

**SWINOMISH INDIAN TRIBAL COMMUNITY
SWINOMISH INDIAN RESERVATION**

RESOLUTION NO. 2020-05-119

**A Resolution Updating the Tribe's COVID-19 Precautionary Orders
and Initiating A Limited Reopening of the Swinomish Economy**

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, "COVID-19" is an infectious disease caused by the novel coronavirus SARS-CoV-2 that can result in serious illness or death and poses a high risk to the health, safety and welfare of our community, particularly elders and those in our community who have underlying health conditions; and

WHEREAS, on March 9, 2020, the Senate approved Resolution 2020-03-042 declaring a Public Health Emergency in light of the rapid spread of COVID-19 in Washington State; 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 and 2020-05-115 ("COVID-19 Precautionary Orders"); and

WHEREAS, the Senate's current COVID-19 Precautionary Order currently will expire at midnight on Tuesday, May 26, 2020; and

WHEREAS, according to the Washington Department of Health data compilations as of May 24, 2020, there were at least 20,064 confirmed cases of COVID-19, at least 3,287 hospitalizations and at least 1,070 deaths in the State of Washington; and

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

WHEREAS, according to the Skagit County Department of Health data compilations as of May 17, 2020, there have been less than ten confirmed cases of COVID-19 in the La Conner Zip Code area and there have been 20-29 confirmed cases in the Anacortes Zip Code area;

WHEREAS, the number of confirmed cases of COVID-19, hospitalizations and 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 the Swinomish Senate, other tribes and Washington Governor Jay Inslee; and

WHEREAS, the Swinomish Medical Clinic has administered testing for possible COVID-19 infections and all test results obtained as of May 26, 2020 have been negative; and

WHEREAS, the Tribe and Skagit County have significantly increased their capacity to conduct testing for COVID- 19 and are in the process of further increasing capacity for contact tracing; and

WHEREAS, the Senate 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 and Tribal staff have worked closely with the Governor, State and Federal agencies, the Northwest Portland Area Indian Health Board (“NPAIHB”) and the Tribal Public Health Officer to monitor the COVID-19 pandemic closely; and

WHEREAS, the Senate acknowledges that Governor Inslee has adopted a multi-phased approach to slowly and carefully lift aspects of his Stay Home – Stay Healthy order for Washington State; and

WHEREAS, the Tribe’s Public Health Officer and other public health professionals emphasize the critical importance of wearing a face covering (such as a cloth or commercial mask, scarf, bandana) when outside the home and/or in a public space; 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 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 Senate acknowledges that the health of the Tribal economy also directly affects the health and welfare of Tribal members and Reservation residents; that hundreds of people depend upon the Tribe for employment and benefits; that Tribal enterprises provide critical revenues to operate essential governmental programs and services for Tribal members, Reservation residents and businesses, and that retail and seasonal fireworks sales provide important sources of income to individual Tribal entrepreneurs and to the Tribal economy; and

WHEREAS, the COVID-19 emergency has had an unprecedented, negative impact on the Tribal economy and the Tribe's governmental budget; and

WHEREAS, given the decrease in positive cases in the community described above, and the increased capacity for testing and contact tracing described above, the Senate believes it is appropriate to begin a careful and deliberate increase in Reservation economic activity, 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 designate the Swinomish Casino & Lodge, retail sales and seasonal fireworks sales as essential businesses that may resume operations in compliance with appropriate specified health, safety and sanitation measures as approved by the Tribe now and in the future; and

WHEREAS, the Senate recognizes the importance of Tribal programs and services to Tribal members, and wishes to provide programs and services when and to the extent that it is safe for Tribal members and staff to do so; and

WHEREAS, the Senate finds that it is appropriate to amend its COVID-19 Precautionary Orders to authorize operation of and participation in limited youth programs and services, with priorities for participation set by the Tribe, in compliance with appropriate specified health, safety and sanitation measures as approved by the Tribe now and in the future; and

WHEREAS, the Senate finds that it is appropriate to amend its COVID-19 Precautionary Orders to authorize certain additional recreational activities on the Reservation, including campgrounds and golf courses, with appropriate specified health, safety and sanitation measures implemented in accordance with written health and safety plans approved by the Tribe's Public Health Officer; and

WHEREAS, in order to provide clear and consistent direction to all residents of the Swinomish Reservation, this Senate Resolution is intended to recognize, support and minimize

conflict with the Governor's Stay Home - Stay Healthy Order and related guidance from State authorities while protecting Tribal resources and interests, and to consolidate and restate the prior direction in the Senate's previous COVID-19 Precautionary Orders and the authorizations set out above; and

WHEREAS, the Senate has determined that it is reasonable, necessary and prudent to extend its COVID-19 Precautionary Orders to remain in effect until further modified or lifted by the Senate; 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 No. 2020-03-073, 2020-04-076, 2020-04-100, 2020-04-101, 2020-05-112 and 2020-05-115, as restated and amended below, shall remain in effect and will continue beyond midnight on May 26, 2020 until further modified or lifted by the Senate; and

BE IT FURTHER RESOLVED BY THE SWINOMISH INDIAN SENATE that following are the directives and terms of the Senate's Stay Home Resolutions that remain in effect, as amended:

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

	<ul style="list-style-type: none"> • 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 Residents are strongly encouraged to wear face masks (such as a cloth or commercial mask, scarf, bandana) when outside the homes and/or in a public space. • Social distancing must be practiced by staying at least six feet apart from others whenever in public.
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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 • Didg^wálic 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
Retail sales, including	<ul style="list-style-type: none"> • Pacific Blanket Trading Post • 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

BE IT FURTHER RESOLVED BY THE SWINOMISH INDIAN SENATE that it may be necessary for the Senate to again limit or terminate activities authorized by this and earlier Resolutions until 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 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 26, 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