

# Pyramid Lake Paiute Tribal Council

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## PYRAMID LAKE PAIUTE TRIBAL COUNCIL REGULAR MEETING MINUTES Tribal Chambers ~ Nixon, NV February 7, 2020

### Members Present:

Anthony Sampson Sr., Tribal Chairman  
Judith Davis, Councilmember  
Janet Davis, Councilmember  
Cassandra Darrough, Councilmember  
Carolyn Harry, Councilmember

Sherry Ely-Mendes, Vice Chairwoman  
William Miller, Councilmember  
Irwin Mix, Councilmember  
Michele Smith, Councilmember  
Gina Wadsworth, Councilmember

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### CALL TO ORDER

Tribal Chairman Anthony Sampson Sr. called the February 7, 2020 Regular Tribal Council meeting of the Pyramid Lake Paiute Tribal Council to order at 9:32 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 New Business add #1. Appointment of Tribal Vice Chairman.
2. Add under New Business remove #3. Selection Pyramid LLC Board of Directors (5 vacancies).
3. Add under New Business #10. Approval Liquor License BEE FIT USA Fitness Ranch. Bryan Eiden Owner
4. Add under New Business #11. Approval Marijuana Ordinance Amendment Chapter 16 with Resolution. Diana Mitchel, Law & Order Committee
5. Add under New Business #12. Approval for 30-Day Posting PLPT Business License and Permitting Title #3 Chapter 17. Diana Mitchell, Law & Order Committee

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

### PUBLIC COMMENT

**1. Mervin Wright Jr.** Provided Council a draft copy of a proclamation that was written as a result of several activities that occurred beginning last year with the rally walk from the lake to Nixon. There has been several meetings to talk about the problem in the communities about methamphetamine use to include alcohol, illegal drugs and opioid addictions. He read the draft proclamation for the record. They will be reviewing the proclamation again and will bring back to Council to adoption. The proclamation is an acknowledgement there is a problem on the reservation.

**Harriette Brady.** Said she's against marijuana. She's been in Indian education since 1984, 9 ½ years working for Indian Health Service and she's seen well over 200 kids easily that said they started out with marijuana. It's devastated and continues to devastate families. What's frustrating is there are modern day coyotes waving money around like it's a quick fix but it's not. She hopes the Council will move forward slowly and reconsider marijuana. We don't need it here. She sees people taking advantage of the buildings already in place and not considering there's daycares, preschools, elementary schools and the youth regional center in Wadsworth, it shouldn't have even been considered not to mention it being in the center of a neighborhood. After hearing stories about the activities, she wonders why the Tribe is allowing non-members to hunt illegally, it needs to be monitored plus drones are being flown.

**Natalia Gonzalez.** Said she hoped they can still work with the company, get things figured out and move forward. Keeping it off the reservation is not going to keep them from doing it, we need to instill values and keep them on the right path. We sell alcohol and sell cigarettes in the smoke shops, and cannabis can be great for our people, for the ones that are sick and who don't want to use pills. Hoping Council can move forward and don't go with a 3<sup>rd</sup> company. Who will want to do business with Pyramid Lake anymore. She's grateful for cleaning up the community, this was planned before everything happened. Communication was horrible on both sides. Administration had no clue on how to do the business. For the Nevaco building, they hoped to have both electricity and water. The indoor grow you couldn't smell anything on the outside of the building and it was a shame it took so long to get into the building initially. It's a problem on both sides. She hopes they give them a chance instead of shutting it down. It will be a good thing for the people and the kids. Kids are vaping at Natchez School and the teachers are frustrated because nothings being done for them. It's not just marijuana or cannabis, there's alcohol here. Just keep an open mind, fix it and move forward.

**Jonathan Lowery.** Mr. Lowery sits on the Washoe School District for parent education, works alongside RSIC and Washoe School District and is the representative for Pyramid Lake. We keep talking about the influx of money but we need to take it back to establishing an education program and comparing it with RSIC's program and what we have. It starts with education they need to start with the youth. Councilmember Janet Davis informed him that the Tribe is working on forming a 447 program here on the Reservation.

## **CONSENT AGENDA**

1. Approval Minutes: January 3, 2020 Outgoing & January 3, 2020 Incoming
2. Approval Ratification Poll Vote Question SCS Pyramid Lake LLC January 28, 2020

3. Approval Wes Williams December 2019 Invoice #3536
4. Approval Wolf Rifkin Shapiro Schulman & Rabkin LLP November 2019 Invoice
5. Approval Enrollment Four (4) Applications – Regular Membership with Resolution

Councilmember Harry made a motion to *approve the Consent Agenda*. Councilmember Wadsworth seconded the motion. Votes were seven (7) **for** and zero (0) **opposed** with one (1) **abstentions** (Smith). **Motion carried.** **RESOLUTION NO.: PL 011-20 ENROLLMENT – REGULAR MEMBERSHIP (4)**

Amanda Davis asked if they had a right to hear what the Poll Vote question was. Chairman Sampson Sr., read the what the poll vote question, “Do you want to continue working/doing business with SCS Pyramid Lake LLC?”. Vote was 8 for no, and 2 for yes.

Chairman Sampson Sr. announced the newly approved tribal members:

Tokata Storm Brady  
Chayton Timothy Hernandez  
Darrien Storm Born Kelly  
Amory Hazel Rose Ridenour

**ENROLLMENT** – Joanne Shaw, Enrollment Office

Councilmember Judith Davis stepped down at 10:03 pm to present in place of Ms. Shaw who is out on medical.

**1. Conduct one Disenrollment Hearing – Adult.** Judith Davis, Enrollment Committee

Ms. Davis asked if anyone was in attendance for the hearing. Stated there is one adult found and confirmed to be enrolled with another Tribe and this hearing is for disenrollment. There is nobody present to represent this individual.

Councilmember Wadsworth made a motion to *approve the recommendation from the Enrollment Committee to dis-enroll one adult who is dually enrolled*. Councilmember Smith seconded the motion. Votes were seven (7) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried.** **RESOLUTION NO.: PL 012-20 DISENROLLMENT – MICHAEL EUGENE DAVIS JR**

Councilmember Judith Davis returned to her Council seat at 10:05 p.m.

**NEW BUSINESS**

**1. Selection of Tribal Vice Chairman.**

Councilmember Janet Davis said they need to declare the Vice Chairman seat vacant.

Councilmember Janet Davis made a motion to *declare the Vice Chairman seat vacant*. Councilmember Mix seconded the motion. Votes were eight (8) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried.**

Jolyn Sander, Election Board, said the seat is vacant and according to the ordinance, Councilmember Wadsworth can move into the Vice Chairman seat and it would be to finish out the last Vice Chairman's term. In the past, the Council talked about staggering the Chairman and the Vice Chairman seats, now might be the opportunity to do that and allow Councilmember Wadsworth to do two years to stagger the Vice Chairman with the Chairman's seat. Councilmember Judith Davis said it's not in the ordinance and it states to complete the term. Councilmember Janet Davis said it's not in the Constitution to stagger the seats. Ms. Sander stated if 6 months or more remain on the term the candidate with the second highest number of votes of the most current election shall fill the unexpired term. If Councilmember Wadsworth does not agree to fill the Vice Chairman seat, then Council will choose from the Council for someone to fill the seat. Councilmember Harry said it may say the next senior Councilmember, but Councilmember Wadsworth said no that was just practice. Ms. Sander read Chapter 15 #3., "if the office of the Vice Chairman becomes vacant by reason of succession or any other cause outlined in Article V Section 1 of the Constitution and By-Laws and six months or more remains in the term, the candidate with the second highest number of votes in the most current election shall fill the expired term. This would be the election where the Vice Chairman seat was voted on. If the person designated to fill the position as stated above cannot fill the seat for any reason, the Tribal Council shall vote to fill this seat.

Councilmember Wadsworth declined the Vice Chairman seat.

Councilmember Harry recommended that they use whatever precedence was used before to go with the senior Councilmember.

Councilmember Janet Davis made a motion to *accept Councilmember Wadsworth's decline of the Vice Chairman seat*. Councilmember Harry seconded the motion. Votes were seven (7) **for** and zero (0) **opposed** with one (1) **abstention** (Wadsworth). **Motion carried.**

Chairman Sampson Sr., read the list with the number of terms for Council. Councilmember Ely-Mendes has the highest terms with 13; Councilmember's Judith Davis and Mix, both 11 terms; Councilmember Janet Davis 8 terms; Councilmember Miller 3 and Councilmember Smith 1.

The Vice Chairman position was offered to Councilmember Ely-Mendes who accepted the position for the Pyramid Lake Paiute Tribal Council.

Councilmember Janet Davis made a motion to *accept Councilmember Ely-Mendes acceptance of the Vice Chairman seat for the Pyramid Lake Paiute Tribal Council*. Councilmember Smith seconded the motion. Votes were seven (7) **for** and zero (0) **opposed** with one (1) **abstention** (Ely-Mendes). **Motion carried.**

Councilmember Janet Davis made a motion to *declare Councilmember Ely-Mendes seat as a Councilmember vacant*. Councilmember Harry seconded the motion. Votes were eight (8) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried**.

Leona Collins, Election Board, said under succession, if a tribal Council seat becomes vacant by reason of succession or any other cause as outlined in Article 5, Section I of the Constitution and By-Laws, the Tribal Council candidate who had the highest number of votes in the most current election shall fill the term. Ms. Sander said that would be Cassandra Darrough.

The Councilmember position was offered to Cassandra Darrough who accepted the position on the Pyramid Lake Paiute Tribal Council.

Councilmember Harry made a motion to *accept Cassandra Darrough's acceptance of the vacant Councilmember seat for the Pyramid Lake Paiute Tribal Council*. Councilmember Judith Davis seconded the motion. Votes were seven (7) **for** and zero (0) **opposed** with one (1) **abstention** (Smith). **Motion carried**.

***Cassandra Darrough was sworn-in as a Pyramid Lake Paiute Tribal Councilmember by Pyramid Lake Police Chief, Chris Parsons.***

## **2. Selection of Pyramid Lake Fisheries Board of Trustees (BOD) Vacancy (1 vacancy).**

Mervin Wright Jr. received 3 votes; Dean Calvin received 2 votes; Jeanine Winnemucca received 1 vote; John Guerrero received 2 votes; and Steven Wadsworth received 1 vote.

Mervin Wright Jr. was selected by ballot to fill the vacant position on the Pyramid Lake Fisheries Board of Trustees.

Councilmember Miller and Wadsworth are currently members of the PL Fisheries Board of Directors. Cassandra Darrough volunteered to serve on the PL Fisheries Board of Directors as a Tribal Council representative.

Councilmember Harry made a motion to *appoint Councilmember Darrough to the Pyramid Lake Fisheries Board of Directors as a Tribal Council representative*. Councilmember Miller seconded the motion. Votes were seven (7) **for** and zero (0) **opposed** with zero (0) **abstention** (Darrough). **Motion carried**.

## **2. Selection of Pyramid Lake Health Board Vacancy (1 vacancy).**

Cierra Sampson received 8 votes; John Guerrero received 1.

Cierra Sampson was chosen by ballot to fill the vacant position Pyramid Lake Health Board.

Councilmember Harry made a motion to *approve the selection of Cierra Sampson to fill the vacancy on the Pyramid Lake Health Board*. Councilmember Darrough seconded the motion. Votes were nine (9) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried**.

### **3. Selection Numu Inc., Board of Directors (2 vacancies).**

Debra Harry received 4 votes; Virginia Cline received 7 votes; and Shannon Keller O'Loughlin received 5 votes.

Virginia Cline and Shannon Keller O'Loughlin were selection by ballot to fill the two vacancies on the Numu Inc. Board of Directors.

### **4. Approval to Submit Application to USDA ReConnect Program with Resolution.** Michael Guss, Contracts & Grants

Mr. Guss said they were awarded \$855,049 from the State of NV Grant Matching Fund program last month and USDA ReConnect application to provide broadband service to Sutcliffe and Nixon, the resolution authorizes the application, allocates the matching grant the State for the program and authorizes the Chairman to submit the application and provides for access to Greg Gardner, Steven Wadsworth, Jill Mix and himself. A requirement of the grant was the Tribe had to submit 10 days in advance, feedback and review. the Tribe does not have to accept any of their feedback they just want to look at the application.

Councilmember Janet Davis made a motion to *approve the submission of the application to the USDA ReConnect Program for the Broadband Service*. Councilmember Judith Davis seconded the motion. Votes were eight (8) **for** and zero (0) **opposed** with one (1) **abstention** (Mix). **Motion carried.** **RESOLUTION NO.: PL 013-20 USDA RECONNECT PROGRAM**

### **5. Approval CP Construction Group Contract, Numana Dam Irrigation Project, USBR Grant.** Mervin Wright Jr., Environmental Manager

Mr. Wright said he received this grant in October last year, it is an Indian Pre-Construction Grant with Bureau of Reclamation. At the time they requested a no cost extension through September 2020 because the deadline was October 1, 2019. In looking at the scope of work in the grant it required replacement of the main diversion gate at Numana Dam and installing pipe from the fish grate in the ditch all the way over to the rotor drum structure. In November he posted requests for proposals to contractors, scheduled a site visit on January 3, 2020 where 6 contractors were present when the project was described to each of them. Present were Sierra Nevada Construction, A&K Earth Movers, Rapid Construction, CP Construction Group, and Pokrajac Construction. Deadline for submittal was January 17, 2020 but they gave them extra time until January 24<sup>th</sup> to be able to create designs. They only received one bid which was CP Construction Group out of Fernley, Nevada. He received approval from Bureau of Reclamation to move forward with the bid they received and can use the RFP as documentation as rewarding single source. The initial bid came in over the amount they had available and he worked with the Construction group and they brought their bid down. The revised bid amount was \$274,136. They included the fish grate and structure design they received from Cal Poly and it brought the bid in at \$425,180. It was removed out of the bid so they won't be fixing the grate, they will be replacing the main gate and replacing all the pipe. He did speak with the Water Quality Manager regarding the 401 Water Quality Certification and 404 Requirement by Army Corps and since they won't be working in the

river they don't require those permits. They have adequate funding in the grant to complete the project. Councilmember Janet Davis asked if there will be a project manager on site. Mr. Wright said he will be the project manager. Councilmember Wadsworth asked if the bid had two phases, phase one had an amount, phase two doesn't have an amount, is the contract only for the first phase. Mr. Wright said its only phase I, not obligated for phase 2. Councilmember Wadsworth asked if there's a phase 2. Mr. Wright said yes, he spoke with Donna Noel and to the Bureau of Indian Affairs (BIA), there's funding that should be coming and its part of their planning, they will submit the phase 2 as a project when BIA funding comes in. They will also submit their design to the US Fish and Wildlife Service (USFWS) to get their approval on the gate structure. Councilmember Wadsworth said it's a little misleading.

Councilmember Judith Davis made a motion to *approve CP Construction for the Numana Dam Irrigation Project*. Councilmember Smith seconded the motion. Votes were nine (9) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried**.

**6. Approval Memorandum of Understanding (MOU) REZRIDERS UNR Cooperative Extension Program with Resolution.** Nikwich Wright

Mr. Wright brought a MOU between the Board of Regents, NV System of Higher Education, on behalf of University of Nevada Cooperative Extension and the School of Community Health Sciences and the Tribe. They would like to have a REZRIDER program on the reservation which they did have several years ago. They will be recruiting students between the grades of 8-11 and it'll be for a 5-year period starting with 2021. Councilmember Janet Davis asked about transportation, we don't have transportation, she recommended contacting the high school. Mr. Wright said he's not sure about the transportation but he will ask the high school, he's going to confirm funding through the program.

Councilmember Janet Davis made a motion to *table the REZRIDER MOU and resolution until transportation is confirmed with the high school then bring back to Council at the February 21<sup>st</sup> meeting*. Vice Chairwoman Ely-Mendes seconded the motion. Votes were eight (8) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried**.

**7. Approval Pyramid Lake Health Clinic FY20 Budget with Resolution.** Dawna Brown, PL Health Clinic Director

Ms. Brown said Jill Mix, Comptroller (interim) presented the Health Clinic budget but they weren't approved by the Health Board at that time. On the 28<sup>th</sup>, the Health Board met and reviewed the 172 and 178 budgets and they provided certification they approved the budgets.

Councilmember Judith Davis made a motion to *approve the Health Budgets for the PL Health Clinic*. Councilmember Wadsworth seconded the motion. Votes were nine (9) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried**. **RESOLUTION NO.: PL 014-20 PYRAMID LAKE HEALTH CLINIC FY2020 BUDGET**

**8. Approval NUI Pow-Wow Donation Request.** Jonathan Lowery, NUI

Mr. Lowery is here on behalf the Nevada Urban Indians, he's been affiliated with them for 12 years now. He is also the Powwow Coordinator for their powwow on March 7<sup>th</sup>. Had conversations with Douglas Williams, Executive Officer and Brenda Henry, Tribal Secretary, regarding a donation and was approved for \$250.00 but his actual request was for \$500. It's a significant amount they have to raise and he's hoping to receive an additional \$250. He also has individual sponsorships if anyone wants to sponsor individually. RSIC asked for a free vendor table and he will extend the offer to the Tribe if they sponsor the extra \$250. Ms. Henry said the donation is \$250 per organizations and \$100 for individuals, and Mr. Lowery is here to ask for \$250 which is over and above the donation amount for the Tribe. Chairman Sampson said he will donate \$150 to the program and Councilmember Mix said he will donate \$100.

**9. Approval Liquor License BEE FIT USA Fitness Ranch.** Bryan Eiden Owner

Mr. Eiden is requesting a liquor license for his business. He's separated the entrance to the restaurant so kids don't walk through the bar. He has an alcohol awareness card and will require everyone who works there to attain one. His place will be closed on Mondays. He has all new tenants on site. He has been in contact with Indian Health Service and EMS.

Vice Chairwoman Ely-Mendes made a motion to *approve the Liquor License for Bee Fit USA Fitness Ranch and Restaurant*. Councilmember Wadsworth seconded the motion. Votes were eight (8) **for** and one (1) **opposed** with zero (0) **abstentions**. **Motion carried.**

**10. Approval Marijuana Ordinance Amendment Chapter 16 with Resolution.** Diana Mitchel, Law & Order Committee

Ms. Mitchell brought forward the Marijuana Ordinance Amendment with resolution. They received one comment but it didn't have to do with the posting.

Councilmember Judith Davis made a motion to *approve the Marijuana Ordinance Amendment Chapter 16 with Resolution since it already went through the 30-day posting*. Councilmember Smith seconded the motion. Votes were seven (7) **for** and zero (0) **opposed** with two (2) **abstentions** (Ely-Mendes, Darrough). **Motion carried.** **RESOLUTION NO.: PL 016-20 LAW & ORDER CODE CHAPTER 16 MARIJUANA ORDINANCE**

**11. Approval for 30-Day Posting PLPT Business License and Permitting Title #3 Chapter 17.** Diana Mitchel, Law & Order Committee

Ms. Mitchell is requesting the PLPT Business License and Permitting Title #3 Chapter 17 be posting for 30-days.

Councilmember Judith Davis made a motion to *approve 30-day posting of the PLPT Business License and Permitting Title #3 Chapter 17*. Councilmember Smith seconded the motion. Votes were eight (8) **for** and zero (0) **opposed** with one (1) **abstention** (Ely-Mendes). **Motion carried.**

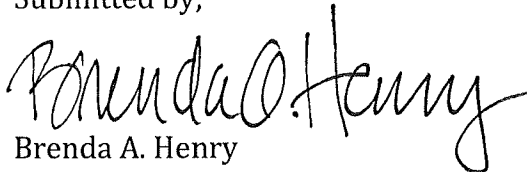
**AJOURNMENT**



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

The meeting adjourned at 11:19 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 **20<sup>th</sup>** day of **March**, 2020, having **ten (10)** members present, constituting a quorum, by the vote of **nine (9)** 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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