SWINOMISH INDIAN TRIBAL COMMUNITY
SWINOMISH INDIAN RESERVATION

RESOLUTION NO. 2021-05-100

Resolution Updating the Tribe's COVID-19 Precautionary Orders to Allow Limited Outdoor Activities

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, on March 9, 2020, the Senate approved a resolution declaring a Public Health Emergency due to the coronavirus ("COVID-19"), Resolution 2020-03-042; and

WHEREAS, in subsequent Resolutions, the Senate declared a precautionary COVID-19 Stay Home Order; determined essential businesses and activities as determined by the Swinomish Senate; temporarily closed and later reopened the Swinomish Casino & Lodge with health and safety measures in place; amended the precautionary Order as circumstances have evolved; and extended the Senate's Orders indefinitely until further modified or lifted by the Senate, through Resolutions Nos. 2020-03-071, 2020-04-073, 2020-04-076, 2020-04-100, 2020-04-101, 2020-05-112, 2020-05-114, 2020-05-115, 2020-05-119, 2020-06-120, 2020-07-149, and 2021-05-092A; and

WHEREAS, the Senate has been working closely with the Swinomish Tribal Public Health Officer and staff to monitor the COVID-19 pandemic closely; 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 public health concern that remains serious; and

WHEREAS, the Tribe has implemented and is continuing a robust vaccination program for Tribal and community members, Reservation residents, and Tribal government and enterprise staff and their families; and

WHEREAS, the Senate has utilized a data-driven approach when issuing its Declaration of Public Health Emergency; when issuing, extending and amending its Stay Home Order; and the Senate will continue to utilize a data-driven approach in order to minimize the health impacts of COVID-19 on Tribal members, the community, Reservation residents and businesses, and Tribal operations and businesses and their employees; and

WHEREAS, the Senate strongly desires to continue the Tribal community's success in limiting COVID-19 and will continue to take necessary and prudent actions to accomplish that objective; and

WHEREAS, the Centers for Disease Control and Prevention ("CDC") on May 13, 2021 issued Interim Public Health Recommendations for Fully Vaccinated People; and

WHEREAS, vaccination for the COVID-19 virus is not now available to minors of all ages, and not all individuals to whom vaccination has been made available have yet been vaccinated; and

WHEREAS, in light of the Tribe's precautionary policies and protocols, including continuing COVID-19 testing, contact tracing, and the robust vaccination effort described above, as well as consideration of the CDC recommendations, the Senate believes it is appropriate to carefully and deliberately allow increased Reservation outdoor activities, while continuing to monitor the public health data; and

WHEREAS, the Senate finds that it is appropriate to amend its COVID-19 Precautionary Orders to authorize the following outdoor activities on the Reservation, with continuation of current Swinomish health, safety and sanitation measures, including the wearing of face masks as previously provided:

- Small outdoor group gatherings and outdoor recreational activities involving no more than twenty-five (25) individuals who do not live in the same household;
- Reopening and use of playgrounds, outdoor play structures and outdoor basketball courts, following a safety inspection authorizing their use, and in accordance with posted requirements for attendants and open hours; and

WHEREAS, the Senate is authorized to take this action pursuant to Article VI, Section 1(a), (f), (g), (i), (k), (*l*), (m), (o), (p), (q), and (r), Section 3, 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 Nos. 2020-03-071, 2020-04-073, 2020-04-076, 2020-04-100, 2020-04-101, 2020-05-112, 2020-05-114, 2020-05-115, 2020-05-119, 2020-06-120, 2020-07-149, and 2021-05-092A shall remain in effect until further modified or lifted by the Senate; and

BE IT FURTHER RESOLVED BY THE SWINOMISH INDIAN SENATE that the Senate's Stay Home Resolutions for Reservation residents remain in effect, as amended, as set forth in the chart attached to this Resolution as Attachment A; and

BE IT FURTHER RESOLVED BY THE SWINOMISH INDIAN SENATE that based on future public health data, it may be necessary for the Senate to again modify activities authorized by this and earlier Resolutions so that those activities can be carried out safely; 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; 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, Tribal staff 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 strongly encourages all community members, Reservation residents, Tribal staff and others to take advantage of the Tribe's COVID-19 vaccination program; and

BE IT FURTHER RESOLVED BY THE SWINOMISH INDIAN SENATE that the Senate expects and trusts that all community members, Reservation residents, Tribal staff 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 Special Meeting of the Swinomish Indian Senate held on May 20, 2021, at which time a quorum was present and the resolution was passed by a vote of 9 FOR, 0 AGAINST, and 0 ABSTENTIONS.

Sophie Bailey, Secretary
Swinomish Indian Senate

EXHIBIT A

High-Risk Populations	• 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	• All residents of the Swinomish Reservation should continue to stay home except: • 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, • for small outdoor group gatherings and outdoor recreational activities involving no more than twenty-five (25) individuals who do not live in the same household, • to use playgrounds, outdoor play structures and outdoor basketball courts, following a safety inspection authorizing their use and in accordance with posted requirements for attendants and open hours, 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.