

RESOLUTION
COLORADO RIVER TRIBAL COUNCIL

A Resolution to Require All Non-Essential Businesses to Close and all Non-Essential Personnel to Stay at Home.

Be it resolved by the Tribal Council of the Colorado River Indian Tribes of the Colorado River Indian Reservation, in *special* meeting assembled on April 1, 2020

WHEREAS, the Colorado River Indian Tribes (hereinafter "CRIT" or "Tribes") is a federally recognized Indian Tribe, duly organized with a tribal governing body known as the Tribal Council according to the provisions contained in the Indian Reorganization Act of June 18, 1934; and

WHEREAS, Article VI, Section 1(v) of the Constitution of the Colorado River Indian Tribes authorizes the Tribal Council to promulgate ordinances and resolutions providing for the administration of the health, education and welfare of members of the tribes.

WHEREAS, the World Health Organization declared a Public Health Emergency of International Concern on January 30, 2020; the United States Health and Human Services declared a Public Health Emergency related to the Coronavirus Disease 2019 (COVID-19) outbreak on January 31, 2020; the World Health Organization officially declared a pandemic due to COVID-19 on March 11, 2020; and the United States declared a National Emergency on March 13, 2020; and CRIT also declared an emergency for the Reservation on March 13, 2020; and

WHEREAS, the Colorado River Indian Tribes is a sovereign government. According to the United States Supreme Court, "a tribe may also retain inherent power to exercise civil authority over the conduct of non-Indians on fee lands within its reservation when that conduct threatens or has some direct effect on . . . the health or welfare of the tribe." *Montana v. U.S.*, 450 U.S. 544, 1981; and

The foregoing resolution was on April 1, 2020 duly approved by a vote of 7 for, 0 against and 0 abstaining, by the Tribal Council of the Colorado River Indian Tribes, pursuant to authority vested in it by Sections 1.v., Article VI of the Constitution and By laws of the Tribes, ratified by the Tribes on March 1, 1975 and approved by the Secretary of the Interior on May 29, 1975, pursuant to Section 16 of the Act of June 18, 1934, (46 Stat. 984). This resolution is effective as of the date of its adoption.

COLORADO RIVER TRIBAL COUNCIL

By

[Signature] ACTING
Chairman

[Signature]
Secretary

WHEREAS, the outbreak of Covid-19 is a grave danger to the Colorado River Indian Tribal members and non-tribal community, as many members of the community as a whole are in the high-risk category for high rates of mortality due to Covid-19, the disease caused by the coronavirus; and

WHEREAS, it is imperative that the entire community located within the exterior boundaries of the Reservation, including homes and businesses on fee land, as Montana anticipated, work with the Tribes to protect the vulnerable tribal and non-tribal members continued health and welfare of the community, minimizing the coronavirus outbreak within the boundaries of the Reservation; and

WHEREAS, in order to ensure the safety of our community, the Tribal Council is implementing measures to prevent or slow the spread the COVID-19 by requiring all non-essential businesses to close and all residents within the exterior boundaries of the Colorado River Indian Reservation to stay home.

NOW, THEREFORE, BE IT RESOLVED by the Tribal Council of the Colorado River Indian Tribes that the Colorado River Indian Tribes hereby approves implementing the following orders within the exterior boundaries of the Colorado River Indian Reservation:

- 1) All individuals are required to stay at home, with the exception of essential personnel. Individuals may only leave their homes out of absolute necessity for their health, safety or welfare—such as obtaining medical care, food, or traveling to an essential job function. Only one individual in the household should be sent out to conduct essential business, such as grocery shopping, except where assistance is required or no one is in the home to care for young children.
- 2) All non-essential business shall close to the public.
- 3) Essential businesses include the following:
 - a. Hospitals and medical offices and providers of related medical supplies, home-based care, and prescriptions;
 - b. Health and social welfare offices and workers;
 - c. Residential care, daycare, shelters, and detention facilities for children, adults and seniors;
 - d. Food banks;
 - e. Daycare services to the extent they are providing care for individuals serving in essential services;
 - f. Electric, gas, water, septic, and sewer utility workers;
 - g. Businesses which sell food or supplies necessary for life sustaining activities;

- h. Businesses and services which deliver supplies or food;
 - i. Hard wired and wireless voice communications systems, fiber, cable, and satellite providers for television and internet services and repair personnel;
 - j. Gas stations, auto repair shops, and auto-supply;
 - k. Transportation services;
 - l. Restaurants must only provide take out or drive-thru service and eliminate all dining area seating, to include outdoor seating;
 - m. Agricultural services and related water irrigation services;
 - n. Newspaper and media resources;
 - o. Banks and related financial institutions;
 - p. Professional legal, accounting, real estate, and insurance services;
 - q. Hardware stores and construction service providers;
 - r. Plumbers, electricians, exterminators and others who provide services necessary to maintain safety, sanitation and essential operation;
 - s. Mailing and shipping services;
 - t. Laundromats;
 - u. Pet supply and veterinary services;
 - v. School staff may continue to work only for the purpose of preparing meals and coordinating at home school services;
 - w. Government services and operations;
 - x. Hotels and motels;
 - y. Funeral services subject to the limitations set forth herein;
 - z. A petition to the Tribal Council to be included as an essential service shall be considered
- 4) All essential services listed above shall enact limits on either the number of persons permitted to be present within the building at one time, based on the size of the building; if that is impractical, the place of business shall enforce the minimum six-foot spacing limitations during line formation.
- 5) Recreational activities are suspended on the Colorado River Indian Reservation. This includes permitted and open access to the Colorado River, and orders temporary suspension for fishing, hunting, camping, and other recreational permits. This is necessary to reduce seasonal visitors from out-of- state who are non-compliant with the stay-at-home orders issued from other jurisdictions. This does not include individuals

or family units from walking around their neighborhood, playing outside in their yard, running or biking provided social distancing is practiced. This does exclude large groups playing group sports, contact or not.

- 6) No one is permitted to access the Colorado River within the boundaries of the Colorado River Indian Reservation for recreational purposes, including but not limited to fishing, swimming, or boating.
- 7) All departments or entities that house individuals are hereby officially closed to visitation from the public until further notice to protect those that are currently in population, to include all detention facilities and the Children's Residential Center.
- 8) No overnight parking shall be allowed in the parking lots of any of the businesses. The exception shall be that semi-trucks shall be permitted to stop and sleep in commercial parking lots and the Running Man parking lots, being aware that the building itself is closed to the public from 11 pm to 5 am.
- 9) All housing development managers, apartment landlords, and RV and Mobile Home Park Managers shall ensure no congregation of people within their establishments with the exception of the members of a single household. A congregation is defined as 6 or more people and requires the practicing of social distancing. Managers are authorized to close areas of congregation within their establishments including parks and playgrounds.
- 10) All RV and Mobile Home Parks shall not permit new RV's or seasonal residents into their respective parks and shall not grant any extensions or RV permits.
- 11) All places of worship and churches are to stop holding in-person services immediately.
- 12) Funeral rites that are non-compliant with the Cemetery Committee Recommended Practices shall not be permitted.
- 13) A curfew for all individuals shall be enacted from 10 pm to 5 am with the exception of travel for essential work or medical care. This provision does not otherwise expand the curfew for minors outlined within Law and Order Code Section 361;
- 14) Libraries and youth clubs shall be closed;
- 15) No new CRIT business permits or licenses for roadside vendors and peddlers shall be issued;

- 16) All private gatherings, including wakes and funerals, of more than 6 people shall be postponed excluding members of the same household;
- 17) All essential government services, such as but not limited to; Police, Fire, Courts, Fish and Game, and CHR will remain staffed and operational.

BE IT FURTHER RESOLVED that for violations of any of the requirements of this Resolution shall be punishable by civil penalty as follows:

- 1) For any individual person that violates the stay at home order, any curfew, or any spacing requirement, a civil fine of up to \$100 for the first offense per incident, per day.
- 2) For any non-profit business that continues operation after this order has come into effect, a civil fine of up to \$250 per incident, per day.
- 3) For any for-profit business that continues operation after this order has come into effect, a civil fine of up to \$500 per incident, per day.
- 4) Violators shall be subject to fines of up to \$1,000 per incident, per day in the event of intentional or repeat violations.
- 5) Repeat violators may be subject to exclusion from the Colorado River Indian Reservation.
- 6) Upon the expiration of this order, a hearing will be scheduled for these violations in the Tribal Court of the Colorado River Indian Tribes. Any judgement entered due to failure to appear shall result in domestication of any Tribal Court Order in State Court.
- 7) CRIT Police Department and CRIT Fish and Game are permitted to issue civil citations for any violation of this Order.
- 8) Nothing contained herein prohibits additional or alternative civil or criminal enforcement permitted under currently enacted Ordinances such as the Law and Order Code, Natural Resources Code, and Health and Safety Code.

BE IT FURTHER RESOLVED that this Resolution shall replace Resolution No. 50-20; and

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately and shall remain in effect until April 30, 2020, or until Tribal Council, in consultation with public health officials, determines that the threat has decreased and these restrictions can be lifted; and

BE IT FURTHER AND FINALLY RESOLVED that the Tribal Council Chairman and Secretary, or their designated representatives, are hereby authorized and directed to execute any and all documents necessary to implement this action.