RESOLUTION EXTENDING TEMPORARY CLOSURE OF THE FORT MCDOWELL YAVAPAI NATION'S GOVERNMENT OPERATIONS AND SERVICES UNTIL AUGUST 13, 2020 TO PREVENT THE SPREAD OF CORONAVIRUS (COVID-19)

Resolution No. Ft. McD. 2020-73

WHEREAS, the Fort McDowell Yavapai Nation ("Nation") is a federally recognized Indian tribe and a sovereign nation governed by its Constitution and laws; and,

WHEREAS, the Fort McDowell Tribal Council ("Tribal Council") is the governing body of the Nation; and,

WHEREAS, the 1999 Tribal Constitution ("Constitution"), provides the Tribal Council with the power "to protect and regulate the public health, safety and morals of the Nation" at Article V, Section 13(A)(5); and,

WHEREAS, the Constitution provides the Tribal Council with the power "to provide for the public welfare and particularly the welfare and protection of children, the poor, disabled and aged" at Article V, Section 13(A)(6); and,

WHEREAS, the Constitution further provides the Tribal Council to "take any and all other actions necessary and proper for the exercise of the foregoing powers and duties" at Article V, Section 13(B)(2); and,

WHEREAS, the World Health Organization ("WHO") has declared the novel coronavirus known as COVID-19 ("COVID-19") a pandemic; and,

WHEREAS, the incidence of COVID-19 continues to rise throughout the United States and Arizona, with cases now confirmed in Maricopa County; and,

WHEREAS, the U.S. Centers for Disease Control and Prevention ("CDC"), in conjunction with the President of the United States of America, has issued guidelines to help slow the spread of COVID-19; and,

WHEREAS, the CDC recommends, among other things, washing your hands regularly, working remotely when possible, and avoiding social gatherings in groups of ten or more people; and,
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Cont. Extend Temporary Closure of Tribal Government and Services

WHEREAS, the CDC has identified elderly people and people with serious underlying health conditions as being at risk for serious illness from COVID-19; and,

WHEREAS, the President of the United States, has issued an emergency declaration for COVID-19; and,

WHEREAS, the Governor for the State of Arizona, has declared a public health emergency on Wednesday, March 11, 2020; and,

WHEREAS, the Tribal Council has taken public health and safety measures to protect its tribal members, employees, community members and visitors – especially the vulnerable and elderly – from the spread of the coronavirus pandemic; and,

WHEREAS, on March 18, 2020, the Tribal Council approved Resolution No. Ft. McD. 2020-23 authorizing a temporary closure of the Nation’s tribal government operations and services for two weeks (14 days); and,

WHEREAS, on March 29, 2020, the President of the United States and the CDC have recommended an extension of social distancing and associated recommendations until April 30, 2020 to slow the spread of COVID-19; and,

WHEREAS, on June 4, 2020, in response to increase of positive COVID-19 cases on the Nation and in Arizona, the Tribal Council approved a second temporary closure of the Nation’s tribal government operations and services except for essential personnel and services starting June 5, 2020 until June 19, 2020 and to reopen and resume on June 22, 2020;

WHEREAS, on June 30, 2020, pursuant to Resolution No. 2020-70, the Tribal Council approved another temporary closure of the Nation’s tribal government operations and services from July 2, 2020 until July 21, 2020; and,

WHEREAS, the Tribal Council now desires to extend the temporary closure of the Nation’s tribal government operations and services to August 13, 2020 and to reopen and resume on August 17, 2020; and

NOW, THEREFORE, BE IT RESOLVED that the Tribal Council hereby authorizes the President or her designee to extend the temporary closure of the Nation’s tribal government operations and services until August 13, 2020 and to resume and reopen on August 17, 2020 except for essential services and personnel as determined by the Nation’s Tribal General Manager Phil Dorchester to prevent the spread of COVID-19 and take necessary steps to effectuate the intent of this Resolution; and,
BE IT FURTHER RESOLVED that Nation’s tribal government employees will be on paid administrative leave but all employees will be available to telework; and

BE IT FURTHER RESOLVED that the Tribal Council authorizes the use of its FY 2019-2020 Tribal Government Operations Budget be used during this temporary closure to cover payroll, expenses for essential services and personnel; and other related expenses; and,

BE IT FINALLY RESOLVED that the Tribal Council is authorized to take prudent and extraordinarily measures to respond to the crisis and the Nation will seek state and federal aid for the necessary crisis response and other measures necessary.

CERTIFICATION

Pursuant to the authority contained in Article V, Sections 13(A)(6), (15), and 13(B)(1) and (2) of the Constitution of the Fort McDowell Yavapai Nation, ratified by the Tribe on October 19, 1999, the foregoing Resolution No. Ft. McD. 2020-73 was adopted on this 18th day of July, 2020, at a Special Tribal Council Meeting held via teleconference/Zoom, at which a quorum of 5 members were present and 0 were absent by a vote of 4 for and 0 opposed and 0 abstained.

Vote of the Tribal Council:

Per the Nation’s Constitution, Article V, the President only votes in a tie vote or under Article IX.

Bernadine Burnette, President
Paul J. Russell, Vice President
Pansy Thomas, Treasurer
Gerald Doka, Council Member
Ruben Balderas, Council Member

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Attested to:

Verlene Enos, Secretary

Date 7/18/2020