

Pyramid Lake Paiute Tribal Council

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RESOLUTION NO.: PL 152-21

FRF Water System Remediation Project

RESOLUTION OF THE TRIBAL COUNCIL OF THE PYRAMID LAKE PAIUTE TRIBE NIXON, NEVADA

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

WHEREAS, pursuant to the Pyramid Lake Paiute Tribe Constitution, Art. VI, Sec. 1(f), the Tribal Council has the authority to "administer any funds or property within the control of the tribe, to make expenditures from available funds for public purposes, including salaries or other remuneration of tribal officials or employees, such salaries or remuneration to be paid only for services actually authorized in a regular and legal manner and actually rendered"; and

WHEREAS, pursuant to the Pyramid Lake Paiute Tribe Constitution, Art. VI, Sec. 1(f) all such "expenditures shall be by resolution duly approved by a majority vote of the council, and the amounts so expended shall be a matter of public record at all times"; and

WHEREAS, pursuant to the Pyramid Lake Paiute Tribe Constitution, Art. VI., Sec. 1(m) the Tribal Council has the authority to "adopt resolutions regulating the procedure of the council itself and of other tribal agencies and tribal officials of the reservation"; and

WHEREAS, pursuant to the Pyramid Lake Paiute Tribe By-Laws, Art. VII, Sec. 1, the Tribal Council has the authority to determine just cause for aid and assistance to tribal members; and

WHEREAS, pursuant to the Pyramid Lake Paiute Tribe By-Laws, Art. VII, Sec. 2, the Tribal Council has the authority and responsibility to promote the education of the Tribe's children; and

WHEREAS, on December 19, 2019, a novel coronavirus now known as COVID-19 was first detected in China and has now spread globally; and

- WHEREAS**, on March 12, 2020, Governor Steve Sisolak by Executive Order issued a Declaration of Emergency for the State of Nevada; and
- WHEREAS**, on March 13, 2020, the President of the United States declared a national emergency regarding the COVID-19 virus pursuant to Sec. 501(6) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5207 (the "Stafford Act"); and
- WHEREAS**, on March 16, 2020, Chairman Anthony Sampson, pursuant to Tribal Council Resolution No. PL 37-16, declared a tribal emergency concerning the COVID-19 pandemic; and
- WHEREAS**, on March 17, 2020, the Tribal Council passed Resolution No. C03-66-20 which declared a tribal emergency concerning the COVID-19 pandemic; and
- WHEREAS**, due to the continuing COVID-19 pandemic and efforts to recover from the pandemic, on March 11, 2021, President Biden signed into law the American Rescue Plan Act (ARPA), which was intended to provide additional financial relief and support to state, tribal and local governments to continue to respond to, and begin recovery from, the COVID-19 public health emergency and its impact on the economy, public health, state and local governments, individuals, and businesses; and
- WHEREAS**, Title IX, Section 9901 of the ARPA authorized the State and Local Government Fiscal Recovery Fund (FRF) for payments to state and tribal governments for continued expenditures and costs incurred from March 11, 2021 until December 31, 2024 related to responding to and recovering from the COVID-19 public health emergency; and
- WHEREAS**, the Tribe received a total distribution of \$20,018,883.56 from the FRF; and
- WHEREAS**, ARPA FRF funds may be used to implement necessary water and waste water infrastructure projects to protect public health, respond to and recover from the COVID pandemic; and
- WHEREAS**, the Interim Final Rule issued by Treasury acknowledges that tribal governments may use FRF monies, consistent with the statutory permitted uses, to implement projects and programs based on the Tribe's needs and in response to those needs; and

WHEREAS, the Pyramid Lake Paiute Tribe has identified several water system, water pipeline and water storage cleaning and rehabilitation projects that are necessary to improve the operation and maintenance of the Tribe's drinking water system, to address drinking water issues, including aesthetic issues, and to protect the public health of its tribal members and other residents located within the Pyramid Lake Paiute Reservation; and

WHEREAS, the Tribal Executive Team has developed the "Remediation and Mitigation of Water Aesthetic Issues Within the Pyramid Lake Paiute Reservation" as the first priority to address: the need to complete remediation of the aesthetic water issues for the Sutcliffe community; the mitigation of any future aesthetic water issues for the Wadsworth and Nixon communities; and to establish sustainable procedures for preventing the reoccurrence of future aesthetic issues; and

WHEREAS, the Tribal Council finds it in the best interest of the Tribe and its members to approve the allocation of funds from the ARPA FRF monies received by the Tribe for the proposed "Remediation and Mitigation of Water Aesthetic Issues Within the Pyramid Lake Paiute Reservation."

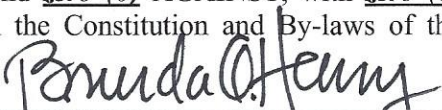
NOW THEREFORE BE IT RESOLVED that the Pyramid Lake Paiute Tribal Council approves the allocation of at least \$371,000 from the Tribe's ARPA FRF to implement the proposed "Remediation and Mitigation of Water Aesthetic Issues Within the Pyramid Lake Paiute Reservation", which is attached and incorporated by reference; and

BE IT FURTHER RESOLVED, that the Pyramid Lake Paiute Tribal Council reserves the authority to approve, by future resolution, any amendments to the allocation of the Tribe's Fiscal Recovery Funds; and

BE IT FINALLY RESOLVED, that the Pyramid Lake Paiute Tribal Council authorizes the Chairwoman to sign all documents and take any necessary and proper action to carry out the intent of this Resolution.

CERTIFICATION

It is hereby certified that the foregoing resolution of the Pyramid Lake Paiute Tribal Council, governing body of the Pyramid Lake Paiute Tribe, composed of ten members, of whom ten (10) constituting a quorum were present at a meeting duly held on the 5th day of November, 2021, was adopted by the affirmative vote of nine (9) FOR and zero (0) AGAINST, with zero (0) ABSTENTIONS; pursuant to the authority contained in the Constitution and By-laws of the Pyramid Lake Paiute Tribe.


Brenda A. Henry, Tribal Council Secretary
Pyramid Lake Paiute Tribal Council