

AMENDING RESOLUTION 2021-198, AND ENACTING PHASE 3 COVID-19 GUIDELINES

WHEREAS, the Spokane Tribal Business Council (“Council”) is the duly constituted governing body of the Spokane Tribe of Indians (“Tribe”) by authority of the Constitution of the Spokane Tribe (“Constitution”); and

WHEREAS, the Constitution grants the Council such other powers and authority necessary fulfill its obligations, responsibilities, objectives, and purposes as the governing body of the Tribe; and

WHEREAS, under the Constitution, the Council is charged with the duty of protecting the general welfare of the Tribe and all Reservation residents; and

WHEREAS, on March 16, 2020, via Resolution 2020-154, Council declared a State of Emergency due to the 2019 novel coronavirus (“COVID-19”) pandemic and said State of Emergency continues to remain in effect; and

WHEREAS, on July 2, 2020, the Council approved Resolution 2020-277, which authorized the Tribe to enter Phase 3 of the Tribe’s Reopening Plan (“Phase 3 Plan”); and

WHEREAS, on June 27, 2020, Governor Inslee prohibited all Washington State counties from moving into Phase 4 due to increasing COVID-19 activity across the state and significant rebounds in COVID-19 activity in several other states; and

WHEREAS, on July 16, 2020, Governor Inslee announced new steps “necessary to slow down the spread of COVID-19” including updated limits on social gatherings across the State which reduce the number of individuals allowed at social gatherings during Phase 3 from fifty people to ten people and Phase 2 social gatherings are limited to five people; and

WHEREAS, on August 4, 2020, via Resolution 2020-331, the Tribe amended its Phase 3 Plan (the “Modified Phase 3 Plan”) with increased protective measures due to risk of potential COVID-19 outbreak on the Reservation and in the region; and

WHEREAS, on September 14, 2020, the Council approved Resolution 2020-405, which amended the Tribe’s Modified Phase 3 to allow the Council to grant exceptions to the existing limitations on Day Use, Camping, and/or Fishing; and

WHEREAS, on October 14, 2020, the Council approved Resolution 2021-034, which amended the Tribe’s Modified Phase 3 to relax restrictions on funerals, weddings, and social gatherings and to incorporate other COVID-19 recommendations; and

WHEREAS, the United States, including Washington State, experienced a wave of increased COVID-19 transmission and infections in November where the average daily cases of COVID-19 doubled in two weeks and hospitalization rates rose about 40% (the “Third COVID-19 Wave”); and

WHEREAS, on November 15, 2020, due to the Third COVID-19 Wave, Governor Inslee announced additional restrictions on residents and businesses to address increased COVID-19 transmission and infection rates; and

WHEREAS, on November 27, 2020, the Council approved Resolution 2021-079 which rolled-back the then existing Phase 3 guidelines and enacted modified Phase 1 guidelines to respond to and mitigate the threat the Third COVID-19 Wave posed to the Reservation and tribal community; and

WHEREAS, effective January 11, Governor Inslee launched the “Healthy Washington – Roadmap to Recovery” (“Healthy Washington Plan”) adopts four metrics to move between phases; and

WHEREAS, on February 17, 2021, the Council approved Resolution 2021-198 which amended Resolution 2021-079 and enacted Phase 2 COVID-19 guidelines; and

WHEREAS, on March 11, 2021, Governor Inslee announced that the entire State of Washington would enter Phase 3 of the Healthy Washington Plan, effective March 22, 2021; and

WHEREAS, the Tribe is not required to follow the Healthy Washington Plan, but does recognize that the State of Washington has access to more experts and resources than the Tribe does; and

WHEREAS, the Tribe has received updated COVID-19 guidance and safety recommendations from medical experts regarding various activities and concerns; and

WHEREAS, based on consultation with and review of expert opinion and relevant COVID-19 guidance, as well as the current Washington State COVID-19 guidelines, the Emergency Management Team (“EMT”) has recommended various changes to the Tribe’s COVID-19 guidelines; and

WHEREAS, the EMT recommends that the Tribe amend Resolution 2021-198 to incorporate these recommendations, including to increase capacity sizes for Religious and Cultural Ceremonies, and retain all other existing restrictions which generally meet or exceed the Washington Restrictions to properly address current COVID-19 concerns, information, and infection rates; and

WHEREAS, the Tribe is carefully monitoring the COVID-19 situation on the Reservation and in surrounding counties, as well as updated safety information from the State and the Centers for Disease Control; and

WHEREAS, COVID-19 continues to spread across the Reservation, region, State, United States, and globe, and remains a threat to our community, especially our elders and community members who have underlying health conditions; and

WHEREAS, until there is an widespread vaccination, effective treatment, and/or herd immunity, it is crucial to maintain community interventions to suppress the spread of COVID-19 through all phases of recovery and for the foreseeable future; and

WHEREAS, Council understands that any reopening plan is subject to modification based on changing information and data, especially if COVID-19 begins to spread at an increased rate for any reason, including increases related to COVID-19 variants/mutations, to protect the general welfare of the Tribe and all Reservation residents; and

WHEREAS, the Council has determined it is necessary and in the best interest of the Tribe and all Reservation residents to implement Phase 3 restrictions.

NOW, THEREFORE, BE IT HEREBY RESOLVED, Resolution 2021-198 is amended and the Tribe enacts Phase 3 guidelines which reads, in full, as follows: as follows:

**SPOKANE TRIBE OF INDIANS
Phase 3 Reopening Plan**

1. DEFINITIONS

- A. “Member” means an enrolled member of the Spokane Tribe of Indians.
- B. “Descendant” means the first-generation biological child of a Member.
- C. “Spouse” means an individual legally married to a Member.

- D. “Resident” means an individual who resides on the Spokane Indian Reservation and includes moorage customers located at Two Rivers Marina.
- E. “Non-Member” means an individual enrolled in any federally recognized Indian tribe other than the Spokane Tribe of Indians. Spouses and Descendants are excluded from the definition of Non-Member for purposes of this Resolution.
- F. “Non-Indian” means an individual who is not enrolled in a federally recognized Indian tribe. Spouses and Descendants are excluded from the definition of Non-Indian for purposes of this Resolution.
- G. “Recreational Area” means recreational resources, including but not limited to campgrounds and areas around lakes, streams, and rivers. As used in this Resolution, “Recreational Area” does not include the Pow-Wow Grounds.
- H. “Social Distancing” means maintaining a distance of at least six feet from any person who is not a member of their immediate household, avoiding public and private gatherings regardless of size, and other limitations and requirements as set forth in Resolution 2020-166.
- I. “Day Use” means utilization of Recreational Activities for any reason during the day.
- J. “Overnight Camping” means utilization of Recreational Activities which include an overnight component.
- K. “Authorized Activities” includes the following:
- i. Obtaining necessary supplies and services for family or household members and pets, such as groceries, food and supplies for household consumption and use, supplies and equipment needed to work from home, and products necessary to maintain safety, sanitation and essential maintenance of the home or residence.
 - ii. Engaging in activities essential for the health and safety of family, household members and pets, including things such as seeking medical or behavioral health or emergency services and obtaining medical supplies or medication.
 - iii. Caring for a family member, friend, or pet in another household or residence, and to transport a family member, friend or their pet for essential health and safety activities, and to obtain necessary supplies and services.
 - iv. Obtaining, completing, and submitting schoolwork by students, including but not limited to K-12 and college students, either by accessing internet services or hard copy materials.
 - v. Attending an Educational Facility, and any related and necessary travel, for official educational purposes.
 - vi. Any other activity which the Emergency Management Team, in its reasonable discretion, determines to be an Authorized Activity.
- L. “Employment” uses the common definition of the word and is not limited to employment in essential services.
- M. “Vulnerable Individuals” means individuals who are at higher risk of severe illness or death from COVID-19. Vulnerable Individuals include older adults, individuals who have serious underlying medical conditions, or other at-risk groups as identified by the Centers for Disease Control and Prevention or Washington State Department of Health.

- N. “Home” or “Residence” includes hotels, motels, shared rental units, shelters, and similar facilities.
- O. “High Risk Location” refers to any location which the CDC or DOH defines as high risk and recommends travelers avoid engaging in non-essential travel to such location. This includes, but is not limited to, countries and regions designated as Level 3 according to the CDC’s Geographic Risk Assessment for COVID-19 Transmission located at <https://www.cdc.gov/coronavirus/2019-ncov/travelers/map-and-travel-notice.html>
- P. “Social Gathering” means a gathering of any size for social, spiritual and/or recreational purposes. Social Gatherings include, but are not limited to, community, civic, public, leisure, faith-based, or sporting events; parades; concerts; parties; festivals; conventions; fundraisers; weddings; funerals; memorials; meals with individuals who are not part of a single household; and similar activities.
- Q. “Face Mask” means a mask or face covering which covers both the nose and mouth.
- i. Face Masks may be any of the following, provided that it fits well, is made of appropriate fabric as per CDC or DOH guidelines, and covers both the nose and mouth:
 - a. A sewn mask with ties or straps that goes around the head or behind the ears;
 - b. Several layers of fabric tied around a person’s head;
 - c. Made from a variety of materials like cotton, fleece, or linen;
 - d. Factory-made or home-made;
 - ii. Face Masks with valves or openings on the front are unsafe as they permit droplet release from the mask, without filtration, and put others at risk. Individuals shall not wear Face Masks with valves or openings in the front.
- R. “Spokane Indian Country” includes all lands within the exterior boundaries of the Spokane Indian Reservation and all off-Reservation trust lands.
- S. The term “Family Members” includes immediate family members and extended family members.
- i. “Immediate family member” shall mean a partner, parents, children, step-children, step-parents, fostered or adopted children, brothers, sisters, mother-in-law, father-in-law, sister and brother in-law, daughter and son in-law, grandchildren and grandparents, whether biological, adoptive, step, foster, de facto, in loco parentis, or by guardianship.
 - ii. “Extended” family is defined as family that extends beyond the immediate family consisting of aunts, uncles, nieces, nephews, and first cousins, whether biological, adoptive, step, foster, de facto, in loco parentis, or by guardianship.
- T. “COVID-19 Emergency Resolution” means any Tribal resolution approved by the Council which enacts policy, procedure, guidance, regulation, or law related to COVID-19, including but not limited to safety measures or otherwise responding to or mitigating the ongoing COVID-19 pandemic and its impacts.
- U. “Home” means an individual’s house, mobile home, apartment, condominium, hotel or motel room, or other dwelling unit.
- V. “Family Representative” means the individual who organizes or holds a Social Gathering or Religious or Cultural Ceremony and is therefore responsible for ensuring the Social Gathering Religious or Cultural Ceremony follows the requirements of all applicable COVID-19 Emergency Resolutions.
- W. “Religious or Cultural Ceremony” means any gathering held for a religious or cultural purpose including but not limited to funerals, wakes, weddings, stick game, pow-wows, jump dances, sweats, and similar traditional ceremonies.

- X. “Live Entertainment” means any activity in which an individual or individuals perform for an audience of an individual or individuals, where all are physically present. Live Entertainment encompasses:
- i. All musical performances, including but not limited to, group acts, soloists, and disc jockeys;
 - ii. All stage productions, including but not limited to, theater, dancing, comedy, poetry, acrobatics, performance art, and animal stunts.
 - iii. Any combination of the activities above and all substantially similar activities.
- Y. “Youth Program” means the Pauline Stearns Early Learning Center, the TANF Children’s Center, the Wellpinit Boys and Girls Club, the various 477 Youth Centers, and other substantially similar programs located on the Reservation. For purposes of this Resolution, child care programs operated by individuals rather than approved programs shall not be considered a Youth Program. Where there is doubt as to whether a program is a Youth Program or not, the Executive Director is authorized to make a final determination.
- Z. “Educational Facility” means the Children of the Sun Head Start, Spokane Language House, the Back to the Heart Immersion School, the various facilities which serve the Wellpinit School District, and other substantially similar facilities located on the Reservation. For purposes of this Resolution, personal residences and other locations where homeschooling or distance learning may be operated by individuals rather than approved programs shall not be considered an Educational Facility. Where there is doubt as to whether a program is an Educational Facility or not, the Executive Director is authorized to make a final determination.
- AA. “CDC” means the Centers for Disease Control and Prevention of the United States.
- AB. “DOH” means the Washington State Department of Health.
- AC. “OSPI” means the Washington Office of Superintendent of Public Instruction.
- AD: “Household Member” means all individuals who reside in the same domicile.
- AE: “Gyms and Fitness Facilities” means all fitness and exercise facilities, whether indoor or outdoor, including but not limited to fitness studios, gyms, multi-use indoor fitness facilities, and other facilities which provide access to personal fitness training and/or specialized equipment and similar services.
- AF: “Established Campgrounds” means those established and maintained campgrounds as determined by the Tribe’s Department of Natural Resources or Park Rangers. For purposes of this resolution, “Established Campgrounds” shall not include the Two Rivers RV Park or the Two Rivers Marina.
- AG: “Vaccinated Individual” means a person who is two (2) weeks past receiving the second dose in a two-dose series (such as Moderna and Pfizer vaccines) or a single-dose vaccine (such as the Johnson & Johnson vaccine). Individuals who have only received one (1) dose in a two-dose series are not considered a “Vaccinated Individual”.
- AF: “Miscellaneous Meeting” means a meeting of multiple individuals for purposes of business, recovery groups, professional training and testing, court and judicial branch-related proceedings, and other meetings called for or approved by the Council including but not limited to town halls or informational meetings for Members such as General Council meetings required by the Constitution.

2. FACE MASKS REQUIRED

A. Every person in Spokane Indian Country, including non-Residents, must wear a Face Mask that covers their nose and mouth any time they are outside their Home.

- i. If a person lives in a congregate living setting where they share living facilities with other residents, their dwelling unit is their bedroom. Such persons must wear a face covering when they are outside their bedroom, including inside the building, subject to the exceptions below:
 - a. Congregate living settings include, but are not limited to, dormitory buildings, nursing homes, assisted living facilities, adult family homes, other long-term care facilities, group care facilities, and other similar settings.
 - b. Unless listed above, congregate living settings do not otherwise include houses, mobile homes, apartments, condominiums, hotel or motel rooms, supported living homes, medical centers, or treatment centers.
 - c. A bedroom includes any living space, bathroom, or facility attached to the bedroom that is not generally open to other residents of the congregate living setting.
 - d. Non-Family Members who live in congregate living settings are not household members.
 - e. Other exceptions as expressly authorized by this Resolution or other Emergency COVID-19 Resolution.

B. Individuals may remove their Face Masks when they are outside of their Home under the following circumstances:

- i. While engaged in the act of drinking or eating, provided that:
 - a. People eating or drinking in congregate settings maintain a distance of at least six feet from each other to the extent reasonably possible; and
 - b. People eating or drinking in other settings outside of a Home maintain a distance of at least six feet from non-household members;
- ii. While engaged in indoor or outdoor exercise activities, such as walking, hiking, bicycling, or running, provided that a distance of at least six feet is maintained from non-household members;
- iii. While in an outdoor area, provided that a distance of at least six feet is maintained from non-household members;
- iv. When any party to a communication is deaf or hard of hearing and not wearing a Face Mask is essential to communication;
- v. While obtaining a service that requires a temporary removal of the Face Mask;
- vi. While sleeping;
- vii. When necessary to confirm the individual's identity; and
- viii. When tribal or federal law, or applicable state law, prohibits wearing a Face Mask or requires the removal of a Face Mask;
- ix. While showering, bathing, or engaging in other personal hygiene or grooming activities that require the removal of the face covering;
- xi. Other circumstances as expressly authorized by this Resolution or other Emergency COVID-19 Resolution.

C. The following individuals are exempt from the requirement to wear a Face Mask:

- i. Children younger than five (5) years old; and
 - a. Children who are younger than two (2) years old should never wear Face Masks due to the risk of suffocation.
 - b. Children who are two, three, or four years old, with the assistance and close supervision of an adult, are strongly recommended to wear a face covering at all

times in settings, like grocery stores or pharmacies, where it is likely that a distance of at least six feet cannot be maintained from non-household members and where Vulnerable Individuals are likely to be present.

- ii. Persons with a medical condition, mental health condition, or disability that prevents wearing a Face Mask. This includes, but is not limited to, persons with a medical condition for whom wearing a Face Mask could obstruct breathing or who are unconscious, incapacitated, or otherwise unable to remove a Face Mask without assistance.
 - iii. Persons who are incarcerated and the correctional facility has internal guidance on the wearing of face coverings for both incarcerated individuals and staff.
 - iv. Other exceptions as expressly authorized by this Resolution or other Emergency COVID-19 Resolution.
- D. Face shields are generally not an acceptable substitute for Face Masks, but may be used in conjunction with a Face Mask.
- E. **Conflicting Orders**
- i. Other agencies and officials have taken or make take action to require the wearing of Face Masks in certain settings and jurisdictions and for certain purposes. Every person in Spokane Indian Country must wear a Face Mask whenever legally required to do so by this Resolution or by the action of any other agency or official. This Resolution and the actions of other agencies and officials must be followed to the extent they are not in conflict.
 - ii. If this order and the action of any other agency or official are in conflict, the more protective requirement must be followed, unless prohibited by tribal or federal law.
- F. Children in childcare facilities and K-12 public and private schools may use face shields as an alternative to a cloth face covering only where authorized pursuant to a separate Resolution or, in the case of the Wellpinit School District, an order of Governor Inslee or his designee.
- G. The Face Mask requirement contained in this Section shall not apply to the Chewelah Casino or the Spokane Tribe Casino (collectively, the “Casinos”). Instead, the Casinos shall follow the Health and Sanitation Guidelines (COVID-19) as approved by Spokane Tribal Gaming Commission Resolution No. 2020-007, or as amended.
- H. No employee may work within Spokane Indian Country unless that employee wears a Face Mask when working, except when working alone, when the job involves no in-person interaction, or when the employee is exempted from wearing a Face Mask pursuant to an applicable Resolution.

3. PLAYGROUNDS AND PARKS

- A. All community parks, playgrounds, and recreational equipment may reopen to the general public, subject to all applicable COVID-19 Emergency Resolutions as well as Social Gathering limitations and Face Mask requirements.
- B. Educational Facilities and Youth Programs may resume use of playground equipment for official activities provided that they follow all relevant or applicable federal or state guidelines according to the internal policies and procedures of each Educational Facility or Youth Program. Such guidelines may include recommendations issued by the CDC, DOH, or similar entities.

4. RECREATIONAL AREAS: CAMPING AND FISHING

A. The fishing and camping restrictions imposed by Resolution 2020-166, as amended by Resolutions 2020-202, 2020-223, 2020-231, 2020-034, and 2020-198 as well as the hunting regulations as approved by Resolution 2020-271, are hereby amended as follows:

i. Day Use:

- a. Day Use at all Recreational Areas shall be limited to Members, Spouses, and Descendants. Members do not need to be present for Spouses and/or Descendants to engage in day use.
- c. Day Use at all Recreational Areas shall be closed to the general public until further notice.
- b. Spokane Tribal Rangers shall strictly enforce these limitations at Established Campgrounds.

ii. Overnight Camping:

- a. Overnight Camping at all Recreational Areas shall be limited to Members, Spouses, and Descendants as follows:
 - 1. Effective immediately, Members may engage in Overnight Camping at Recreational Areas. Spouses and Descendants may also be present, but must be accompanied by a Member.
 - 2. Beginning May 1, 2021, Members, Spouses, and Descendants may engage in overnight camping at Recreational Areas. Spouses and Descendants do not need to be accompanied by a Member after May 1, 2021.
- b. Overnight Camping at Recreation Areas shall be closed to the general public until further notice.
- c. Spokane Tribal Rangers shall strictly enforce these limitations at Established Campgrounds.

iii. Fishing:

- a. All fishing on the Reservation and tribal waters, except the Two Rivers Marina, shall be limited to Members, Spouses, and Descendants only.
 - 1. Where this conflicts with the fishing regulations as approved by Resolution 2020-271, or any other fishing regulations approved by Resolution, the terms and conditions of this COVID-19 Emergency Resolution shall control.
 - 2. All other applicable provisions of the fishing regulations as approved by Resolution 2020-271, or any other fishing regulations approved by Resolution, shall remain in effect, including designated seasons and harvest limits.
 - 3. All fishing permits purchased by Non-Members or Non-Indians, previously or in the future, are void until further notice.
- c. All fishing on the Reservation shall be subject to all applicable COVID-19 Emergency Resolutions, including but not limited to Social Distancing and Face Mask requirements, as well as all applicable license or permit requirements.
- d. All water bodies, except Two Rivers Marina, shall remain off-limits to Non-Members and Non-Indians for fishing until further notice.

iv. Hunting:

- a. All hunting on the Reservation shall be limited to Members only. Where this conflicts with the hunting regulations as approved by Resolution 2020-271, the terms and conditions of this COVID-19 Emergency Resolution shall control. All

other applicable provisions of the hunting regulations as approved by Resolution 2020-271 shall remain in effect, including designated seasons and harvest limits.

- b. All hunting on the Reservation shall be subject to all applicable COVID-19 Emergency Resolutions, including but not limited to Social Distancing requirements, as well as all applicable license or permit requirements.
- c. All Recreational Areas shall remain off-limits to Non-Members and Non-Indians for all purposes, except for the fishing and day use and camping activities authorized by Section 4(A)(iii).

B. Pow-Wow Grounds:

- i. Day Use at the Pow-Wow Grounds shall be closed to all individuals at this time.
- ii. Overnight Camping at the Pow-Wow Grounds shall be subject to the following regulations and restrictions:
 - a. Overnight Camping at the Pow-Wow Grounds shall be closed to all individuals at this time.
 - b. The prohibition against Overnight Camping shall not apply to individuals who may utilize the Pow-Wow Grounds as a COVID-19 isolation or quarantine facility who have received prior written consent from the Tribe's Executive Director or his designee.

C. Exceptions: Notwithstanding the above restrictions, the Tribal Council may grant exceptions to the limitations on Day Use, Camping, Fishing, and/or Pow-Wow Grounds restrictions imposed by this Section. Any exceptions approved pursuant to this Subsection must be documented in writing from the Tribal Council or the Tribal Council's authorized designee.

5. STAY AT HOME ORDER

- A. The Stay At Home Order remains lifted. All other COVID-19 Emergency Resolutions and safety guidelines, including but not limited to Social Distancing and Face Mask requirements, shall remain in effect until further notice.
- B. All individuals are recommended to remain at their residence as much as possible.

6. SOCIAL DISTANCING, SOCIAL GATHERINGS, AND NON-ESSENTIAL TRAVEL

A. Social Distancing:

- i. When individuals leave their homes or residences for any reason, they must at all times maintain a distance of at least six (6) feet from any person who is not a member of their immediate household.
 - a. For the sake of clarity, this Face Mask requirement applies to all Social Gatherings and Religious or Cultural Ceremonies, both public and private; it also applies to business settings, government buildings, and tribal businesses and facilities to the extent reasonably possible.
- ii. The Social Distancing requirements set forth in this Section shall not apply to the following:
 - a. Social Gatherings which solely include Household Members; and
 - b. Education Facilities following specific applicable guidance as per Section 16(B) of this Resolution; and
 - b. Other exceptions as expressly authorized by this Resolution or other Emergency COVID-19 Resolution.

B. Social Gatherings:

- i. Indoor Social Gatherings shall be limited to a maximum of ten (10) people from outside the same household.
- ii. Outdoor Social Gatherings shall be limited to a maximum of fifty (50) individuals from outside the same household.
- iii. All Social Gatherings shall be subject to the following:
 - a. Social Distancing requirements must be followed at all times;
 - b. Facemasks must be worn at all times; and
 - c. Attendance records documenting all individuals present at a Social Gathering, including staff, must be collected and retained for a period of thirty (30) days. Attendance records documenting all individuals present at a Social Gathering must be collected and retained for a period of thirty (30) days. Upon reasonable request, a copy of all attendance records must be given to the Tribal Health Officer, or similar Tribal officer, for contact tracing purposes.
- iv. The Social Gathering requirements set forth in this Section shall not apply to the following:
 - a. Social Gatherings which solely include Household Members;
 - b. Authorized Religious or Cultural Ceremonies; and
 - c. Other exceptions as expressly authorized by this Resolution or other Emergency COVID-19 Resolution.
- v. Where a Family Representative fails to enforce any applicable COVID-19 Emergency Resolution at their Religious or Cultural Ceremony, the Family Representative may be subject to penalties as set forth in Resolution 2020-166 or other applicable Resolution.

C. Travel:

- i. Travel increases your chance of spreading and getting COVID-19. The Tribe recommends all individuals delay travel and stay home to protect yourself and others from COVID-19.
- ii. If individuals must or are required to travel, the Tribe recommends taking the following steps to protect yourself and others:
 - a. If eligible, get fully vaccinated for COVID-19;
 - b. Before travelling, get tested with a viral test 1-3 days before your trip;
 - c. Wear a Face Mask over your nose and mouth when in public;
 - d. Avoid crowds and stay at least six (6) feet from anyone who did not travel with you;
 - e. Get tested 3-5 days after your trip and stay home and self-quarantine for a full seven (7) days after travel, even if your test is negative. If you don't get tested, stay home and self-quarantine for ten (10) days after travel; and
 - f. Follow all state and local recommendations or requirements after travel. \

7. RELIGIOUS OR CULTURAL CEREMONIES

- A. Religious or Cultural Ceremonies may operate subject to all applicable COVID-19 Resolutions and any other reasonable conditions which include, but are not limited to, the requirements outlined in Section 7(B).
- B. All Religious or Cultural Ceremonies shall be subject to the following requirements and limitations at all times:

- i. All Religious or Cultural Ceremonies, whether indoor or outdoor, shall be limited to four-hundred (400) individuals or 50% of maximum building capacity whichever is less, excluding vendors and staff working at the Religious or Cultural Ceremony.
 - ii. Social Distancing requirements must be followed. This means there must be at least six (6) feet of physical distancing between households at all times during a Religious or Cultural Ceremony.
 - iii. Face Masks must be worn as required by this Resolution.
 - iv. Attendance records documenting all individuals present at a Religious or Cultural Ceremony must be collected and retained for a period of thirty (30) days. Upon request, a copy of all attendance records must be given to the Tribal Health Officer, or similar Tribal officer, for contact tracing purposes.
- C. Tribal law enforcement, or a representative designated by the Chief of Police and approved by the Council, may be present at all Religious or Cultural Ceremonies to ensure compliance with all applicable COVID-19 Emergency Resolutions including but not limited to attendance and capacity limits, Social Distancing requirements, and Face Mask use.
 - D. Where a Family Representative fails to enforce any applicable COVID-19 Emergency Resolution at their Religious or Cultural Ceremony, the Family Representative shall be subject to penalties as set forth in Resolution 2020-166 or other applicable Resolution.
 - E. Any death benefits which the Tribe may offer for food costs shall be deferred for use at a future memorial in lieu of at a funeral.

8. TRIBAL SHUTDOWN AND LEAVE POLICIES

- A. All Tribal Operations are no longer in a partial shutdown, but remain subject to various approved COVID-19 safety policies and procedures (the “COVID-19 Policies”).
 - i. All individuals must follow all applicable COVID-19 Policies, as they currently exist or as amended/updated, while utilizing any Tribal facilities.
 - ii. COVID-19 Policies include, but are not limited to:
 - a. COVID-19 Workplace Policies;
 - b. COVID-19 Return to Work Procedures;
 - c. COVID-19 Facility Use Procedures;
 - d. Heightened Sanitization Requirements;
 - e. Telework Policies;
 - f. COVID-19 Sick Leave Policies;
 - g. COVID-19 Communication Plan;
 - h. Screening policies and entry controls
 - i. Transit safety guidelines; and
 - j. Other policies which may modify working conditions to protect the health and safety of employees and/or the general public.
 - iii. Applicable COVID-19 Policies may vary by department, program, facility, or location. Certain departments or programs may have higher safety precautions to address unique risks and challenges and ensure staff, client, and/or customer safety.

- iv. The Council grants the Emergency Management Team, as appointed in Resolution 2020-154, all necessary authority to approve and amend any and all COVID-19 Policies to protect the health and welfare of Tribal employees and the general public.
 - i. Any approval or amendment of a COVID-19 Policy shall be in writing and approved by the Director of the Emergency Management Team or their designee, with written notice to the Council.
- v. The Tribe recognizes that certain tribal facilities, including but not limited to the Spokane site for Tribal TANF, are located on fee land outside the exterior boundaries of the Reservation and may therefore be subject to State and other local safety requirements.
- vi. All Tribal governmental facilities may be closed to the general public and all non-essential personnel at the direction of the Executive Director. Tribal Governmental Employees may Telework to the maximum extent possible pursuant to an approved telework agreement. Tribal Governmental Employees who are needed to provide for the continuity of essential governmental services shall be required to report to their standard duty station unless they can perform that essential service from the employee's home via Telework or they are a Vulnerable Individual.
- vii. All in-person governmental services shall be provided by appointment only and may be limited to essential services as per any applicable COVID-19 Policy.
- viii. Tribal transit systems, including the Moccasin Express, may resume all public operations subject to internal policies and procedures approved by the Director of the Emergency Management Team. The Director of the Emergency Management Team is authorized to modify these internal policies and procedures at any time pursuant to the authority granted by Section 8(A)(iv), up to and including emergency closures, in order to respond to the ongoing COVID-19 Pandemic and best ensure the safety of all passengers and drivers. Any such changes shall be evidence driven and based on expert advice whenever possible.

9. CONSTRUCTION

- A. Resolution 2020-223, which conditionally authorizes Low-Risk and Essential Construction, shall remain in full force and effect until amended or terminated by Resolution of the Council.
- B. The ongoing cleanup and reclamation activities at the Midnite Mine Site and Dawn mill site by Newmont USA Limited and Dawn Mining Company, LLC (collectively, "Newmont") may continue to operate pursuant to the Framework Agreement dated February 24, 2016 ("Cleanup Activities"). However, all Cleanup Activities remain subject to the "Midnite Mine Infectious Disease Preparedness and Response Plan Coronavirus Disease (COVID-19)" as prepared by Newmont and approved by the Spokane Tribal Employment Rights Office.

10. VULNERABLE INDIVIDUALS

- A. All individuals, including Vulnerable Individuals, are recommended to remain in their home or place of residence to the maximum extent possible and minimize their exposure in all social settings. Vulnerable Individuals are strongly encouraged to telework/telecommute as much as possible.
- B. All persons with Vulnerable Individuals in their immediate households are encouraged to follow all recommended CDC and DOH guidelines, including Social Distancing and wearing Face Masks in public. Engaging in Social Gatherings or Religious or Cultural Ceremonies, especially in environments where Social Distancing is not practical, can carry the COVID-19 virus into the home and infect Vulnerable Individuals.

- C. All persons are encouraged to stay up-to-date on current COVID-19 health and safety guidelines. Education on best practices is key to mitigating the risk to Vulnerable Individuals.
- D. All individuals, including Vulnerable Individuals, are recommended to get vaccinated as soon as possible.

11. GYMS AND EXERCISE FACILITIES

- A. Gyms and Fitness Facilities may reopen to the general public subject to new restrictions and new occupancy calculations. No Gym or Fitness Facility may operate until it can meet and maintain all the following requirements, including providing materials, schedules, and equipment required to comply with this Section and this Resolution.
 - i. The maximum occupancy for Gyms and Fitness Facilities, per staffed room, shall not exceed fifty percent (50%) or four hundred (400) individuals, whichever is lower. Unstaffed rooms are limited to 25% of maximum room occupancy.
 - ii. Individuals must maintain six (6) feet of distance between non-household members at all times.
 - iii. Face Masks are required for indoor Gyms and Fitness Facilities at all times. Face Masks are not required for outdoor Gyms and Fitness Facilities where classes do not require contact and participants can maintain six (6) of distance;
 - vi. Stationary fitness equipment must be arranged such that users are not facing each other, regardless of the distance between users.
 - vii. Squash and racquetball courts must allow 15 minutes of non-use between each session.
 - viii. Gym and Fitness Facility Staff shall:
 - a. Practice good hygiene, including washing hands frequently and covering sneezes and coughs;
 - b. Provide handwashing or hand sanitizing stations at training and contest locations;
 - c. Reduce the use of locker rooms and increase sanitization of locker rooms;
 - d. Clean high touch surfaces and disinfect shared equipment before and after each use;
 - e. Ensure restrooms are cleaned and disinfected regularly.
- B. Gyms and Fitness Facilities operated by an Educational Facility or Youth Program shall follow any and all relevant DOH guidelines and Healthy Washington – Roadmap to Recovery guidelines, as currently written or as amended.

12. ORGANIZED YOUTH ACTIVITIES

- A. An Educational Facility or Youth Program may engage in organized youth activities, including but not limited to K-12 sports, only where the Educational Facility or Youth Program is able to meet all relevant requirements and guidelines issued by the DOH, CDC, or other similar entity. For example, if the Tribe is in Phase 3 then the Educational Facility or Youth Program must follow all relevant Washington State Phase 3 COVID-19 guidelines, including but not limited to capacity limitations.

13. SENIOR CENTERS

- A. Senior Centers shall follow all applicable COVID-19 guidelines, including but not limited to CDC and DOH guidelines.

- B. All individuals are subject to screening for COVID-19 symptoms, must wear Face Masks at all times, and strictly follow Social Distancing requirements.
- C. Senior center staff and guests must adhere to CDC recommended sanitation standards.
- D. Meals for elderly and disabled clients shall continue to be regularly delivered.

14. BUSINESSES

- A. No business may operate, allow a customer to enter a business, or conduct business with a customer inside any building that is open to the public or outdoors in a public place unless the customer is wearing a Face Mask, as required by this Resolution.
- B. No individual may enter a place of business, whether the business is operating indoors or outdoors, without first donning a Face Mask, unless the individual does so under circumstances expressly exempted from this requirement under an applicable Resolution.
- C. The owner of any business which fails to follow the requirements of this Section shall be subject to penalties as set forth in Resolution 2020-166 or other applicable Resolution.
- D. Maintain minimum six (6) feet of separation between staff and customers in all interactions at all times. When strict Social Distancing is not feasible for a specific task, other prevention measures are required, such as use of barriers, minimize staff or customers in narrow or enclosed areas, stagger breaks, and work shift starts.

15. CONFLICTS WITH TRIBAL LAWS

- A. In the event this Resolution, or any COVID-19 Emergency Resolution, conflicts with any provision of the Revised Spokane Law and Order Code or other Tribal law, the terms and conditions of the COVID-19 Emergency Resolutions shall control.
- B. In the event this Resolution, or any COVID-19 Emergency Resolution, conflicts with any other COVID-19 Emergency Resolution, the terms and conditions of the most recent COVID-19 Emergency Resolution shall control.

16. YOUTH PROGRAMS AND EDUCATIONAL FACILITIES

A. Youth Programs

- i. Except for the limitations and requirements of Sections 11, 12 and 16(A), this Resolution shall not apply to Youth Programs or their official activities.
- ii. Youth Programs shall follow all applicable federal or state guidelines, such as those issued by the CDC, DOH, or similar entities, according to each Youth Program's internal policies and procedures.
- iii. Tribally operated Youth Programs may provide childcare on an emergency basis in support of employees who must be at work to maintain the continuity of essential governmental services, however this will depend on the health of the Youth Program's staff as well as the children under their care.

B. Educational Facilities

- i. Except for the limitations and requirements of Sections 11, 12, and 16(B), this Resolution shall not apply to Educational Facilities or their official activities.

- ii. Educational Facilities shall follow all applicable federal or state guidelines, such as those issued by the CDC, DOH, OSPI, or similar entities, according to each Educational Facility's internal policies and procedures.

17. EXCEPTIONS

- A. Unless expressly stated otherwise, the limitations and requirements set forth in this Resolution shall not apply to the following:
 - i. the Tribe's Casinos, which remain subject to internal policies, regulations imposed by the Spokane Tribal Gaming Commission, and applicable COVID-19 Emergency Resolutions. However, should internal COVID-19 policies, procedures, or regulations conflict with any COVID-19 Emergency Resolution then the terms and conditions of the COVID-19 Emergency Resolution shall control;
 - ii. Spokane Tribal Enterprises, which remain subject to internal policies, regulations imposed by the Enterprise Board of Directors, and applicable COVID-19 Emergency Resolutions. However, should internal COVID-19 policies, procedures, or regulations conflict with any COVID-19 Emergency Resolution then the terms and conditions of the COVID-19 Emergency Resolution shall control;
 - iii. tribal governmental facilities and programs, but only with respect to the Social Gathering limits; PROVIDED that tribal governmental facilities remain strongly encouraged to abide by the Social Gathering limits wherever possible. All other COVID-19 Emergency Resolutions remain in full force and effect with respect to tribal governmental facilities and programs. Tribal governmental facilities and programs are also subject to internal COVID-19 policies and procedures, and regulations imposed by the Council or the Executive Director; however, should internal COVID-19 policies, procedures, or regulations conflict with any COVID-19 Emergency Resolution then the terms and conditions of the COVID-19 Emergency Resolution shall control. This subsection shall not apply to tribal Youth Programs or tribal Educational Facilities.
 - iv. individuals who have been fully vaccinated may be exempted from certain requirements of this Resolution under certain conditions, as per Section 18 of this Resolution.

18. VACCINATED INDIVIDUALS

- A. Vaccinated Individuals may engage in the following activities, notwithstanding other requirements of this Resolution:
 - i. Visit with other fully vaccinated people at an indoor or outdoor Social Gathering without wearing Face Masks or physical distancing;
 - ii. Visit with unvaccinated people from a single household who are "low risk for severe COVID-19 disease" at an indoor or outdoor Social Gathering without wearing masks or physical distancing; and
 - iii. Do not have to quarantine and get tested if exposed to someone with COVID-19 so long as the Vaccinated Individual does not develop symptoms.

19. MISCELLANEOUS MEETINGS

- A. In-person Miscellaneous Meetings, whether indoor or outdoor, shall be limited to four-hundred (400) individuals or 50% of maximum room/area capacity whichever is less, excluding staff.
- B. Miscellaneous Meetings shall be subject to the following requirements at all times:

- i. Groups of up to ten (10) individuals may be seated together provided that there is six (6) feet of physical distance between groups/tables;
- ii. Face Masks must be worn at all times;
- iii. Buffet style meals are prohibited;
- iv. Venues shall adhere to all other relevant DOH and CDC requirements.

BE IT FURTHER RESOLVED, the Council warns that rollbacks and restrictions could occur, up to and including a full shutdown, depending on COVID-19 trends.

BE IT FURTHER RESOLVED, this Resolution is intended to preserve the peace and welfare of the Tribe and Reservation Residents. Pursuant to RSLOC 14-26.01, all individuals found to have violated any of the limitations or requirements of this Resolution, including but not limited to Face Mask requirements, shall be subject to the penalties as set forth in Resolution 2020-166 or other applicable Resolutions. Penalties authorized by Resolution 2020-166 may include civil or criminal penalties, such as a \$500 fine per violation of this Resolution, confinement of up to ninety (90) days, and/or exclusion from the Reservation.

BE IT FURTHER RESOLVED, that the State of Emergency Declared in Resolution 2020-166 continues to exist and shall remain in effect until further Resolution of the Council.

BE IT FURTHER RESOLVED, except as expressly modified by this Resolution, all provisions and sections of Resolution 2021-198 and all amendments thereto shall remain in full force and effect until further resolution of the Council.

BE IT FINALLY RESOLVED, that this Resolution is effective as of the date of certification below and shall remain in effect until further Resolution of the Council.

Certification

The foregoing was duly enacted by the Spokane Tribal Business Council on the 24th day of March, 2021, by the vote of 4 for, 0 against, 0 abstain, and 1 absent under authority contained in Article VIII of the Constitution of the Spokane Indians ratified by the Spokane Tribe on November 22, 1980.



**Chairwoman Carol Evans
Spokane Tribal Business Council**

	Yes	No	Abstain	Absent
CE	X			
GA	X			
TP	X			
GF	X			
DK				X

SPOKANE TRIBAL COUNCIL RESOLUTION

Council use only:

DATE: 3/24/2021 CHAIR: Carol Evans MOTION: B7 SEC: Jfer

VOTE: 4 FOR 0 AGAINST 0 ABSTAIN 1 ABSENT

INFORMATION: Amending Resolution 2021-198, and Enacting Phase 3 Covid-19 Guidelines

VOTING RECORD				
	Yes	No	Abstain	Absent
CE	<u>BJ</u>			
GA	<u>GA</u>			
TP	<u>TP</u>			
DK				✓
GF	<u>B7</u>			

Submitted by: IOSTA

ED review/initial: [Signature]

Received by: [Signature]

Date Received: 3/24/21

COMMENTS: _____

TRIBAL BUSINESS COUNCIL INSTRUCTION TO RECORDS MANAGER:

1. _____
2. _____
3. _____

Records Manager Initials: _____
Date Completed: _____

