

# WINNEBAGO TRIBE OF NEBRASKA

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## RESOLUTION #20-107

### **Declaring a Public Health Emergency and Authorizing the Winnebago Public Health Department to Take Any Action Necessary to Address Infectious Diseases**

**WHEREAS**, the Winnebago Tribe of Nebraska is a federally recognized Indian Tribe organized pursuant to Section 16 of the Act of June 18, 1934 (48 Stat 984), (25 USC 476) as amended by the Act of June 15, 1935, (49 Stat 378); and

**WHEREAS**, pursuant to Article III of the Winnebago Tribal Constitution, the Tribal Council is the governing body of the Tribe; and

**WHEREAS**, pursuant to Article IV, Section I of the Winnebago Tribal Constitution, the Tribal Council is vested with and the power, *inter alia*, "to safeguard and promote the peace, safety, morals and general welfare of the Tribe," to manage all economic affairs and enterprises of the Tribe, to appropriate funds for public purposes, and to adopt resolutions regulating the procedure of the Tribal Council, tribal officials and other tribal agencies; and

**WHEREAS**, after administering tribal community health programs for many years the Winnebago Tribe assumed administration and operation of the Twelve Clans Unity Hospital on July 1, 2018 under Title V of the Indian Self-Determination and Education Assistance Act, 25 U.S.C. §§ 5381-5399 ("ISDEAA"); and

**WHEREAS**, the Winnebago Tribe administers and operates, through the Winnebago Comprehensive Health System ("WCHS") Board of Directors and staff, tribal community health programs and the Twelve Clans Unity Hospital in accordance with applicable federal law, the ISDEAA, a Compact and Funding Agreement under Title V of the ISDEAA, and the laws and policies of the Winnebago Tribe; and

**WHEREAS**, pursuant to 45 C.F.R. § 164.512(b)(1)(i), the HIPAA Privacy Rule under the Health Insurance Portability and Accountability Act ("HIPAA") of 1996, allows for patient information to be disclosed to a public health authority, such as the Winnebago Public Health Department, for the purposes of preventing or controlling disease, including conducting public health surveillance, investigations, or interventions; and

**WHEREAS**, the international community is currently experiencing a global pandemic of a novel coronavirus named "SARS-CoV-2" and the respiratory disease that it causes, named "coronavirus disease 2019" ("COVID-19"); and

**WHEREAS**, the World Health Organization has declared COVID-19 a Public Health Emergency of International Concern; and

**WHEREAS**, on March 13, 2020, the President of the United States declared the COVID-19 outbreak a national emergency; and

**WHEREAS**, the Tribal Council desires the Winnebago Public Health Department to work in coordination with the Twelve Clans Unity Hospital to take any and all necessary action to reduce the risk of exposure in the tribal community; and

**NOW, THEREFORE, BE IT RESOLVED**, the Tribal Council declares that the COVID-19 pandemic is a public health emergency; and

**BE IT FURTHER RESOLVED**, the Tribal Council authorizes the Winnebago Public Health Department, in coordination with the Twelve Clans Unity Hospital, to take necessary action to protect the health, safety and welfare of the Tribe's members in light of the COVID-19 pandemic as well as any outbreak of any infectious disease, including but not limited to (1) conducting outreach and education to the community; (2) seeking technical assistance and advice from local, state, and/or federal partners on emergency response issues; (3) coordinating with local, state, and federal partners on reporting of potential and confirmed COVID-19 cases and cases of other infectious diseases; and (4) proposing to the Tribal Council any necessary preventative measures to mitigate the potential impact to the community, including quarantine and self-isolation policies; and

**BE IT FURTHER RESOLVED**, the Tribal Council authorizes the Winnebago Public Health Department to conduct any necessary investigations to identify those who may be exposed to COVID-19 and mitigate any potential spread; and

**BE IT FURTHER RESOLVED**, the Tribal Council further authorizes the Winnebago Public Health Department, in coordination with the Twelve Clans Unity Hospital, to take necessary action to address any future infectious disease(s) that may be detrimental to the health, safety and welfare of the Tribe's members; and

**BE IT FURTHER RESOLVED**, the Tribal Council authorizes the Tribe and its entities, by and through emergency processes, to act to extend, modify or terminate agreements as necessary to protect the interests of the Tribe; and

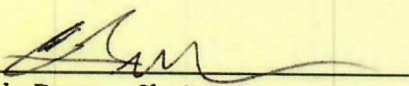
**BE IT FURTHER RESOLVED**, the Tribal Council authorizes the Tribe to apply for and accept any international, federal, state and local funding available to assist in addressing the COVID-19 pandemic, including to the Federal Emergency Management Administration and other federal agencies.

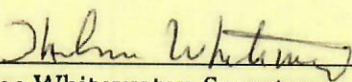
**CERTIFICATION**

We, the undersigned Officers of the Winnebago Tribal Council, hereby certify that on March 24, 2020 at a meeting duly convened by the Winnebago Tribal Council voted to adopt the above Resolution by a vote of 5 for, 0 against, 0 abstentions, with the Chairman and 3 Members not voting.

Dated this 24 day of March, 2020.

ATTEST:

  
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Coly Brown, Chairman  
Winnebago Tribal Council

  
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Thelma Whitewater, Secretary  
Winnebago Tribal Council