

# WINNEBAGO TRIBE OF NEBRASKA

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## RESOLUTION #20-118

### Adoption of Temporary Curfew Order in Response to COVID-19

- 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 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 believes that it is in the best interest of all residents living within the boundaries of the Winnebago Reservation to adhere to a Temporary Curfew Order which will help to prevent unnecessary travel and exposure between people; and

**WHEREAS,** under *Montana v. United States, 450 U.S. 544 (1981)*, tribes, 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,** the Winnebago Public Health Department and Winnebago Law Enforcement recommends the adoption of a Temporary Curfew Order as a necessary preventive measure to mitigate the potential spread of COVID-19; 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 that it is in the best interest of the Winnebago Tribe, tribal membership and all residents living within the boundaries of the Winnebago Reservation to enact a Temporary Curfew Order.

**NOW THEREFORE BE IT RESOLVED,** the Winnebago Tribal Council adopts the Temporary Curfew Order as set forth in the attachment hereto, to be followed by all persons within the boundaries of the Winnebago Reservation while the COVID-19 pandemic remains a threat to the tribal membership and all people who reside on the Winnebago Reservation.

**BE IT FURTHER RESOLVED,** that the Winnebago Tribal Council finds this Temporary Curfew Order: between the hours of 7:00 p.m. and 5:00 a.m. effective April 15, 2020, necessary in order to minimize in-person interaction, which is the primary means of transmission of COVID-19.

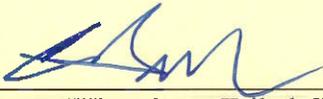
**BE IT FINALLY RESOLVED,** that this resolution will remain in effect no longer than necessary to ensure that COVID-19 no longer poses a public health threat.

### CERTIFICATION

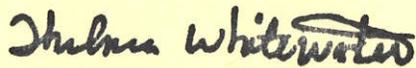
We, the undersigned Officers of the Winnebago Tribal Council, hereby certify that on April 15,  
2020    at a meeting duly convened by the Winnebago Tribal Council, the Winnebago Tribal  
Council voted to adopt the above Resolution by a vote of   7   for,   0   against,   0    
abstentions, with the Chairman and   1   Member(s) not voting.

Dated this   15   day of   April  , 2020.

Attest:



\_\_\_\_\_  
Chairman, Winnebago Tribal Council



\_\_\_\_\_  
Secretary, Winnebago Tribal Council



**Winnebago Tribe of Nebraska  
COVID-19 Temporary Curfew Order**

**Effective \_\_April 15 \_\_, 2020**

This Temporary Curfew Order has been enacted by the Winnebago Tribe of Nebraska and applies to all persons within the boundaries of the Winnebago Reservation while the COVID-19 pandemic remains a threat to the tribal membership and all people who reside on the Winnebago Reservation. The Winnebago 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 7:00 p.m. and 5:00 a.m.
  - 1. During curfew hours, persons within the Winnebago 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 staff 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 operations at health care facilities, necessary government operations and work places that support governmental operations.
- E. Essential operations or work places include: health care facilities and 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.

### **III. Enforcement**

- A. All resolutions adopted by the Winnebago Tribal Council 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, \$100.00
  3. Third Offense: Vehicle towed, Citation, \$500.00
- C. Walking During Curfew:
  1. First Offense: Warning
  2. Second Offense: Citation, \$100.00
  3. Third Offense: Citation, \$500
  4. Continued Offense: Charge of Failure to Obey under 3-639 of the Winnebago Criminal Code
- D. House Gathering Violations During Curfew:
  1. First Offense: Warning
  2. Second Offense: Citation, \$100.00
  3. Third Offense: Citation, \$500.00
  4. Continued Offense: Charge of Failure to Obey under 3-639 of the Winnebago Criminal Code

All violations will be reported to Housing Programs if applicable
- E. Gathering in Public Areas During Curfew
  1. First Offense: Warning
  2. Second Offense: Citation, \$100.00
  3. Third Offense: Citation, \$500.00
  4. Continued Offense: Charge of Failure to Obey under 3-639 of the Winnebago Criminal Code