



THE PAIUTE INDIAN TRIBE OF UTAH

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RESOLUTION NO. 2021-32

PAIUTE INDIAN TRIBE OF UTAH APPLICATION TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR AN INDIAN COMMUNITY DEVELOPMENT BLOCK GRANT FOR THE SHIWITS BAND COMMUNITY CENTER BUILDING PROJECT

- 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,** 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:** the Shivwits Band of Paiutes is one of five constituent bands of the Paiute Indian Tribe of Utah with federal recognition restored under 25 U.S.C. 5123, and organized under the Constitution of the Paiute Indian Tribe of Utah; and
- WHEREAS:** the Tribe is committed to helping the constituent Bands provide public facilities on the respective Reservations where they can deliver community services to Band members and others in the Reservation communities; and
- WHEREAS:** the Tribe recognizes that a Shivwits Band Community Building that provides community services, including public meeting space, community education and pandemic response resources, temporary shelter for disaster victims, battered spouses, and homeless Band members, as well as space for collaborative (non-legislative) meetings between Band, State, County, and City leaders adds stability to the Shivwits Reservation community; and
- WHEREAS:** the Shivwits Band Council has requested the Tribe to apply to the United States Department of Housing and Urban Development for an Indian Community Development Block Grant (ICDBG) to help fund construction and renovation related to the deteriorated Shivwits Band Community Building in order to create a safe and code-compliant Band Community Center,

in collaboration with the Paiute Indian Tribe, and the Tribe has determined that ICDBG funding is the most effective and efficient strategy for meeting these critical needs of the Shivwits Band and its members; and

WHEREAS: the Shivwits Band intends to utilize the ICDBG funding to fund construction of improvements and renovations to the Shivwits Band Community Building, providing a resource to the Band government to provide health, education, housing and social services, and cooperative inter-governmental (non-legislative / non-governmental) collaboration facilities on the Reservation; and

WHEREAS: the Paiute Indian Tribe of Utah authorizes application to the United States Department of Housing and Urban Development (HUD) for an Indian Community Development Block Grant (ICDBG) to fund the Shivwits Band Community Center Building Project (Project) on the Shivwits Band Reservation; and

WHEREAS: the Tribe and Band have met the requirements of 2 CFR 200 (24 CFR 1003.604(a)), Citizen Participation by providing for Reservation residents to examine and appraise this application by 1) furnishing information on the amount of funds available for the proposed community development, 2) holding public meetings scheduled at times to allow participation in order to obtain community views, 3) developing and publishing or posting a Community Development Statement in such a manner as to afford affected residents an opportunity to examine its contents, and 4) affording residents an opportunity to review, and has, and will continue to consider comments and views, and as appropriate modify the application accordingly, and made the modified application available to residents; and, the need for a safe and secure Band Community Center building on the Shivwits Reservation is a need that has been affirmed as the highest priority of the affected community members by vote on October 13, 2021; and

WHEREAS: the Shivwits Band Community Building renovation project is of the highest priority in 2021 for the Shivwits Band and its members, and will meet the Tribe's goals to provide community-wide benefits and services for 100% Low-Moderate Income persons comprising the neediest portion of this LMI Indian Community; and

WHEREAS: the Shivwits Band adopted by formal Resolution No. 2021-14, the 2021 Community Building Operations and Maintenance Plan that addresses regular maintenance activities, repairs, replacement reserves for repairs, fire and liability insurance, and security; and hereby affirms Shivwits Band's commitment of \$400,000 for the Project from the Shivwits Band's general fund to pay for operation and maintenance and some renovations associated with this Project. The facilities and structures of this Project will be maintained through the Shivwits Band, by the Maintenance Worker, under the supervision of the Shivwits Band Council, in accordance with the approved Operation and Maintenance Plan, and includes weekly and periodic maintenance activities, making repairs in a timely manner, making capital improvements as needed, maintaining insurance, and will utilize Shivwits Band revenues to assure that preventive and operational maintenance is performed; and

WHEREAS: this Project involves no land acquisition. The space requirement is satisfied because the Project will be completed on the land of the existing, deteriorated community building. As such, there is adequate ingress and egress, and parking; and

WHEREAS: the Shivwits Band has committed \$400,000.00 in Band funds to operate and maintain this Project by Shivwits Band Resolution 2021-14, in addition to any ICDBG funding. In addition, the Band has committed the value of the land; and

WHEREAS: the Shivwits Band Council has, by separate Resolution No. 2021-15, adopted the Washington County Building Codes, processes and procedures for inspections, and has agreed to require Utah-licensed architects and Utah-licensed building contractors be invited to bid on the proposed project, and has incorporated the following:

- a. Building codes utilized by the Washington County Building Department, including the laws and codes of the Utah Fire Marshal;
- b. Universal design and visibility standards for barrier-free, accessible design and assistive technology;
- c. Leadership in Energy and Environmental Design (LEED) energy standards, and Green Building Rating System, developed by the US Green Building Council;
- d. Energy Star design features and products; and
- e. Working with the Washington County Building Department for conducting plan review and construction inspections for compliance with said codes; and

WHEREAS: the Tribe has a current Code of Conduct in place that is utilized and followed and is made known to the community, and has been accepted by and is on file with HUD and meets the requirements of 2 CFR 200 (24 CFR 84.42); and

WHEREAS: the Tribe will, pursuant to 2 CFR 200.321, take all steps to assure that small and minority businesses, women's business enterprises, and labor surplus firms are used whenever possible; and

WHEREAS: the Tribe has developed and adopted Financial Management and internal control systems that meet the requirements of 2 CFR 200 (24 CFR Parts 85 and 1003). The Tribe has successfully completed its 2017 audit completed by a reputable CPA firm and adopted Financial Management policies and procedures and affirms that it complies with 2 CFR 200 (24 CFR Parts 85 and 1003), and all other applicable regulatory requirements; and

WHEREAS: the Tribe hereby certifies:

- a. that it has no outstanding ICDBG arrears;
- b. that it is in full compliance with the Fair Housing and Civil Rights laws;
- c. that it has no material and/or significant audit findings as reported on the 2017 audit;
- d. that it has no delinquent Federal debts; and
- e. that it maintains financial standards that require open competition in all bidding; and

NOW, THEREFORE BE IT RESOLVED: that the Tribal Council hereby authorizes the Tribal Chairwoman, Vice-Chairwoman, and/or Tribal Administrator to submit the request to HUD for an Indian Community Development Block Grant (ICDBG) for the Shivwits Band Community Center Project assistance in the amount of \$1,200,000.00 in accordance with the attached application; and

BE IT FURTHER RESOLVED: that the Tribal Council hereby authorizes the Tribal Chairwoman, Vice-Chairwoman, and/or Tribal Administrator to sign and execute any and all documents that are a part thereof, and to sign and execute any construction and installation contracts, and any agreements and amendments with consultants, contractors, vendors and suppliers in accordance with approved Tribal policies and procedures and applicable regulations, and to carry out the provisions of the Indian Community Development Block Grant described above.

CERTIFICATION

I hereby certify that the foregoing Resolution was fully considered by the Tribal Council at a duly called meeting in Cedar City, Utah, at which a quorum was present and that the same was passed by a vote of 4 in favor, 0 opposed, 1 abstained, and 0 absent this 22nd day of October 2021.

Corrina Bow

Corrina Bow (Oct 24, 2021 20:04 MDT)

Corrina Bow, Chairperson

ATTEST:

Carol Garcia

Carol Garcia (Oct 24, 2021 20:15 MDT)

Carol Garcia, Tribal Council Secretary