



# SOUTHERN UTE INDIAN TRIBE

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## PUBLIC HEALTH 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(e) of the Constitution, “The [T]ribal [C]ouncil may enact ordinances and codes to protect the peace, safety, property, health and general welfare of the members of the Southern Ute Indian Tribe”; 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, infection control precautions, including contact, droplet, and airborne precautions; and

**WHEREAS**, cases of coronavirus continue to rise in Colorado and neighboring states; and

**WHEREAS**, the Centers for Disease Control and Prevention ("CDC") recommends face coverings in public settings where other social distancing measures are difficult to maintain and to prevent people who have COVID-19 from spreading the virus to others; and

**WHEREAS**, based on the danger that the coronavirus continues to pose and the identified cases of the coronavirus in surrounding counties, the Tribal Council finds it in the interests of public health and safety, to require face coverings indoors at all times and outdoors when other social distancing measures are not possible.

**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 ORDERS:
  - a. All individuals over two years old must wear a face covering over their nose and mouth when entering or moving within any public indoor space.

- b. All individuals over two years old must wear a face covering over their nose and mouth in outdoor public spaces when other social distancing measures are not possible.
- c. Face covering means a covering made of cloth, fabric, or other soft or permeable material, without holes, that covers only the nose and mouth and surrounding areas of the lower face, and that fits snugly but comfortably against the side of the face and remains in place without the use of one's hands. Face coverings include, but are not limited to, bandanas, medical masks, cloth masks, buffs, and gaiters. Face coverings do not include any mask that incorporates a one-way valve (typically a raised plastic cylinder about the size of a quarter on the front or side of the mask) that is designed to facilitate easy exhaling, and such masks are not to be used to comply with this Order. Valves of that type without filters permit droplet release from the mask and can put others nearby at risk.
- d. Public indoor space means any enclosed indoor area that is public or privately owned, managed, or operated to which individuals have access by right or by invitation, expressed or implied, and that is accessible to the public, serves as a place of employment, or is an entity providing services. Public indoor space does not mean a person's residence, including a room in a motel or hotel.
- e. Outdoor public space means any outdoor area that is public or privately owned, managed, or operated to which individuals have access by right or by invitation, expressed or implied, and that is accessible to the public.
- f. No owner, operator, or manager of a public indoor space may provide services to individuals or allow an individual to enter or move within that public indoor space, unless the individual is wearing a face covering as required by this Public Health Order.
- g. Owners, operators, or managers of public indoor spaces must post signs at entrance(s) instructing individuals of their legal obligation under this Order to wear a face covering when entering or moving within a public indoor space.
- h. Individuals two years old and younger are exempt from the requirements of this Order.
- i. Individuals performing the following activities are exempt from the requirements of this Order while the activity is being performed:
  - i. Individuals who are hearing impaired or otherwise disabled or who are communicating with someone who is hearing impaired or otherwise disabled and where the ability to see the mouth is essential to communication;
  - ii. Individuals who are seated at a food service establishment;

- iii. Individuals who are exercising alone or with others from the individual's household and a face covering would interfere with the activity;
  - iv. Individuals who are receiving a personal service where the temporary removal of the face covering is necessary to perform the service;
  - v. Individuals who enter a business or receive services and are asked to temporarily remove a face covering for identification purposes;
  - vi. Individuals who are actively engaged in a public safety role such as law enforcement, firefighters, or emergency medical personnel;
  - vii. Individuals who are officiating at a religious service; or
  - viii. Individuals who are giving a speech for broadcast or an audience.
- j. The Stay At Home Order issued on March 25, 2020 remains in full force and effect as originally promulgated.

3. **BE IT FURTHER RESOLVED** that this Order shall become effective at 11:59 p.m. on July 17, 2020 and will continue until it is no longer necessary as deemed by the Southern Ute Indian Tribal Council.

**SOUTHERN UTE INDIAN TRIBE**

Date:

July 17, 2020

By:

Chris A. [Signature]