

# Pyramid Lake Paiute Tribal Council

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## PYRAMID LAKE PAIUTE TRIBAL COUNCIL REGULAR MEETING MINUTES Tribal Chambers ~ Nixon, NV March 1, 2019

### Members Present:

Anthony Sampson Sr., Tribal Chairman

Alan Mandell, Vice Chairman

Judith Davis

John Guerrero

Janet 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 March 1, 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 6:51 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. Addition under Presentation #2. FRTC Expansion Brief, NAS Fallon. Michael Baskerville, Cultural Resource Program Manager, NAS Fallon
2. Move New Business #3. Kellie Meek Tribal Member – Hunting (Executive Session) to end of New Business for an Executive Session
3. Addition under New Business #3. Selection Pyramid Lake Health Board (1 vacancy)
4. Addition under New Business #4. Approval Law & order Code – 3.03.308 b) Arbitration. Diana Mitchel, L&O Committee

Councilmember Janet Davis made a motion to *approve the agenda with the changes*. Councilmember Judith Davis seconded the motion. Votes were eight (8) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried.**

### EXECUTIVE SESSION (Interviews Tribal Court Administrator)

Councilmember Shaw-Keever made a motion to *move into Executive Session*. Councilmember Smith seconded the motion. Votes were eight (8) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried**. *Tribal Council moved into Executive Session at 6:04 p.m.*

Councilmember Dunn arrived in chambers at 6:51 p.m.

Councilmember Shaw-Keever made a motion to *move out of Executive Session*. Councilmember Janet Davis seconded the motion. Votes were eight (8) **for** and zero (0) **opposed** with one (1) **abstention** (Dunn). **Motion carried**. *Tribal Council moved out of Executive Session at 6:54 p.m.*

## **PUBLIC COMMENT**

**Chris Wadsworth.** Mr. Wadsworth was in attendance to ask for a donation for the Longest Walk, the group currently is in Fallon. The group is walking for missing indigenous murdered women and children. He and four other Tribal members have participated in the walk. Information was submitted to the Tribal Secretary for processing by the Executive Team. The group is walking from San Francisco to Washington DC and expect to complete by July. Norman Duncan asked how to submit the donation request. Brenda Henry, Tribal Secretary said a letter needs to be written requesting a donation and submitted to her office. Councilmember Janet Davis said she would donate \$50 and submit it via the on-line website.

## **CONSENT AGENDA**

Councilmember Ely-Mendes requested to pull the February 1, 2019 Regular minutes for corrections.

Following were approved on the consent agenda:

2. Approval Enrollment Three (3) applications- Regular Membership with resolution.
3. Approval Tax Department Legal Counsel Fredericks Law Firm LLC with Resolution.

Councilmember Judith Davis made a motion to *approve #2 & #3 on the Consent Agenda*. Councilmember Janet Davis seconded the motion. Votes were nine (9) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried**. **RESOLUTION NO.: PL 22-19 ENROLLMENT - Regular Membership (3) and PL 026-19 TAX DEPARTMENT LEGAL COUNSEL FREDERICKS LAW FIRM LLC**

## **February 1, 2019 Minutes**

Councilmember Ely-Mendes noted corrections on the 2<sup>nd</sup> page, there were grammatical errors which she will forward to the Tribal Secretary. Correction on the 3<sup>rd</sup> page for the time for meetings where it says "Councilmember Ely-Mendes *said* and it should say Councilmember Ely-Mendes *asked* of the Council that they talked about meeting times before or approved meeting times for the year. Also on page where there was a discussion on EPA Justice which stated Mr. Wright stated that part of the analysis was to analyze the capacity to see if they might a greater or (.), not sure what it meant, just need to clarify it.

It said Councilmember Ely said and it should say Councilmember Ely asked if the Council had talked about meeting times before or had approved meeting times before for the year, she did get clarification they they did and were doing it on a yearly basis.

There was a discussion about EPA Environmental Justice and it says Mr. Wright stated that part of the analysis was to analyze the compacity to see if we might need a greater or a and (.), not sure what that meant. A grader or greater? And a greater/grader what?

Councilmember Ely-Mendes made a motion to *approve February 1, 2019 Regular meeting minutes with corrections/clarifications*. Councilmember Dunn seconded the motion. Votes were nine (9) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried.**

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

Melanie Kaur Buttar  
Jacquelynn Jade Livingston  
Lilah Jenae Geisel

## **PRESENTATION**

### **1. Humboldt-Toiyabe National Forest - Tribal Relations Specialist Introduction. Melyssa Navis.**

Ms. Navis is the Tribal Relations Specialist for the Humboldt-Toiyobe National Forest. She also has responsibilities in Utah, Idaho and Wyoming. She's before Tribal Council to introduce herself and to let them know she can assist in anyway with the forest service and other federal agencies. She was a biologist with the Army Corps of Engineers for 17 years and has been a Tribal Liaison for 7 years. She is currently located in Sparks. Vice Chairman (VC) Mandell said they met Ms. Navis at the Tribal Legislation Day at the State Legislature event in Carson City. Even though the Tribe doesn't have any forest service land here, we do deal with the forest service with regards to the watershed and with issues in the Lake Tahoe region. Over the last 20 years or so, we've also been trying to obtain some of the Galena Creek water rights which he mentioned to Ms. Navis and she jumped on it. She's working with Kevin Hill with the Water Resources Acquisition Program (WRAP) committee looking into it for the Tribe. VC Mandell asked Ms. Navis to update the Council on the wood cutting project for firewood. To clarify, VC Mandell said that after the forest service does clear cutting for fire suppression activities in the Tahoe area wants to see about the Tribe having access to the logs for the seniors through the environmental department. He invited her to come to the Inter-Disciplinary Team (IDT) meeting for further discussion. Chairman Sampson Sr., asked what is the cost for wood? Ms. Navis stated that it is \$5 for a cord of wood but she is still meeting with the fire team for further options.

Councilmember Judith Davis asked when she does come back to the IDT, she'd also like to get the information out to the Tribal members.

## **2. FRTC Expansion Brief, NAS Fallon, Michael Baskerville, Cultural Resource Program Manager, NAS Fallon**

Rob Rule, Community Liaison Officer, Naval Air Station, Fallon, talked about their on-going discussion for their expansion. The original proposal for the project came out in September 2016 and they did come out and visit with the Environmental staff and provided them with an operational brief/overview of the project two years ago. February 14<sup>th</sup> was the end of their comment period for the draft Environmental Impact Study (EIS) on the project, now they are doing outreach to their Tribal cooperating agencies. They do have a power-point presentation which lasts 45 minutes and is more thorough and in-depth. Chairman Sampson Sr., stated there needs to be more dialog on both sides with the programs especially with Environmental and Cultural Department because the area that they've chosen is a sensitive area for the Tribe. Need to know exactly their military operations especially their flying over the reservation. He's noticed over the last year they're flying really low over our communities and it's a concern. According to their policy they may be flying too low over the deck, over the lake and in the areas up north. There is concern because they are flying over his house. Mr. Rule said that with general impacts from the noise they do have a system where a complaint can be filed, they do have their flight lines, but if there are concerns flying over the community they would like to hear about them. VC Mandell stated that when they did come out to the Environmental Department there was a concern back then but not sure if there was any follow-up. Even today when they were in the office, they heard them flying over. It is still occurring here and they are quit low. It's a variety, helicopters and planes flying over. Mr. Rule said he will check with his operations officer and they will take a look at it. Chairman Sampson Sr., also stated they are flying through the area where Pacific Migratory birds are flying, the pelicans, Canadian geese, bald/golden eagles and all the other types of water fowl that are in this area, which is a protected air space. It's also a potential safety hazard for their air craft and loss of life. Mr. Rule stated that if aircraft are flying low in the area it's not approved and they would like to hear about it. There should only be high level fly over, 3-4000 feet. Chairman Sampson Sr., stated with the consensus of Council he would prefer they not fly in the area. Councilmember Ely-Mendes mentioned we had this discussion at our last our Council meeting and she'd like to add she took it to the Law and Order Committee because they had access to the Tribe's legal counsel at the meeting and asked him about whether there is such a thing as a no-fly zone or agreement not to fly over Pyramid Lake. His response, at the time, was that they have the same problem in Walker River and a lot of times what is happening when they complain, they're asked if they got a tag number. A member of the Law and Order Committee says they were going down into the Dead Ox area and a helicopter is coming up out of the canyon and going over her car and scared her, it's a little low and she's sure she wasn't looking for a tag number. She thinks if we're going to further consider doing business with any of the military services, who she has tremendous amount of respect for, they should also, in turn, have respect for the citizens of this nation and the nation overall and they shouldn't take advantage of that. Although she thinks it's worthy of considering training activities, we've spent thousands of hours a couple years ago taking ordinances out of Pyramid Lake from past disturbances and she doesn't want to see us repeat that scenario. How do we know what type of planes are flying over? just know it's a military plan and it's flying a little too low over her house. The process, is to first go through the IDT, which this sounds like it may need to be. It's goes to the team and they evaluate whether it's worthy of engaging and then they push it to the Tribal Council. The Tribal Council, at any time, can attend the IDT meetings. She learned a ton the last meeting she attended where they

debated about things they felt were important. Going through the IDT first is the process than having Tribal Council sit through a 45-minute presentation where presentation at Tribal Council is 20 minutes. Chairman Sampson Sr., said they need to remember the time an aircraft went down in the lake in the late 80s. Councilmember Ely-Mendes stated there were boat parts and unspent ordinances taken out of the lake which was disturbing to her and it would be her stance they not repeat that. She's sure there's tons of space in Nevada to fly over not sure why it's so attractive to fly over Pyramid Lake and to do things over Pyramid lake, maybe Fallon or Gabbs, or another smaller community, if they're looking to fly over a community, they might pick a non-Tribal community, not sure why they always come to us. VC Mandell stated he didn't get the chance to read the EIS but noted the comment period had ended recently and not sure if the Tribe's comments made it in. Will have to follow-up with the Environmental Department. Mr. Rule said it will work out in terms of what the comments were, working with staff if there's anything to highlight and to have open communications. Chairman Sampson Sr., stated with the way the funnel is on the northern end of the Tribe it encompasses the northern part of the lake towards Sand Pass area and all that area is Tribal land up there. Councilmember Ely-Mendes asked if there was any other lake they can fly over or if it was necessary to fly over a lake. Mr. Rule emphasized that the lake is a place to be avoided, there's no training value flying anywhere near this lake or anywhere near the communities, there shouldn't be any NAS aircraft here. If we see them, we need to open that line of communication but there should be no Navy aircraft in this valley. Even if they think there is training value, they do have search and rescue out of Fallon, but even then it's challenging for the elevation. Again there's no training or aviation in this valley. VC Mandell asked they a follow-up with the IDT and they can make a recommendation to Tribal Council. Mr. Rule stated on March 14<sup>th</sup> there is a stakeholders meeting on the base and he will make sure the Tribe receives an invitation.

## **UNFINISHED BUSINESS**

### **1. Approval Payment of Wes Williams January 2019 Invoice #3378**

VC Mandell gave an update to the horse round-up, the bill will be submitted to the insurance company for payment. Randy Hunter, Executive Officer (interim) responded that the deductible is \$1000.00 so Chuck Zeh's bill was \$6,400.00 and if we find out if he has to bill more in February, will submit that when we get it. VC Mandell corrected Mr. Hunter's statement that it's Wes Williams not Chuck Zeh.

Councilmember Judith Davis made a motion to *approve Payment of Wes Williams January 2019 Invoice #3378*. Councilmember Dunn seconded the motion. Votes were nine (9) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried.**

## **NEW BUSINESS**

### **1. Approval Chuck Zeh Engagement for Legal Service. Jolene Henry, Interim Realty Director**

Ms. Henry and Chuck Zeh presented his Letter of Engagement for legal services for the Realty Department. She stated that Mr. Hunter and the Executive Teams were going to review his

engagement letter. Mr. Hunter stated they didn't get a chance to review because of restructuring in the Realty Department and they wanted to look at the engagement letter a little bit closer and analyze it better to see how it would fit with how they were looking at the restructuring. They are asking if the Council will table so they have a chance to review it. Councilmember Judith Davis asked why administration would be looking at it if the funding is coming out of Realty. Mr. Hunter said they are re-organizing to where the leases, billboards and right of ways would be separated and put directly under an executive team office and not with Realty. In the structure of the leases, billboards and right of ways, they want to see if there is a more specialized lawyer for, say the south tower, want to look at how the leases are framed. Now they're not sure and want to look at it a little bit closer. Chairman Sampson Sr., said it is reasonable. VC Mandell commented it would include the fees, the structures and permit fees, everything that goes with it especially with the Tribe going into the next phase with Cemex, that expansion entails a lot and they learned a lot within the last two years now with the solar project. With leases in general and all the permit revenue and everything that is engaged. Basically updating lease agreements with new conditions.

Councilmember Ely-Mendes made a motion to *table Chuck Zeh Engagement for Legal Services until review by the Executive Team and bring back to Tribal Council at the March 15, 2019 Special Tribal Council meeting.* Councilmember Shaw-Keever seconded the motion. Votes were nine (9) for and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried.**

## **2. Approval to Submit Tribal Sexual Assault Services Program Grant with Resolution. Michael Guss, Contracts & Grants Manager and Kim Lowery, Victim Services**

Mr. Guss stated this is a grant application that is under development for the Tribal Sexual Assault Services Program from the Department of Justice. He recognized the work of Kim Lowery and Kellie Harry who put together the application. It's a \$324,500.22 application, there is no match and indirect cost is built into it. Ms. Lowery further explained this is a continuation grant, they've had this specific grant in their program for the last six years, this would add an additional three years to enhance the program to keep the direct services for sexual assault victims which is a little bit more sensitive in nature as opposed to just domestic violence or any other victim of crime. This allows for a sexual assault advocate to be able to spend the time needed from the initial reporting to the end parole hearing which takes time. She's been able to get training and certifications, specifically in the sexual assault area which a lot of the advocates don't get. This will allow them to enhance services to keep providing the 24/7 on-call, the culturally competent advocacy. Their numbers have increase in our area.

Councilmember Guerrero made a motion to *approve the submission of the Tribal Sexual Assault Services Program Grant 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 023-19 TRIBAL SEXUAL ASSAULT SERVICES PROGRAM GRANT**

## **3. Selection Pyramid Lake Health Board (1 vacancy).**

There were three applicants for the Pyramid Lake Health Board vacancy. With five (5) votes Madge Smith-Tobey was selected to fill the vacancy on the Pyramid Lake Health Board. Kim Lowery received two (2) votes, Gina Wadsworth received one (1) vote with one vote to repost.

#### **4. Approval Law and Order Code – 3.03.308 b) Arbitration with Resolution. Diana Mitchell, L&O Committee**

Ms. Mitchell stated the 3.03.308 b) Arbitration was posted and Wes Williams, legal counsel, was also in attendance at their last meeting to assist with the process. She and Judith Davis went over the comments that she submitted earlier and she had no further questions. The first question was did this arbitration only apply to the Tribe and it's entities and individual tribal members and/or how will this effect individual tribal members. Mr. Williams said that yes it does. The Arbitration would be, it does not give the Tribal Council the court authority over these issues, it only effected parties. That their contracts shall be valid and enforceable and that was the one he said would be within this document. And the only other change was within that statement. The resolution that Wes provide was for the one word change where it said effective should be affective.

VC Mandell noted the change was made to a section that was already a part of the Law and Order Code, the only change should be the addition of the arbitration subset b.

Councilmember Judith Davis asked which resolution are we looking at? The one Ms. Mitchell provided or the one she just handed out. Ms. Mitchell said they are the same.

Vice Chairman Mandell made a motion to *approve the Law & Order Code – 3.03.308 b) Arbitration with 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 024-19 L&O CODE b) ARBITRATION**

#### **EXECUTIVE SESSION (Kelly Meek Tribal Member – Hunting)**

Councilmember Shaw-Keever made a motion to *move into Executive Session*. Councilmember Dunn 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 7:58 p.m.*


Councilmember Dunn made a motion to *move out of Executive Session*. Councilmember Judith Davis seconded the motion. Votes were nine (9) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried.** *Tribal Council moved out of Executive Session at 9:07 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 9:08 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 5<sup>th</sup> day of April, 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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