

WINNEBAGO TRIBE OF NEBRASKA

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RESOLUTION #20-118A

Amendment to Resolution 20-118 Change to COVID-19 Curfew Order Times

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, on April 15, 2020 the Winnebago Tribal Council adopted Resolution 20-118 putting in place a Curfew Order setting the hours of 7:00 p.m. through 5:00 a.m. in order to minimize in-person interaction, which is the primary transmission of COVID-19; and

WHEREAS, on June 10, 2020 the Winnebago Tribal Council passed a motion to change the Curfew Order hours from 7 p.m. to 5 a.m. to a shorter time frame of 10 p.m. to 5 a.m. and to allow the officers be given authority to use their discretion on whether or not to issue a citation; and

WHEREAS, the Tribal Council believes based on consultation with Winnebago Public Health that all other provisions of the Curfew Order adopted by Resolution 20-118 shall remain in place; and

NOW THEREFORE BE IT RESOLVED, the Winnebago Tribal Council keeps all other provisions of the Temporary Curfew Order, other than the time frame and Law Enforcement discretion, as set forth in the attachment hereto, and adopted pursuant to Resolution 20-118, 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 the hours of the Temporary Curfew Order be amended to change the hours the curfew is in effect each day to the hours of 10:00 p.m. and 5:00 a.m. effective June 10, 2020 and that

a curfew is still necessary in order to minimize in-person interaction, which is the primary means of transmission of COVID-19.

BE IT FURTHER RESOLVED, that the Winnebago Tribal Council allows that Law Enforcement shall use their discretion on whether to issue a citation; and

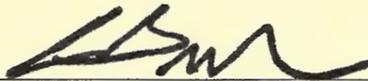
BE IT FINALLY RESOLVED, that this resolution will remain in effect no longer than necessary to ensure that COVID-19 no longer poses a public health threat.

C E R T I F I C A T I O N

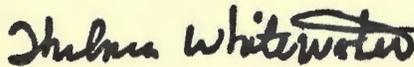
We, the undersigned Officers of the Winnebago Tribal Council, hereby certify that on June 16, 2020 at a meeting duly convened by the Winnebago Tribal Council, the Winnebago Tribal Council voted to adopt the above Resolution by a vote of 5 for, 0 against, 0 abstentions, with the Chairman and 3 Member(s) not voting.

Dated this 16 day of June , 2020.

Attest:



Chairman, Winnebago Tribal Council



Secretary, Winnebago Tribal Council

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

**Effective April 15, 2020 [Res. 20-118]
Curfew Time change effective June 10, 2020 [Res. 20-118A]**

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 10 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.

COVID-19 Curfew Order

- 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 at their discretion.
- 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 CodeAll 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