

Pyramid Lake Paiute Tribal Council

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PYRAMID LAKE PAIUTE TRIBAL COUNCIL SPECIAL MEETING MINUTES Tribal Chambers ~ Nixon, NV April 27, 2020

Members Present

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

Sherry Ely-Mendes, Vice Chairman
William Miller, Councilmember
Irwin Mix, Councilmember
Michele Smith, Councilmember
Georgina Wadsworth, Councilmember

Note: Due to COVID-19 Tribal Council meetings are closed to the public to ensure the health and safety of attendees. Councilmembers attended in person, keeping to 6-foot distancing, and via audio conferencing.

CALL TO ORDER

Tribal Chairman Anthony Sampson Sr. called the April 27, 2020 Special Tribal Council meeting of the Pyramid Lake Paiute Tribal Council to order at 5:11 p.m.

ROLL CALL

Roll call was taken by Brenda A. Henry, Tribal Secretary. Councilmember Mix arrived at 5:47 p.m. All other Tribal Councilmembers were present at roll call and a quorum was established for this meeting.

APPROVAL OF AGENDA

Councilmember Darrough left for an emergency call.

Chairman requested one addition to the agenda. Under Unfinished Business add #2. Approval to use funds from TTIP to cover cost of Road Closure. Sherry Ely-Mendes

Councilmember Harry made a motion to *approve the agenda with the changes*. Councilmember Wadsworth seconded the motion. Votes were seven (7) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried.**

UNFINISHED BUSINESS

1. Discussion/Approval to place Non-Essential Employees on Furlough.

Jill Mix, Comptroller, stated payroll is currently \$266,866 with \$125,000 of it for admin leave for the non-essential employees. The question now is whether Council wants to continue to pay \$125,000 bi-weekly for the non-essential employees. Councilmember Janet Davis asked why do we want to go this route. Ms. Mix said whatever we do it has to be across the board no matter what the status of the employee is. Right now, permit revenue is 26% of the tribal funded budgets and without permit revenue it will impact the Tribe down the road. Vice Chairwoman Ely-Mendes asked who made that rule, why can't the Tribe keep the ones on duty if they have the funding and then when it comes to it we can still keep the others on admin leave for another month. Ms. Mix said since they don't know how long this pandemic is going to continue and right now if employees are furloughed they will get the extra \$600 in unemployment that they might not get if the Tribe does it later. Vice Chairwoman Ely-Mendes said what she wanted to see tonight was the numbers for departments who coordinated with their funding agencies on whether they can work either on site or at home telecommuting. She would like to know exactly how many they would have to pay for. Ms. Mix said currently there are rules for grants and not everyone can work from home with the bad network connectivity on the reservation. Councilmember Harry said she thought they were going to get status on the break downs beyond essential and non-essential. That was the whole purpose of giving it back to the departments, who can work, who had grants, can they meet their objectives and this being a phase 1 to return to work not a straight furlough. Councilmember Janet Davis said if everyone is furloughed, that would be another expense because you wouldn't be getting any IDC off of them, how would that be managed. Councilmember Harry asked how would the drawdowns be done, every month, 3-6 months, she was hoping to see those numbers. Ms. Mix said the directive they received from Council was for HR department to work with the departments and to have them coordinate with their funding agencies which is the information they received tonight. Said there was no directive to her about indirect or other information she was to provide to Council. Vice Chairwoman Ely-Mendes asked how are we going to keep essential services for members, we're providing funds to help those in need now, essential programs like social services. Currently we have 4 cases on the reservation now and it indicates to her that we're in a period of ramping up. Councilmember Janet Davis asked if we received any CARES Act funding. Michael Guss, Contracts and Grants said yes, we have \$1.684 million that's been awarded from the CARES Act with the exception of \$99,000 from HHS Child Care Community Development Block grant, it's not clear that any of it could be used to pay administratively. He encourages Council to look at the long-term future of what's best for the employees and what's best for the Tribe. If we deplete tribal funds now, there may be harder decisions they'll have to make down the road. Ms. Mix said they were looking at keeping administrative leave for 1-3 months for grants and they can always, ask for a no cost extension. They already paid out 3 months of leave and the goals and objectives were not reached. There was a lot of reasons they came to the decision of furlough. Councilmember Janet Davis asked what exactly is the CARES Act going to pay for, she was under the impression it would reimburse for lost wages. She talked to other tribal entities and that's what they're using their funds for, is to pay for the employees they had on admin leave. Ms. Mix said the guidance tells you exactly what you can spend it on. You can't spend it on any funds that was already approved in the budgets. We've already approved the FY 2020 budgets. You can use it for PPE or on COVID expenses for the time period of March 1st until December 31st. Anytime you get any federal award there will be restrictions. This is for all Tribes, not just Pyramid Lake. These funds will not be reimbursed, the COVID funding won't cover pre-approved budgets, we can't replenish the Tribe's budgets with the funds. Lesley Hawley, HR Department, stated Douglas Williams, Executive Officer had indicated that the CARES Act would

cover a percentage of the admin leave. Ms. Mix said all Tribes are getting the same information on what they can and can't spend the funds on. Ms. Mix said Council just needs to decide, the numbers are not going to change, it will be \$250,000 to keep employees on admin leave plus benefits. No matter what decision is made they will be back to discuss because the Tribe's revenue is being affected. Councilmember Wadsworth said everyone will have an argument for their department on whether they furlough, the Executive Team did their job in determining non-essentials, it's a hard decision but it's something they have to do. Chairman Sampson said we need to find out how much funding we have available under the Tribe's 638 contracts and departments under grants, they don't know the amount of funding at this time. Vice Chairwoman Ely-Mendes said she doesn't think they're understanding each other on this. Ms. Mix said they have a budget approved for \$7 million, minus the tax funds because it's calculated by the previous year, it's already collected, minus the IDC because it's based on the indirect cost rate depending upon how much expenditures they have and its always salary, fringe and fringe other. She doesn't anticipate a huge drop because that's always the major expenditure. There's \$5 million they have to collect through the year to fund all the tribally funded programs. They made the revenue for the 1st quarter, she's not sure where they're going to be for the 2nd quarter because they don't have the lake revenue. 26% of the Tribe's revenue is based on lake revenue. For the 1st quarter they were in the black for \$321,000 for tribally funded programs. BIA doles out the funds for the 638 programs and they don't give all the funds at once. In March they received some of the funding but Tribal Court didn't receive much from it. Their recommendation is no big spending at the end of the year (departments holding onto funding for big purchases at the end of the year) and for those who have a tribal and federal award, they should stop spending tribal funds and only spend the federal funding. They have \$1.1 in Ramah funds but part of it is reserved for cannabis expenses, not sure how much it's going to cost but they budgeted for \$350,000. The 24-hour security at S Bar S is costly, last checked it was \$70,000. She's asking Council to decide and they can go from there. Councilmember Judith Davis asked if departments can still come in and check mail/email if they're on furlough. Ms. Hawley said basically furlough means they don't work; those duties would have to be taken care of by those still working. Furloughed employees would be violating the definition of furlough if they came to work. Donna Noel, Natural Resources Director, said most of her funding is through grants and she has projects that don't stop because of the Coronavirus. Her department is listed as non-essential. Betty Aleck, THPO, said her office is the same, activity continues. Vernelda Frazier, Tax Director, said for them to keep in mind if it has to be done for a month or so, we're not just looking at this year but next year also. Right now, they have less tax dollars collected in the quarter than last year. They have to look at next year also. Chairman Sampson Sr. said they looked into the governance of accessing the Economic Development funds for 2021 if they get sidelined with this year's revenue. Councilmember Judith Davis said she wasn't sure what numbers they would be bringing back that might be different but she knows when they made their motion to extend to the end of the month, that's why they wanted to come back tonight so they can give the employees a heads up. They knew last month when they made the motion to go on administrative leave that they might be looking at furloughing. Chairman Sampson Sr., said he recommends moving forward with a furlough. Vice Chairwoman Ely-Mendes said Transportation Planning is not on a grant or tribal funding. They have a program agreement with BIA federal highways, they received a certain amount of funding every year and it's downloaded into the bank, so the funds are already in the bank. Chairman Sampson Sr. said they will be looking at closure until July 31st and then re-evaluate. Councilmember Judith Davis said they are not only looking at furlough but also the health and safety in dealing with COVID-19. Ms. Noel asked if it would shut

down the irrigators. Ms. Mix said no they're still working. Natural Resources was added to essential workers. Dawna Brown, PL Health Director updated Council on her procedure, said they identified their essential and non-essential employees based on no child care, schools are out, and people who don't have direct patient contact. Her department will abide by the decision of Council.

Councilmember Judith Davis made a motion to *approve the recommendation of the Executive Team to furlough non-essential employees as identified by the 2020 COVID-19 Furlough Document provided by the Human Resources Department from May 4, 2020 to July 31, 2020. The departments are Realty, Museum, Child Care, THPO, Transportation, Transit, Lake Maintenance, Cultural Language, Enrollment, Recreation, Higher Education, and Lands Manager.* Councilmember Wadsworth seconded the motion. Votes were five (5) **for** and three (3) **opposed** (Janet Davis, Darrough and Smith) with one (1) **abstention** (Ely-Mendes). **Motion carried.**

Vice Chairwoman Ely-Mendes said she abstained from the vote because she believes they should do a furlough she doesn't agree on the way they're doing it. Councilmember Janet Davis voted no because there are departments that need to be working because of ongoing grants. Councilmember Darrough said she agrees with the comments of Councilmember Janet Davis.

2. Approval to use Funds from TTIP to cover cost of Road Closure. Sherry Ely-Mendes

Ms. Ely-Mendes said she spoke to the State regarding permitting and temporary closures on State highways, was sent an application to apply for a temporary permit. She completed the application and did an evaluation what it would cost the Tribe to hire an outside contractor which would be a little less than hiring people and getting the PPE. Transportations funds will cover the cost of the project, they used funds from the road widening project between Wadsworth and Nixon. The funds are just sitting there, they will close out the project and put it into the road closure project. To do this they need to get BIA to change the list of projects on the books. These funds are in the bank.

Councilmember Wadsworth made a motion to *approve the request from BIA to allow the Tribe to move funds from one project to another and to use those funds from the TTIP to cover cost of Road Closure.* Councilmember Judith Davis seconded the motion. Votes were eight (8) **for** and zero (0) **opposed** with one (1) **abstentions** (Ely-Mendes). **Motion carried.** **RESOLUTION NO.: PL 055-20 UPDATE – COVID-19 ROAD CLOSURE PROJECT**

The HR department would be available to assist employees when applying for unemployment benefits.

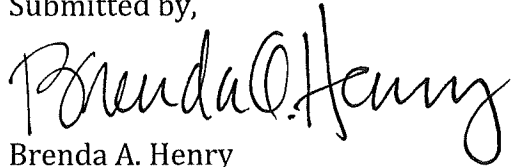
Councilmember Harry asked about changing her vote on the furlough because she had questions regarding the grants, she agreed on a furlough but believes there were a couple departments who could have stayed on. It was confirmed the motion would have to be rescinded and redone but the Chairman would have to vote to break a tie.

ADJOURNMENT

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

The meeting adjourned at 7:42 p.m.

Submitted by,



Brenda A. Henry
Tribal Secretary

CERTIFICATION

The foregoing minutes were adopted by the Pyramid Lake Tribal Council, governing body of the Pyramid Lake Paiute Tribe, at a meeting duly held on the 17th day of July 2020, having nine (9) members present, constituting a quorum, by the vote of eight (8) FOR and zero (0) OPPOSED, with zero (0) ABSTENTIONS.

Minutes attested and concurred by:



Anthony Sampson Sr., Tribal Chairman
Pyramid Lake Paiute Tribal Council

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