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Harold C. Frazier

SECRETARY
EvAnn White Feather

TREASURER
Benita Clark

VICE-CHAIRMAN
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TRIBAL COUNCIL MEMBERS

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Bernita In The Woods
Bryce In The Woods

DISTRICT 2
Theodore Knife, Jr.

DISTRICT 3
Edward Widow
John C. Kessler

DISTRICT 4
Vincent T. Dupris
Merrie Miller
Kevin C. Keckler
Sharon F. Lee

DISTRICT 5
Robert "Bob" Walters
Randel J. "RJ" Lawrence
Ryman LeBeau
Derek Bartlett

DISTRICT 6
Tuffy Thompson
Ronald Rousseau

TRIBAL MEMORANDUM

DATE : 8/5/21
TO : SUPERINTENDENT, Cheyenne River Agency
FROM : Ev Ann White Feather, Tribal Secretary *EvAnn White Feather*

SUBJECT: Resolution No. 191-2021-CR: That the CRST Council hereby declares that the Declaration of State of Emergency #2020-01-CR enacted on March 13, 2020, is terminated effective as of August 3, 2021. However, nothing in this Resolution prevents the Cheyenne River Sioux Tribe from receiving any federal funds, benefits, or resources arising out of that Declaration of State of Emergency relating to the outbreak of COVID-19 virus and that CRST Resolution #16-2019-CR is rescinded as of August 3, 2021 and that future Declarations of States of Emergency can only be made via Tribal Council resolution at a duly called regular or special session and that with regard to the COVID-19 public health crisis which is still jeopardizing the health and welfare of Tribal members and other residents of the Reservation and that from time immemorial the Tetonwan Lakota-speaking People have used our way of life, thought, philosophy regarding our holistic approach to strengthen our physical, mental, emotional and spiritual wellbeing. We request that our medicines and ceremonies be recognized as treatment for sar2covid. We request our own data on our natural immune system and effective treatment whether western and/or traditional medicine be applied without barriers or censorship from any federal agencies and the pharma industry that is driving this pandemic response and contains the provision.

Transmitted herewith are an original and two (2) copies of Resolution No. 191-2021-CR which was duly adopted by the Cheyenne River Sioux Tribal Council during its Regular Session held on August 5, 2021.

The blue represents the thunderclouds above the world where live the thunder birds who control the four winds. The rainbow is for the Cheyenne River Sioux people who are keepers of the Most Sacred Calf Pipe, a gift from the White Buffalo Calf Maiden. The eagle feathers at the edges of the rim of the world represent the spotted eagle who is the protector of all Lakota. The two pipes fused together are for unity. One pipe is for the Lakota, the other for all the other Indian Nations. The yellow hoops represent the Sacred Hoop, which shall not be broken. The Sacred Calf Pipe Bundle in red represents Wakan Tanka - The Great Mystery. All the colors of the Lakota are visible. The red, yellow, black and white represent the four major races. The blue is for heaven and the green for Mother Earth.

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Cc: Chairman
Treasurer
Administrative Officer
Tribal Comptroller
Central Record
Legal Department
Health Committee Chairman
Tribal Health CEO
EPD/Command Center
Budget Committee Chairman
Human Resources
Committee Secretary
District Officers (6)
File/2

RESOLUTION NO. 191-2021-CR

- WHEREAS,** the Cheyenne River Sioux Tribe of South Dakota is an unincorporated Tribe of Indians having accepted the provisions of the Act of June 18, 1934 (48 Stat. 984); and
- WHEREAS,** the Tribe in order to establish its tribal organization, to conserve its tribal property, to develop its common resources, and to promote the general welfare of its people, has ordained and established a Constitution and By-Laws; and
- WHEREAS,** in early 2020, a novel and highly contagious coronavirus known as COVID-19 began a worldwide pandemic, overwhelming health care systems and causing hundreds of thousands of hospitalizations and deaths. At the time there was no known treatment to cure or vaccine to prevent COVID-19 illness, so the only public health strategy available was to detect, trace, and mitigate its spread as early as possible. The United States of America declared a national state of emergency on March 13, 2020, due to the COVID-19 outbreak, and the Cheyenne River Sioux Tribe did the same via "Declaration of State of Emergency #2020-01-CR" on March 13, 2020; and
- WHEREAS,** the CRST Declaration of State of Emergency ("Emergency Declaration") was enacted pursuant to authority delegated to the CRST Executive Committee via CRST Resolution #16-2019-CR. The Emergency Declaration authorized the Tribal Executives to, among other things, manage the provision of emergency relief and preventative services by Tribal agencies and departments and to use tribal facilities, equipment, personnel, and other resources necessary to protect all residents of the reservation from the COVID-19 virus. The Emergency Declaration suspended any Tribal rules and policies that prevented, hindered, or delayed the delivery of emergency services and prevention, and generally gave the Tribal Executive Committee wide latitude to alleviate and address the public health emergency that was unfolding. The Emergency Declaration appointed Dave Nelson, Director of CRST Environmental Protection Department, as the CRST Emergency Command Center Director. Mr. Nelson was given responsibility for coordinating, overseeing, and directing all CRST Emergency Command Center actions. The Emergency Declaration provided that it would remain in effect until rescinded; and
- WHEREAS,** under the authority of the Emergency Declaration, the Tribe, through its Tribal Executives, has taken various measures to monitor and reduce transmission of and exposure to the COVID-19 virus, including: testing, contact tracing, health and safety checkpoints, curfews, quarantine and isolation requirements, face covering mandates, stay-at-home recommendations and requirements, limiting alcohol sales hours, social distancing mandates, community foot patrol, elderly and disabled persons support, public awareness and education, and the creation of a public health task force to inform and advise tribal leaders as they make decisions regarding the pandemic; and
- WHEREAS,** in June 2020 the federal government provided significant funding to the Cheyenne River Sioux Tribe to help reduce the public health and collateral economic crises caused by the COVID-19 pandemic. The Tribe received over \$30 Million in CARES Act Coronavirus Relief Fund ("CRF") funding from the US Dept of Treasury, the US Health and Human Services (IHS), the US Dept of Interior (BIA and BIE), and the US Dept of Agriculture. Under the leadership of the Tribal Executive Committee, these funds were deployed and administered by the CRST Health Department, the CRST Command Center, the Chairman's Office, and other Tribal agencies in carrying out the Tribe's COVID response efforts; and

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WHEREAS, the Tribe's COVID-19 response efforts have had the positive effect of creating many jobs (over 300 at its highest point) for tribal members to work as COVID-19 deputies, foot patrol, quarantine monitors, and clerks. These jobs have given members important job skills, and they have provided a source of income to many families on the reservation, where chronic unemployment otherwise hinders real economic growth. Through its COVID-19 response efforts, the Tribe has also been able to assert and strengthen its sovereignty and jurisdiction over its lands, activities, and residents by pushing back on legal attacks from the State of SD and the BIA; and

WHEREAS, the COVID-19 virus was - and still is - a critical health threat to Tribal members and other residents of the Cheyenne River Sioux Reservation. Studies have shown that, over the past year, Native Americans nationwide have experienced more than 1 ½ times the rate of COVID-19 infections, more than 3 times the rate of hospitalizations, and more than 2 times the death rate compared to White Americans¹; and

WHEREAS, beginning in December 2020, the CDC granted Emergency Use Authorization (EUA) to three vaccine manufacturers (Pfizer, Moderna, and Johnson & Johnson). These vaccines have been shown to be anywhere from 70% to 95% effective at preventing severe COVID-19 illness that would require hospitalization or cause death. Early studies have shown that these vaccines are also effective at preventing serious illness caused by the "Delta" variant of the COVID-19 virus. However, the overall participation in any COVID-19 vaccination program remains low on the Cheyenne River Sioux Reservation. The low vaccination rate among residents of the Reservation creates a dangerous environment where the COVID-19 virus can continue to spread and strike members with severe illness or even death; and

WHEREAS, in March 2021, the federal government provided additional funding to tribal, state, and local governments through the Fiscal Recovery Funds sections in the American Rescue Plan Act ("ARPA"). ARPA funding builds on and expands the support provided to these governments over the last year, including through the CARES Act. The purpose of ARPA is to provide support to governments in responding to the negative impact of COVID-19 on their communities, residents, and businesses. The ARPA provides a substantial infusion of funding to meet pandemic response needs and rebuild a stronger, more equitable economy as the nation, including the Cheyenne River Sioux Tribe, recovers; and

WHEREAS, the Cheyenne River Sioux Tribal Council believes that, although we are still in an active and urgent fight to reduce the transmission of the COVID-19 virus on the Reservation, the Tribe must also begin to recover and rebuild from the pandemic in order to make our Tribe stronger over the long-term; now

¹ Centers for Disease Control and Prevention, *Risk for COVID-19 Infection, Hospitalization, and Death By Race/Ethnicity*, <https://www.cdc.gov/coronavirus/2019-ncov/covid-data/investigations-discovery/hospitalization-death-by-race-ethnicity.html> (last visited Apr. 26, 2021).

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THEREFORE BE IT RESOLVED, that the CRST Council hereby declares that the Declaration of State of Emergency #2020-01-CR enacted on March 13, 2020, is terminated effective as of August 3, 2021. However, nothing in this Resolution prevents the Cheyenne River Sioux Tribe from receiving any federal funds, benefits, or resources arising out of that Declaration of State of Emergency relating to the outbreak of COVID-19 virus; and

BE IT FURTHER RESOLVED, that CRST Resolution #16-2019-CR is rescinded as of August 3, 2021; and

BE IT FURTHER RESOLVED, that future Declarations of States of Emergency can only be made via Tribal Council resolution at a duly called regular or special session; and

BE IT FURTHER RESOLVED, that with regard to the COVID-19 public health crisis which is still jeopardizing the health and welfare of Tribal members and other residents of the Reservation:

A. The Tribe desires to both (1) respond to the current pandemic public health threats, and (2) begin to recover and rebuild from the pandemic's devastating health, societal, and economic impacts on the Tribe and its members.

B. The Tribal Council and the Tribal Executives will share oversight over current and future Tribal COVID-19 response and recovery strategies. Specifically:

1. Federal COVID Funds.

a. *Federal Funds Not Yet Expended.* All federal funds received by the Tribe related to COVID-19 response or recovery (including but not limited to CARES Act or ARPA funds from any federal agency) require a detailed budget and narrative, at a level of detail and in a format acceptable to Council, before any expenditures, including but not limited to the hiring of any emergency, temporary, or permanent employees, or the purchase, rental, lease or other acquisition of any goods or service, may be made.

b. *Federal Funds Already Received.* As to federal COVID funds already received and expended, within 15 business days of the enactment of this Resolution the Tribal Council shall receive from the CRST Health Department, the CRST Command Center, the CRST Chairman's Office, and the CRST Treasurer's Office a combined, comprehensive, and detailed report describing the dollar amount and activity undertaken with each expenditure. Individuals who are responsible to provide the report and who fail to meet the 15-day report deadline are subject to reprimand by their immediate supervisors according to the CRST Personnel Policies and Procedures, and such disciplinary action shall be strictly enforced. Additionally, the Tribal Council may authorize an outside audit or accounting firm to review the Tribe's financial and other records and produce a report of the requested information.

2. Public Health Task Force. The COVID-19 Public Health Task Force will remain in place, and its oversight will be shared between the CRST Health Committee and the CRST Executive Committee.

3. COVID-19 Response Plan. The use of the COVID-19 Response Plan will remain, but the Levels and restrictions established in the Plan will be reviewed and adjusted as often as recommended by the Public Health Task Force. Any change in Response Levels must be approved by the Public Health Task Force, the CRST Executive Committee and the CRST Health Committee before taking effect.

4. Future COVID-19 Response and Recovery Activities. Any COVID-19 response and recovery activities of the CRST Health Department, the CRST Command Center, the Chairman's Office, or any other CRST Department or Program will be jointly overseen by the CRST Executive Committee and the CRST Health Committee. This includes developing, reviewing, and amending strategies and a plan for how to address the Tribe's COVID-19 response and recovery. Once a strategy and plan has been developed (or amended) by the two committees working jointly, all Tribal programs that receive any federal COVID funds must submit monthly reports detailing the previous month's COVID-related activities and expenditures undertaken in accordance with that plan, in a level of detail and format acceptable to the Tribal Council, to both of the above-named Committees; and

BE IT FURTHER RESOLVED, that from time immemorial the Tetonwan Lakota-speaking People have used our way of life, thought, philosophy regarding our holistic approach to strengthen our physical, mental, emotional and spiritual wellbeing. We request that our medicines and ceremonies be recognized as treatment for sar2covid. We request our own data on our natural immune system and effective treatment whether western and/or traditional medicine be applied without barriers or censorship from any federal agencies and the pharma industry that is driving this pandemic response; and

BE IT FINALLY RESOLVED, that nothing in this resolution diminishes, divests, alters, or otherwise affects any inherent, treaty, statutory or other rights of the Cheyenne River Sioux Tribe over the property or activities described herein. The Cheyenne River Sioux Tribe expressly retains all rights and authority over the property and activities described herein, including but not limited to legislative, regulatory, adjudicatory, and taxing powers.

CERTIFICATION

I, the undersigned as Secretary of the Cheyenne River Sioux Tribe certify that the Tribal Council is composed of 15 members of whom 14, constituting a quorum, were present at a meeting duly and regularly called, noticed, convened and held this 5th day of August, 2021, Regular Session; and that the foregoing resolution was duly adopted at such meeting by a roll call vote of 14 yes, 0 no, 0 abstaining, and 1 absent.


Ev Ann White Feather, Secretary
Cheyenne River Sioux Tribe