

**LAC DU FLAMBEAU BAND OF LAKE SUPERIOR CHIPPEWA INDIANS**

**Tribal Resolution No. 103(20)**

**DECLARATION OF SHELTER AT HOME**

- WHEREAS,** the Lac du Flambeau Band of Lake Superior Chippewa Indians is a signatory to treaties with the United States of America in 1837 (7 Stat., 536; Proclamation, June 15, 1838), 1842 (7 Stat., 591; Proclamation, March 23, 1843), and 1854 (10 Stats., 1109; Proclamation January 10, 1855); and
- WHEREAS,** the Lac du Flambeau Band of Lake Superior Chippewa Indians (“Tribe”), is a recognized Indian Tribe organized pursuant to Section 16 of the Indian Reorganized Act of June 18, 1934, 24 U.S.C. 461 et. Seq.; and
- WHEREAS,** pursuant to Article III, Section 1 of the Lac du Flambeau Constitution and Bylaws (“Constitution and Bylaws”), the governing body of the Tribe is the Tribal Council; and
- WHEREAS,** pursuant to Article I, Section 2 of the Constitution “the jurisdiction of the Tribe shall extend to all the land and water areas within the territory of the Band, and further, for the purpose of exercising and regulating the exercise of rights to hunt, fish, trap, gather wild rice and other usual rights of occupancy, such jurisdiction shall extend to all lands and waters described in treaties to which the Band was a party, which treaties provide for such rights.”; and
- WHEREAS,** the Tribal Council has the duty under Article VI, Section 1(a) to protect and preserve tribal property, and to protect and promote the general welfare of the Tribe; and
- WHEREAS,** the Tribal Council has the authority under Article VI, Section 1(c) to negotiate with the Federal, State, and local governments, on behalf of the Lac du Flambeau Band of Lake Superior Chippewa Indians and to advise and consult with the representatives of the Department of the Government of the United States on all matters affecting the affairs of the Tribe; and
- WHEREAS,** on March 14, 2020, this Tribal Council passed Tribal Resolution No. 93(20) declaring a state of emergency as authorized by Chapter 65 of the LDF Tribal Code in response to the COVID-19 outbreak and ordering community mitigation strategies; and
- WHEREAS,** the health, safety, and welfare of Lac du Flambeau Indian Reservation residents, Tribal Members, and Tribal employees is of utmost importance to the Tribe and additional measures are needed to protect the community;
- WHEREAS,** the severity of the existing conditions related to the COVID-19 warrant the proclamation of emergency; therefore be it resolved
- RESOLVED,** by this Council, by Poll Vote does hereby proclaim and order Shelter at Home for everyone on all lands within the exterior boundaries of the Lac du Flambeau

Indian Reservation, subject to the exceptions detailed in the attached Order; and be it further

**RESOLVED,** the Tribal Council does hereby proclaim and order a Curfew from 10:00PM to 6:00AM for everyone on all lands within the exterior boundaries of the Lac du Flambeau Indian Reservation, subject to the exceptions detailed in the attached Order; and be it further

**RESOLVED,** the Tribal Council approves and adopts the attached Lac du Flambeau Shelter at Home and Curfew Order; and be it further

**RESOLVED,** said Shelter at Home and Curfew will begin at 12:00 p.m. on Tuesday, March 24, 2020 and continue until amended and/or rescinded by Tribal Council Resolution.

### 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 polled on the 23<sup>rd</sup> day of March 2020, and that the foregoing resolution was duly adopted by Poll Vote by an affirmative vote of seven (G. Thompson, W. Stone Sr., J. Allen, B. Allen, R. Bell, E. Chapman Sr., J. Johnson Sr.), none against, none abstaining, four no response and that the said resolution has not been rescinded or amended in any way.



Jamie Allen, Secretary  
Lac du Flambeau Band of  
Lake Superior Chippewa Indians



## **Lac du Flambeau Reservation Shelter at Home and Curfew Order**

1. The intent of this Order, which is consistent with the State of Emergency declared by Lac du Flambeau Tribal Council pursuant to Resolution No. 93(20), is to ensure that the maximum number of individuals self-isolate in their places of residence to the maximum extent feasible, while enabling essential services to continue, to slow the spread of the novel corona virus, COVID-19, to the maximum extent possible. When individuals need to leave their places of residence, whether to obtain or perform vital services, or to otherwise facilitate authorized activities necessary for continuity of social and commercial life, they should at all times comply with Social Distancing Requirements as defined in Section 10 below, to the maximum extent possible. All provisions of this Order should be interpreted to effectuate this intent. Failure to comply with any of the provisions of this Order constitutes an imminent threat to the health, safety, and general welfare of the Tribe.
2. All individuals currently living within the exterior boundaries of the du Flambeau Indian Reservation (the "Reservation") are ordered to shelter at their place of residence. To the extent individuals are using shared or outdoor spaces, they must at all times maintain social distancing of at least six feet from any other person when they are outside their residence, to the maximum extent possible. All persons may leave their residences only for Essential Activities, Essential Governmental Functions, or to operate Essential Businesses, all as defined in Section 10.
3. For the duration of this Order, all pedestrian and vehicular movement are prohibited during curfew hours. Curfew hours shall be each day from 10:00 P.M. to 6:00 A.M., commencing on the signature of this Order, and continuing until terminated by Tribal Council Resolution. This Section and Curfew does not apply to individuals commuting to and from places of Essential Businesses, individuals providing fire, police, emergency, and hospital services, individuals seeking or providing medical care, individuals conducting utility repairs, tribal employees, tribal enterprise employees, and Town of Lac du Flambeau employees providing necessary services.
4. All On-Reservation businesses except Essential Businesses as defined below are required to cease all activities at facilities located within the Reservation. Businesses may continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e., working from home). All Essential Businesses are strongly encouraged to remain open. To the greatest extent feasible, Essential Businesses shall comply with Social Distancing Requirements as defined in Section 10 below, including, but not limited to, when any customers are standing in line.
5. All public and private gatherings of any number of individuals are prohibited, except for the limited purposes as expressly permitted in Section 10. Nothing in this Section or Order prohibits the gathering of members of a household or living unit.

6. All travel, including but not limited to, travel on foot, bicycle, scooter, motorcycle, snowmobile, canoe, boat, horse, automobile, or public transit, except for Essential Travel and Essential Activities as defined below, is prohibited. Individuals must use public transit only for purposes of performing Essential Activities or to travel to and from work to operate Essential Businesses or maintain Essential Governmental Functions. Individuals riding on public transit must comply with Social Distancing Requirements as defined below to the maximum extent possible. This Order allows travel into or out of the Reservation to perform Essential Activities, operate Essential Businesses, or maintain Essential Governmental Functions.

7. This Order is issued based on evidence of increasing occurrence of COVID-19 near and within the Reservation area, scientific evidence and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically, and evidence that the age, condition, and health of a significant portion of the population of the Reservation places it at risk for serious health complications, including death, from COVID-19. Due to the outbreak of the COVID-19 virus in the general public, which is now a pandemic according to the World Health Organization, there is a public health emergency. Making the problem worse, some individuals who contract the COVID-19 virus have no symptoms or have mild symptoms, which means they may not be aware they carry the virus. Because even individuals without symptoms can transmit the disease, and because evidence shows the disease is easily spread, gatherings can result in preventable transmission of the virus. The scientific evidence shows that at this stage of the emergency, it is essential to slow virus transmission as much as possible to protect the most vulnerable and to prevent the health care system from being overwhelmed. One proven way to slow the transmission is to limit interactions among individuals to the greatest extent practicable. By reducing the spread of the COVID-19 virus, this Order helps preserve the critical and limited healthcare capacity on the Reservation.

8. This Order comes after the release of substantial guidance from the Lac du Flambeau Tribal Health Officials, the Centers for Disease Control and Prevention, the Wisconsin Department of Health, and other public health officials throughout the United States and around the world, including a variety of prior orders to combat the spread and harms of COVID-19. The Tribal Council will continue to assess the quickly evolving situation and may modify or extend this Order, or issue additional Orders, related to COVID-19.

9. Only year-round residents of the Reservation should Shelter at Home on the Reservation. Any visitors and seasonal residents not currently residing on the Reservation are strongly encouraged not to travel to the Reservation, and may be subject to a fourteen-day quarantine upon their arrival. All visitors and seasonal residents currently residing on the Reservation are encouraged to return to their permanent residents immediately, or register their intent to stay on the Reservation and comply with the substance of this Order with the appropriate tribal official at (715) 588-7717.

#### 10. Definitions and Exemptions

10.1. For purposes of this Order, individuals may leave their residence only to perform any of the following "Essential Activities." Individuals at high risk of severe illness from COVID-19 are urged to stay in their residence to the extent possible except as necessary to seek medical care. Individuals who are sick shall stay in their residence except as necessary to seek medical care.

Essential Activities include:

- 10.1.1. Engaging in activities or performing tasks essential to their health and safety, or to the health and safety of their family or household members (including, but not limited to, pets), such as, by way of example only and without limitation, obtaining medical supplies or medication, visiting a health care professional, or obtaining supplies they need to work from home.
- 10.1.2. Obtaining 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, groceries, pet supplies, any other necessary household consumer products, and any products needed to maintain the safety, sanitation, and essential operation of residences.
- 10.1.3. Engaging in outdoor activities, provided the individuals comply with Social Distancing Requirements as defined in this Section.
- 10.1.4. Engaging in activities protected by treaty rights, provided the individuals comply with Social Distancing Requirements as defined in this Section.
- 10.1.5. Working to provide essential products and services at an Essential Business or to otherwise carry out activities specifically permitted in this Order.
- 10.1.6. Caring for a family member or pet in another household.
- 10.2. For purposes of this Order, individuals may leave their residence to work for or obtain services at any "Healthcare Operations" including hospitals, clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, traditional medicine practitioners, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, or any related and/or ancillary healthcare services. "Healthcare Operations" also includes veterinary care and all healthcare services provided to animals. This exemption shall be construed broadly to avoid any impacts to the delivery of healthcare, broadly defined. "Healthcare Operations" does not include fitness and exercise gyms and similar facilities.
- 10.3. For purposes of this Order, individuals may leave their residence to provide any services or perform any work necessary to the operations and maintenance of "Essential Infrastructure," including, but not limited to, public works construction, construction of housing (in particular affordable housing or housing for individuals experiencing homelessness), airport operations, water, sewer, gas, electrical, oil refining, roads and highways, public transportation, solid waste collection and removal, internet, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services), provided that they carry out those services or that work in compliance with Social Distancing Requirements as defined this Section, to the extent possible.

- 10.4. For purposes of this Order, all first responders, emergency management personnel, emergency dispatchers, court personnel, and law enforcement personnel, and others who need to perform essential services and/or responsible for maintaining essential physical infrastructure are categorically exempt from this Order. Further, nothing in this Order shall prohibit any individual from performing or accessing "Essential Governmental Functions," as determined by the governmental entity performing those functions. Each governmental entity shall identify and designate appropriate employees or contractors to continue providing and carrying out any Essential Governmental Functions. All Essential Governmental Functions shall be performed in compliance with Social Distancing Requirements as defined in this Section, to the maximum extent possible.
- 10.5. For the purposes of this Order, covered businesses include any for-profit, nonprofit, or educational entities, regardless of the nature of the service, the function they perform, or its corporate or entity structure.
- 10.6. For purposes of this Order, "Social Distancing Requirements" includes maintaining at least six-foot social distancing from other individuals, washing hands with soap and water for at least twenty seconds as frequently as possible and using hand sanitizer when hand washing is not available, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands.
- 10.7. For the purposes of this Order, "Essential Businesses" means:
  - 10.7.1. Healthcare Operations and Essential Infrastructure;
  - 10.7.2. Grocery stores, certified farmers' markets, farm and produce stands, supermarkets, food banks, convenience stores, and other establishments engaged in the retail sale of groceries, pet supplies, and any other household consumer products (such as cleaning and personal care products). This includes stores that sell groceries and also sell other non-grocery products, and products necessary to maintaining the safety, sanitation, and essential operation of residences;
  - 10.7.3. Food cultivation, including farming, livestock, fishing, hunting, and gathering;
  - 10.7.4. Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;
  - 10.7.5. Newspapers, television, radio, and other media services;
  - 10.7.6. Gas stations and auto-supply, auto-repair, and related facilities;
  - 10.7.7. Banks and related financial institutions;
  - 10.7.8. Hardware stores;

- 10.7.9. Plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, Essential Activities, and Essential Businesses;
  - 10.7.10. Businesses providing mailing and shipping services, including post office boxes;
  - 10.7.11. Educational institutions, including public and private K-12 schools, colleges, and universities, but only for purposes of facilitating distance learning or performing essential functions, provided that Social Distancing is maintained to the greatest extent possible;
  - 10.7.12. Laundromats, drycleaners, and laundry service providers;
  - 10.7.13. Restaurants and other facilities that prepare and serve food, but only for purposes of delivery or carry out. Schools and other entities that typically provide free food services to students or members of the public may continue to do so under this Order on the condition that the food is provided to students or members of the public on a pick-up and take-away basis only. Schools and other entities that provide food services under this exemption shall not permit the food to be eaten at the site where it is provided;
  - 10.7.14. Businesses that supply other Essential Businesses with the support or supplies necessary to operate;
  - 10.7.15. Businesses that ship or deliver groceries, food, goods or services directly to residences;
  - 10.7.16. Airlines, taxis, and other private transportation providers providing transportation services necessary for Essential Activities and other purposes expressly authorized in this Order;
  - 10.7.17. Home-based care for seniors, adults, or children;
  - 10.7.18. Residential facilities and shelters for seniors, adults, and children;
  - 10.7.19. Professional services, such as legal or accounting services, when necessary to assist in compliance with legally mandated activities;
  - 10.7.20. Childcare facilities providing services that enable employees exempted in this Order to work as permitted.
  - 10.7.21
- 10.8. For the purposes of this Order, "Essential Travel" includes travel for any of the following purposes. Individuals engaged in any Essential Travel must comply with all Social Distancing Requirements as defined in this Section:

- 10.8.1. Any travel related to the provision of or access to Essential Activities, Essential Governmental Functions, or Essential Businesses.
  - 10.8.2. Travel to care for elderly, minors, dependents, persons with disabilities, or other vulnerable persons.
  - 10.8.3. Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services.
  - 10.8.4. Travel to or return from a place of residence outside the jurisdiction.
  - 10.8.5. Travel required by law enforcement or court order.
  - 10.8.6. Travel required for non-residents to return to their place of residence outside the Reservation.
- 10.9. For purposes of this Order, residences include hotels, motels, shared rental units, assisted living facilities, nursing homes, and similar facilities.

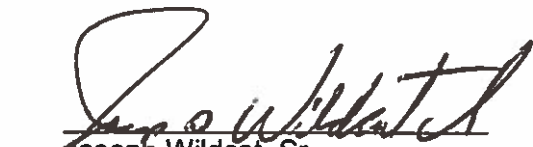
## 11. Enforcement

- 11.1. Lac du Flambeau Law Enforcement Officers have full power and authority to enforce and carry out this Order.
- 11.2. Lac du Flambeau Law Enforcement Officers have the authority to issue verbal and written warnings to require compliance with this Order.
- 11.3. Lac du Flambeau Law Enforcement Officers have the authority to issue a citation and require forfeiture, not to exceed \$1,000, to individuals who violate this Order, as detailed below in Section 11.5. A violation or series of violations related to the same act may be treated as one violation.
- 11.4. The civil fines imposed under this Order are intended to be remedial and not punitive, and are designed to compensate the Tribe for the damage done to the peace, security, economy, and general welfare of the Tribe, and to compensate the Tribe for costs incurred by the Tribe in enforcing this Order. The civil fines under this Order are also intended to coerce all individuals into complying with this Order and not to punish such individuals for violation of the Order.
- 11.5. A violation of this Order shall constitute disorderly conduct, given that such violation would tend to create a disturbance. Lac du Flambeau Law Enforcement Officers have the authority to charge anyone for disorderly conduct under Wis. Stat. 947.01, and applicable Tribal ordinance provisions, for violation of this Order.
- 11.6. In enforcing the civil violation provisions of this Order, the Tribe may proceed against a person for violation of the Order by civil complaint in a court of competent jurisdiction pursuant to the provisions of this Order.



Copies of this Order shall be promptly be: (1) posted at the Lac du Flambeau Tribal Offices; (2) posted on the Lac du Flambeau website; and (3) provided to any individual requesting a copy.

If any provision of this Order, including if the application of the Order to any person or circumstance is held to be invalid, 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; the provisions of this Order are severable.

  
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Joseph Wildcat, Sr.  
President

Attest:   
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Jamie Allen  
Secretary