

WINNEBAGO TRIBE OF NEBRASKA

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RESOLUTION #20-120

Adoption of Order for Protection of Public Health and Safety During COVID-19 Pandemic - Use of Facemasks or Cloth Face Coverings

WHEREAS, the Winnebago Tribe of Nebraska is a federally recognized Indian Tribe organized pursuant to Section 16 of the Act of June 18, 1934 (48 Stat 984), (25 USC 476) as amended by the Act of June 15, 1935, (49 Stat 378); and

WHEREAS, pursuant to Article III of the Winnebago Tribal Constitution, the Tribal Council is the governing body of the Tribe; and

WHEREAS, pursuant to Article IV, Section I, of the Winnebago Tribal Constitution, the Tribal Council is vested with and the power, *inter alia*, to safeguard and promote the peace, safety, morals and general welfare of the Tribe, manage all economic affairs and enterprises of the Tribe, appropriate funds for public purposes, and adopt resolutions regulating the procedure of the Tribal Council, tribal officials and other tribal agencies; 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 24, 2020, the Winnebago Tribal Council adopted Resolution 20-107 declaring that the COVID-19 pandemic is a public health emergency and authorizing the Winnebago Public Health Department 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 Nebraska, 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

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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 Winnebago Tribal Council, acting under its sovereign authority and with information from Public Health believes that it is in the best interest of all residents living within the boundaries of the Winnebago Reservation to take certain health and safety measures to limit exposure between people; and

WHEREAS, under *Montana v. United States, 450 U.S. 544 (1981)*, tribe, including the Winnebago Tribe of Nebraska, 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 has some direct effect on the political integrity, the economic security, or the health or welfare of the tribe; and

WHEREAS, public health experts have determined that it is possible to transmit COVID-19 even before a person shows symptoms and through aerosol transmission, therefore wearing a cloth face covering may prevent transmission by an infected person; and

WHEREAS, in order to keep tribal members and other residents of the Winnebago Reservation safe and after consultation with the Winnebago Public Health Department, the Winnebago Tribal Council believes it is in the best interest of the Winnebago Tribe and all residents living within the boundaries of the Winnebago Reservation to wear a face mask in any public place or business where the likelihood of coming within six (6) feet of another person exists.

NOW THEREFORE BE IT RESOLVED, that the Winnebago Tribal Council issues the following Order:

"Effective __April 29, 2020__, this Order adopted by the Winnebago Tribal Council requires that any person in a public place on the Winnebago Reservation where the likelihood of coming within six (6) feet of another person exists shall cover their mouth and nose with a mask or cloth face covering. Further, individuals shall use a mask or cloth face covering when using any transportation services or public transport offered on the Reservation. Individuals shall use a mask or face covering upon entering any health care facility, government building, business, the U.S. Post Office, any grocery store or any convenience store. Entry shall be refused if any individual is not wearing a face covering.

Nothing in this order shall require the use of a mask or cloth face covering by anyone for whom doing so would be contrary to his or her health or safety because of a medical condition, a child in a child care setting, anyone under the

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age of 2 years, or an older child if the parent, guardian or person responsible for the child is unable to place the mask safely on the child's face. If a person declines to wear a mask or face covering because of a medical condition as described above, such person shall not be required to produce medical documentation verifying the stated condition.

BE IT FINALLY RESOLVED, that this Resolution and Order will remain in effect no longer than necessary to ensure that COVID-19 no longer poses a public health threat.

CERTIFICATION

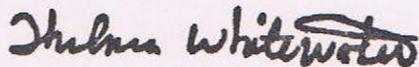
We, the undersigned Officers of the Winnebago Tribal Council, hereby certify that on April 24, 2020, 20 at a meeting duly convened by the Winnebago Tribal Council, the Winnebago Tribal Council voted to adopt the above Resolution by a vote or 7 for, 0 against, 0 abstentions, with the Chairman and 1 Member(s) not voting.

Dated this 24 day of April, 2020.

ATTEST:



Chairman, Winnebago Tribal Council



Secretary, Winnebago Tribal Council

