

Pyramid Lake Paiute Tribal Council

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PYRAMID LAKE PAIUTE TRIBAL COUNCIL REGULAR MEETING MINUTES - OUTGOING Tribal Chambers ~ Nixon, NV January 4, 2019

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

CALL TO ORDER

Tribal Chairman Vinton Hawley called the January 4, 2019 Regular meeting of the Pyramid Lake Paiute Tribal Council (Outgoing) to order at 5:00 p.m.

ROLL CALL

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

APPROVAL OF AGENDA

Chairman Hawley request the addition of one item to the agenda.

1. Add under New Business #1 2018 General Election Challenge. Carol Smith and move Certification of 2018 General Election Results. Election Board to #2.

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

PUBLIC COMMENT

Nicholas Cortez. Nick announced he will be hosting a community dinner on February 22, 2019, 6-8 p.m. at the Nixon gym, to get the community to come together. Would like to see both the past and future Councilmembers in attendance.

Duane Dunn. Mr. Dunn said that he turned in a lot of complaints and hasn't heard or received any information. He's suffering through personal issues and when he was in the hospital he claims two individuals went onto his range and took 16 head of his cows. Says they're branded but claims these individuals chased them over the hill, they're working for somebody outside of the reservation. These individuals are also selling his pasture to outsiders. He has no control of who goes onto the range, they just go on there and do what they want because he can't report to the Cattlemen, they don't help, they want to take his range. All he asks is to be treated fair.

CONSENT AGENDA

Councilmember Janet Davis requested to pull the December 7, 2018 minutes for discussion.

Councilmember Judith Davis requested to pull the December 21, 2018 minutes for discussion.

The following items were approved under the Consent Agenda:

1. Approval of Minutes: October 17, 2018 (WTM), November 20, 2018 (WTM), and December 13, 2018 (Special) minutes
2. Approval Wolf, Rifkin, Shapiro, Schulman & Rabkin, LLP October 2018 Invoice.

Councilmember Dunn made a motion to *approve the Consent Agenda with exemption of the December 7, 2018 and December 21, 2018 minutes.* Councilmember Darrough seconded the motion. Votes were nine (9) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried.**

Councilmember Janet Davis stated when the motion was made she changed her vote to no, her vote was incorrect regarding the 2018 Candidates List.

Councilmember Judith Davis requested on page 5, 4c – update to ask land manager if Todd was listed as successor on the former land application and he replied yes. Page 8, change where Tribal Council discussed scheduling a “meeting” to “workshop”.

Councilmember Judith Davis made a motion to *approve the December 7, 2018 and December 21, 2018 minutes with corrections.* Councilmember Janet Davis seconded the motion. Votes were nine (9) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried.**

ENROLLMENT – Joanne Shaw, Enrollment Officer

1. Conduct one (1) Rejection Hearing – Adult with Resolution.

There was nobody present for the rejection hearing. Ms. Shaw stated notices were mailed and receipted for by the Adult applicant.

Vice Chairman Mandell made a motion to *accept the rejection of the applicant with resolution.* Councilmember Darrough seconded the motion.

Councilmember Wright Jr. ask if the burden of proof is on the applicant or does the Tribe pick up the phone and make the call to get confirmation. Ms. Shaw stated the burden of proof is on the applicant but in this case we did contact the other Tribe and get their verification and was made.

Votes were eight (8) **for** and one (1) **opposed** (Wright Jr.) with zero (0) **abstentions**. **Motion carried.** **RESOLUTION NO.: PL 001-19, ENROLLMENT – Rejection Membership – one (1) adult.**

UNFINISHED BUSINESS

1. Approval 2019 Budget Resolution. Lynda Ciceu, Comptroller.

Ms. Ciceu stated with the workshop that was held the previous week she made the changes that were discussed. The resolution is with the understanding that the budgets were cut, the directors will make the adjustments to meet the dollar amount in the budgets for this year.

Councilmember Wright Jr. had concerns with having a balanced budget. Ms. Ciceu stated we do have a balanced budget which was explained to the directors at the workshop regarding the cuts that had to be made.

Councilmember Janet Davis commented they should wait until the new Council is seated to make a decision. She was not in complete agreement the way it turned out. Ms. Ciceu answered the problem is they started the year already and people are already spending their funds and they don't know what their budgets are. Councilmember Davis stated they would still be at the same amount. Ms. Ciceu stated it wouldn't be the same amounts because they would be using last years budgets. Every year, normally, it's the outgoing Council who approves the budget. Last year was an exemption, they didn't have a budget until March, if that happens this year, we'll be over budget because people are not going to be making the cuts they have to. Councilmember Davis stated they can still make the cuts and allocate it where it's needed. Some of the programs are already cut, just doesn't see how they're cutting and some programs still have a lot in their programs but then we allow them to continue on at the same rate.

Councilmember Wright Jr. asked if there was a percentage cut across the top. Ms. Ciceu said that in the initial meeting the direction was to cut full time employees back to 36 hours and get rid of all travel and that's what she did and came up with the amount to balance the budget. Her understanding was part of the issue was that it would cause a hardship so when they met with the directors the decision was to allow the directors to make that decision on where to cut.

Councilmember Dunn made a motion to *approve the 2019 Budget with Resolution.*

Councilmember Judith Davis wanted to make a motion to not contract out for the minutes since we are caught up now. Councilmember Davis stated that if any assistance is needed, they could use the business assistant to help transcribe. The amount we're contracting to transcribe is almost the same amount were asking programs to cut or drop down to 36 hours. Brenda A. Henry, Tribal

Secretary, stated she didn't have an issue with it. Chairman Hawley stated that it's an administrative function.

Councilmember Dunn restated his motion to *approve the 2019 Budget with Resolution*. Councilmember Darrough seconded the motion. Votes were seven (7) **for** and two (2) **opposed** (Janet Davis/Judith Davis) with zero (0) **abstentions**. **Motion carried**. **RESOLUTION NO.: PL 002-19, 2019 BUDGET**

NEW BUSINESS

1. 2018 General Election Challenge – Carol Smith

Ms. Smith stated she filed a challenge on Wednesday, (date/time noted on challenge letter, January 2, 2019/2:20 p.m. posted in Tribal Secretary's office), regarding the top two positions for the Chairman and Vice Chairman. Not sure why they were allowed to run for a third term, but when she saw the tie vote it prompted her to speak up because she didn't feel it was fair to the candidate that was legally allowed to run. They filled two terms already, there's no rule for a third term and she's not sure how they got around it. It wasn't fair to the other candidates who did run, votes were taken away. It's against the by-laws, it's not right. The ordinance says they do a ballot vote to break the tie but it's not fair to the other person that got the most votes to have a tie against someone who shouldn't have run in the first place. That's her challenge. It shouldn't have been allowed to get to that point.

Chairman Hawley state Council can either acknowledge or dismiss.

Ms. Smith said the other thing to be fair to candidates is to run them all again. Councilmember Wright Jr. asked Ms. Smith if that was what she was asking for, to hold new elections. Ms. Smith stated yes, for the top two positions. Councilmember Wright Jr. said that at this point, to move forward on this matter, a tie does exist and according to the ordinance, Tribal Council has to break the tie. They have to be the ones to determine how that's going to happen and if they have another election then someone needs to make a motion to do that.

Irwin Mix, in the audience, said he came here two times and spoke to Council about following the policy and the timelines that was set for everyone to get their candidacy paperwork complete, the backgrounds checks and tribal members having to register to vote, a deadline was placed on these. Some were late and were told no they can't vote. One of the candidates, sitting on Council, should not have ran because he did not turn in his background check which should have automatically disqualified him. Not sure how it got by the election committee and the Council. There was one guy, Allen Primeau who jumped through hoops to get his paperwork submitted. If Council is going to make a deadline and rules, they need to follow it. He doesn't have a issue with Vinton running for Chairman because he was put in that position for a year and half but it's the Vice Chairman who should of stepped down. Councilmember Wright Jr. wanted to also follow up because he doesn't know who the candidate was that didn't complete their application but he also understands that when Wes Williams remarked that they can deal with it that night, incompletion

of that application, if that individual was subject to serving a term Tribal Council would then acknowledge that the packet was not complete and they need to be disqualified.

Ms. Smith said she didn't agree with the half terms, they both fulfilled both their seats, there's nothing beyond that, she doesn't understand how they were allowed to run again because the terms ended.

Duane Dunn commented that the Council bends the rules suppose to follow the codes, laws but they just want to over-ride it.

Rosemary Joe Kinale commented that the background checks jeopardize the grants. At a workshop she asked the question what if we had a Councilmember or potential Councilmember who had a serious background check and was told we were in jeopardy of losing our grants. It's selfish of people with those types of backgrounds to be jeopardizing the grants.

Councilmember Guerrero stated in the ordinance it states the backgrounds will be completed before swearing in of the Council, there was no timeline set for the candidates. With Fred Drye and Wes Williams statements we already started this process for the Primary and General.

Councilmember Guerrero made a motion to *reject the 2018 General Election challenge submitted by Carol Smith and to move forward*. Councilmember Wright Jr. seconded the motion.

Irwin Mix commented that with the cannabis project there was red flags raised with the background and the contract was terminated. In this same situation if you don't do a background it should raise a red flag and you shouldn't do it. Councilmember Guerrero said it wasn't during a background check that the contract was terminated.

Jolyn Sander, Election Board commented for clarification, everyone being sworn in for the new Council was adjudicated as far as the background goes.

Chairman Hawley called for a vote for the challenge.

Votes were seven (7) **for** and two (2) **opposed** (Dunn, Janet Davis) with zero (0) **abstentions**; **Motion carried.**

Councilmember Wright Jr. stated there is an opportunity to clarify everything, over the years there's been a lot of disagreements over interpretation. One thing that he discovered is making amendments, there is always someone who will find a loop hole. He wrote the document regarding term limits a couple weeks ago and gave it to the Election Board and Council. It's pretty stringent but the option comes out of the 22nd Amendment, US Constitution that gives the leeway on what is considered a full term. Take the document and use it to provide some clarity for these grey areas.

Councilmember Dunn said it has to be specific, the term "elected" is where the questions are.

Councilmember Wright Jr. said they need to get a clear understanding of what a term is.

2. Certification of 2018 General Election Results. Jolyn Sander Election Board

Ms. Sander stated they had the 2018 General Election on December 29, 2018. They had 70% of the registered voters appear. For Chairman it was Vinton Hawley with 99 and Anthony Sampson Sr., with 169. Tribal Vice Chairman was Georgina Wadsworth with 134 and Alan Mandell with 134, a tie. Before they can move forward with certifying they have to break the tie. In the ordinance it states in the event of a tie, it will be immediately recounted by the Election Board, which it was and same numbers were confirmed. If the tie vote is confirmed, the Tribal Council shall determine the election by ballot.

Councilmember Wright Jr. stated for the purpose of procedure they need to certify the election which would include the tie then conduct the vote to break the tie.

Ms. Sander continued with the elections results. For Tribal Council William Miller had 154 votes, Judith Davis had 164 votes, Sherry Ely-Mendes had 171 votes, Genevieve "Chili" John had 129 votes, Steven Wadsworth had 122 votes, Michele Smith had 145 votes and Richard James had 141 votes. For the School Board Brian Wadsworth had 101 votes, Mark Mix Jr. had 151 votes, Mervin Wright Jr. had 87 votes and Carolyn Harry had 152 votes.

Councilmember Wright Jr. made a motion to *Certify the 2018 General Election Results*. Councilmember Guerrero seconded the motion. Votes were nine (9) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried.**

Councilmember Janet Davis suggested they have a run-off election, she doesn't think it should be up to the Tribal Council to decide.

Councilmember Judith Davis stated it's up to the membership to break the tie, they should leave it to the membership to break the tie.

Councilmember Guerrero stated that if they do then they're breaking the ordinance. Councilmember Judith Davis stated it says by ballots. Ms. Sander said it's however you interpret it.

Ms. Sander stated they spoke with Terry Raney, the person who supplies the ballot boxes and he is willing to come back out at no cost for the ballot machines if they decided to have another election.

Irwin Mix stated they should make the decision, they can't put it on someone else. They have to step up and make the tough choice.

Councilmember Wright Jr. stated they should break the tie and move on.

Councilmember Wright Jr. made a motion *for Tribal Council to Break the Tie for the Vice Chairman Position for the 2018 General Election*. Councilmember Dunn seconded the motion. Votes were

seven (7) **for** and two (2) **opposed** (Janet Davis/Judith Davis) with zero (0) **abstentions**. **Motion carried.**

Councilmember Judith Davis wants to go back to the membership in accordance with the Constitution.

Councilmember Wright Jr. stated its understandable to put it out for another election for the membership and the ordinance does need clarifications.

Ms. Sander stated the board recognized that amendments need to be made.

Alan Mandell, Candidate for Vice Chairman, stepped down from his Council seat to provide a brief narrative of why he should be re-elected as Vice Chairman.

Michelle Ruize asked Alan Mandell if he had a personal company. Mr. Mandell said that his company is called numagroup.

Georgina Wadsworth was also given the opportunity to speak regarding her reasons for running for Vice Chairman.

Tribal Council voted by ballot to break the tie for the Vice Chairman position.

Georgina Wadsworth received three (3) votes. Alan Mandel received five (5) votes.

Alan Mandel was chosen by the Tribal Council to be the next Vice Chairman.

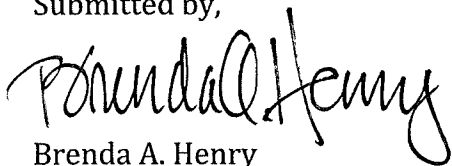
ADJOURNMENT

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

The meeting adjourned at 5:51 p.m.

Following adjournment of the outgoing Pyramid Lake Tribal Council, the incoming Tribal Chairman Anthony Sampson Sr., Tribal Councilmembers Sherry Ely-Mendes, William Miller, Judith Davis and Michele Smith were sworn into office by Christopher Parsons, PLPT Police Chief.


Submitted by,



Brenda A. Henry
Tribal Secretary

CERTIFICATION

The foregoing minutes were adopted by the Pyramid Lake Paiute Tribal Council, governing body of the Pyramid Lake Paiute Tribe, at a meeting duly held on the 1st 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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