

**SWINOMISH INDIAN TRIBAL COMMUNITY
SWINOMISH INDIAN RESERVATION**

RESOLUTION NO. 2020-08- 159

**A Resolution Updating the Tribe's COVID-19 Precautionary Orders and Authorizing
Phase 2 Construction Restart Including New Construction**

WHEREAS, the Swinomish Indian Tribal Community (the "Tribe") is a federally recognized Indian Tribe organized pursuant to Section 16 of the Indian Reorganization Act of 1934 (25 U.S.C. § 5123); and

WHEREAS, the Tribe is organized under a constitution and bylaws originally ratified by the Tribe on November 16, 1935, and approved by the Secretary of the Interior on January 27, 1936, and as most recently amended and ratified by the Tribe on May 23, 2017, and approved by the Secretary of the Interior on July 7, 2017; and

WHEREAS, Swinomish Indian Senate (the "Senate") is the duly enacted governing body of the Swinomish Indian Tribal Community and exercises governmental authority over all lands and waters within the Swinomish Indian Reservation; and

WHEREAS, the Senate approved Resolution 2020-03-042 on March 9, 2020, declaring a Public Health Emergency in light of the rapidly spreading COVID-19 virus and potential threat to our community members; and

WHEREAS, on March 24, 2020, the Senate declared a precautionary COVID-19 Stay Home Order in Resolution 2020-04-073 for all Swinomish Indian Tribal Community members, those in the community, residents and businesses of the Swinomish Reservation and Tribal employees; and

WHEREAS, in subsequent Resolutions, the Senate's precautionary Order has since been amended to extend its expiration date, detail essential businesses and activities as determined by the Swinomish Senate and to refine and incrementally amend the Order as circumstances have evolved, through Resolutions Nos. 2020-04-076, 2020-04-100, 2020-04-101, 2020-05-112, 2020-05-115, 2020-05-119, and 2020-05-120 ("COVID-19 Precautionary Orders"); and

WHEREAS, on May 5, 2020, the Senate authorized Phase I Construction Restart allowing existing construction projects to resume, so long as the construction projects meet certain COVID-19 Jobsite Requirements and has implemented a COVID-19 Jobsite Safety Plan, Resolution No. 2020-05-112; and

WHEREAS, based on science and data, current COVID-19 conditions now permit further adjustment and commencement of new construction activities; and

WHEREAS, the implementation of the Swinomish Phase 2 Construction Restart COVID-19 Jobsite Safety Plan, as attached to this Resolution, and the implementation of Swinomish Phase 2 Construction Restart COVID-19 Jobsite Requirements, as attached to this Resolution, would ensure construction activities within the Reservation are conducted in a manner that limits exposure to COVID-19; and

WHEREAS, before construction activities begin, the construction contractor must ensure all Swinomish COVID-19 Jobsite Requirements are met and must develop a Phase 2 Jobsite Safety Plan that is maintained at the jobsite and available at the request of the Tribe; and

WHEREAS, the Swinomish Senate's primary concern remains the health, safety and wellbeing of all its community members, especially our elders and other vulnerable persons within our community, as well as residents and businesses of the Swinomish Reservation and employees of the Tribe, recognizing that we all face a shared and very serious public health concern; and

WHEREAS, the Senate recognizes the need to start construction activities in a safe manner with Swinomish COVID-19 Jobsite Safety Requirements in place, and should workers at the jobsite fail to maintain social distancing protocols or other Swinomish COVID-19 Jobsite Requirements, it may be necessary to terminate construction activities; and

WHEREAS, the Senate is authorized to take this action pursuant to Article VI, Section 1 (f), (k), (l), and (q), Section 3, and Section 5(b) and (c) of the Constitution of the Tribe approved January 27, 1936, as amended and pursuant to the inherent authority of the Swinomish Indian Tribal Community, NOW THEREFORE,

BE IT RESOLVED BY THE SWINOMISH INDIAN SENATE that the directives and terms of the Senate's COVID-19 Precautionary Resolutions No. 2020-03-073, 2020-04-076, 2020-04-100, 2020-04-101, 2020-05-112, 2020-05-115, 2020-05-119, 2020-06-120, and 2020-07-149 as restated and amended on the attached Exhibit A, shall remain in effect and will continue until further modified or lifted by the Senate; and

BE IT FURTHER RESOLVED BY THE SWINOMISH INDIAN SENATE that new construction activities are authorized and allowed to begin effective August 10, 2020, so long as the construction activities are carried out in accordance with Swinomish Phase 2 Construction Restart COVID-19 Jobsite Requirements, a Swinomish Phase 2 Construction Restart COVID-19 Jobsite Safety Plan and any subsequent COVID-19 Precautionary Resolutions; and

BE IT FURTHER RESOLVED BY THE SWINOMISH INDIAN SENATE that, should workers or others at a jobsite fail to maintain required social distancing or fail to otherwise comply with the Swinomish Phase 2 Construction Restart COVID-19 Jobsite Requirements and the Swinomish Phase 2 Construction Restart COVID-19 Jobsite Safety Plan protocols, it may be necessary to limit or terminate construction activities until those activities can be carried out safely; and

BE IT FURTHER RESOLVED BY THE SWINOMISH INDIAN SENATE that the Swinomish Phase 2 Construction Restart COVID-19 Jobsite Requirements and the Swinomish Phase 2 Construction Restart COVID-19 Jobsite Safety Plan, as attached to this Resolution, are approved; and

BE IT FURTHER RESOLVED BY THE SWINOMISH INDIAN SENATE that Tribal staff are authorized and directed to take all necessary actions for implementation of this Resolution as may be needed to carry out the terms of this Resolution; and

BE IT FURTHER RESOLVED BY THE SWINOMISH INDIAN SENATE that it is essential that this Resolution be followed strictly in order to keep community members, Reservation residents, workers on jobsites and others healthy and safe, as together we continue to face a highly contagious disease that can result in serious illness or death; and

BE IT FURTHER RESOLVED BY THE SWINOMISH INDIAN SENATE that the Senate expects and trusts that all community members, Reservation residents, workers on jobsites and others will continue to strictly comply with this Resolution.


Steve Edwards, Chairman
Swinomish Indian Senate

CERTIFICATION

As Secretary of the Swinomish Indian Senate, I hereby certify that the foregoing Resolution was approved at a Regular Meeting of the Swinomish Indian Senate held on August 4, 2020, at which time a quorum was present and the resolution was passed by a vote of 9 FOR, 0 AGAINST, and 0 ABSTENTIONS.


Barbara James, Secretary
Swinomish Indian Senate

EXHIBIT A

High-Risk Populations	<ul style="list-style-type: none">• Elders, especially those over the age of 65, and those with underlying health conditions as identified by the Centers for Disease Control (“CDC”) as being high-risk for complications caused by COVID-19 are strongly encouraged to continue staying safely at home.
All Residents	<ul style="list-style-type: none">• All residents of the Swinomish Reservation should continue to stay home except:<ul style="list-style-type: none">• to conduct or participate in essential activities, including Treaty hunting, fishing and gathering,• for employment in essential business or governmental services that cannot be conducted remotely and as specified below,• to visit essential businesses while maintaining social distancing, and/or• to participate in Tribal programs and receive Tribal services, as available.• Residents may still leave their home to purchase groceries, get prescriptions, seek medical care, engage in activities essential for the health and safety of family, household members and pets, and participate in outdoor activities such as bike riding, walking, jogging, gardening or golf.• All Tribal and community members, Residents and employees or operators of businesses are required to wear a cloth face covering when in any indoor or outdoor public space.• Social distancing must be practiced by staying at least six feet apart from others whenever in public.

Government/Businesses/Employers	
<ul style="list-style-type: none"> • Employees whose duties can be performed remotely should continue to do so. 	
<ul style="list-style-type: none"> • The following essential business and government activities are authorized, provided that they are carried out in compliance with all applicable COVID-19 pandemic health and safety plans and precautions: 	
Health care operations (including health systems management, billing, and health information), including:	<ul style="list-style-type: none"> • Swinomish Medical Clinic • Swinomish Dental Clinic • Didgʷálič Wellness Center (also designated by the State as an essential public facility)
Grocery and convenience stores, including:	<ul style="list-style-type: none"> • Swinomish Village Market • Swinomish Market at the Casino • Swinomish Market at the Links
Food supply chains, including:	<ul style="list-style-type: none"> • Swinomish Shellfish Company • Businesses that deliver food and other supplies to grocery and convenience stores
Pharmacies and stores that supply medicinal cannabis, including:	<ul style="list-style-type: none"> • Salish Coast Cannabis
Swinomish Casino & Lodge, including:	<ul style="list-style-type: none"> • Casino & Lodge amenities (including its RV park) and service and product vendors
Golf course operations and activities, including:	<ul style="list-style-type: none"> • Affiliated driving ranges and putting greens
RV Parks/Campgrounds, including:	<ul style="list-style-type: none"> • Cabins on site
Seasonal fireworks sales	<ul style="list-style-type: none"> • As authorized by the Senate Fireworks Committee and pursuant to a safety plan approved by the Senate
Construction activity, including:	<ul style="list-style-type: none"> • Construction on critical infrastructure projects, such as Swinomish sponsored housing or essential public facilities, in compliance with all Swinomish COVID-19 Jobsite Requirements as well as a Phase 1 Jobsite Safety Plan that is maintained at the jobsite and available at the request of the Tribe; new construction activities carried out in accordance with Swinomish Phase 2 Construction Restart COVID-19 Jobsite Requirements and a Swinomish Phase 2 Construction Restart COVID-19 Jobsite Safety Plan that is maintained at the jobsite and available at the request of the Tribe
Retail sales, including	<ul style="list-style-type: none"> • Pacific Blanket Trading Post

	<ul style="list-style-type: none"> • 1000 Trails Trading Post/store
Any other businesses listed in Washington's Essential Critical Infrastructure Worker publication	
Social services, including:	<ul style="list-style-type: none"> • Provision of food, energy, support, and other assistance • Family services, including child welfare and adult protective services • Limited youth programs and services, with priorities for participation set by the Tribe • Caring for children and youth ordered into the custody of Department of Children, Youth, and Families by Washington Superior Courts with visitation at the discretion and direction of the home or facility where the child/youth or family member is residing, so long as it is consistent with the terms of any visitation order of the Washington Superior Court and with appropriate COVID- 19 pandemic safety and health precautions in place
Housing, including:	<ul style="list-style-type: none"> • Operation, maintenance, and repair of facilities as directed by the Housing Board
Public Safety, including:	<ul style="list-style-type: none"> • Swinomish Police
Fisheries and Game Management, including:	<ul style="list-style-type: none"> • Resource monitoring, management and administration
Treaty Right Activities, including:	<ul style="list-style-type: none"> • Treaty resource and habitat protection, restoration, monitoring and sampling activities within, and necessary associated travel to, from and within, the Tribe's usual and accustomed fishing grounds and stations or open and unclaimed lands
Environmental Protection and Policy, including:	<ul style="list-style-type: none"> • Monitoring and data collection
Public Works, including:	<ul style="list-style-type: none"> • Services necessary for the sanitation, safety, maintenance, operation and repair of government buildings • Maintenance and operation of Public Works facilities • Maintenance of government grounds, including lawn and landscaping

Communications and Information Technology, including:	<ul style="list-style-type: none"> • Maintenance of communications infrastructure and continued operation of physical and cyber information technology systems
Swinomish Utilities, including:	<ul style="list-style-type: none"> • Maintenance, operation, inspection and repair as directed by the Utility Board
Gaming Regulation, including:	<ul style="list-style-type: none"> • Essential Gaming Regulatory activities necessary to maintain continuity during the Swinomish Casino & Lodge preparation for reopening and operation
Governance and administration, including:	<ul style="list-style-type: none"> • Swinomish Indian Senate, including personnel supporting the Senate • Swinomish Tribal Court, including prosecution, defense and probation services • Accounting, Human Resources, Grants, Planning and Legal services