

Pyramid Lake Paiute Tribal Council

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PYRAMID LAKE PAIUTE TRIBAL COUNCIL

SPECIAL MEETING

Tribal Chambers ~ Nixon, NV

May 11, 2020

Members Present:

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

Sherry Ely-Mendes, Vice Chairwoman
William Miller, Councilmember
Michele Smith, Councilmember
Georgina Wadsworth, Councilmember

Member Absent: Irwin Mix, 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

Chairman Anthony Sampson Sr. called the May 11, 2020 Special Tribal Council meeting of the Pyramid Lake Paiute Tribal Council to order at 5:06 p.m.

ROL CALL

Roll call was taken by Brenda A. Henry, Tribal Secretary. Vice Chairwoman Ely-Mendes arrived at 5:12 p.m. and Councilmember Darrough arrived at 5:21 pm. All other Tribal Councilmembers were present at roll call and a quorum was established for this meeting.

APPROVAL OF AGENDA

Councilmember Janet Davis made a motion to *approve the agenda*. Councilmember Smith seconded the motion. Votes were six (6) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried.**

UNFINISHED BUSINESS

1. Discussion COVID-19 Actions, Information and Updates.

Jill Mix, Comptroller, said on May 7th, the Tribe received \$14,829,364.44. She asked the Tribal Secretary to send out a poll because she got the signed 1034 back from the Chairman on Friday and she was wondering

if Council still wanted to use economic development money or if they were going to use a portion of the 14 million to give \$1800 to tribal members as a hardship distribution.

Councilmember Harry asked if they have any type of list of projects they wish to fund or a budget or are they meeting to develop it this evening.

Douglas Williams, Executive Officer, said it is from it from the guidelines that Treasury provided. He put the spreadsheet together with the budget and identified departments that could potentially use the funding. Some programs are medical expenses, public health department, law enforcement, judicial, facilities maintenance, EMS, payroll, human services, social services, and public utilities. Anything that was identified and is an allowable expenditure was put on the spreadsheet. These are departments that could potentially utilize these funds adjacent to the distribution, so tribal members are justified in the economics of the requests. If Council decides to do a distribution out of these funds, legal recommends they include a resolution.

Councilmember Janet Davis asked for clarification if he was talking about economic development interest funds or the Cares Act funds. Mr. Williams said he was talking strictly Cares Act funds. He was providing options.

Chairman Sampson Sr., said they are looking at how the Tribe needs to spend these funds, they have got to make sure it is tied back to the Cares Act. Along with this, they need to make sure everything has a resolution to cover the extended timeline to July 31.

Ms. Mix said the period to spending the funds is March 2020 to December 31, 2020 on COVID related items, and because they talked about it prior, they were going to use some of the 14 million as a grant to assist with hardships due to COVID-19, a general welfare grant. The funds are currently in the bank, so they do not have to wait for BIA to approve the ED funds.

Vice Chairwoman Ely-Mendes asked what the amount was they were thinking about distributing. Ms. Mix said it would be \$1800 dollars for 1,960 tribal members over the age of 18.

Mr. Williams said there is an option to increase the amount but understand they must subtract it from the 14 million and the RMA.

Vice Chairwoman Ely-Mendes asked with the estimates for supplies, equipment, administrative leave, and anything else, will it be covered under the 11 million and will there be enough to cover everything. They need to make sure we are solid at the end of the year. They also need to get something out informing the community. People are starting to get their stimulus checks through the mail and into their accounts, so it is going to be a good thing. There will be a shortfall beginning the new year due to the closing of the lake.

Chairman Sampson Sr. said they have been working out how to spend this money to help them get through December.

Mr. Williams said he put together a budget justification identifying the allowable expenditures and forwarded to the executive team for the administration to identify expenses incurred so far for COVID-19.

Ms. Mix said along with the \$14 million received and the \$968,000 from the Bureau of Indian Affairs they have \$15,000,798,364. One of the things she thinks the administration and tribal council should look at is internet access for the communities of Nixon and Sutcliffe. They were looking at applying for a USDA grant and with the Cares Act funds they would not have to wait for the USDA grant to be approved.

Councilmember Janet Davis said to use it there since it is covered under the COVID-19 funding, this virus is not going away.

Vice Chairwoman Ely-Mendes said Justin Greenberg was going to put in internet service in the Sutcliffe community but Michael Guss, Contracts & Grants, told him to wait because they were in the middle of this grant application and it would void their grant application, so he decided to hold off. She is sure he stands ready if they want to continue with it so they can take care of that community and they can take care of the other two. Something for them to consider.

Chairman Sampson Sr. said the funding they got from USDA was \$155,000, we would not be able to use the match to provide Sutcliffe and Nixon. With Wadsworth they would have to look at a different way because they already have service there. And we must look at how feasible that would be for them to move in that direction. Mr. Guss wants them to hold off on that project to see if they get the USDA funding but that is Council's decision to make.

Councilmember Harry said Mr. Greensburg also has an opportunity to apply for small business grants, because that is his business and that might be something, he is eligible for. In addition, there is a nonprofit funding agency here on the reservation. He is working with two tribal member women who are working with Microsoft. They are bringing in 40 to 50 computers. She thinks they are working with Parks and Rec to set something up in the parking lot.

Councilmember Janet Davis said they are still working on the specifics. They are concentrating on middle school and family houses for now. Everyone is having a hard time with laptops and accessing their lessons. They are also thinking about putting in hot spots.

Chairman Sampson Sr., they must be careful if they put hot spots out here, it is possible they can jeopardize the additional funding from USDA.

Councilmember Harry said there are Wi-Fi devices you can purchase, and they provide internet service without the need of line of sight. Service cost is about \$40 a month.

Vice Chairwoman Ely-Mendes said the Executive Team needs to go back and find out the timeframe for the grant, because the permanent fix would be awesome and then we would not have to worry about this if this ever happens again. Also find out from them if the emergency fixes we are doing is going to make a difference and get disqualified for the grant. They would need to know all of that before we decide about

what we are going to do with the funding. They should find out when they are going to make an award, get an award out, it is not going to be four months, ask them if we can take the short-term fixes as the COVID-19 resolution for the kids that are home and do not have internet. If it does not affect the tribe then she says go for it.

Councilmember Harry asked since they have done the furlough what departments are performing essential services?

Mr. Williams said essential services are identified or doing a work plan, a staffing plan and making sure they are carrying out essential services.

Vice Chairwoman Ely-Mendes said there are members who need to have their scholarships taken care of and who is processing these applications.

Benjamin John, Business Office, said he talked with Karen Shaw, Consolidated Higher Education director about this and she brought up all the points about the deadline for the applications. They worked on a timeline to complete tasks and the amount of time she would need to get these done. And this would give him a chance to talk with the executive team and the comptroller to identify the tribal plans. He thought all he had was the tribal funds for earmarking, which was to allow her to do the essential tasks that she had to do. Chairman Sampson Sr. said basically what she is hearing is all she must do is turn in a schedule so she can start processing what she needs for higher education. She does have 638 funding that pays the salary and has funding for higher education as well as making sure that the tribal dollars are still available for the program.

Vice Chairwoman Ely-Mendes said when somebody comes into work, we must pay them. And when we pay them, they are no longer eligible for unemployment.

Mr. John said if they work, they just report to unemployment they worked and do not get a check for that week. Chairman Sampson Sr. said her funding is 638 funding, so the funding is already drawn down for her to be able to provide the services.

Councilmember Janet Davis said she would not expect her to be going to unemployment every week when she works or not.

Mr. John said it is just like you are working on unemployment consistently. You go in and must record every week anyway. So, then the week that you got a paycheck you report you earn money and you just will not get employment that week.

Councilmember Janet Davis said it might disqualify her from getting funding under the COVID Cares Act. Lesley Hawley, HR Director, said only if she makes a certain amount.

Mr. Williams said this situation is a perfect example of why we do not have furlough across the board. Even if the funding is there people must come back and her agency is okay with paying her.

Councilmember Wadsworth said she would have like to have known this information when he made the recommendation. You should not have included everybody on that furlough list that you and the executive team developed. You should have put on there all these departments do not need to be furloughed. Council went off your recommendation to furlough all those departments and that is what they based their decision on.

Mr. Williams said at the last meeting when Councilmember Harry made her last motion, that is what he was suggested, after he received the report from HR showing all the departments that are funded by agencies that say they are allowing admin leave pay and that is why he said furlough across the board. The initial recommendation they made was suggested before they had the information, but once they had it, they made the comment that they did not have to furlough.

Councilmember Harry asked what is the solution for higher education?

Vice Chairwoman Ely-Mendes stated here is my scenario. Karen does not want to come back. She does not want to go off furlough and she had every right to shelter in place. If this is just the scenario, who is going to take those applications? Because somebody internally now needs to take care of that program.

Councilmember Janet Davis said she is concerned about the Tribe or anyone to be viewing all the personal information with higher education specifically.

Vice Chairwoman Ely-Mendes said they all signed confidential agreements, everybody should be able to view and process them. And if she says she wants to stay home, then they must accept that.

Chairman Sampson Sr. said she did say she would be able to telecommute.

Vice Chairwoman Ely-Mendes said then follow up with her because she wants to know when they leave this call, that somebody is going to be available to take care of that department.

Councilmember Judith Davis said she has two questions. One, she had the impression that if somebody were going to be laid off, their supervisor would step in and take over those duties. The enrollment office was shown as an example. The Tribal Secretary can step up and take over those extra duties. And secondly, are we only looking at higher education? Or are they going to look at the other programs that were laid off?

Vice Chairwoman said they should look at all of them, she agrees with Councilmember Judith Davis. They need to look at the essential programs that need to be done now, that cannot wait.

Councilmember Judith Davis said they leave a lot to the executive team, but right now, it does not seem like we have them here to give this counsel the guidance. So, when is the executive team coming back together again?

Chairman Sampson Sr. told him, and Ms. Mix are in everyday and Mr. Williams will be back on Saturday.

Councilmember Harry said they all left the last meeting with the understanding employees were furloughed and they understood certain departments would pick up the slack. Council was waiting for a list, so they can refer people to certain offices. That is how they left the last week with an understanding these essential services that were furloughed, were going to be covered by a different department. She agrees with Sherry that there is no definite confirmation of who is handling the higher education applications.

Chairman Sampson Sr. said higher education should be back online. He agrees with Sherry. It is workable that Ms. Shaw can come back in and work. But as far as the other ones are concerned, he believes the tribal council did not help identify the essential and non-essential. They are looking at bringing employees back by July 31st. And they are also looking at the Cares Act to see how they can utilize it in bringing employees back.

Mr. John said this is information (which was being scanned and copied for Council) they had when they met with everyone on the ranking and if they, the departments, contacted them and said something different, he knows nothing about it.

Councilmember Judith Davis said when they talked about COVID hardship distribution, they talked about it because they can get it out right away versus the economic development funds. And that is why they rescheduled that meeting.

Councilmember Harry asked were not they furloughed on May 1st? this is dated May 4th. Mr. John said May 4th was the starting date of the furlough.

Chairman Sampson Sr., said basically, there is nothing stopping the education director from getting all this stuff done.

Ms. Hawley said they were talking about specific personnel actions and she advised they should not go there.

Vice Chairwoman Ely-Mendes said they are looking for an alternative. What they want to know is if she does not come in who is going to take that responsibility internally.

Ms. Hawley said it is an action that can be rescinded at any time. So, if you determine that higher education or any other position needs to be returned to work, then it is a simple directive to return to work if we are returning them to their same position.

Vice Chairwoman Ely-Mendes said the best alternative at this point, is to figure out internally who is going take care of those duties.

Councilmember Smith asked if it would be an audit issue. Ms. Hawley said no because of COVID there would be extenuating circumstances. It will be if it continues into July, because we have already identified it, we have identified that there are funds to return that individual to work. There must be an outcome.

Councilmember Janet Davis said her concern is throughout this is for timely updates. And if we must come together every week to describe what is going on, even if it is for weekly updates. Every time we get anything it should be put out there for the community because we are getting fragmented information on the public website. We need to hire a PR person.

Councilmember Judith Davis said she thinks we need to have a call-in number for our tribal members so if they are sheltering in place, like they are supposed to be, and they need something, they can call into for assistance. Like if they need food, if they need diapers, if they need something where we can have access to and try to help them out if we can. Another concern is when people try to call the tribal office and they do not know somebody's extension, they are not going to get anybody.

Chairman Sampson Sr., said he is talked with Don Pelt, Emergency Services for a better emergency contact number as well. We would put both of those numbers out there.

Councilmember Judith Davis said to also have someone at the front desk from 8-12 just in case someone comes in and needs assistance.

Vice Chairwoman Ely-Mendes, speaking as the Transportation Assistant, said she wanted to update Council on the checkpoints. She put out a new advisory that day for tribal members and residents that they are no longer going to be giving stickers because apparently, somebody out there is selling the stickers online. They will have to bring their ID or driver's license and be waived through each time; they are going to honor the stickers that are out there right now. They have not had too many problems with regards to the tribal members other than they have not put the sticker on their windshield. She also put in the advisory they need to put that sticker on their windows. Vendors are allowed through. There are individuals that have exceptions, like we have a brother and sister that deliver food to their mother who lives in the trailer park. We have allowed them to go through and deliver food because they produced her information and her address. So, we are being accommodating, but not overly accommodating. And it seems to be working. She is taking calls that are going through the EOC and they are sending her phone numbers of those who have questions.

Councilmember Harry had an issue with the language on the notice, said it was a violation not allowing tribal members who do not live on the reservation access to the lake. Vice Chairwoman Ely-Mendes said if they have a tribal ID, they are being let through but if she would send the language, she would like changed she will change and reissue the notice to the public.

Councilmember Harry said they also must consider our homeless tribal members; the same theory of thought applies to them as well. Chairman Sampson Sr. said he talked to housing on this to see what they can do, and they have talked about bringing in different types of shelters during this time.

Vice Chairwoman Ely-Mendes said they do not have the type of homeless wandering around; they are usually home with family couch surfing.

Mr. Williams said in speaking with Ms. Frazier, Housing Director, they have been looking at alternatives also. With Cares Funding they can spend some of it on the homeless population.

Councilmember Judith Davis said the funds received for the Housing Authority through this COVID-19 must apply to COVID-19. It is not just to assist the homeless, and what Kathy was talking about was assisting those that tested positive. I just wanted to make that clarification. So, it is not like in an open pit, there is actual guidelines that must be followed.

2. Discussion Hardship/Stimulus Payments.

Councilmember Harry said they can distribute \$6,000 per tribal member and like Ms. Hawley said they just talked about how it is an economic hardship, they can do three payments of \$2,000. There are lots of options, she would like to see monthly stimulus payments.

Mr. Williams said they would like a motion to get that language going and then come the next meeting, working with legal we could bring forth the resolution, identify the amount, identify allowable expenses on why there is this economic support distribution, things like utility, rent, food, that will justify paying the amount. He thinks that is an amount identified.

Ms. Mix said if they are looking at \$6,000 for those over 18, it would be \$11 million.

Chairman Sampson Sr. said we have enough funding out of that \$14 million to carry us to the end of the year. We are also looking at how we are going to bring employees back and put them back to work,

Councilmember Judith Davis said she thought at the last two meetings they were told that you cannot use COVID funds for anything that was budgeted for in your 2020 approved budget. How can you pay salaries with COVID fund?

Mr. Williams said you cannot use for approved budgets, but you can use for services that are dedicated to mitigating and responding to maintain and establish emergency, those are allowable under the Treasury guidelines. Part of the actions to facilitate compliance module is identified as one of the programs to which we could use some of this funding for food delivery to our residents, seniors, and the vulnerable populations.

Councilmember Judith Davis said she understood the chairman was referring to the programs that are furloughed now and helping when they come back helping them through the rest of the year.

Chairman Sampson Sr. said they were trying to assess how they were going to move forward with all the services they were providing to the end of the year. Since there are certain guidelines, they need to follow

they have reached out to the attorney to guide them on how they are going to bring back employees and to continue to provide services, his concern was how they were going to get through the end of the year.

Councilmember Harry said they were clarifying if Ms. Thomas was on the call when she said they should wait they see what they will get for COVID before paying out and that has been clarified. She said \$2,000. Isn't a lot of money for members who are unemployed? She proposes 3 payments of \$2,000. Each, one payment now for \$2,000., one in August for \$2000., and one in December for \$2,000.

Councilmember Harry made a motion to *approve a distribution for \$2,000 each, one for now, one in August and another in December.* Councilmember Judith Davis seconded the motion. Votes were six (6) **for** (Judith Davis, Harry, Ely-Mendes, Janet Davis, Miller, Smith) and zero (0) **opposed** with one (1) **abstention** (Wadsworth). **Motion carried.** (Councilmember Darrough disconnected prior to this vote, time unknown)

Chairman Sampson Sr., said he understood what they are doing but he asks that they be given a little time to see how they will be able to bring people back and move forward, he is a little fearful of this decision. He brought forward numbers for Council to see and he is hoping the numbers come out to \$11.7 million and then looking at what they must do to make sure all programs have what they need to move forward and if it would be appropriate. He does not want the federal government coming back at the end of the year and saying they should have done this or that.

Councilmember Wadsworth said she abstained because she does agree that they do need to give funds to tribal members, but she thinks the amount is a bit too high. Her concern is what the total amount they may be able to get because they do not know for sure yet. They said at 60% but they do not know, that is the reason she is abstaining.

Chairman Sampson Sr. said he did not want to sound like he is opposing.

Councilmember Judith Davis said the reason she voted for it was because not all our tribal members are on unemployment. We do have tribal members that were working that may qualify for unemployment but not everybody does. Not all our tribal members out there got the stimulus payment. If they did not work in 2019 and 2018, they did not get a stimulus payment. And we do not have IGA anymore. This is our way I think of helping those members out. We are not only looking out for people that have a job that might be laid off, but we also need to look out for each one of our tribal members.

Councilmember Harry added to what the Chairman said about the un-predicted effects. The assistance helps with unknown impacts of our tribal members and the effects of COVID. This means that our members for the same reason that Judy said are not going to get money for the rest of the year. We do not know where this is going, and we do not know what is happening in the fall. We do not know what is going to happen to unemployment when COVID ends on July 31. At least this is assurance for our members for the rest of the year.

Chairman Sampson Sr. said he agrees 100%. He was not looking at the ones that are working. I am just looking at the services that we might have to shut down. This is a call for Council to make.

Councilmember Harry said its very subjective discussion right now, they have not been given a project list or a budget of the where the COVID funding is going. She personally would like to see quarantine trailers put up. But they have not seen anything. As far as what critical projects they need, they should have a budget now. What are the projects? what justifies it? She thinks this, lack of action alone, completely justifies why they could assist our tribal members to help them individually. Because tribally as a whole, they still have not seen a budget or projects or anything, which tells her it is not that urgent.

Regarding a distribution date for May, Ms. Mix said they would have to bring on Enrollment. Councilmember Judith Davis said she spoke with the Enrollment Officer and she said she was willing to come in and either comp her hours or whatever needs to be done to assist. Ms. Mix said they would have to inform the community on a timeline to update their addresses.

Mr. Williams suggested specific enrollment numbers and a date, he said they can have it ready for the next Council meeting. Enrollments numbers would be as of May 11, 2020 for membership. Mr. Williams will get Pilar Thomas, legal for assistance with the resolution.

Distribution dates May 25th-29th, August 3rd-7th and December 1st-4th.

All checks will be mailed. COVID funds would be used for postage.

NEW BUSINESS.

1. Minor Trust Update.

Chairman Sampson Sr. said from his understanding the trust funds are being hit due to the market.

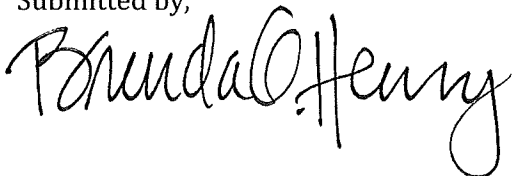
Brenda Henry, Tribal Secretary said she has not heard back from Breakwater, but her understanding was there were two minors whose funds were affected by this market. So, they were either going to get less than what was originally paid to all members, which was \$12,000. The question was whether we wanted to pay them that less amount based on the decrease in the fund or go ahead and just pay them the same amount that everybody else got. There is no action needed since they did not get back with us. She did provide a copy of Breakwater's contract to Council.

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 7:28 p.m.

Submitted by,




Pyramid Lake Paiute Tribal Council
May 11, 2020 Special

Brenda A. Henry
Tribal Council 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 4th day of **December 2020**, having **nine (9)** members present, constituting a quorum, by the vote of **eight (8)** FOR and **zero (0)** OPPOSED, with **eight (8)** ABSTENTIONS.

Minutes attested and concurred by: 
Anthony Sampson Sr., Tribal Chairman
Pyramid Lake Paiute Tribal Council

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