

RESOLUTION NO. 20-03-23E

**Resolution for Shelter at Home Executive Order in Response to
Declaration for State of Emergency in
Bay Mills Indian Community due to COVID-19 Pandemic**

WHEREAS: The Bay Mills Indian Community is a federally recognized Indian Tribe with a Constitution enacted pursuant to the Indian Reorganization Act of 1934, 25 USC §5101, *et seq.*, and

WHEREAS: The General Tribal Council is empowered to enact laws to protect the general health, safety, and welfare of person on the Bay Mills Reservation under Article VI, Section 1(f) of the Tribe's Constitution, and

WHEREAS: The General Tribal Council is empowered to adopt resolutions regulating the procedure of the General Tribal Council, Executive Council, other community agencies, community official, or community organizations of the Bay Mills Indian Community under Article VI, Section 1(h) of the Tribe's Constitution, and

WHEREAS: Exercise of these powers has been delegated to the Executive Council by the General Tribal Council Resolution of April 13, 1970, and

WHEREAS: In a short period of time, COVID-19 has spread throughout the State of Michigan, necessitating updated and more stringent guidance from the Executive Council to the Bay Mills Indian Community membership and the community of the Bay Mills Indian Community reservation, and

WHEREAS: As of March 22, 2020 the first presumptive case of COVID-19 was confirmed within Chippewa County, where the Bay Mills Indian Community reservation is located, and

WHEREAS: The Executive Council of Bay Mills Indian Community has declared a State of Emergency due to the COVID-19 pandemic, and

WHEREAS: The COVID-19 pandemic has resulted in significant economic impact, including loss of income and wages, that threaten to undermine economic stability of Bay Mills Indian Community membership and the community of the Bay Mills Indian Community reservation, and

WHEREAS: As part of the Tribe's management and protection of the health, safety, and welfare of the Tribe, its tribal members, and its tribal community, the Executive Council, has determined it is in the best interest of Bay Mills Indian Community to adopt this Resolution declaring a **SHELTER AT HOME EXECUTIVE ORDER** for the Bay Mills Indian Community reservation for a Public Health Threat due to COVID-19, and

NOW, THEREFORE BE IT RESOLVED, the Bay Mills Indian Community, through its Executive Council, hereby declares and adopts the following, effective immediately, for the remainder of the duration of the Declaration of the State of Emergency, which currently extends for ninety (90) days, and

BE IT FURTHER RESOLVED, with the exceptions as outlined below, all individuals currently living with the Bay Mills Indian Community reservation are ordered to shelter at home or at their place of residence except as outlined in this Executive Order, and effective immediately a tribal wide curfew shall be implemented and all individuals may not leave their residence from the times of 10:00PM to 6:00AM, and

BE IT FURTHER RESOLVED, to the extent individuals are using shared or outdoor spaces when outside their residence, they must at all times and as much as reasonably possible maintain social distancing of at least six (6) feet from any other individual, and

BE IT FURTHER RESOLVED, all persons may leave their homes or places of residence only for Essential Activities, Essential Government Functions, or to operate Essential Businesses and Operations, including outside of curfew, all as defined below, and

BE IT FURTHER RESOLVED, individuals whose residences are unsafe or become unsafe, such as victims of domestic violence, are permitted and urged to leave their home and stay at a safe alternative location. For purposes of this Executive Order, homes or residences include hotels, motels, shared rental units, shelters, and similar facilities, and

BE IT FURTHER RESOLVED, all public and private gatherings of any number of people occurring outside a single household or living unit are prohibited, except for the limited purposes permitted by this Executive Order. Pursuant to current guidance from the Center for Disease Control, any gathering of more than **ten** people is prohibited unless exempted by this Executive Order. Nothing in this Executive Order prohibits the gathering of members of a household or residence, and

BE IT FURTHER RESOLVED, all places of public amusement, whether indoors or outdoors, including but not limited to, gymnasiums, softball/baseball fields, ice rinks, playgrounds, basketball courts, or social clubs shall be closed to the public, and

BE IT FURTHER RESOLVED, individuals may leave their residence only to perform any of the following Essential Activities:

(1) to engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members, such as, by way of example seeking emergency services, obtaining medical supplies, medication, or visiting a health care profession;

(2) to obtain necessary services or supplies for themselves and their family or households members, or to deliver those services or supplies to others, such as, by way of example only and without limitation, groceries and food, take-out food, gasoline, household

consumer products, supplies they need to work from home, and products necessary to maintain the safety, sanitation, and essential operation of residences;

(3) to engage in outdoor activity, provided that individuals comply with the six (6) feet distance social distancing requirements, by way of example and without limitation, walking, hiking, running, or biking – individuals may go to public parks and open outdoor recreation areas, however, playgrounds are hereby closed due to an increased risk of spread of COVID-19; and

(4) to care for family members, friends, or pets in another household, and to transport family members, friends, or pets as allowed by this Executive Order, and

BE IT FURTHER RESOLVED, Essential Government Functions or Essential Businesses and Operations includes, but is not limited to: hospitals, clinics, pharmacies, health care organizations, reproductive health care providers, mental health and substance abuse providers, other healthcare facilities and suppliers and providers of any related or ancillary healthcare services, field offices that provide and help to determine eligibility for basic needs including food, cash assistance, medical coverage, rehabilitation services, and businesses that provide food, shelter, and social services, or other necessities of life for economically disadvantaged individuals, food production, distribution and sale, stores that sell groceries and medicines, gas stations and auto-supply stores, solid waste and recycling collection and removal, all first responders, emergency management personnel, emergency dispatchers, correction officers, law enforcement, court personnel, child protection and child welfare personnel, and other governmental employees working to support Essential Businesses and Operations, or any other essential function, business, or operation identified by the Bay Mills Executive Council, and

BE IT FURTHER RESOLVED, for the purposes of this Executive Order, Social Distancing Requirements includes maintaining at least six (6) feet social distancing 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 sleeves or elbows, regularly cleaning high-touched surfaces, and not shaking hands, and

BE IT FURTHER RESOLVED, all Essential Businesses and Operations owned by the Bay Mills Indian Community still in operation after this Executive Order must take protective measures to ensure compliance with Social Distancing Requirements when possible, including designating with signage, tape, or by other means six-foot spacing for employees and customers in line to maintain appropriate distance; having hand sanitizer or sanitizing products readily available for employees and customers; implementing separate hours for elderly and vulnerable customers; and posting online whether a facility is open and how to best reach the facility and continue services by phone or remotely when possible, and

BE IT FURTHER RESOLVED, all non-essential travel outside of Chippewa County is discouraged by the Executive Council, and any necessary essential travel should comply with all social distancing requirements as defined in this Executive Order, and

BE IT FURTHER RESOLVED, the Bay Mills Executive Council enacts this Executive Order to ensure the maximum number of people self-isolate in their places of residence to the maximum extent possible, while enabling essential services to continue, to slow the spread of COVID-19 to the greatest extent possible. Our elders, who are invaluable traditional and historical knowledge keepers are beloved members of our community, are particularly susceptible to this virus, and it is up to the Bay Mills Indian Community as a whole to ensure their safety and well-being, and the well-being of our community for the next seven generations to come, and

BE IT FURTHER RESOLVED, this Executive Order may be enforced by Tribal Law and Bay Mills Law Enforcement, pursuant to Section 650 of the Bay Mills Criminal Code.

APPROVED:

ATTEST:

**Bryan Newland, President
Executive Council
Bay Mills Indian Community**

**Beverly A. Carrick, Secretary
Executive Council
Bay Mills Indian Community**

CERTIFICATION

I, the undersigned, as Secretary of the Bay Mills Indian Community Executive Council, do hereby certify that the above Resolution was adopted and approved at a meeting of the Bay Mills Executive Council held at Bay Mills, Michigan on the __ day of March 2020, with a vote of ___ for ___ absent and ___ abstaining. As per provisions of the Bay Mills Constitution, the Tribal Chairman must abstain except in the event of a tie.

**Beverly A. Carrick, Secretary
Bay Mills Executive Council**