



**SHIVWITS BAND OF PAIUTES
RESOLUTION NUMBER 2021-12**

Re: Resolution Approving COVID ARPA SLFRF Distribution Plan and Distribution of SLFRF COVID Funds

WHEREAS the Shivwits Band of Paiutes (“Shivwits Band” or the “Band”) is a sovereign Indian tribe recognized by the United States in 1891 by 26 Stat. 1005, and in 1980 by P.L.96-227, 94 Stat. 317, 25 U.S.C. § 761 et seq.; and,

WHEREAS the Shivwits Band’s sovereign status was confirmed by Congress in 1980 by Public Law 96-227, which states that, “[t]he Federal trust relationship is [] restored or confirmed as to the Shivwits Band.” 94 Stat. 317, Section 3(a). In that Act, “the term ‘tribe’ means the Shivwits Band [] of Paiute Indians of Utah.” *Id.*, Section 2(1); and,

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 the Shivwits Band of Paiutes is a federally recognized tribe, listed in the Bureau of Indian Affairs’ Notice, 83 FR 4235; and,

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

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

WHEREAS the Shivwits Band of Paiutes has received federal dollars under the American Rescue Plan Act (ARPA) to respond to, and recover from, the impacts of the COVID-19 pandemic to be obligated by December 31, 2024; and

WHEREAS the United States Treasury has distributed \$1,644,736.84 in SLFRF funds to the Shivwits Band of Paiutes; and

WHEREAS the Council is required to develop spending plans in compliance with SLFRF guidelines, and Treasury Department parameters, subject to constitutionally and the statutorily prescribed action by the Council; and

WHEREAS the Council has a responsibility to work together in the interest of the Shivwits members to best utilize SLFRF funds for effective COVID-19 response and recovery and to do so without delay; and

WHEREAS the Band Council finds that the adult members of the Shivwits Band have incurred expenses that fall within the Expenditure Categories identified by the U.S. Department of Treasury, including negative economic impacts related to housing assistance, food programs, rent, mortgage, and utility aid, eviction prevention, unemployment aid. In addition, the Shivwits Band has incurred expenditures that fall within the identified Expenditure Categories, including capital investments or physical plant changes to public facilities to respond to COVID, personal protective equipment and other public health services;

WHEREAS the Council approves of financial assistance to individuals to provide immediate COVID impact relief in the sum of \$4,500 to every Shivwits Band elder, defined for this purpose as adults that are 55 years of age by December 31, 2021, and \$4,200 to every Shivwits Band adult between the ages of 18 and 54 by December 31, 2021, irrespective of income or residency, consistent with relevant United States Treasury regulation and guidance; and

WHEREAS nothing herein substitutes for, or precludes, the Council from engaging in its Constitutional and statutorily defined role of appropriating funds, providing oversight on spending, or using any other constitutionally or statutorily defined authority; and

WHEREAS nothing herein cedes any authority of the Council, including but not limited to the authority to revise this resolution, from time to time, as circumstances warrant; and

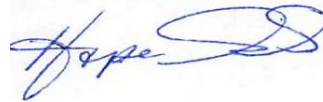
BE IT RESOLVED BY THE COUNCIL that the Council of the Shivwits Band of Paiutes approves of the SLFRF preliminary spending in response to and for recovery from the impact of the COVID-19 pandemic for Shivwits Band members as follows:

BE IT FURTHER RESOLVED the Council of the Shivwits Band approves the COVID-19 ARPA SLFRF Assistance Distribution Plan, attached as Exhibit A, the Distribution Plan Summary attached as Exhibit B, the Financial Assistance Application attached as Exhibit C, and the Distribution Record of Payment Approval attached as Exhibit D.

BE IT FURTHER RESOLVED the Council approves the establishment of a new and separate Band account at State Band of Southern Utah for the deposit of the SLFRF funds and issuance of cashiers checks to eligible adult members, and other transactions consistent with this Resolution;

BE IT FURTHER RESOLVED the Council authorizes the Chairwoman Hope Silvas to execute the financial assistance checks and documents necessary to carry out this transaction. The Band Council also authorizes Echo Hawk & Olsen to assist with implementation of the Distribution Plan as outlined herein.

BE IT FURTHER RESOLVED the Band Council reserves the right to modify this Plan, spending allocations, Plan documents, and processes as it deems necessary to comply with applicable federal laws.



Hope Silvas, Chairwoman

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

2021-12

It is hereby certified that the foregoing, "Resolution 2021-12" 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 Sept. 21, 2021.



Council Member

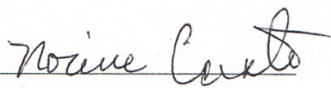
Attested By: 
Shivwits Secretary

EXHIBIT A

The Shivwits Band Council finds that the adult members of the Shivwits Band have suffered adverse economic consequences and expenses that fall within the Expenditure Categories identified by the U.S. Department of Treasury, including negative economic impacts related to housing assistance, food programs, rent, mortgage, and utility aid, eviction prevention, and unemployment aid. In addition, the Shivwits Band government has incurred expenditures that fall within the identified Expenditure Categories, including capital investments or physical plant changes to public facilities to respond to COVID, personal protective equipment and other public health services. The Shivwits Band members need financial assistance payments to recover from COVID-19, and the Shivwits Band government needs to dedicate funds to make emergency medical equipment available to the Reservation community and create physical plant changes to provide for effective community quarantine response by having a community kitchen facility, commodity storage, and distribution facility. Accordingly, the following expenses have been approved for ARPA, SLFRF funds:

1. Financial assistance payments to enrolled Shivwits Band adult member individuals to provide immediate COVID impact relief in the sum of:
 - A. \$4,500 to every Shivwits Band elder, defined for this purpose as adults that are 55 years of age by December 31, 2021, and
 1. approximately 59 elders
 2. approximately \$265,500
 - B. \$4,200 to every other Shivwits Band adult between the ages of 18 and 54 by December 31, 2021.
 1. approximately 178 other adults
 2. approximately \$747,600
2. Community Medical Equipment
 - A. Automatic External Defibrillator (AED) devices
 - B. Three devices to be placed at the Convenience Store, Band Office, and Gym
 - C. Approximate cost is \$2,000 per device, not to exceed \$6,000.
3. Community Kitchen Facility
 - A. Expansion of gym building on north side to include a community kitchen and eating area, with a small exercise area.
 - B. Band Council will get competing bids.
 - C. Cost cannot exceed \$570,000.
4. Administrative expenses to implement plan, not to exceed \$50,000.
 - A. Direct mailing of applications and program information
 - B. Required Reporting
 - C. Accounting assistance
 - D. Distribution plan implementation