



LUMMI INDIAN BUSINESS COUNCIL

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RESOLUTION #2021-121 OF THE LUMMI INDIAN BUSINESS COUNCIL

TITLE: Adopting the Lummi Nation COVID-19 Vaccination Mandate

WHEREAS, the Lummi Indian Business Council (LIBC) is the duly constituted governing body of the Lummi Nation by the authority of the Constitution and Bylaws, as amended, of the Lummi Tribe of the Lummi Reservation, Washington; and

WHEREAS, the LIBC has the authority to safeguard and promote the peace, safety, morals, public health, education, and general welfare of the Lummi Nation pursuant to Art. VI, Sec. (1) of the Lummi Constitution; and

WHEREAS, it is the mission of the LIBC “*To Preserve, Promote and Protect our Sche Lang en*” (LIBC Resolution #2012-025); and

WHEREAS, on March 3, 2020, the LIBC declared a State of Public Health Emergency in response to the spread of COVID-19; and

WHEREAS, the LIBC has taken necessary and appropriate action to combat the COVID-19 pandemic, including implementing shelter in place orders and a phased reopening plan; and

WHEREAS, the Delta variant of COVID-19 (B.1.617.2) has proven to be more contagious and to cause more severe illness than previous variants and the Lummi Public Health Team has noted an alarming increase in COVID-19 cases within the Lummi community, Washington State, and nationally; and

WHEREAS, since July 2021 Lummi has seen 20 new positive cases of COVID-19, 94% of reported hospitalizations and deaths from COVID-19 in Washington State are in people who are unvaccinated, and Whatcom County hospital beds are rapidly reaching capacity ; and

WHEREAS, COVID-19 vaccination is safe and effective, having been evaluated in clinical trials involving tens of thousands of participants and met the U.S. Food & Drug Administration’s rigorous scientific standards for safety, effectiveness, and manufacturing quality needed to support emergency use authorization; and

WHEREAS, vaccination is the primary defense against severe COVID-19 illness and the best method to safeguard the health of our employees and their families, our Lummi Elders, and our Lummi children; and

WHEREAS, approximately 68% of the Lummi population is currently vaccinated, but the majority of children remain unvaccinated, with the vaccine currently unavailable for children under 12; and

WHEREAS, on July 6, 2021 the Office of Legal Counsel of the United States Department of Justice issued a legal opinion stating that vaccine mandates are not prohibited by federal law, even when the only vaccines available are those authorized under U.S. Food and Drug Administration Emergency Use Authorizations; and

WHEREAS, the Lummi Public Health Team recommends that vaccination against COVID-19 be required for all employees of the LIBC and its entities, as well as for all students over 12 years of age at the Lummi Nation School and Northwest Indian College Lummi Campus.

NOW, THEREFORE BE IT RESOLVED, that as a result of the ongoing state of public health emergency due to COVID-19, the LIBC hereby adopts the attached Lummi Nation COVID-19 Vaccination Mandate (attached as Exhibit A) prohibiting any employee from engaging in work for the LIBC or its entities after October 18, 2021 if the employee has not been fully vaccinated against COVID-19, and further mandating that attendance of students over the age of 12 at Lummi Nation School or Northwest Indian College Lummi Campus shall be conditioned on the student becoming fully vaccinated against COVID-19 by October 18, 2021; and

BE IT FURTHER RESOLVED, that the Lummi Tribal Health Center will administer vaccines and the LIBC will ensure that vaccines are available without cost to all individuals who are required to comply with the mandate; and

BE IT FURTHER RESOLVED, that the Executive Medical Director is hereby authorized to work with the Office of the General Manager and Human Resources Director to develop policies and procedures as necessary to implement the mandate; and

BE IT FURTHER RESOLVED, that the Executive Medical Director will report back to the LIBC and the LIBC will review the mandate no later than October 31, 2021; and

BE IT FINALLY RESOLVED, that the Chairman (or Vice Chair in his absence) is hereby authorized and directed to execute this resolution and any documents connected therewith, and the Secretary (or the Recording Secretary in his absence) is authorized and directed to execute the following certification.

LUMMI NATION

**Lawrence Solomon, Chairman
Lummi Indian Business Council**

CERTIFICATION

As Secretary of the Lummi Indian Business Council, I hereby certify that the above Resolution #**2021-121** was adopted at a **Regular/Special** Meeting of the Council held on the ___ day of ____, **2021**, at which time a quorum of ___ was present by a vote of ___ for, ___ against, and ___ abstention(s).

William Jones, Jr., Secretary
Lummi Indian Business Council