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*Chairman Boyd Gourneau
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*Tribal Council Member John McCauley
Tribal Council Member Clyde Estes
Tribal Council Member Marvin Grassrope Sr.*

Lower Brule Sioux Tribal Council Meeting – May 6, 2020

RESOLUTION NO. 2020-116

APPROVE LBST ORDINANCE COVID-19 TEMPORARY CURFEW ORDER

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, this Temporary Curfew Order has been enacted by the Lower Brule Sioux Tribe of South Dakota and applies to 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. The Lower Brule Sioux Tribal Council finds this Temporary Curfew Order necessary in order to minimize in-person interaction, which is the primary means of transmission of COVID-19. This order will remain in effect no longer than necessary to ensure that COVID-19 no longer poses a public health threat.

I. Curfew

- A. A curfew for all persons shall be enforced daily between the hours of **Mid-night and 6:00 a.m.**
 1. During **curfew** hours, persons within the Lower Brule Sioux Reservation shall observe the **Stay at Home** provisions set forth below including travel.
 2. Persons traveling through the Reservation on a state highway are exempt as long as they do not stop within the Reservation boundaries.
- B. Persons engaging in essential work and essential travel are exempt, but such exempt persons shall try to use safety measures, such as wearing a mask, when engaging in essential work and travel.

II. Stay at Home (for Curfew)

- A. A gathering of more than ten (10) people is prohibited.
- B. A gathering is defined as any event or convening that brings more than ten (10) individuals together for any purpose, excluding essential staff.
- C. Essential staffs are still required to follow current CDC protocols and maintain a distance of at least six (6) feet between themselves and others whenever possible.
- D. For purposes of clarity, a gathering does not include normal operation at health care facilities, necessary government operations and work places that support governmental operations.
- E. Essential operations or work places include:
 - Health care facilities
 - Tribal and other local government operations (including fire, police and other public safety and human services).
- F. All forms of travel are prohibited, except for essential travel.
 1. Individuals engaged in any essential travel must comply with social distancing requirements of six (6) feet between persons to the extent possible.
 2. Essential travel includes:
 - a. Any travel related to the provision of or access to health care services.
 - b. Travel to care for elderly, minors, dependents, persons with disabilities or other vulnerable persons.
 - c. Travel from a place of residence on the Reservation to employment outside of the Reservation and return to residence on the reservation from employment outside the Reservation.
 - d. Travel required by law enforcement or court order, including for transport of children pursuant to a custody agreement.
 - e. Subsistence Fishing
 - f. Ranchers & Farmers doing their ranching and farming business.

III. Enforcement

- A. *All resolutions adopted by the Lower Brule Sioux Tribe specifically in relation to the public health emergency caused by the COVID-19 pandemic are enforceable by local law enforcement.*
- B. *Travel Violations:*
 1. *First Offense: Warning*
 2. *Second Offense: Citation, \$50.00*
 3. *Third Offense: Vehicle towed, Citation, \$100.00*
- C. *Walking During Curfew*
 1. *First Offense: Warning*
 2. *Second Offense: Citation, \$50.00*
 3. *Third Offense: Citation, \$100.00*
 4. *Continued offense: Charge of Failure to Obey under 1-3-86 of the Lower Brule Sioux Criminal Code.*
- D. *House Gathering Violations During Curfew*
 1. *First Offense: Warning*
 2. *Second Offense: Citation, \$50.00*
 3. *Third Offense: Citation, \$100.00*
 4. *Continued offense: Charge of Failure to Obey under 1-3-86 of the Lower Brule Sioux Criminal Code.*
- E. *Gathering in Public Areas During Curfew*
 1. *First Offense: Warning*
 2. *Second Offense: Citation, \$50.00*
 3. *Third Offense: Citation, \$100.00*
 4. *Continued offense: Charge of Failure to Obey under 1-3-86 of the Lower Brule Sioux Criminal Code.*

BE IT FURTHER RESOLVED, that the Lower Brule Sioux Tribal Council does hereby approve the Lower Brule Sioux Tribe COVID-19 Temporary Curfew Order.


CERTIFICATION

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



Boyd Gourneau, Chairman
Lower Brule Sioux Tribe

ATTEST:



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