RESOLUTION NO. 2020-27

DECLARATION OF A STATE OF EMERGENCY FOR THE PAIUTE INDIAN TRIBE OF UTAH AND AUTHORIZING AND DIRECTING THE TRIBAL CHAIRPERSON TO TAKE ALL NECESSARY STEPS TO OBTAIN EMERGENCY AND DISASTER ASSISTANCE

WHEREAS, the Paiute Indian Tribe of Utah ("Tribe") is a federally recognized Indian tribe under 25 U.S.C. § 761, et seq., organized under the Tribe’s Constitution, as ratified by the Tribe on June 11, 1991, and approved by the Secretary of the Interior on July 15, 1991, and amended by the Tribe on August 12, 1997, and approved by the Secretary of the Interior on September 30, 1997, pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984); and

WHEREAS, pursuant to Article IV and Article V of the Constitution of the Paiute Indian Tribe of Utah, the Tribal Council is the official governing body of the Tribe; and

WHEREAS, pursuant to Article V, Section 1 of the Constitution of the Paiute Indian Tribe of Utah, the Tribal Council is vested with all executive and legislative powers of the Tribe; and

WHEREAS, Article X, Section 2 of the Tribe’s Constitution vests the Tribal Council with the authority to take such other action as is necessary to protect the best interests of the Tribe, its members, its employees and its resources; and

WHEREAS, on March 13, 2020, the President of the United States has declared a national emergency under the Stafford Act in response to the COVID-19 (coronavirus) pandemic; and

WHEREAS, the President’s declaration of a national emergency states that requests for a declaration of a major disaster under Section 401(a) of the Stafford Act “may be appropriate”; and

WHEREAS, on January 31, 2020, the United States Department of Health and Human Services Secretary Alex Azar declared a public health emergency for COVID-19, beginning on January 27, 2020; and

WHEREAS, on January 21, 2020, the Utah Department of Health activated its Department Operations Center in response to the evolving COVID-19 global outbreak. The Utah Department of Health recognizes COVID-19 as an imminent threat to the health and safety of the residents of Utah; and

WHEREAS, on March 6, 2020, Gary R. Herbert, Governor of the State of Utah, declared a State of Emergency Due to Infections Disease COVID-19 Novel Coronavirus; and

WHEREAS, there are multiple confirmed and presumptive cases of COVID-19 in the State of Utah; and
WHEREAS, the World Health Organization has declared the COVID-19 outbreak a pandemic; and

WHEREAS, The CDC identifies the potential public health threat posed by COVID-19 both globally and in the United States as “high”, and has advised that person-to-person spread of COVID-19 will continue to occur globally, including within the United States; and

WHEREAS, the COVID-19 Novel Coronavirus is rapidly spreading and may result in undue human suffering and hardship, health risks, severe economic distress, and substantial impact on the health care, social services, and other governmental services provided by the Tribe; and

WHEREAS, the Paiute Indian Tribe of Utah has the responsibility to prepare its resources to respond to and mitigate the spread of COVID-19 in the region, on its reservations, as well as to alleviate some of the aforementioned impacts; and

WHEREAS, the Paiute Indian Tribe of Utah Tribal Council has determined and concluded that the COVID-19 crisis is of such severity and magnitude nationwide that effective response is beyond the capabilities of the Tribe and the State of Utah, and that federal assistance is necessary; and

WHEREAS, a declaration of an emergency and a declaration of a major disaster may allow the Tribes to access, utilize and implement all available resources, from the local, state, and federal level; and

WHEREAS, there may be additional administrative steps that need to be taken to obtain assistance from local, state, and federal sources, including but not limited to assistance from the Federal Emergency Management Agency under the Stafford Act; and

WHEREAS, the Paiute Indian Tribe of Utah Tribal Council acknowledges that the spread of COVID-19 presents an extreme risk and immediate and/or imminent threat to all our health and safety and the Tribal Council desires to prevent an outbreak of COVID-19 within the Paiute Indian Tribe of Utah Reservation; and

NOW THEREFORE BE IT RESOLVED that the Paiute Indian Tribe of Utah Tribal Council hereby declares that, as a result of the COVID-19 crisis, the Paiute Indian Tribe of Utah is hereby under a state of emergency for the purpose of exercising necessary emergency powers, setting up an emergency fund account, and for expending local resources, and for requesting aid, assistance, relief programs, and funding that may be available from local sources, from the State of Utah, and from the United States federal government; and

NOW THEREFORE BE IT FURTHER RESOLVED that the Paiute Indian Tribe of Utah hereby requests, pursuant to Section 401(a) of the Stafford Act, a major disaster declaration based on its conclusion that the disaster is of such severity and magnitude nationwide that effective response is beyond the capabilities of the Paiute Indian Tribe of Utah and the State of Utah, and that federal assistance is necessary; and

NOW THEREFORE BE IT FURTHER RESOLVED that the Tribal Chairperson, the Tribal Administrator, and the Tribe’s administrative staff, are hereby authorized and directed to begin working immediately on preparing any and all such paperwork, plans, and
administrative requirements necessary to seek and obtain technical and all other forms of assistance for addressing the COVID-19 crisis, including but not limited to the requirements under the Stafford Act for obtaining emergency and disaster assistance from the Federal Emergency Management Agency (including but not limited to the required Administrative Plan(s) and the FEMA-Tribe Agreement); and

NOW THEREFORE BE IT FURTHER RESOLVED that this state of emergency shall be deemed to continue to exist until the Tribal Council or the Tribal Chairperson determines the circumstances requiring this state of emergency no longer exist or the threat of the emergency has passed and the Tribal Council or Tribal Chairperson terminates this emergency declaration; and

BE IT FINALLY RESOLVED that the Tribal Chairwoman, Tamra Borchardt-Slayton, shall act as the “chief executive” of the Paiute Indian Tribe of Utah (as that term is used in the Stafford Act) and is hereby authorized and directed to sign and forward any and all such paperwork, plans, and administrative requirements necessary, and to take any and all such other steps necessary, to effectuate the intent of this Resolution.

CERTIFICATION

I hereby certify that the foregoing Resolution was fully considered by the Tribal Council at a “Special” Tribal Council meeting in Cedar City, Utah, at which a quorum was present and that the same was passed by a vote of 3 in favor, 0 opposed, 0 abstained, 2 vacant, and 0 absent this 20th day of March 2020.

ATTEST:

Tamra Borchardt-Slayton, Chairperson

Carol Garcia, Tribal Council Secretary