

# Pyramid Lake Paiute Tribal Council

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## PYRAMID LAKE PAIUTE TRIBAL COUNCIL SPECIAL MEETING MINUTES Tribal Chambers ~ Nixon, NV January 18, 2019

### Members Present:

Anthony Sampson Sr., Tribal Chairman

Alan Mandell, Vice Chairman

Janet Davis

John Guerrero

Judith Davis

William Miller

Nathan Dunn

Sharon Shaw-Keever

Sherry Ely-Mendes

Michele Smith

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### CALL TO ORDER

Tribal Chairman Anthony Sampson Sr. called the January 18, 2019 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. All 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 under Consent Agenda #5. Approval CHE \$500.00 Scholarships (2): Gotcher and S Smith
2. Add under New Business #6. Kelly Harry Request
3. Add under Program Officer b. Emergency Repair for Flood Project.

Councilmember Dunn made a motion to *approve the agenda with the additions*. Councilmember Judith Davis seconded the motion. Votes were nine (9) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried.**

### EXECUTIVE SESSION

Councilmember Dunn made a motion to *move into Executive Session*. Councilmember Ely-Mendes seconded the motion. Votes were nine (9) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried.** Tribal Council moved into Executive Session at 6:02 p.m.

Councilmember Janet Davis made a motion to *move out of Executive Session*. Councilmember Dunn seconded the motion. Votes were nine (9) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried.** *Tribal Council move out of Executive Session at 7:30 p.m.*

## **CONSENT AGENDA**

Councilmember Dunn requested to pull #4. Approval PLHC Provider Contracts: Family Eyecare Associates, Dr. Guilherme Mabunda, Dr. Richard Perkins and Adrian Emm for discussion.

Councilmember Judith Davis requested to pull #1. Approval Wes Williams December 2018 Invoice #3365 & 3. Approval Nevada Data Sharing Agreement for discussion.

The following items were listed under the Consent Agenda:

1. Approval 2019 Insurance: Updated Rates/Benefits
2. Approval CHE \$500.00 Scholarships (2): Gotcher and S Smith

Councilmember Ely-Mendes made a motion to *approve the Consent Agenda with exception of #1, 3, & 4*. Councilmember Smith seconded the motion. Votes were nine (9) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried.**

Councilmember Judith Davis would like to table #1 for investigation on some of the invoices listed on Invoice #3365.

Councilmember Judith Davis made a motion to *table #1. Approval Wes Williams December 2018 Invoice #3365 for further investigation on some of the invoices listed*. Councilmember Dunn seconded the motion. Votes were nine (9) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried.**

Councilmember Judith Davis asked Don Pelt, EMS Director for clarification regarding the data sharing agreement between the Tribe and Division of Public and Behavioral Health. The data requested states it will be for a period of one (1) year and held for five (5) years? Mr. Pelt stated the agreement is for five (5) years. For the data fields and doctor/patient confidentiality there is no patient confidentiality involved. These were generic locations (Wadsworth, Nixon, Sutcliffe) and not a specific address. The other data fields are a case or run number, whether a fatality or not and if Narcam (Naloxone) was used. When he read the agreement he thought it would be a good idea for the shared information considering they are involved in a lawsuit with big pharmaceutical against opioid drugs and would allow them to gain that information statewide back to the Tribe.

Councilmember Dunn asked why #4. Approval PLHC Provider Contracts: Family Eyecare Associates, Dr. Guilherme Mabunda, Dr. Richard Perkins and Adrian Emm were listed under the Consent Agenda since the last contract approvals were listed under New Business. Councilmember Ely-Mendes commented that it was approved by the Pyramid Lake Health Board and recommended for Council approval. Councilmember Dunn stated he was only looking for consistency. Brenda Henry, Tribal Secretary, stated it was requested under Consent Agenda on the

Agenda Request. Councilmember Ely-Mendes stated that placing them under Consent Agenda was appropriate because it was already vetted

Councilmember Dunn made a motion to *approve #3 and 4*. Councilmember Judith Davis seconded the motion. Votes were eight (8) **for** and zero (0) **opposed** with one (1) **abstention** (Mandell). **Motion carried.**

## **PRESENTATION**

### 1. Introduction and Update. William, Ernest & Sarah Adler, Silver State Government Relations.

Ernest Adler provided an overview of their company and support lobbying for the Tribe during legislative sessions. It's important that the Tribe continues with its good relations with the State of Nevada especially now with what's happening with the Federal government. Nevada Tribe's Day at the Legislature is February 12, 2019. William Adler commented that it is good to put a face to voice when dealing with issues, they are more apt to remember an issue when personalized. William Adler addressed the issue of Tribal Police not being recognized as peace officers of the State of Nevada. It's interesting that Tribal officers have to go through the same training as other peace officers in the State of Nevada yet they're one of the few groups that are not designated as peace officers. Speaking with Chief Parsons, who brought up an interesting question, because they're not designated as peace officers, what if a non-Indian assaults a Tribal Police Officer, is that really an assault on a peace officer since it's not recognized in the statutes or is it just a common assault. There's some real tactical problems with that scenario having Tribal police designated as peace officers. Another issue which Don Pelt brought up, the bill draft AB 6771, there is a movement to get Tribe's access to emergency management funds from the State, and that's a 25% match. With this the Tribe probably could have recovered thousands of dollars, so there's real money involved.

Sarah Adler stated she was the former Director for US Rural Development for the Obama Administration. She provided an overview of the Dental Therapy program. The lack of access to dental care in rural Nevada and Tribal Nevada is truly a crime. She met with Dawna Brown, Health Clinic Director and Dr. Spunk, the dentist for the Tribe. They had a discussion of adding a dental therapist which is a registered hygienist who goes through a credited program of education, an extra 3 years, as dental therapist and in addition to their hygienists duties they also fill cavities and do extractions. There already is a legislator carrying a bill for the Nevada Hygienist Association to get dental therapists licensed and they are very happy for them to join into their effort. They will make sure that Nevada Tribes are recognized as underserved. Dentists in the State are not going to open their arms to dental therapists but the bill's argument is to provide dental therapists and health care professionals.

William Adler monitors the water bills and water rights, which is their priority. Currently there are 13 BDRs for water already. The big bills are with the water authority. In addition to water bills, they're doing an update to the Tribal IDs, and the Dental Therapist bill. With Tribal IDs, they have to update the statutes so DMV can conform with the Tribe and Homeland Security for the Real ID bill. They met with DMV and the essential part is that they will be opening up the statute and will have the availability to prove Tribal IDs meet the additional regulatory process.

Vice Chairman Mandell commented that they do work closely with the water team regarding the water bills.

Councilmember Judith Davis asked if there was anything more that the Tribe has do with our current IDs. Mr. Adler said that we have the photos, the hologram and meet all the requirements. It's basically where they file in NRS, state to federal laws. The only issue they have now is that they need to get copies of ordinances but BIA is currently closed due to the federal shutdown.

Irwin Mix, from the audience, asked if they make decisions regarding water issues. William Adler stated that they provide all the information to the water team and with their recommendation get a response from the Tribal Chairman, Vice Chairman or Tribal Council to move forward. William Adler commented that the Lands Bill is at a stand-still because Heller was heading this but he didn't get re-elected so Jackie Rosen has take it over and they will restart it in the summer. They will also be monitoring the cannabis business issues.

## **NEW BUSINESS**

### **1. Approval Casey Anderson Film Request & Access to Closed Area. Casey Anderson**

Casey Anderson is a Pyramid Lake Fishing Guide and has been working with Janet Davis, Tribal Recreation is getting kids involved in fly fishing. For this request they will be working with Norman & Autumn Harry, Tribal members. The group coming out to do this video is Chris Crawley from Outside Television to promote fly fishing on the reservation, they are non-profit. This documentary is to assist tribal members to get their own tribal fishing guide business and to promote the Tribe, the lake and the fish. Mr. Norman Harry stated his role is to make sure they don't do or go where they're not supposed to be and to talk about historical information regarding the lake and reservation and to just focus on education.

Councilmember Smith asked what specific location were they looking at. Mr. Harry stated that it depended on the weather since it was forecasted to rain on the days they planned to be on-site.

Vice Chairman Mandell supports the request but his only concern is the inference to the general public accessing and being able to access those closed areas. A few months back we had another request for doing a video and a Tribal member took them out where they got out on land at the Pyramid and Needles. Overall it was good but there was no clear understand that these areas are closed, it needs to be stressed these areas are closed.

Councilmember Judith Davis made a motion to *approve the Casey Anderson Film Request & Access to Closed Area with Tribal member escorts Norman & Autumn Harry. Film is to be brought back to Tribal Council for review and an acknowledgement to the Tribe & Tribal members must be on the video and the video must contain language stressing the closed area is closed to non-members.* Councilmember Dunn seconded the motion. Votes were nine (9) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried.**

### **2. Approval to Sign OST Disbursement and Information Form with Resolution.**

Councilmember Ely-Mendes commented that this is a standard form and they should approve verses moving down to the Comptroller section.

Councilmember Ely-Mendes made a motion to *approve Chairman Sampson Sr., Vice Chairman Mandell and Comptroller, Lynda Ciceu to Sign the OST Disbursement and Information Form with Resolution*. Councilmember Janet Davis seconded the motion. Votes were nine (9) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried**. **RESOLUTION NO.: PL 007-19 OST DISBURSEMENT AND INFORMATION FORM**

**3. Approval Wadsworth Bypass Road BIA Right of Way Resolution. Johnnie Garcia, Transportation Planning**

Mr. Garcia explained this is the Wadsworth Bypass Project and he requesting this updated right of way because of revised appraisal amount, revised drawing and Code of Federal Regulations (CFR) waiver. He provided documentation to Tribal Council with background information on the project. This resolution is to approve and authorize consent to the granting of a road Right of Way to the Bureau of Indian Affairs (BIA).

Councilmember Shaw-Keever made a motion to *approve the Wadsworth Bypass Road BIA Right of Way Resolution*. Councilmember Judith Davis seconded the motion. Votes were eight (8) **for** and zero (0) **opposed** with one (1) **abstention** (Ely-Mendes). **Motion carried**. **RESOLUTION NO.: PL 008-19 WADSWORTH BYPASS ROAD BIA RIGHT OF WAY**

**4. Approval Wadsworth Bypass Road Compensation Resolution. Johnnie Garcia, Transportation Planning**

Mr. Garcia commented this resolution is to approve and authorize them to use the \$84,000.00 to pay professional consultants to perform the preliminary planning and engineering work for the Wadsworth Multi-Cultural Building/Gym. This amount is an updated appraisal amount from \$63,000.00.

Councilmember Judith Davis asked if we were getting the \$84,000.00 from BIA, just allocating it to these projects. Mr. Garcia confirmed that yes, that is what the resolution is for.

Councilmember Judith Davis made a motion to *approve the Wadsworth Bypass Road Compensation Resolution*. Councilmember Dunn seconded the motion. Votes were eight (8) **for** and zero (0) **opposed** with one (1) **abstention** (Ely-Mendes). **Motion carried**. **RESOLUTION NO.: PL 009-19 WADSWORTH BYPASS ROAD COMPENSATION**

**5. Selection NUMU Inc. Board of Directors (1 Vacancy).**

There were two (2) applicants for the Numu Inc., Board of Directors: Janell Burns and Cassandra Darrough. Jenell Burns received three (3) votes and Cassandra Darrough received six (6) votes. Cassandra Darrough was chosen to serve on the Numu Inc., Board of Directors.

Requests for nominations were also taken for the Tribal Council Representative (a non-voting position) to the NUMU Inc., Board of Directors. Councilmember Ely-Mendes nominated herself and Smith was nominated for the Tribal Council Representative position. Councilmember Smith pulled her name and Councilmember Ely-Mendes was chosen to be the Tribal Council Representative on the Numu Inc., Board of Directors.

## **6. Kelly Harry Request.**

Kelly Harry, a Tribal member, stating she has been working with the PUD Board since the beginning of December trying to figure out the water connection to her land assignment for which she has a mobile home sitting on the property. It was tabled a couple of times for them to figure out the costs to install a water line which she was asked to pay for. She did find out she could go through Indian Health Service (IHS) to cover the sanitation services and it would also pay for the connection fee to tap into the residential line. The PUD Board approved for her to get hooked up for water, however, she couldn't apply to IHS until she had a transformer. She obtained a home for \$80,000 from Clark's Home. The 184 Loan program was not an option for her. She had asked for a transfer to this assignment under the impression she would be able to access one of two transformers that seemed to be available to this homesite. It took the Land & Resources about 8 months to get a quorum and during this time the winds took her home and shredded it to pieces. It will cost \$5,600.00 to have a transformer installed on her land assignment for her seconded mobile home. She's looking for assistance to help her with the \$5,600.00 for installation of the transformer box. Vice Chairman Mandell stated that the Tribal Council has to be careful because if they do it for one, they can get flooded with request. Plus they don't have the regulatory ordinances in place at this time. He doesn't really have an answer for her. Ms. Harry suggested maybe a 50/50 cost, she can pay \$3000.00 and the Tribe can match, because there are no assistances available. Councilmember Ely-Mendes asked if she could get a personal loan and Ms. Harry stated that there are no loans that would cover construction and be willing to come on to the reservation. Irwin Mix stated the Housing Board is working on the 184 Loan program, the director is trying to get it coordinated. There are two banks involved. Randy Hunter, Operations Officer is already speaking to NV Energy in Fallon regarding TERO and can get into a discussion regarding this topic.

**COMPTROLLER** – Lynda Ciceu

### **1. Approval Bank of the West Signers with.**

Have a resolution to add Anthony Sampson Sr. and remove Vinton Hawley and Mervin Wright. This account is a CD that was setup by tax. With this resolution they will be adding Councilmember Smith also. These individuals have to physically go to the bank.

Councilmember Judith Davis made a motion to *approve the Bank of the West Signers with Resolution*. Councilmember Janet Davis seconded the motion. Votes were eight (8) **for** and zero (0) **opposed** with one (1) **abstention** (Smith). **Motion carried.** **RESOLUTION NO.: PL 010-19 BANK OF THE WEST SIGNERS**

### **2. Approval Adjust Trustees on Invesco Retirement Account Resolution.**

This is to delete Vinton Hawley and Della John as trustees from the account.

Randy Hunter, Programs Officer, asked if his legal name needed to be on the forms and it was confirmed that yes it should contain his legal name, the resolution will be changed to reflect his legal name.

Councilmember Judith Davis made a motion to *approve the Adjustment to the Trustees on Invesco Retirement Account with Resolution*. Councilmember Ely-Mendes seconded the motion. Votes were nine (9) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried**. **RESOLUTION NO.: PL 011-19 ADJUST TRUSTEES ON INVESCO RETIREMENT ACCOUNT**

Chairman Sampson Sr., asked how much is actually in tax. Ms. Ciceu stated that they have \$2 million in cash, \$350,000 in CDs and another \$1.4 which has been given to allocate, plus anything leftover in 2018. Chairman Sampson Sr., asked if that money belongs to the Tribe why isn't it in the general fund. Councilmember Ely-Mendes commented that there used to be a tax use fund and the Council eliminated the tax use fund because it was very restrictive and they moved the process to when taxes are generated that is the Tribe's taxes and it would go into the coffer to be allocated in programming. And they did follow the tax use fund plan as far as who they allocated to but there is no tax use fund plan right now. Now they would have to prioritize where they want to put and spend that money.

Vice Chairman Mandell commented they may have to discuss it if the government shutdown continues.

Councilmember Judith Davis would like to see thee 638 departments that are going to get hit first to make sure we have the services for the members.

Vice Chairman Mandell suggests a memo would be good for the departments.

Councilmember Ely-Mendes commented that the Tax department is required to report to the community/public how the funds are spent.

In regards to the government shutdown, all drawdowns were completed. DOJ is not an issue. The biggest gap right now is the 638 BIA grants, most of the programs are fine but there is a couple that is running out of funds but they are keeping a close eye on them. All in all the Tribe is in pretty good shape. Councilmember Janet Davis asked if they could put something out to the Directors to reassure them.

## **EXECUTIVE TEAM**

**Programs Officer** – Randy Hunter, Programs Officer

Mr.Hunter is skipping to his second item for action b. emergency repair request. It was brought to his attention because of the flooding they experienced in 2017 and the erosion issues along the banks. There is now a new erosion issue that's along Valley Road where the old bridge used to be

going across there is the irrigation siphon. He provided pictures of the erosion to Tribal Council. In speaking with Mervin Wright, Environmental Manager, who assessed the erosion you can see the siphon in the river. The fear is that if it gets warm and there's a big run off it can hit the siphon and affect the irrigation. This could be disastrous for the farmers who depend on the siphon. He spoke with Fred John and Otis Bay and received a quote for fixing it for \$56,000. There's other companies he put the bid out to but Otis Bay was the only one who responded. The fix has to be done sooner or later. Because of the amount, it's outside of the procurement process. Councilmember Ely-Mendes asked if he sent it out to the other companies listed, but Mr. Hunter said because of the emergency he brought it to Council. He said it would come out of 064. Ms. Ciceu suggest it come out of the License Plate Fund which has about \$150,000. Chairma.2n asked if the recommendation is to take out of the License Plate Fund.

Mr. Hunter moved into his first request which is to fund the Preliminary Engineering Report for EDA/FEMA Grant. There's a lot of places along the river that are losing their lands to erosion. Mr. Wright identified 27 places along the river. This is an on-going problem. We have to get the engineering reports because they are a requirement for the grant. Councilmember Guerrero suggested armoring the project verses diverting it for the Valley Road project.

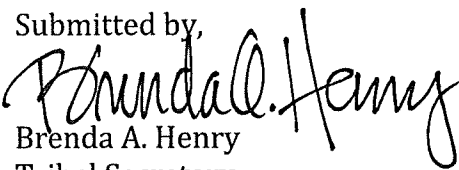
Councilmember Guerrero will approve for sole source and armoring the bank and not divert.

### **AJOURNMENT**

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

The meeting adjourned at 10:00 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 **15<sup>th</sup>** day of **February**, 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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