



Public Health Order Reopen the Tribe to Phase 3.5

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,” but has also recognized the effectiveness of the vaccines and has offered new guidance for fully vaccinated people; and

WHEREAS, the COVID-19 disease has continued to spread throughout Washington State; and

WHEREAS, in Clallam County, as of June 24, 2021, there was a total of 1,448 confirmed positive cases of COVID-19 and 12 deaths; and

WHEREAS, Clallam County is categorized as a high risk of community transmission with 78 confirmed positive cases per 100,000 persons in the last 14 days, according to the criteria established by the Washington Department of Health risk assessment dashboard; and

WHEREAS, the Lower Elwha Tribal Community has had a total of 46 persons test positive for COVID-19; and

WHEREAS, the Lower Elwha Health Department has begun vaccinating tribal members, their families and employees of the Tribe in accordance with the vaccination plan approved by Resolution No. 4-21; 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 finds that with vaccination efforts underway the highly contagious and lethal COVID-19 disease no longer poses as serious a threat to the community and desires to follow its established framework for reopening of Tribal Government offices and businesses by moving to Phase 3.5 of the attached Lower Elwha Klallam Tribe’s COVID-19 Phased Reopening Plan (dated 06/18/21).

THEREFORE BE IT NOW RESOLVED THAT, the Business Committee hereby 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 Business Committee hereby rescinds the “Remain Strong, Resilient and Remain in Phase 3 Order” for the Lower Elwha Klallam Tribe, its members and the Lower Elwha Reservation and trust lands within the jurisdiction of the Tribe and hereby reopens to Phase 3.5 of the attached Lower Elwha Klallam Tribe’s COVID-19 Phased Reopening Plan (dated 06/18/21) (the “Tribal Reopening Plan”), within the limitations provided herein by prohibiting all persons and businesses subject to the jurisdiction of the Tribe from engaging in any activity that is not in conformance with those permitted under Phase 3.5 of the Tribal Reopening Plan, which prohibitions are effectively immediately and shall remain in effect until 11:59 PM on August 30, 2021, unless modified by further Order:

1. Members of the community may engage in outdoor exercise activities of all kinds that involve an unlimited number of people, but only if appropriate social distancing practices are followed and masks are used by those persons who are not fully vaccinated.
2. Members of the community may engage in indoor exercise activities, of up to 40 participants in the gymnasium, but only if appropriate social distancing practices are followed and masks are used by those persons who are not fully vaccinated.
3. Members of the community may engage in outdoor gatherings that involve an unlimited number of people, but only if appropriate social distancing practices are followed and masks are used by those persons who are not fully vaccinated.
4. Members of the community may engage in indoor gatherings, of up to 40 participants, but only if appropriate social distancing practices are followed and masks are used by those persons who are not fully vaccinated when they are not eating or drinking.
5. All individuals employed by the Tribe or its enterprises will return to their workplaces in accordance with established policy in applicable employee handbooks and employment policies.
6. All individuals employed outside of the Tribe may report to their place of employment as required by their employer, another tribal government or the State of Washington.
7. Travel is subject to the conditions and guidance established by CDC’s COVID-19 travel guidelines. All non-routine out of area travel by Tribal Government employees is subject to prior written approval of the Executive Director or her designee in their sole discretion.

BE IT FURTHER RESOLVED THAT, the Business Committee moves its Tribal Government offices and businesses to Phase 3.5 of its Tribal Reopening Plan (attached) to help preserve and maintain life, health, property or the public peace until 11:59 PM on August 30, 2021.

BE IT FURTHER RESOLVED THAT, by order of the Business Committee the Elwha River Casino will remain open and maintain operations at 75% capacity in accordance with the safety requirements in the Elwha River Casino COVID-19 Preparedness Plan approved by the Business Committee in Resolution No. 126-20 until 11:59 PM on August 30, 2021.

BE IT FURTHER RESOLVED THAT, by order of the Business Committee the Lower Elwha Food and Fuel, Cedarbox Smokeshop, and Elwha Peaks will remain open and maintain operations subject to the following conditions: masks are not required for fully vaccinated staff and customers; unvaccinated staff and customers must still wear face masks while on the premises, until 11:59 PM on August 30, 2021.

BE IT FURTHER RESOLVED THAT, to help preserve and maintain life, health, property or the public peace, until the population has received the 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. unless fully vaccinated, wear cloth face coverings in public places when it is not possible to practice physical distancing and 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, in addition to other requirements detailed in any applicable reopening plan, all elected officials, executive officers, and employees of the Tribal Government and Tribal enterprises, who are not fully vaccinated shall wear a cloth facial covering when on the job except: when working alone; when the job has no in-person interaction; or when it is possible to maintain physical distancing of 6 feet or more.

BE IT FURTHER RESOLVED THAT, each Tribal Government department or Tribal enterprise is required to provide cloth facial coverings to all unvaccinated employees, unless the exposure of the employee dictates a higher level of protections.

BE IT FURTHER RESOLVED THAT, to prevent the spread of the highly contagious and lethal COVID-19 disease in the Tribal Community and to mitigate the risk of destabilizing the Tribe's Indian Child Welfare Program (ICW Program) and foster care system, the Business

Committee hereby specifically waives and suspends the following until 11:59 PM on August 30, 2021, unless modified by further order:

1. Notwithstanding parenting plans and residential schedules issued by other jurisdictions, the visitation schedule established by the Lower Elwha Tribal Court will remain as ordered until modified by further order of the Lower Elwha Tribal Court.

BE IT FURTHER RESOLVED THAT, the Lower Elwha Tribal Court may resume in-person hearings in accordance with tribal court order that includes proper physical distancing and protective measures.

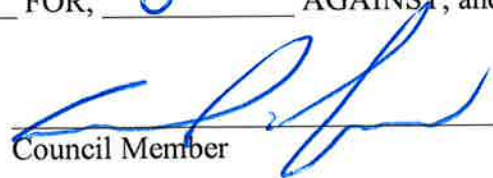
BE IT FINALLY RESOLVED THAT, the Business Committee hereby authorizes and directs the Chairwoman, and the Vice-Chair in her absence, and the Tribe's Executive Director to take any and all actions necessary to respond to the emergency presented by COVID-19, in coordination with the Incident Command Structure personnel, including the performance of contact tracing in coordination with Clallam County personnel, while safeguarding the protected health information of individuals in compliance with the Health Insurance Portability and Accountability Act ("HIPAA"), 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 29 day of June 2021, 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