



LUMMI INDIAN BUSINESS COUNCIL

2616 KWINA ROAD · BELLINGHAM, WASHINGTON 98226 · (360)384-1489

DEPARTMENT _____ DIRECT NO. _____

SHELTER IN PLACE ORDER

UNDER ARTICLE VI, SEC. 1 OF THE CONSTITUTION AND BYLAWS OF THE LUMMI TRIBE OF THE LUMMI RESERVATION AND THE INHERENT AUTHORITY OF THE LUMMI INDIAN BUSINESS COUNCIL, IT IS HEREBY ORDERED THAT ALL INDIVIDUALS SHALL SHELTER IN PLACE AS OF March 22, 2020 on 11:59 p.m., AND CONTINUING THROUGH April 5, 2020 on 11:59 p.m., and as hereinafter extended. The Lummi Indian Business Council (LIBC) is the vital governing body of the LIBC to enforce the provisions of this Order. The provisions of this Order are as follows:

- 1. Background.** Today we are in the same position as our ancestors when the Great Flood arrived. Like our ancestors, we are doing everything possible to ensure that our children have everything they need in their canoes to survive. We want to make it clear that our children need the teachings from their elders; we refuse to give up any of our elders during this flood. On March 3, 2020, the LIBC declared a State of Public Health Emergency due to the novel infectious coronavirus (COVID-19). COVID-19 may cause respiratory disease leading to serious illness or death. The World Health Organization considers COVID-19 to be a global pandemic. The Centers for Disease Control and Prevention (CDC) reports COVID-19 is the most contagious when the person is most symptomatic, but may spread before symptoms appear. The Lummi Tribal Health Center has been actively monitoring the spread of COVID-19 and recommending self-quarantine to individuals that may have been exposed to COVID-19. However, the number of potential contacts with COVID-19 has grown exponentially that the Lummi Nation must order shelter in place to protect the Lummi community.
- 2. Intent.** The intent of this Order is to mitigate the impacts of the great flood of this virus that has already reached our community. To be successful we absolutely need your help. We need all Lummi people and all Lummi residents to be leaders and ensure the safety of our vulnerable populations. The maximum number of people must shelter in their places of residence to the maximum extent feasible, while enabling essential services to continue, to slow the spread of COVID-19 to the maximum extent possible. When people 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 possible comply with Social Distancing Requirements as defined below. All provisions of this Order shall be interpreted to effectuate the expressed intent. Failure to comply with any of the provisions of this Order constitutes an imminent threat and creates an immediate menace to public



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health. Violations of this Order could subject a person to criminal penalties and/or civil fines.

3. **Shelter in Place.** All individuals currently residing within the Lummi Nation Reservation are called to shelter at their place of residence.
 - a. All persons may leave their residences only for Essential Activities, Vital LIBC Functions, or to operate Essential Businesses as defined below.
 - b. Individuals experiencing homelessness are strongly urged to obtain shelter, and the General Manager, Lummi Nation Housing Authority, and other entities are strongly urged to make such shelter available as soon as possible and to the maximum extent practicable use COVID-19 risk mitigation practices in their operation.
 - c. People at high risk of severe illnesses from COVID-19 as defined by the Lummi Public Health and CDC and people who are sick are urged to stay in their residence to the extent possible, except as necessary to seek medical care. If individuals are seeking medical care at the Lummi Tribal Health Center, the individuals are encouraged to call **360-383-8251** for instructions prior to arriving at the Lummi Tribal Health Center.
4. **Social Distancing Requirement.** Every person shall maintain social distancing of at least six feet from any other person at all times when they are outside their residence as reasonably possible.
5. **Business Operations.** All non-profits, entities, or businesses licensed or chartered by the Lummi Indian Business Council (LIBC), except Essential Businesses as defined below, shall cease all activities at facilities located within the Lummi Nation Reservation except Minimum Basic Operations, as defined below. Non-profits, entities, or businesses may continue operations by working exclusively 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 below, including by maintaining a six-foot distance between any person, including any customers standing in line.
6. **Gatherings Prohibited.** All public and private gatherings of more than two nonresidents inside or outside a single residence are prohibited. Nothing in this



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Order prohibits the gathering of residents within a household unit, unless a household member is in isolation because of illness.

7. **Travel.** All travel in any manner is prohibited, except Essential Travel, travel to perform Essential Businesses, or travel to maintain Vital LIBC Functions. People shall limit the use of public transit for the purpose of performing Essential Activities, operating Essential Businesses or maintaining Essential Government Operations. People riding on public transit shall comply with Social Distancing Requirements.
8. **Definitions and Exemptions.**
 - (a) **Essential Activities.** Under this Order, people may leave their residence only to perform “Essential Activities” As follows:
 - (i) To engage in activities or perform tasks essential to the health and safety of themselves, their family, household members, pets, and family members and their pets outside their household, such as, obtaining medical supplies or medication, visiting a health care professional, and obtaining supplies. The health of family or household members shall include cultural or traditional practices.
 - (ii) To obtain necessary services and supplies for themselves and their family or household members, and to deliver those services or supplies to others, such as, canned food, dry goods, fresh fruits and vegetables, pet supplies, fresh meats, fish, and poultry, game; any other household consumer products; and products necessary to maintain the safety, sanitation, and essential operation of residences.
 - (iii) To engage in community members’ treaty fishing and hunting rights, provided the individuals comply with Social Distancing Requirements to the maximum extent feasible.
 - (iv) To engage in outdoor activity, such as walking, hiking, running, biking, chopping/gathering wood, gathering traditional medicinal plants or raw materials for cultural activities provided the individuals comply with Social Distancing Requirements.
 - (v) To engage in necessary employment outside the Reservation where the employer is still requiring individuals to report to duty.



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- (b) **Healthcare Operations.** Under this Order, individuals may leave their residence to work for or obtain services at any “Healthcare Operation” including Lummi Tribal Health Center, Lummi Behavioral Health, Opioid Treatment Program, CARE, hospitals, clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, and any related and/or ancillary healthcare services. “Healthcare Operation” 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 Operation” does not include fitness and exercise gyms and similar facilities.
- (c) **Essential Infrastructure.** People may leave their residence to provide any services or perform any work necessary to the operations and maintenance of “Essential Infrastructure,” including construction for health facilities and housing especially affordable housing or housing for individuals experiencing homelessness, water, sewer, gas, electrical, roads and highways, public transportation, solid waste collection and removal, internet, 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 comply with Social Distancing Requirements, to the extent possible.
- (d) **Vital LIBC Functions.** All healthcare personnel and law enforcement personnel are exempt from this Order. Vital LIBC Functions means all services needed to ensure the continuing operations of programs that preserve, promote, and protect our *Sche’lang’en* and health, safety, and welfare of the Lummi Nation during the COVID-19 Pandemic. These vital government functions shall be determined by the General Manager and/or Directors with final approval by LIBC. All Vital LIBC Functions shall be performed in compliance with Social Distancing Requirements to the extent possible.
- (e) **Essential Businesses.** Tribally owned chartered enterprises as defined in Title 28 of the Lummi Code of Laws are exempted from this Order. “Essential Businesses” means:
- i. Essential Infrastructure;



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- ii. Farm and produce stands, food banks, convenience stores, and other establishments engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products (such as cleaning and personal care products);
- iii. Treaty fishing, treaty hunting, hatcheries, shell fish production, salmon production, and gathering;
- iv. Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;
- v. Gas stations and auto-supply, auto-repair, and related facilities;
- vi. 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;
- vii. Businesses providing mailing and shipping services, including post office boxes;
- viii. Educational Institutions—including colleges and universities—for purposes of facilitating distance learning or performing essential functions, provided that social distancing of six-feet per person is maintained to the greatest extent possible;
- ix. Restaurants and other facilities that prepare and serve food, but only for 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, or at any other gathering site;



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- x. Businesses that ship or deliver groceries, food, goods or services directly to residences;
 - xi. Taxis and other private transportation providers providing transportation services necessary for Essential Activities and other purposes expressly authorized in this Order;
 - xii. Residential facilities and shelters for seniors, adults, and children.
- (f) **Minimum Basic Operations.** “Minimum Basic Operations” include the following, provided that employees comply with Social Distancing Requirements, to the extent possible, while carrying out such operations:
- i. The minimum necessary activities to maintain the value of the business’s inventory, ensure security, process payroll and employee benefits, or for related functions.
 - ii. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.
- (g) **Residences.** Residences include houses, RVs, mobile homes, apartments, hotels, motels, shared rental units, and similar facilities.
- (h) **Lummi Nation Reservation.** Lummi Nation Reservation shall include the exterior boundaries of the Reservation and all lands held in trust for the Lummi Nation regardless of location.
- (i) **Social Distancing Requirement.** Social Distancing Requirements includes maintaining at least six-foot from other individuals, washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes (into a tissue or the sleeve or elbow, not hands) regularly cleaning high-touch surfaces, and not shaking hands.
9. **Enforcement.** Pursuant to LIBC Resolution #2020-055, the Chief of Police shall ensure compliance with and enforcement of this Order. Violation of any provision of this Order constitutes an imminent threat and creates an immediate menace to public health. The Executive Medical Director may petition the Lummi Tribal Court to take an individual(s) into involuntary detention for purposes of isolation or



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quarantine as necessary to protect the public health under Title 44 of the Lummi Code of Laws.

10. **Publication.** The LIBC shall publish this Order by:

- (1) posting on all LIBC websites and social media outlets;
- (2) providing a copy of this Order to every business and facility operating within the Lummi Reservation; and
- (3) maintaining copies available free to the public .

11. This Order begins 11:59 p.m. on March 22, 2020 upon enactment of LIBC Resolution 2020-055 and continues in effect until April 5, 2020 at 11:59 p.m. unless it is extended, rescinded, superseded, or amended in writing by the LIBC. The LIBC may revise this Order as the situation evolves.

12. This Order shall be subject to amendment or repeal at any time, and shall not be deemed to confer any contractual obligations, property rights, or assume any LIBC liability.

13. 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.