

Pyramid Lake Paiute Tribal Council

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PYRAMID LAKE PAIUTE TRIBAL COUNCIL SPECIAL MEETING MINUTES Tribal Chambers ~ Nixon, NV July 20, 2018

MEMBERS PRESENT: Vinton Hawley, Tribal Chairman Alan Mandell, Vice Chairman
Cassandra Darrough William Miller
Janet Davis Sharon Shaw-Keever
Nathan Dunn Mervin Wright, Jr
John Guerrero

MEMBERS ABSENT: Judith Davis

CALL TO ORDER

Chairman Hawley called the July 20, 2018 Special Tribal Council meeting of the Pyramid Lake Paiute Tribal Council to order at 6:00 p.m.

ROLL CALL

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

APPROVAL OF AGENDA

Chairman Hawley requested the following changes to the agenda:

1. Add #4 under Consent Agenda, Approval for Payment Wolf, Rifkin, Shapiro, Schulman & Rabkin, LLP April 2018 Invoice
2. Add #5 under Consent Agenda, Approval for Payment Stetson Engineering Inc., June 2018 Invoice #1336-01-1806 & 1336-1806
3. Add #2 under Presentation, Lindsay Judd for Washoe Commissioner District 5
4. Add #7 under New Business, Approval to Post Land & Resources Committee Vacancy, Land & Resources Committee
5. Add #8 under New Business, Enterprise Update, Kodie Cook.

Councilmember Janet Davis made a motion to *approve the July 20, 2018 Tribal Council meeting agenda as amended*. Councilmember Dunn seconded the motion. Votes were eight (8) **FOR** and zero (0) **OPPOSED** with zero (0) **ABSTENTIONS**. **Motion carried.**

CONSENT AGENDA

The following items were listed under the Consent Agenda:

1. Approval for payment for Wes Williams June Invoice #3294
2. Approval Reclassifications: Van Driver/Kitchen Aid and Cook/Nutritionist, Human Resources
3. Approval Scholarships: thirteen (13) CHE (full time) students; eight (8) Enrichment (part time) students; four (4) AVT (Vocational) students, and 18 \$500 Tribal Scholarships
4. Approval for Payment Wolf, Rifkin, Shapiro, Schulman & Rabkin, LLP April 2018 Invoice
5. Approval for Payment Stetson Engineering Inc. June 2018 Invoice #1336-01-1806 and 1336-1806

Councilmember Dunn made a motion to *approve the Consent Agenda*. Councilmember Shaw-Keever seconded the motion. Votes were eight (8) **FOR** and zero (0) **OPPOSED** with zero (0) **ABSTENTIONS**. **Motion carried.**

PRESENTATIONS

1. I-11 Corridor Consultation – Kevin Verre, NDOT

Kevin Verre with the Nevada Department of Transportation said he is here to provide an overview on the I-11 Northern Nevada Alternative Analysis Environmental Linkages Study. This project has been ongoing for about 25 years and it is a corridor linking Mexico to Canada. The Nevada Department of Transportation along with Arizona, began a study called the I-11 Intermountain West Corridor study which looked at the linkages between Phoenix and Las Vegas. They also wanted to look at connectivity from Las Vegas to northern Nevada and they determined, through the analysis, that the western side of Nevada met some of the state's economic needs for providing some linkage for I-11. In 2015 Congress passed the transportation bill (Fast Act) which designated I-11 to fall within the 95 corridor. Planning began to see where that system could fall. They are in the planning phase and looking at corridors and not alignments. The alignments would happen in increments. They want to formulate a plan for the next 10-20 years and to be sure they are prepared for any lands bill that may advance.

Mr. Verre said they broke up the study area into two segments; Segment A is from Las Vegas to Tonopah which does not have a lot of alternatives due to topography and land ownership constraints; and Segment B is from Tonopah to I-80 and has a number of alternatives. The study team wanted to look at all possible alternatives and did an analysis to look at any challenges. They developed nine criteria for each corridor to make a comparison. They did add technology criteria to vet through the corridors. Segment A has no viable alternatives to keep it in the study area. Within Segment B, they had four alternatives (B1, B2, B3, and B4) and a fifth was added due to stakeholder input and public input. The alternatives were then vetted against each other. The study team is recommending to move forward with the B1, B2, and B3 alternatives. The team believes they are excellent linkages into I-80 and they complement existing facilities. They hope to help the State and the local communities with their economic development plans.

He said they are in the public outreach portion and will accept feedback until August 31st. Public meetings will be held in Carson City, Reno, Fernley, Fallon, Hawthorne, Tonopah and Las Vegas. After receiving input from the public and other stakeholders, they will finalize the recommendations, develop an implementation plan, complete their planning and environmental linkages documentation for the State Transportation Board and Federal Highways Administration for approval. The report should be finalized on September 30th.

Vice Chairman Mandell asked if the B2 Fernley connection is the connection near the truck stop or further east. Mr. Verre said they are still in the planning stages and are still looking at corridors. The exact alignment is still unknown. With this study, they want to inform the local jurisdictions and to consider during their land use decisions.

Councilmember Wright asked how they are doing land acquisitions and Mr. Verre replied they are not doing acquisitions yet as they are still in the planning stage. They are building a report on a 450 mile long corridor to say this is approximately where I-11 should belong. Councilmember Wright said he is interested in how they will acquire the land. Mr. Verre said they tried to find viable corridors where there was the least impact in terms of right-of-way.

2. Lindsay Judd for Washoe County Commissioner District 5

Lindsay Judd stated she is running for a seat on the Washoe County Commission for District 5 which encompasses the Reservation. She said she is running so that she can bring community to government. Her dream is to have more community input in the government process. With communication, they can have a better understanding of the water. With the Washoe County Public lands bill, the 400,000 acres of land they want to turn over to the County will be in this District to be used for development. She wanted to know concerns of the Tribe because she thinks it would be helpful and increased communication could bring better environment for everyone.

Councilmember Wright asked Ms. Judd what her thoughts are regarding cooperative federalism. The Tribe sees cooperative federalism, with respect to environmental protection, is delegation of more authority to the State. Ms. Judd responded that having federal protection would be better and that the requirements would be stronger but it's difficult due to the political state right now.

UNFINISHED BUSINESS

1. Pyramid LLC Discussion and Update

Wes Williams, Jr. said the Tribal Council should have the documents required for a new LLC. There were a couple items that have to be resolved. First, if an LLC is created, who will sit on the board for the LLC. Individuals can be appointed to the Board but the Council will have to develop the criteria. Councilmembers can participate on the initial Board until the members are appointed. There is a resolution that approves the Articles of Incorporation for the LLC and the Operating Agreement. Once the LLC is formed, the Board would get the LLC up and running.

Councilmember Janet Davis asked if there was a specific number of members that have to be on the Board. Mr. Williams said no, the Tribal Council would make that determination. Other tribes

have named their Council as Board members with the idea that other individuals would be appointed for the LLC. At this point, the Tribal Council has to appoint members to serve on the Board. Councilmember Janet Davis said she thought the LLC would be separate from the Tribal Council. Mr. Williams said the main thing is to keep everything separated between the Tribal Council and LLC. The Council can be the Board but it would have to be separate. Vice Chairman Mandell clarified that there is no specific number for the Board and Mr. Williams said no and normally, an LLC would have members who would be the owners or managers and appoint members to manage it. The Operating Agreement and the Articles of Incorporation have to be adopted. The Resolution would approve both of those documents. Vice Chairman Mandell suggested the Board be comprised of five individuals.

The Tribal Council discussed the Board members and Chairman Hawley and Vice Chairman Mandell along with Councilmembers Cassandra Darrough, William Miller, and John Guerrero, volunteered to serve on the LLC Board.

Mr. Williams said the Operating Agreement has some changes. On page 5, it states the initial Board would be five members appointed by the Tribal Council, but in "b" it states the qualifications for the individuals. But qualifications are really not required. The Board members would be appointed by the Tribal Council. He suggested removing Section 7.2(b).

Councilmember Darrough made a motion to *approve the Pyramid LLC Operating Agreement with the noted changes*. The motion was seconded by Councilmember Dunn. Votes were six (6) **FOR** and two (2) **OPPOSED** (Wright, Janet Davis) with zero (0) **ABSTENTIONS**. **Motion carried.**

Chairman Hawley said a resolution has to be approved for the formation of the LLC

Vice Chairman Mandell made a motion to *approve the Resolution approving the Organization and Formation of Pyramid LLC wholly owned by the Pyramid Lake Paiute Tribe and to appoint the Board members*. The motion was seconded by Councilmember Dunn. Votes were six (6) **FOR** and two (2) **OPPOSED** (Wright, Janet Davis) with zero (0) **ABSTENTIONS**. **Motion carried.** **RESOLUTION PL 83-18**

Councilmember Wright said the agenda states discussion and update of Pyramid LLC and with the action taken, it could mislead people and with this motion, people won't know the LLC was approved. Vice Chairman Mandell stated there have been workshops held and not everyone has attended and business is not moved forward in a timely manner. Councilmember Wright said in the future, if there is action to be taken on an item, that it be listed as that on the agenda. Chairman Hawley said according to Robert's Rules of Order a motion can result from discussion.

2. Approval Dispensary Business Plan

Cassandra Dittus provided a representation of the work that has taken place in the past few years. The priorities that were listed at the beginning of this project continue to remain in place. They have been getting the wheels in motion alongside the Tribal Council. As far as the regulatory structure, this has been the first priority that had to be put into place and make sure it is functioning. They worked with the surrounding governments to ensure they are working on a

government-to-government level to maintain high levels of compliance. She said they want to make the best decision for all parties as far as what will benefit everybody.

The business plan being presented has three options for consideration by the Tribal Council. Mr. Dice said there was a special meeting to go over the business plan and they are here to answer any questions. Recently they were approved to move forward with cultivation and the first green house has been delivered. They are working on security protocols.

Vice Chairman Mandell said with the primary and best location would be the Smokeshop area. There were concerns with the school buses in the area but the regulations mention schools and not a bus stop. The other issue is access by minors to any of the products. Mr. Dice said the controls on cannabis have to be extremely stringent. Ms. Dittus said there won't be any visibility of the products from the outside. There will be two points of identification, no children will be allowed in the lobby and they can't be escorted by parents.

Councilmember Janet Davis clarified that the store will be completely separate from the marijuana business. Mr. Dice said it is a secured business and when you walk in, you won't be able to see the marijuana products. Councilmember Janet Davis asked if the Enterprises will continue to do business and the marijuana business will be inside of the Enterprises. Mr. Dice said that is an option for the Tribal Council to consider. She said her opinion is that it should be a separate business and not mingled with the Enterprises. Ms. Dittus said that is an option and it's up to the Tribal Council to decide what would be the most beneficial.

Chairman Hawley asked Mr. Dice to review the Options for the Tribal Council. First, is working with the existing Enterprises or they can take over the management and work with the manager and the last one is to take over the I-80 property. They want to expand the fireworks, add diesel fuel and build the Enterprises. Lastly, there is a divided property and use of half the building.

Vice Chairman Mandell said they also want to expand to the Marina property. Mr. Dice said they want Pyramid LLC to be fully integrated and produce high quality medicine and yet having retail available for people who don't want their rights infringed upon.

Councilmember Janet Davis asked how the money will be managed since it can't be co-mingled with other accounts. Mr. Dice said it depends on which management option the Council chooses. They are trying to make the options financially feasible and planning is critical.

Councilmember Shaw-Keever asked with the one option that includes one modular, which product would be in that modular and Mr. Dice said it would be the fireworks and the Tribe would have the store. The contract states the Tribe will be responsible for facilities, fencing, and security but if the Tribe wants to build other buildings, they can help to make it work.

Councilmember Dunn noted that the Burning Man event will be here within the next 30 days so how does that fit in with their plan and how will it affect the other businesses. Mr. Dice said with whatever option the Council decides on, they would like to redistribute inventory. The Nixon Store would be fully stocked and it would be ready for Burning Man. The problem is staffing and getting them trained.

Vice Chairman Mandell asked if it were feasible to put up a temporary modular to minimize disruption. Mr. Dice said he is confident with the construction and the dispensary part could be done but they want only the things that sell best during Burning Man. He sees the biggest problem is training the employees.

Councilmember Janet Davis said this concerns her because we are talking about them taking over the stores because it only started out as a dispensary. Councilmember Darrough said she sees this as an economic opportunity for the Tribe. There are options before the Tribal Council and during the workshop, the questions being asked tonight had already been answered. The Tribe has to provide a building according to the contract. Ms. Dittus said they have been working with the Tribe for over three years and they have no intention of steamrolling any of the Enterprises. This is an opportunity that has been discussed on different levels and they want to see it profit.

Vice Chairman Mandell said he supports the management of one unit by the enterprise system and it is a viable option.

Diana Mitchell (in the audience) said she is concerned with this business being located at the Marina because it is so close to the Lake and also right next door to the Rangers. She would not want to use our own Paiute language to promote this type of business and to her, it seems to be inappropriate.

Councilmember Darrough said she agrees with Vice Chairman Mandell and also prefers Option 3. She then read the three options. Option 1 is two modulares, revitalization to the current facility, security, modernize gas sign, update the gas pumps, construct two modular or two prefabricated facilities which would be stand-alone firework stand with the other will be a stand-alone dispensary. Option 2 is a dispensary store and modular, revitalization of current facility, modernize gas sign and pumps, construct one modular or prefabricated facility for the fireworks, prefabricate the west side of the current building to be a cannabis dispensary and will include a drive-through. Option 3 is a full build out with future expansion, revitalize current facility, construct and modernize gas pumps, construct one modular or pre-fabricated stand-alone for a firework stand, construct west side of facility for cannabis dispensary and construct fuel pumps and parking, and revitalize campgrounds.

Councilmember Shaw-Keever asked if the Tribe will have to construct or purchase the modular facilities or who is responsible for those expenses. Mr. Dice said the Tribe will be responsible for the facility, fencing, HVAC, and security cameras.

Vice Chairman Mandell made a motion to approve Option 3 with the full build-out. The motion was seconded by Councilmember Darrough. Votes were four (4) **FOR** and two (2) **OPPOSED** (Janet Davis, Wright) with two (2) **ABSTENTIONS** (Dunn, Keever-Shaw). **Motion carried.**

Councilmember Wright commented that marijuana is a schedule one narcotic and there is movement in Washington DC considering to legalize marijuana but at this point it is still illegal. He knows that individual Tribal members have been cited for marijuana possession and what it means with our ordinance is unclear. Nothing has been received from the BIA regarding the ordinance and he is not sure how federal jurisdiction will result. The Constitution still says the

Tribe is under federal jurisdiction. There will be legal implications with regard to those Tribal members who were cited in Tribal court and how they can be protected against prosecution. The Tribe will have to be cautious.

Councilmember Janet Davis said she agrees with Councilmember Wright and said there is a conflict of interest because of the LLC Board members who were just appointed. She had thought this business would be a separate entity from the Tribe because of the federal regulations. This is now intermingling with the Enterprises.

Vice Chairman Mandell said the Tribal Council regulates all of this and the Council is no longer involved with this business because of the LLC although it is comprised of Tribal Council members. It is a separate business entity that oversees the partnership with Dice LLC. A lot of these items have been discussed throughout and there are other tribes that have taken this leap and are already receiving benefits from it. The goal is to become fiscally independent.

3. Approval Regulations Brochure Changes

Brenda Henry, Tribal Secretary, said one comment was received and it was to update the graph and amend items on the application form. Randa Mitchell, Finance Department, said they have to submit any amendments to the brochure for printing to be done before October 1st.

Councilmember Shaw-Keever made a motion to *approve the Regulations Brochure Changes and 2018-2019 PLPT Fishing Guide Permit & Boat Charter Application*. Councilmember Darrough seconded the motion. Votes were eight (8) **FOR** and zero (0) **OPPOSED** with zero (0) **ABSTENTIONS**. **Motion carried.**

NEW BUSINESS

1. Approval Posting of Distracted Driving Code and Handicap Parking Violations – Diana Mitchell, Law & Order Committee

Ms. Mitchell said the Law & Order Committee is requesting approval to post the draft Distracting Driving Code and Handicap Parking Violations for public comment. They discussed the drafts with Wes Williams and he revised them so they will apply to Tribal members and non-tribal.

Councilmember Darrough made a motion to *approve the posting of the Distracted Driving draft and the Handicap Parking Violations Code draft*. Councilmember Janet Davis seconded the motion. Votes were eight (8) **FOR** and zero (0) **OPPOSED** with zero (0) **ABSTENTIONS**. **Motion carried.**

Councilmember Janet Davis stepped down to present the next item at 8:05 p.m.

2. Approval Grant Submission USDA Rural Development Community Facilities – Upgrade Kitchen – Janet Davis, Parks & Recreation

Janet Davis, Parks & Recreation Coordinator, reported the air conditioners are not working very well but they are still under warranty. She recommended another contractor be contacted.

She said it was recommended a grant be submitted for renovation of the gymnasium kitchen area to include a stove, two work tables, refrigerators, ice machine, a food warmer and trays for food storage and more storage shelves. The amount totaled \$11,204.75 and the grant will pay for \$8,403.75 and the Tribal match is \$2,801. She is requesting approval of the grant submittal and to find the Tribal match.

Councilmember Wright stepped out of Chambers at 8:07 p.m.

Councilmember Dunn made a motion to *approve the grant submission for the USDA Rural Development Community Facilities for the Kitchen Upgrade*. Councilmember Miller seconded the motion. Votes were six (6) **FOR** and zero (0) **OPPOSED** with zero (0) **ABSTENTIONS**. **Motion carried.**

Councilmember Janet Davis returned to her Tribal Council seat at 8:08 p.m.

Councilmember Wright returned to Chambers at 8:09 p.m. and Councilmember Darrough stepped out of the Chambers at 8:09 p.m.

3. Approval to Issue Deed Assignment & Release for Sandra A. Dunn with Resolution – Emma Powell, PLHA

Emma Powell with the Pyramid Lake Housing Authority said she is requesting approval of a Resolution to approve the Deed, Assignment, & Release for Sandra A. Dunn. The Housing Board of Commissioners is recommending approval.

Councilmember Guerrero made a motion to *approve the Deed Assignment & Release for Sandra A. Dunn*. Councilmember Janet Davis seconded the motion. Votes were five (5) **FOR** and zero (0) **OPPOSED** with one (1) **ABSTENTION** (Dunn). **Motion carried.** **RESOLUTION NO. PL 84-18 PLHA Deed Assignment & Release – Sandra A. Dunn**

4. Approval to Purchase 2 Pickpoint Remote Dispensing Systems – Debbie Barlese, PLHC

Debbie Barlese, Health Clinic, said she is requesting approval to purchase two pickpoint remote dispensing systems in the amount of \$90,000 which is under the Telemedicine grant. Ms. Barlese was reminded to contact the Tax Department. Vice Chairman Mandell said a demonstration of the system will be held on August 16, 2018.

Councilmember Dunn made a motion to *approve the purchase of two Pickpoint Remote Dispensing Systems*. Councilmember Shaw-Keever seconded the motion. Votes were six (6) **FOR** and zero (0) **OPPOSED** with one (1) **ABSTENTIONS** (Mandell). **Motion carried.**

5. Approval Land Assignment Request with Resolution – Kelly J. Smith – Richard Frazier, Lands Manager

Richard Frazier, Lands Manager, was present to request approval of a land assignment for Kelly Smith for his home conveyance.

Councilmember Wright made a motion to *approve the Land Assignment Request for Kelly J. Smith with Resolution*. Councilmember Janet Davis seconded the motion. Votes were seven (7) **FOR** and zero (0) **OPPOSED** with zero (0) **ABSTENTION**. **Motion carried**. **RESOLUTION NO. PL 85-18 Land Assignment Request – Kelly J. Smith**

6. Approval Moratorium – New Land Assignments – Richard Frazier, Lands Manager

Mr. Frazier said the Land & Resource Committee is recommending a moratorium on new land assignments as a result of the water infrastructure limitations. Meetings have been held with several departments regarding the water issue that came up during the land use planning meeting. Councilmember Janet Davis asked if this was for the Wadsworth area only and Mr. Frazier said no, it is all three communities. The systems are maxed out and the viewpoint of the Committee is that there are no other areas for new land assignments on the Reservation that are within the grid system for water and electricity. This moratorium would affect only new land assignment applications and it would not affect home conveyances, title transfers, agriculture transfers or any Tribal programs that have grant funding. He said PUD is aware of this issue and it is being addressed with Indian Health Services.

Councilmember Darrough returned at 8:16 p.m.

Councilmember Wright made a motion to *approve the Moratorium for New Land Assignments*. Councilmember Darrough seconded the motion.

Discussion: Sherry Ely-Mendes (in the audience) said the Tribe has put moratoriums in place on various items without timelines and she encouraged the Tribal Council to make sure this is a priority for the community. When moratoriums are put into place, you disallow the right of Tribal members to own property on the Reservation. There are Tribal members wanting to come back and this moratorium doesn't allow them that opportunity. Mr. Frazier the discussion at Land & Resources is if the new land assignments are approved, they then "pass the buck" to PUD. He has about a dozen new applications and the individuals were made aware of the situation.

Votes on the motion to *approve the Moratorium for New Land Assignments* were four (4) **FOR** and two (2) **OPPOSED** (Guerrero, Shaw-Keever) with two (2) **ABSTENTIONS** (Dunn, Janet Davis). **Motion carried**. **RESOLUTION NO. PL 86-18 – New Land Assignment Moratorium**

Councilmember Wright commented that this is applying pressure on the government to find a solution. Options have to be reviewed in order to alleviate the water supply.

Councilmember Shaw-Keever said she opposed the motion because there is no plan in place and there was no ending date.

7. Approval to Post Land & Resources Committee Vacancy – Land & Resource Committee

Councilmember Wright made a motion to *approve the posting of the Land & Resource Committee vacancy*. Councilmember Janet Davis seconded the motion. Votes were eight (8) **FOR** and zero (0) **OPPOSED** with zero (0) **ABSTENTION**. **Motion carried**.

8. Enterprise Update – Kodie Cook, Enterprise Manager

Kodie Cook, Enterprises Manager, distributed copies of the updated Enterprises' report. Councilmember Wright asked how the Enterprises are doing and Ms. Cook said they are doing good with increased firework sales. The fuel pumps will be repaired at the Nixon Store and the Marina. Chairman Hawley asked the Tribal Council if they would like time to review the information that was received tonight and Tribal Council agreed.

Councilmember Janet Davis asked when the marijuana project will begin their management of the Enterprises. Vice Chairman Mandell said the transition has started.

Councilmember Guerrero said the Tribal Council has been requesting reports from the Enterprises for months. Councilmember Wright asked Ms. Cook what her opinions are regarding Dice LLC and Ms. Cook said she never saw their plan and didn't know the options before the Tribal Council. No one has spoken to her about it. A question was asked about the vendor contracts and what will happen to them once the other business comes in. Councilmember Wright said the contracts will have to be reviewed for the termination clause. Chairman Hawley said he did speak with Ms. Cook about this project and specifically told her about it when she was hired. Conversations were held between Pyramid LLC and the Enterprise Manager. This project has been in the works for over two years. Ms. Cook said she was aware of the project but didn't realize the Enterprises was going to be an option. She is in support of the project but is trying to understand how it will be managed.

Chairman Hawley said a request that was made to separate the Enterprises' audit from the Tribe's audit in the event of any discrepancies or if there are any findings. Audits are a must every year and it is the Enterprises' responsibility to request audit proposals and to absorb that cost. He also asked that their annual budget be submitted in order to see their profits and losses. A business plan is also very important along with the policies and procedures for the Enterprises.

Vice Chairman Mandell asked if the gas pump repairs contingent upon the approval of the Docket 87-B funds and Ms. Ciceu said she received quotes from Debra Harry for the request of Docket funds and she asked Ms. Cook if the repairs are contingent on that or if they want reimbursement. Ms. Cook said it would be a reimbursement if the request for Docket funds is approved. The repairs have to be done.

COMPTROLLER – Lynda Ciceu

Lynda Ciceu, Comptroller, said she has three items for Tribal Council action.

1. Consent to Close 2016 Re-Issue Distribution Requests

Ms. Ciceu is requesting approval to close the re-issuance of checks for the 2016 Christmas distribution. People lose their checks and they contact the Enrollment Officer to request re-issue of the checks. Ms. Ciceu said she would like to stop the reissuance of those checks by the end of this month.

Councilmember Dunn made a motion to *approve the Request to Close the Re-issuance of the 2016 Christmas Distribution Checks*. Councilmember Wright seconded the motion. Votes were eight (8) **FOR** and zero (0) **OPPOSED** with zero (0) **ABSTENTION**. **Motion carried.**

2. Approval Docket 87-B Funds for Enterprise and Realty with Resolution

Ms. Ciceu said the Docket 87-B is very vague and states it can be “used for but not exclusively” for almost anything that falls in the budget. The Enterprises is specifically mentioned in the Docket and the request is for \$59,000 for the repair of gas pumps at the Nixon Store and Marina. The Realty Department has a \$13,000 request for wireless connection. There is a \$53,000 request for the burial plan. Human Resources is requesting an additional \$20,000 which was originally set aside for a building that is no longer going to be used. This funding had been previously approved by the Tribal Council but in a different capacity.

Vice Chairman Mandell said the use of Docket funds is being used to subsidize businesses that should already have these amounts included in their department budgets. This is a budget issue.

Ms. Ciceu said everyone wants the gas pumps repaired and the benefit outweighs the cost. The Realty Department has had a lot of legal expenses this year and they are making a profit but the Tribe is taking that money. With Government Services, there has been a lot of deaths in the Tribe.

Councilmember Wright said he agreed with Vice Chairman Mandell to an extent. Enterprises is included in Docket 87-B along with the burial plan. The Realty Department request is more cosmetic and it's not provided to Tribal members. He doesn't believe it is a justifiable expense for Docket funds, along with the Human Resources request.

Vice Chairman Mandell said with regard to the burial plan and decreasing the obituary line item, there was concern about removing it. He would recommend increasing the burial plan funds to include the obituary. This is a benefit for every Tribal member.

Chairman Hawley said during the budget discussion, there were three departments that had requested additional funding and was approved. But when it went through the next round, the funding had not been included in the budgets. Human Resources is requesting the funding that had already been approved by the Tribal Council.

Councilmember Wright made a motion to *approve the Docket 87-B Funds Resolution with the Exception of Realty*. Motion dies for lack of a second.

Vice Chairman Mandell made a motion to table and take back for renegotiation of the burial plan.

Gina Wadsworth, Interim Executive Officer, said the burial plan must be approved because there are no burial plans in place. There had been another death recently and the funeral home is waiting for a decision from the Tribal Council. If the Tribal Council does not approve the funding the family will have to be responsible for the expenses which could be substantial.

Vice Chairman Mandell said a contingency fund is needed to accommodate these types of emergencies. Councilmember Wright said that is something that doesn't exist right now but we do have a resolution. Vice Chairman Mandell withdrew his motion

Councilmember Wright made a motion to *approve the Docket 87-B Funds for only the Enterprise and Government Services-Burial Fund*. Councilmember Janet Davis seconded the motion. Votes were seven (7) **FOR** and zero (0) **OPPOSED** with one (1) **ABSTENTION** (Dunn). **Motion carried.** **RESOLUTION NO. PL 87-18 Docket 87-B Funds Enterprise and Burial Fund**

Chairman Hawley stated he will review the original budget that included the dollar amounts to make a determination of those funding allocations. The Tribal Council will then be responsible to re-allocate those funds. Ms. Ciceu believes those requests had been cut from the budget because cuts had to be made.

3. Approval to Adjust Financial Management Manual with Resolution

Ms. Ciceu said there is a need to amend the Financial Management Policy. There has been audit findings regarding the inventory and the reason it was a finding is because the Property Management Policy states inventory will be done every two years but when you look at the Financial Management Policy, it states inventory will be done at year end. She is recommending removing "at year end" and including "once every two years." It does comply with GASB.

Councilmember Janet Davis made a motion to *approve the Financial Management Manual Amendment and Resolution*. Councilmember Shaw-Keever seconded the motion. Votes were eight (8) **FOR** and zero (0) **OPPOSED** with zero (0) **ABSTENTION**. **Motion carried.** **RESOLUTION NO. PL 88-18 Financial Management Manual Amendment**

Ms. Ciceu said she would like to request a budget meeting with the Tribal Council in August. She is recommending mid-August. Following discussion, the Tribal Council decided to schedule the quarterly budget meeting in September.

Chairman Hawley said he will be requesting discussion on the Vice Chairman position on whether or not it should be included in the budget for next year as a paid position. Councilmember Wright said discussion will also have to take place with regard to the Executive Team and what it would mean to Administration if the Vice Chairman position will be a paid position. Vice Chairman Mandell would like copies of the minutes where the decision was made on the Executive Team positions.

EXECUTIVE TEAM

1. Gina Wadsworth, Executive Officer (Interim)

Gina Wadsworth, Interim Executive Officer, provided her report. She said the TERO Program has been delegated to the Human Resources Department so they can fully utilize the funding and provide additional training. Management of the Food Bank will be delegated to Social Services. She said she is working on revisions to the Vehicle Policy.

2. Randy Hunter, Programs Officer

Randy Hunter, Programs Officer, announced the Numaga Program received funding to purchase a shuttle for the program. The Safety portion of the Transportation program received funding for the Safe Streets project in front of Natchez Elementary School. The amount of the grant is \$1.3 million. Also, the Transit program was funded for an additional year.

He said there is an internal working group on the land use plan and the water system in the Wadsworth area. The master water plan was developed by Stetson Engineers in 2010 and in that plan there are two alternatives for the Wadsworth area. The infrastructure costs will be substantial. Councilmember Wright said the funding for the Master Plan was provided through Senator Reid's office and was not funded by the Tribe. Mr. Hunter said a master plan has to be done for Nixon and Sutcliffe.

Mr. Hunter said the air conditioning unit at the Nixon Gym is not working properly and it is not clear the reasons why it is not working properly. He suggested construction to enclose the entrances. There was a quote of \$6,300 by the previous Maintenance Supervisor. He did speak with Richard James about the construction who said he could perform the work as a temporary employee.

Councilmember Wright returned to chambers at 8:08 p.m.

3. Business Officer – No Report

CHAIRMAN'S REPORT- Vinton Hawley

Chairman Hawley reviewed his report with the Tribal Council. The Zuniga brothers abandoned their attempts to trademark the name "Stone Mother Coffee." Screening interviews were held for the Executive Officer position but it was decided to repost. The Business Officer position was posted today and he notified the Realty Department and Enterprises that he would be assuming supervision.

He said the Tribe engages with the BLM Burning Man Environmental Impact Statement and Mr. Hunter also participates with those telephone conference calls. There was an email regarding the Tribe's marijuana ordinance not being accepted by the BIA. He previously informed the Tribal Council that the BIA has not and will not accept any marijuana ordinances because they are obligated to the government. He was informed by Robert Eben, BIA Superintendent, that tribes have a sovereign right to implement any code or ordinance, however, the BIA would not recognize any tribes marijuana ordinances. But the BIA cannot stop tribes from adopting codes and ordinances, they just won't accept them and they are being recorded.

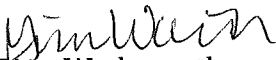
ADJOURNMENT

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

The meeting adjourned at 9:58 p.m.

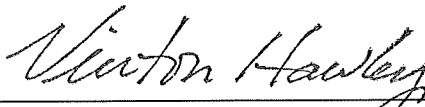
Minutes taken by Brenda A. Henry, Tribal Secretary.

Submitted by,


Gina Wadsworth
Contracted Transcriber

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 17th day of August, 2018, 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: 
Vinton Hawley, Tribal Chairman
Pyramid Lake Tribal Council

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