

**SWINOMISH INDIAN TRIBAL COMMUNITY
SWINOMISH INDIAN RESERVATION**

RESOLUTION NO. 2020-05-115

**A Resolution Amending Resolutions Nos. 2020-04-73, 2020-03-076,
2020-04-100, 2020-04-101, and 2020-05-112 To Further Extend and Clarify the Tribe's Stay
Home Order**

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 2020-03-42 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 17, 2020 the Senate approved Resolution 2020-03-070, amending Resolution 2020-03-42 to close various Tribal government and community buildings in an Amended Public Health Emergency declaration; and

WHEREAS, on March 24, 2020, the Senate approved Resolution No. 2020-03-073, containing a Stay Home Order for all Swinomish Indian Tribal Community members and all residents and businesses of the Swinomish Reservation, and providing specific instructions for the closure of in-person office functions at nonessential businesses and the continued operation of essential business activities; and

WHEREAS, on April 3, 2020, the Senate approved Resolution No. 2020-04-76 to extend and clarify the Tribe's Stay Home Order until May 4, 2020; and

WHEREAS, Governor Inslee concluded that in order to protect the health and safety of Washingtonians, the stringent restrictions imposed in the Governor's Stay Home-Stay Health Order would remain in effect until May 4, 2020; and

WHEREAS, on April 30, 2020, the Senate approved Resolution No. 2020-04-100 to amend the Tribe's Stay Home Order to authorize and allow golf activities, and travel to and from

those activities beginning April 30, 2020 at the Tribe's Swinomish Golf Links golf course if those activities are carried out in accordance with specified COVID-19 safety procedures and protocols; and

WHEREAS, Senate Resolution No. 2020-04-100 also authorized and allowed walking and other outdoor recreation activities at Kukutali Preserve that are allowed under applicable Tribal and State laws, rules and regulations, and travel to and from those activities, to begin at such time when they are authorized by the Kukutali Preserve Management Board if those activities and travel are carried out in accordance with COVID-19 safety procedures and protocols adopted by the Board and/or set forth in the Senate's Stay Home Order Resolutions; and

WHEREAS, on April 30, 2020, the Senate approved Resolution No. 2020-04-101 to extend and clarify the Tribe's Stay Home Order until May 18, 2020; and

WHEREAS, Resolution No. 2020-04-101 authorized the Swinomish Casino & Lodge to identify vendors as essential businesses to provide services and products required to secure and maintain the Casino & Lodge and its minimal back-office operations during its closure and to prepare for a safe and efficient reopening when it is authorized to do so; and

WHEREAS, on May 5, 2020, the Senate approved Resolution No. 2020-05-112 to amend the Tribe's Stay Home Order to authorize and allow certain construction activities, if those activities are carried out in accordance with COVID-19 safety procedures and protocols set forth in the Senate's Stay Home Order Resolutions; 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 affirms our collective responsibility to protect everyone in our community and on the Reservation by staying home and by practicing social distancing at all times; and

WHEREAS, in order to continue to provide clear and consistent direction to all residents of the Swinomish Reservation, this Senate Resolution is intended to continue to recognize, support and minimize conflict with the Governor's Stay Home – Stay Healthy Orders and related guidance from state authorities while safeguarding important Tribal interests; and

WHEREAS, as of May 12, 2020, there were at least 17,512 confirmed cases of COVID-19 and at least 975 deaths in the State of Washington; and

WHEREAS, the number of confirmed cases of COVID-19 and the number of deaths per day in the State of Washington have been generally declining for weeks since social distancing and other protective measures have been ordered by Governor Inslee, the Swinomish Senate, and other Tribes; and

WHEREAS, public health data and professionals indicate that the number of confirmed cases of COVID-19 and the number of deaths per day in the State of Washington have not decreased to levels that would warrant termination of social distancing and other protective measures have been ordered and implemented by Governor Inslee, the Swinomish Senate, and other Tribes; and

WHEREAS, two Swinomish Tribal members with confirmed COVID-19 have passed away in off-Reservation assisted living facilities; and

WHEREAS, the Swinomish Medical Clinic has administered testing for possible COVID-19 infections and all test results obtained as of May 13, 2020 have been negative; and

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

WHEREAS, the Senate has determined that it is reasonable, necessary and prudent to extend its Stay Home Order Resolution until midnight on Tuesday, May 26, 2020; and

WHEREAS, the Tribe will continue to monitor and receive public health and epidemiological data and recommendations to assess when, and under what conditions, social distancing and other protective measures that have been ordered and implemented by the Senate may be safely relaxed further; and

WHEREAS, Resolution No. 2020-03-073 identified essential business activities, including essential personnel necessary to secure and maintain the Swinomish Casino & Lodge and its minimal back-office operations during its closure, and Resolution No. 2020-03-076 identified essential Tribal governmental activities, including essential Gaming Regulatory activities necessary to maintain continuity during the Swinomish Casino closure; and

WHEREAS, it is necessary that vendors and employees identified by the Swinomish Casino & Lodge be authorized and allowed to provide essential services required to prepare and allow for a safe and efficient reopening and operation of the Swinomish Casino & Lodge; and

WHEREAS, it is necessary that employees identified by the Tribal Gaming Authority be authorized and allowed to provide essential services required to conduct regulatory activities in connection with preparations for a safe and efficient reopening and operation of the Swinomish Casino & Lodge; 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 Stay Home Resolutions No. 2020-03-073, 2020-04-76, 2020-04-100, 2020-04-101 and 2020-05-112, except as modified herein, shall remain in effect until midnight on May 26, 2020, unless modified by further resolution of the Senate; and

BE IT FURTHER RESOLVED BY THE SWINOMISH INDIAN SENATE that essential business activities include those activities required to prepare and allow for a safe and efficient reopening and operation of the Swinomish Casino & Lodge; and

BE IT FURTHER RESOLVED BY THE SWINOMISH INDIAN SENATE that essential Tribal governmental activities include those activities required for the Tribal Gaming Authority to conduct regulatory activities in connection with preparations for a safe and efficient reopening and operation of the Swinomish Casino & Lodge; 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 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 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 14, 2020, at which time a quorum was present and the resolution was passed by a vote of 10 FOR, 0 AGAINST, and 0 ABSTENTIONS.



Barbara James, Secretary
Swinomish Indian Senate