



RESOLUTION NO. 54-20

**Stay Home—Stay Healthy Order Extended in Response to
the Threat of Coronavirus Disease COVID-19**

WHEREAS, the Lower Elwha Tribal Community, also known as the Lower Elwha Klallam Tribe (“the Tribe”), is a federally recognized, self-governing Indian tribe in accordance with the Treaty of Point-No-Point of January 26, 1855, its Constitution and By-laws, approved by the Secretary of the Interior on April 29, 1968, and the Indian Reorganization Act of June 18, 1934; and

WHEREAS, the Lower Elwha Klallam Tribal Business Committee of the Lower Elwha Community Council is the constitutionally and duly elected representative body of the Tribe, and is responsible for ensuring the health, safety, education, welfare, social and economic development, law and order, judicial services, and housing of its tribal citizens; and to preserve and protect the culture, treaty rights, natural resources, and otherwise promoting the welfare and interests of its tribal citizens; and

WHEREAS, under Article IV, Section 1 of the Tribe’s Constitution, the Tribe has the authority to consult, negotiate, contract and conclude agreements with the federal, state and local governments, to manage the Tribe’s fiscal resources and the use of its property, and to take any and all actions necessary to promote the welfare and interests of the Tribe’s community and members; and

WHEREAS, COVID-19 is a respiratory disease that can result in serious illness or death that is caused by a novel strain of the Coronavirus that can easily spread from person to person; and

WHEREAS, the United States Center for Disease Control (CDC) identifies the potential public health threat posed by COVID-19 as “high,” and advises that person-to-person spread of COVID-19 will continue to occur on a global scale; and

WHEREAS, on March 13, 2020, Chairwoman Frances Charles declared a Public Health Emergency Declaration due to Coronavirus COVID-19 and directed the implementation of the Tribe’s Comprehensive Emergency Management Plan (March 2013) and the Business Committee ratified the emergency declaration by Resolution No. 39-20 on March 19, 2020; and

WHEREAS, on March 25, 2020, the Business Committee proclaimed and imposed a Stay Home—Stay Healthy Order (Resolution No. 42-20) in response to the COVID-19 emergency for the Lower Elwha Klallam Tribe, its members and the Lower Elwha Reservation and trust lands within the jurisdiction of the Tribe that prohibited all persons subject to the jurisdiction of the Tribe from leaving their homes or participating in social, spiritual and recreational gatherings of any kind regardless of the number of participants, and all non-essential businesses under the control of the Tribe from conducting business, within certain prescribed limitations; and

WHEREAS, on May 4, 2020, the Business Committee extended the Stay Home—Stay Healthy Order (Resolution No. 52-20) in response to the continuing COVID-19 state of emergency; and

WHEREAS, the COVID-19 disease has continued to broadly spread throughout Washington State, with at least 17,330 confirmed cases of COVID-19 and 962 confirmed deaths, however new cases, hospitalizations and deaths from COVID-19 are decreasing since the peak on April 6, 2020; and

WHEREAS, there have been 19 confirmed positive cases of COVID-19 in Clallam County and all 19 known cases have recovered from the virus; and

WHEREAS, the data shows that State and Tribal Stay Home—Stay Healthy orders are working to slow the spread of COVID-19 and prevent hospitals in the State from being overwhelmed, however models at the University of Washington predict that the Stay Home—Stay Healthy orders must be continued to prevent a second wave of infections from COVID-19; and

WHEREAS, the Business Committee continues to recognize the seriousness of the impending threat of COVID-19 and desires to take the additional step of extending the duration of the Stay Home—Stay Healthy Order to continue to slow the spread of the disease in the Lower Elwha Klallam community.

THEREFORE BE IT NOW RESOLVED THAT, the Business Committee hereby further extends the Stay Home—Stay Healthy Order established by Resolution No. 42-20, and extended by Resolution Nos. 43-20 and 52-20, for the Lower Elwha Klallam Tribe, its members and the Lower Elwha Reservation and trust lands within the jurisdiction of the Tribe by prohibiting all persons subject to the jurisdiction of the Tribe from leaving their homes or participating in social, spiritual and recreational gatherings of any kind regardless of the number of participants, and all non-essential businesses under the control of the Tribe that are prevented from conducting business under tribal order, within the limitations provided herein.

BE IT FURTHER RESOLVED THAT, to help preserve and maintain life, health, property or the public peace, and to implement the Stay Home—Stay Healthy Order described above, the Business Committee hereby continues in effect the following necessary restrictions on participation by all people subject to the jurisdiction of the Tribe by prohibiting each of the following activities by all people and businesses throughout Washington State, which prohibitions shall remain in effect until midnight on June 1, 2020, unless extended beyond that date:

1. All individuals are prohibited from leaving their home or place of residence except to conduct or participate in (1) essential activities, (2) employment in providing essential business services, or (3) employment in or patronage of non-essential businesses that are open for business:

a. Essential activities permitted under this Order are limited to the following:

1) 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.

2) 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.

3) 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.

4) Engaging in outdoor exercise activities, such as walking, hiking, running or biking, but only if appropriate social distancing practices are used.

b. Non-essential activities permitted under this Order include:

1) Patronizing tribal businesses that are opened by order of the Business Committee.

2) Patronizing tribal businesses that are opened by the governing body of another tribe.

3) Patronizing businesses under the jurisdiction of the State as permitted under the criteria defined and established by the May 1, 2020 Executive Order of Governor Inslee.

c. All individuals employed by the Tribe or its enterprises will continue to follow the directions from the Tribe's Executive Director and the Business Committee on whether or how they are to report to work for essential services or non-essential business services. All individuals employed outside of the Tribe may continue to report to their place of employment in essential business services or for non-essential business services as defined and established by the May 1, 2020 Executive Order of Governor Inslee. Treaty fishers are considered essential and may continue to follow regulations issued by the Tribe but are encouraged to follow appropriate social distancing practices and sanitation measures.

c. This prohibition shall not apply to individuals whose homes or residences are unsafe or become unsafe, such as victims of domestic violence, to the extent that these individuals are permitted and urged to leave their homes or residences and stay at a safe alternate location.

2. All individuals are prohibited from participating in all public and private gatherings and multi-person activities for social, spiritual and recreational purposes, regardless of the number of people involved, except as specifically identified herein. Such activity includes, but is not limited to, community, civic, public, leisure, faith-based, or sporting events; parades; concerts; festivals; conventions; fundraisers; and similar activities. This prohibition also applies to planned wedding and funeral events. This prohibition shall not apply to activities and gatherings solely including those people who are part of a single household or residential living unit.

3. All non-essential businesses under the control and/or jurisdiction of the Tribe shall remain closed except for performing basic minimum operations. All essential businesses are encouraged to remain open and maintain operations, but must establish and implement social distancing and sanitation measures at least as protective as those established by the United States Department of Labor's Guidance on Preparing Workplaces for COVID-19 at <https://www.osha.gov/Publications>

/OSHA3990.pdf or the Washington State Department of Health Workplace and Employer Resources & Recommendations at <https://www.doh.wa.gov/Coronavirus/workplace>.

a. Non-essential businesses are prohibited from operating other than performance of basic minimum operations.

b. Essential businesses are prohibited from operating under this Order unless they establish and implement social distancing and sanitation measures established by the United States Department of Labor and the Washington State Department of Health Workplace and Employer Resources & Recommendations.

c. This prohibition does not apply to businesses consisting exclusively of employees or contractors performing business activities at their home or residence, and who do not engage in in-person contact with clients.

d. For purposes of this Order, basic minimum operations are the minimum activities necessary to maintain the value of the business' inventory, preserve the condition of the business' physical plant and equipment, ensure security, process payroll and employee benefits, facilitate employees of the business being able to continue to work remotely from their residences, and related functions. This Order shall not be construed to prohibit working from home, operating a single owner business with no in-person, on-site public interaction, or restaurants and food services providing delivery or take-away services, so long as proper social distancing and sanitation measures are established and implemented.

4. Violators of this of this order may be subject to criminal or civil penalties in accordance with Section 9.15.13 of the Criminal Code, for failure to comply with an Emergency Public Health Order, including a potential jail sentence of up to 180 days or a civil fine not to exceed \$1,000 per offense.

BE IT FINALLY RESOLVED THAT, the Business Committee hereby authorizes and directs the Chairwoman, and the Vice-Chair in her absence, and the Tribe's Executive Director to take any and all actions necessary to respond to the emergency presented by COVID-19, in coordination with the Incident Command Structure personnel and further authorizes the Chief of Police to enforce violations of this Order.

CERTIFICATION

The foregoing resolution was presented at a duly called meeting of the Lower Elwha Klallam Business Committee held on the 12th day of MAY 2020, at which 5 members were present, constituting a quorum, and the Business Committee voted to adopt by a vote of 4 FOR, 0 AGAINST, and 1 ABSTENTIONS.



Frances G. Charles, Tribal Chairwoman



Council Member