

RESOLUTION NO. 327(20)

ESTABLISHING EMERGENCY RULE MANDATING QUARANTINE FOR INDIVIDUALS WHO TEST POSITIVE FOR COVID-19 OR WHO ARE IDENTIFIED BY HEALTH OFFICIALS AS A CLOSE CONTACT OF A POSITIVE COVID-19 CASE

- WHEREAS,** the Lac du Flambeau Band of Lake Superior Chippewa Indians ("Tribe"), is a federally recognized Indian Tribe organized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934, 25 U.S.C. §461 et. seq.; and
- WHEREAS,** pursuant to Article III, Section 1 of the Lac du Flambeau Constitution ("Constitution"), the governing body of the Tribe is the Tribal Council; and
- WHEREAS,** Article VI of the Constitution sets forth the Powers and Duties of the Tribal Council, and Section 1(a) of Article VI authorizes the Tribal Council to ". . . protect the health, security, and general welfare of the Tribe"; and
- WHEREAS,** the national and global pandemic caused by Coronavirus Disease 2019 (COVID-19), identified by the Centers for Disease Control and Prevention (CDC) and the Wisconsin Department of Health Services (WI DHS) as a deadly, highly contagious disease, poses a direct threat to the health, security and general welfare of the Tribe; and
- WHEREAS,** on March 14, 2020, in response to the COVID-19 Pandemic, the Lac du Flambeau Tribal Council passed Tribal Resolution No. 93(20), declaring a State of Emergency as authorized by Chapter 65 of the Lac du Flambeau Tribal Code of Ordinances; and
- WHEREAS,** in recent days there has been a spike in lab-confirmed cases of COVID-19 within the Lac du Flambeau community, as well as a significant increase in the number of individuals who have been identified by health officials as having had close contact with persons afflicted with COVID-19; and
- WHEREAS,** a number of individuals who have been directed by public health officials to quarantine due to positive COVID-19 test results or close contact with individuals afflicted with COVID-19 have failed or refused to self-quarantine or isolate, thereby placing other members of the community, especially the frail, vulnerable and elderly, at great risk; now therefore be it
- RESOLVED,** that this Council, in Special Session, does hereby order that, consistent with CDC and local Health Department guidelines and for the protection of the community, every individual confirmed by a laboratory as positive for COVID-19 shall quarantine for ten (10) days, from the date of the positive test, or until released from quarantine by public health authorities, whichever period is greater, and every individual identified by public health officials pursuant to contact tracing as having

had close contact with a person afflicted with COVID-19 shall quarantine as directed by public health officials, for a period of not less than fourteen (14) days, regardless of having tested negative for COVID-19; and be it further

RESOLVED, that any failure or refusal to quarantine as mandated by this Resolution and Emergency Rule shall, as a matter of law, constitute Disorderly Conduct, in violation of Chapter 73, Section 73.202 of the Lac du Flambeau Tribal Code of Ordinances, and shall be punishable by a fine not to exceed \$500.00; and be it further

RESOLVED, that, in addition to or in lieu of any civil forfeiture action instituted by a law enforcement agency as a result of a violation of this Resolution and Emergency Order, the Lac du Flambeau Tribal Court is hereby authorized to issue Quarantine/Isolation Orders with respect to individuals violating this Resolution and Emergency Rule, upon petition of a health official, law enforcement officer, Tribal attorney or other interested party. The Lac du Flambeau Tribal Court is further authorized to utilize its broad contempt powers to enforce such Quarantine/Isolation Orders.

CERTIFICATION

I, the undersigned, as Secretary of the Lac du Flambeau Band of Lake Superior Chippewa Indians, a tribal government operating under a Constitution adopted pursuant to Section 16 of the Indian Reorganization Act, 25 U.S.C., s. 476, do hereby certify that the Tribal Council of the Band is composed of twelve members, of whom eleven were present constituting a quorum were present at a Special Meeting duly called, noticed and convened and held on the 2nd day of October, and that the foregoing resolution was duly adopted at said meeting by an affirmative vote of nine members, (E. Chapman Sr., M. Doud, W. Stone Sr., G. Thompson, B. Allen, C. Theobald, R. Bell, D. Allen, J. BigJohn) none against, one abstaining (J. Johnson Sr.) and that the said resolution has not been rescinded or amended in any way.



Brittany Allen, Secretary Pro-Tem
Lac du Flambeau Band of
Lake Superior Chippewa Indians