



# SOUTHERN UTE INDIAN TRIBE

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## **PUBLIC HEALTH STAY AT HOME ORDER OF THE SOUTHERN UTE INDIAN TRIBE**

**WHEREAS**, authority is vested in the Southern Ute Indian Tribal Council by the Constitution adopted by the Southern Ute Indian Tribe, and approved November 4, 1936, and amended October 1, 1975, and August 27, 1991, to act for the Southern Ute Indian Tribe; and

**WHEREAS**, under Article VII, Section 1 of the Constitution, "The inherent powers of the Southern Ute Indian Tribe, including those set forth in [the Indian Reorganization Act], as amended, shall be exercised by the Southern Ute Indian Tribal Council, subject only to limitations imposed by the Constitution and Statutes of the United States, by the regulations of the Department of the Interior and by this constitution."; and

**WHEREAS**, under Article VII, Section 1(n) of the Constitution, Tribal Council has the authority, "To protect and preserve the property, wildlife and natural resources of the [T]ribe, and to regulate the conduct of trade and the use and disposition of tribal property upon the reservation."; and

**WHEREAS**, in Res. No. 2004-225, the Tribe approved the Southern Ute Community Emergency Operations Plan ("Plan"), the purpose of which is to identify the emergency management process and principles for managing and coordinating the overall response and recovery activities during periods of emergency/disaster resulting from a natural-or human-caused hazard; and

**WHEREAS**, Section IV(B) of the Plan identifies Emergency Management operational phases, including the Response Phase, which may include incident mitigation activities designed to limit the loss of life, personal injury, property damage, and unfavorable outcomes; and

**WHEREAS**, pursuant to the Plan, Section IV(B)(3), response activities may include ongoing public health and testing processes, immunizations, isolation or quarantine; and

**WHEREAS**, pursuant to the Plan, Section V(F), the Tribal Council's duties in an emergency or disaster include, among other things, signing a resolution declaring an emergency or disaster to protect life and preserve property and the environment by ensuring prevention, preparation, and response measures are in place; and

**WHEREAS**, under the Plan, Section V(F), the Tribal Council's duties in an emergency or disaster include making emergency decisions regarding quarantines; and

**WHEREAS**, in Res. No. 2020-025, Tribal Council declared a state of emergency to respond to the spread of the coronavirus, which included, among other things, the state of emergency continuing "until the conclusion of response activities including attendant documentation is complete"; and

**WHEREAS**, in Res. No. 2020-031, Tribal Council approved the Southern Ute Health Center Communicable Disease Response Plan, which allows for, among other things, quarantine, isolation, and closure measures; and

**WHEREAS**, the conditions that spurred Tribal Council to declare the state of emergency have been aggravated by the identified cases of the coronavirus in the region and public health experts anticipate that, because of the contagiousness of the virus, over the coming weeks and months, the Tribe will continue to see cases of the virus spreading within the community; and

**WHEREAS**, the virus that causes COVID-19 can easily be spread through person-to-person contact; and

**WHEREAS**, social distancing is the best tool currently available to slow the spread of COVID-19; and

**WHEREAS**, to maximize social distancing, on March 23, 2020, the Tribal Council issued an Advisory asking tribal membership to stay at home; and

**WHEREAS**, based on the danger that the coronavirus continues to pose and the identified cases of the coronavirus in La Plata County, the Tribal Council finds it in the interests of public health and safety to order the tribal membership to stay at home.

**NOW THEREFORE, BE IT RESOLVED THAT:**

1. The Tribal Council hereby finds it essential that the COVID-19 virus be slowed to protect the tribal membership, the community, tribal employees, and especially our most vulnerable people, including health care providers.
2. The Tribal Council hereby finds that immediate and drastic measures are necessary to mitigate the imminent threat of widespread or severe damage, injury or loss of life or property resulting from the COVID-19 virus.

3. Tribal members may leave their residence only to perform essential activities. Essential activities consist of the following:
  - Care for elders, minors, dependents, people with disabilities or other vulnerable people.
  - To buy food, pet supplies and essential household products for themselves, a household member, a family member, an elder, person with disabilities, or other persons in need of immediate assistance.
  - To obtain medical supplies or medication or to visit a health-care professional for yourself, a family member, a household member, an elder, person with disabilities, any other person in need of immediate assistance, or a pet.
  - To care for a family member or pet in another household.
  - To engage in banking or other financial transactions or services.
  - To go to work in an essential or critical business activity or service as determined by their employer or a governmental authority.
  - To engage in outdoor activities like walking, running, fishing, hunting, or walking a dog, as long as they maintain a safe social distance from others. Group sports are prohibited.
  - To provide for the funeral arrangements of a family or household member.
  - Travel required by law enforcement or court order or as necessary for participation in a legal proceeding.
  - Going to or from educational facilities to support distance learning or to get meals or related services.
  - To get supplies to work from home.
  - To perform other necessary household functions to maintain cleanliness of the home and to ensure the health and safety of membership and their families, including for purposes of disposing of trash and using laundry services.
  - To engage in other essential activities as authorized in writing by the Executive Office after consultation with the Tribe's Incident Command Team.
4. All public and private gatherings of five or more people are prohibited.
5. All visitors on the Southern Ute Indian Reservation ("Reservation") located on Tribal or Trust land are directed to return home. For purposes of this order a visitor is a person who is not a tribal member, is not an invited guest of a tribal member, does not maintain his or her permanent home on tribal or trust land on the Reservation, or who is not an employee of the Tribe.
6. No visitors will be allowed to come on the Reservation, other than to pass through on a county, state, or federal highway, except for the following purposes:
  - To provide medical or home care.

- To provide emergency services.
  - To provide and allow for the continuation of essential and critical government services as determined by the Tribe.
  - To provide necessary deliveries of water.
  - For the delivery of groceries, food, medicine, and other essential goods or services.
  - To provide deliveries of propane, oil, natural gas, and other fuel for personal and tribal use.
  - To provide for essential household and building maintenance, safety and sanitation.
  - To provide for essential vehicle maintenance.
  - To initiate or participate in legal proceedings in the Southern Ute Tribal Court.
  - For public and private transportation providers providing transportation services necessary for purposes expressly authorized in this Order.
  - For the delivery of mail by the postal service and other shipping services.
  - To provide professional services, such as legal or accounting services, when necessary to assist in compliance with legally necessary activities such as representation in court or preparation of estate planning documents.
  - To provide any additional essential services to Tribal members and authorized residents on Trust or Tribal land.
7. All tribal contractors and vendors performing critical services must have complied with the Tribe's screening process.
8. People who exhibit symptoms must isolate themselves so as not to infect others.
9. This Order supersedes the Stay at Home Advisory that Tribal Council issued on March 23, 2020.

**BE IT FURTHER RESOLVED** that this Order shall become effective at 3:30 p.m. on March 25, 2020 and will continue until it is no longer necessary as deemed by the Southern Ute Indian Tribal Council.

**SOUTHERN UTE INDIAN TRIBE**

Date: 3-25-2020

By: Christine S. [Signature]