the first two videos to be used on their website and for presentations to be used at conferences.

Mervin Wright said he hasn't seen any of the videos.

Councilmember Brady said the video for Autumn Harry, there is a commentary where she would like to see filming of the Marina instead of the Lodge, she would like footage of the Lodge removed because they are not in good standing with the Tribe. She would like to see the Marina featured because that property belongs to the Tribe. The video is a nice video, and it is from Autumn's perspective, but it is like a revisionist view. There were many Tribal Chairmen and staff that protected Pyramid Lake and continue to this day. It's a little heavy on that part and I understand that he is her father but it's a little insulting to other Tribal Chairmen and other Council that have protected the lake. Some of those sections need to be edited out to honor others in the past. She did like the part of the video that incorporated Norman in there, in case they weren't aware, they were a part of a video that did feature Pyramid Lake a long time ago and it showed Autumn as a little kid. If you have access, she recommends you put that in the video. But there is that one part that really caught her attention because she can name other Tribal Chairmen, Council and staff who were involved. As an example, to name one staff member, Mr. Crutcher, who made a strong view of how they need to protect the lake back in the early 80's when there was an accident with the treatment plant where they dumped raw sewage, and it was front page news in the Reno Gazette Journal. That is just one example but the way it was presented in the video, you get a sense that Norman Harry was the only one there were other people as well and they need to be recognized also. If you would edit that part out and do an overlay with a historical background from the time of the Newlands Project for a general statement would work because you can't just pinpoint one person.

Councilmember Della John stated before 1978, the Council had to make it a priority, all the funds they generated were for litigation because they were in this 100-year water war with the states, energy departments and others. The Tribe's energy was going to protect the water quality and fish. At the time

Winnemucca Lake dried up because of Derby Dam. The Tribe is always at the mercy of the end of the river system. The main effort is to keep the lake pristine, to keep our way of life and to keep the fish alive. The members had to adapt to become farmers and so part of the water relates to farming as well including fish farming but it's a way to keep our lifestyle, it's our identity and food source. There are still people around that you could interview but it would just be easier to put in a statement that includes all the people because they all sacrificed for what we have today.

Mervin Wright stated when Daniel Cost was asked how many of these LCT rated above Derby Dam, he said 16 and when you think about what's in the lake and what is not allowed to go into the river by the USFWS, there are hundreds of thousands not being allowed into the Truckee River. This is ongoing for the last five years or so and they are trying to change it because when it comes to LCT recovery and their DNA analysis, there is no distinction there and their geneticist did report their results are not definitive or conclusive that the pilots are the recovery population even though they have been saying it. These are things that have come to light since he started working for Fisheries last year. The US Fish & Wildlife Service (USFWS) is being selective with what they are looking at for recovery and like Councilmember Della John was talking about, the long history of litigation started in 1971. The Endangered Species Act, the role of the major species and now with the lake and water, the fish, it's all controlled by the Truckee River Operating Agreement (TROA) and not the USFWS.

Councilmember Davis asked the PL Fisheries Board members to be present if they have seen this request. Councilmember Ely said he didn't recall seeing this video and was only able to download one of the videos.

Councilmember Brady wanted to confirm who had access to the video because it was stated it hasn't been distributed but it looks like it's been posted for a year. Mr. Hanson said it is password protected and is only viewable within the Farmer's Conservation Alliance which is about 2-3 people, Ms. Harry and Mr. Mosley has seen it. Vice Chairman Wadsworth pulled it up on his laptop and confirmed it is password protected and it does have a view counter and it has been viewed eight times. This was approved in 2021 and when they approved the film request, it was required they come back to Council which is where they are now.

Councilmember Genevieve John motioned to *table the request and forward it to Mervin Wright Jr., PL Fisheries Director for review by his staff and to the PL Fisheries Board for review for a recommendation back to Council.* Councilmember Ely seconded the motion. Votes were seven (7) **for** and zero (0) **opposed** with zero (0) **abstentions**. **MOTION PASSED**

2. Discussion NUMU Inc.

Councilmember Ely stated he wanted to be careful not to bring this up without having it added to the agenda because as per the Chairman's directive, he is the conduit for them for administration, other entities or agencies. It was his understanding at the owner's meeting that NUMU Inc. was going to come back at the March Regular meeting and provide them with some of the documents that weren't provided at that meeting. One item was the minutes, they didn't provide all the minutes, there was also the question of how they were going to plan on collecting the roughly \$100,000 of arrearages and there were other items. He feels like they are getting the run-around again. He asked Councilmember Brady, the NUMU Inc. Tribal Council representative if she could provide any updated information.

Councilmember Brady said the meeting they had scheduled was cancelled and it was due to Debra Harry's family member passing. At that meeting there were supposed to be some minutes that were going to be reviewed. She has seen emails going back and forth which appears that Brian Wadsworth, NUMU Inc. Treasurer was asking to be kept in the correspondence where it seems he is out of the loop and same with her. Mr. Wadsworth was forwarding emails that she is not getting. She is having issues with her laptop, but she was sending screenshots to Cassandra Darrough and vice versa and it looks like she was left off of some emails, but she is starting to sift through some of the minutes which have been sanitized because her questions to NUMU Inc. are not included. It seems she is missing a batch of invoices because she knows of an invoice from April 2022 and they are still waiting for the rest of them and then she was made aware of an invoice for December, so there are a bunch that are missing. The invoice that concerns her is on the billing under timesheets, she has billed NUMU Inc. for four hours of doing her own invoices. She is going to write NUMU Inc. an email and is starting to copy the Tribal Secretary on her emails to keep as a matter of record because they do not include her questions in the minutes. She is still sifting through the CEOs reports. Everything they talked about when Ms. Darrough was present, the questions they had, the CEO basically agreeing to. Again, Ms. Darrough's contract needs to be reviewed and it is tenuous to say because the works are not there, and they are always playing catch-up. This is supposed to be the corporate arm and they are not acting like a corporate arm. It's worrisome when the CEO is pushing forward and not questioning invoices, especially the timesheet or the billing. Does Council charge for when they sit and do their timesheets? It seems irregular.

Councilmember Ely asked if the CEO was full-time and if Ms. Darrough is a contracted person who provides assistance to NUMU Inc. Councilmember Brady responded the CEO is full-time and funding is the same. The only contract they had with Ms. Darrough was approved in January of 2022. The financial procedures are being forwarded to the board, but things are waiting in the wings, and she sees a lot of scrambling.

Councilmember Ely said it is concerning because the date was set at the owner's meeting where they were to come back at the first meeting in March. Councilmember Brady said they do have a Vice Chairman and the meeting could have occurred. Tribal Secretary Henry said she sent them an email Monday morning and gave them until 12pm to respond and the CEO responded they didn't have things ready.

Councilmember Brady said they are supposed to be a separate business arm of the Tribe and in the CEO's report, he was meeting with the Environmental Department getting training on how to write grants.

Councilmember Ely asked if they are doing that, are they requesting grants on behalf of the Tribe or NUMU Inc.? That might dip into the Tribe's grant fund, agencies might see that Pyramid Lake already received this grant.

Councilmember Brady said the discussion did come up and in fairness they said they would step aside and not go after grants the Tribe gets. It's like the Tribe already gave them money but they are still using the Tribe. They are supposed to be stand alone, why are they using the Tribe's resources? Not sure how it is being documented or if authorization was given for them to do that. With the previous Chairperson there was a question of access to the Tribe's attorney, and it was supposed to be funneled through the Chairperson's office. Was permission given? At a meeting when they met with Council there was discussion about grant writing and Ms. Darrough talked about going to grant training. Brady stated that she asked the

CEO, but he said it's not his area of expertise. She thought that would have been an expectation that he would have that skill under his belt because that was why he was hired.

Councilmember Della John said they asked for certain things, and they are supposed to provide it. If they can't provide it then they are disregarding Council's request and they shouldn't meet with them until they provide what they asked for. She doesn't think it was proper for the board to put the staff in front of Council. They wanted to meet with the board to find out their direction.

Councilmember Ely said NUMU Inc. is here to stay but they can remove the board members if they are not performing. The concept is still there but they haven't received anything for the two and a half years that he has been here. So, another 60 days is not much to remove them, and he doesn't want to talk about that now because they are not present. He asked the Chairman if he has heard from them and where do they go from here.

Chairman Phoenix said he has not heard from them until Secretary Henry brought it up and they didn't get anything back. What does Council want to do? Or as Councilmember Ely stated and take the next step for removal, request another meeting?

Councilmember Genevieve John said they can state they are requesting another meeting and with their non-compliance this would generate the board removal.

Councilmember Ely asked the Chairman what his ideas as a leader would be since they have asked, and they only get so much, and it seems like they are being ignored.

Chairman Phoenix thinks you have to hold their hand and stand right there, and they can't leave the office until you get it done. But that is wrong in his world but that is the only way they are going to get anything out of this group. They are supposed to be the extension, on their own and taking care of business but when there are little things like this, they are not meeting the standard and as the owner they just recruit someone else.

Councilmember Ely said it's their responsibility and their fault if they had a full house, there would be some really upset owners, because they are as many owners as they are.

Chairman Phoenix said they could set a time and have them produce the items they were supposed to and state they were non-compliant and there is a possibility they give them notice to take care of this in a certain timeframe or they will be removed.

Councilmember Brady said they are trying to have a meeting and not sure how much they have to hold their hands, but she still has to write letters of protest because they are still trying to schedule meetings while she is at school, at work.

Don Pelt suggested a strongly worded letter from the Tribe's attorney to the CEO, giving them absolute questions from the Council with a definitive deadline for answers to the Council or subject to removal and or other legal action as may be applicable through the Tribe to protect their interests. Afterall, you are paying the attorney \$9,000.

There was discussion on when to schedule them back in with Council.

Councilmember Davis said they need to meet with them as the owner and they need to follow the by-laws of NUMU Inc., or they will be in violation. Chairman Phoenix said they will be working on getting it setup for March 10th at 5pm which will allow for the five-day notice. He will get Ms. Thomas, legal counsel, to do the letter.

Vice Chairman Wadsworth said they need to rethink the March 10th date because Ms. Thomas is currently on bereavement leave.

By consensus, March 24, 2023, at 5pm, was agreed upon for the meeting.

Councilmember Guerrero asked if there was a conflict of interest between Ms. Thomas and Debra Harry because Ms. Harry brought her into the Tribe when she was the Business Officer. The response was no since she is not working for them.

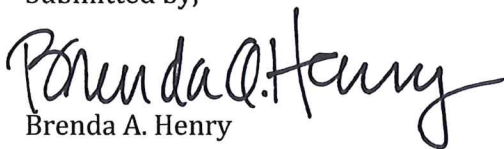
Councilmember Davis said the Chairman should get the minutes from the last meeting which listed the four items Council wanted from NUMU Inc.

ADJOURNMENT

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

The meeting adjourned at 7:42 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 **15th** day of **September 2023**, having **ten (10)** members present, constituting a quorum, by the vote of **nine (9) FOR** and **zero (0) OPPOSED**, with **zero (0) ABSTENTIONS.**

Minutes attested and concurred by: _____



James J. Phoenix, Tribal Chairman
Pyramid Lake Paiute Tribal Council

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