

Pyramid Lake Paiute Tribal Council

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

PYRAMID LAKE PAIUTE TRIBAL COUNCIL SPECIAL MEETING MINUTES Tribal Chambers ~ Nixon, NV September 21, 2018

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

MEMBER ABSENT: Vinton Hawley, Tribal Chairman

CALL TO ORDER

Vice Chairman Alan Mandell called the September 21, 2018 Special meeting of the Pyramid Lake Paiute Tribal Council to order at 6:00 p.m.

For the record Tribal Chairman Hawley is absent and Vice Chairman Mandell will be chairing the meeting.

ROLL CALL

Roll call was taken by Brenda A. Henry, Tribal Secretary. Councilmember Cassandra Darrough arrived at 6:08 p.m. All other Councilmembers were present at roll call and a quorum was established for this meeting.

APPROVAL OF AGENDA

Vice Chairman Mandell requested the following changes to the agenda:

1. Under New Business, move #2 Approval for Chairman Hawley to sign Mutual Aid Agreement with Truckee Meadows Water Authority-Ben John, PUD Director, to Consent Agenda Item #7
2. Add to Consent Agenda as Item #7 Approve Stetson Engineers, Inc. August 2018 Invoice #1336-1808 and 1336-01-1808

Councilmember Dunn made a motion to *approve the September 21, 2018 Tribal Council meeting agenda as amended*. Councilmember Darrough 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 of Minutes: August 3, 2018 (Regular) and August 17, 2018 (Special)
2. Approval CHE Three (3) \$500 Tribal Scholarships: M. Skenandore, T. Williams and D. Matson
3. Approval HR Reclassifications: Transfer Station Attendant and Substance Abuse Counselor
4. Approval HR Classification: Human Resources/Employment Coordinator
5. Approval Wolf, Rifkin, Shapiro, Schulman & Rabkin, LLP June 2018 Invoice
6. Approval for Pyramid Lake Fisheries to Enter into PL 93-638 contract with Bureau of Indian Affairs with Resolution
7. Approval for Tribal Chairman to sign Mutual Aid Agreement with the Truckee Meadows Water Authority
8. Stetson Engineers August 2018 Invoice #1336-1808 and #1336-01-1808

Councilmember Wright requested to pull #7 for discussion. Councilmember Judith Davis requested to pull the August 3, 2018 Tribal Council Regular Meeting minutes and #8 Stetson Engineers, Inc. August 2018 Invoice since this item was not included in packet.

Councilmember Dunn made a motion to *approve the Consent Agenda except Item 7 and the August 3, 2018 Tribal Council Minutes*. Councilmember Judith Davis seconded the motion. Votes were eight (8) **FOR** and zero (0) **OPPOSED** with zero (0) **ABSTENTIONS**. **Motion carried.**
RESOLUTION NO. PL 105-18 PYRAMID LAKE FISHERIES – PL 93-638 CONTRACT WITH BIA

Councilmember Judith Davis stated she has a correction to be made to the August 3, 2018 meeting minutes. On page 5, first paragraph, include, "Dittus said Tribal Council does not have the correct resolution" and after the next sentence add, "and the Pyramid LLC". Also, on page 5, the motion should state, "to table the resolution presented as it is incorrect per the information shared by Councilmember Darrough."

Councilmember Judith Davis made a motion to *approve the August 3, 2018 Tribal Council Regular Meeting minutes with the corrections*. Councilmember Shaw-Keever seconded the motion. Votes were eight (8) **FOR** and zero (0) **OPPOSED** with zero (0) **ABSTENTIONS**. **Motion carried.**

Councilmember Wright asked Benjamin John, PUD Director, to provide a summary of the request. Mr. John stated Truckee Meadows Water Authority (TMWA) has equipment the Public Utilities Department (PUD) doesn't have for large-sized pipe and it's equipment PUD doesn't use often enough to justify a purchase. TMWA has provided assistance in the past without charge but they now need this agreement in place in order to protect both the TMWA and the Tribe.

Councilmember Wright made a motion to *approve the request for the Tribal Chairman to sign the Mutual Aid Agreement with the Truckee Meadows Water Authority*. Councilmember Janet Davis seconded the motion. Votes were eight (8) **FOR** and zero (0) **OPPOSED** with zero (0) **ABSTENTIONS**. **Motion carried.**

Vice Chairman Mandell said there was no information provided for the Stetson Engineers invoices and this should be tabled.

Councilmember Judith Davis made a motion to *table the Stetson Engineers, Inc. August 2018 Invoice*. Councilmember Shaw-Keever seconded the motion. Votes were eight (8) **FOR** and zero (0) **OPPOSED** with zero (0) **ABSTENTIONS**. **Motion carried.**

PRESENTATION

1. Update on Residential Water Systems – Louis Bernasconi, PE, Indian Health Services

Louis Bernasconi said he is the Project Engineer with Indian Health Services (IHS) and is here to discuss the current water usage in each water system and the challenges with each system. The evaluation began because the Pyramid Lake Housing Authority requested information to see how many homes they can build in each community using a proposed number of 20 homes and if each system could handle those homes. He will be reviewing the existing condition of each system as they are now instead of how it would be if the additional homes were added. They used design standards when conducting the evaluation. The data they have comes from the pump house and the Tribe's water operators do a great job in keeping track of the data.

In Nixon, using a 10-year average, there is a daily demand of 537 gallons/day with a maximum daily demand of 1,200 gallons/day. They looked at water demand versus water production. There are two wells in Nixon and the pumping rates are 95 gallons per minute and if they were to run 24 hours/day they can get to 345,000 gallons. There is a storage tank that holds 300,000 gallons so there is capacity built into the storage which is appropriate for Nixon. There is good water here and all that is added is chlorine. Mr. Bernasconi said the current peak water demand is greater than production which is concerning. The IHS recommends that the community should reduce water demand, address leaks, install meters and implement metered rates, and to increase water production.

In Sutcliffe the average daily demand is higher than Nixon and is at 768 gallons/day per connection. There is a lower population in Sutcliffe with 82 connections. There is approximately 1,668 gallons/per day per connection. There is an arsenic treatment facility and to treat the water, to make it drinkable, you have to treat 200 gallons/minute. There is a capacity of 170 gallons/per minute in one well and 55 gallons/minute in the other well. But it is limited to 200 gallons because of the treatment facility. The conclusions and recommendations are: the existing water system can support the current demand and growth should be limited due to high water usage. The community should reduce water demand to increase the number of homes that can be built.

Mr. Bernasconi said in Wadsworth the average daily demand is 788 gallons/minute per connection. Well production in Wadsworth is good and there is a new well that produces a lot of water. Water treatment only requires chlorine. The maximum daily demand plus fire flow is 100,000 gallons but the storage tanks are too small. The conclusions and recommendations for Wadsworth are: the current water demand results in water storage being inadequate. The community should reduce water demands by repairing leaks, have metered water rates and increase water audits and to increase water storage capacity.

In summary, each community has its own limitations. The limiting factor in Nixon is well production and in Sutcliffe it's treatment. In Wadsworth it's a storage issue.

In August 2017 the Tribe was funded for the first nationwide IHS Meter Project. The IHS funded the project in the amount of \$742,000 and the Tribe's portion is \$337,000. Construction began in August 2018 in Nixon with 17 meter boxes that were installed. The challenge is locating water service lines because there are no drawings. They want to show that this type of project can work and that with more knowledge the community can take care of natural resources.

Councilmember Guerrero said the Tribal Council has been making decisions and placing moratoriums on land assignments without this type of information. Mr. Bernasconi said the Tribe is fine in the existing state but the message is if there is a reduction in water usage, then you can build. The target would be 400 to 600 gallons/day.

Mr. Bernasconi said in working with Ben John they have already discovered eight significant leaks that can add up really fast. The repairs will show a reduction in water use. There are a lot of old homes in Nixon and a lot of different types of pipes. Vice Chairman Mandell asked what the Tribe could do if there was funding available to build homes and Mr. Bernasconi said they would recommend using the funding for infrastructure and in Nixon drill another well, in Wadsworth build another tank and in Sutcliffe add another water treatment facility. Vice Chairman Mandell said this provides the Tribe a good overview with what we plan to do with the land and zoning. Mr. Bernasconi said this project provides the education that is needed.

2. Realty Department Water Update – Cara Tibuidiza, Realty Department

Cara Tibaduiza, Realty Manager, is here to provide an update on the water wells and storage facility. In the Big Bend area, there are two types of water testing done on a monthly basis. One test is for coliform and they will begin to test for nitrates and nitrites. This year is the first year since 2011 that all of the required water tests were performed under the EPA requirements and they are beginning to move the Big Bend area from a state of non-compliance to a state of compliance.

A full inventory was done for the Marina storage yard and they have noted several abandoned items in that yard. They will attempt to locate the owners and titles for the items. Ms. Tibaduiza said she would like to have the option to auction off the items and put the money back into the Marina RV park and storage area.

Councilmember Guerrero said there is an issue with the wells at Hermans. There is an IHS water line that was installed but he doesn't know if the right-of-way or easement was followed. Is that the infrastructure for that assignment or is it for hookups for the other houses. Ms. Tibaduiza said Washoe County has issued rights-of-ways and they have been working with the HIS and it may be easy to extend the line on lower Main to Hermans but the issue is funding. She doesn't believe it is a private line and she has spoken to Ben John about the water line and she did receive a quote to extend from lower Main to Terry Graham's place. The estimate was about \$20,000 and is a cost the Realty Department can't afford. Vice Chairman Mandell asked Mark Lumpkin, Interim Executive Officer, to follow up with Ben John.

Randy Hunter, Programs Officer, said he discussed this with Ben John and that IHS had funded the water line to that house. In discussion with Ms. Tibaduiza, she did get the applications for the other houses so they can fund the extension. Mr. John said there was only one applicant funded by the IHS and the line was supposed to stop. He did meet with IHS to approve an extension of 100' and to include a fire hydrant.

Councilmember Judith Davis said those homes belong to the Tribe and we have to find the funds to get the water line completed. Ms. Tibaduiza said part of the problem with that well is that the people who live there are non-Tribal members and are not eligible to sign up for services through IHS.

Councilmember Judith Davis made a motion to *request the Realty Manager work with the Public Utilities Department (PUD) to develop concrete costs for Hermans Street and return to the Tribal Council.* The motion was seconded by Councilmember Guerrero. Votes were eight (8) **FOR** and zero (0) **OPPOSED** with zero (0) **ABSTENTIONS**. **Motion carried.**

3. 2017 Completed Audit – Blue Bird, CPA

Gemma Han, Blue Bird, CPAs, is here to present the 2017 audit for the Pyramid Lake Paiute Tribe. This year was their second year to conduct the Tribe's audit which went very well. They had full cooperation from the departments. There are four different opinions: unmodified, qualified, adverse, and a disclaimer opinion. They provide an opinion for the financial statement and the second is for the compliance which is a single audit. If the Tribe receives more than \$750,000 in federal grants, the Tribe is required to get a single audit and an opinion is provided on compliance. You want to consider how many journal entries the auditor had to repair to get a clean opinion. As long as the mistakes are corrected they can provide a clean opinion. This year there were less adjusting entries that had to be done. One was relating to accounts receivable at the Pyramid Lake Health Clinic. The Health Clinic used to prepare financial statements on a cash basis and they recorded revenue only when they received cash, credit cards, or checks. They were not properly stating the revenue or receivables. There was another adjustment relating to the 401K so there was not an account balance so an adjustment was made. The 401K is not the financial resources of the Tribe so they don't see it as a concern.

Program revenues increased about 17% and was grant related. The Tribe received more grants and overall there was an increase in 2017. Expenditures also increased as a result of the grant funding increases. Cash and cash equivalent decreased about 24% which was a large drop. The main reason is because in 2016 the Tribe was holding a payable of \$1.4 million for Ft. McDermitt and the Tribe then returned the money back to them.

Ms. Han said it is important for the Tribe to be compliant with regulations because the Tribe's main source is intra-government revenues. The two significant revenues are related to grants and she stressed that it is important for the Tribe to be compliant with rules and regulations.

The biggest expenditure, other than general government, is mostly spent for the Health Clinic. The Tribe has a large clinic and so they also contribute a large amount of revenue for the Tribe.

She explained certain programs were chosen to make sure the Tribe is in compliance with federal regulations. They chose EPA, the Health Clinic, and Law Enforcement. There were some findings with Law Enforcement because the reports were late, specifically the crime statistics report and the drug report. There was an improvement this year in locating two files out of the 40 files they requested.

Ms. Han said they also audited the Enterprises. There were some challenges and the Tribe hired a consultant that prepared the books for Blue Bird. They recommend keeping good records going forward because it is very important to do a physical inventory at the store.

Vice Chairman Mandell asked if the Tribe should have a matching fund for the unearned revenue and Ms. Han replied yes and they always check to make sure there is enough investment or cash to cover it. The Tribe has sufficient cash to cover unearned revenue and it is very important to monitor it.

4. Dementia Friendly Pyramid Lake Community Assessment – Jennifer Carson, PhD UNR

Carla Eben, Numaga Program, said she met Jennifer Carson through a grant the Tribe received. Jennifer Carson said she is a research assistant professor at UNR and she introduced Peter Reed who is the director of Sanford Center for Aging at UNR.

Mr. Reed said there is a new initiative, Dementia Friendly Nevada which is statewide and Pyramid Lake is participating. The first step is to conduct a community needs assessment and the Sanford Center for Aging was contracted to coordinate the evaluation of the different communities. The first thing they looked at was how many people were potentially living with Alzheimer disease and dementia in the community. A standardized formula was used to calculate that. They estimate that there are 24 people living on the Reservation who have dementia. Dementia includes Alzheimer disease and other forms of cognitive impairment. There could be other individuals who may have dementia but don't know it. Among the 24 individuals, they estimate eight are over 85 years of age. Also, they estimated four people have dementia that live by themselves and are socially isolated and need a lot of support. They also wanted to assess the attitudes of community members. The overall goal is to build a community that is inclusive and accessible to people who are living with dementia. A survey was conducted and there was a total of 22 people that completed the survey. Statewide, there were 1,068 responses to the survey in the State of Nevada. About 65% of the respondents reported that they have a personal relationship with someone living with dementia. They used a dementia attitudes scale that is a reliable and valid measure in looking at what people think about others with dementia. In the Pyramid Lake community there is the strength in terms of community cohesiveness and strength of families in supporting their elders but there could be gaps in terms of more education on dementia.

Ms. Carson said Nevada is one of the fastest aging states in the country and has one of the fastest growing populations of people living with dementia. In 2016 there was development of a statewide work group and there are now six communities funded through the grant. The idea was to assist the communities to engage in a collaborative process to identify and pursue their own community-driven dementia friendly pools. She said they are planning to provide information and an education session at a diabetes education event in November.

5. Natchez Elementary School Attendance Data Review 2017-18 School Year and NV Attendance Policy – Daniel Kirk, Natchez Elementary Principal

Daniel Kirk, Natchez Principal, said he will be presenting data regarding attendance for Washoe County School District schools. The summary is chronic absenteeism is a proven factor to academic failure for the students. Chronic absenteeism means students who miss more than 10% of the school year which is a total of 18 days. This is a lot of time lost in instruction and it is impactful for the students. Research shows that if a student misses 10% of the school year, they are falling behind by a grade level and are at risk of not achieving graduation or the educational experience they need.

For last year at Natchez, there was 43% of the students that were chronically absent. That is 71 students who were chronically absent and are falling behind. There was 8% of the students which is 17 students that were severely chronic absent which is 20% of the school year.

The new policy is that if you are absent, the student is missing instruction. There are no excused absences within the new policy. This means if a student is gone, whether medical, excused by parents or doctors or not excused at all, then they are on the pathway to being chronically absent. If they are 10% or greater absent from school, they will be retained and held back. With the policy there is system to regain that instruction. It is a makeup work policy. If a student is absent, they have two days to request makeup work from their teacher and will have the number of days they were absent plus one additional day to makeup the work then those absences are excused and not marked toward chronically absent.

Mr. Kirk said they do have incentives and giveaways for perfect attendance. During the month of August 2018, there were 74 students that had perfect attendance. Tier 1 supports are positive incentives; Tier 2 is once a student reaches the 10%, they will be working with the counselor and the Communities in School staff member; and, Tier 3 is once a student reaches the 20% it becomes the principal's responsibility to reach some barriers and identify community supports to assist with the chronic absenteeism. The policy had been distributed at the Back to School Night and with the student calendar and handbook.

Councilmember Wright asked how the parents are receiving the policy requirements. Mr. Kirk said he hasn't received any negative feedback and there are some students at Tier 2 and are missing 10% of the current number of days. He believes the reason is the makeup work is not being completed and turned back in, even with the additional support of the after school program.

Mr. Kirk said there are the SEL and PBIS committees within the School and he requested a Tribal Council member be a member of one of these committees. They will be meeting on Wednesday at Natchez Elementary.

6. U.S. Wolf Refuge Introduction/Collaboration – Bill Chamberlain

Bill Chamberlain said he is the curator and director of the U.S. Wolf Refuge. This is a private, nonprofit sanctuary for the multitude of wolves and wolf dogs that are in the area. They are located in the Pah Rah Mountains and it is a 100-acre facility. Mr. Chamberlain said he is here to

talk about collaboration on a project to create a Native American education center and would like to include the Paiute stories and culture. He is asking for assistance from Tribal members in telling the Paiute stories. No action was taken at this time.

UNFINISHED BUSINESS

1. Approval NUMU, Inc. 2-Year Operational Budget with Resolution – Gary Shaw, Economic Development Committee

Gary Shaw said he is representing the Economic Development Committee (EDC). The EDC met to consider the request from NUMU, Inc. for two year funding in the amount of \$2 million. There was a draft narrative on how the funding will be used. The EDC has approved the proposed budget request and is now being forwarded to the Tribal Council for consideration.

Councilmember Judith Davis made a motion to *approve NUMU, Inc.'s 2 year Operational Budget with Resolution*. Councilmember Dunn seconded the motion. Votes were eight (8) **FOR** and zero (0) **OPPOSED** with zero (0) **ABSTENTIONS**. **Motion carried.** **RESOLUTION NO. PL 106-18 NUMU, INC. 2 YEAR OPERATIONAL BUDGET**

Councilmember Wright made a motion to *authorize the Tribal Chairman to sign the SF-1034 Form*. Councilmember Judith Davis seconded the motion. Votes were eight (8) **FOR** and zero (0) **OPPOSED** with zero (0) **ABSTENTIONS**. **Motion carried.**

NEW BUSINESS

1. Selection of Museum Committee Member (One vacancy)

There is one vacancy on the Museum Committee and there were four applications received. The applicants are Sherry Ely-Mendes, Levi Frazier, Christine Bloomfield, and Carla Eben. The Tribal Council voted by ballot and results are as follows: Sherry Ely-Mendes received 1 vote; Levi Frazier received 2 votes; Christine Bloomfield received 1 vote; and Carla Eben received 4 votes.

Carla Eben was selected to serve on the Museum Committee.

2. Approval 2019 Indian Housing Plan (IHP) with Resolution – Christine John, Executive Director Interim

Christine John, Interim Executive Director of the Pyramid Lake Housing Authority (PLHA), presented the 2019 Indian Housing Plan and she is requesting approval of the Indian Housing Plan and resolution. She said the PLHA Board of Commissioners is recommending approval. She stated they received word from the HUD office that the PLHA will receive an estimated amount of \$1,574,431.

Councilmember Janet Davis made a motion to *approve the 2019 Indian Housing Plan with Resolution*. Councilmember Shaw-Keever seconded the motion. Votes were eight (8) **FOR** and zero

(0) **OPPOSED** with zero (0) **ABSTENTIONS**. **Motion carried.** **RESOLUTION NO. 107-18 2019 INDIAN HOUSING PLAN (IHP)**

3. Approval Recommendation to Keep Dago and Howard Bays Closed – Betty Aleck, THPO

Betty Aleck, Tribal Historic Presentation Office, reported the Cultural Resources Committee met and on their meeting agenda was closure of Dago Bay and Howard's Bay. This Committee recommends keeping these two areas closed to the public. Their decision was based on that there are areas east of Pyramid Lake may contain human remains and that if the public is allowed in these areas, people may hike or drive to other beaches and sensitive locations. The Committee also feel that incidents such as looting could take place if the public is allowed in these areas.

Councilmember Janet Davis said a motion is already in place and it doesn't have to be revisited. It was determined that Howard's Bay and Dago Bay will remain closed with no timeline to open.

4. Approval Distracted Driving 3.5.213 with Resolution – Diana Mitchell, Law & Order Committee

Diana Mitchell, Law & Order Committee, said the Law & Order Committee is recommending approval of the Distracted Driving Section 3.5.213 and resolution. No comments had been received during the 30-day comment period. This Section and the following Section had been brought to the Tribal Council at a previous meeting but no resolution had been included so it is being returned for action.

Councilmember Dunn made a motion to *approve the Distracted Driving 3.5.213 with Resolution*. Councilmember Darrough seconded the motion. Votes were eight (8) **FOR** and zero (0) **OPPOSED** with zero (0) **ABSTENTION**). **Motion carried.** **RESOLUTION NO. PL 108-18 LAW & ORDER CODE – 3.5.213 DISTRACTED DRIVING**

5. Approval Handicap Parking 3.5.456 with Resolution – Diana Mitchell, Law & Order Committee

Ms. Mitchell said the Law & Order Committee is recommending approval of the Handicap Parking Section 3.5.456 and resolution. No comments had been received during the 30-day comment period.

Councilmember Dunn made a motion to *approve the Handicap Parking 3.5.456 with Resolution*. Councilmember Judith Davis seconded the motion. Votes were eight (8) **FOR** and zero (0) **OPPOSED** with zero (0) **ABSTENTIONS**. **Motion carried.** **RESOLUTION NO. PL 109-18 LAW & ORDER CODE - 3.5.456 HANDICAP PARKING**

Councilmember Wright stepped down from his Council seat at 8:57 p.m. to present the next items.

6. Approval to Request to Install Weather Station in the Perry Burn Area – Mervin Wright, Jr., Environmental Manager, Natural Resources

Mervin Wright, Jr., Environmental Manager, said Natural Resources is requesting approval of the installation of a weather station in the Perry Burn Area. The station will monitor the weather and record precipitation. The Interdisciplinary Team (IDT) is recommending approval of the request.

Councilmember Judith Davis made a motion to *approve the installation of a Weather station in the Perry Burn Area*. Councilmember Darrough seconded the motion. Votes were seven (7) **FOR** and zero (0) **OPPOSED** with one (1) **ABSTENTION** (Wright). **Motion carried.**

7. Approval Request to Film Fishing on Pyramid Lake – Mervin Wright, Jr., Environmental Manager, Natural Resources

Mr. Wright said Justin Wolff met with the IDT for his request to film himself while fishing. The IDT is recommending approval of the request as long as the Mr. Wolff purchases the required permits. Vice Chairman Mandell said the filming fee is \$1,000/day.

Councilmember Janet Davis made a motion to *approve the film request for Justin Wolff to film himself making a fishing video on Pyramid Lake with the following stipulations: follow guidelines of the film policy and pay the \$1,000/day film fee*. Councilmember Shaw-Keever seconded the motion. Votes were seven (7) **FOR** and zero (0) **OPPOSED** with one (1) **ABSTENTION** (Wright). **Motion carried**

Councilmember Wright returned to his Council seat at 9:15 p.m.

8. Approval SAFER Grant FEMA Assistance to Firefighters Grant Award with Resolution – Don Pelt, EMS

Don Pelt, Emergency Response Coordinator, said Emergency Response has been awarded a \$608,016 grant to hire additional personnel and he is requesting approval of a Resolution to accept a grant award from the FEMA Staffing for Fire and Emergency Response (SAFER) grant to provide necessary personnel. The grant match that will be due is in the amount of \$82,164 which will hire of four paramedics and three advanced EMTs.

Councilmember Janet Davis said her concern is finding the match. Lynda Ciceu, Comptroller, said in the budget, she included a cash reserve and she did estimate there could be \$116,000. Mr. Pelt said the other portions will be included with other revenue sources. The Tribal Council discussed issues with funding and projected revenue. Councilmember Wright said he would like to see funding be set aside for a reserve so the Tribe is not relying on projections. Ms. Ciceu said she hears it from the program side. We have to be careful on what the funding is spent on in order to build that reserve.

Councilmember Dunn made a motion to *approve the Resolution for the SAFER Grant FEMA Assistance to Firefighters Grant Award with the Executive Officer/Team to find the \$82,164 match*. Councilmember Shaw-Keever seconded the motion.

Discussion: Vice Chairman Mandell said this is a budget issue and he said the Executive Team should have reviewed this request before it came to the Tribal Council. Mr. Pelt said he has 15 days to accept

the grant. Councilmember Darrough said this is a prestigious grant the Tribe has received and it will be an example for other tribes and rural communities as a whole.

Votes on the motion to *approve the Resolution for the SAFER Grant FEMA Assistance to Firefighters Grant Award with the Executive Team to find the \$82,164 match.* were six (6) **FOR** and two (2) **OPPOSED** (Judith Davis, Janet Davis) with zero (0) **ABSTENTIONS**. **Motion carried.**
RESOLUTION NO. PL 110-18 SAFER GRANT W/FEMA ASSISTANCE TO FIREFIGHTERS GRANT AWARD

Councilmember Janet Davis said she voted no because she is worried about the funding and the Tribe's obligations.

9. Ronald Guerrero Issues

Ronald Guerrero stated he is here to address concerns he has with a subpoena which has already gone to the Law & Order Committee level for about a year and nothing happened. His issue also concerns the Tribal Chairman. He wanted to know who addresses the complaints and whether it was the Tribal Chairman or the Tribal Secretary. He would like to know how the complaint process works. He is requesting a copy of the Oath of Office for each of the Tribal Council members.

Mr. Guerrero said he also has a concern with the Police Department with a MOU. There was an officer by the bridge in Wadsworth who waited until he (Mr. Guerrero) was off the Reservation. He was stopped in Fernley and received a ticket. He requested that the Tribal Council get information from the Police Department on how much time the officers spend off of the Reservation.

Vice Chairman Mandell said the process for a complaint is distributed to the department managers for a response. Mr. Guerrero said before this process, the complaint would go to the department head who would respond. This does not happen and he is being left out of the complaint process.

Duane Dunn said the complaint process is really not a process. He has submitted a lot of complaints and he has never received an answer. These are federal crimes they are reporting and there is no response.

Leona Collins said she filed a complaint and there is a timeframe for everyone to respond. There was a decision on her complaint. Madge Smith-Tobey stated she filed a complaint with no response and she would like to know what to do and who is going to address the concern.

Karole McQueen said everyone deserves a response to a complaint or if there is a question or concern. She said she thought Mr. Guerrero's issue with the subpoena had been addressed at the Law & Order Committee but apparently he has not received a response.

Councilmember Wright said the Tribal Council may need to have an executive session about the process when the Tribal Chairman is in attendance. If it is a personnel issue, we have to be careful with the response. But there is a timeframe with the complaint process.

Councilmember Dunn clarified that with this agenda item a precedent has been set and the Tribal Council can hear the concerns because there is a public comment period and anyone can be heard at this level. Councilmember Judith Davis said the Tribal Council has always heard issues and/or concerns. Councilmember Janet Davis said the Tribal Council should hear from the members.

Tribal Secretary Henry clarified that an individual who submits an agenda request form to appear before the Council and at the beginning, the Chairman will make the determination or information to the individual about not providing personal information. Vice Chairman Mandell said this is opening up a wider array of issues but an individual has to go through the complaint process first. He suggested keeping a log of the complaints that are received.

10. Burning Man Vendor Issues – Joyce and Tim McCauley

Tim McCauley was present along with Joyce McCauley. Ms. McCauley said she has been selling during the Burning Man event for about five years. She spoke with other vendors who were in Wadsworth and invited them to attend this meeting. The concern she has is that they were affected by some things that happened. A couple weeks prior to Burning Man she spoke with Nathan Dunn who told her they didn't have anything in place yet. She also paid for her seller permit and spoke with the Tribal Secretary. Ms. McCauley said she was told as long as they were set up in the dirt area they didn't have to pay the Enterprise's fees. There was an issue between one of the taco booths and the trash bins. According to regulations you can't place trash within 300' from a food booth. She would like to know who is responsible for Burning Man and she was told it was different departments.

Vice Chairman Mandell said the Tax Department only issues seller permits. The Enterprises land assignment was in question. Tribal Secretary Henry said she was told the assignment was only the paved area and nobody provided maps that showed their property. Councilmember Wright said as far as the criteria that IHS provided, the Tribe has to establish criteria for all of the vendors for health reasons. Councilmember Judith Davis said she believes the Tribal Council has already approved a resolution for guidelines for food vendors and trash vendors and it also addressed car washes. The Tax Department was included also because criteria for seller permits was mentioned. The Tribal Council did not want to adopt IHS food vendors policy because it made the Tribal Council responsible if someone became sick. Vice Chairman Mandell said there is no clear process in place.

Ms. McCauley said there was a bazaar behind the Nixon Store and was told those vendors had to pay \$100/day but she wanted to know if that was paid to the Tribe. Randa Mitchell (in the audience) said those vendors paid for the seller permit and a deposit plus their taxes which was about \$8,000. Tribal Secretary Henry said those vendors paid the guy who organized the bazaar and it was an agreement between him and Kodie Cook.

Ms. McCauley said her main concern was with the police who started a week too early. The Highway Patrol was also doing extra patrols. Councilmember Wright said when this was the first year that the FBI was at Burning Man and the organizers did not like it. The cooperators meeting that happen before the event, the Tribe has to make sure we are advocating for law enforcement.

Vice Chairman Mandell said the issues are regulations, zoning and permits and the need for a process. This discussion will help the Tribe to develop the processes. He stated we also have to work with the Burning Man organizers. Councilmember Janet Davis said the Tribe has to build a rapport with the Burners because it was lost this year.

Councilmember Judith Davis made a motion *to prohibit community buildings from being scheduled for Burning Man activities a week prior to Labor Day, unless they are for community events (baby showers, birthdays, etc.)*. Councilmember Wright seconded the motion. Votes were eight (8) **FOR** and zero (0) **OPPOSED** with zero (0) **ABSTENTIONS**. **Motion carried.**

COMPTROLLER – Lynda Ciceu

1. Approve 2017 Completed Audit

Lynda Ciceu, Comptroller, said she would like approval of the completed 2017 audit.

Councilmember Janet Davis made a motion to *approve the 2017 Audit*. Councilmember Darrough seconded the motion. Votes were eight (8) **FOR** and zero (0) **OPPOSED** with zero (0) **ABSTENTION**. **Motion carried.**

Councilmember Guerrero asked if a budget meeting can be scheduled. Ms. Ciceu suggested a 3rd quarter budget meeting be scheduled in October. Vice Chairman Mandell said his concern is the due to and due from of the Enterprises that is shown in the audit. He doesn't believe the Tribe will see that money being paid. Ms. Ciceu will review those numbers.

EXECUTIVE TEAM

1. EXECUTIVE OFFICER – Mark Lumpkin (Interim)

Mark Lumpkin, Interim Executive Officer, said he has been learning operations and meeting with the insurance provider and other vendors in order to reduce costs. There have been meetings with the directors for possible cost sharing between the departments.

2. PROGRAMS OFFICER – Randy Hunter

Randy Hunter, Programs Officer, said he wanted to address the Executive Team. There is a resolution that recognizes the Team but they do not have authority. The Team has been acting on the authority of supervisory.

Mr. Hunter said there has been no reimbursement from FEMA for the disaster repairs and there is one project still open which is the Sutcliffe Community Building and the Sutcliffe firehouse. He would like to repair the roof before winter gets here and there is funding available. The Tribe is looking at EDA funds to assist with bank stabilization, similar to the Fellnagle area. Councilmember Wright said they are working on the engineering reports. Mr. Hunter said he did talk to the Comptroller and the may qualify for the license plate funding. He asked the Tribal Council for direction to keep moving forward with this because the application for the EDA grant

is a long process but they can't apply until the engineering reports are completed. Vice Chairman Mandell said we need to do what we can because it is a loss of land.

Councilmember Judith Davis said she would like to see a written report on the costs of these repairs. Councilmember Janet Davis said she would like to see a priority of the areas. Mr. Hunter said he will provide that information.

OTHER

Councilmember Wright said he would like a report from Pyramid, LLC regarding the agreement between the Tribe and Green Rooster 1 that was approved on March 7. In the agreement it says the manager will deliver by the 30th day at the end of each accounting period, which would be a monthly report, to include a balance sheet, a cash flow statement including the allocation and distribution of cash thereof, a profit and loss statement with detailed departmental schedules for each revenue and expense line item, and the accounts receivable aging report. The Tribe has not received this report. Basically, this would be considered a breach. Vice Chairman Mandell clarified that Pyramid, LLC has nothing to do with it yet. Councilmember Darrough said she drafted a letter for the Tribal Chairman and the letter was sent to Ms. Dittus who is in the process of preparing the report which will be reported to the Tribal Council in November.

Councilmember Janet Davis said Pilar Thomas was going to be contacted for a second opinion and Councilmember Darrough said Ms. Thomas is unavailable. Councilmember Janet Davis said perhaps Ms. Thomas can be contacted again. Councilmember Wright said we want the opinion to be objective and fair.

Vice Chairman Mandell said there was a conference call regarding the taxes and the State of Nevada wants to renegotiate the compacts. Councilmember Wright said there really is no reason for the State to ask the Tribe to renegotiate if our Codes are similar to those that had already been approved. Councilmember Darrough said the State wants more of the taxes because our Codes weren't already approved along with the other tribes' codes.

ADJOURNMENT

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

The meeting adjourned at 11:40 p.m.

Minutes taken by Brenda A. Henry, Tribal Secretary.

Submitted by,

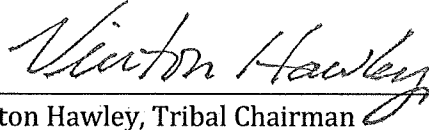


Gina Wadsworth
Contracted Transcriber

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 19th day of October, 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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