



**SHIVWITS BAND OF PAIUTES
RESOLUTION NUMBER 2020-04**

Re: Declaration of Public Health Emergency

WHEREAS, the Band Council of the Shivwits Band of Paiutes of the Paiute Indians of Utah has the authority, pursuant to the inherent sovereign authority of the Shivwits Band of Paiutes, the Paiute Restoration Act, 76 U.S.C. 782(b), Public Law 96-227; the Indian Reorganization Act, 25 U.S.C. 461 et seq., Article VIII, of the Constitution of the Paiute Indian Tribe of Utah, and Article II Section 1 of the Shivwits Band Bylaws to govern the Shivwits Band Reservation;

WHEREAS, the Shivwits Band of Paiutes is one of five constituent Bands of the Paiute Indian Tribe of Utah, organized pursuant to the Indian Reorganization Act of June 18, 1934, 48 Stat. 984, under the Constitution of the Paiute Indian Tribe of Utah, approved on June 11, 1991; and,

WHEREAS, both the Constitution, and the Bylaws, Article II, Section 1, provide that the governing body of the Shivwits Band of Paiutes is the Shivwits Band Council; and,

WHEREAS, the Shivwits Band Council may take official action by Resolution, pursuant to Article XII, Section 2 of the Bylaws; and,

WHEREAS, the Shivwits Band Council is dedicated to promoting the health of all Band members and promoting Band members' well-being; and,

WHEREAS, Novel Coronavirus (COVID-19) is a highly contagious respiratory virus which can result in serious illness and death, and poses a higher risk to Band elders and community members with underlying health conditions; and,

WHEREAS, in late 2019, a significant outbreak of COVID-19 emerged in China and the World Health Organization declared COVID-19 a Public Health Emergency of International Concern on January 30, 2020; and,

WHEREAS, the United States Department of Health and Human Services declared a Public Health Emergency on January 31, 2020; and, the State of Utah, through Governor Gary Herbert, declared a state of emergency on March 6, 2020; and,

WHEREAS, the United States on March 13, 2020, issued the Proclamation Declaring a National Emergency Concerning the COVID-19 Outbreak under the Stafford Disaster Relief and Emergency Assistance Act, as amended (Stafford Act); and,

WHEREAS, the United States Centers for Disease Control and Prevention (CDC) currently recommends prevention measures and community preparedness to be taken by all individuals and families in the United States to increase community resilience and readiness for responding to an outbreak; and,

WHEREAS, CDC has advised that person-to-person spread of COVID-19 will continue to occur globally, including within the United States; and,

WHEREAS, the Utah Department of Health, as of 1:30 p.m. on April 3, 2020, indicated there are 1246 confirmed cases of COVID-19 and 1 death resulting from COVID-19 and has now confirmed spread of COVID-19 in Utah, significantly increasing the risk of exposure and infection to the Shivwits Band of Paiutes community and creating an extreme public health risk that may spread quickly; and,

WHEREAS, the worldwide outbreak of COVID-19 and the effects of its extreme risk of person-to-person transmission throughout the United States significantly impacts the life and health of our people, as well as the economy of the Shivwits Band of Paiutes, and poses a real and serious public health threat; and,

WHEREAS, the Band Council has identified the need to oversee the response to COVID-19 for the Band and its members, and to coordinate with local, state, and federal partners according to the sovereign powers of the Band to respond to this public health emergency; and,

WHEREAS, it is necessary and appropriate to take action to ensure the spread of COVID-19 is controlled and a declaration of emergency issued so that the Shivwits Band of Paiutes can access, utilize and implement all available resources locally, through the State of Utah, and through the United States Government; and,

WHEREAS, the Tribal Council of the Paiute Indian Tribe of Utah closed the health clinic on the Shivwits Band Reservation without consulting with the Shivwits Band, and now offers only limited services on the Reservation but has not consulted with the Band about what those services should be to address the needs of Shivwits Band members; and,

WHEREAS, the Shivwits Emergency Management Committee has been engaged with responding to the needs of Band members on the Shivwits Band Reservation relative to the COVID-19 pandemic including consulting with local agencies including the Paiute Indian Tribe of Utah, and agrees with and approves with this Resolution; and

WHEREAS, the Band Council is aware that a COVID-19 outbreak in the Shivwits Band of Paiutes community would quickly overwhelm the resources of the Band and an effective response is beyond the capabilities of the Band, and acknowledges that COVID-19 presents an extreme risk and an immediate and imminent threat to the Band's health and safety, and desires to prevent an

outbreak within the Shivwits Band of Paiutes community, now,

THEREFORE, BE IT RESOLVED BY THE SHIVWITS BAND OF PAIUTES BAND COUNCIL: THEREFORE, BE IT RESOLVED, that the Shivwits Band of Paiutes hereby issues this Public Health Emergency Declaration due to the COVID-19 outbreak for the purpose of exercising necessary emergency powers and for requesting aid, assistance, relief and funding that may be available from local resources, the State of Utah, and the United States government.

BE IT FURTHER RESOLVED, the Shivwits Band of Paiutes hereby requests, pursuant to Section 401(a) of the Stafford Act, a major disaster declaration based on the Band Council's conclusion that the circumstances are of such severity and magnitude throughout the United States that effective response is beyond the capabilities of the Shivwits Band of Paiutes.

BE IT FURTHER RESOLVED, the Band's staff and committees are hereby authorized and directed to begin working immediately on preparation of documents necessary to seek and obtain assistance for addressing the COVID-19 crisis, including but not limited to the requirements of the Stafford Act for obtaining emergency and disaster assistance from the Federal Emergency Management Agency (FEMA).

BE IT FURTHER RESOLVED, the Shivwits Band of Paiutes requests the State of Utah and local agencies, Indian Health Service (IHS), CDC, and the Office of the Assistant Secretary for Preparedness and Response (ASPR), assist the Band in addressing threats to the health and safety arising from the COVID-19 outbreak.

BE IT FURTHER RESOLVED, that the Shivwits Band of Paiutes grants authority to the Band Health and Emergency Management personnel to (1) take necessary actions to protect the public health including directing personnel and supplies and providing outreach and education to the public; (2) seek technical assistance and advice from local, state, and/or federal partners on emergency response issues including, but not limited to, Band facility closures, cancellation of large gatherings, isolation and quarantine, and work-from-home directives for Band employees; (3) coordinate with local, state, and federal partners on reporting of potential and confirmed COVID-19 cases and unusual clusters and epidemiological investigations; (4) use his or her judgment as to the duration of this public health emergency; (5) adopt and implement a communicable disease emergency response plan; and (6) propose to Band Council a communicable disease code.

BE IT FURTHER RESOLVED, the Shivwits Band of Paiutes Band Council in coordination with the Band Health and Emergency Management personnel will distribute ongoing accurate and timely information to the Band community to assure all community members clearly understand how they can contribute to limiting the spread of disease in our community, through various mechanisms, including social media, posters, and other methods.

BE IT FURTHER RESOLVED by the Shivwits Band of Paiutes Band Council that Carmen Clark, Band Chairperson, shall act as the "chief executive" of the Shivwits Band of Paiutes (as that term is used in the Stafford Act) and is hereby authorized and directed to sign all documents necessary to effectuate the intent of this Resolution.

BE IT FURTHER RESOLVED by the Shivwits Band of Paiutes Band Council that the Band hereby requests financial assistance from IHS and any other federal agency to provide resources for the Band's COVID-19 response, and authorizes the Chairperson to pursue such requests.

Authority for the foregoing Resolution is based on the Band's inherent sovereign authority, the Indian Reorganization Act of June 18, 1984 (48 Stat. 984), as amended and implemented by the Constitution of the Paiute Tribe of Utah, including Article VIII, Sections 2(a)(b)(c)(d) and (j), and the Bylaws of the Shivwits Band of Paiutes of the Paiute Indian Tribe of Utah, including Articles II, VII, Section 4, and XII, Sections 1 and 2.



Carmen Clark, Chairperson

C-E-R-T-I-F-I-C-A-T-I-O-N

2020-04

It is hereby certified that the foregoing, "Resolution 2020-04" was adopted by the affirmative vote of 4 for and 0 against, at a duly-called meeting of the Shivwits Band Council, composed of five (5) members of whom 5 members constituting a quorum were present, and 0 absent, held on April 7, 2020.



Council Member

Attested By: Norine Cart
Shivwits Secretary