

**RESOLUTION
OF THE
COUNCIL OF THE SOUTHERN UTE INDIAN TRIBE
June 16, 2021**

WHEREAS, authority is vested in the Southern Ute Indian Tribal Council by the Constitution adopted by the Southern Ute Indian Tribe, and approved November 4, 1936, and amended October 1, 1975, and August 27, 1991, to act for the Southern Ute Indian Tribe; and

WHEREAS, under Article I of the Constitution, the Tribe's jurisdiction, "through its general council, its tribal council and courts, shall extend to all the territory within the exterior boundaries of the reservation, and to such other lands as may be added . . ."; and

WHEREAS, under Article VII, Section 1 of the Constitution, the Tribal Council exercises "The inherent powers of the Southern Ute Indian Tribe . . . subject only to limitations imposed by the Constitution and Statutes of the United States, by the regulations of the Department of Interior and by this Constitution"; and

WHEREAS, under Article VII, Section 1(e) of the Constitution, the Tribal Council has the power to enact ordinances and codes to protect the peace, safety, property, health and general welfare of the members of the Southern Ute Indian Tribe; and

WHEREAS, under Article VII, Section 1(n) of the Constitution, the Tribal Council has the power, "To protect and preserve the property, wildlife and natural resources of the tribe, and to regulate the conduct of trade and the use and disposition of tribal property upon the reservation"; and

WHEREAS, on March 11, 2020, the World Health Organization characterized the spread of the COVID-19 virus as a global pandemic due to the rate of spread and severity of illness, which together posed a serious public health risk; and

WHEREAS, in response to the threat of COVID-19, Tribal Council adopted Resolution No. 2020-025 on February 18, 2020, which authorized the continuation of a local state of emergency that was originally declared by the Tribal Chairman on February 6, 2020, for the purposes of protecting life, property, and the environment by ensuring prevention, preparation, and response measures were being put in place; and

WHEREAS, in further response, the Tribal Council activated the Southern Ute Community Emergency Operations Plan (Operations Plan), approved in Resolution No. 2004-225, which establishes key operational actions for response, mitigation, and recovery in connection with a disaster event; and

WHEREAS, in accordance with the Operations Plan, the Tribe began mitigating the effects of COVID-19 through the activation of its Incident Management Team (IMT) and carrying

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out the Tribe's Communicable Disease Response Plan as approved by the Tribal Council on February 28, 2020, and March 10, 2020, in Resolutions Nos. 2020-031 and 2020-039, respectively; and

WHEREAS, based on its delegated authority and responsibility, the IMT established a COVID-19 Recovery Task Force (Recovery Task Force) to plan for recovery, including short-term priorities, such as reopening governmental and business operations, and long-term priorities, such as addressing the psychological fear or trauma that tribal members and employees may have experienced, among other actions to facilitate recovery from the direct and indirect consequences of COVID-19; and

WHEREAS, the Recovery Task Force includes representatives from the Permanent Fund, Growth Fund, Sky Ute Casino Resort, and Southern Ute Shared Services; and

WHEREAS, the Recovery Task Force prepared a COVID-19 Tribe-Wide Recovery Plan (Recovery Plan), approved by the Tribal Council in Resolution No. 2020-053, which provides for a unified coordination of the Tribe's recovery efforts among all tribal entities, and which incorporates an Appendix A: Tribe Wide Reopening Plan (Appendix A) outlining a phased approach to the reopening of the Tribe's governmental and business operations after pandemic-related closures; and

WHEREAS, Resolution No. 2020-053 contemplated that the Recovery Plan would require periodic updates as new information, assumptions, considerations, or feedback became available from stakeholders, including the tribal membership, tribal entity leadership, employees, community members, and others who work or interact with the Tribe, and directed that such updates be periodically presented to Tribal Council for review and adoption; and

WHEREAS, in Resolution No. 2021-032, Tribal Council approved updates to Appendix A of the Recovery Plan to clarify the metrics to be evaluated in each of the phases and levels of pandemic management; and

WHEREAS, the IMT and Recovery Task Force have further considered the metrics and criteria for moving through the phases and levels of pandemic management and have determined that it is appropriate to adjust the previously-established capacity limits to allow increased staffing and capacity levels given the high percentage of staff and community who have been fully vaccinated; and

WHEREAS, Tribal Council has reviewed the proposed updates to Appendix A, which adjust the previously-established capacity levels, and believes that the adoption of the revised Appendix A is in the best interests of the Tribe.

NOW, THEREFORE, BE IT RESOLVED, that the Tribal Council of the Southern Ute

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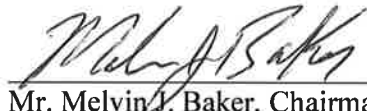
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Indian Tribe hereby approves the revised Appendix A: Tribe Wide Reopening Plan, attached to this Resolution as Exhibit 1, and the revised Appendix A attached hereto will supersede and replace the version of Appendix A approved in Resolution No. 2021-032 as of the effective date of this resolution.

BE IT FURTHER RESOLVED, that, in the course of the Tribe's continued response to pandemic conditions, the IMT is authorized to approve changes from one level to another within a phase (such as from Phase 2 – Level 2 “Concern” to Phase 2 – Level 1 “Cautious” or from Phase 1 “Severe Risk” to Phase 1 “Extreme Risk”) in accordance with the metrics set forth in the attached Appendix A; however, Tribal Council approval will be required for any change from one phase to another (such as a move from Phase 1 “Stay-at-Home” to Phase 2 “Safer at Home”) in accordance with the metrics shown in the attached Appendix A, and will also be required for any material change to the content, interpretation, or implementation of the Recovery Plan.

BE IT FURTHER RESOLVED, that the Chairman of the Southern Ute Indian Tribal Council or, in his absence, the Vice Chairman, or, in the absence of both the Chairman and the Vice Chairman, a duly appointed Acting Chairman is hereby authorized to sign the necessary documents and take all necessary actions to carry out the intent of this resolution.

This resolution was duly adopted on the 16th day of June, 2021.



Mr. Melvin J. Baker, Chairman
Southern Ute Indian Tribal Council

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

This is to certify that there were (7) of the regularly elected Southern Ute Indian Tribal Council members present at the above meeting, at which (6) voted for, and (0) against, it being a quorum and the above resolution was passed, the Chairman not being permitted to vote in this instance due to a Constitutional provision.

Josephine Jack
Ms. Josephine Jack, Recording Secretary
Southern Ute Indian Tribal Council

Digitally signed by Josephine Jack
DN: cn=Josephine Jack, o=Southern Ute Indian Tribe,
ou=Southern Ute Tribal Affairs, email=jack@southernute-
tribe.gov, c=US
Date: 2021.06.17 08:57:42 -0600