



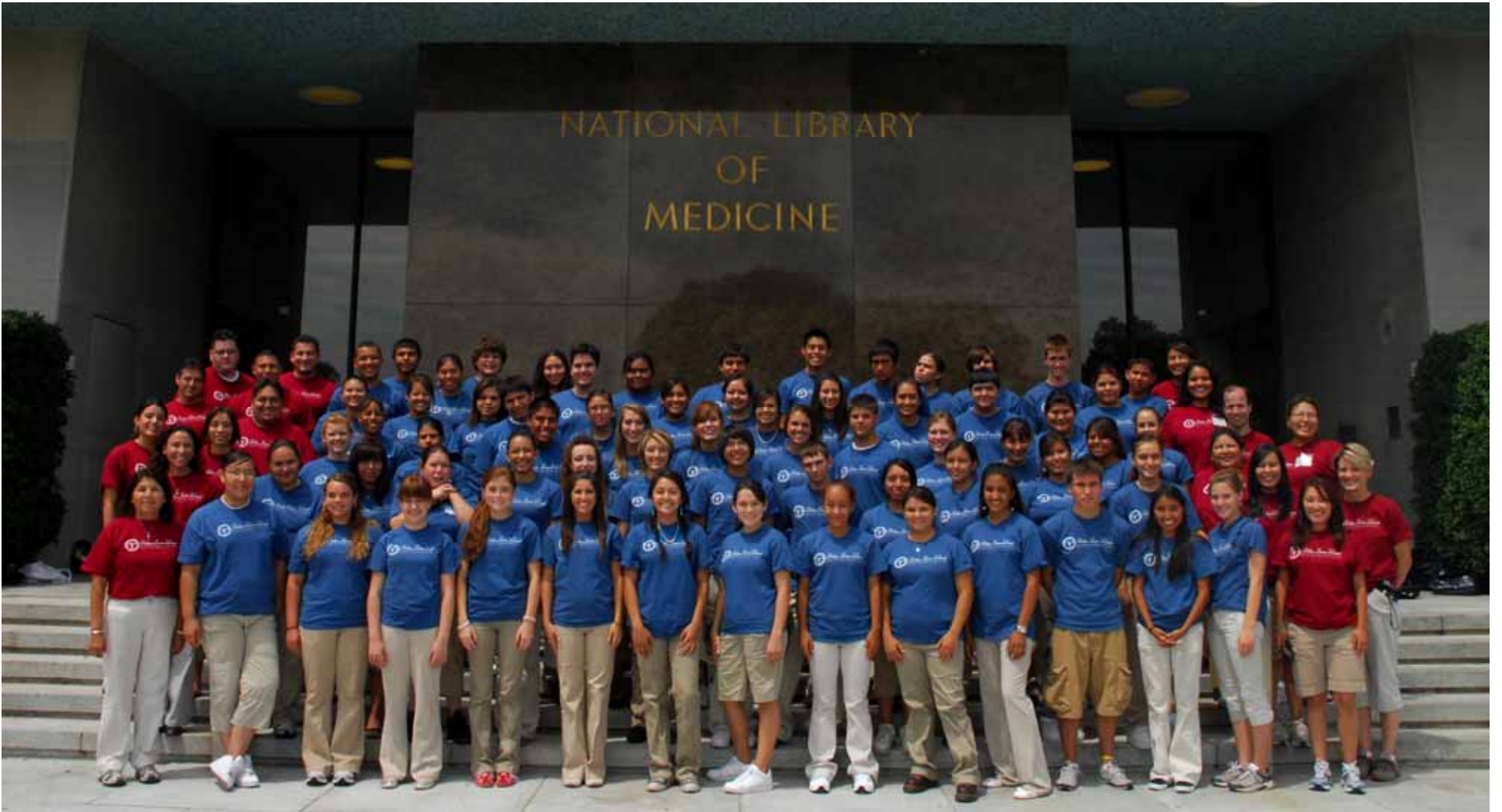
# NUMUWAETU NAWAHANA

"Telling the Indian People's News" Pyramid Lake Paiute Tribal Newspaper

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September 2008



## LOCAL STUDENT PARTICIPATES IN NATIONAL PROGRAM *Scholarship Encourages Native American Students into Health Careers*

For more information contact:  
Lucinda Myers, M.S.W.  
Association of American Indian Physicians  
(405) 946-7072 – [lmyers@aaip.org](mailto:lmyers@aaip.org)

(Nixon, NV) – A local Nixon high school student was one of 65 teenagers nationwide to participate in the Patty Iron Cloud National Native American Youth Initiative (NNAYI) program. 18-year-old Lysie Dunn, a student at Fernley High School, attended the nine-day program held in Washington, D.C. this summer. The Association of American Indian Physicians (AAIP) sponsors the program to educate and encourage more Native American students into health professions.

*"We expose the students to a variety of health careers," explains Lucinda Myers, Program Director. "The summer program allows them to visit national health organizations and academic institutions."*

The students were taken on field trips that included tours of the National Institutes of Health, Office of Minority Health, and George Washington University School of Medicine. Students attended a series of lectures and interactive workshops that featured guest speakers who are physicians, researchers, and educators in the field of medicine. "It's important for the students to hear from these health care professionals. They're successful Native Americans who serve as role models and mentors. They inspire our students to continue their education and set high goals," says Myers.

NNAYI was created in 1998 to increase the number of American Indian/Alaska Native students entering health professions and biomedical research. The curriculum is designed to prepare students for admission to college and professional schools. Students also receive information regarding financial aid, counseling, and other college-related assistance.

Lysie is the daughter of Ralph and Yvonne Dunn. She is a member of the Pyramid Lake Paiute tribe.

Over the past decade, more than 500 students have received scholarships to attend the NNAYI program. To be selected for the NNAYI summer program, students must be age 16-18 and express interest in healthcare or biomedical research. Applications will be taken this fall for the 2009 Patty Iron Cloud National Native American Youth Initiative program. For more information, visit [www.aaip.org/programs/nnayi/nnayi.htm](http://www.aaip.org/programs/nnayi/nnayi.htm) or call (405) 946-7072.

Photo: NNAYI participants in front of the National Library of Medicine. Photo by Rose Knight Photography

## ... From the Chairman's Office

Summer is coming to a close and our kids are back at school. The change of seasons brings about many personal and social changes to our daily routines and our schedules have to adjust to this change. Changes are sometimes difficult in adjusting to, but just like the coming day we can never know what will happen but we must be prepared to meet the day with whatever it brings. Changes can be seen as another dynamic of life that can be healthy and constructive. We can all see the changes before the tribe that are necessary and some that are made, but with every change and with any transition new beginnings will be revealed.

The Truckee River Operating Agreement (TROA) will be signed on Saturday September 6 at Wingfield Park in downtown Reno at 11:00 AM. On behalf of the Pyramid Lake Paiute Tribe, recognition of our past tribal leadership deserves our entire acknowledgment. From the leadership in the late 1980's to the present to the tribal leadership in 1960's who took us through the times of fierce litigation, TROA is hoped to bring necessary management changes that provides greater opportunities to benefit the Lower Truckee River and Pyramid Lake.

The new management of the water supply will bring about decisions that intend to bring focus on the Lower Truckee River habitat and the viability of the river system to support tribal fisheries. The manner in which fish are produced must be restored to the natural system of the river. Dependency on artificial and other man-caused operations can be important, but it should not be thought of as the most important or that it must be the only way. Turning back the system to a more natural operation is one of the objectives that are built into the Comprehensive Resource Management Plan.

The Tribal Council adopted resolution PL 57-08 initiating the process to conduct a secretarial election to consider the constitutional amendments proposed. The proposed amendments include: 18 year olds having the right to vote; absentee ballots; residency requirements for voting; four year terms for Council members including the Chairman and Vice Chair; changing the term limits for the Tribal Chairman; establishing minimum candidacy requirements; lease terms; eliminating redundancy; establishing a removal and recall provisions; and regular tribal council meeting times.

Educational meetings and information will be provided outlining the proposed amendments, there pros and cons, and the schedule for the election. A secretarial election includes all members living on and off of the reservation and 18 year olds to vote. Representation of the entire tribal membership is important for everyone to participate and decide on the amendments and encouraging high voter turnout will be one top objective. The election is not anticipated to occur this year but sights are set for the spring of 2009. Please refer to the proposed amendments as outlined in this issue.

As part of government structure is the concept separation of powers. The term power is one that can be misconstrued and that there really is no such "power" one can possess; it is known to be authority. Authority is based in policies, ordinances, regulations, codes, and laws. Good authority only comes with good legal foundation as based in the requirements above. The delegation of authority could be reasoned by and through establishing each branch of government; legislative, executive, and judicial. This is important as part of having and effective government. Also trusting that the operations and management is done is also noteworthy to have accountable systems as part of this delegation.

The Tribal Finance has gained much control of the tribal finances. Although changes were made last year it is realized how deep and damaging our system had become and the consequences of the operations. The delinquent audits are singly the most critical component that still affects financial operations today. The Tribe has an opportunity to have the 2006 and 2007 audits completed along with the Indirect Cost Rate Proposals for the corresponding years. The impacts of not having the audits complete can not afford waiting, stalling, or preventing the audits to be done. To do so will only cause further far reaching negative impacts along with recognizing that there may be underlying motive for it not to be completed.

The tribe has approximately 90 to 100 grants that have been obtained, which results in auditing requirements and reporting requirements that can not be over looked or neglected to any degree. The incomplete audits prohibits the tribe from collecting indirect costs associated with grants and contracts, it prohibits the collection of other revenues like the PLHS lunch program and the State license plate revenues, and it has not allowed the tribe to obtain a corporate credit card as the bank needs assurances for tribal financial operations. The audits are for prior years and current operations are not comparable to past operations.

The credit card abuse from 2006 is still a matter where the tribe has not completely realized the impacts. The matter is with the federal authorities so there is not much to report at this time other than to report that it is still a matter that is not forgotten. The other matter in a legal setting is the Mine Central securities fraud case. The tribe is alleged to have a memorandum of understanding that authorized the project; this is not true. Two notable facets: Joe Kelso is a tree-time felon, and former tribal officials received payment for their involvement.

The Tribal Council allowed for a gaming feasibility analysis to be completed. Although the tribe has always had the ability to develop gaming, there are a number of factors that must be answered before the tribe commits on such a development venture. Due to the recent national economy status, and the regional economy it be logical to proceed in completing a feasibility analysis. Other factors are going to be considered such as the status of the current State-Tribal gaming compact and the likelihood of financial investment support.

Questions of suitability are important to know the companies and businesses who are intending to engage with the tribe for development projects. Due diligence will be completed to assure that the companies Calleo Entertainment, Red Horse Financial Group, and Leo A Daly are credentialed to complete the work. However, should any findings be reported, it will be presented to the necessary authority. The development of a destination resort has always been in front of the tribe as a viable opportunity, but there is much to consider with logistical and site selection of a project of this magnitude.

From the Chairman's Office continued...

**Tribal Constitutional Amendments**

The tribe is considering some development opportunities that are aimed to bring in additional revenue. As it considers any development, it must take time and effort to learn about the project, get to know the principles, and support it as it becomes viable. Gaming, hub-zone establishment, organic farming, and the geothermal project are some that are either underway or that under consideration. Projects of two years ago and last year were delegated for continuation, but the tribe was never contacted. The only one that followed up was Sunset Ethanol, which did not pan out as the due diligence brought forth information that led the tribe to discontinue the project.

Two projects that are underway are the Wadsworth Community Center and the Wadsworth Infrastructure Projects. Originating from grants, they both require administrative management and determination as to the likelihood that it can be completed. The Community Center project received word that it has more time to complete it, but it will require much more funding. The infrastructure project has considerably less time, and the management will need to do much to assure that this project will be completed.

In closing, it is election season and I can only encourage you to seek the truth behind the "guess what I heard" and "you know what I heard" innuendos. Hearsay is nothing until it is verified and confirmed. Destine in knowing what is true; try to understand what is right, and know the difference between good and bad.

I wish you well and please call me if you have any questions, concerns or complaints. Thank you.

Mervin Wright Jr.  
Tribal Chairman



**Tribal Council Meetings**

**1ST Friday of each Month at 7:00PM**

**3RD Friday of each Month at 6:30PM**

The Tribal Council had considered the proposed constitutional amendments since June 2008 and on August 15 voted 6-2-1 enacting resolution PL 57-08 initiating the process for scheduling a Secretarial Election. The election will not be scheduled until early 2009, so the amendments will not take affect until after the election.

Resolution PL 57-08:

**WHEREAS**, the Pyramid Lake Paiute Tribe is a federally recognized Indian tribe organized pursuant to the provisions of Section 16 of the Indian Reorganization Act of 1934 (25 U.S.C. § 476) affirmed by the Secretary of Interior through the Bureau of Indian Affairs; and

**WHEREAS**, the Pyramid Lake Paiute Tribal Council is the governing body of the Pyramid Lake Paiute Tribe pursuant to Article VI, Section 1 of the Constitution and By-Laws; and

**WHEREAS**, under Pyramid Lake Paiute Tribal Constitution and By-Laws adopted December 14, 1935 and approved by the Secretary of the Interior January 15, 1936, it requires the Tribe to request a Secretarial Election pursuant to Article IX to amend its Constitution and By-Laws; and

**WHEREAS**, the Pyramid Lake Paiute Tribe has requested and successfully amended its Constitution and By-Laws on February 3, 1956, on February 23, 1962, on December 8, 1971, and on November 3, 1976 in accordance with 25 U.S.C. § 476 and 25 C.F.R. Part 81; and

**WHEREAS**, the Pyramid Lake Paiute Tribal Council finds that, since the adoption of the last amendment to the Constitution and By-Laws, the Tribe has evolved its business need that includes the adoption of taxation provisions, the increased size of tribal governmental and administrative operations, and the increased need to promote economic development; and

**WHEREAS**, the Pyramid Lake Paiute Tribal Council considers these revisions designed to enhance tribal self determination; to foster consistency and continuity in tribal governmental and administrative operations; to increase voter participation in tribal elections, increasing the candidacy opportunities for tribal members; and to promote sustainable economic development on the Pyramid Lake Indian Reservation; and

**NOW THEREFORE BE IT RESOLVED**, the Pyramid Lake Paiute Tribal Council hereby formally requests that the Secretary of the Interior schedule a Secretarial Election for the purpose of deciding the proposed revisions and amendments to the Pyramid Lake Paiute Tribal Constitution and By-Laws; and

**BE IT FINALLY RESOLVED**, the Pyramid Lake Paiute Tribal Council authorizes the Tribal Chairman or their designee to consult with the Secretary and to effectuate necessary processes to implement the purposes of this resolution.

The proposed amendments in draft form.

Amendment Number 1: **Article IV** – Nominations and Elections; **Section 4.**

**Original:** Any member of the Pyramid Lake Paiute Tribe who is 21 years of age or over and who has maintained a legal residence for at least one year on the Pyramid Lake Reservation shall be entitled to vote.

**Proposed:** Any member of the Pyramid Lake Paiute Tribe who is 18 years or older is eligible to vote at a tribal election. Voting is conducted at a designated polling place or by absentee ballot.

Ballot Questions:

Shall 18 year old tribal members be eligible to vote?	YES	NO
Shall eligible voters be required to live on the reservation for not less than 365 days continuously prior to a scheduled general or special election?	YES	NO
Shall eligible voters participate in tribal general or special elections by using only a designated polling place?	YES	NO
Shall eligible voters participate in tribal general or special elections by using either a designated polling place and/or by using absentee ballots?	YES	NO

Amendment Number 2: **Article III** – Governing Body; Section 2.(a) [Approval date February 6, 1973].

**Original:** Chairman and Vice-Chairman. The chairman and vice-chairman shall be elected through popular vote and each shall serve for a term of two (2) years or until their successors are elected. Candidates for the offices of chairman and vice-chairman shall be members of the Pyramid Lake Paiute Tribe, twenty-five (25) years of age or older at the time of election (see By Laws, Article II – QUALIFICATIONS FOR OFFICE), and must have lived continuously on the Pyramid Lake Reservation for not less than one (1) year immediately preceding his announcement of such candidacy. The chairman and vice-chairman may serve two (2) terms in succession.

**Proposed:** Chairman and Vice-Chairman. The Chairman and Vice Chairman shall be elected by a simple majority vote and serve a term of four (4) years or until their successors are elected. At the first election after this amendment, the Chairman and Vice-Chairman shall serve out their two year term and be elected to a four year term thereafter. Candidates for the offices of Chairman and Vice Chairman shall be an enrolled member of the Tribe, twenty-five (25) years of age or older at the time of election, never been convicted of a felony, and shall comply with tribal candidacy requirements. The Chairman and Vice Chairman may serve any number of terms in succession.

Continued on page 8

## **PYRAMID LAKE POLICE DEPARTMENT**

**200 South Hollywood, Nixon Nevada  
574-1014 Office, 574-0444 Dispatch Services**

The Pyramid Lake Police Department has been continuing its efforts in Community Policing regular basis. While focusing on crime in our community we also strive to work on prevention, problem-solving, community engagement, and partnerships. The community policing model balances calls for service with proactive problem-solving centered on the causes of crime and disorder. Community policing requires police and citizens to join together as partners in the course of both identifying and effectively addressing these issues.

In an effort to assist with providing services within the Reservation, Police officers within the department are sometimes assigned a project or have recognized concerns and addressed these problems using the community policing model.

The first project: **NUMA TUMATZAEDU (*People Helper*)** has been headed up by Officer Guarin, he provides this message to you:

This program will focus on problems brought to our attention through the community. We would like to inform the local community that the safety, health and wellbeing of the local elders, is just as important to us, as the safety of any one who resides or visits the reservation. We have designed a program to check the welfare of Elders who reside alone. If you have any elders in your family or know of any elders residing by themselves and do not have anyone to check on them, please contact the Pyramid Lake Police Department and request to be signed up for this program. You will be required to fill out a form requiring emergency contacts, phone numbers, etc. This check can also be done on an emergency basis. The information on the form will be kept confidential and the information contained in the form will only be released to a family member upon approval by the individual (elder) signed up for the program. As usual anyone who goes out of town can also request a welfare/house check be conducted while their gone. Thank you for your time and we are looking forward on working as team on making lives for our local elders a little easier to handle. If there are any questions or concerns please call the police department and ask for Officer Guarin or Chief Calvin.

The second project is called **PO WOETZAMEDU (*Overseer, Protector, or Guard of the road*)** headed up by Officers Durham and Brannen, together they offer this information:

The Pyramid Lake Police Department Traffic Safety Division would like to inform the Pyramid Lake residents and visitors of the reason for the increased high visibility saturation patrols and sobriety checkpoints within the Pyramid Lake Communities.

The police department has received grant funding from the National Highway Traffic Safety Administration and the Bureau of Indian Affairs Indian Highway Safety Program. The grant provides the department with two full time Traffic Officer's, overtime funding for traffic related events, and public awareness projects. The traffic division is currently being staffed by Officer Durham and Officer Brannen, both of who have been working for the Department for over 3 years.

Statistics show that someone dies in an automobile accident every three minutes in the United States. Furthermore alcohol plays a factor in one out of every three fatal crashes, and ninety percent of those accidents occur due to increased vehicle speed.

Since October 1, 2007 the Officer's of the Pyramid Lake Police Department have arrested 35 drivers for driving under the influence of either alcohol or drugs. We have issued 524 citations for speeding, and responded to 18 motor vehicle accidents on the highways within the exterior boundaries of the Pyramid Lake Paiute Reservation. Of the 18 accidents we have responded to, 7 of them have been reported with minor injuries, alcohol has played a factor in 2 of them, with injuries being reported in both.

The Traffic Safety Division is working diligently to ensure the safety of the residents and visitors of the Pyramid Lake Indian Reservation. Numerous high visibility saturation patrols have been conducted throughout the course of the year, and we will continue to ensure that the highways remain a safe way to travel. Please remember that we are here to decrease the number of fatalities on our highways, and ensure the safety of everyone traveling.

The traffic division will be hosting a Community Awareness and Safety Day sometime in the near future. We will keep you informed of where and when that will take place. Until then, remember to drive carefully and always buckle up. If you have any questions regarding this project you may contact the Officer Durham or Brannen or Chief Calvin at the Police Department.

## **PYRAMID LAKE POLICE DEPART. continued...**

The third project is headed up by Range Mitchell, it is called **SADU'U TUHANNEDU (*Dog Handler*)**, Ranger Mitchell along with Ranger YellowHair offers this message to you.

A large number of complaints are pouring into the Pyramid Lake Police Department and Pyramid Lake Ranger Department. Almost all the complaints are regarding dogs at large.

One problem is dog owners are not taking responsibility for keeping their dogs contained in a fenced area or tied up. Other dog owners refuse to chain or tie up their dog to contain the dog at their residence. This creates the dogs at large.

Last is the problem of people dropping off stray dogs. People who are no longer able to care for the animal or no longer want to care for the animal will drop the animal off in other communities. People who care for these animals verses reporting the animal add to the problem.

### **How big is the problem?**

There are stray dogs in every community within the boundaries of the Pyramid Lake Paiute Indian Reservation. This is not a one community problem.

More dogs at large results in more people and children coming in contact with stray or dogs at large. It is more noticed in the summer months because the people are outside more often than in the winter. This is a year round problem.

### **So what is the recommended Solution?**

There is no easy answer to this question. Today people want results instantly because that is the new normal for society. The laws regarding these issues are old and need to be updated to meet the demands of the community today.

The Pyramid Lake Ranger Department is actively collecting dogs at large. So far this year the Ranger Department picked up 133 dogs. The community needs to remember that the Ranger Department also is responsible for protecting and preserving the lake and the lands within the boundaries of the reservation.

The community needs to get more involved help report and contain the stray dogs or dogs at large. Dog owners need to care for their animals. Dog owners need to make sure that they are going to care for the animal for the entire lifespan of the animal. Last, if a dog owner is going to own a dog with a reputation for being vicious should be well equipped to care for the animal and prevent it from becoming at large.

### **What is going to happen?**

The Pyramid Lake Ranger Department will continue it efforts in dealing with the dog at large problem on the reservation. The Rangers will continue responding and working with the communities in order help address the problem. The Rangers will see how it can help in the effort to update the laws on dogs at large. If you have any questions you may contact the Ranger Station @ 775-476-1155 or Police Department. Thank you for your time and attention.

In additions to these projects, the Pyramid Lake Police Department also provides a free movie night once a month. Free nachos, drinks and raffle items are given out as well as the movie. This has been an ongoing project Sgt. Henry and Ranger YellowHair are actively involved in. Please remember is a free

The Wadsworth and Nixon Childcare Centers would like to acknowledge the following departments for their assistance. Our Summer Fun Program was a huge success. This year we went to the movies, bowling, the park, Story time at the Washoe County Library, the Lazy 5 Water Park, Flips Gymnastics, Sparks Marina, Wild Waters, Sierra Safari Zoo, Fernley Pool, and Chuck E. Cheese. Thanks to the following programs:

- JOM Program
- Pyramid Lake Jr/Sr High School
- Numaga Senior Center
- Pyramid Lake Search and Rescue Department

Without help from these programs, we would not have been able to take our children to so many fun places. The Children had a lot of fun and are already asking where we are going next year on our fun days.

Thanks to the Pyramid Lake Tribal Administration Office for letting us have our bake sales in the Tribal kitchen. Thanks to the parents and staff who donated to the bake sales, as well!!

Kudos to the parent volunteers who chaperoned on our trips.  
Childcare Program

Photos- No names were submitted for the article



## DO YOU OWE FOR DAY CARE ?

The Nixon and Wadsworth Day Care program is asking that the following families please contact Cheryl Ewing Day Care Supervisor. We are trying to collect outstanding balances of \$50.00 or more due for services rendered. You may contact us @ 575-2774 to make a payment arrangement. We are willing to work with all of the families to make arrangements acceptable in your budget range.

- |                     |                  |                      |
|---------------------|------------------|----------------------|
| Vennisa Crutcher    | Melissa Frazier  | Sheri Nakai          |
| Cody Nish           | Keri Romo        | Shirley Wise         |
| Jennie Burns        | Shannel Davis    | Tash Sander          |
| Kelly Harry         | Tonya Henry      | Estella Lopez        |
| Dave Matson         | Denise Shifflett | Jonathan Yarrow      |
| Leticia Burke       | Jason Davis      | Loren/Melissa Decker |
| Marc Lowery Sr.     | Donald Mashburn  | Larisa Joe           |
| Karole McQueen      | Lessert Moore    | Carolyn Harry        |
| Shasta Juarez       | Deshonna Ballew  | Melinda Brazzanovich |
| Kaylea Dunn         | Minda Fels       | Keri Jackson         |
| Ross/Lucy Harden    | Summer Philips   | Sophia Ruiz          |
| Gina Sander         | Shawnee Sander   | Eddie Smith          |
| Rebecca Dodd        | Amanda Juliot    | Marcy Lucas          |
| Waylon/Jessica Nish | Shannon Rambeau  | Marci Skenandor      |
| Erica Smith         | Jack Yellowhair  | Florence Ramos       |

Failure to contact the Day Care Supervisor may result in this matter being turned over to the Pyramid Lake Tribal Court.

Thank-You

## VICTIM SERVICE PROGRAM

### ***“Our Mothers’ House-Tamme Pea Nobe” Domestic Violence Enforcement Program Legal Assistance for Victims Program Transitional Housing Program***

#### **Hours of Operation**

The Victim Services Program is located at the Big Bend Property, in Wadsworth. Our business hours are 8:00 to 4:30, Monday through Friday, excluding holidays. We can be reached at (775)575-9444. The emergency phone number after hours and on weekends is (775)846-2208.

#### **Staffing**

Current staff members are: Shelter Advocates, Michelle Mix and Stephanie Thomas; Legal Advocate, Michelle Brazzanovich; Administrative Assistant, Jackie Cawelti; Virginia Howard, Criminal Justice Liaison; and, Mary Dodd, Coordinator.

#### **Funding Sources**

The program is currently funded by the following State of Nevada grants: The Victims of Crime Act and Family Violence Prevention and Services Grants. The grants fund a portion of one of the Shelter Advocate’s salary and fringe. The funds also cover office supplies, emergency assistance (clothing/emergency food/shelter), minimal travel costs, telephone, and utility costs for the shelter and program office.

In addition to the state funding, we also receive federal funding from the following Department of Justice grants: Tribal Victim Assistance (Office for Victims of Crime); Legal Assistance for Victims Grant Program, Transitional Housing Grant Program; and Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program (Office on Violence Against Women).

In general, the Department of Justice funding covers salaries, fringe, and operation expenses (office supplies, supplies and materials for training, fuel and maintenance costs for the program vehicle, etc). The funding also covers travel expenses for mandatory and on-going training for staff and project partners (law enforcement, court personnel, and council members).

#### **Who Qualifies for Services?**

Victims of domestic violence, sexual assault, stalking and dating violence are eligible for services under all of the grants.

Other victims of crime are eligible for services under the state Victims of Crime Act, Family Violence Prevention & Services and federal Tribal Victim Assistance Grants.

#### **What Services are Provided?**

**If you are a victim of domestic violence, sexual assault, stalking, or dating violence, you may be eligible for the following services:**

Emergency Shelter  
Emergency Food  
Clothing  
Legal Assistance  
Court Accompaniment  
Transportation (Limited to court, counseling, medical follow-ups as a result of injuries sustained in the incident.)  
Transitional Housing  
Counseling (Peer support)  
Referrals  
Assistance in Filing for Victims Compensation  
Assistance in Filing an Application for a Temporary Protection Order

**Transitional Housing Program-** If you are fleeing abuse and are considered homeless, we may be able to assist you under our Transitional Housing Program. The program assists victims with a subsidy for rent, limited child care expenses, and limited transportation costs.

**Legal Assistance for Victims-** Legal representation is also available under our Legal Assistance for Victims Grant, but due to the current funding source only cases in Nevada tribal jurisdictions where our Legal Advocate can practice are currently covered until additional funding is secured. Cases that our Legal Advocate can take are cases involving domestic violence, sexual assault, stalking, and dating violence.

**If you are a victim of crime, you may be eligible for the following services:**

Emergency Placement  
Emergency Food  
Assistance in Filing for Victims Compensation  
Emergency Assistance in Repairing Doors/Windows (damage occurred as a result of the documented crime)  
Court Accompaniment  
Assistance in Filing for a Temporary Restraining Order  
Transportation (Limited to court, counseling, medical follow-ups as a result of injuries sustained in the incident.)  
Referrals

#### ***\*\*Please Note\*\****

*Our financial assistance services are intended to assist victims through the initial crisis situation. We are not a transportation or welfare agency and are unable to continually assist with food vouchers. Once we have provided financial assistance, it is the responsibility of the participant to secure other funding sources (Employment, Unemployment, Temporary Assistance for Needy Families, Food Stamps, Indian General Assistance, Commodities, etc.). We will however, continue to work with victims in order to secure services for their basic needs.*

#### **“Our Mothers’ House-Tamme Pea Nobe”**

Our program operates an emergency women’s shelter, “Our Mothers’ House-Tamme Pea Nobe,” on our Reservation. The shelter is set up to provide emergency shelter for abused women and their children. The women are to follow the set shelter rules. Unfortunately, rules have been violated and women have been asked to leave. One of the most common violations that occur are family members coming to the shelter even when they are told not to, which causes a safety issue for the other families that are in the shelter.

If you have a family member or friend that ends up residing in the shelter, please note that they are not allowed visitors. They are also not allowed to talk about other residents of the shelter, as this may cause safety issues for the other resident and their children. Please respect the other occupants and make other arrangements to meet up with your loved one, *away* from the shelter. The direct phone number to the shelter is only accessible to employees and will not be given out, due to safety issues. Messages can be left at the main office, but the staff cannot confirm or deny whether anyone is in the program.

Having a shelter on our Reservation has provided the opportunity for our women to be close to their families/people and has provided their children the ability to continue attendance at their schools. The downfall is that a lot of people know where it is. When I first looked into the prospect of having a shelter on the Reservation, I remember talking to another Advocate who told me that in their community, the community protects the shelter and reports any suspicious activity. This was encouraging as I knew people would care about the safety of the women and children utilizing our services. I would like to express my deep appreciation for those that have called me regarding suspicious activities. You may have saved a life of a resident, at that time, or the life of a future program participant.

The shelter can be a busy place. Michelle Mix and Stephanie Thomas, our Shelter Advocates, have been with the program for going on five years. They have proven themselves to be committed employees and have remained through the good and bad times. Their job can be difficult when the shelter is full and personalities clash. They are truly assets to the program and I am impressed with the personal growth and compassion for the families these two young women have displayed.

With women coming in and out of the shelter, and shifts in funding, we do need to replace the following items if anyone would be interested in donating them:

Pillows  
Matching Sheet Sets/Twin & Full  
Bath Towel Sets  
Kitchen Towel Sets

We currently do not have funding for outside activities for the shelter residents. If you would like to donate any of the following, we would appreciate it:

Movie Tickets  
Special Event Tickets  
Meal Tickets (Example: McDonald’s/Burger King)

VICTIM SERVICE PROGRAM continued....

**Clothing/Household Donations**

The program accepts donations of clothing and household goods for the program participants and our annual yard sale. We do appreciate the ongoing support of our communities and thank those that have contributed.

*(Donations received count as in-kind matches for some of our funding sources!)*

**Domestic Violence Enforcement Program**

This program is a new component to Victim Services. Virginia "Gina" Howard is our Criminal Justice Liaison and Jackie Cawelti is the Administrative Assistant. Gina will be working toward meeting with public safety officials (law enforcement and court personal) on a weekly and monthly basis, in order to solidify a coordinated community response within the system. She will also be working with consultants and scheduling on and off-site trainings for law enforcement.

**Pyramid Lake Paiute Tribe  
Victim Services Program**

**ANNUAL YARD SALE & TACO SALE**



**Sept. 13 & 14, 2008**



**From 8AM to 5PM**

**At 54 Railroad Avenue in Wadsworth**

**Donations appreciated.**

**Please call 575-9444 for more information**

**16<sup>th</sup> Annual Region 9 Tribal EPA Conference**

October 22-24, 2008—San Francisco, CA

**Regional Tribal Operations Committee — October 20-21, 2008**

**Site Location: Be sure to use the GROUP CODE: NPY**



Holiday Inn Golden Gateway, San Francisco, CA

[www.goldengatewayhotel.com](http://www.goldengatewayhotel.com) or call the

reservations number at 800.287.0037 or 415.441.4000



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*Getting Results Every Environment Needs through Tribal & EPA Active Management*

**Topics:** Global Warming, Energy Conservation, Human Health, Pollution Prevention, Traditional/Cultural Effects, Ecosystems, Emergency Response, Environmental Management, Recycling and many more topics

**Conference and Exhibitor/Vendor On-Line Registration**

Conference (Early \$ 75) & Exhibitor/Vendor August, 2008 thru Sept 15, 2008

Conference (Late \$150) & Exhibitor/Vendor **After** Sept 15, 2008

**Registration and a draft agenda will be posted on the PLPT Website by August 2008**

*These dates are subject change and will be adjusted accordingly.*

For **UPDATED** information, conference, exhibitor or vendor Fees, please visit the Pyramid Lake Paiute Tribe's website at [www.plpt.nsn.us](http://www.plpt.nsn.us) under Events or contact Lela Christensen at 775.574.1000 x125 or [lgleyva@plpt.nsn.us](mailto:lgleyva@plpt.nsn.us)



**IN THE PYRAMID LAKE TRIBAL COURT IN AND FOR THE  
PYRAMID LAKE INDIAN RESERVATION  
WASHOE COUNTY, NEVADA**

DUANE FLOREZ, MANAGER	)	Case No. PL.CV.CM.2008-0049
I-80 SMOKESHOP & CAMPGROUND	)	
Plaintiff,	)	
	)	<u>SUMMONS</u>
vs.	)	
	)	
DEANNA M. GARCIA	)	
Defendant.	)	
<hr/>		

**NOTICE YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU WITHOUT YOU BEING HEARD UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE INFORMATION BELOW:**

**TO THE DEFENDANT:** A Civil Complaint has been filed by the Plaintiff against you for the relief set forth in the Complaint.

1. If you intend to defend this lawsuit, within 20 days after this Summons is served on you, exclusive of the day of service, you must do the following:
  - a. File with the Clerk of the Court, whose address is shown below, a formal written response to the Complaint in accordance with the rule of the Court.
2. Unless you respond, your default will be entered upon application of the Plaintiff and this Court may enter a judgment against you for the relief demanded in this Complaint, which could result in the taking of money or property or other relief requested in the Complaint.
3. If you intend to seek the advice of an attorney in this matter, you should do so promptly so that your response may be filed on time.

Dated: August 12, 2008

Jeraldine Magee, Court Administrator  
Pyramid Lake Tribal Court, P.O. Box 257, Nixon, NV 89424 {221 Nixon Hwy 447}

**IN THE PYRAMID LAKE TRIBAL COURT IN AND FOR THE  
PYRAMID LAKE INDIAN RESERVATION  
WASHOE COUNTY, NEVADA**

DUANE FLOREZ, MANAGER	)	Case No. PL.CV.CM.2008-0048
I-80 SMOKESHOP & CAMPGROUND	)	
Plaintiff,	)	
	)	<u>SUMMONS</u>
vs.	)	
	)	
DONALD W. MASHBURN	)	
Defendant.	)	
<hr/>		

**NOTICE YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU WITHOUT YOU BEING HEARD UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE INFORMATION BELOW:**

**TO THE DEFENDANT:** A Civil Complaint has been filed by the Plaintiff against you for the relief set forth in the Complaint.

4. If you intend to defend this lawsuit, within 20 days after this Summons is served on you, exclusive of the day of service, you must do the following:
  - a. File with the Clerk of the Court, whose address is shown below, a formal written response to the Complaint in accordance with the rule of the Court.
5. Unless you respond, your default will be entered upon application of the Plaintiff and this Court may enter a judgment against you for the relief demanded in this Complaint, which could result in the taking of money or property or other relief requested in the Complaint.
6. If you intend to seek the advice of an attorney in this matter, you should do so promptly so that your response may be filed on time.

Dated: August 12, 2008

Jeraldine Magee, Court Administrator  
Pyramid Lake Tribal Court, P.O. Box 257, Nixon, NV 89424 {221 Nixon Hwy 447}

Continued from page 3.

*To be consistent with this proposed amendment, Article II of the By-Laws would be eliminated.*

Ballot Questions:

Shall a primary election be used for Chairman and Vice Chairman candidates?	YES	NO
Shall the Chairman and Vice Chairman be elected to four year terms?	YES	NO
Shall the Chairman and Vice Chairman be an eligible candidate if they are a convicted felon?	YES	NO
Shall the Chairman and Vice Chairman be an eligible to serve any number of terms in succession?	YES	NO

Amendment Number 3: **Article III** – Governing Body; **Section 2.(b)** [Approval date February 6, 1973].

**Original:** Councilmen. The councilmen shall be elected by eligible voters of the Pyramid Lake Paiute Tribe and shall serve for a term of two (2) years or until their successors are elected; except that at the December election following the adoption of these amendments half of the councilmen receiving the highest number of votes shall serve a two (2) year term and the remaining half shall serve a one (1) year term. Candidates for councilmen shall be members of the Pyramid Lake Paiute Tribe, twenty-five (25) years of age or older and must have lived on the Pyramid Lake Reservation for not less than one (1) year immediately preceding his announcement of such candidacy. All councilmen shall serve any number terms in succession.

**Proposed:** Councilmen. Councilmen shall be elected by eligible voters of the Pyramid Lake Paiute Tribe and shall serve for a term of **four (4)** years or until their successors are elected. At the **first** election following the adoption of this amendment, **four seats shall be elected for two year terms and four seats shall serve out their current terms. Thereafter, all councilmen shall be elected to four (4) year terms.** Candidates for the Tribal Council shall be an **enrolled** member of the Pyramid Lake Paiute Tribe, twenty-five (25) years of age or older, **never been convicted of a felony, and shall comply with tribal candidacy requirements.** Tribal Council members shall serve any number of terms in succession.

Ballot Questions:

Shall members of the Council (excluding the Chairman and Vice Chairman) be elected to four year terms?	YES	NO
Shall the members of the Council be an eligible candidate if they are a convicted felon?	YES	NO

Amendment Number 4: **Article III** – Governing Body; **Section 4** [Approval date February 23, 1962].

**Original:** Councilmen shall hold office for a term of two years or until their successors are elected, except that at the first election of Councilmen under this Amendment to the Constitution, the five candidates receiving the highest number of votes shall hold office for two years and the five candidates receiving the next highest number of votes shall hold office for one year. Thereafter, every year five councilmen shall be elected for a term of two years.

Continued on page 11



**DENISE PHOENIX  
MEMORIAL  
COLLEGE FUND**

TO: Family, Friend and Colleagues  
From: The Denise Phoenix College Fund  
Committee:  
First Dancer Productions New Breast and  
Old Crow Family Wellness Consultants  
MTIWY Youth Academy  
Leeann Johnson-IHS  
Dr. Clayton Small

RE: Fundraising toward Memorial Scholarship

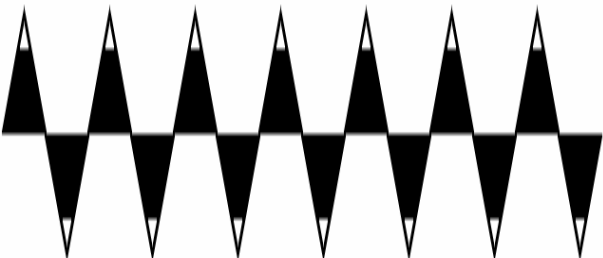
We the Newly formed Committee are writing for your support to help us Honor and Remember a True leader Denise Phoenix. Denise passed on February 14th, 2008 in the line of Duty protecting our Nation and our children. Phoenix, member of the Pyramid Lake Paiute, was a strong woman who rose through the ranks of Law enforcement from tribal officer to Chief of police to one of the few female Criminal Investigators in BIA

Law Enforcement. We the Committee had the honor of working with Denise and her husband Thomas Smart at the 1st Annual MTIWY Youth Academy June of last year in Billings, MT and the impact that Denise and Thomas had on the children was TREMENDOUS. We witnessed something in Denise and Thomas that is very rare is they had a Goal and a Dream for each of those youth that attended that Academy. We want to keep that Dream Alive.

So this year at the 2nd Annual MTIWY Youth Academy we will give a Scholarship with what we fundraise over the next 3 months. This effort will be done with fundraising and donations.

Donations can be made out to:  
Theda New Breast, Denise Phoenix Memorial College Fund  
P.O. Box 164  
Babb, MT 59411

Sincerely,  
Denise Phoenix College Fund Committee



**IN THE PYRAMID LAKE TRIBAL COURT IN AND FOR THE  
PYRAMID LAKE INDIAN RESERVATION  
WASHOE COUNTY, NEVADA**

DUANE FLOREZ, MANAGER )	Case No. PL.CV.CM.2008-0047
I-80 SMOKESHOP & CAMPGROUND )	
Plaintiff, )	
vs. )	<u>SUMMONS</u>
EDWARD HARRY )	
Defendant. )	

**NOTICE YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU WITHOUT YOU BEING HEARD UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE INFORMATION BELOW:**

**TO THE DEFENDANT:** A Civil Complaint has been filed by the Plaintiff against you for the relief set forth in the Complaint.

If you intend to defend this lawsuit, within 20 days after this Summons is served on you, exclusive of the day of service, you must do the following:

- a. File with the Clerk of the Court, whose address is shown below, a formal written response to the Complaint in accordance with the rule of the Court.

Unless you respond, your default will be entered upon application of the Plaintiff and this Court may enter a judgment against you for the relief demanded in this Complaint, which could result in the taking of money or property or other relief requested in the Complaint.

If you intend to seek the advice of an attorney in this matter, you should do so promptly so that your response may be filed on time.

Dated: August 12, 2008

Jeraldine Magee, Court Administrator  
Pyramid Lake Tribal Court, P.O. Box 257, Nixon, NV 89424 {221 Nixon Hwy 447}

**IN THE PYRAMID LAKE TRIBAL COURT IN AND FOR THE  
PYRAMID LAKE INDIAN RESERVATION  
WASHOE COUNTY, NEVADA**

In the Matter of: )	CASE NO: PL.CV.NC.2008-0054
JAIDE BELLE )	
BLAZE BELLE )	NOTICE OF PETITION FOR
JERMAINE BELLE )	CHANGE OF NAME
Petitioners, )	
For Change of Name: )	
Filed By: MIRANDA WILLIAMS )	

**NOTICE IS HEREBY GIVEN** that Miranda Williams has, on the 11<sup>th</sup> day of July 2008, filed a Petition addressed to the above-entitled Court praying that said Court enter an Order changing her children's names from Blaze, Jaide and Jermaine Belle to Blaze, Jaide and Jermaine Williams.

**NOTICE IS FURTHER GIVEN** that any person having objection to the changing of Petitioner's name as aforesaid shall file written objection with the above-entitled Court within ten (10) days after date of the last publication of this Notice, to-wit, August 2, 2008 and after publication in the Tribal Newspaper.

Dated: August 12, 2008

Jeraldine Magee, Court Administrator  
Pyramid Lake Tribal Court, P.O. Box 257, Nixon, NV 89424 {221 Nixon Hwy 447}

**IN THE PYRAMID LAKE TRIBAL COURT IN AND FOR THE  
PYRAMID LAKE INDIAN RESERVATION  
WASHOE COUNTY, NEVADA**

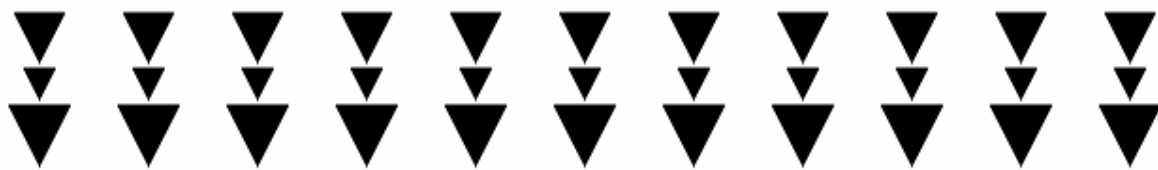
<b>In the Matter of:</b>	)	CASE NO: PL.CV.TT.2008-0062
	)	
<b>JOANN ARTHUR</b>	)	<b>NOTICE TO TRANSFER HOUSE TITLE</b>
<b>Decedent,</b>	)	
	)	
<b>Filed by:</b>	)	
<b>RAQUEL ARTHUR</b>	)	
<b>Petitioner.</b>	)	
<hr style="width: 100%;"/>	)	

**NOTICE IS HEREBY GIVEN** that RAQUEL ARTHUR has filed a Motion to Transfer Title of a home located at 456 Owl Circle, Wadsworth, Nevada from her deceased mother's name, JoAnn Arthur to her name Raquel Arthur.

**NOTICE IS FURTHER GIVEN** that any person having objection to the transfer as aforesaid shall file written objection with the above-entitled Court within ten (10) days after date of the last publication of this Notice, to wit: September 11, 2008.

Done and dated this 22nd day of August, 2008

Jeraldine Magee, Court Administrator  
Pyramid Lake Tribal Court, P.O. Box 257, Nixon, NV 89424 {221 Nixon Hwy 447}



## TRIBAL COURT NEWS AUGUST 2008

On July 24, 2008, Associate Judge Stearns resigned from the Pyramid Lake Tribal Court. Judge Stearns presided over juvenile hearings and civil hearings and all of those hearings scheduled in August were taken off calendar. On August 15, 2008, the Pyramid Lake Tribal Council authorized the hiring of a temporary judge to preside over juvenile cases. Those dates have been rescheduled for September 3, 2008 at 1:30 pm for social services cases, and September 17, 2008 at 1:30 pm for delinquency cases. Civil cases currently not being heard by Chief Judge Kockenmeister will be rescheduled once an Associate Judge is hired.

### ACTIVE WARRANTS

Jeremy Baker	Dustin Barlese	Gary Brown Jr
Phelon Brown	Victoria Davis	Conrad Fellows
Garrett Fellows	Gibson Fielder	Joanna Hancock
Frank Henry Jr	Bo Jackson	Boyd Jackson
Sebastian Jackson	Bryan Johnson	Rayfield Kelly
Royce Kochampenasken	Teresa Lenoir	Duane Lopez
Quinten Lopez	Kevin Melius	Cecelia Phoenix
Veronica Rodarte	Teresa Royer	Lonnie Savage
James Shaw	Shawn Shaw	Reed Skenadore Jr
Danina Smith	Everette Smith	Reuben Smith
Rochelle Talas	Shepard Taylor	
James Thomas Jr (2)	Juanita Thompson	Nicholas Thompson
Patrick VanBrundt	Maynard Victor	Walter Washington
Clifton Williams Jr	Damon Williams	Delson Williams
Sharon Williams		

## **August 7, 2008 TO: ALL NIXON COMMODITY FOOD PROGRAM PARTICIPANTS**

Beginning September we will be making a change to the current schedule. In order to reduce the distribution wait time, I will be at the conference room in the Administrative Office on Friday September 5th from 8:30 am to 12:00 pm to process all paperwork. If you need to do a new application, recertify an application, or report any changes (job income, other income, household member change, address, etc) you will need to be seen at that time. All food will be issued on Monday September 8th 2008. I still prefer that you mail in you applications and recertifications by the requested day with all necessary verifications to attend distribution day only.

On Monday September 8th, I will do food issuances. If you come in with a new application, recertification or need to report changes on distribution day, I will take your application or change form however; it will be processed as time permits. This day is for issuances and they will take priority. This will continue monthly according to the attached schedule.

It is my hope that everyone will be able to receive their commodities in a timelier manner. Please let me know if you have any questions or concerns. I can be reached at (775) 688-1160 ex 224.

Thank you,  
Pamela Hopkins  
Program Specialist I

### **NIXON DISTRIBUTION REMAINDER OF 2008**

<u>PROCESSING</u> 8:30 AM-12:00 PM	<u>DISTRIBUTION</u> 9:30 AM-2:00 PM
SEPTEMBER 5, 2008	SEPTEMBER 8, 2008
OCTOBER 10, 2008	OCTOBER 13, 2008
NOVEMBER 7, 2008	NOVEMBER 10, 2008
DECEMBER 5, 2008	DECEMBER 8, 2008

#### **POLICIES**

**\*Application Processing Day: Everyone will be seen on a first come, first serve basis.**

**\*I will still prefer you mail your applications with verifications to the office timely. Doing so will allow you to attend distribution day only.**

**\*Issuance Day: Certified households will be issued benefits on a first come, first serve basis. Any other households will be served as time permits.**

Continued from page 8

**Proposed:** To eliminate it from the record. Article III. Section 2(b) was adopted and enacted on February 6, 1973 and it replaces its provisional purpose.

Ballot Question:

Shall this provision be removed from the constitution to prevent redundancy or possible confu-	YES	NO
--	-----	----

Amendment Number 5: **Article V** – Vacancies and Removal from Office; **Section 2** [Approval date January 15, 1936].

**Original:** Any councilman who is proven guilty of improper conduct, or gross neglect of duty may be expelled from the council by a two-thirds vote of the council members, provided that the accused member is given full opportunity to reply to any and all charges at a designated council meeting and provided further that the accused member shall have been given a written statement of the charges against him at least five days before the meeting at which he is to be given an opportunity to reply.

**Proposed:** **Article V – Vacancies, Removal, and Recall—Section 2 – Removal**

The Chairman, Vice Chairman, or any Tribal Council member who is convicted of a criminal offense, proven guilty of improper conduct, failure to perform duties prescribed by law, or gross neglect of duty may be removed from the tribal council by a two-thirds vote of the full council, provided that the accused is given full opportunity to reply to any and all charged at a designated council meeting and provided written statements of the charges against him/her at least five days before the meeting at which he/she is given the opportunity to reply.

**Proposed:** **Section 3 – Recall**

The Chairman, Vice Chairman, or any Council Member may be recalled from office by the eligible voters of the Pyramid Lake Paiute Tribe. Upon receipt of a petition signed by 30% of the eligible voters, it shall be the duty of the Tribal Council to certify the petition, to call a special recall election, and to hold a special election in accordance with established laws of the Tribe. The decision of the voters shall be binding on the Tribal Council, provided that at least 30% of those entitled to vote shall vote in such election.

Ballot Questions:

Shall members of the Council, including the Chairman and Vice Chairman be subject to removal using the proposed con-	YES	NO
Shall members of the Council, including the Chairman and Vice Chairman be subject to a recall election upon completion	YES	NO

Amendment Number 6: **Article VI** – Powers and Duties of the Tribal Council; **Section 1.(c)** [Approval date January 15, 1936].

**Original:** To approve or veto any sale, disposition, lease, or encumbrance of tribal lands, interests in lands, or other tribal assets which may be authorized or executed by the Secretary of Interior, the Commissioner of Indian Affairs, or any other official or agency of the Government, provided that no tribal lands shall ever be sold, encumbered, or leased for a period exceeding five years.

**Proposed:** To negotiate, approve, or veto leases, permits, encumbrances of tribal lands, interests in land, and other tribal assets consistent with Federal law and Article VII – Tribal Lands of this Constitution.

Ballot Questions:

Shall Council be authorized to execute leases for periods of time longer than 5 years?	YES	NO
--	-----	----

Amendment number 7: Article IV – Meetings and Procedures; Section 2 [Original approval date January 15, 1936; Amended on February 3, 1956]

**Original:** The council shall meet regularly on the first Saturday of each month.

**Amendment 1:** The council shall meet regularly on the first Friday of each month.

**Proposed:** The Council shall schedule regular and special council meetings each month in accordance with and by duly adopted tribal council resolution. \*\* This provision and question are subject to change as it was incomplete on August 15.

Ballot Questions:

Shall the Council meetings be scheduled in accordance with tribal resolutions and/or a scheduling process?	YES	NO
--	-----	----

These proposed amendments are submitted for each and every tribal member to consider for the Secretarial Election. In accordance with 25 CFR §81.5(d) (Code of Federal Regulations) the tribe has enacted the request to amend its constitution. Additionally, 25 CFR §81.6(a)(d) states, "For a reorganized tribe to amend its constitution and by-laws, only members who have duly registered shall be entitled to vote; provided, that registration is open to the same class of voters that was entitled to vote in the Secretarial election that effected its reorganization, unless the amendment article of the existing constitution provides otherwise."

Each of the Secretarial elections have, as the original election to adopt the constitution and by-laws is open to all enrolled members of the tribe. It is important that each and all understand the process and implication of the federal rules and requirements. The constitutional amendments are not intended to restrict the eligibility of voters, therefore all enrolled members would be entitled to vote.

If you have any questions you can contact the Pyramid Lake Paiute Tribe at (775) 574-1000. Thank you.

## CONTRACTS & GRANTS DEPARTMENT

The Grants Department has been training and encouraging departmental staff to begin researching and writing grant proposals. The Tribe currently has over one-hundred and nine grants and it is virtually impossible for one department to successfully write grants for twenty-seven programs. A training was held August 20th for staff regarding grant administration and fiduciary responsibilities. Quarterly grant meetings will be offered starting in September to provide basic training, networking and funding opportunities.

The programs have been instructed to contact the Grants Department when considering applying for a grant to discuss the scope of the grant, the potential impact on operations, financial considerations, and the grant submittal guidelines utilized by the grantor agency. A completed *Proposal Clearance & Authorization Form and Tribal In-Kind Match Documentation Form* (available on the Tribes contacts and grants webpage) must be submitted to Grants Department prior to submitting a grant.

I have received a number of inquiries from staff as to the circumstances dictating when a grant proposal needs to be brought before the Tribal Council. The departments will be responsible for preparing related backup material and getting approval prior to submission of an item for placement on council agenda; however the Grants Department is always available to assist them in crafting the grant proposals, from budgets to editing a resolution to fulfilling proposal guidelines. It will be the responsibility of this department and project staff to maintain the integrity of grant records.

We are still coming across awards where the record data is not current and therefore incorrect. As personnel changes occur, staff must update grant records to reflect current award data and contacts. The majority of the Tribes grants are reimbursement grants whereby the granting agency reimburses the Tribe for money the Tribe has already spent doing the grant work. Until the tribe request reimbursement it does not get paid. June through August Mrs. Gibson has drawn down approximately \$1,589,202 in grant funds. Pam has stated, "*Timely submittal of financial reports is critical on cost reimbursable awards*". It is important to ensure that a steady stream of grant revenue is coming back to the Tribe soon after expenditures have been made. Pam is doing an outstanding job in reconciling financial reports.

Since coming into the position of the Grants Administrator, grants management has kept us all on our toes. Reporting project results both technically and financially has been essential to the successful completion of project objectives.

Tribal audits are about to begin for the years of 2006 and 2007. It's time to stop the findings! One key element is timely reporting and invoicing. The finance and grants departments are working closely to address past audit findings to insure those elements that usually show up in the audit such as obtaining PRIOR written approval from grantor for award changes, either in scope of work or budget are followed.

Lastly, I would like to give a big thank you to Frances Winn for assisting our department with grant related issues, particularly in the area of financial reporting. Best wishes Frances!

*Sandra J. Hicks*

Contracts & Grants Dept.

## PYRAMID LAKE PAIUTE TRIBAL COUNCIL

### SPECIAL MEETING MINUTES

June 20, 2008

#### Members Present:

Mervin Wright, Jr., Tribal Chairman	
Gordon Frazier	Janet Davis
Johnnie Garcia	Jason Davis
Genevieve John	Judith Davis
Sherry Mendes	
Carla Eben, Vice Chairman	Clayton Servilican

#### CALL TO ORDER

Tribal Chairman Mervin Wright, Jr. called the June 20, 2008 special meeting of the Pyramid Lake Tribal Council to order at 6:30 p.m. in the Tribal Chambers, Nixon, Nevada.

#### OPENING PRAYER

The opening prayer was given by Mervin Wright, Jr., Tribal Chairman.

#### SPECIAL PRESENTATION

Chairman Wright stated that Allen Primeau recently graduated from the Northern Nevada Law Enforcement Academy. He stated he was asked to conduct the swearing-in. At this time the swearing-in was done and a plaque was presented to Allen Primeau.

#### ROLL CALL

Roll call was taken by Gina Wadsworth, Tribal Secretary. All Councilmembers were present at roll call and a quorum was established for the meeting.

#### APPROVAL OF AGENDA

Chairman Wright stated item #2 under Committee/Department Action Required can be removed as the MOA is being reviewed by legal counsel. He would also like to include a request from the U.S. Geological Survey and Bob Pelcyger's invoices under his report. Councilmember Judith Davis stated she would like to add the swearing in of the new Tribal police officer for the record. Terry Bohl, Emergency Response Manager, stated he would like to include a request regarding his budget. Councilmember Judith Davis made a motion to approve the meeting agenda with the changes. The motion was seconded by Councilmember Jason Davis. Votes taken were all in favor, **motion carried**.

#### PUBLIC COMMENT

Jackie Larks spoke about a cemetery in Sutcliffe and she would like to know how to get the project started. Chairman Wright said the land is on the left side of the road towards the Dunn Hatchery. He recommended to Jackie that a letter be submitted and have someone draft a resolution. Jackie thought a resolution may have already been done. The Tribal Secretary will check the files for a resolution that may have been adopted.

#### CONSENT AGENDA

Chairman Wright stated there are three items on the Consent Agenda: Approval of payments to Mitchell Keever construction for the HIP Project; approval of a \$350 Tribal Scholarship for Tanda Roberts; and approval of invoices for Robert Maddox & Associates, Hester & Zehren, and Wes Williams, Jr.

Councilmember Judith Davis made a motion to approve the Consent Agenda. The motion was seconded by Councilmember Janet Davis. Votes taken were all in favor, **motion carried**.

#### COMMITTEE/DEPARTMENT ACTION REQUIRED

**Human Resources** – Billie Jean Guerrero: Billie Jean Guerrero, Human Resources Manager, stated she is here to present three classifications. These classifications were recommended for approval by the Personnel Committee on June 11<sup>th</sup>.

**Property Manager, Class Code 524, Grade 27:** Councilmember John stated under Minimum Qualifications, would a person really know about the Land Exchange. Chairman Wright said this was in the original job description and right now they are working with the Senator's office in trying to revive the land exchange provision. She suggested adding "licensed real estate agent" under Preferred Qualifications.

Councilmember John asked why emphasis is placed on the financial system for this position. This employee would not be doing the bookkeeping or accounting. Chairman Wright stated there has to be some familiarity with being able to understand the financial systems. There was discussion on the asset management portion and integrated financial accounting systems. Councilmember Judith Davis stated she believes asset management would be included because it isn't Tribal-wide. Councilmember John suggests deleting "knowledge of integrated financial accounting system" and inserting "knowledge of basic bookkeeping as it relates to real property management."

Councilmember John asked if "licensed real estate agent or property management designation" were different because under Minimum Qualifications it is required, but under Required Education and Experience it is listed as preferred. She would suggest deleting from Minimum Qualifications. Billie Jean clarified if "assist with fixed asset management" should be deleted or left in. Chairman Wright said to remove it from the definition because it is probably covered under the duties portion.



Councilmember Jason Davis made a motion to approve the classification of Property Manager, Class Code 524, Grade 27, as amended. The motion was seconded by Councilmember John. Votes taken were all in favor, **motion carried**.

*General Ledger Accountant, Class Code 425, Grade 29:* Chairman Wright said classification of the General Ledger Accountant position originally began in 2003. Councilmember John stated under Duties and Responsibility, it states "provide grant accounting and assist with preparation of financial reporting to the various agencies." She said because we have the grants accounting specialist, this probably isn't needed and isn't part of the general ledger accountant's function. Chairman Wright said it states "assists" and there is a need with coordination of that information. Billie Jean clarified that the general ledger accountant makes the journal entries and the grants accounting specialist does not make any journal entries. It was asked if someone is currently in the position and Billie Jean replied no, the position had been proposed in 2003 and when the Comptroller had left employment with the Tribe, the position classification stopped. Councilmember Judith Davis said if the classification is posted, the Council doesn't know the status of the funding. Billie Jean suggested a temporary appointment could be made until the budget is determined.

Councilmember John stated under duties and responsibilities it states "Assist with annual review and assessment of tribal utilities and telecommunications expense. Prepare bid documents, advertise for services and consolidate those expenses into one provider." She asked why this is included. Chairman Wright stated these duties were included in the original document. This is a needed position and if the Council would like to not post until the budget is reviewed, a temporary appointment could be done.

Councilmember John stated in the fourth task, it reads, "Review and reconcile accounts payable and receivable to the general ledger. Research and update unpaid invoices and clear subsidiary ledgers as needed." This position should not be researching unpaid invoices because it is the accounts payable person's duty to do research. She would suggest removing the second sentence.

Councilmember Judith Davis made a motion to approve the classification of General Ledger Accountant, Class Code 425, Grade 29, as amended and that the position not be posted until the budget is reviewed. The motion was seconded by Councilmember Mendes. Votes taken were 8 for, 1 opposed, and no abstentions. **Motion carried**.

Councilmember John stated she opposed because she believes the job description should be posted without any restrictions.

*Environmental Database Specialist, Class Code 411, Grade 24:* Billie Jean stated this position is within the Environmental Department. This department has a number of grants that require different statistics and this position would be responsible to manage the different databases. Councilmember Jason Davis made a motion to approve classification of the Environmental Database Specialist, Class Code 411, Grade 24. The motion was seconded by Councilmember Servilican. Votes taken were all in favor, **motion carried**.

**Law & Order Committee** – Jolyne Sander: Jolyne Sander was not present and no action was taken by the Tribal Council.

**Tribal Administrator** – Della John: Della John, Tribal Administrator, was present with several requests.

*Approval to post TERO fee changes:* Della stated she is proposing changes in language to upgrade the Tribal Employee Rights Ordinance (TERO). Section 8.05.010 is proposed to read, "An employment rights fee, to raise revenue for the operation of the TRO and to provide job training to qualified workers is hereby imposed as stated in the following subsections." Section 8.05.011 is proposed to read, "Every covered construction contractor with a contract of \$50,000 or more shall pay a one time TERO fee of two percent (2%) and a training fee one-half of one percent (0.5%) of the total contract amount. The fee may be paid in installments over the length of the contract."

Councilmember Jason Davis made a motion to approve posting of the proposed changes to the TERO Ordinance. The motion was seconded by Councilmember Judith Davis. Votes taken were all in favor, **motion carried**.

*Approval to Recruit for Parks & Recreation Committee:* Della stated she is also requesting approval to recruit for the Parks & Recreation Committee. She tried to contact the previous board members and only two expressed an interest. Vernelda Frazier stated money is set aside under the Tax Fund Use Plan and if someone submits a proposal to use this money, they would have to submit the form and it would then go to the Appropriations Committee. Councilmember Judith Davis asked if it is a stipend board or volunteer group. Della said right now it's volunteer. Councilmember John suggested looking for the funds at the June 30<sup>th</sup> meeting because you want community involvement and people should be compensated for their time. Councilmember Mendes said at a previous meeting the Tax Commissioners made it clear that the funding would be used for parks.

Councilmember Jason Davis made a motion to approve the recruitment for the Parks & Recreation Committee. The motion was seconded by Councilmember John. Votes taken were all in favor, **motion carried**.

**Emergency Response** – Terry Bohl: Terry Bohl, Emergency Response Coordinator, was present. He stated he has attended several meetings with the Nevada Department of Emergency Management. The Tribe had grants that were not expended and they allowed him to reactivate the grants in order to expend the funds. The grants were audited and it was determined the Tribe will have to reimburse one account. Terry stated he is requesting approval to spend \$5,183 out of fund account 304, \$15,000 out of fund 306 and \$17,000. There is no match and by spending this money it will close the grants and he will be able to apply for more grants. He will be using the money to purchase equipment for the water recovery team and the high angle/confined space rescue team.

Chairman Wright clarified that a budget modification needs to be completed and that the funding is going to be used. Some of the funding will have to be spent by June 30<sup>th</sup> and the rest by July 31<sup>st</sup>. Councilmember Judith Davis made a motion to approve the requests. The motion was seconded by Councilmember Servilican. Votes were 8 for, zero opposed, and no abstentions (Councilmember John out of the room during the vote). **Motion carried**.

**TRIBAL CHAIRMAN** – Mervin Wright, Jr.: Chairman Wright stated he submitted his report and he is requesting authorization to move forward on the Secretarial election. The first item is regarding a request from Larry Benson of the U.S. Geological Survey.

*U.S. Geological Survey Request:* Chairman Wright said he received a letter from Larry Benson of the U.S. Geological Survey. The Tribe's Interdisciplinary Team (IDT) is recommending approval of the request. The letter is requesting permission to take a sediment core offshore of Wizard's Cove beach in shallow water for the purpose of creating a record in the change of the size of Pyramid Lake for the past 50,000 years. The date is July 18<sup>th</sup> and will take about 3 days. Councilmember Judith Davis asked if the Tribe has a person for cultural monitoring. Chairman Wright stated the NAGPRA Committee does this type of work. Vice Chairman Eben said the committee members have attended training for this type of monitoring. Councilmember Mendes said she would like to see the IDT meeting minutes because they play a big role in these types of proposals because of their expertise. Councilmember Jason Davis expressed his concern with the drilling because we don't know what is under there and he doesn't know how big the core is going to be. They may hit some type of pollutant and there could be different types of toxins released into the Lake. He thought they would do a dry sample first before drilling in the Lake. Chairman Wright said he would follow up with Larry Benson.

Councilmember John made a motion to table the request from the U.S. Geological Survey. The motion was seconded by Councilmember Servilican. Votes taken were all in favor, **motion carried**.

*Secretarial Election:* Chairman Wright stated he is requesting authorization to begin the process for a Secretarial election on constitutional amendments but he just noticed something on the four year terms done by Fred Drye. Fred's comments were done assuming they would take effect this year. Chairman Wright said his intention was to propose it for going into effect in 2009. Councilmember Janet Davis asked if Fred is under the assumption that the entire Council was doing this or does he know it is coming from the Chairman. Chairman Wright said he told Fred it was going to come before the Council to initiate the process with the BIA or if it died at the Council level, then they would go through the petition route. Councilmember Janet Davis said she thinks it should be presented to the entire membership. Councilmember Servilican clarified that this was brought up in December 2007. Chairman Wright said it would be a Secretarial election and the entire membership whether or not they lived on the reservation would be able to vote. Fred did say it wouldn't be appropriate if any of the Council wrote a petition, but there should be a sponsor to present it to the Bureau. Section 82 of the CFR contains the procedures on how to petition the BIA. The CFR yields to the Tribe's Constitution with regard to petitions or a referendum. If there are 1/3 of the eligible voters then that petition would go to the BIA and they would then initiate the process for a secretarial election.

Chairman Wright said he did not want any action right now. Della John, Tribal Administrator, said it would be workable to have a group or committee to amend the constitution. Other tribes have a group to initiate this type of thing. Councilmember Jason Davis asked about the proposed changes on the Chairman, Vice Chairman, and Council, there is residency requirement in the original and will this change in the proposed amendment. Chairman Wright said there could be some candidacy requirements and he did tell Fred that a residency requirement would need to be in place.

Chairman Wright stated that in having to deal with the High Desert Recreation lease, he included the definition of "lease." He wanted to report to the Council that the lease is what it is. From his standpoint he understands what we should and could do as a landlord. The mediation is proceeding, but there is no activity going on. Thomas Bobella called him and asked him to go to the Marina to speak with him. Chairman Wright said he then called Chuck Zeh. He did visit with Mr. Bobella today and he knows the Council wants to end the relationship. Mr. Bobella wants to talk on Monday and there are two

**PYRAMID LAKE PAIUTE TRIBAL COUNCIL  
SPECIAL MEETING MINUTES  
June 30, 2008**

options he may offer with regard to ending the relationship, either immediate or long term. He spoke with Chuck Zeh today and said from his vantage point that his recommendation is that whatever is proposed that it be economical and politically feasible. He would like to ask the Council if he can ask Bobella to submit his proposal.

Councilmember Mendes said she thought the Council was dealing with Cruz and that we would not be dealing with Mr. Bobella. Chairman Wright said he doesn't know what happened to them as part of the presentation. Councilmember Servilican said he would like to get our artifacts back and he doesn't want to pay to end the relationship. Councilmember Jason Davis said it should be in a working relationship and it has to be two-sided. He stated the Tribal Council had only asked Mr. Bobella to provide three things: allow the Rangers to stay there, pay the deposit, and give the artifacts back to the Tribe. Councilmember Mendes suggested not having any more contact with Mr. Bobella. The Tribe is still in mediation and it may not be a good idea to speak with him outside of the mediation.

Councilmember John stated in talking about ethics and she knew the Finance Department was in need of help, but the contracts that were in place should have been posted. She said it was unfortunate that the people under contract were somehow tied to the Chairman. Chairman Wright said he did not initiate the contracts. He can't say that a person's ability versus any relation to him should make a difference. His relation to anybody should have nothing to do with whether we are getting the job done. If people want to complain about what has happened with regard to these contracts, he would like to say he had nothing to do with the initiation of the contracts.

Councilmember John asked about Health Plan of Nevada. Chairman Wright said the list of concerns submitted by Sharon Keever was discussed with Amanda Del Torto of Health Plan of Nevada. He, Della, and Billie Jean went through each of the items with Amanda. A meeting is scheduled in July to meet again with Health Plan of Nevada. It is clear that there is miscommunication and no communication, but it is not as bad as the list reveals.

Chairman Wright said he previously reported that the Mine Central hearing had been cancelled and was going to trial. He spoke with the investigator and it was reported Mr. Kelso declared himself incompetent to stand trial. If it goes to trial, he doesn't know what can be expected from the Tribe.

*Bob Pelcyger Invoices:* Invoices for March 2008 in the amount of \$18,500, April 2008 for \$18,895.57, and May 2008 for \$19,925.72 were submitted by Bob Pelcyger and he is requesting approval for payment. Councilmember Jason Davis asked if there was a monthly ceiling amount and it was reported there is the monthly amount plus expenses. Councilmember Mendes made a motion to approve the invoices submitted by Bob Pelcyger for March, April, and May 2008. The motion was seconded by Vice Chairman Eben. Votes taken were all in favor, ***motion carried.***

**VICE CHAIRMAN** – Carla Eben: Carla Eben, Vice Chairman, distributed a copy of her monthly report. She reported that the list of vehicles they have includes all vehicles. She will be distributing a form to the department for release of the vehicles. She reported she had not yet met with Judicial, but will be working on this. There was a meeting at the I-80 Smokeshop to discuss the taxes and apparently the Nixon Store hasn't paid any taxes and the Smokeshop is behind. They are both losing money and they have to figure out why. Vernelda Frazier, Tax Administrator, said Linda Merlin has been filing the paperwork for the Nixon Store, but when they informed the Council they could not carry the Store, they quit paying the taxes.

Vice Chairman Eben stated she has been working on the beneficiary form and it had been sent to Wes Williams for his review and he said it could be opening a can of worms. Chairman Wright suggested she get the report from Wes so the Council can see all of the implications, complexities and the pros and cons of the form.

Vice Chairman Eben said she would like to request a closed session. Councilmember Jason Davis made a motion to move into an executive session. The motion was seconded by Councilmember Garcia. Votes taken were all in favor, ***motion carried.***

The Tribal Council then moved into an executive session at 10:35 p.m.

Councilmember Frazier made a motion to move out of the executive session. The motion was seconded by Vice Chairman Eben. Votes taken were all in favor, ***motion carried.***

The Tribal Council then moved into an open session at 11:05 p.m.

**ADJOURNMENT**

Councilmember Frazier made a motion to adjourn the meeting. The motion was seconded by Councilmember Jason Davis. Votes taken were all in favor, ***motion carried.***

Meeting adjourned at 11:08 p.m.

Submitted by,  
Gina Wadsworth  
Tribal Secretary

**Members Present:**

Mervin Wright, Jr., Tribal Chairman	
Gordon Frazier	Janet Davis
Johnnie Garcia	Jason Davis
Genevieve John	Judith Davis
Sherry Mendes	
Carla Eben, Vice Chairman	Clayton Servilican

**CALL TO ORDER**

Tribal Chairman Mervin Wright, Jr. called the June 30, 2008 special meeting of the Pyramid Lake Tribal Council to order at 6:00 p.m. in the Tribal Chambers, Nixon, Nevada.

**ROLL CALL**

Roll call was taken by Gina Wadsworth, Tribal Secretary. Councilmember Janet Davis arrived shortly after roll call and Councilmember Judith Davis arrived at 6:15 p.m. All other Council members were present at roll call and a quorum was established for the meeting.

**APPROVAL OF AGENDA**

Councilmember Jason Davis made a motion to approve the meeting agenda. The motion was seconded Councilmember John. Votes taken were all in favor, ***motion passed.***

**NEW BUSINESS**

**Appropriations Committee:** Also present were Billie Jean Guerrero, Human Resources Manager; Della John, Tribal Administrator; Sandra Hicks, Contracts/Grants Administrator; Pam Gibson, Grants Accounting Specialist; Vernelda Frazier, Tax Administrator; Robbin Scholl, Comptroller; Erin Calvin, Chief of Police; and, Cheryl Ewing, Day Care Program Coordinator.

Robbin Scholl, Tribal Comptroller, informed the Tribal Council she was unable to print any type of reports from the MIP system due to a problem. She distributed copy of a message she received on the MIP system. MIP support services told her they never saw this type of error message and they have been working with her. Councilmember Mendes asked if this could be the reason no reports were given to the Tribal Council. Chairman Wright said it was possible that no reports were printed because we have not yet completed the 2006 audit. The draft report the Council received from Ralynn James was probably not correct.

Robbin said Vice Chairman Eben had asked about the billing on the child care program. A report was done for the posting on the billing. She would like to start billing for actual. Chairman Wright asked Cheryl Ewing, Day Care Program Coordinator, about the change in the billing and would we be able to post the amounts immediately and Cheryl said it should be posted on the following Monday.

Robbin stated when staff submit check requests, they are put in the system as a check and it should be input as an invoice to have a check run at the end of the week. There ends up being a bottle neck in the department because they have to get them done as opposed to posting as an invoice. She reported the Accounting Clerk appointment ends on August 29<sup>th</sup> and she would like to extend the appointment because she does need people in the department.

Robbin reported that there isn't a store inventory done each month at the I-80 Smoke-shop and Nixon Store. For any convenience store an inventory is done each month. The advantage is to be able to see how much is actually there. She would like to propose that this happen at both stores. She said she will want to be there while the inventory is being done.

She said there are times that the Council may not agree on one issue and this could make it difficult for her. Robbin suggested possibly developing a schedule for check signers. It would be helpful that if there is a disagreement on the Council, there would be a majority vote to approve an item. There could be disagreements, but if the Council approved it, then it could be signed.

Robbin said they are almost caught up for June. Her goal is to get the day-to-day stuff completed so they can start on the backlog. Doug Coleman will be here and she asked that if the Council wants to see something specific, let her know when Doug is here.

Sandra Hicks, Contracts/Grants Administrator, submitted her report. In the report is a list from January to current the list of all grants that have been submitted. She has been working with the departments and working with the directors one-on-one in putting proposals together. Everything goes to the director because they know what their program needs. The program summary, budget, budget justification, and resolution (if needed) should be brought to the Council. Training is needed on the policies and procedures such as requisitions, inventory. The list of contracts and grants will have to be updated and she is working with Pam Gibson on this list. When asking for extensions, the directors will be required to submit a detailed justification.

Councilmember Mendes recommends a check list be developed about items regarding grants. If there is something brought forward to the Council they will know it has gone through the necessary staff.

Pam Gibson, Grants Accounting Specialist, submitted her report. She said she was notified by the BIA that the Tribe had nine grants that were incorrect and there were several attempts to correct this last year. Pam will be going back to 2005 to see what was done. She has been working with the agencies and the different departments.

Vernelda Frazier, Tax Administrator, informed the Council that there were slight increases in possessory interest tax, sales tax, and cigarette tax. There was a decrease in use tax but there is construction coming up and they alert the project directors to inform the Tax Department. The directors are supposed to be informing the Tax department of any type of project. She reported her department is handling the license plate funds and a report has to be submitted to the State of Nevada. There have been approximately 4,708 PL license plates issued in the State of Nevada. Chairman Wright said the license plate money is still not being used because we need to have a clear record of how this money is used for the intended uses. Vernelda said this funding is like a grant because you can only use it for certain items.

Erin Calvin, Chief of Police, discussed the court revenue funds and using it for fuel costs. Their fuel line item is already at 75% of the amount allocated. Chairman Wright stated the revenues that have been collected have been in reserve. We will be working with Contracts and Grants on a couple of the grants to determine if the grants are going to be closed and there may be a possibility to accommodate Chief Calvin's request.

Vice Chairman Eben said when the budget was presented for this year, four people were budgeted for two centers and IHS regulations state there has to be a ratio depending on the age of the children. The grant from the Child Care Development Fund was in the amount of \$50,000 which is already spent. There are three months to go before the next grant is received. The Tribe gave the program \$10,000 and there was a projected amount of \$30,000 in revenue. We are only at \$8,000 of revenue for the year.

It was requested by the Appropriations Committee that they develop a three month budget to see how much is needed. The Committee had not seen this budget that is being presented. Vice Chairman Eben said she met with Cheryl Ewing, Day Care Coordinator, and it was determined that the amount needed until the next funding year is \$60,000.

Chairman Wright asked if this was a conservative budget and Cheryl replied that it was very conservative. Councilmember Mendes suggested this budget be presented to the Appropriations Committee to determine if there is funding available. Chairman Wright said there is a possibility of using Docket 87B funds.

Councilmember Garcia said last year there discussions on the cut that was made. He asked if there were reports done. Chairman Wright said he thinks everyone ended up in the black. After the 20% budget reduction, it had been said it should have been a 40% cut, but the Tribal programs did make it to the end of the year. This time last year, it was discovered the budget projections were way off.

Janet asked about a timeline for the day care budget. Chairman Wright said we will have to analyze the revenue first and to also speak with Fred Drye about using the Docket funds.

Councilmember Garcia said he had another question about cash flow, he doesn't know how much came in and when it comes in and are these generally reported to the Council. Robbin said she is working on getting a cash flow sheet and until she can figure out where we are today, she doesn't have a chance to see about six months ago.

Councilmember Garcia said we are all working to be a team, but right now the Council only gets paid twice per month and sometimes we are meeting four times per month. Time is valuable to everybody and the price of gas is continually increasing. He suggested being paid for the water meetings. Chairman Wright stated he would speak with John Jackson about a source of funding to pay for the stipends.

**Resolution for Authorized Individuals with Respect to the Tribe's Trust Funds:** Chairman Wright stated this resolution is changing the previous resolution which included Ralynn James. This resolution authorized the Tribal Chairman, Vice Chairman, and Tribal Comptroller to receive information and give instruction on the Tribe's trust accounts. Councilmember Jason Davis made a motion to approve the resolution. The motion was seconded by Councilmember John. Votes were 8 for, 1 abstention, and none opposed. **Motion carried. RESOLUTION NO. PL 45-08**

**Schedule Grievance Hearing:** The Tribal Council discussed the dates for holding a grievance hearing. Councilmember Judith Davis made a motion for the grievance hearing to be held at the Tribal Council meeting scheduled on July 18, 2008. The motion was seconded by Councilmember Servilican. Votes taken were all in favor, **motion passed.**

## ADJOURNMENT

A motion was made by Councilmember Frazier and seconded by Councilmember Janet Davis to adjourn the meeting. Votes taken were all in favor, **motion passed.**

The meeting adjourned at 7:50 p.m.

Submitted by,  
Gina Wadsworth  
Tribal Secretary

## PYRAMID LAKE PAIUTE TRIBAL COUNCIL REGULAR MEETING MINUTES July 2, 2008

**Members Present:**

Mervin Wright, Jr., Tribal Chairman	
Sherry Ely Mendes	Janet Davis
Gordon Frazier	Jason Davis
Johnnie Garcia	Judith Davis
Genevieve John	
Carla Eben, Vice Chairman	Clayton Servilican

## CALL TO ORDER

Mervin Wright, Jr., Tribal Chairman, called the July 2, 2008 regular meeting of the Pyramid Lake Tribal Council to order at 7:00 p.m. in the Tribal Chambers, Nixon, Nevada.

## OPENING PRAYER

Orville Barlese gave the opening prayer.

## ROLL CALL

Gina Wadsworth, Tribal Secretary, took roll call. Councilmembers Sherry Mendes, Janet Davis, and Jason Davis arrived at 7:25 p.m. and Vice Chairman Eben arrived at 8:05 p.m. All other Tribal Council members were present at roll call and a quorum was established for this meeting.

## APPROVAL OF AGENDA

Chairman Wright stated donation requests were received from Courtney Dunn and Lynsie Dunn and can be added under New Business. The Blackhawk contract can be removed from the agenda because John Jackson is still waiting to hear from Blackhawk's legal counsel. Dellard Henry submitted a letter to speak to the Tribal Council. Chairman Wright stated Dellard has filed an appeal on his case and the Tribal Council has a policy to not hear any open cases, however Dellard would still like to speak. This can be added under New Business. Marilee Teton stated she would like to address the Tribal Council regarding a housing issue. Karen Williams would like to address the juvenile accountability grant resolution. These items can also be added to New Business.

Councilmember Frazier made a motion to approve the agenda with the changes. The motion was seconded by Councilmember Garcia. Votes taken were all in favor, **motion carried.**

## PUBLIC COMMENT

Duane Dunn gave three papers on his qualifications from the BIA to Johnnie Garcia. He said no one from the Tribe has done anything for him and there are 20 individuals in the BIA that helped with an alteration. Duane said he wants to be working and he was told he was too old to work. He said there are Councilmembers who are lying. The Council will help out the police and why are there three cars sitting in the same area. They want the truth from individuals.

Michelle Ruize asked about the status of the complaints. She was told there was going to be a new complaint form done and it is unfair to the people because they have the same complaint and they are still waiting for answers. She spoke with Della John and was told to use the old form.

Chairman Wright responded that back in May the Council removed him from the Court issues and handed it to the Vice Chairman. We could only redirect this to her to determine what happened.

Marilee Teton said her husband filed a complaint and the judge has to respond and he is still there. Phelan Teton said they come here to complain because the Council is elected and should do something about it.

Shannon Rambeau said back in February she received a letter and wanted to know from Billie Jean what happened to the complaint. Billie Jean Guerrero, Human Resources Manager, said she did receive copies of the letters, but did not get the complaint. In Human Resources what they deal with as far as complaints, they come through as an employee grievance which is addressed in the personnel policies. As far as public complaints there is nothing within the policies that address it. Chairman Wright said what was asked in some of the complaints, such as reprimands or termination cannot be disclosed publicly because personnel is involved. The procedure adopted by the Tribal Council makes no reference or connection to the personnel policy, so when a complaint comes in, it goes to the department to address the complaint. If it is reported that a personnel action occurred, that cannot be disclosed.

Terrylee Sampson said she wrote a letter to the Personnel Committee about the court administrator. Prior to that, she followed the chain of command.

Carman Tobey, Jr., then read the Tribal Council's oath of office. He stated the Law & Order Committee should be dissolved except for Steve Wadsworth. The Tribal Council is responsible for the judges. Chairman Wright said based on the system that we have, it would have to go to Law & Order Committee. It's not constructive to criticize and complain on a specific person and it's not fair to the people if they can't be here to address anything.

Councilmember John said she has not seen the majority of the complaints being talked about and at least three Council members should meet with the Law & Order Committee to discuss the complaints and make a recommendation to the Council.

Councilmember John made a motion for three Tribal Council members to meet with the Law & Order Committee to review the complaints that have not been resolved. The motion was seconded by Councilmember Mendes. Votes taken were all in favor, ***motion carried.***

There was discussion regarding a time frame to accomplish this task. It was suggested 10 business days. Jolyne Sander suggested the complaints that were presented in December of last year should be the ones to handle first.

Terrylee Sampson said in the letter presented to the Council in May, they had also asked to have the Law & Order Committee investigated.

Chairman Wright asked the Council who would like to be on this committee. Councilmember Servilican said he would like to but he has family involved in the court system. Councilmember Janet Davis said no, she has a case in court. Councilmember Garcia said he will be meeting with Duane regarding his case. Councilmember John, Councilmember Frazier and Councilmember Jason Davis agreed to serve on this committee.

Ralph Copeland stated he would like to address the Tribal Council about two complaints with the court. He said his cases are settled. His first complaint is that the judge refused to hear all the facts in the case and the judge seems to apply Nevada laws to a Tribal case. His second complaint is the attorneys who are allowed to practice in the court. There needs to be safeguards in place for Tribal members.

#### **CONSENT AGENDA**

On the Consent Agenda are the Tribal Council meeting minutes for June 6, 2008 and June 18, 2008. Councilmember Servilican made a motion to approve the Consent Agenda. The motion was seconded by Councilmember Jason Davis. Votes were all in favor, ***motion carried.***

**HUMAN RESOURCES** – Billie Jean Guerrero: Billie Jean Guerrero, Human Resources Manager, was present to facilitate the interviews for the Social Services Director. This position was advertised from May 8 to June 11. Screening interviews were held and two finalists are recommended for the final interview before the Tribal Council. They finalists are Ronald Pavelko and Loralie Miller.

Councilmember Judith Davis made a motion to move into an executive session to conduct the interviews. The motion was seconded by Councilmember Garcia. Votes were all in favor, ***motion carried.***

The Tribal Council moved into an executive session at 8 p.m.

A motion was made by Councilmember Janet Davis and seconded by Councilmember Jason Davis to move out of executive session. Votes were all in favor, ***motion carried.***

The Tribal Council moved into an open session at 8:50 p.m.

Chairman Wright announced that Ronald Pavelko was selected for the Social Services Director.

#### **UNFINISHED BUSINESS**

**U.S. Geological Services:** Chairman Wright reported that Larry Benson sent a response to the questions that were raised at the last meeting. Ben Aleck was present to answer any questions on behalf of the Visitors Center. A response was also received from the Environmental Department. Councilmember Jason Davis asked Ben why he thinks this is a good idea and if he can safely say that they will not release anything that is harmful or dangers to the Lake while they are coring. Ben said it will be a 2-inch core and it will be low-impact by using hand tools. Councilmember Jason Davis said his question was what is the safeguard that they won't hit anything or core anything that could be a pollutant. Ben replied that they can't foretell what is under there. The positive side is that they are going to be looking at climate change over a long period of time. They can tell by the coring about plant life and drought years. Councilmember Jason Davis said he knows what they are looking for, but what is the

difference between coring in the Lake versus coring outside of the Lake. There are no safeguards especially when they don't know what is under there. Ben said there was another study done previously on the tufa and the work they did was important for the Tribe to have. Ben suggested having an employee from the Environmental Department to also be out there when they are doing the coring to test the water. Councilmember Jason Davis said his concern is the impact on the Lake.

A motion was made by Councilmember Jason Davis to deny the request until further information is received. The motion was seconded by Councilmember Judith Davis. Votes were 3 for, 6 opposed, with no abstentions. ***Motion fails.***

Councilmember Mendes suggested that there could be a waiver in case they hit something and we don't hold them responsible if they get hurt and we hold them responsible if they tap into something that could have been left alone.

Councilmember Mendes made a motion to approve the request from the U.S. Geological Services including an agreement that they will not hold us liable and we hold them liable if they release something into the Lake. The motion was seconded by Councilmember John. Votes were 6 for, 3 opposed, with no abstentions. ***Motion carried.***

#### **NEW BUSINESS**

**Ely Shoshone Tribe Request for Donation:** A letter was received from the Ely Shoshone Tribe requesting a donation for their annual pow-wow. Councilmember Jason Davis made a motion to donate the group rate for the Ely Shoshone Tribe. The motion was seconded by Councilmember Servilican. Votes were all in favor, ***motion carried.***

**Courtney Dunn and Lysie Dunn:** Courtney Dunn sent a letter requesting a donation to help pay for an entry fee and cost of travel to play in the NSA B Division World Series Tournament in Gardnerville, Nevada on July 12-19. Courtney will be playing on the Fernley Dynamite 10 and Under softball team. Lysie Dunn also sent a letter requesting a donation to help her with expenses to the same tournament. Lysie will be playing on the all-Indian women's 18 and under team. Councilmember Frazier made a motion to donate the individual rate for Lysie and Courtney Dunn. The motion was second by Councilmember Janet Davis. Votes were all in favor, ***motion carried.***

**Dellard Henry:** Chairman Wright said an appeal was filed on Dellard Henry's recent court case and it is now considered an open case. Mrs. Dellard Henry said she is asking Chairman Wright, personally, why he was in Tribal Court. Chairman Wright replied he has the responsibility to conduct business on behalf of the Tribe. Mrs. Henry said she has a memo from Carman Tobey, Jr., that was presented to the Tribal Council on May 2, 2008.

Vice Chairman Eben stated that if the Tribe has a case against an individual, the Tribal Chairman should be there. It was asked if the Chairman had a case in Tribal Court and Chairman Wright said he signed a complaint on behalf of the Tribe because it is a business matter of the Tribe.

Mitch Tobey said they want to hear what the Council is going to do about the Chairman who was in court.

Albert Phoenix addressed the Tribal Council. He said there are a lot of complaints and when there are complaints, there is a problem. It has to be dealt with. He said when people talk to him, he tells them to put it in writing to get something solved. This applies to management also.

Councilmember Janet Davis asked what they are asking for and it was stated they wanted to know why Mervin was in the Court. Councilmember Mendes said she thinks they are asking the Tribal Council to follow through on what was said. The Council put the Vice Chairman in place to represent the Tribe and that is how it should have been.

Chairman Wright said this matter is at the appellate level and the issue being discussed, as far as this governing body is concerned, the Council has to deal with it. Terrylee Sampson said she thinks the people want a reprimand and Carla should be going down there to care of it. Vice Chairman Eben said she has a meeting scheduled with the BIA and to go over the previous reports to determine what has been done and what has not been done.

Councilmember Mendes said they should probably get legal clarification on who can represent the Tribe in court. The Vice Chairman is probably not the person who can legally represent the Tribe. If he is legally bound to be there, then he should probably be there.

Chairman Wright then read the motion from the May 2<sup>nd</sup> meeting, "Councilmember Jason Davis made a motion to remove the Tribal Chairman from judicial matters and move supervision of the judicial department to the Vice Chairman. The motion was seconded by Councilmember John. Votes were 7 for, 0 opposed, 2 abstentions. Motion carried."

Councilmember Janet Davis said that no one from the Tribal Council should be in the court and it should be the person who initiated the charges to be in court. This may alleviate a lot of the problems.



Dellard stated he had submitted a land assignment application but was denied. Jolyne Sander stated that Dellard had asked Kim Dunn for a map and did not complete the application. The Tribal Council had placed a moratorium on the lands that were acquired through PL 101-618 and she had given this information to Ethel Henry. If they would like to submit an application, they are welcome to do so.

**Marilee Teton:** Marilee Teton and Phelan Teton were present. This is regarding their son Jess Teton's home. A fire extinguisher exploded in his home on April 22. On April 28 Amerind sent the claim to Christine John and in the acknowledgement stated "please take precautionary measures and cover the damaged areas to avoid further damage to the unit and to avoid bodily injury." Jess was informed he did not have to make a house payment because he was not living in the home. On May 30 a letter was sent to Jess demanding a house payment. On April 29<sup>th</sup> Christine signed off on settlement payment knowing there are existing problems in the house. Marilee stated that Jill Mix took Jess' house payment out of the MEPA account without preauthorization.

Marilee stated she and her son are allergic to the dust and they are under a doctor's care. The Housing will be bringing in a professional cleaning company to clean the house. They are asking for a donation from the Tribe to help pay the \$1,000 deductible for his own insurance. They have been asking for documentation from PLHA and haven't received anything. The fire extinguisher that exploded was a recalled extinguisher.

Chairman Wright asked Councilmember Judith Davis if Christine had responded to the claim. Councilmember Judith Davis said Christine did not mention waiving the house payment or taking it out of the MEPA account. The Board did tell them that if they can't check under the carpet, it will have to be replaced.

Marilee stated they want to know what the Amerind insurance covers and they are also asking for a donation for Jess' insurance deductible. Councilmember Janet Davis made a motion to donate the individual rate to Jess Teton. The motion was seconded by Councilmember Frazier. Votes were all in favor (Councilmember Servilican out of the room during the vote), **motion carried**.

**Juvenile Accountability Grant:** Michelle Ruize said she spoke with Jackie Larks a long time ago and on September 9, 2005 the Tribal Council discussed the budget for this grant. The Tribal Court received the Tribal Assistance grant in the amount of \$297,500. This was the Juvenile Accountability grant to establish a juvenile court. This grant would hire a Tribal juvenile prosecutor and defense advocate, juvenile judge, and court clerk. This grant ends August 2008. She wants to know where the services are for this grant and if there are no services, where did the funds go. Michelle said she wrote to the Council in February to ask for the general ledger. She didn't receive a response so she got the general ledger on her own. This is a very serious matter because on June 6, 2008 the Tribal Council voted on a resolution to apply for the grant again.

Michelle said the Council needs to check out what is going on in the Court. In reviewing the general ledger, this grant pays for adult court. Also, she noticed there are dates that include Saturdays. The date on the general ledger is March 6, 2008. It looks like the Tribe pretended to use these funds and perpetrated a fraud. This needs to be investigated.

Chairman Wright said this is one of the grants that is currently being audited. There are a lot of compliance issues they are catching up on. There are a wide range of grants that have reporting and compliance issues. The Vice Chairman had been informed and there is an effort to make sure that all of the reports are being submitted.

Councilmember Mendes asked Vice Chairman Eben to meet with the Grants Administrator to review the grant to make sure the programming matches the grant. It is not clear to the Tribal Council whether or not we are in compliance with the grant. Chairman Wright said the responsible person will review and analyze this grant. Councilmember Mendes said she would like a report back from Vice Chairman Eben on grant compliance. She would like to see this report by the next Council meeting.

**COMMITTEE/DEPARTMENT ACTION REQUIRED**

**Enrollment** – Carol Smith: Carol Smith, Enrollment Officer, was present with three items for Tribal Council action.

**Nine (9) Applications for Regular Membership:** Carol stated the Enrollment Committee is recommending approval of nine applications for regular membership. Councilmember John made a motion to approve the nine applications for regular membership. The motion was seconded by Councilmember Janet Davis. Votes were all in favor, **motion carried**. **RESOLUTION NO. PL 46-08**

Chairman Wright then read the names of the new members: Anthony Albert Martinez-Brady, Maria Magdalena Brady, Raul Mario Charbonier, Gracie Samira El-Chammas, Hailey Jeanette Frost, Monte Eric Heredia, Alexa Gabrielle Ortega, Gene Elijah Spight, Jr., and Gina Marlene Vera Spight.

Carol reported that with the new members there is a total of 2,729 enrolled members and 334 deceased members and the actual living membership, as of today, is 2,395.

**Confidentiality Policy Amendment:** The Enrollment Committee is recommending approval of the amendment to the Confidentiality Policy. The main change is regarding the records of adopted children. Carol said the BIA is requiring a policy be in place. Councilmember John said on Section 16, the security of information on adoption cases, she said usually the natural birth certificate is not available, is there another document that is acceptable. Councilmember John said it states "shall be required to produce a birth certificate." Carol said it can be reworded so they match and it should be in compliance with what is included in the Ordinance. Councilmember John made a motion to table the amendment to the Confidentiality Policy. The motion was seconded by Councilmember Jason Davis. Votes were all in favor, **motion carried**.

**Card Issuance Policy Amendment:** Carol said the last amendment to the Card Issuance Policy was done in 2006. This current amendment reinstates the fee schedule. Councilmember John said on page 2 of 4, it should probably state "this is to certify that the official records of the Pyramid Lake Tribal Enrollment Office confirms..." rather than "confirm." Also, it should state "This card is the property of the Pyramid Lake Paiute Tribe." Councilmember Janet Davis made a motion to approve the Card Issuance Policy with the changes. The motion was seconded by Councilmember Servilican. Votes were all in favor, **motion carried**. **RESOLUTION NO. PL 48-08**

**Committee Vacancies**

**Gaming Commission:** The Gaming Commission has two vacancies and there are two individuals interested in serving on the Commission. The individuals are Elwood Lowery and Alana Lowery. Councilmember Jason Davis made a motion to appoint both applicants. The motion was seconded by Councilmember Servilican. Votes taken were 8 for, 0 opposed, with 1 abstention. **Motion carried**.

**Personnel Committee:** The Personnel Committee has one vacancy and there are three individuals interested in serving on the Committee: Lesley Williams, Cheryl Hicks, and Gina Wadsworth. Ima Scott (in the audience) stated she was interested in serving on this Committee. The Tribal Council then voted by ballot. Lesley Williams received zero votes; Cheryl Hicks received 1 vote; Gina Wadsworth received 5 votes; and Ima Scott received 2 votes. There was one ballot with two votes. Gina Wadsworth was appointed to serve on the Personnel Committee.

**Correction to Tribal Resolution PL 19-20** – Gina Wadsworth, Tribal Secretary: The Secretary submitted a resolution to correct Resolution PL 19-20. It was recommended by Fred Drye to make the correction through a resolution. Councilmember John made a motion to approve the new resolution to correct PL 19-20. The motion was seconded by Councilmember Mendes. Votes were all in favor, **motion carried**. **RESOLUTION NO. PL 47-08**

Councilmember John said she reread the Constitution and Bylaws and she doesn't agree with the interpretation of the Treasurer. She was appointed as the Tribal Treasurer, but she doesn't feel she has been doing what needs to be done according to the Constitution. She realizes that she was appointed in name only; however we still have the Constitution that lists what the Tribal Treasurer should be doing. She will work with Chairman Wright to see how she can comply with the Constitution's directive.

**ADJOURNMENT**

Councilmember Frazier made a motion to adjourn the meeting. The motion was seconded by Vice Chairman Eben. Votes were all in favor, **motion carried**.

The meeting adjourned at 11:30 p.m.

Submitted by,  
Gina Wadsworth  
Tribal Secretary

<b>Pyramid Lake Board &amp; Committee Scheduled Meetings</b>	
<b>Tax Commission</b>	<b>1<sup>st</sup> Tuesday</b>
<b>Cattlemen's Assoc.</b>	<b>1<sup>st</sup> Monday</b>
<b>School Board</b>	<b>2<sup>nd</sup> Tuesday</b>
<b>Personnel Committee</b>	<b>2<sup>nd</sup> Wednesday</b>
<b>PLF Board</b>	<b>2<sup>nd</sup> Thursday</b>
<b>Law &amp; Order Committee</b>	<b>1<sup>st</sup> Tuesday</b>
<b>Enrollment Committee</b>	<b>3<sup>rd</sup> Tuesday</b>
<b>Higher Education Committee</b>	<b>1<sup>st</sup> Wednesday</b>
<b>Land &amp; Resource Committee</b>	<b>4<sup>th</sup> Monday</b>
<b>PLHA Board</b>	<b>3<sup>rd</sup> Tuesday</b>
<b>Economic Dev. Committee</b>	<b>Last Tuesday</b>
<b>Inter-Disciplinary Team</b>	<b>1<sup>st</sup> &amp; 3<sup>rd</sup> Tuesdays</b>
<b>Tribal Council</b>	<b>1<sup>st</sup> &amp; 3<sup>rd</sup> Fridays</b>

**For more information, contact (775)574-1000**

**PYRAMID LAKE PAIUTE TRIBAL COUNCIL  
SPECIAL MEETING MINUTES  
July 16, 2008**

**Members Present:**

Mervin Wright, Jr., Tribal Chairman	
Gordon Frazier	Janet Davis
Johnnie Garcia	Jason Davis
Genevieve John	Judith Davis
Sherry Mendes	
Carla Eben, Vice Chairman	Clayton Servilican

**CALL TO ORDER**

Tribal Chairman Mervin Wright, Jr. called the July 16, 2008 special meeting of the Pyramid Lake Tribal Council to order at 6:05 p.m. in the Tribal Chambers, Nixon, Nevada.

**ROLL CALL**

Gina Wadsworth, Tribal Secretary, took roll call. Councilmember Judith Davis arrived at 6:08 p.m.; Councilmember Janet Davis arrived at 6:10 p.m.; and Councilmember Jason Davis arrived at 6:20 p.m. All other Tribal Council members were present at roll call and a quorum was established for this meeting.

**APPROVAL OF AGENDA**

Councilmember Servilican made a motion to approve the agenda. The motion was seconded by Councilmember John. Votes were all in favor, ***motion carried.***

**NEW BUSINESS**

**Water Resources** – John Jackson: John Jackson, Water Resources Director, gave an update on the irrigation program. They have used 41% of the water entitlement and 50% at Proctor ditch and Herman ditch only used 1%. The problem they are running into right now is that the infrastructure is failing. Herman dam is in disrepair and there is not enough water to irrigate the Urrutia and Depaoli ranches. The pumps aren't working at Olinghouse 3 and needs to be rebuilt. Herman dam and Felnagel ditch need to be repaired. They are looking at ways around all of these repairs and budget modifications are being done to move money around to do the emergency repairs. These are all over 40 years old and the costs will continue to increase every year. The total amount needed is approximately \$20,000 for the repairs. He said the Tribal Council needs to keep it in mind on how to structure this. The BIA has not funded the program for about 10 years and the General Fund has not funded the program for two years. The program receives only \$3,000 per year in irrigation fees and the program costs approximately \$45,000 to operate.

John said the Water Resources contract was cut from \$250,000 to \$50,000. The BIA funded the program this year, but they also pay the TROA implementation costs to the Federal Water Master and TCID O&M fees for the WRAP program. John said next year will be a tough year. Every year they fix Hermann dam and it usually costs between \$2-3,000 each time.

**Water Team:** Bob Pelcyger, Ali Shahroody, and Don Springmeyer were present. Don reported on the Dodge Flat appeal and mitigation and distributed a map that shows the offer from Vidler/Nevada Land and Resource Corporation (NLR). The mediation was held in Carson City last week with a Supreme Court appointed mediator. John, Ali, and Don were representing the Tribe. Also attending was the State Engineer with attorney Mike Walls and NLR people and attorney were there also. Paul Taggart from Fernley was in attendance as an interested party.

At the last meeting the Tribe's position was half of the water granted to NLR under the ruling and all of the land owned by NLR on Dodge Flat of approximately 2,300 acres of land and 1,430 AF total water. We proposed the Tribe would receive 714 AF. Vidler's last position was the proposal to settle by turning over 508 acres to the Tribe and 145 AF of the water which is about 10% of water granted through permit. The mediator asked Don to bring this proposal back to the Council tonight and report back tomorrow.

The side features of the proposed settlement are significant. The Tribe would have to drop the appeal of the ruling and we would have to withdraw existing protests to their application to change the point of diversion and place of use and we would agree not protest extension requests they may file in the future. The additional condition the Tribe asked for was that the State Engineer and the Tribe agree on a way to revise the ruling or the orders in some way so as not to have an adverse legal impact on ongoing legal positions, mainly groundwater-surface water connection. This requires the State Engineer to participate and administrate. This may be a sticky part. The water team has difficulty seeing how that can be accomplished with a high degree of certainty so the Tribe's legal positions about groundwater-surface water connections and underground reserved rights are not adversely impacted by the ruling (inaudible). There is internal debate on what to recommend to the Tribe.

Chairman Wright asked who is making the proposal, Vidler or the State Engineer. Don said this was a proposal from Vidler. Councilmember Servilican said it doesn't seem like the Tribe is protected very much. Don said they want the Tribe to agree up front and if we are not okay with that, then we should not agree with it.

Ali said Fernley has also made an application in the same location, within approximately a ½ mile of the Truckee River near Fernley. There are 3 change applications from NLR to move their water from Dodge Flat to the location southeast of the Truckee River.

Don said there are several different things the Tribe can do: 1) say no, we are going to go ahead with the appeal and we're not interested in a settlement; 2) give some variation of an amount of water and we want our legal position protected; 3) or a variation to pay the Tribe the money that would be equivalent to the amount of AF of water when it is being sold; and 4) persuade the Tribe about the legal point and if we agree, we would make another proposal. There are different possibilities to consider.

Bob said the case involves two important legal issues which the State Engineer ruled against the Tribe and in which the State Court affirmed that the State Engineer and (inaudible) going to the Nevada Supreme Court. One issue is the relationship between ground and surface water under Nevada law. The State Engineer had stated that under Nevada law they are separate and distinct and always have been. The Tribe disagrees with that. The same issue is front and center in all of the cases we have in the Upper Carson and the Tracy Segment. The other issue has to do with the Tribe's right to groundwater because we were using 3,000 AF of water from the same groundwater basin which is more than the recharge. These issues are on appeal to the Nevada Supreme Court.

The concern is that if there is a settlement, then it means it won't go to Nevada Supreme Court and if, as a result of the settlement, those decisions of the Nevada State Engineer and the State Court become final, then under this doctrine the Tribe would be barred from raising that issue again and bound by the result of that decision in other litigation. This issue is beyond the Tribe and Vidler/NLR because it involves the State Engineer. Bob said it is paramount and finds it is hard to see how there could be a resolution in a way that would not be potentially harmful to the Tribe. This issue was raised with the mediator. Bob said he doesn't see a viable solution.

Don said his advice is to keep the ball rolling if there is no harm to the Tribe and by making a counteroffer that is explicit on them persuading us of the certainty of the protection of the legal position, we lose nothing because if they don't, we decide we are not persuaded and that's the end of it and we forge ahead with the appeal.

Councilmember Servilican said he would like to see us getting more water than what was proposed. Don agreed and if the Tribe was to make a counteroffer he would say something higher. Councilmember Jason Davis asked if the Tribe had applied for the groundwater and Don said yes and it's still pending. Councilmember Jason Davis said if we already applied, we should wait or hold off as long as we can until we hear if we get it. Don said his thought is if the Tribe wins at this deal, the Supreme Court would send it back to the State Engineer and say it would have to be redone and take into account the groundwater-surface water connection or take account of the amount of water the Tribe says it was using. Councilmember Jason Davis said they are giving us this little offer and in reality we have the upper hand and we should be negotiating with them. It may end up the same way as Fish Springs and we should hold the strong hand.

Bob said the Tribe is using a substantial amount of groundwater from this basin and it's being used as municipal water in Wadsworth, also for the hatchery and there are some stock wells. The amount is 3,000 AF which greatly exceeds the amount determined by the State Engineer. It seems to him that if the Nevada Supreme Court says you have to take the Tribe's uses into account, it would affect the case because there would be no more appropriated water remaining. Most of the wells were drilled with money from the federal government. A principle attribute of a federal reserved water right is that is independent from State law and no permit is needed. The State Engineer said if there is no State permit, then he won't recognize it. With regard to the Tribe's applications they were filed under state law but those applications have never been acted upon and that power project no longer exists. There was the possibility of changing those applications for another use. Bob said he wouldn't put too much stock in those applications. Don said he would predict that the State Engineer argument would be that the Tribe has never, in any way or form, in any jurisdiction, asserted a right to a claim to those rights.

Ali mentioned that right now, NLR has permits in three locations and that is at issue in the Supreme Court. In looking at it in an engineering aspect, if they win at Supreme Court they cannot (inaudible) because they would have to get a right-of-way through the reservation. But they have change applications and may get approval.

Councilmember Jason Davis asked if it was crazy to send a letter to ask about the 50/50 deal that was first proposed. Don replied that there was a deadline in the letter and they never answered, so it expired. We won in the District Court on the appeal which gave us a stronger hand.

Councilmember Jason Davis said with the Fernley negotiations – does the Tribe have a hard number they are going to be charging Fernley for water rights and if so, is there a way to sit down with Fernley and possibly say we could give them a discounted rate

just to entice Fernley. Don said Fernley doesn't have any leverage for anybody or in the appeal. Chairman Wright said Fernley doesn't have any influence either way or it won't make a difference in what we are trying to do.

Councilmember Jason Davis said they are saying that don't recognize the water rights on the reservation, so if we set up our own well in the same location but on the reservation and tell Fernley we would sell water at a certain price then they wouldn't need to drill a well. Don said Fernley would then say they can't pay for the water because the Tribe doesn't have a clear right to that water.

Don said if the Tribe doesn't want to agree on to the change in point of diversion from Dodge Flat to the east side of the Truckee River, then we shouldn't go any further because this is a fundamental premise of their package. Ali said the offer was all of the land and half of the water and we didn't talk about the change application and transfer to that location. Chairman Wright agreed and said this is a new topic and if it doesn't fit, then it won't work. Don said there was no proposal from them before the mediation except back in 2004-2005. But Bob recalls that there was an implied assumption on their part that if the Tribe accepted the deal for half, it would involve not protesting them moving it somewhere else, but it was not specific to where they would move it. The mediation is the first time the parties were specific.

Councilmember Mendes said (inaudible) against our philosophy if we say we aren't doing to protest anything when it might turn into the exact same thing (inaudible) from Dodge Flat to the location near the River. She would suggest not doing that and it doesn't sound worth negotiating for.

Chairman Wright said a counteroffer was made and it sounds like we are not in agreement with option 2. Don said the three options are: 1) the Tribe withdraws the appeal to the ruling; 2) we don't protest or we withdraw our current protest on the change on the diversion; and 3) we don't protest any requests for extensions.

Chairman Wright said it sounds like we have to go back – Don interjected saying it sounds like the consensus is to go back and say no. Councilmember Jason Davis stated if we say okay let's proceed then it looks like we are hypocrites because we are fighting the Tracy segment.

*Legislative proposal:* Bob said there was a good discussion last month on the legislative proposal. He would like to concentrate on the meeting with Mary Conelly on Friday night. There are circumstances that have come together at the same moment and the key aspect is the Truckee Canal breach that happened in January. This opened up a new set of possibilities.

Then there is the criminal investigation with TCID operations which involve deliberate fabrication of their books in a way to calculate the water deliveries for the project. The purpose was to cheat so they would be entitled to water that could be used to repay the Tribe in the recoupment case. We know the Grand Jury has been leading the investigation since last March.

Another circumstance is the recoupment case pending in the 9<sup>th</sup> Circuit Court. In addition to all of these, the Bureau of Reclamation has initiated it's own investigation of TCID. Last month or so, there was a breach in the V canal which is a major canal in TCID's distribution in Fallon. This has come to everyone's attention that TCID doesn't maintain the project. If there is any thought of repairing the Truckee Canal, it would involve a lot of money and the question is where are they going to get the funding.

Bob said the question is - what do these circumstances mean for the Tribe and how can we take advantage of the opportunity that is presented. His opinion is that this would be the final solution to the major water issues at Pyramid Lake. By closing the Truckee Canal, it would result in an additional 80,000 AF going to Pyramid Lake.

Second would be to take advantage of the situation and there would be specific measures to require that Lahontan Valley interests drop all of their protests and their challenges so TROA can take effect immediately. The second major goal is to have a legislative package that would result in TROA taking effect much sooner; otherwise it could potentially prolong the process for a very long time.

The third aspect deals with the fundamental question of water quality. The ultimate solution would be to eliminate discharges of effluent to the Truckee River. These are all related and if you ask the Truckee Meadows Water Authority, Reno, Sparks and Washoe County about eliminating discharges, they will say they can't eliminate the discharges because they have to return the water so it could be used downstream by TCID because they have water rights and they have entitlement to return flows. If there is no Truckee Canal, then there is no requirement to return the effluent to the River.

Bob said he also reported to the Tribal Council about a preliminary conversation with Mary Conelly and Mary was very interested in meeting with the Council. She said Senator Reid has never supported decoupling the Truckee River from the Newlands Project, but now it's a different circumstance and she was going to talk with the Senator. Bob feels the next step is for the Council to meet with her and it would be extremely important.

Bob said he would like to talk about the meeting with Mary. He would recommend to the Tribal Council that they be prepared for this meeting. He suggested several items that should be discussed with Mary. First and foremost is to express appreciation for what Senator Reid has done for the Tribe and to emphasize that this is a very important time and we need a strong relationship with the Senator.

John said there are a lot of issues to bring up and he asked if Bob could prepare a briefing paper in order to summarize the items. He asked if a special Council meeting could be scheduled to meet with Mary. Chairman Wright stated he was not sure if she would be at Friday's meeting, but he did tell her that she would be first on the agenda. Councilmember Janet Davis asked if Mary would be available at a later date. Chairman Wright said he would contact her about a different meeting date.


Councilmember Frazier said he wanted to talk about housing and leases. There have been divorce cases and Tribal members losing homes. Chairman Wright explained that if a person pays off their home in the first 25 years, there is still 25 years on the lease. Councilmember Jason Davis said he just went through probate and it ended at BIA and they asked what interest the Tribe has. He said he told the BIA that the land assignment is given to the Housing Authority, so the house may be paid off, but the land still belongs to the Tribe. Chairman Wright said this will be discussed with Christine John at Friday's meeting.

#### ADJOURNMENT

Councilmember Garcia made a motion to adjourn the meeting. The motion was seconded by Councilmember Jason Davis. Votes were all in favor, ***motion carried.***

The meeting adjourned at 9:14 p.m.

Submitted by,  
Gina Wadsworth  
Tribal Secretary



**WESTERN APPRENTICESHIP  
COORDINATORS ASSOCIATION**

**Northern Nevada Building Trades Apprenticeship Programs**

The Western Apprenticeship Coordinators Association sponsors a number of free apprenticeship programs, as listed below, through its member organizations.

**Carpenters  
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Each program varies and specific details are available from individual apprenticeship coordinators. These contacts and general information are available from:

**Bob Alessandrelli  
Trades Apprenticeship Recruiter  
Western Apprenticeship Coordinators Association  
4535 Longley Lane, Suite 108 • Reno, NV 89502  
Phone: 775.825.6866 • Toll-free: 1-888.733.9222  
Web: [www.buildingtradejobs.org](http://www.buildingtradejobs.org) • Email: [info@buildingtradejobs.org](mailto:info@buildingtradejobs.org)**

This recruiting program is funded by the Western Apprenticeship Coordinators Association and the State of Nevada Commission on Construction Education. WACA apprenticeships are equal opportunity employment programs and auxiliary aids & services are available upon request to individuals with disabilities.

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