



Public Health Order Reopen and Stay Healthy 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) continues to identify 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, the COVID-19 disease has continued to broadly spread throughout Washington State, with at least 24,642 confirmed cases of COVID-19 and 1,190 confirmed deaths as of June 11, 2020, compared to 17,951 cases and 992 deaths on May 14, 2020, and

WHEREAS, in Clallam County there is a current total of 29 confirmed positive cases of COVID-19 compared to 19 positive cases on May 14, 2020; and

WHEREAS, through prior declarations and resolutions the Tribe has recognized the Public Health Emergency due to the lethal and contagious Coronavirus COVID-19 disease and imposed a Stay Home—Stay Healthy Order (Resolution No. 42-20) on March 25, 2020, for the Lower Elwha Klallam Tribe, its members and the Lower Elwha Reservation and trust lands within the jurisdiction of the Tribe; and

WHEREAS, the Business Committee continues to recognize the seriousness of the impending threat of the highly contagious and lethal COVID-19 disease and desires to take steps to phase

reopening of Tribal Government offices and businesses through a carefully controlled phased approach based on available science and data that will allow the Tribal Community to stay healthy by not being overwhelmed with new cases of the disease. High risk populations will continue to stay home and stay healthy throughout Phases 1-3.

WHEREAS, we have been operating in the first phase of this approach for the duration of the Stay At Home Order. Limited programs and services have been operational with essential staff. Strict public health measures have been in place to ensure safe work environments are maintained;

AND WHEREAS, the second phase of this approach allows for small gatherings of less than 5 people and continues public health measures such as social distancing, encouraging mask-wearing, and strict cleaning and hygiene practices. Programs with staff that work in single occupancy offices, and predominately work in the field will return to work, limited non-essential travel within proximity of homes is allowed, and outdoor recreation involving fewer than 5 people outside a household is permitted;

AND WHEREAS, the third phase of this approach will allow outside gatherings of up to 25 people, including sports activities, and non-essential travel within Clallam County can resume. Programs with shared office space with opening protocol approved by the Executive Office will return to the office, following strict guidelines for social distancing and sanitation. Public health measures such as screening, social distancing, and cleaning and hygiene practices continue;

AND WHEREAS, the fourth and final phase of this approach will involve resuming the majority of public interactions. Gatherings of more than 25 people will be allowed, but, until a vaccine is available, we must maintain social distancing. We will slowly enter a “new normal” with programs that are able to return safely. Even with a vaccine, we will still have to continue some social distancing practices and be able to swiftly test and respond;

AND WHEREAS, each of these phases will be monitored closely. Based on data and surveillance, we may move between phases multiple times. The Executive Office will determine when we enter a new phase or even return to a previous one; **AND**

THEREFORE BE IT NOW RESOLVED THAT, the Business Committee hereby further declares that a state of emergency continues to exist on the Lower Elwha Reservation and trust lands within the jurisdiction of the Tribe, and that in order to preserve and maintain the life, health, property and public peace of the Tribe and its members the Tribe will follow the outlined phased reopening plan established by the Business Committee for its Tribal Government Offices or Tribal enterprises.

BE IT FURTHER RESOLVED THAT, to help preserve and maintain life, health, property or the public peace, until there is an effective vaccine, effective treatment or herd immunity, it is crucial to maintain some level of community interventions to suppress the spread of COVID-19 throughout all phases of reopening, therefore individuals should continue to engage in personal protective behaviors including:

1. practice physical distancing by staying a minimum of six feet away from other people (who do not live in your home or dwelling place);
2. strongly encourage to wear cloth face coverings in public places when not eating or drinking;


3. stay home when you are sick;
4. avoid others who are sick to the greatest degree possible;
5. wash your hands frequently;
6. cover your coughs and sneezes;
7. avoid touching your eyes, nose and mouth with unwashed hands; and
8. clean and disinfect surfaces and objects regularly.

BE IT FURTHER RESOLVED THAT, 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 15th day of June 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 0 ABSTENTIONS.



Frances G. Charles, Tribal Chairwoman



Council Member