

Pyramid Lake Paiute Tribal Council

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PYRAMID LAKE PAIUTE TRIBAL COUNCIL SPECIAL MEETING MINUTES Tribal Chambers ~ Nixon, NV January 17, 2020

Members Present

Anthony Sampson Sr., Tribal Chairman
Janet Davis, Councilmember
Judith Davis, Councilmember
Sherry Ely-Mendes, Councilmember
Carolyn Harry, Councilmember

Alan Mandell, Vice Chairman
William Miller, Councilmember
Irwin Mix, Councilmember
Michele Smith, Councilmember
Georgina Wadsworth, Councilmember

CALL TO ORDER

Tribal Chairman Anthony Sampson Sr. called the January 17, 2020 Special Tribal Council meeting of the Pyramid Lake Paiute Tribal Council to order at 6:10 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. Addition under Consent Agenda #5. Approval one (1) Enrichment Scholarship: J Brady
2. Addition under new Business #8. Approval to Submit for Daycare Center Replacement. Michael Guss, Contracts & Grants
3. Addition under New Business #9. Approval Acceptance of Broadband Match. Michael Guss, Contracts & Grants
4. Addition under Comptroller #1. Approval of PLHC FY2020 Budget.

Michael Guss explained the addition of #9. Last month they approved the submission of the matching fund grant and at 5:02 p.m. this evening they received word the Tribe was awarded the grant. They needed to accept it and he understands there is some questions Councilmember Mix had regarding some of the conditions.

Councilmember Harry had some items she wanted to discuss and wanted to understand how the process worked. She stated she was asked by a lot of people and wanted to get an update on Economic Development Funding and the 50% the Tribe retained, she would like a summary of what the history was, what transpired, where the 50% went the members voted on and what is

the process to start a change to the elections to initiate an absentee ballot. Chairman Sampson Sr. asked if they can save the Economic Development Fund discussion for the next meeting. Councilmember Mix said he would also like to add Vidler to the discussion. Vice Chairman Mandell suggested the Chairman provide the summary under his report.

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

CONSENT AGENDA

The following items were listed under the Consent Agenda:

1. Approval Wells Fargo Authorization Resolution – Amended
2. Approval Wes Williams November 2019 Invoice #3522
3. Approval Enterprise Stores Business License Renewal: I-80 Smoke Shop, Nixon Store & Pyramid Lake Marina
4. Approval Enterprise Stores Liquor License Renewal: I-80 Smoke Shop, Nixon Store, & Pyramid Lake Marina
5. Approval one (1) Enrichment Scholarship: J Brady

Councilmember Ely-Mendes made a motion to *approve the consent agenda*. 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 006-20 WELLS FARGO AUTHORIZATION

PRESENTATION

1. Lewis Roca Rothgerber Christie LLC Update. Pilar Thomas/Casey Stiteler

Ms. Pilar provided her monthly update to Tribal Council on her firm's activities for January. She's been working on contracts review, CEMEX contract, Verizon Lease contract, has requested assistance from the Executive Team regarding the AT&T contract, looking for compliance with federal law and regulations. Questions on whether there are any issues with the contracts before it comes to Council for approval. Working on getting lease agreements compliant, mostly compliant with federal law. During the last month working with CEMEX to get an updated mining plan. Previously advised Council the mining plan was deficient on the federal regulatory side. They finally got a date that they've reviewed their mining plan, reviewed the federal regulations, they agree they need to update their mining plan and will have a draft by middle of March. Since there were water issues raised by the Natural Resources Department, they expect to have those addressed in the mining plan. When they receive it, they hope to sit down with Council, have a discussion, review it, and make sure questions are answered. They are still waiting for some water study information from them. Last month assisted with the licensing and regulatory issues related to SCS Pyramid LLC, and Council received an update today on that work. Lastly the next major project is the NextEra Solar Project. She advised Council last month they were starting to get outreach from Shawn Savasee from NextEra, they want to meet with Council again to begin discussions for the on-reservation solar project. They stalled out in finalizing the lease agreement,

still waiting for their response to the Tribe's last set of comments sent to them back in June. With regards to the regulatory budget they've agreed to compensate the Tribe for our costs of doing the environmental review, so we need to get that budget. Will restart those workshops to renegotiate the lease, budget and finding out what their next steps are. NVEnergy just announced a deal with Google where they will provide Google with at least 350 megawatts of solar power for a Google data center down in Las Vegas. NextEra believes that because we're so close to the substation that power can go to Las Vegas so they want to be able to bid in for the RFP that NV Energy is going to be issuing for the Google project. One of the other opportunities the Tribe has, as you know, part of the agreement was they would help the Tribe market an on-reservation solar project. They also want a name for the Tribe's Solar Project. Councilmember Harry asked if there was a federal law that says if a Tribe has solar or creates any type of energy by law the other federal entity has to purchase their power from the Tribe. Ms. Thomas responded no, there is a federal law that allows tribal projects, projects located on tribal lands, that allows the federal government to buy power from that project and they get double credit. The federal government has their own federal renewable requirements so they have to get 20% of their energy from renewable resources. Under federal law if they buy power from a Tribe or project located on tribal lands, they will get double credit. There's an incentive for federal agencies to buy power from a Tribe. In that same law there is a preference that the federal government can give to tribal projects. If the federal government was out looking for power, bidding for power and the Tribe bid in, the Tribe would get preference over everyone else to supply power but there's no requirement under federal law that if a Tribe produces power the federal government has to buy it. You do have WAPA lines up north, because they need to feed power into Northern California, it's a little further from the solar project but again there are opportunities under federal law WAPA to give the Tribe preference. If they have to supply power, usually their power comes from the dams which are all losing power, so WAPA can make a deal with the Tribe to give the Tribe preference but we have to put in a WAPA line. Councilmember Mix said he was sitting in the audience several meetings ago and he knows that they've by-passed a lot of people to get things through fast and not going through certain procedures and entities. On the NextEra, is the Bureau of Indian Affairs (BIA) involved. Ms. Thomas responded yes, they have to approve the lease. In fact, the easement agreement the Council approved back in October for Ollinghouse, for the off-reservation project that's the last piece has been submitted to the BIA, they haven't acted on it yet. This lease, assuming the Tribe doesn't adopt its own leasing regulations, which the Tribe can do, only the lease has to go to the BIA. All the pre-work the Tribe has been doing, the option for the lease agreement and all the environmental work that has to be done, that doesn't need approval from BIA. The lease itself has to be unless the Tribe adopts their own leasing regulations. Under federal law, the Tribe can adopt leasing regulations, that gets approved by the Department of the Interior, and under those leasing regulations the Tribe can approve its own leases and not take them back to BIA. If BIA has to approve the lease, they have to go through the NEPA process, do a full EIS, it can take years for BIA to do the NEPA process, so if the Tribe does their own leasing we don't have to go through NEPA, we can do the leasing process much quicker. When the Tribe started discussion on the on-reservation solar project there was discussion on them doing their own leasing, obviously no decision was made on it, still an option. Vice Chairman Mandell said that was going to be his question in light of what is occurring, where are they at with the regulatory components in Economic Development. He would like to know where they're at now, have they been developed, in draft form or are we working on them. Ms. Thomas said they have not starting working on Hearth regulations, the good news is there's 45 Tribes who already have Hearth regulations done

so there's already a model and template, the bad news, BIA is not approving any Hearth regulations now because they're trying to reorganize themselves for how to do the review and approval process. She knows of 10 Tribes who have their Hearth regulations into BIA for approval that have been there for 2 years now. There's not a lot of new work to be done, there are several Tribes that have adopted the leasing regulations for wind and solar projects and they approve their own for wind and solar projects. We can take their model and amend it for the Tribe's use, it just has to be compliant with federal law. It's just a matter of Council saying yes, we want to do this, they get it drafted, get it to the Law & Order Committee, a Judicial process. They can add it to the workshops for NextEra for further discussion to ensure the leasing regulations do what they need to do for the Tribe. In addition, the Tribe has to adopt an environmental review process which will take a little more time to discuss because Tribe's want to do an environmental review that makes sense to them. There are minimum requirements that the environmental review has to follow which will probably take the most time. Vice Chairman Mandell said it's important to get started because they may have the same issues again. Ms. Thomas said maybe after the next meeting with NextEra they can have a short discussion and see what a Hearth regulations looks like, what the components are, what the environmental review process looks like, and Council can give some feedback on it, and they can come back with a draft then get it into the Tribe's formal process. Councilmember Ely-Mendes said they should also coordinate with NUMU Inc., because they have their legal counsel looking at Hearth and developing something also, maybe they can partner with them and/or see where they're at with it. Ms. Thomas said the departments leasing regulations covers business leases, agricultural leases, residential leases, wind and solar leases and everything else. Everything else is public use, religious use, and a kind of catch-all. What Tribes have done is they only adopt parts of a leasing authority and some Tribes have adopted all of it. A lot of Tribe's with Section 17s, they adopt the business leasing only, they don't worry about anything else. You can pick and choose and they can have this as part of the discussion. Councilmember Harry stated this is for Council, when it comes to solar power is this all reviewed by the water team. Solar is great energy and renewable but it does use a lot of water. Ms. Thomas said they use a lot of water which is built into the lease, the water team has been providing input and review of water requirements. There are some water requirements that are built into the lease but most are for construction, for dust control. The water team has looked at the requirements and written the provisions for the lease. Once the solar project is operating it's PV so they don't use any water, they may use a little water to clean but not much anymore. With the off-reservation project, they said they're using maybe 13-14-acre feet of water a year for a 3,000-acre project. The Tribe's project is a little smaller so they won't be using much water. Councilmember Mix said previously they had a workshop for all new Council to update them on all the projects. His issue here is doing it right, not flying through it, get it done correctly, doesn't care how long it takes, get it done correctly or else they'll have all types of issues that come up. Ms. Thomas said one of the things they've negotiated with NextEra is the Tribal government has a role to play in the environmental review, there's THPO and cultural committee, natural resources, public safety, roads, there a whole lot the tribal government has to do. They've negotiated with NextEra, they will pay the Tribe the costs to do those things, they did this because that's what they've done with the Bureau of Land Management (BLM). They put a solar project on BLM land, then made them pay for all of the BLM costs to do all the environmental review. Councilmember Janet Davis said all the departments were involved with this process. She suggests they do what they did the last time new Council came on board, is to have a pre-meeting workshop where they bring the new Council up to date with all the negotiations, what was going on with the agreements, so they can do the

same thing before the next meeting with NextEra. Councilmember Ely-Mendes said this project was not done over-night, it was done a Council ago, this project has been through the process for some time, they've negotiated contracts that were done appropriately with all the steps along the way. It's taken awhile and they hammered out a lot of provisions for the Tribe for our benefit. Councilmember Harry asked if THPO was involved because of where the project is located. Councilmember Janet Davis said yes, all the departments were involved with the process. Mr. Thomas said they need to formalize a form agreement which is not going to be approved, there's stuff that needs to be done first before they can even bring it to Council. We're still in some early stages in negotiating the major terms, one of the terms is the regulatory responsibility and payment responsibility. Still need to go into the environmental assessment (cultural, water, studies, biological, air, etc.), the Tribe will be involved in all of it because we have our own staff. They've put together a budget for what it may cost the Tribe to do and that is what NextEra has agreed to pay for, so we're not spending tribal funds to do the work, they're paying the Tribe the regulatory costs to do it. The environmental process is going to take a long time. She will give a complete review to Council.

Chairman Sampson Sr., said there were two dates that were put out for a meeting, January 23rd or 24th. It was agreed the meeting will be on Thursday, January 30th at 5pm for pre-meeting and 6pm for meeting with NextEra in tribal chambers.

NEW BUSINESS

1. Selection of Tribal Council Representative Pyramid Lake Clinic Health Board.

Councilmember Ely-Mendes nominated Councilmember Wadsworth. Councilmember Harry asked if there is a policy regarding Councilmembers serving on committees. Councilmember Ely-Mendes said there is no limit now, you can either volunteer or be nominated. Councilmember Ely-Mendes said she sits on the High School Board as a tribal representative and Numu Inc., she is also on the WRAP committee but she is disappointed they even have a WRAP committee (they haven't had a meeting in two years) because it is a non-paid position and nobody has put in for it. She is on the committee as an at-large member, and she is on the Law & Order Committee as an at-large member. Councilmember Miller is on the Pyramid Lake Fisheries Board. Councilmember Wadsworth is on the Pyramid Lake Fisheries Board. Councilmember Janet Davis is on the Pyramid Lake Health Board. Vice Chairman Mandell is on the Pyramid Lake Fisheries Board and WRAP Committee. Councilmember Harry said she is on the Pyramid Lake High School Board Elected. Councilmember Judith Davis said she is not a tribal representative but sits on the Pyramid Lake Housing Board and Enrollment Committee. Councilmember Smith said she is on the WRAP Committee. Councilmember Mix said he is not on any committees. Councilmember Ely-Mendes said not all boards require a tribal representative but those that do normal require it in their by-laws or policy and procedures. Councilmember Harry said her personal policy is to have a well-rounded knowledgeable Council, all the experiences are shared or exchanged year-to-year so they become familiar with the Law & Order Code. Councilmember Ely-Mendes said there used to be a tribal representative on the Law & Order Committee but not anymore but it may be something the Council may reconsider.

Councilmember Smith volunteered as a tribal representative. Councilmember Wadsworth deferred to Councilmember Smith.

Councilmember Ely-Mendes made a motion to *approve to appoint Councilmember Smith as the Tribal Representative on the Pyramid Lake Health Board*. Councilmember Judith Davis seconded the motion. Votes were eight (8) **for** and zero (0) **opposed** with one (1) **abstention** (Smith). **Motion carried.**

2. Approval Wood Rodgers Inc., Contract. Johnnie Garcia, Transportation Planning

Mr. Garcia is presenting the Wood Rodgers Inc. contract for the west lake bike path design which runs along the railroad tracks from Popcorn Beach to Sutcliffe. Advertisements were put out and staff reviewed the proposals. Councilmember Wadsworth asked if it was reviewed by legal because she didn't see where it says they would follow the Tribe's regulations. Mr. Garcia said it is in the contract, #3 compliance with Laws, Codes, Ordinances, and Regulations. Councilmember Wadsworth asked about the environmental assessment, whether he contacted Natural Resources on whether they can do it. Why did he have to contact another firm for the environmental assessment. Mr. Garcia said they work with the Tribe in doing the assessments, in the end BIA is going to sign the agreements. Councilmember Harry asked if there will be clean-up. Councilmember Ely-Mendes said this is only the design phase they won't be moving any dirt.

Councilmember Judith Davis made a motion to *approve the Wood Rodgers Inc., Contract*. Councilmember Miller seconded the motion. Votes were six (6) **for** and zero (0) **opposed** with three (3) **abstention** (Ely-Mendes, Mix, Smith). **Motion carried.**

3. Approval Law & Order Code – Chapter 12 Probate with Resolution. Diana Mitchell, Law and Order Committee

Ms. Mitchell said she is presenting the final Chapter 12 Probate with Resolution for approval.

Councilmember Judith Davis said she was one who commented on Chapter 12 when it first posted in 2015 and when it posted again. She still had the same comments. Chapter 12 104-4 Eligible for Enrollment, a person when they receive their resolution from the Tribal Council to an enrolled member that's when they're eligible for benefits, they're not eligible for benefits prior to that point, the verbiage is in there. 12.110 the Court should be following their own laws, all laws within the Pyramid Lake Law & Order Code and State and Federal Law. 12.112 Eligible again should follow the Pyramid Lake Enrollment Ordinance. 12.204 Life Estate, a life estate inherits the land and all the belongings, if this is approved, nowhere in the life estate does it state life estate person would have to be an enrolled member of the Pyramid Lake Paiute Tribe and again the land is in there, where we have our land ordinance which goes back to the Tribal Constitution that says the Pyramid Lake Paiute Tribe has the authority over the land. Councilmember Ely-Mendes notes the copy provided to Council was not the copy the committee reviewed. The Land & Resources Committee also commented on some of the exact things Councilmember Judith Davis was talking about. One of the major things was that the code allowed the judge to make decisions on land assignments.

Councilmember Judith Davis made a motion to *TABLE the request to approve Law & Order Code – Chapter 12 Probate*. Councilmember Janet Davis seconded the motion. Votes were nine (9) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried.**

4. Approval Law & Order Code – Chapter 6 Juvenile Code 30-Day Posting. Diana Mitchell, Law & Order Committee

Ms. Mitchell is requesting to post for 30-days Chapter 6 Juvenile Code.

Councilmember Janet Davis made a motion to *approve the posting for 30-days the Law & Order Code – Chapter 6 Juvenile Code*. Councilmember Judith Davis seconded the motion. Votes were eight (8) **for** and zero (0) **opposed** with one (1) **abstention** (Ely-Mendes). **Motion carried.**

5. Request and approval for one Councilmember to attend Emergency Management Training. Don Pelt, EMS

Councilmember Miller volunteered to attend the Emergency Management Training in Emmitsburg, MD on March 16-20, 2020. Travel costs are reimbursed.

Councilmember Janet Davis made a motion to *approved Councilmember Miller to attend the Emergency Management Training in Emmitsburg, MD on March 16-20, 2020*. Councilmember Harry seconded the motion. Votes were eight (8) **for** and zero (0) **opposed** with one (1) **abstention** (Miller). **Motion carried.**

6. Approval to Submit for Transitional Housing Assistance Grant with Resolution. Michael Guss, Contracts & Grants

Mr. Guss said this renewal is for the Tribe's Victim Services Transitional Housing Assistance Grant. There are six families that are served by this grant. Full in-direct is paid, no match, amount of the grant is \$500,000. It requires a resolution in order to apply.

Councilmember Judith Davis made a motion to *approve the request to submit for Transitional Housing Assistance Grant 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 007-20 TRANSITIONAL HOUSING ASSISTANCE GRANT

7. Approval to Submit for Victims of Crime Assistance Grant. Michael Guss, Contracts & Grants

Mr. Guss said this grant funds the Victim Services Advocate position, it will pay full indirect costs as long as the Tribe submits a request in the application. The State also requires monthly financial reports that's related to an audit finding that the State Division of Family Services had, nothing to do with the Tribe. This is a grant the Tribe has had for several years now. A resolution is required to apply for this grant.

Councilmember Ely-Mendes made a motion to *approve the request to submit for Victims of Crime Assistance Grant with Resolution*. Councilmember Smith seconded the motion. Votes were nine (9)

for and zero (0) opposed with zero (0) abstentions. Motion carried. RESOLUTION NO.: PL 008-20 VICTIMS OF CRIME ASSISTANCE GRANT

8. Approval to Submit for Daycare Center Replacement. Michael Guss, Contracts & Grants

Mr. Guss said at the direction of the Executive Team they looked into constructing a Day Care facility. The reason this application and resolution is a little open ended is because the one in Nixon is used more. He received quotes for modular buildings that range from \$294,000 to \$854,000. The maximum they can apply for under the CDBG Program is \$750,000. We're unsure if we can make both work but they need a priority from Council in order to develop the application. There is more attendance in Nixon currently at 24 and the Wadsworth site is at 12 but the Wadsworth site can be higher when school is out of session. CDBG grants have no match and do pay full indirect costs, and this is a two-year grant. They thought modular is more affordable and they can fit it into the grant. This funding opportunity closes on February 3rd.

Councilmember Harry made a motion to *approve the request to submit an application to the US Department of Housing and Urban Development Indian Community Development Block Grant fund in an amount of up to \$1.5 million for the construction of a modular daycare in Nixon.* Councilmember Ely-Mendes seconded the motion. Votes were nine (9) **for** and zero (0) **opposed** with zero (0) **abstentions. Motion carried. RESOLUTION NO.: PL 009-20 DAYCARE CENTER REPLACEMENT**

9. Approval Acceptance of Broadband Match. Michael Guss, Contracts & Grants

Mr. Guss said at the last meeting they were authorized to submit an application on January 6th to the Grant Matching Program to provide match to the State USDA ReConnect Application. The State reviewed it and at 5:02 pm this afternoon approved it. There are some conditions which are stated in the award letter. In order to approved the Tribe will be required to submit a copy of the grant proposal including the narrative, budget, budget narrative, to the state office for review and edit prior to submitting grant proposal to the funding agency, notify the pilot program manager if the proposed program's activities and services are changed before submitting the proposal to the funding agency, participate in a risk assessment and provide all requested documents during the process, submit a copy of complete proposal within 48 hours of submission to the funding agency, notify the grant office of award/non-award within 48 hours of receipt, provide the evaluation review notes from the funding organization if not awarded, accept the pilot program awards cannot be used to provide services that directly benefit the NV grant office and accept that the pilot program may not limit how or where the funds are used as any restrictions will be determined by the funding organization's regulations and award conditions, basically they want to see copies of the Tribe's work. He will be there when they review to ensure that what they review is the Tribe's application. To address Councilmember Mixes concerns, the State is deferring to the US Department of Agriculture on conditions on the federal award meaning they can't do any restrictions beyond what's in the federal award except for the application process. They are requiring notice by January 22nd. The governing law for this NRS 232, which requires these funds to be used in rural communities. The Tribe has between now and April 10th to accept the award and go forward.

Councilmember Ely-Mendes made a motion to *approve for Chairman Sampson Sr., to sign the Acceptance letter for Broadband Match*. Councilmember Harry seconded the motion. Votes were eight (8) **for** and zero (0) **opposed** with one (1) **abstention** (Mix). **Motion carried.** **RESOLUTION NO.: PL 010-20 ACCEPTANCE OF GRANT MATCHING FUND PROGRAM FOR BROADBAND MATCH**

COMPTROLLER. Jill Mix, Comptroller (interim)

1. Approval of PLHC FY2020 Budget

Ms. Mix said the clinic didn't turn in a budget for this year and when they did they didn't have a resolution or their health board didn't approve their budgets. According to the Tribe's policies, all budgets have to be approved. She's asking for approval for the clinics FY2020 budget. The budget is for projects 172 and 178 which is their clinic budgets and 3rd party budgets. These were submitted by the health clinic that day and the total amount is \$17,223,604. When the clinic was asked where the resolution was, Dawna Brown, PLHC Director, said they didn't have to get one before. There is no FY2020 budget at this point and they are currently spending money. Councilmember Janet Davis, said as long as she's been on the Health Board, they've never had to approved a budget, they just approved contracts. Ms. Mix said the Housing Board approves their budget and brings it to Council for approval, there has to be some type of budge approval. Councilmember Ely-Mendes asked Cierra Sampson to provide a reason to Council of why they may not have to provide a resolution for approval of their budget, if that's the case.

Councilmember Ely-Mendes made a motion to *TABLE request to approved PLHC FY2020 Budget and send back to Pyramid Lake Health Board for Recommendation and Resubmit to Tribal Council for final approval*. Councilmember Harry seconded the motion. Votes were eight (8) **for** and zero (0) **opposed** with one (1) **abstention** (Ely-Mendes). **Motion carried.**

Councilmember Judith Davis said it's fitting it goes back to the Health Board because any type of funding that comes to the Tribe, the Tribe's got to be accountable for it, there needs to be some paper trail. Vice Chairman Mandell said he would question the dollar amount of the \$17 million also. Ms. Mix provided a pie chart that shows the clinics budget with carry over which she stated is a true number of \$17 million.

EXECUTIVE TEAM

EXECUTIVE OFFICE. Douglas Williams, Executive Officer. Report Submitted

Mr. Douglas said his December report is mostly about the community events, elder and employee dinners which based on feedback was successful. Worked with Directors to get their budgets approved which they have received. He also provided a timeline on the work regarding the marijuana project and attachments that let up to the Temporary Restraining Order (TRO). Councilmember Judith Davis asked if Social Services is applying for IGA again. She knows they applied and received it in July but by September they were done. Mr. Williams said he has a meeting with Social Services the coming Tuesday and they will address it. His next report will include budgets, grants and work plans for the year. Vice Chairman Mandell asked if there is a

timeline for TERO, the building in Wadsworth. Mr. Williams said at the moment Transportation is working on the infrastructure water, sewer, and electricity for the new development. That day they met at the site with the engineers for the project. The interior could be done fairly quick and he's working to get it done since Randy Hunter, Programs officer was working on it but has been out of the office on leave. Councilmember Judith Davis said Mr. Hunter was going to have contractors come in and do the work, Pack Construction, did they come in and do the work, the second time after they did the walk through? Mr. Williams said no, he thinks the budget wasn't approved. He will have an update on his next report. Councilmember Judith Davis asked for a copy of the approved 2020 budget that they approved where he said he was typing in the verbiage to add EMS to the resolution.

PROGRAMS OFFICE. Randall Hunter, Programs Officer. No Report Submitted

BUSINESS OFFICE. Benjamin John, Business Officer. Report Submitted

Mr. John said he's working with Douglas Williams to get SCS licensed and to get issues straightened out. Stated there are four different versions with the fuel charges issue, at this point there are \$40,000 outstanding, it's gone down to \$20,000 and currently at about \$4,000. That's what's left from the grants that are closed and they can't pay it. It's 30-days past and they don't get to charge anymore. The Smoke Shop and Nixon store had outstanding fuel charges from 2017-2018 that were never paid. Last year, told them they needed to start collecting, wasn't sure how they were paying for fuel because this was how they paid for their fuel. Because some of the grants closed and when their new grants opened they couldn't pay old charges with the new funds. They didn't have a policy in place that said how long they let outstanding balances sit but they have a policy now, any charges not paid are cut off after 30 days. Councilmember Judith Davis said she would like to say for information/clarification that a lot of the bills weren't sent out, they were on the books but management/staff didn't send the bills out. Mr. John said when he took over he asked for an AR on their fuel charges, he did not expect to see what he saw but told them they at least need to try and get the money collected. Councilmember Harry said departments know when they're charging gas, there should be a process in the tribal departments. Councilmember Janet Davis said you have to have the documentation. Councilmember Judith Davis asked if they see a decrease in fuel usage now that a lot of the bigger departments have gone to cards. Mr. John said the only one that's moved is transit but they are still one of the departments with outstanding balances, they weren't paying anyways. Councilmember Ely-Mendes said to take not true, they did pay, they paid their bill out of their match for their program, to say they didn't pay their bill is a misstatement. Mr. John said they still owe \$2,000. There's \$4,000 still outstanding and \$2,000 belongs to transit. Councilmember Ely-Mendes said it's something they just got billed. Chairman Sampson Sr., said he remembers Council discussing this but he doesn't remember if they did a motion to do away with the collections from the past fuel charges. Councilmember Mix asked so the Tribe/tribal members eat the charges. Councilmember Ely-Mendes said tribal member programs have been covering it for I-80 Smoke Shop all along because we subsidize them and forgive the behavior, now if transit shuts down because they can't pay the bill the community is going to pay for it. So, getting it in line and not being incorrect about your statements about what programs are doing because transit has tried hard to mitigate it and they've had another program over their program pay their bill, so to say they didn't pay their bill would be inappropriate. Transportation paid for Transit because they are under their department.

Chairman Sampson Sr., asked again if there was a motion to not collect on the remaining outstanding balances. Councilmember Ely-Mendes said they paid, she thinks everyone paid. Vice Chairman Mandell said the question is for 90 days and over, are they within their grants if they are grant funded to be able to pay under their grants. Mr. John confirmed that EMS paid. Vice Chairman Mandell said that's not what is stated on the summary. Mr. John said he has the latest report. Councilmember Ely-Mendes reiterated that getting the bills is important so they can balance everything against it and get it paid. Mr. John said the enterprise manager is providing hard copies and emailing so there is a back-up. Mr. John said a policy is now in place and this shouldn't happen again. Mr. John said they're working with Integrity Solutions who has an accountant complete audits for them to make sure everything is good and working to help with internal policies. There is a new assistant manager at the Marina, he thinks they can be open more and provide a cook but he said that's their call but they need to keep a tight watch on it. The Marina makes money on fireworks. Vice Chairman Mandell asked if they can get a separation of the firework sales from the rest of the other goods. Mr. John said the report is provided in that format and they made \$1 million in firework sales. Vice Chairman Mandell said that's a pretty good sum and so they can pay back Vidler from when the Tribe covered for the gas pumps and awning cover at I-80, which he thinks was about \$250,000. Mr. John said he thinks that was brought up before with the Comptroller but she hasn't found anything. Councilmember Wadsworth asked if they had a contract for the fireworks. Mr. John said no. Councilmember Wadsworth asked if they are going through a third party? Mr. John said their contract ended at the end of December and said if they wanted to renew they would have to come before Council but if they did renew it would be short term because the idea is for them to purchase directly from a distributor than go through the third party but they need to have the money up front. Councilmember Judith Davis said when Randy Hunter was overseeing Enterprises he said they were not going to be doing fireworks when he came before Council, he was thinking of letting the contract run out and not doing fireworks anymore.

Councilmember Judith Davis said she is the liaison for the 2020 Census, they are working on flyers but now they are having a hiring event for tribal members on Monday January 27th at the Sumunumu building in Fernley and they will have census representatives to assist with the applications. They are hoping to get tribal members for the tribe.

CHAIRMAN'S REPORT. Anthony Sampson Sr., Tribal Chairman. Report Submitted

Chairman Sampson Sr., said for December they had quite a few meetings to coordinate the holiday events. There are some issues with the Tribal Courts and he's moving forward with asking the Bureau of Indian Affairs to do a Judicial Review and what is needed to set it up. One of the big things is the 447 programs to serve the community, this is a program to move into self-governance since they work collaboratively together with various programs. He's been meeting with Washoe County School District to supply more Special Education programs for Natchez Elementary School. Had meetings with the district interim superintendent who's willing to work with the Tribe. There's also discussion of the issue with the joint venture regarding the injunction, the time is approaching and the information coming in is only partial and they're still trying to bring it into more control. Councilmember Ely-Mendes asked if another letter was sent again. Chairman Sampson said not yet but 15 days was noted and it ended today. Vice Chairman Mandell asked what was not complete. Mr. John said control of the land. Vice Chairman Mandell said they

discussed it and they're not going to find it because it was a motion made by Tribal Council to allow it to occur at that time and he said they should have received a letter, in hindsight, but he can guarantee it's not here. Mr. John said they're not licensed and their time is up. Vice Chairman Mandell said it's not their fault because Benjamin John is overriding the Council's decision. Chairman Sampson Sr., reminded him a decision was made for 15 days and 15 days is up. Vice Chairman Mandell said when the Council makes a decision, a letter goes out to the entities letting them know what happened whether it's a hunting license, it's protocol. Mr. John said they are aware it's needed and they don't have it. Councilmember Janet Davis asked if it's the only thing needed, has the backgrounds been done, is there anything else besides that. Mr. John said for them to get the medical marijuana establishment certificate, the only thing missing, even if the backgrounds aren't done, there is a provision in there for approval for 90 days pending the backgrounds. Councilmember Ely-Mendes asked if any are pending and backgrounds are being done. Mr. John said no. Councilmember Ely-Mendes said we're going to hold their feet to the fire because we are supposed to, there should have been a resolution. Councilmember Harry said it should have been filed with BIA, is it approved by BIA. Vice Chairman Mandell said BIA has nothing to do with it. Councilmember Janet Davis said it still needs to be done to get the liability off the Tribe. Vice Chairman Mandell said they're working on it. Councilmember Ely-Mendes said right now they do it or they shut it down, done with the business. Mr. John said the ordinance as it sits now says they can't be licensed. Vice Chairman Mandell said they're willing to do it, they're trying to comply. Mr. John said as regulatory they have what's in the ordinance to follow. Vice Chairman Mandell said they held a lot of workshops over the years, they heard from professionals and the attorney general, it's a calculated risk. There are Tribes all over the country engaged and Nevada has the best laws. Chairman Sampson Sr., said they are pressing forward on what they need to do. Mr. John said they are not in compliance and they should be shut down. Vice Chairman Mandell said they are in a catch 22 situation because the Council approved it to move forward, the contracts were signed, the compact was signed several years ago and they need to do what needs done to comply. There is no way they can comply with a written order. The Tribe needs to comply because they approved it. Councilmember Janet Davis said they need to take a new vote so they know where they're going as a new collective group. Councilmember Judith Davis and Vice Chairman Mandell both said then it should put it on the agenda, it's has to be on the agenda. Councilmember Harry asked why does it have to be on the agenda they have a deadline today. Vice Chairman Mandell said its policy.

Councilmember Harry made a motion to *for approval due to non-compliance authorize the Chairman & Executive Team to Continue with Temporary Restraining Order (TRO) and to Cease Operation until they come into compliance.* Councilmember Janet Davis seconded the motion. Votes were five (5) **for** and three (3) **opposed** (Miller, Judith Davis, Smith) with one (1) **abstention** (Mandell). **Motion carried.**

Councilmember Judith Davis said she opposed because Council never authorize administration, through past attorneys which they had two, who were working on this, they were told to keep administration out of it so they don't jeopardize the Tribe's grants. Vice Chairman Mandell said he wished he could have voted because of the black eye of doing business with the Tribe, after investing millions of dollars because that's the reason they lost the first solar company because the Tribe couldn't come to a decision. Councilmember Ely-Mendes said the decision was they were going to be partners, transparent and work together, they've done the work on that part and they

have done nothing so where they end up is a natural consequence of their actions. This needs to be open and up front, what they need to do is get licensed.

Chairman Sampsons Sr. said he served on a couple meetings with Senator Masto-Cortez on Lands Bill and Senator Rosen on selection of military leadership for the United States.

Councilmember Judith Davis requested the Bureau of Indian Affairs (BIA) to do a Judicial review of the Court for house deed transfers because nowhere in the Tribe's code does it give the judge authority to issue a title deed transfer. There's notices on the bulletin board where a lot are going to court for the title thinking they're good when it's just a piece of paper, which doesn't mean anything because the house is an improvement to the land and the land has to go to a Pyramid Lake tribal member. She would like to see a letter come from the Chairman's office to stop this practice. Chairman Sampson Sr., said he will follow-through with a letter.

Vice Chairman Mandell said in regards to the Economic Development fund and the trust fund, they can bring Leilani, Investment Manager, Breakwater, who oversees the trust funds for the minors to update the Council. Jill Mix, Comptroller can update on the Vidler and the Election Committee can provide an update with the ballots.

Councilmember Ely-Mendes asked if they were going to pull the posting for the Pyramid LLC.

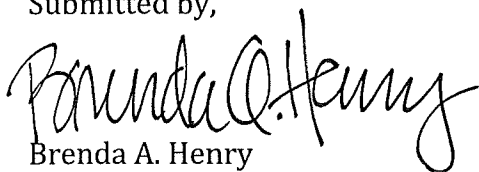
Schedule the next Water Team meeting for Wednesday, January 29, 2020 at 6 p.m. Councilmember Judith Davis said she didn't get a call or phone poll saying they were rescheduling the water team meeting. They shouldn't be setting a precedence and there would have been a quorum.

AJOURNMENT

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

The meeting adjourned at 8:36 p.m.

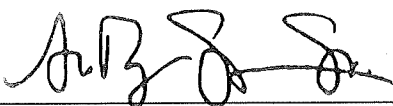
Submitted by,



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 20th 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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