



BLACKFEET NATION

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Stacey Keller, Secretary
Tinsuwella Bird Rattler, Treasurer

BLACKFEET TRIBAL BUSINESS COUNCIL

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Carl D. Kipp
Iloff "Scott" Kipp, Sr.
Roland Kennerly, Jr.

RESOLUTION

Approving the Blackfeet Tribe COVID-19 Ordinance

No. 182-2020

WHEREAS, The Blackfeet Tribal Business Council is the duly constituted governing body within the exterior boundaries of the Blackfeet Indian Reservation, and

WHEREAS, The Blackfeet Tribal Business Council has been organized to represent, develop, protect, and advance the views, interests, education and resources of the Blackfeet Indian Reservation, and

WHEREAS, This Act is adopted pursuant to the Constitution and By-Laws of the Blackfeet Tribe, Article VI (a) to negotiate with federal, state and local governments on behalf of the tribe and to advise and consult with the representatives of the Interior Department on all activities of the Department that may affect the Blackfeet Tribe, Article VI (e) to manage all economic affairs and enterprises of the Blackfeet Reservation, Article VI (g) to manage tribal affairs in an acceptable and businesslike manner in accordance with the administrative plan, called the Plan of Operations, Article VI (h) to regulate and license all business and professional activities conducted upon the reservation, (i) to requisition community labor for public purposes of the tribe, Article VI (k) to promulgate ordinances for the purposes of safeguarding the peace and safety of the residents of the Blackfeet Indian Reservation, and Article VI (r) to delegate to subordinate boards or to cooperative associations which are open to all members of the tribe of any of the foregoing powers, and

WHEREAS, The Blackfeet Tribal Business Council has identified that the threat of the COVID-19 requires the adoption of a temporary communicable disease Ordinance addressing the specific needs tailored to reducing the rate of infection, the protection of the health, safety and welfare of the public for the Blackfeet Reservation, now



THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Blackfeet Tribal Business Council hereby hereby approves the attached Blackfeet Tribe COVID-19 Ordinance No. 121, which is hereby incorporated into this resolution by reference.
2. That the Chairman or Vice-Chairman in the Chairman's absence and the Secretary are hereby authorized to sign this Resolution and any other documents as may be necessary to effectuate the purposes of this Resolution.

ATTEST:

**THE BLACKFEET TRIBE OF THE
BLACKFEET INDIAN RESERVATION**



STACEY A. KELLER
Secretary



TIMOTHY F. DAVIS
Chairman

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Blackfeet Tribal Business Council in a duly called, noticed and convened Special session, assembled the 1st day of April, 2020, with Seven (7) members present to constitute a quorum and with a vote of Seven (7) members FOR Zero (0) OPPOSED and Zero (0) ABSTAINING.



STACEY A. KELLER, Secretary
Blackfeet Tribal Business Council

(SEAL)

Blackfeet Tribe COVID-19 Ordinance

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BLACKFEET TRIBE COVID-19 ORDINANCE

INFORMATION

On March 15, 2020, the Blackfeet Tribal Business Council declared a State of Emergency on the Blackfeet Reservation, re-affirmed by Resolution No. 181-2020 acknowledging an unprecedented threat to the public health of the Blackfeet Reservation from a communicable disease identified as the "COVID-19", an infectious disease affecting the respiratory systems of humans. This disease targets the most vulnerable such as elderly persons and persons with compromised immune systems, but young people are also at risk. It is highly contagious from person-to-person and from commonly used surfaces. As of this date, there is no known cure for this virus and the United States overall is suffering from overwhelmed medical facilities, lack of supplies and equipment, while the infection rate grows exponentially, and the death rate climbs as the global pandemic takes hold.

This is the situation as the Blackfeet Reservation braces for confirmed cases within its borders, with an already deficient health care system unable to provide adequate health care to the Blackfeet community. For serious health care cases, patients are required to be sent off-reservation to hospitals to address such needs 2-6 hours away at a minimum. With this pandemic outbreak, those facilities are expected to meet or are already at capacity. Cases within Montana since March 1, 2020 have increased exponentially. Currently there are confirmed cases in Montana surrounding the Blackfeet Reservation.

Pursuant to the State of Emergency, the Blackfeet Disaster Emergency Plan was activated authorizing a resource response to this outbreak. However, many questions have arisen on how to address the level of threat of this virus with lack of resources. Many of the policies and plans in place address current known disasters such as flood, fire, snow etc, but not a vast sweeping deadly virus. Many of the norms for the operation of the tribal government including the continuity of services to the public have become inoperable due to the outbreak.

Presently, the State of Montana and the Blackfeet Tribe have implemented regulations such as: curfew, social distancing, curtailing of businesses activity and stay-at-home rules, etc. The Centers for Disease Control (CDC) has also issued guidelines for the public to reduce infection. On March 27, 2020, the United States Government passed the Coronavirus Aid, Relief, and Economic Security (CARES) Act. For Indian Country, the CARES Act seeks to ensure Indian tribes and tribally owned businesses have critical relief, including equal access to federal COVID-19 economic recovery resources. It is also expected that throughout this outbreak, there will be other stimulus packages available to the Blackfeet Tribe in the near future.

With the implementation of new regulations addressing COVID-19 and the delivery of these resources, it is nonetheless the responsibility of the Blackfeet Tribe to adopt a contingent plan for effective response to COVID-19 and for the protection of the Blackfeet Reservation as a sovereign right and governmental responsibility to protect the health, safety and welfare of its

tribal members and reservation residents, while acknowledging and holding the federal government to its trust responsibility. With these swift changes in Indian County, the Blackfeet Tribe must also adapt to meet effective response to COVID-19.

Based upon the current CDC guidelines and following Montana's lead, addressing the outbreak of COVID-19, the public is required to maintain safe separation by staying at home and not coming into contact with commonly used surfaces. With such a restrictive response to COVID-19, the Blackfeet Tribe faces a tremendous challenge to continue services to the public. In alliance with the recommendations and the assistance of the jurisdictions and entities, this plan addresses the continuation of services with the following Mission leading this Ordinance.

MISSION

The Blackfeet Tribe is at war with an invisible enemy identified as COVID-19. It is the mission of the Blackfeet Tribe to follow all cultural, medical and scientific recommendations in effort to reduce public infection on the Blackfeet Reservation and to provide immediate health care response to persons infected by this disease. This mission requires the Blackfeet Tribal Government to implement policies, mobilize groups, access immediate funding, collaborate with all entities and jurisdictions and engage in creative activities to fight the spread of the CORONAVIRUS. It will take the effort and inclusion of the entire community to fight this threat to the public health of the Blackfeet Reservation.

CHAPTER 1 - GENERAL PROVISIONS

Section 1. Authority. This Ordinance is adopted pursuant to the Constitution and By-Laws of the Blackfeet Tribe, Article VI (a), (e), (g), (h), (i) (k) and (r), and Resolution No. 181-2020. This Ordinance authorizes all COVID-19 related expenses to the Blackfeet Tribal Government. Related expenses are intended to meet current needs of the outbreak including recovery period. It also authorized regulations and laws enforcing this Ordinance tailored to reducing infection.

Section 2. Period Covered. This Plan begins on March 1, 2020 and continues through December 31, 2020, unless terminated earlier by the Council.

Section 3. Coordination and Cooperation with Other Jurisdictions and Entities. The Council shall cooperate and coordinate with, including entering into cooperative agreements with other jurisdictions and entities as appropriate, including but not limited to the Bureau of Indian Affairs, the Indian Health Service, Department of Housing and Urban Development, the Department of Treasury, the State of Montana and its departments and agencies to implement this COVID-19 response Ordinance. Council shall designate staff persons to be responsible for coordination with the various federal and state entities and within tribal departments.

Section 4. Funding Information Committee. The Council appoints the following Departments to identify all funds available for the purpose of this Ordinance and to provide guidance to the Council and programs to access such funding: Finance, Legal, Treasurer, Planning and Revenue. All requests for funds and all applications for funding from any sources shall be presented to the Committee which shall make recommendations for approval to the Council.

Section 5. Action of the Blackfeet Tribal Business Council. The Council shall follow the requirements of the Blackfeet Tribal Constitution and By-laws and its Plan of Operations. Where permitted in this Ordinance, actions may be delegated accordingly to programs, authorized groups or the Executive Committee. All regulations shall require approval by quorum of the Council. In cases of emergency, the Executive Committee shall issue such regulations per Executive Action and shall subsequently require ratification by the Council at the next scheduled meeting of the Council, in order for the action to continue.

Section 6. Defining "Present" for Purposes of Council Vote. For purposes of voting in a meeting of the Council, ONLY during active stay-at-home, social distancing, or quarantine order, "present" for meetings shall include when member is located in his or her office at Tribal Headquarters with video conferencing equipment connected to the main Council Chambers or Legal Conference Room.

Section 7. Transparency. Action requested of the Council shall be forwarded to the POI for distribution to the entire Council for transparency reasons regardless of approval levels.

Section 8. Blackfeet DES Plan Coordination. It is the intent of this Ordinance to complement and enhance current DES Plans and coordinate with ICC staff to provide support in response to COVID-19. Collaboration with all departments shall be required.

CHAPTER 2 - DEFINITIONS

"Business Closure" means an order by the Council to close private businesses within the Blackfeet Reservation, including limitation of business hours, full closure or, the sales of alcohol, when such closures or limits are closely tailored to curtailing risk of infection to persons by a contagious disease.

"Contagious Disease" means a communicable disease that can spread rapidly from person to person through direct contact (touching a person who has the infection), indirect contact (touching a contaminated object), or droplet contact (inhaling droplets made when a person who has the infection coughs, sneezes, or talks).

"Council" means the Blackfeet Tribal Business Council.

"COVID-19" means a mild to severe respiratory illness that is caused by a coronavirus (Severe acute respiratory syndrome coronavirus 2 of the genus Beta coronavirus), is transmitted chiefly by contact with infectious material (such as respiratory droplets), and is characterized especially by fever, cough, and shortness of breath and may progress to pneumonia and respiratory failure. It is also known as SARS-CoV2, Novel Coronavirus and any mutated form of.

"COVID-19 Contingent Employees" means those classified positions authorized by this Ordinance to hire personnel to address expenses related to COVID-19 response and recovery Period Covered. Required hiring protocols may be relaxed by the Personnel Director with concurrence of the Council or its Executive Committee in emergent situations; however, pre-hire background checks and drug-testing remain in effect with regards to those security sensitive positions.

“Curfew Order” means an order of the Council requiring residents of the Blackfeet Reservation prohibiting access in public areas except for essential needs to procure medical services and goods such as food and medicine. Also excluded are those individuals engaged in employment. Penalties may be prescribed in such order.

“Essential Positions” means those positions classified during the Period Covered with duties required for the protection of the health, safety, and welfare of the public and therefore exempt under any CDC guidelines or Blackfeet regulations or orders. These positions must have such duties listed in current job descriptions approved by the Council and such additional duties as directed by the Council. The Council shall also be considered “essential” when engaged in Hazard Duties.

“Executive Committee” means the Chairman, Vice-Chairman, Secretary and Treasurer as ex-officio of the Blackfeet Tribal Business Council.

“Hazard Duties” means any position required to come into routine direct contact with the public or commonly used areas to carry out his or her job requirements or at the direction of the Council while active orders to stay at home; quarantine or social distancing are in place.

“Immuno-Compromised” means persons with a weakened immune system. Patients who are immunocompromised have a reduced ability to fight infections and other diseases such as diabetes, high blood pressure, heart conditions, persons with cancer, etc.

“Known Infected Areas” means those areas with reported confirmed cases or community spread and no containment of such cases has occurred.

“Non-Essential Positions” means those positions classified during the Period Covered with duties not required for the protection of the health, safety and welfare of the public.

“Non-Residents” means persons who have not established permanent residency within the exterior boundaries of the Blackfeet Reservation within the last six (6) months of the enactment of this Ordinance. Excluded from this term are those individuals who are providing essential services to the Blackfeet Tribe for the health, safety and welfare of the public and those residents who are returning to the Blackfeet Reservation with an already established residence.

“Personal Protective Equipment” or “PPE” means equipment or supplies necessary for personnel to safely engage others or commonly used surfaces in order to carry out their job duties. Examples are masks, gloves, sanitizers, cleansers, etc.

“Point of Information” or “POI” means the person delegated as the official contact person for the Council for the purpose of dissemination of information.

“Quarantine Order” means an official order of the Council ordering individuals who are test positive for the Coronavirus or are known to have been in contact with a person who has tested positive for the Coronavirus, or has recently returned from a known infected area to remain in closed quarters for a prescribed period of time. Penalties may also be prescribed.

“Screening” means the process of a qualified medical professional to screen an individual for symptoms of COVID-19 for the purpose of making a decision whether that individual may participate in certain activities.

“Social Distancing Order” means an official order of the Council or a guideline issued by any agency recommending persons keep a distance of six (6) feet or more between each other in order to reduce the risk of infection. In the case of an order, the Council may also prescribe penalties.

Stay-at-Home Order” means an official action of the Council through its emergency response protocols, ordering residents of the Blackfeet Reservation to stay at home during a period of time. Such orders may include sanction for violation of order, while also considering remaining flexible to assure the public receives essential goods and services or when engaged in employment.

“Work-from-home Positions” means those positions classified as capable of working remotely from home. Capability is determined by whether the employee has the ability to carry out his or her duties via teleconference, video conferencing, telephone, email, etc.

“Working Groups” means those groups appointed by the Council to carry out specific tasks related to this Ordinance.

CHAPTER 3 - TRIBAL PERSONNEL/PROCUREMENT

Section 1. Mobilization of the Tribal Workforce. The Blackfeet Tribal Personnel Policies and Procedures and the Procurement Policy shall remain in effect with the following changes:

- A. **Authorization of COVID-19 Change in Rate of Pay.** All changes in pay to employees under this section shall only be in place when the Council issues orders for Stay-At-Home, Quarantine Order, and Tribal Office Closure. The change in rate of pay shall only be authorize for the period in such orders.
- B. **Non-Essential Positions-Administrative Leave.** All non-essential classified employees unable to work from home shall be placed on Administrative Leave. These positions shall continue to be funded at their current hourly rate of pay.
- C. **Essential Positions.** The Council shall approve a roster of Essential Employees. Essential employees are those employees that are required to work in their offices whether for any period of time during the work week. Essential Positions shall be paid hazard pay when working in their place of work. Essential positions, when working from home will be paid at time and a half for those hours at home.
- D. **Hazard Duty Compensation.** Hazard pay is authorized for any position when engaged in “hazard duties”. This pay shall be compensated at a rate double of current regular hourly rate. Approval of such compensation shall require pre-approval (or, if emergent approval

within 72 hours of performance of such duty) of program directors or by the Council for Directors. Approval must be in writing.

- E. Work-from-Home Status. Employees approved to work-from-home. These employees shall be compensated at a rate of time and a half of their current hourly rate.
- F. Reserve Workforce. Current Employees with sufficient credentials and who meet vetting personnel procedures may be re-assigned to essential positions with their consent by the Council. The Personnel Director shall carry out such directive and procedure.
- G. Personnel Documentation. The Personnel Director is directed to issue each employee a Personnel Action Form "PAF" under this Section with a notation on each PAF as "COVID-19" with a beginning date of March 1, 2020, until further notice. The Personnel Director shall provide the Council with a roster of all these employees.
- H. Tour of Duty. The Tour of Duty from 8:00 a.m. to 4:30 shall continue for all essential employees and work-at-home employees, unless such tour of duty is approved for change by the Personnel Director and Program Director, or Council for Directors. The adjustment from the Tour of Duty must be based upon the needs of the public related to COVID-19.
- I. Time Sheets. Program Directors and the Council for Program Directors are required to turn in timesheets for each pay period via a remote protocol. Time sheets shall account for all classified positions.
- J. Overtime. Overtime shall only be allowed to "Essential Positions" when more than eighty (80) hours, bi-weekly is met for each pay-period.
- K. Disciplinary Action. Abuse of the work-at-home positions, administrative leave, overtime, and falsifying time-sheets, including all other disciplinary actions under the Personnel Policies and Procedures Manual shall remain in effect.
- L. Forfeiture. All employees working from home who violate current COVID-19 related orders shall forfeit their current status and may be subject to further disciplinary action under the Personnel Policies and Procedures Manual.
- M. Reporting. A written report of all programs by the directors shall be made to the Council every two (2) weeks. Program directors should be prepared to give a verbal report remotely when requested to by the Council.

Section 2. Procurement Committee. Purchasing of products and services shall be relaxed for necessary emergency services where competitive bidding processes will impede health, safety and welfare of the public. Purchasing of COVID-1 related products and services shall be approved by a majority of the Procurement Committee which consists of: the Procurement

Director, Treasurer and two (2) Council members (approval may be done remotely but must be communicated in some written form of communication). All procurement requests shall be forwarded to the full Council prior to approval via email for transparency purposes. The Committee shall ensure that all products and services are procured in a manner to: ensure the Tribe is not a victim of price-gouging, nepotism, favoritism and to ensure the procurement quality. Procurement Committee purchases may be overridden by the Council. All procurement approvals related to COVID-19 response shall be documented on all tribal forms authorizing such purchase. The Committee should endeavor to consult with medical professionals when purchasing medical supplies.

CHAPTER 4 - REMOTE ACCESS/COMMUNICATIONS

Section 1. Networking. In addition to current responsibilities, the Council hereby authorizes the Computer Networking Department to hire personnel for the following objectives:

1. Establish remote communications for Council members from their homes and offices.
2. Establish remote communications for eligible work-from-home employees in their homes.
3. Establish proper security systems for all vacant tribal buildings.
4. Procure equipment and services for these objectives.

Section 2. Community Outreach. The Council hereby approves the hire or appointment of persons to provide regular public messages to the Community. Such hires shall be required to:

1. Educate the Public on the most current information related to COVID-19.
2. Access television, social media, newspaper, radio, etc. for communication.
3. Provide information on how to access resources as information comes available.
4. Facilitate positive material to the public.

Section 3. Mobilization of Groups. The Council may appoint Working Groups from within or without the tribal workforce to identify issues and develop plans responding to Covid-19 in the following areas and other areas that may be identified:

- A. Homeless Population
- B. Food Security
- C. Mental Health
- D. Substance Abuse
- E. Domestic Violence
- F. Juvenile Justice/Child Protection/Elder Protection/Disability Assistance
- G. Internment Process
- H. Public Health and Safety Protocols
- I. Protocols for Service Providers
- J. Emergency Capital Projects
- K. Institutional Review Board
- L. Other Groups as may become necessary

CHAPTER 5 - 2020 ELECTIONS

Section 1. 2020 Elections. The Blackfeet Election Board shall be authorized to hire additional personnel for the purpose of ensuring polling sites are safely accessed by voters. The Election Board shall provide a plan to the Council for approval to ensure that voters are not disenfranchised from voting while meeting the requirements of the Blackfeet Tribal Constitution and By-laws.

CHAPTER 6 - MORATORIUM REGULATIONS

Section 1. Moratorium on Tribal Obligations. The Council may issue a temporary moratorium during orders when employment, businesses and services are curtailed for a period of time in the following:

- A. Evictions
- B. Rental Payments
- C. Utilities
- D. Credit Payments
- E. Tribal Court Fines
- F. Other tribal obligations that may be approved by the Council.

CHAPTER 7 - TRIBAL HEALTH

Section 1. Tribal Health. All Tribal Health programs are authorized to hire additional medical professionals to ensure the continuity of services to current patients including patients affected by COVID-19. Such hiring shall be based upon a staffing plan approved by the Tribe's delegated Medical Director. Such staffing plan shall be established after full consultation with Indian Health Service for proper assessment of staffing needs.

Section 2. Medical Supplies and Equipment. All Tribal Health programs shall assess the current medical supply and equipment necessary to address COVID-19 patient needs. Based upon the assessment, these programs shall immediately procure the supplies and equipment based upon projected needs. Tribal Health in collaboration with Tribal Procurement shall also be the centralized program for the Tribe to distribute PPE to other programs needs such supplies.

CHAPTER 8 - BLACKFEET LAW ENFORCEMENT SERVICES

Section 1. Law Enforcement. The Blackfeet Law Enforcement Services, in collaboration and advisement of the Bureau of Indian Services is authorized to hire post-certified law enforcement and mobilize local eligible officers in response to COVID-19.

CHAPTER 9 - TRIBAL PROGRAMS

Section 1. Authorization of Tribal Program Plans. In addition to the tribal programs listed under this Chapter, the Council may further authorize tribal program plans responding to COVID-19. As may be appropriate. Such authorization shall be made by a consensus of the Council and shall be ratified at the next scheduled meeting. Any Tribal Program plans must be approved by the Council.

Section 2. Facilities. Facilities is authorized to hire additional personnel to provide for cleansing of program areas with required commonly used areas. Facilities shall also be allowed a budget to increase cleaning supplies, services, and equipment necessary for such cleaning related to COVID-19 response. Facilities with assistance from Procurement shall be responsible for approving all supplies, services and equipment for all tribal programs, to ensure the effective distribution.

Section 3. Revenue Department. The Revenue Department is authorized to hire compliance personnel to enforce regulations related to this Ordinance.

CHAPTER 10 - PENALTIES

Section 1. Alcohol Penalty. Any person found to have committed an alcohol offense while the Blackfeet Reservation is under any order under this Ordinance shall be subject to a fine not to exceed \$500.00 or more per offense in addition to those penalties prescribed in the Blackfeet Law and Order Code. Further, for those alcohol-driving related offenses post March 1, 2020, after a warning and 1st citation, the 2nd citation shall result in impoundment of vehicle, in addition to those offenses already listed in the Blackfeet Law and Order Code.

Section 2. Curfew. It shall be unlawful for any person to in public areas during the prohibited hours prescribed in a current curfew order. The penalty for this section shall be: 1st offense: warning. Second Offense: \$100.00 fine. Third Offense: 1-day incarceration.

Section 3. Business Closure; Stay at Home; Social Distancing; or Quarantine Order Violation. Any person to be found in violation of a current Stay at Home or Quarantine Order without a valid defense shall be subject to a penalty not to exceed six (6) months incarceration and/or \$5,000.00 fine in addition those penalties prescribed in the Blackfeet Law and Order Code. Such orders may also include penalties for civil penalties consistent with this Ordinance.

Section 4. Criminal Infection of Contagious Diseases. It shall be unlawful for a person to knowingly or recklessly expose another person to a contagious disease. Penalty for this offense shall not exceed three (3) years incarceration and/or \$5,000.00 fine, in addition to those penalties prescribed in the Blackfeet Law and Order Code.

CHAPTER 11 - RECREATIONAL SITES/TRAFFIC REGULATIONS

Section 1. Closure of the Tribal Campgrounds/Fish and Game Sites to Non-Residents. The Council may issue an order closing all tribal campgrounds or Fish and Game Sites to non-residents of the Blackfeet Reservation any time during this Ordinance.

Section 2. Closure of Vacation Rental Sites. The Council may issue an order prohibiting all vacation rental sites on the Blackfeet Reservation to non-residents or those people returning from known affected areas any time during this Ordinance.

Section 3. Curtailing of Traffic. The Council may issue an order to curtail traffic within the exterior boundaries of the Blackfeet Reservation to prevent the risk of infection of contagious disease.

Section 4. Penalties. For each regulation issued under this Chapter, the Council may prescribe civil penalties as follows:

- A. Civil Fine not to exceed the value of property involved in the incident
- B. Civil Forfeiture of Property involved in the incident
- C. Criminal Fines for Indians
- D. Loss of Business License
- E. Loss of Alcohol Permit
- F. Loss of tribal lease

CHAPTER 12 - DUE PROCESS

All penalties prescribed in this Ordinance or by official action of the Council as authorized by this Ordinance shall follow all due process requirements of the Blackfeet Law and Order Code.

CHAPTER 13 - NOTICE TO THE PUBLIC OF REGULATIONS

All Resolutions, Executive Committee Actions, Proclamations, State of Emergency, or other orders of the Council authorized by this Ordinance shall be published immediately upon such enactment on the Blackfeet Nation Website and all other authorized media.