

Pyramid Lake Paiute Tribal Council

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PYRAMID LAKE PAIUTE TRIBAL COUNCIL REGULAR MEETING MINUTES Tribal Chambers ~ Nixon, NV April 5, 2019

Members Present:

Anthony Sampson Sr., Tribal Chairman

Alan Mandell, Vice Chairman

Judith Davis

William Miller

Janet Davis

Sharon Shaw-Keever

Sherry Ely-Mendes

Michele Smith

John Guerrero`

Members Absent: Nathan Dunn

CALL TO ORDER

Tribal Chairman Anthony Sampson Sr. called the April 5, 2019 Regular Tribal Council meeting of the Pyramid Lake Paiute Tribal Council to order at 6:01 p.m.

ROLL CALL

Roll call was taken by Brenda A. Henry, Tribal Secretary. Councilmember Dunn arrived at 7:15 p.m. All other Tribal Councilmembers were present at roll call and a quorum was established for this meeting.

APPROVAL OF AGENDA

Chairman Sampson Sr., requested the following changes to the agenda:

1. Add Wes Williams March 2019 Invoice #3410 with report to Consent Agenda #3.
2. Remove Under New Business #6. Approval for Issuance of Request for Proposals for Grant Writing Services with Resolution. Michael Guss, Contracts & Grants

Councilmember Ely-Mendes made a motion to *approve the agenda with the changes*. Councilmember Guerrero seconded the motion. Votes were eight (8) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried.**

PUBLIC COMMENT

Lyle Kochamp. Mr. Kochamp asked about our new investments to be set up, he wishes to include in the wording to get scientifically ahead with the cannabis. It was written up in our Law and Order Code that back in the 1930s, 1940s we were going to sell, administer, dispense, compound and consume cannabis listed under Narcotics with written permission from a physician, dentist or veterinarian. They had it written out years before that if this is even possible, we write it out now that we're going to invest and have our own banking system specifically for native tribes. If we pass all the qualifications, we'll go through the state and all but let's have some of the verbiage written in to our agreements and when we hit certain points, like \$20 million, automatically go straight into a fund that be cashed out to the people. Because if we don't have something written in now before we start going we'll miss this opportunity.

Cassandra Darrough. Ms. Darrough spoke about the Community Emergency Response Team (CERT) Program. They are fortunate to operate with a full staff department which has given them the ability to plan for training dates in each community for CERT training. This training is very specific to basic preparedness, it creates within a disaster preparedness or larger than normal emergency that impacts more people. It provides the community with skills to those not just wanting to show up and want to help but with skills and knowledge to come in and be safe volunteers, responders, and be more active within the community. Community Emergency Response comprises of basic fire, first aid and medical, search and rescue and weapons of mass destruction. It's an overall review for emergency preparedness in the community. Once of the tenants of the Emergency Management it's self-preparedness and that's something that is not as easy as it sounds. How many of you have a 72 hour emergency kit at home? They will teach how to put the kits together with materials that are available within their own homes. Hopefully with funding that they will be receiving they will be able to provide the emergency kit or supplies for the 72 hour kit, in addition to individual CERT team bags. These are the backpacks with the helmet, the flashlight, basic medical supplies, first aid kit, stuff that they'll need to respond on a basic level. They're planning to schedule Sutcliffe first. With CERT it finds those people who have an aptitude for emergency response, because EMS personnel are wired a little differently than the average person. Chairman Sampson Sr., mentioned that there will be a community meeting in Sutcliffe on April 25th and asked if she would be there.

CONSENT AGENDA

Councilmember Judith Davis asked why the March 28th phone poll ratification wasn't on this agenda, which was for the gym usage. Brenda A. Henry, Tribal Secretary, stated that it wasn't an official phone poll, it was something that was sent out from the front desk.

Councilmember Ely-Mendes requested to pull Wes Williams March 2019 Invoice #3410.

Following were approved on the consent agenda:

1. Approval of Minutes: March 1, 2019 Regular
2. Approval Enrollment One (1) Application – Regular Membership with Resolution

Councilmember Ely-Mendes made a motion to *approve #1 & #2 on the Consent Agenda*. Councilmember Judith Davis seconded the motion. Votes were eight (8) **for** and zero (0) **opposed**

with zero (0) **abstentions. Motion carried. RESOLUTION NO.: PL 033-19 ENROLLMENT – REGULAR MEMBERSHIP (1)**

Wes Williams March 2019 Invoice #3410

Brenda A. Henry, Tribal Secretary explained that \$48.00 was deducted from Wes Williams March 2019 Invoice #3410 and forwarded to Donna Noel, Natural Resources Department, for payment in the BAER Team, reimbursement. Remaining balance for invoice #3410 is \$3,667.10.

Councilmember Ely-Mendes made a motion to *approve Wes Williams March 2019 Invoice #3410 for \$3,667.10 minus \$48.00 for the Wild horse Round-up which payment forwarded to Natural Resources for payment.* Councilmember Judith Davis seconded the motion. Votes were eight (8) for Rand zero (0) **opposed with zero (0) abstentions. Motion carried.**

Chairman Sampson Sr., recognized the new Pyramid Lake Paiute Tribal member:

Jayce Albert Mauwee-Garcia

NEW BUSINESS

1. Approval and/or update Pyramid Lake Paiute Tribe's 401(k) Proposed Changes. Christopher Mulloy, CFP, Ameriprise Financial

Mr. Mulloy said he is a certified financial planner and his specialty is to setup retirement plans for individuals and businesses. He's worked in the financial services for 20+ years. His job is to educate the employees on how the plan works, discuss how much they're saving and make sure their using the plan correctly and to recommend investments that fit their specific goals and needs. He also helps with the administration of the overall plan. He looks at the plan and devises ways to improve the plan to help the employees and the administration to best set the needs for all. Here today to give Council a look at the current plan and how they can improve it. He would propose and implement a change for the record keeper, currently they use Invesco. He would like to propose a change to Mass Mutual to enhance and improve the plan. Cons for moving forward and changing are, of course, change, new information, to new websites. There will be work involved from his company to CBIZ, their 3rd party administrator and the Tribe. Invesco is an extremely older record keeper. There's better firms out there to allow better technology, which would allow employees and participants a lot better education, better transparency, better access to the overall plan, enhance the administrative capabilities, a lot more feasible and easier to use. They can streamline the loan process, no more paper back and forth, on-line systems, enhance the investment choices and performance. With Invesco they have over a little more than 90 choices but with Mass Mutual it would open it up to all funds across the nation which would enhance diversification and performance of overall plan. They would increase customer service from the new provider. The question was asked why now? It came to his attention that the major issues with the current plan is the amount of loans, most record keepers only allow 1-2 loans per participant whereas this plan will allow as many loans as possible. Vice Chairman Mandell asked with the conversion of the plan, will there be any loss or extra fees associated that may be charged back to the plan. Right now the current plan doesn't have any record keeping fees other than the

internal costs of each fund that each participant has. Right now the current cost is about 1%, it comes out of mutual plans the participants own. The new plan will have mutual plan fees as well, but with Mass Mutual would be 1.37% and there would be additional fees for each loan. Told the administrative fee would be \$40 a year. With all the loans outstanding, they would consolidate everyone's loan into a single loan and going forward there would be that additional charge. If they make the change it would be all or none, so employees wouldn't have the choice to remain with Invesco. Lynda Ciceu, Comptroller said she didn't have a chance to look at it but she does know they haven't been happy with Invesco. Councilmember Judith Davis asked if the Fisheries was still under Mass Mutual. It was stated they were with Mass Mutual but moved to another plan. Every 3-5 years they should look at the plan and change to cut down costs and improve performance. The timeframe for the Tribe to switch is 60-90 days once the procedure is started.

Councilmember Ely-Mendes made a motion to *table the proposed changes to the Pyramid Lake Paiute Tribe 401(k) and send to the Executive Team for review and recommendation back to Tribal Council*. Councilmember Janet Davis seconded the motion. Votes were eight (8) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried.**

Councilmember Ely-Mendes stepped down from her Council seat to present the next item, at 6:33 p.m.

2. Approval Child Passenger Safety Seat Grant Submission with Resolution. Sherry Ely-Mendes, Transportation Coordinator

Ms. Ely-Mendes stated it's that time a year to put in for their Child Passenger Safety Seat program and they've calculated what it's going to cost. This is a reimbursement program. Due to the weather, so far they've haven't had as many safety seat events but hopefully in the next couple months they'll schedule some. On their first observation she noticed that tribal member elders are dropping their kids off at school and head start and they're not equipped with the seats or they don't want the seats so a whole new educational component has opened up. They got some feedback at the state level on why that is happening now. She'll start doing some campaigns and education with the seniors. Those that have custody of kids are usually good and those are the ones getting seats, those who are intermittently taking kids back and forth they don't see it as a problem which she understands. In the beginning they received seats from the state because they were lacking seats for an event and they are halfway through the seats she purchased. Every time she gives a seat she has to bill back and she gets paid. They don't pay up front for every seat, so she has to give every seat away to get the funds back. Councilmember Judith Davis said she understands this is a grant funded project but does she have the funds to get it started? Ms. Ely-Mendes said it's a revolving fund and yes she does.

Councilmember Judith Davis made a motion to *approve Child Passenger Safety Seat Grant submission with resolution*. Councilmember Miller seconded the motion. Votes were six (6) **for** and zero (0) **opposed** with one (1) **abstention** (Smith). **Motion carried.** **RESOLUTION NO.: PL 034-19 CHILD PASSENGER SAFETY SEAT GRANT**

Vice Chairman Mandell asked if there's an eligibility or income based requirement. Ms. Ely-Mendes responded for now there is an income and need base and they have to be a tribal member

or eligible to be a tribal member of a federally recognized tribe. Because it comes from the Bureau of Indian Affairs (BIA) office, it's a box they have to check off. She asks if the parent or child qualify for public assistance, food stamps, Medicare, etc., and if they can they're qualified. She doesn't ask for income, if she see they have a need they get one. She doesn't ask for documentation. Councilmember Smith asked how many certified installers does she have? Ms. Ely-Mendes responded that they have around 12 certified installers but not a lot of them are active. Anytime someone wants to be an installer they can contact her, she will setup training to get them trained. She will have another training setup to get another round of technicians trained.

3. Approval to Request BIA Transportation to add the Tribal Transit Facility Project and the SR 447 Widening Projects to the updated TTIP with Resolution. Sherry Ely-Mendes, Transportation Coordinator

Ms. Ely-Mendes stated this is a standard request because they have these projects their working on, on the inventory and back it up with documentation that the Tribal Council says are viable projects. The one project is the transit facility and the widening project on SR 447 which they're still waiting on but hopeful they'll get the funding.

Councilmember Judith Davis made a motion to *approve request to BIA Transportation to add the Tribal Transit Facility Project and the SR 447 Widening Projects to the updated TTIP with resolution.* Councilmember Shaw-Keever seconded the motion. Votes were six (6) **for** and zero (0) **opposed** with one (1) **abstention** (Smith). **Motion carried.** **RESOLUTION NO.: PL 035-19 BIA TRANSPORTATION TRIBAL TRANSIT FACILITY PROJECT SR 447 TTIP**

Councilmember Ely-Mendes returned to her Council seat at 6:42 p.m.

4. Approval to submit NDOT 5311 Formula Grant for Rural Areas with Resolution. Robert Hicks, Transit Manager

Councilmember Ely-Mendes stepped out of Chambers at 6:42 p.m.

Mr. Hicks stated they received this grant the last three years and have a good chance of getting this grant as well. It's used for project administration, operation and capital. There is a match which is being covered under the BIA Transportation fund, they have their own account with them. \$129,000 is set aside each year for transit, specifically for this grant, so matching funds are not an issue. It's good until 2021 and he suspects it will go to 2022.

Councilmember Shaw-Keever made a motion to *approve the request to submit NDOT 5311 Formula Grant for Rural Areas with Resolution.* Councilmember Janet Davis seconded the motion. Votes were six (6) **for** and zero (0) **opposed** with one (1) **abstention** (Smith). **Motion carried.** **RESOLUTION NO.: PL 036-19 NDOT 5311 FORMULA GRANT FOR RURAL AREAS**

5. Approval Numu Inc., request for funds for the Economic Development Fund with Resolution. Cassandra Darrough, Numu Inc.

Councilmember Judith Davis had a question on the fourth WHEREAS, where it says the Tribe formed Numu Inc., and then the fifth WHEREAS goes back to the Economic Development (ED) Committee. The 4th WHEREAS is lined out. Ms. Darrough stated there is a very specific process they have to follow, the ED Committee is the entity that was created to vet those opportunities and what eventually comes to Tribal Council. The ED Committee is comprised of local members of Numu Inc., meeting outside of those meeting times specifically for the process of vetting all of the opportunities that are going to come from the ED Fund or that try to access the ED Fund. She is here as a representative from the ED Committee not Numu Inc. She asked if this made sense. Councilmember Judith Davis said no because further down in the resolution to the last THEREFORE BE IT RESOLVED it comes back to Numu Inc. Ms. Darrough said we're the entity submitting to the committee and they're bringing that request to the Tribal Council. It's Numu Inc.'s request that the ED Committee vetted and are presenting it to Council. Vice Chairman Mandell provided a little background, initially five members of Council were the ED Committee so they could get access to the funds for the distribution, and they did the same thing the previous year to get Numu Inc. funded, they allow members of the Numu Inc., to be the ED Committee to be able to move it through the process of the ED plan. It's the same entity, they just turn their hats around. Ms. Darrough stated the other members leave the room and it's temporary because one of the recommendations that Numu Inc., is going to make, at a later date, which is to pull some of the funding to provide for stipends for the ED Committee. Chairman Sampson Sr., was saying they would pull the funding from the Business office because the ED Committee historically hasn't been able to get anyone to apply. The committee has to be comprised of five members. This WHEREAS is specifically how the ED Committee met and went through the process and created the resolution to present to Council. Vice Chairman Mandell commented the documentation presented to make the move is lacking, all they have is the resolution and it's not the final resolution, it's all marked up. It concerns him because they spent a significant amount of time to ensure they have the highest professionalism possible. What concerns him most is the lack of backup information necessary to support the resolution in case anyone questions it. Ms. Darrough will take it back to Shannon, their attorney who drafted it and she will accept accountability for giving Council the wrong version and she mentioned it is a little bit of an urgent matter. Councilmember Ely-Mendes asked how urgent is it, can it wait until the next meeting? Ms. Darrough said they will bring it back to Council at the next meeting and will provide all the documentation. Councilmember Judith Davis asked that with the correct resolution she would like to get the meeting minutes where this was discussed. Ms. Darrough stated she will setup a workshop for Council before the next meeting. Vice Chairman Mandell stated that Leilani from Breakwater also wanted to have a workshop regarding a policy that's still hanging out there that directly relates to how they develop and process this stuff. Councilmember Ely-Mendes also suggested that in order to streamline it better that they need to find the funding now to fund the ED Committee.

Councilmember Guerrero made a motion to *table the Numu Inc., request to use funds for the EC fund and to bring back for the next meeting.* Councilmember Janet Davis seconded the motion. Votes were eight (8) **for** and zero (0) **opposed** with zero (0) **abstentions.** **Motion carried.**

6. Discussion/Approval Sovereign Cannabis Solutions Project (cascade Strategic Investment).

Joe DeRosa, former Chairman for the Las Vegas Paiute Tribe, handed out samples from products that were produced on tribal land. He's been involved with Cannabis for 5 years.

Councilmember Guerrero made a motion to *move forward to engage with negotiations with Sovereign Cannabis Solutions*. Councilmember Miller seconded the motion. Votes were eight (8) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried.**

Vice Chairman Mandell said he would like to see a letter of engagement at this meeting. They said they will provide one by the next meeting. They misunderstood the process, they thought the Council wanted the letter afterwards. Vice Chairman Mandell also asked about the legal issues with the previous company. It was explained that they are prepared to defend and hold harmless the Tribe, what that means is that the Tribe's problem with the previous company becomes their problem. They are prepared to deal with it, they have the know-how and lawyers on board. They will work with the Tribe but the problem is theirs at no cost.

Vice Chairman Mandell made a motion to *approve the legal process to occur*. Councilmember Smith seconded the motion. Votes were seven (7) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried.**

Chairman Report.

Chairman will have a report at the next meeting.

Councilmember Guerrero said he was asked to present at the 37th Annual Native American Fish & Wild Life Society Conference, regarding the wild horse issues. He would like to go and will pay his own way to be a speaker. He is asking to go as a representative of the Tribe.

Councilmember Judith Davis made a motion to *approve the Chairman, Vice Chairman and Councilmember Guerrero to represent the Tribe at the 37th Annual Native American Fish & Wild Life Society Conference on May 19-23, 2019 in Phoenix, AZ*. Councilmember Shaw-Keever seconded the motion. Votes were seven (7) **for** and zero (0) **opposed** with one (1) **abstention** (Guerrero). **Motion carried.**

Councilmember Dunn arrived at 7:15 p.m.

ADJOURNMENT

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

The meeting adjourned at 7:20 p.m.

Submitted by,

Brenda A. Henry
Tribal 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 3rd day of May, 2019, 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: _____
Anthony Sampson Sr., Tribal Chairman
Pyramid Lake Paiute Tribal Council

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