

**Turtle Mountain Band of Chippewa  
Proclamation  
Of  
Health State of Emergency  
In response to COVID-19 Pandemic**

**April 11, 2020**

**Stay Safe - Stay Healthy.**

- 1. Stay safe and healthy.** All individuals present within the Turtle Mountain Band of Chippewa Indians are requested to stay at home or at their place of residence, with exceptions outlined below. To the extent individuals are using shared or outdoor spaces other than their home or residence, they must at all times as reasonably possible maintain social distancing of at least six (6) feet from any other person consistent with Social Distancing Requirements as defined below, except that they do not need to maintain social distancing between family members in a single living unit or household members. All persons may leave their homes or residences only for the following functions as are defined in this Order:
  - a. Essential Activities** (defined in section 11);
  - b. Essential Governmental Functions** (defined in section 12);
  - c. To operate Essential Businesses and Operations** (defined in section 13);
  - d. To perform non-essential Minimum Basic Operations** (defined in section 14);
  - e. Essential Travel** (defined in section 15); and
  - f. Special Situations** (defined in section 8, 9, and 10).

Individuals experiencing housing displacement are exempt from this Section, but are strongly urged to obtain shelter. Governmental and other entities are strongly urged to make such shelter available as soon as possible to the maximum extent practicable and to follow the U.S. Centers for Disease Control and Prevention (CDC) guidance on COVID-19 risk mitigation practices.

Individuals whose homes or residences are unsafe or become unsafe, such as victims of domestic violence, are permitted to leave their home and stay at a safe alternative location. For purposes of this Order, homes or residences include hotels, motels, shared rental units, dormitories, shelters, and similar facilities. Attached are a list of resources which are available for emergency housing.

2. **Non-essential business and operations must cease.** All for-profit and non-profit businesses within the exterior boundaries of the Turtle Mountain Band of Chippewa Indians Reservation, except Essential Businesses and Operations as defined below, are required to cease all activities at facilities, except:
  - a. Minimum Basic Operations, as defined below, and
  - b. Any operations consisting exclusively of employees or contractors performing activities at their own home or residences (i.e., working from home).

All businesses, including Essential Businesses and Operations, shall, to the greatest extent possible, use technology to avoid meeting in person, including virtual meetings, teleconference, and remote work (i.e., work from home). Businesses may not engage in door-to-door solicitation, regardless of its purpose or status as an Essential Business or Operation.

All Essential Businesses and Operations are encouraged to remain open. To the greatest extent feasible, Essential Businesses and Operations shall comply with Social Distancing Requirements as defined in this Order; in doing so, Essential Businesses and Operations shall, to the greatest extent possible, ensure that both employees and members of the public are maintaining six-foot social distancing, including but not limited to when any customers are standing in line.

3. **Prohibited activities.** All public and private gatherings of any number of people that are not part of a single household or living unit are prohibited, except for the limited purposes expressly permitted in this Order. Nothing in this Order prohibits the gathering of members of a single household or living unit. Landlords or rental property managers shall avoid entering leased residential premises unless emergency maintenance is required.
4. **Closures.** All of the following facilities shall be closed:
  - a. **Public and private K-12 schools and public libraries.** Except for facilitating distance learning or virtual learning, public and private K-12 schools are closed for pupil instruction and extracurricular activities. Libraries shall close for all in-person services, but may continue to provide on-line services and

programming. Schools and public libraries may be used for Essential Government Functions and food distribution. This section does not apply to facilities operated by the Bureau of Indian Affairs.

- b. Places of public amusement and activity.** Whether indoors or outdoors, including but not limited to private swimming pools, heritage centers, arcades, music halls, social clubs, and gyms and fitness centers. Playgrounds are notable full of germs from small children's behavior. Vigilance with hand sanitizer and cleansing wipes.
  - c. Salons and spas.** This includes, but is not limited to, hair salons, barber shops, tanning facilities and other personal grooming facilities.
- 5. Prohibited and permitted travel.** All forms of travel are prohibited, except for Essential Travel as defined in this Order. Individuals riding on public transit must comply with Social Distancing Requirements to the greatest extent possible.
- 6. Follow CDC guidelines.** When taking any action permitted under this Order, all individuals, organizations, government bodies, and any other permitted group of individuals shall, to the extent possible, follow Tribal guidelines and those located here: <https://www.cdc.gov/coronavirus/2019-ncov/index.html>.

All Essential Businesses and Operations and all businesses performing Minimum Basic Operations shall comply with these guidelines for businesses.

- 7. Elderly people and those who are vulnerable as a result of underlying health conditions should take additional precautions.** People at high risk of severe illness from COVID-19 and people who are sick are urged to stay in their home or residence to the extent possible except as necessary to seek medical care. Nothing in this Order prevents local health officials from issuing and enforcing isolation and quarantine orders. It is a criminal violation of TMBCI Code § 26.1309 Reckless Endangerment to violate a quarantine order.

#### SPECIAL SITUATIONS

- 8. Healthcare and Public Health Operations.** For purposes of this Order, individuals may leave their residence to work for or obtain services at any Healthcare and Public Health Operations.

Healthcare and Public Health Operations includes, but is not limited to: hospitals; medical facilities; clinics; ambulatory surgery centers for response to urgent health issues or related COVID-19 activities; manufacturers, technicians, logistics, and warehouse operators and distributors of medical equipment, personal protective equipment (PPE), medical gases, pharmaceuticals, blood and blood products, vaccines, testing materials, laboratory supplies, cleaning, sanitizing disinfecting or sterilization supplies, and tissue and paper towel products; dental offices; pharmacies; public health entities, including those that compile, model, analyze, and communicate public health information; pharmaceutical, pharmacy, medical device and equipment, and biotechnology companies (including operations, research and development, manufacture, and supply chain); healthcare information technology companies; organizations collecting blood, platelets, plasma, and other necessary materials; obstetricians, gynecologists, and midwife practices; eye care centers, including those that sell glasses and contact lenses; home health agencies and providers; mental health and substance abuse providers; detoxification and alcohol or drug treatment programs and facilities; syringe access programs, and naloxone distribution programs; other healthcare facilities and suppliers and providers of any related or any ancillary healthcare services; entities that transport and dispose of medical materials and remains; personal care agencies; hospices; allied health providers; acupuncturists; massage therapists; chiropractors; and adult family homes.

Specifically included in Healthcare and Public Health Operations are manufacturers, technicians, logistics, and warehouse operators and distributors of medical equipment, personal protective equipment (PPE), medical gases, pharmaceuticals, blood and blood products, vaccines, testing materials, laboratory supplies, cleaning, sanitizing disinfecting or sterilization supplies, and tissue and paper towel products.

Healthcare and Public Health Operations also includes veterinary care and all healthcare services provided to animals. Non-essential veterinary care should be avoided.

Cafeterias and food service in health care facilities may remain open for staff and authorized visitors only, subject to the following restrictions:

- a. Self-service operations of salad bars, beverages stations, and buffets are prohibited.
- b. Customers are prohibited from self-dispensing any unpackaged food or beverage.
- c. Customers and staff shall comply with Social Distancing Requirements, including in seating areas and lines.

Healthcare and Public Health Operations shall be broadly construed to avoid any impediments to the delivery of healthcare, broadly defined. Healthcare and Public Health Operations does not include fitness and exercise gyms, hair salons, barber shops, nail salons, day spas, electrolysis providers, tattoo parlors, body art establishments, tanning facilities, and similar facilities.

9. **Human Service, Social Services and Child Welfare Operations.** For purposes of this Order, individuals may leave their residence to work for or obtain services at any state, institutional, or community-based setting providing human services to the public.

Human Service, Social Services and Child Welfare Operations includes, but is not limited to: long-term care and assisted living facilities, as long as the facility follows all current CDC Recommendations for Prevention of COVID-19 in Long- Term Facilities and Assisted Living Facilities and all applicable U.S. Centers for Disease Control Recommendations; residential settings and shelters for adults, seniors, children, victims of domestic abuse, people with disabilities, people with substance use disorders, or mental illness; transitional facilities; home-based settings to provide services to individuals with physical, intellectual, or developmental disabilities, seniors, adults, or children; adult day care, adult day services, and supportive home care; field offices that provide and help to determine eligibility for basic needs including food, cash assistance, medical coverage, vocational services, or rehabilitation services; developmental centers; adoption agencies; businesses that provide food, shelter, social services, or other necessities of life for economically disadvantaged individuals, individuals with physical, intellectual, or developmental disabilities, or otherwise needy individuals.

Human Service, Social Services and Child Welfare Operations shall be construed broadly to avoid any impacts to the delivery of human services, broadly defined.

10. **Essential Infrastructure.** For purposes of this Order, individuals may leave their residence to provide any services or perform any work necessary to offer, provide, operate, maintain, and repair Essential Infrastructure.

Essential Infrastructure includes, but is not limited to: food production, distribution, fulfillment centers, storage facilities, construction (including, but not limited to, construction required in response to this public health emergency, hospital construction, construction of long-term care and assisted living facilities, public works construction, school construction, Essential Business and Operations construction,

construction necessary for Essential Governmental Functions, and housing construction, except that optional or aesthetic construction should be avoided); building management and maintenance; operation and maintenance of utilities, including water, sewer, gas, and electric Low Income Home Energy Assistance Program, and Public Benefits Energy Assistance Program offices, customer service centers, and public intake centers; distribution centers; roads, highways, and public transportation; ports; cybersecurity operations; flood control; solid waste and recycling collection and removal; and internet, video, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services).

Essential Infrastructure shall be construed broadly to avoid any impacts to essential infrastructure, broadly defined.

## DEFINITIONS

11. **Essential Activities.** Individuals may leave their home or residence to perform any of the following:

- a. **Health and safety.** To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members, including pets, such as, by way of example only and without limitation, obtaining medical supplies or medication, seeking emergency services, or visiting a health care or behavior health care professional. Individuals should rely on telehealth options whenever feasible.
- b. **Necessary supplies and services.** To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others, such as, by way of example only and without limitation: canned food, dry goods, fresh fruits and vegetables, gasoline, propane, pet supply, fresh meats, fish, and poultry, and any other household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of residences.
- c. **Outdoor activity.** To engage in outdoor activity, including visiting public and state parks, provided individuals comply with Social Distancing Requirements as defined below. Such activities include, by way of example and without limitation, walking, biking, hiking, or running. Individuals may not engage in team or contact sports such as by way of example and without limitation, basketball, ultimate frisbee, soccer, or football, as these activities do not comply with Social Distancing Requirements. This shall include all public playgrounds.

- d. **Certain types of work.** To perform work at Essential Businesses or Operations or to otherwise carry out activities specifically permitted in this Order, including Minimum Basic Operations and obtaining supplies needed to work from home.
- e. **Take care of others.** To care for a family member, friend, or pet in another household, and to transport family members, friends, or pets as allowed in this Order.

**12. Essential Governmental Functions.** Essential Governmental Functions means all services provided by the State, tribal, or local governments needed to ensure the continuing operation of the government body and provide and support the health, safety, and welfare of the public. Each government body shall determine its Essential Government Function, if any, and identify employees and contractors necessary to the performance of those functions.

For purposes of this Order, all paid or volunteer first responders including law enforcement, EMS, and firefighters; first responder training academies; building inspectors; emergency management personnel; emergency dispatchers; court personnel, jurors and grand jurors; corrections personnel; hazardous materials responders; child protection and child welfare personnel; housing and shelter personnel; and others working for or to support Essential Businesses and Operations are exempt from this Order.

This section does not limit the ability or authority of the Court to use its constitutional supervisory authority over courts to limit or adjust court functions in response to the Public Health Emergency. This section does not limit the ability or authority of the Tribal Council to meet or conduct business.

Government bodies should continue to follow the any open meeting laws, public records laws, any Resolutions for Tele-meetings, and any Executive Order applicable to the COVID-19 situation. Any Board or Commission holding government meetings, and should consult directly with that office and the Tribe's legal counsel, regarding specific open meetings questions. See Attached.

**13. Essential Businesses and Operations Defined.** All entities described in this section shall meet Social Distancing Requirements between all individuals on the premises to the extent possible. Essential Businesses and Operations shall, to the greatest extent possible, use technology to avoid meeting in person, including virtual meetings, teleconference, and remote work (i.e., work from home). For the purposes of this Order, Essential Businesses and Operations

means Healthcare and Public Health Operations, Human Services Operations, Essential Infrastructure, and Essential Governmental Functions, and the following:

- a. **CISA List.** Any business or worker identified in the U.S. Department of Homeland Security, Cybersecurity & Infrastructure Security Agency (CISA), *Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response*, updated March 23, 2020, and any subsequent versions of this Memorandum.
- b. **Stores that sell groceries and medicine.** Grocery stores, bakeries, pharmacies, farm and produce stands, supermarkets, food banks and food pantries, convenience stores, and other establishments engaged in the retail sale of groceries, canned food, dry goods, frozen foods, fresh fruits and vegetables, pet supply, fresh meats, fish, poultry, prepared food, alcoholic and non-alcoholic beverages, and any other household consumer products (such as cleaning and personal care products). Such establishments shall:
  - I. Close all seating intended for consuming food.
  - II. Cease any self-service operations of salad bars, beverage stations, and buffets.
  - III. Abide by Social Distancing requirements.

This section should not be interpreted to provide an exemption for businesses engaged in the sale of food or beverage ancillary to its primary purpose such as those businesses required to close under Section 4 who also may engage in some food or beverage sales.

- c. **Food and beverage production, transport, and agriculture.** Food and beverage manufacturing, production, processing, transportation, and cultivation; farming, livestock, fishing, baking, and other production agriculture, including cultivation, marketing, production, and distribution of animals and goods for consumption; businesses that provide food, shelter, and other necessities of life for animals, including animal shelters, boarding, rescues, kennels, and adopting facilities; farm and agriculture equipment, supplies, and repair services.
- d. **Restaurants.** Restaurants shall close, except as follows:
  - I. Restaurants may remain open for food take-out or delivery service only.
  - II. Alcohol sales must comply with section 13.e. below.
  - III. Customers may enter the above establishments



- only for the purpose of ordering, pick up, and paying for food or beverage or both.
- IV. No seating may be provided.
- V. Food and drink may not be consumed on premises, either indoors or outdoors.
- VI. Establishments shall meet Social Distancing Requirements between all individuals on the premises to the extent possible.
- VII. Cease any self-service operations of salad bars, beverage stations, and buffets.
- VIII. Customers are prohibited from self-dispensing any unpackaged food or beverage.

**e. Bars.** This includes breweries, brewpubs, wineries, distilleries, and alcohol beverage retailers. Such establishments shall close, except as follows:

- I. Carryout sales of alcohol beverages and food are allowed, if permitted by the license issued to the facility.
- II. Delivery of alcohol beverages to retail customers is prohibited.
- III. Customers may enter the above establishments only for the purpose of ordering, pick up, and paying for food or beverage or both.
- IV. No seating may be provided.
- V. Food and drink may not be consumed on premises, either indoors or outdoors.
- VI. Establishments shall meet Social Distancing Requirements between all individuals on the premises to the extent possible.
- VII. Self-service operations of salad bars, beverage stations, and buffets are prohibited.
- VIII. Customers are prohibited from self-dispensing any unpackaged food or beverage.

**f. Child care settings.** Child care shall be prioritized:

- 1. Child care settings shall prioritize care for families as follows:
  - I. Tier 1: employees, contractors, and other support staff working in health care;
  - II. Tier 2: employees, contractors, and other staff in vital areas including but not limited to military; long term care; residential care; pharmacies; child care; child welfare; government operations; public safety and

critical infrastructure such as sanitation, transportation, utilities, telecommunications; grocery and food services; supply chain operations; and other sectors as determined by the Tribal Council.

2. Child care settings include all licensed and certified child care providers who may provide care for any age or ages of children up to 13 years of age, unless specially licensed for children with disabilities up to 19 years of age.

- g. Organizations that provide charitable and social services.** Businesses and religious and secular nonprofit organizations, including prevocational group supportive employment, food banks and food pantries, when providing food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals, individuals who need assistance as a result of this public health emergency, and people with disabilities. See attached list of service providers.
- h. Weddings, funerals, and religious entities.** Religious facilities, entities, groups, and gatherings, and weddings and funerals, except that any gathering shall include fewer than 10 people in a room or confined space at a time and individuals shall adhere to Social Distancing Requirements as much as possible.
- i. Media.** Newspapers, television, radio, and other media services.
- j. Gas stations and businesses needed for transportation.** Gas stations; auto and motorcycle supply, repair and sales; boat supply, repair, and sales; and bicycle supply, repair, and sales.
- k. Financial institutions and services.** Banks, credit unions, and other depository or lending institutions; licensed financial service providers; insurance services; personnel necessary to perform essential functions at broker dealers and investment advisor offices.
- l. Hardware and supplies stores.** Hardware stores and businesses that sell electrical, plumbing, heating, and construction material.
- m. Critical trades.** Building and Construction Tradesmen and Tradeswomen, and other trades including but not limited to plumbers, electricians, carpenters, laborers, sheet metal, iron workers, masonry, pipe trades, fabricators, finishers, exterminators, pesticide application, cleaning and janitorial staff for commercial and governmental properties, security staff,

operating engineers, HVAC, painting, moving and relocation services, forestry and arborists, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, Essential Activities, Essential Governmental Functions, and Essential Businesses and Operations.

- n. **Mail, post, shipping, logistics, delivery, and pick-up services.** Post offices and other businesses that provide shipping and delivery services.
- o. **Laundry services.** Laundromats, dry cleaners, industrial laundry services, and laundry service providers.
- p. **Supplies to work from home.** Businesses that sell, manufacture, or supply products needed for people to work from home.
- q. **Supplies for Essential Businesses and Operations and Essential Governmental Functions.** Businesses that sell, manufacture, or supply other Essential Businesses and Operations and Essential Governmental Functions with the support or supplies necessary to operate, including computers; audio and video electronics; household appliances; IT and telecommunication equipment; hardware; paint; flat glass; electrical, plumbing, and heating materials; construction materials and equipment; sanitary equipment; personal hygiene products; food, food additives, ingredients, and components; medical and orthopedic equipment; firearm and ammunition suppliers and retailers for purposes of safety and security; optics and photography equipment; diagnostic; food and beverages; chemicals; paper and paper products; soaps and detergents.
- r. **Transportation.** Transportation authorized by the Tribal Council and expressly authorized in this Order.
- s. **Home-based care and services.** Home-based care for seniors, adults, children, and/ or people with disabilities, substance use disorders, and/ or mental illness, including caregivers or nannies who may travel to the child's home to provide care, and other in-home services including meal delivery.
- t. **Professional services.** Professional services, such as legal or accounting services, insurance services, real estate services (including appraisal, home inspection, and title services). These services shall, to the greatest extent possible, use technology to

avoid meeting in person, including virtual meetings, teleconference, and remote work (i.e., work from home).

- u. **Manufacture, distribution, and supply chain for critical products and industries.** Manufacturing companies, distributors, and supply chain companies producing and supplying essential products and services in and for industries such as pharmaceutical, technology, biotechnology, healthcare, chemicals and sanitation, waste pickup and disposal, agriculture, food and beverage, transportation, energy, steel and steel products, petroleum and fuel, mining, construction, national defense, communications, and products used by other Essential Governmental Functions and Essential Businesses and Operations.
  
- v. **Higher educational institutions.** Higher educational institutions, for purposes of facilitating distance learning, performing critical research, or performing essential functions as determined by the institution.

**Chairman or Tribal Council Designation.** If a business still believes that it does not fall within the meaning of Essential Businesses and Operations, it may apply to the Chairman or the Tribal Council using the provided form requesting designation as such.

**14. Minimum Basic Operations Defined.** For the purposes of this Order, Minimum Basic Operations include the following, provided that employees comply with Social Distancing Requirements, to the extent possible, while carrying out such operations:

- a. The minimum necessary activities to maintain the value of the business's inventory, preserve the condition of the business's physical plant and equipment, ensure security, process payroll and employee benefits, or for related functions, including where these functions are outsourced to other entities.
  
- b. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.

**15. Essential Travel.** Individuals engaged in any Essential Travel must comply with Social Distancing Requirements to the extent possible. For the purposes of this Order, Essential Travel includes:

- a. Any travel related to the provision of or access to Essential Activities, Special Situations, Essential Governmental Functions, Essential Businesses and Operations, or Minimum Basic Operations.

- b. Travel to care for elderly, minors, dependents, persons with disabilities, or other vulnerable persons.
- c. Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, or any other related services. This allows for travel for students to reach a designated temporary wi-fi spot to facilitate learning.
- d. Travel to return to a place of residence from outside the jurisdiction. If you have traveled to areas or counties that have been affected by widespread outbreak of positive Covid-19 cases must notify Indian Health Services and have provisions for immediate quarantine.
- e. Travel required by law enforcement or court order, including to transport children pursuant to a custody agreement.
- f. Travel required for non-residents to return to their place of residence outside the reservation. Individuals are strongly encouraged to verify that their transportation out of the reservation remains available and functional prior to commencing such travel.

**16. Social Distancing Requirements.** For purposes of this Order, Social Distancing Requirements includes maintaining social distancing of six (6) feet between people; washing hands with soap and water for at least 20 seconds as frequently as possible or using hand sanitizer; covering coughs or sneezes (into the sleeve or elbow, not hands); regularly cleaning high-touch surfaces; not shaking hands; and following all other public health recommendations issued by the Tribe and the U.S. Centers for Disease Control.

## **ENFORCEMENT**

- 17. Enforcement.** This Order is enforceable by any law enforcement official, and Turtle Mountain Housing Authority Security. Violation or obstruction of this Order is punishable with up to a \$250 fine.
- 18. Severability.** If any provision of this Order or its application to any person or circumstance is held to be invalid, then the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

19. **Supremacy.** This Order supersedes any previous Order that is in conflict with this Order.
20. **Duration.** This Order shall become effective at 8:00 a.m. on Saturday, April 11, 2020 and will remain in effect until 8:00 a.m. on Friday, May 1, 2020, or until a superseding order is issued.
21. **Intent.** It is the intent of Tribal Council to ensure the health, safety, and well-being of the Community. It is not designed to be an infringement on individual liberty, but specifically to ensure to safety of the whole of the Community.




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Jim Baker, District 1



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Nathan "Puma" Davis, District 1




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Stuart LaFountain, District 2




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Ron Trottier, District 2




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LoAnn Jerome, District 3



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Lynn Gourneau, District 3



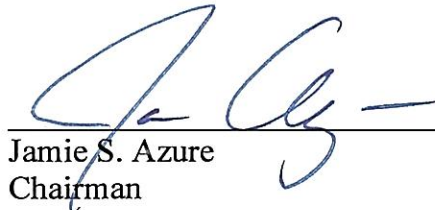
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Chad Counts, District 4



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Bernice Poitra, District 4



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Jamie S. Azure  
Chairman