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Tribal Council Member Clyde Estes  
Tribal Council Member Marvin Grassrope Sr.*

*Lower Brule Sioux Tribal Council Meeting – May 6, 2020*

**RESOLUTION NO. 2020-117**

**APPROVE - ADOPTION OF TEMPORARY CURFEW IN RESPONSE TO COVID-19 VIRUS**

**(THIS CURFEW WILL TAKE EFFECT IF & OR WHEN WE GET A POSITIVE CASE OF COVID-19 IN LOWER BRULE)**

***WHEREAS***, the Lower Brule Sioux Tribe is a federally recognized Indian Tribe organized pursuant to the Indian Reorganization Act of 1934; and

***WHEREAS***, as empowered by the Constitution and Bylaws, Article VI, Section 1, (e) the Tribal Council as authorized by law to safeguard and promote the peace, safety, morals, and general welfare of the Lower Brule Sioux Tribe and to regulate and conduct of trade and the use and disposition of property upon the reservation provided that any ordinance directly affecting nonmembers of the reservation shall be subject to review by the Secretary of the Interior; and

**WHEREAS**, the international community is currently experiencing a global pandemic of a novel Coronavirus named "SARS-CoV-2 and the respiratory disease that it causes named "Coronavirus disease 2019" ("COVID-19"); and

**WHEREAS**, the World Health Organization has declared COVID-19 a Public Health Emergency of International Concern; and

**WHEREAS**, on March 13, 2020, the President of the United States declared the COVID-19 outbreak a national emergency; and

**WHEREAS**, on March 17, 2020, the Lower Brule Sioux Tribe adopted Resolution 2020-104 declaring that the COVID-19 pandemic is a public health emergency and authorizing the Tribe to take necessary action to protect the health, safety and welfare of the Tribe's members in light of the COVID-19 pandemic; and

**WHEREAS**, it is known that multiple areas of the United States, including within the State of South Dakota are experiencing "Community Spread" of the virus that causes COVID-19 and isolation of persons traveling from known areas of infection is no longer enough to control spread; and

**WHEREAS**, it is understood that exposure to the virus that causes COVID-19 presents a risk of death or serious long-term disabilities to any person and poses a significant risk of harm to people in the general population but especially to those who are elderly or have underlying medical conditions; and

**WHEREAS**, the Lower Brule Sioux Tribal Council, acting under its sovereign authority believes that it is in the best interest of all residents living within the boundaries of the Lower Brule Sioux Reservation to adhere to a Temporary Curfew Order which will help to prevent unnecessary travel and exposure between people; and

**WHEREAS**, under *Montana v. United States*, 450 U.S. 544 (1981), tribes, including Lower Brule Sioux Tribe of South Dakota, may exercise jurisdiction over nonmembers who enter consensual relationships with the Tribe; and

**WHEREAS**, also under the United States Supreme Court's *Montana* decision, tribes may exercise jurisdiction over nonmembers within a reservation when the nonmember's conduct threatens or had some direct effect on the political integrity, the economic security, or the health or welfare of the tribe; and


**WHEREAS**, the Lower Brule Sioux Tribe's Health Department and Law Enforcement recommends the adoption of a Temporary Curfew Order as a necessary preventive measure to mitigate the potential spread of COVID-19; and

**WHEREAS**, in order to keep tribal members and other residents of the Lower Brule Reservation safe and after consultation with the Lower Brule Sioux Tribe's Health Department, the Lower Brule Sioux Tribal Council believes that it is in the best interest of the Lower Brule Sioux Tribe, tribal membership and all residents living within the boundaries of the Lower Brule Reservation to enact a Temporary Curfew Order; and


**NOW THEREFORE BE IT RESOLVED**, the Lower Brule Sioux Tribal Council does hereby adopt the Temporary Curfew Order as set forth in the attachment hereto, to be followed by all persons within the boundaries of the Lower Brule Sioux Reservation while the COVID-19 pandemic remains a threat to the Tribal Membership and all people who reside on the Lower Brule Sioux Reservation. (This Curfew will take effective in the event Lower Brule has a positive case of the COVID-19 virus).

### **CERTIFICATION**

The foregoing resolution was duly adopted by the Lower Brule Sioux Tribal Council assembled in Regular Session with a quorum present on the 6<sup>th</sup> day of May, 2020 by the affirmative vote of four members for, one against, none absent, and none not-voting.

  
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**Boyd Gourneau, Chairman**  
**Lower Brule Sioux Tribe**

**ATTEST:**

  
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**Orville Langdeau Jr., Secretary/Treasurer**  
**Lower Brule Sioux Tribe**