



SECOND AMENDED SHELTER IN PLACE ORDER AND CLOSURE OF RESERVATION AND BUSINESSES IN RESPONSE TO THE COVID-19 PANDEMIC

Section 1. Findings

1. The Lower Sioux Indian Community in the State of Minnesota (the “Community”) is a duly organized and federally-recognized Indian Tribe under 25 U.S.C. § 5123, and is governed by the terms of a Constitution and By-Laws originally adopted by the Tribal Members on May 16, 1936, and approved by the Secretary of the Interior on April 23, 1936; and
2. Pursuant to said Constitution and Bylaws, the Community Council of the Lower Sioux Indian Reservation (“Community Council”) is the governing body of the Lower Sioux Indian Community; and
3. The Community Council declared a State of Emergency by Resolution 20-63 on March 18, 2020 in response to the COVID-19 pandemic; and
4. The Community Council continues to coordinate and maximize its efforts to appropriately address the impacts of the COVID-19 pandemic upon the Community; and
5. The President of the United States and Governor of Minnesota have also declared national and state emergencies in response to the COVID-19 pandemic; and
6. Resolution 20-63 authorizes the Community Council, “by and through emergency processes, may take such measures (including but not limited to ... exercising authority to enact and suspend emergency laws, policies and procedures) as necessary to protect the best interests of the Community in response to the COVID-19 pandemic”; and
7. The number of confirmed cases of COVID-19 continues to rise throughout the State of Minnesota and the United States; and
8. COVID-19 pandemic threatens not only the health of the Community, but also Community members’ welfare; and
9. The health and welfare of the Community, as well as the Community’s economic security, is severely threatened without a shelter in place Order; and
10. The Community issued an Amended Shelter in Place Order on March 27, 2020 to mitigate the risk and to preserve the public health and safety of Community members; and
11. To continue mitigating the risk and to preserve the public health and safety, it is necessary and in the best interests of the Community to amend its shelter in place order to all individuals residing or entering on the Lower Sioux Indian Reservation effective June 1, 2020 at 8:00 a.m.

Section 2. Authority

The Community Council issues this order pursuant to its authority as enumerated in the Constitution of the Lower Sioux Indian Community in the State of Minnesota, ARTICLE V- POWERS, including but not limited to: section (i) To safeguard and promote the peace, safety, morals, and general welfare of the Community...; and section (f) To manage all economic affairs ... of the Community...

Section 3. Order to Shelter in Place & Youth Curfew

All individuals (Community members, Non-member Indians, and non-Indians) residing on the Lower Sioux Indian Reservation shall shelter in place or at their place of residence except to engage in activities as described in Sections 4-8.

The Community's (Youth) Curfew Ordinance, Resolution 89-95, remains in effect.

Section 4. Permitted Activities

All individuals residing on the Lower Sioux Indian Reservation may:

1. obtain necessary food and supplies and services for family or household members and pets;
2. engage in activities essential for the health and safety of family, household members, and pets including seeking medical or behavioral health or emergency services and obtaining medication or medical supplies;
3. care for a family member, friend, or pet in another household or residence, and to transport a family member, friend or pet for essential health and safety activities, and to obtain necessary supplies and services, including such activity documented in a certified copy of orders issued by a court of competent jurisdiction;
4. engaging in activities (such as ceremonial activities, walking, running) but only if appropriate social distancing practices are followed of keeping 6 feet apart from one another, and in groups of less than 10 people for personal, social gatherings;
5. Community members may travel to by intrastate or interstate for permitted activities as allowed in sections 4-5, and may travel to return to a home or place of residence. Community members may also travel into and out of Minnesota for activities permitted in sections 4-5;
6. non-member Indians and Non-Indian visitors are permitted to pass through the Community's reservation lands on state roads, and permitted to access the Oyate C-store and other Community-owned businesses;
7. Any individuals deemed essential employees by the State of Minnesota, or who are authorized by the State of Minnesota to work, are permitted to travel by intrastate or interstate at any time to perform their essential job functions.

Section 5. Special Circumstances

This Order does not apply to:

1. *At Risk Individuals*: Individuals whose homes or residences are unsafe or become unsafe for adults or children, such as victims of domestic violence or concerns for child safety protection or endangerment, but are urged to call 911 and leave their homes or residences and stay at a safe alternate location. For domestic violence concerns, Individuals may also contact Minnesota Indigenous Women's Society at 507-627-HELP (4357) or its crisis line at 507-430-4368, or the Community's Women Victims Services Coordinator at 320-522-0216.
2. *Individuals experiencing homelessness*: Individuals experiencing homelessness are urged to obtain shelter, and Community government administration is strongly encouraged to make such shelter available as soon as possible and to the maximum extent practicable.
3. *Services necessary to carry out law enforcement duties*. Services from Victim Advocates, and towing services are permitted when authorized by Lower Sioux Police Department. Southwest Health and Human Services is permitted to enter Reservation lands in coordination with Lower Sioux Social Services, and law enforcement when requested.

4. *First Responders and external law enforcement partners.* This includes ambulances, fire departments, Probation, Department of Corrections, Department of Natural Resources, other law enforcement task forces, SWAT and federal law enforcement agencies.
5. *Other external agencies and partners deemed necessary to ensure the safety and wellbeing of the Community, at the discretion of Council, EOC commanders or Lower Sioux Police Department.*
6. *Government businesses.* Government-owned businesses deemed essential by the Community Council are permitted to stay open. All other Government-owned businesses are permitted to open, subject to Community Council approval after consultation with the Emergency Operations Center (EOC).
7. *Government-owned business patrons.* Government-owned business patrons are permitted to conduct business pursuant to any and all safety guidelines and protocols set forth by the EOC, Community Council, or the business entity.
8. *Delivery services.* Delivery services, such as fuel tankers, supply trucks for government businesses, lab services, and mail carriers are permitted. Food delivery services for take-out and meal delivery are permitted as long as established social distancing protocol is followed.
9. *Activities or mandates approved by the Community Council in consultation with the EOC commanders.*

Section 6. Government Employees, volunteers and Law Enforcement

This Order does not apply to employees or volunteers who are designated by the Community as essential, including the Lower Sioux Police Department. This Order does not apply to all other employees authorized to work for the Community and its businesses.

Section 7. Penalties for Violation

1. Any person who violates any provision of this Order shall be subject to the following penalties:
 - a. *Civil penalties:*
 - i. For a judicial finding of the first offense: \$200.
 - ii. For judicial finding of the second offense: \$500.
 - iii. For judicial finding of the third offense: \$1,000.
 - b. *Banishment.*
 - i. All non-member Indians and Non-Indians with three or more offenses are subject to immediate banishment from the Community's reservation upon directive of the Community Council by Resolution.
2. Upon a finding by the Community Council that a civil fine under this Order has not been paid within 90 days of its assessment by the Community Court, such fine shall be deducted and paid from the per capita distribution of that person if such person is entitled to receive a per capita distribution.

Section 8. closure of the Community's reservation

1. *Visitors:* Visitors to the Community are prohibited from entering Community lands unless otherwise allowed in Sections 4-5.

2. *Businesses*: All non-Community owned businesses located within the Community's reservation or travelling to the Community's reservation are required to cease all activities, with the exception to essential businesses. An essential business is defined as a garbage/sanitation company; known delivery services (for example: UPS, FedEx, USPS, Restaurants for to-go delivery services, other non-LSIC Health Care pharmacy home delivery, drinking water, local government transit services). **To prevent and reduce transmission, all vendors/non-Community owned businesses must wear a cloth face covering and practice social distancing by maintaining a six (6) foot distance from other people.**

Section 9. Effective Date and Duration of Shelter in Place Order and closure of the Community's reservation

This Order shall effectuate on June 1, 2020 at 8:00 a.m. and will remain in effect until rescinded by subsequent order or termination of the Community's current State of Emergency.

The Community Council authorizes the Community's Police Department to enforce this Order.

Dated May ____, 2020

Robert Larsen, President