

RESOLUTION
Spokane Tribal Resolution 2020-277

AMENDING RESOLUTIONS 2020-166 (COVID-19 STAY AT HOME ORDER AND SOCIAL DISTANCING REQUIREMENTS) AND 2020-231, AND ENACTING PHASE 3 OF THE SPOKANE TRIBE OF INDIANS REOPENING PLAN

WHEREAS, the Spokane Tribal Business Council (“Council”) is the duly constituted governing body of the Spokane Tribe of Indians (“Tribe”) by authority of the Constitution of the Spokane Tribe (“Constitution”); and

WHEREAS, the Constitution grants the Council such other powers and authority necessary fulfill its obligations, responsibilities, objectives, and purposes as the governing body of the Tribe; and

WHEREAS, under the Constitution, the Council is charged with the duty of protecting the general welfare of the Tribe and all Reservation residents; and

WHEREAS, on March 16, 2020, via Resolution 2020-154, Council declared a State of Emergency due to the 2019 novel coronavirus (“COVID-19”) pandemic; and

WHEREAS, on March 16, 2020, via memorandum signed by Chairwoman Evans, Council announced a partial shutdown of Spokane Tribal operations (“Tribal Shutdown”) until March 30, 2020; and

WHEREAS, on March 20, 2020, the Council approved policies for COVID-19 Emergency Leave and COVID-19 Sick Leave via Resolution 2020-158; and

WHEREAS, on April 1, 2020, via Resolution 2020-166, the Council issued a “Stay at Home” order for all Reservation residents establishing social distancing requirements, closing camping, and other guidance (the “Tribal Stay Home Order”), and also extended the Tribal Shutdown and Policies until April 13, 2020; and

WHEREAS, the Council extended the Tribal Shutdown multiple times via Resolution 2020-166, Resolution 2020-173, Resolution 2020-196, and Resolution 2020-202 to May 31, 2020; and

WHEREAS, on May 29, 2020, the Tribal Council approved Resolution 2020-231, which authorized the Tribe to enter Phase 2 of the Tribe’s Reopening Plan (“Phase 2”); and

WHEREAS, COVID-19 continues to spread across the globe and in our region, but Washington State has deemed conditions safe enough for both Stevens County to proceed to Phase 3 of the State’s reopening plan; and

WHEREAS, the Tribe is carefully monitoring the COVID-19 situation on the Reservation and in surrounding communities, as well as updated safety information from the State and the CDC; and

WHEREAS, the Centers for Disease Control (“CDC”) continues to recommend social distancing by maintaining a distance of at least six (6) feet from others, and also recommends limiting contact with others, avoiding mass gatherings, and wearing face masks to limit the spread of COVID-19; and

WHEREAS, COVID-19 remains a threat to our community, especially our elders and community members who have underlying health conditions; and

WHEREAS, Council understands that any reopening plan is subject to modification based on changing information and data, especially if COVID-19 begins to spread at an increased rate for any reason, to protect the general welfare of the Tribe and all Reservation residents; and

WHEREAS, the Council has discussed the current metrics required to move from Phase 2 to Phase 3, including consideration of infection rates in communities in which employees and patrons reside, and the Council has determined that the Tribe meets all requirements.

NOW, THEREFORE, BE IT HEREBY RESOLVED, the terms and phrases used herein are defined as follows:

1. “Member” means an enrolled member of the Spokane Tribe of Indians.
2. “Descendant” means the first-generation biological child of a Member.
3. “Spouse” means an individual legally married to a Member.
4. “Resident” means an individual who resides on the Spokane Indian Reservation and includes moorage customers located at Two Rivers Marina.
5. “Non-Member” means an individual enrolled in any federally recognized Indian tribe other than the Spokane Tribe of Indians. Spouses and Descendants are excluded from the definition of Non-Member for purposes of this Resolution.
6. “Non-Indian” means an individual who is not enrolled in a federally recognized Indian tribe. Spouses and Descendants are excluded from the definition of Non-Indian for purposes of this Resolution.
7. “Recreational Area” means recreational resources, including but not limited to campgrounds and areas around lakes, streams, and rivers. As used in this Resolution, “Recreational Area” does not include the Pow-Wow Grounds.
8. “Social Distancing” means maintaining a distance of at least six feet from any person who is not a member of their immediate household, avoiding public and private gatherings regardless of size, and other limitations and requirements as set forth in Resolution 2020-166.
9. “Day Use” means utilization of Recreational Activities for any reason during the day.
10. “Overnight Camping” means utilization of Recreational Activities which include an overnight component.
11. “Authorized Activities” includes the following:
 - A. Obtaining necessary supplies and services for family or household members and pets, such as groceries, food and supplies for household consumption and use, supplies and equipment needed to work from home, and products necessary to maintain safety, sanitation and essential maintenance of the home or residence.
 - B. Engaging in activities essential for the health and safety of family, household members and pets, including things such as seeking medical or behavioral health or emergency services and obtaining medical supplies or medication.
 - C. Caring for a family member, friend, or pet in another household or residence, and to transport a family member, friend or their pet for essential health and safety activities, and to obtain necessary supplies and services.
 - D. Engaging in outdoor exercise activities, such as walking, hiking, running or biking.
 - E. Engaging in Day Camping, Overnight Camping, or Fishing, as authorized by this or future Resolution.
 - F. Any other activity not prohibited by Resolution of the Council, subject to any applicable limitations such as Social Distancing requirements.
12. “Employment” uses the common definition of the word and is not limited to employment in essential services.
13. “Vulnerable Individuals” means individuals who are at higher risk of severe illness or death from COVID-19 due to being over sixty-five (65) years of age or who have serious underlying medical conditions as identified by the Centers for Disease Control and Prevention.
14. “Home” or “Residence” includes hotels, motels, shared rental units, shelters, and similar facilities.

15. “Social Distancing” means maintaining a distance of at least six feet from any person who is not a member of the immediate household.
16. “High Risk Location” refers to any location which the CDC or Washington State Department of Health (“DOH”) recommends that travelers avoid all non-essential travel to. This includes, but is not limited to, countries and regions designated as Level 3 according to the CDC’s Geographic Risk Assessment for COVID-19 Transmission located at <https://www.cdc.gov/coronavirus/2019-ncov/travelers/map-and-travel-notices.html>
17. “Social Gathering” means a gathering of any size for social, spiritual and/or recreational purposes. Social Gatherings include, but are not limited to, community, civic, public, leisure, faith-based, or sporting events; parades; concerts; parties; festivals; conventions; fundraisers; weddings; funerals; memorials; meals with individuals who are not part of a single household; and similar activities.
18. “Face Mask” means a mask or face covering which covers both the nose and mouth.
 - A. Face Masks can be:
 - i. A sewn mask with ties or straps that go arounds the head or behind the ears;
 - ii. Several layers of fabric tied around a person’s head;
 - iii. Made from a variety of materials like cotton, fleece, or linen;
 - iv. Factory-made or home-made;
 - B. Face Masks with valves or openings on the front are unsafe as they permit droplet release from the mask, without filtration, and put others at risk. Individuals shall not wear Face Masks with valves or openings in the front to satisfy any Face Mask requirements.
19. “Spokane Indian Country” includes all lands within the exterior boundaries of the Spokane Indian Reservation and all off-Reservation trust lands.
20. The term “Family Members” includes immediate family members and extended family members.
 - A. “Immediate family member” shall mean a partner, parents, children, step-children, step-parents, fostered or adopted children, brothers, sisters, mother-in-law, father-in-law, sister and brother in-law, daughter and son in-law, grandchildren and grandparents.
 - B. “Extended” family is defined as: family that extends beyond the immediate family consisting of aunts, uncles, nieces, nephews, and first cousins.

BE IT FURTHER RESOLVED, Resolution 2020-166, as amended by Resolutions 2020-202, 2020-223, 2020-231, and other Resolutions of the Council, shall remain in effect subject to the following amendments:

1. FACE MASKS REQUIRED

- A. **Every person in Spokane Indian Country, including non-Residents, must wear a Face Mask that covers their nose and mouth when in public settings under the following circumstances:**
 - i. Inside any building, including but not limited to, any business, that is open to the public.
 - ii. In healthcare settings, including, but not limited to, a hospital, pharmacy, medical clinic, laboratory, physician’s office, dentist’s office, veterinary clinic, or blood bank.
 - iii. While in line waiting for or riding on public transportation or paratransit, or while riding in a taxi, private car system, ride-sharing vehicle, or other for hire vehicles; and
 - iv. In outdoor public areas, including but not limited to public parks, trails, streets, sidewalks, lines for entry, exit, or service, and Recreational Areas, when a distance of at least six feet cannot be maintained from any non-household member.
- B. **Individuals may remove their Face Masks when in public settings under the following circumstances:**

- i. While seated at a restaurant or other establishment that offers food or beverage service, while they are eating or drinking, provided that they are able to maintain a distance of at least six feet from guests seated at other tables;
- ii. While engaged in indoor or outdoor exercise activities, such as walking, hiking, bicycling, or running, provided that a distance of at least six feet is maintained from non-household members;
- iii. While in an outdoor public area, provided that a distance of at least six feet is maintained from non-household members;
- iv. When any party to a communication is deaf or hard of hearing and not wearing a Face Mask is essential to communication;
- v. While obtaining a service that requires a temporary removal of the Face Mask;
- vi. While sleeping;
- vii. When necessary to confirm the individual's identity; and
- viii. When tribal or federal law prohibits wearing a Face Mask or requires the removal of a Face Mask.

C. The following individuals are exempt from the requirement to wear a Face Mask:

- i. Children younger than five (5) years old; and
 - a. Children who are younger than two (2) years old should never wear Face Masks due to the risk of suffocation.
 - b. Children who are two, three, or four years old, with the assistance and close supervision of an adult, are strongly recommended to wear a face covering at all times in settings, like grocery stores or pharmacies, where it is likely that a distance of at least six feet cannot be maintained from non-household members and vulnerable people must go.
- ii. Persons with a medical condition, mental health condition, or disability that prevents wearing a Face Mask. This includes, but is not limited to, persons with a medical condition for whom wearing a Face Mask could obstruct breathing or who are unconscious, incapacitated, or otherwise unable to remove a Face Mask without assistance.
- iii. Persons who are incarcerated and the correctional facility has internal guidance on the wearing of face coverings for both incarcerated individuals and staff.

D. Face shields are not an acceptable substitute for Face Masks.

E. Conflicting Orders

- i. Other agencies and officials have taken or make take action to require the wearing of Face Masks in certain settings and jurisdictions and for certain purposes. Every person in Spokane Indian Country must wear a Face Mask whenever legally required to do so by this Resolution or by the action of any other agency or official. This Resolution and the actions of other agencies and officials must be followed to the extent they are not in conflict.
- ii. If this order and the action of any other agency or official are in conflict, the more protective requirement must be followed, unless prohibited by tribal or federal law.

F. Children in childcare facilities and K-12 public and private schools may use face shields as an alternative to a cloth face covering only where authorized pursuant to a separate Resolution or, in the case of the Wellpinit School District, an order of Governor Inslee or his designee.

G. The Face Mask requirement contained in this Section 1 shall not apply to the Chewelah Casino or the Spokane Tribe Casino (collectively, the "Casinos"). Instead, the Casinos shall follow the Health and Sanitation Guidelines (COVID-19) as approved by Spokane Tribal Gaming Commission Resolution No. 2020-007, or as amended.

2. PLAYGROUNDS AND PARKS

- A. Facilities such as parks and sports fields may reopen to the general public, subject to Social Distancing and higher per-use sanitation requirements.

3. RECREATIONAL AREAS: CAMPING AND FISHING

- A. The fishing and camping restrictions imposed by Resolution 2020-166, as amended by Resolutions 2020-202, 2020-223, and 2020-231 are hereby amended as follows:

- i. Day Use:

- a. Only Members, Spouses, Descendants, and Residents, as well as their Family Members and individuals in their immediate household, may engage in Day Use at Recreational Areas, subject to Social Distancing requirements.
 - b. Spouses, Descendants, Residents, as well as their Family Members and individuals in their immediate household, do not need to be accompanied by a Member in order to engage in Day Use.
 - c. Day Users must remove all vehicles, campers, trailers, and all equipment and belongings from all Recreational Areas from the hours of 9 PM to 5 AM on a daily basis.
 - d. Day Use at all Recreational Areas shall remain closed to the general public for the remainder of the 2020 calendar year.

- ii. Overnight Camping:

- a. Only Members, Descendants, Spouses, as well as their Family Members and individuals in their immediate households, may engage in Overnight Camping at Recreational Areas, subject to Social Distancing requirements.
 - b. Descendants and Spouses, as well as their Family Members and individuals in their immediate households, do not need to be accompanied by a Member in order to engage in Overnight Camping.
 - c. The Two Rivers RV Park and McCoy's Marina shall remain open to the general public for Overnight Camping, subject to Social Distancing Requirements.
 - d. Overnight Camping at all Recreational Areas, other than those listed in Section 3(A)(ii)(c) above, shall remain closed to the general public for the remainder of the 2020 calendar year.

- iii. Fishing:

- a. Reservation-wide fishing shall remain limited to Members, Spouses, and Descendants, except as described in Section 3(B) below, and subject to Social Distancing and applicable license or permit requirements.
 - b. Spouses and Descendants do not need to be accompanied by a Member in order to engage in reservation-wide fishing unless otherwise required by license or permit requirements.
 - c. Non-Members and Non-Indians may engage in fishing at Little Falls and the Two Rivers Marina, and these locations only, subject to Social Distancing and applicable license or permit requirements. All other water bodies and Recreational Areas shall remain off-limits to Non-Members and Non-Indians for purposes of fishing.

- B. Pow-Wow Grounds:

- i. Day Use at the Pow-Wow Grounds shall be subject to the following regulations:

- a. Limited to Members, Spouses, Descendants, as well as their Family Members and individuals in their immediate households.
 - b. Subject to Social Distancing requirements.

- c. Day Users must remove all vehicles, campers, trailers, and all equipment and belongings from all Recreational Areas from the hours of 9 PM to 5 AM on a daily basis.
 - d. Spouses and Descendants, as well as their Family Members and individuals in their immediate household, do not need to be accompanied by a Member in order to engage in Day Use at the Pow-Wow Grounds.
- ii. Overnight Camping at the Pow-Wow Grounds shall be subject to the following regulations and restrictions:
 - a. Limited to Members, Spouses, Descendants, as well as their Family Members and individuals in their immediate households.
 - b. Subject to all applicable Social Distancing requirements.
 - c. All Overnight Camping authorized under this Resolution shall be limited to a total of thirty (30) calendar days.
 - d. The Council grants the Executive Director all necessary authority to approve requests for Overnight Camping at the Pow-Wow Grounds. Such approval shall be in writing, with written notice to the Council, and in compliance with the regulations herein.
 - e. All individuals authorized for Overnight Camping at the Pow-Wow Grounds must vacate the premises, with all belongings removed, by 10:00 AM on August 3, 2020.
 - f. Capacity is limited to twenty-five (25) Overnight Camping requests at any one time. The Executive Director shall not approve any Overnight Camping request in excess of this number.
 - g. Descendants and Spouses, as well as their Family Members and individuals in their immediate households, do not need to be accompanied by a Member in order to engage in Overnight Camping at the Pow-Wow Grounds.

4. STAY AT HOME ORDER

- A. Vulnerable Individuals are strongly encouraged to cease leaving their home or place of residence except (1) to conduct or participate in Authorized Activities, and/or (2) for employment purposes. Social Distancing requirements shall remain in effect at all times.
- B. Stay Home – Stay Safe. All residents of the Reservation are encouraged to remain at their home or place of residence as much as possible to limit the spread of COVID-19.

5. SOCIAL DISTANCING, SOCIAL GATHERINGS, AND NON-ESSENTIAL TRAVEL

- A. Social Distancing:
 - i. When individuals need to leave their homes or residences, they must at all times maintain a distance of at least six feet from any person who is not a member of their immediate household.
- B. Social Gatherings:
 - i. All individuals shall immediately cease participating in Social Gatherings larger than one-hundred (100) or more 50% of the facility's maximum capacity, whichever amount is smaller.
 - ii. All Social Gatherings shall be subject to the following:
 - a. Social Distancing requirements must be followed at all times.
 - b. Facemasks must be worn at all times.
 - c. Organizers and/or hosts shall limit Social Gatherings to no more than one-hundred (100) individuals, including staff, or 50% of the facility's maximum capacity, whichever is smaller.

- d. Attendance records must be kept and retained for a period of thirty (30) days.
 - iii. The Social Gathering requirements set forth in this subsection shall not apply to Social Gatherings which solely include people who are part of a single household or residential living unit.
- C. Travel:
- i. Individuals are directed to minimize travel and remain in their home or place of residence as much as possible.
 - ii. Tribal Governmental Employees must obtain the Executive Director's written approval prior to travelling. The Executive Director shall review all requests on a case-by-case basis. Tribal Employees shall not travel to High-Risk Locations under any circumstances.

6. FUNERALS AND WAKES

- A. Funerals, wakes, and similar ceremonies may take place on the Reservation without the express authorization of Tribal Council, but shall be subject to the following requirements at all times:
- i. All applicable limitations regarding the size of Social Gatherings shall be strictly followed.
 - ii. All attendees must follow Social Distancing requirements at all times.
 - iii. Face Masks must be worn as required by Section 1 of this Resolution.
 - iv. Attendance records must be kept and retained for a period of thirty (30) days.

7. TRIBAL SHUTDOWN AND LEAVE POLICIES

- A. All Tribal Operations shall reopen subject to various approved COVID-19 safety policies and procedures (the "COVID-19 Policies").
- i. All individuals must follow all applicable COVID-19 Policies, as they currently exist or as amended/updated, while utilizing Tribal facilities. Where applicable, all COVID-19 Policies shall implement internal Phase II requirements.
 - ii. COVID-19 Policies include, but are not limited to:
 - a. COVID-19 Workplace Policies;
 - b. COVID-19 Return to Work Procedures;
 - c. COVID-19 Facility Use Procedures;
 - d. Heightened Sanitization Requirements;
 - e. Telework Policies;
 - f. COVID-19 Sick Leave Policies;
 - g. COVID-19 Communication Plan;
 - h. Screening policies and entry controls; and
 - i. Other policies which may modify working conditions to protect the health and safety of employees and/or the general public.
 - iii. Applicable COVID-19 Policies may vary by department, program, facility, or location. Certain departments or programs may have higher safety precautions to address unique risks and challenges.
 - iv. The Council grants the Emergency Leadership Team, as appointed in Resolution 2020-154, all necessary authority to approve and amend any and all COVID-19 Policies to protect the health and welfare of Tribal employees and the general public. Such approval

or amendment shall be in writing and approved by the Director of the Emergency Team or his designee, with written notice to the Council.

- v. The Tribe recognizes that certain tribal facilities, including but not limited to the Spokane site for Tribal TANF, are located on fee land outside the exterior boundaries of the Reservation and may therefore be subject to State and other local safety requirements.

8. CONSTRUCTION

- A. Resolution 2020-223, which conditionally authorizes Low-Risk and Essential Construction, shall remain in full force and effect until amended or terminated by Resolution of the Council.

9. VULNERABLE INDIVIDUALS

- A. Vulnerable Individuals are strongly encouraged to remain in their home or place of residence to the maximum extent possible. Vulnerable Individuals are also strongly encouraged to teleworking/telecommuting as much as possible.
- B. All persons with Vulnerable Individuals in their immediate households are encouraged to follow all recommended CDC and DOH guidelines, including Social Distancing and wearing facemasks in public. Returning to work or engaging in Authorized Activities, especially in environments where Social Distancing is not practical, can carry the COVID-19 virus into the home and infect Vulnerable Individuals.
- C. All persons are encouraged to stay up-to-date on current COVID-19 health and safety guidelines. Education on best practices is key to mitigating the risk to Vulnerable Individuals.

10. GYMS AND EXERCISE FACILITIES

- A. Gyms and similar exercise facilities may open to the general public subject to heightened sanitation protocols and strict Social Distancing requirements.
- B. Face Masks shall be worn as required by Section 1 of this Resolution.
- C. Such facilities shall not open if they are unable, or refuse, to follow sufficient sanitization protocols.

11. ORGANIZED YOUTH ACTIVITIES

- A. Organized youth activities, including but not limited to the youth centers and daycares, may continue providing services in compliance with applicable guidance including but not limited to the following items:
 - i. Enhanced entry screening;
 - ii. Sanitization and prevention protocols based on CDC/DOH guidance.

12. SENIOR CENTERS


- A. Senior centers may resume multi-person visits provided the senior center screens guests for COVID-19 symptoms.
- B. All individuals must wear Face Masks at all times and strictly follow Social Distancing requirements.
- C. Senior center staff and employees must maintain heightened hygiene.

BE IT FURTHER RESOLVED, this Resolution is intended to preserve the peace and welfare of the Tribe and Reservation Residents. Pursuant to RSLOC 14-26.01 individuals found to have violated the terms and conditions of this Resolution shall be subject to the penalties as set forth in Resolution 2020-166 or other applicable Council Resolution.

BE IT FINALLY RESOLVED, that this Resolution shall remain in effect until further Resolution of the Council.

Certification

The foregoing was duly enacted by the Spokane Tribal Business Council on the 2nd day of July, 2020, by the vote of 3 for, 0 against, 0 abstain, and 2 absent under authority contained in Article VIII of the Constitution of the Spokane Indians ratified by the Spokane Tribe on November 22, 1980.



Chairwoman Carol Evans
Spokane Tribal Business Council

	Yes	No	Abstain	Absent
CE	X			
GA				X
DK	X			
GF	X			
TP				X

SPOKANE TRIBAL COUNCIL RESOLUTION

Council use only:

DATE: 7/2/2020 CHAIR: *[Signature]* MOTION: 87 SEC: Danny phone

VOTE: 3 FOR 0 AGAINST 0 ABSTAIN 2 ABSENT

INFORMATION: Amending Resolutions 2020-166 (COVID-19 Stay at Home Order and Social Distancing Requirements) and 2020-231, and Enacting Phase 3 of the Spokane Tribe of Indians Reopening Plan.

VOTING RECORD				
	Yes	No	Abstain	Absent
CE	<i>[Signature]</i>			
GA				✓
DK	<i>[Signature]</i>			
GF	<i>[Signature]</i>			
TP				✓

Submitted by: 10STA
 ED review/initial: _____
 Received by: *[Signature]*
 Date Received: 7/2/2020

COMMENTS: _____

TRIBAL BUSINESS COUNCIL INSTRUCTION TO RECORDS MANAGER:

1. _____
2. _____
3. _____

Records Manager Initials: _____
 Date Completed: _____