

Pyramid Lake Paiute Tribal Council

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PYRAMID LAKE PAIUTE TRIBAL COUNCIL SPECIAL MEETING MINUTES Tribal Chambers ~ Nixon, NV July 23, 2020

Members Present

Anthony Sampson Sr., Tribal Chairman
Janet Davis, Councilmember
Judith Davis, Councilmember
Carolyn Harry, Councilmember
William Miller, Councilmember

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

Member Absent Cassandra Darrough, 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 July 23, 2020 Special Tribal Council meeting of the Pyramid Lake Paiute Tribal Council to order at 5: 06 p.m.

ROLL CALL

Roll call was taken by Brenda A. Henry, Tribal Secretary. Councilmember Darrough was absent. All other Tribal Councilmembers were present at roll call and a quorum was established for this meeting.

APPROVAL OF AGENDA

Chairman Sampson requested the following change to the agenda:

1. Add under New Business #3. Approval PL Fisheries PL 93-638 Contract Aquatic Invasive Species Grant with Resolution. Dan Mosley, PL Fisheries Director
2. Add under New Business #4. Approval Resolution authorizing Chairman to send Email of Intent to accept \$150,000 in funding from Center of Disease Control (CDC) and to authorize Contracts & Grants to develop Scope of Work.
3. Add under New Business #5. Approval/Discussion Beach Closure due to Algae Bloom. Kameron Morgan, Water Quality Manager
4. Add under New Business #6. Discussion PLPT General Welfare grant Support Program .
Tanda Roberts

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

NEW BUSINESS

1. Discussion/Update/Approval Budget.

Benjamin John, Business Officer, asked what questions Council had because he thought at the last meeting they approved the budget. Councilmember Wadsworth noted it was the spending plan that was approved because the budget was already approved and they didn't have a resolution at that time.

Councilmember Harry said they have a deficit in the general fund and in order to make the decision of extending furlough, we need to know what the general fund revenue looks like, what we need to earn in terms of opening beaches. They can't make those decisions without really looking at the general fund budget. How much do we need to carry us through? Douglas Williams, Executive Officer, says \$1.9 million will be needed, that's if all employees will be coming back. Councilmember Harry commented we have to decide where do we need to modify so on December 31, 2020 we're going to be at a balanced budget where expenditures match revenue.

Vice Chairwoman Ely-Mendes explained the reason for the meeting tonight was to decide on whether to extend the furlough for employees. There was discussion at the last meeting but there was no decision made. She explained she wanted to make sure the buildings were retrofitted for safety before employees were brought back. Her concern was the employees on unemployment, if they had to go back on furlough it's a long and difficult process to get back on and she'd prefer not to interrupt their unemployment if they didn't need to. Are they able to cover all the services provided to the community? She thinks they are currently providing services by essential staff in the building. The Executive Team did provide them with their project plans for all the projects they want to complete and Council was good with it but they do need an update to assist them in the decision to furlough.

Mr. John said they, the Executive Team, talked about this subject earlier in the day. There are two different parts to this. The first one being the budget and the 2nd was the furlough and a plan for it. The air conditioning units are mounted on the roof of the admin building, they're sucking air from outside, there are no filters to change so air is not circulating from room to room it's coming from outside.

Councilmember Harry said it looks like we're at a \$235,000 deficit right now (from a hand-out received by Jill Mix, Comptroller).

Ms. Mix said regarding the furloughed employees, they're looking at seven (7) people because the rest are grant funded. Out of the seven, two positions can't be changed and they need them back, those two will be absorbed into their budgets. The third position won't be coming back according to the director (Parks & Rec), leaving four positions they will have to fund. They've created four jobs which they will offer to those employees and they will be paid under COVID for the remainder

of the year. It's up to those employees if they accept the position or not. Vice Chairwoman Ely-Mendes commented if they don't accept do they remain on furlough. Ms. Mix confirmed yes, they did that so they don't have to fund the two departments. The four people are from Parks and Recreation and the Cultural Department. They created the jobs and will make them comparable. Out of the funds they do have, they will have to come up with \$1.4 million, they have \$423,000 in Vidler, and \$52,000 in savings which totals \$276,000. Out of this, they have to come up with \$995,955. Vice Chairwoman Ely-Mendes commented that's if they bring employees back. Councilmember Wadsworth asked if there was funding in Ramah. Ms. Mix said there is but they're not going to obligate it because that will be designated to cannabis because they don't know when the litigation and expenses will end. If they eliminate Parks and Recreation and the Cultural department and those employees accept the positions they're offering, then they will have to come up with less funding. For Parks and Recreation, they would have to come up with \$69,000 and for Cultural it's \$86,000. The new positions would be in food and nutrition and one would be under a grant already awarded under CDC, managed under the EMS program. They still have to come up with goals and objectives for these positions. These two positions would be only eliminated for the remainder of the year. Mr. Williams said there were other positions they identified, the TERO director, EMS assistant, food distribution coordinator/assistant, beach monitor/supervisor, child care director and court administrator, these jobs can potentially be funded for the remainder of the year. The departments that are tribally funded that are furloughed, they have the option to offer those positions first to these employees then post. The EMS assistant and the distribution coordinator can continue past December 31st since they are grant funded. The two positions that would end on December 31st, are the beach monitor and assistant. Ms. Mix explained her spreadsheet handed out to Councilmembers, the revenue, the current budgets, the expenses and the amended amounts. The final amounts are what would be needed if they used Vidler and savings. Councilmember Harry asked if there was anything they could do to not dip into Vidler and savings because they don't have an idea what they will need next year. Ms. Mix stated if Council would give her an estimated date of when they'd open the lake then she could estimate revenue. If they bring everyone back they would tell them to take it easy on their expenditures. The Tribe is losing about \$130,000 a month in lost revenue at the old fee. If they use Vidler and savings, they will have nothing to fall back on. If they have issues next year they will have no safety blanket. Councilmember Mix asked about the tax department and their revenue, that is the Tribe's funds, they have CDs put aside, was that looked into? Ms. Mix said the tax revenue was included in the spreadsheet she provided to Council and they did look into them. Chairman Sampson Sr., said Council needs to decide on how they're going to move forward, if they don't move forward with the plan that's been put before them it will put them in the red for next year. Councilmember Harry asked if the Executive Team looked at reducing staff in the departments. Chairman Sampson Sr., said they did look at it but don't have a recommendation yet for Council. Ms. Mix said they're asking they decide to bring back the directors on July 27th and they have time to work with their supervisors and then bring back everyone else on August 10th. The directors would work with the Executive Team on how and what they need to make their departments work. Vice Chairwoman Ely-Mendes said with unemployment, if they decide that's not healthy and they don't want to come back until it's decided to end furlough, they come back or they get terminated. Ms. Mix said no, the position is terminated but they are offering them an alternative position, it's their choice to come back. Ms. Mix said if they terminate that position then they can get unemployment for the remainder of the year, if that's what the employee wants to do. They don't know if unemployment will continue to get the extra \$600, it's a chance the employee takes. Councilmember said

everyone else is granted funded, how about the Museum and Enrollment. Ms. Mix said Enrollment is already back at work, the Museum is tribally funded but they have a grant but they would have to work with the director because the grant didn't include the director's salary but it did include a new position. Vice Chairwoman Ely-Mendes stated the Executive Team is asking Council to end the furlough on July 31st, then they will work with the directors regarding returning to work or continue on lay-off status. They can continue to work in COVID status until the end of the year, stay on unemployment and come back on January 1 if they have the funds to support. The ones that are grant funded, do need to come back and spend out their grants or can they let them sit until January. Ms. Mix said the two big departments that are furloughed are Transit and Child Care. Transit just got a new award for the new year and Child Care already has one, if they don't come back then they would have to hire someone in their place to complete the duties. Councilmember Harry asked if on January 1st they bring everyone back where are the funds coming from? Ms. Mix said if COVID is still ongoing and the lake isn't open, all the positions who depend on permit revenues, they would have to eliminate departments, they will have to look at this seriously before they present next year's budget. Vice Chairwoman Ely-Mendes said they wouldn't be able to project the budget unless they open the lake and start making revenue. Councilmember Wadsworth asked for a confirmation on the 7 tribally funded departments. Ms. Mix confirmed the ones that will have to come back in their normal positions are Realty Maintenance and Lands & Resources. The other departments are Parks & Recreation, Cultural (2 positions) and Museum. Mr. Williams said they are looking at these departments now as opposed to looking at them in November/December on whether they can be funded. They would like to bring back the directors to work with them regarding the CDC guidelines and then having everything in place in September. They've already identified specific dates working with finance for specific dates for check requests for retrofitting supplies. Then those departments do have an option and if they still do feel unsafe then they can bring them in 2 days a week and still collect unemployment.

2. Discussion/Approval Furlough.

Mr. Williams said the Executive Team has two resolutions for Council to consider: one to terminate furlough and one to extend. Ending on July 31st, bringing directors back to prepare for staff to be back by September with CDC compliant areas. Because of those who are grants or indirect, they can't come back but the tribally funded ones, those will be presented with COVID jobs or jobs that are open now. Councilmember Harry had a question regarding Higher Education, the numbers represented \$ 149,000 budgeted \$68,000 was spent, but there's nothing in the 3rd column of what they need. Ms. Mix said she didn't put anything in there because she wasn't sure what Council wanted to do because they told everyone to spend their grants first to save funds. Yes, the budget was approved but because of COVID the budget has to be changed. Councilmember Harry stated Fall Scholarships would be in that column, the \$500 Tribal and Enrichment scholarships. Ms. Mix said if Council wants to fund this they can put the funds back in but they were trying to put on hold all tribal spending. Mr. Williams said in the General Support Program they're doing another grant for scholarships, he is currently working with Karen Shaw, Higher Education director to turn her currently application into a grant application. Vice Chairwoman Ely-Mendes said she needed to make it clear, they knew the reason for the furlough was to keep employees safe from the pandemic, they know at this moment they're no safer than they were a couple months ago regarding the pandemic, so they are offering employees jobs to come back under different jobs funded by COVID because they don't have tribally funded jobs they can fill

until December 31, 2020 or beyond a couple of months. That's a risk factor for them and they need to know the type of jobs they'll be doing and if decide if they want to come back. This is the reason to end the furlough for them. With grant funded programs who are strictly grant funded aren't on the list that have funds to come back to their concern is they need to spend their grants or is there concern they can't bring everyone back, she doesn't understand why they need to come back and this is a health-related closure and were not any closer to being healthy or the threat hasn't diminished at this point. What is the justification for them to ask employees to return? Ms. Mix said the only reason their trying to push the decision is because everyone was willing because the extra \$600 for being unemployed, now if they're going to start getting their regular unemployment she's pretty sure they will be complaining to the Tribe to come back to work. Vice Chairwoman Ely-Mendes said there's the risk of the decision they made to help to protect them from COVID-19. We can continue to uphold the intention to protect them by keeping them on Furlough. Employees may be saying they may be making a little less money on unemployment and they would like to come back to their job. This is not a mandate for them to come back, this is an offer for them to come back to make sure they're going to make it through without the extra unemployment. She's worried about the ramifications with unemployment for offering their jobs back.

Mr. John explained there were two parts to it, employees were furloughed for their health and safety but at the same time the lake was closed so there was no revenue coming in, so they had to stop tribal spending. Mr. Williams provided Council with two resolutions: one includes the proposed plan because they (Executive Team) keeps getting told Tribal Council wants to know when you're bringing people back and the other resolution is when they talked at the previous meeting about extending the furlough. Vice Chairwoman Ely-Mendes said her concern is if they're not ready and prepared for employees to come back, for example, people just walk in the door, they don't get stopped and get their temperature taken, so whether they're sick or not they just come in and go throughout the building. She needs to be sure they're ready to bring employees back. Mr. John said they are starting the retrofit tomorrow. Mr. Williams said for the month of August they will be dealing with the logistics. Ms. Mix said they will bring back a revised budget after the directors meet with the Executive Team, at that time they may have a more realistic number. They can also provide a resolution for a revised budget. Councilmember Harry asked whether committees can meet. Mr. Williams confirmed committees can meet, their stipends are paid out of governmental services.

Mr. Williams explained the resolutions. The first resolution is to extend and the second resolution was a collaboration between the Executive Team and Human Resources to end the furlough on July 31st and the Executive Team working with the directors.

Councilmember Wadsworth said they need to continue with the furlough only because the numbers keep increasing, they're now at 46 positive cases, she thinks it's unsafe still and people continue to travel. Councilmember Janet Davis also thinks they should continue with the furlough, they're not in a safe place now and she doesn't think it's good to bring back everyone until at least another month. With the budget, the all sat down and tweaked the budget across the board, she doesn't think it's fair the Executive Team on who comes back and who is cut. As directors, they value their input. Councilmember Mix said the Executive Team did ask the directors to come back and go over it with them to decide what they were going to with their departments. The Executive Team always came back to Council and was involved in changing it. He approves what they want

to do. Councilmember Janet Davis said, as an employee, they didn't know what percentage to cut from their budgets, they weren't told other than to think of a plan on how they were going to return. Judith Davis said they don't have numbers and they need to set a date as a Council for the departments to go forward. Right now, they haven't brought the revenue in, she would like to stay with the furlough instead of laying them off in October or November. October 1st would be a reasonable date to extend the furlough. Councilmember Miller agreed to extend the furlough to October 1st. Vice Chairwoman Ely-Mendes send if they extend the furlough can they advertise the COVID jobs or call in people who are on temporary call, of course they will have to wait for job descriptions before they off them out. Ms. Hawley stated the job descriptions will have to be processed by the Personnel Committee. Councilmember Wadsworth recommended extending the furlough and have the supervisors contact their employees to find out what they need from them.

Vice Chairwoman Ely-Mendes made a motion to *approve the resolution extending furlough to October 1, 2020*. Councilmember Janet Davis seconded the motion. Votes were eight (8) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried**. **RESOLUTION NO.: PL 047-20 EXTENSION OF FURLOUGH TO OCTOBER 1, 2020**

3. Approval PL Fisheries PL 93-638 Contract Aquatic Invasive Species Grant with Resolution. Dan Mosley, Pyramid Lake Fisheries Director

Mr. Mosely request approval for the Pyramid Lake Fisheries to enter into a PL 93-638 contract with the Bureau of Indian Affairs on behalf of the Pyramid Lake Paiute Tribe for the Aquatic Invasive Species Grant. The purpose is to conduct a Survivability Study of Quagga Mussels in Pyramid Lake water to determine the level of threat of the aquatic invasive species to the ecosystem of Pyramid Lake. The request was approved by the PL Fisheries Board.

Councilmember Judith Davis made a motion to *approve the Pyramid Lake Fisheries PL 93-638 Contract for Aquatic Invasive Species Grant with Resolution*. Vice Chairwoman Ely-Mendes seconded the motion. Votes were eight (8) **for** and zero (0) **opposed** with one (1) **abstention** (Smith). **Motion carried** **RESOLUTION NO.: PL 076-20 PL FISHERIES PL 93-638 AIS CONTRACT**

4. Approval Resolution Authorizing Chairman to Send Email of Intent to Accept \$150,000 in Funding from Centers of Disease Control and Authorize Contracts & Grants to Develop Scope of Work. Michael Guss, Contracts & Grants

Mr. Guss explained the Tribe was award \$79,580 to purchase personal protective equipment (PPE) and pay for 24/7 COVID hotline by the Centers for Disease Control (CDC) in April 2020. This week the CDC contacted the Tribe to inform us we can apply for \$150,000 in additional funding and there is no match required with full Indirect Costs paid. In a phone call with the Chairman, it was said the funding could be used for facility modifications, personnel and supply costs associated with providing food bank services to at risk populations. The CDC will also pay for food for the Fire/EMS staff because of their 24/7 hours. This expanded grant can pay for modifications to the Nevco building needed to purchase a floored walk in refrigerator, floored walk in freezer and shelving. It can also pay for personnel and travel to pick up food and deliver.

In order to qualify for this funding, the Chairman must send an email to the CDC by Tuesday July 29 indicating the Tribe is accepting the award, then we must submit an expanded Scope of Work by August 29th. His office will have the Scope of Work done by July 31st.

Councilmember Harry made a motion to *approve the resolution authorizing Chairman to send Email of Intent to accept \$150,000 in funding from Centers of Disease Control and authorize Contracts & Grants to develop Scope of Work*. Councilmember Mix seconded the motion. Votes were eight (8) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried RESOLUTION NO.: PL 048-20 AUTHORIZATION CHAIRMAN & CONTRACT AND GRANTS CDC**

5. Approval/Discussion Beach Closure due to Algae Bloom. Kameron Morgan, Water Quality Manager

Mr. Morgan, explained he wanted to follow-up with the results for the cyanotoxin results submitted to Bend Genetics. The cyanotoxin levels were so high that it took multiple days to re-run the tests to pinpoint the final concentrations. He was told by the laboratory manager, these were the highest he's seen that the Tribe should be cautious because the cyanotoxin levels are dangerous. Samples were taken from Block House Beach, Marina Beach, Separator Beach, Pelican Point, and south of Block House Beach. In the Tribe's Cyanobacteria Response Plan that was approved by Tribal Council in July 2017, if cyanotoxins are greater than 4.0, the beaches are closed. They are collecting another round of samples to be sent to the laboratory. In order to notify the public, he provided a couple options to Council: close beaches until they get test results confirming they're below 4.0, post closure signage at each beach, post warning to the Tribe's Facebook page not to swim in the lake if algae are present. Or post closure to the Tribe's Facebook page not to swim in the lake until further notice.

Vice Chairwoman Ely-Mendes made a motion to *approve the closure of the beaches of Pyramid Lake and to inform the Pyramid Lake public not to swim in the lake until further notice. For the Chairman to put the notice on social media and provide a live video update*. Councilmember Wadsworth seconded the motion. Votes were eight (8) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion Carried**.

6. Discussion PLPT General Welfare Grant Support Program. Tanda Roberts

Councilmember Judith Davis left the meeting for an emergency.

Vernelda Frazier, Tax Department Director, commented about bringing people back to work and opening the building. She was confused if the Tribe was going to bring back people and open the buildings at the same time or separately. Chairman Sampson Sr., confirmed they will be meeting with the director's first to formulate a plan on how to move forward safely and based on Tribal Council decision bring employees back on staggered days. Vice Chairwoman Ely-Mendes commented Tribal Council made the decision to keep the furlough in place, administratively, the Executive Team will work on a plan on how employees are coming back and whether and when we'll open to the public.

Due to possible personal information being divulged it was decided to go into Executive Session.

Vice Chairwoman Ely-Mendes made a motion to *go into Executive Session*. Councilmember Mix seconded the motion. Votes were seven (7) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion Carried.** *Council went into Executive Session at 6:58 p.m.*

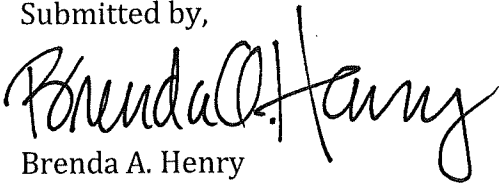
Vice Chairwoman Ely-Mendes made a motion to *go into Executive Session*. Councilmember Wadsworth seconded the motion. Votes were seven (7) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion Carried.** *Council came out of Executive Session at 7:30 p.m.*

ADJOURNMENT

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

The meeting adjourned at 7:31 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 7th day of **August 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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