



THE PAIUTE INDIAN TRIBE OF UTAH
440 North Paiute Drive • Cedar City, Utah 84721 • (435) 586-1112 • Fax (435) 867-2659

RESOLUTION NO. 2021-23

**APPROVAL OF JOINT STIPULATION FOR DISMISSAL AND ORDER AND DECREE OF
DISMISSAL**

- 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,** the Tribe’s status as a federally recognized Indian tribe was restored on April 3, 1980 pursuant to Public Law 96-227, codified at 25 U.S.C. § 761, et seq.; 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, including the power to make and implement laws; and
- WHEREAS,** pursuant to its inherent sovereignty as an Indian Tribe and Article V, Section 1 of the Constitution of the Paiute Indian Tribe of Utah, the Tribal Council has the authority to represent the Tribe and act in all matters that concern the welfare of the Tribe; and
- WHEREAS,** a Special Meeting was duly called pursuant to the Tribal Council Rules of Procedure and all Tribal Council members received due notice of the Special Meeting and agenda; and
- WHEREAS,** during the Special meeting the Tribal Council considered a proposal to resolve the federal court litigation styled as Shivwits Band of Paiute Indians and Kanosh Band of Paiute Indians v. Bow, Case No. 4:20-cv-00009-DN, US District Court, District of Utah; and
- WHEREAS,** the basis for the federal court action was the actions of the former Tribal Chairwoman Tamra Borchardt-Slayton outside the scope of her authority, which actions were found unlawful by the Paiute Tribal Court of Appeals in Paiute Indian Tribe of Utah Tribal Council v. Clark et al., Case No. App-2019-001; and
- WHEREAS,** the Tribal Council has carefully considered the record, the background, and other factors impacting the Tribe’s interests, including the proposed joint stipulation and order, and each member of the Tribal Council has had ample opportunity for review; and

WHEREAS, the Tribe has wasted finite Tribal funds unnecessarily defending former Chairwoman Tamra Borchardt-Slayton's unlawful actions, and now desires to end this litigation to avoid liability and further adverse decisions; and

NOW THEREFORE BE IT RESOLVED the Tribal Council hereby approves the Joint Stipulation for Dismissal and Order and Decree of Dismissal attached hereto as Exhibits A and B respectively; and

BE IT FURTHER RESOLVED that the Tribal Chairwoman is authorized to execute and file the Joint Stipulation on behalf of Council and Tribe, along with any statement she deems necessary as the substituted Defendant, or other filing to necessary to carry out the purpose of the Joint Stipulation and Order and the provisions therein; and

BE IT FURTHER RESOLVED that the Tribal Council finds that the underlying Complaints for Removal against Carmen Clark, Corrina Bow, Delvern Pikyavit and Lora Tom that were drafted, submitted, or supported by the former Chairwoman Tamra Borchardt-Slayton lack factual and legal merit, and recognizes that the individuals removed were not given due process or the opportunity object in a Tribal forum by the former Chairwoman or the Tribal Council she led, and by this Resolution hereby dismisses those complaints with prejudice; and

BE IT FINALLY RESOLVED that the Tribal Chairwoman is authorized to file a notice or motion regarding this Resolution with the Interior Board of Indian Appeals in Interior Board of Indian Appeal Matters IBIA 20-016 and IBIA 20-017, as well as related federal agencies, or join in the notices and motions filed by the Shivwits Band.

CERTIFICATION

I hereby certify that the foregoing Resolution was fully considered by the Tribal Council and was passed by the quorum of the Tribal Council by a vote of 4 in favor, 1 opposed, 0 abstained, and 0 absent this 24th day of May, 2021.

ATTEST:

Carol Garcia

Carol Garcia (May 25, 2021 15:11 MDT)

Carol Garcia, Tribal Council Secretary

Corrina Bow

Corrina Bow (May 25, 2021 15:01 MDT)

Corrina Bow, Chairperson