

**RESOLUTION  
OF THE GOVERNING BODY OF  
THE CONFEDERATED SALISH AND KOOTENAI TRIBES  
OF THE FLATHEAD RESERVATION**

**WHEREAS** on March 17, 2020, the Tribal Council proclaimed a State of Emergency to exist on the Flathead Reservation as a result of the threat of COVID-19; and

**WHEREAS** in a short period of time, COVID-19 has rapidly spread throughout the United States and the State of Montana, necessitating updated and more stringent guidance from federal, state, and local public health officials; and

**WHEREAS** for the preservation of public health and safety throughout the entire Reservation, the Tribal Council finds it necessary for all residents of the Reservation to adhere to public health directives from Tribal, Federal and State authorities.

**NOW, THEREFORE BE IT RESOLVED**, that the Tribal Council hereby issues the following Order to become effective immediately:

**IT IS HEREBY ORDERED THAT:**

**ORDER**

**I. Stay at Home; Social Distancing Requirements; and Essential Businesses and Operations**

- **1. Stay at home or place of residence.** With exceptions as outlined below, all individuals currently living within the Flathead Reservation are directed to stay at home or at their place of residence to the greatest extent possible, except as allowed in this Order. As used in this Order, homes or residences include hotels, motels, shared rental units, shelters, and similar facilities.

Non-essential social and recreational gatherings of individuals outside of a home or place of residence are prohibited, regardless of size, if a distance of at least six feet between individuals cannot be maintained.

All persons may leave their homes or place of residence only for Essential Activities or to operate Essential Businesses and Operations, all as defined below.

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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.

- **2. Non-essential business and operations to cease.** All businesses and operations in the Reservation, except Essential Businesses and Operations as defined below, are required to cease all activities within the Reservation except Minimum Basic Operations, as defined below. Businesses may also continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e., working from home).

To the greatest extent feasible, Essential Businesses and Operations shall comply with Social Distancing Requirements as defined in this Order, including by maintaining six-foot social distancing for both employees and members of the public at all times, including, but not limited to, when any customers are standing in line. Essential Businesses and Operation should also employ, where feasible, telework or other remote working opportunities to limit disease spread.

- **3. Prohibited activities.** All public and private gatherings of any number of people occurring outside a household or living unit are prohibited, except for the limited purposes permitted by this Order.
- **4. Prohibited and permitted travel.** All travel should be limited to Essential Travel and travel for Essential Activities. People riding on public transit must comply with social distancing to the greatest extent feasible. When individuals need to leave their homes or residences, they should at all times maintain social distancing of at least six feet from any person who is not a member of their immediate household, to the greatest extent possible.
- **5. Leaving your home for essential activities is permitted.** For purposes of this Order, individuals may leave their home or residence only to perform any of the following Essential Activities and must ensure a distance of six feet from others not in their household:

**For health and safety.** 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 (including, but not limited to, pets), such as, by way of example only and without limitation, seeking emergency services, obtaining medical supplies or medication, or visiting a health care professional.

**For necessary supplies and services.** To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others, such as, by way of example only and without limitation, groceries and food, household consumer products, supplies they need to work from home, and

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products necessary to maintain the safety, sanitation, and essential operation of residences.

**For outdoor activity.** To engage in outdoor activity, provided that individuals comply with social distancing, as defined below, such as, by way of example and without limitation, walking, hiking, running, or biking. Individuals may go to public parks and open outdoor recreation areas, including public lands in Montana provided they remain open to recreation. Montanans are discouraged from outdoor recreation activities that pose enhanced risks of injury or could otherwise stress the ability of local first responders to address the COVID-19 emergency (*e.g.*, backcountry skiing in a manner inconsistent with avalanche recommendations or in closed terrain).

**For certain types of work.** To perform work providing essential products and services at Essential Businesses or Operations or to otherwise carry out activities specifically permitted in this Order, including Minimum Basic Operations.

**To take care of others.** To care for a family member, friend, or pet in another household, and to transport family members, friends, or pets as allowed by this Order.

- **6. Health Care and Public Health Operations.** For purposes of this Order, individuals may leave their residence to work for or obtain services through Health Care and Public Health Operations.

Health Care and Public Health Operations includes, but is not limited to: hospitals; clinics; dental offices; pharmacies; public health entities, including those that compile, model, analyze and communicate public health information; pharmaceutical, pharmacy, medical device and equipment, and biotechnology companies (including operations, research and development, manufacture, and supply chain); organizations collecting blood, platelets, plasma, and other necessary materials; licensed medical cannabis dispensaries and licensed cannabis cultivation centers; reproductive health care providers; eye care centers, including those that sell glasses and contact lenses; home Health Care services providers; mental health and substance use providers; other Health Care facilities and suppliers and providers of any related and/or ancillary Health Care services; and entities that transport and dispose of medical materials and remains.

Specifically included in Health Care and Public Health Operations are manufacturers, technicians, logistics, and warehouse operators and distributors of medical equipment, personal protective equipment (PPE), medical gases, pharmaceuticals, blood and blood products, vaccines, testing materials, laboratory supplies, cleaning, sanitizing, disinfecting or sterilization supplies, and tissue and paper towel products.

Health Care and Public Health Operations also includes veterinary care and all Health Care services provided to animals.

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Health Care and Public Health Operations shall be construed broadly to avoid any impacts to the delivery of Health Care, broadly defined. Health Care and Public Health Operations does not include fitness and exercise gyms, spas, salons, barber shops, tattoo parlors, and similar facilities.

- **7. Human Services Operations.** For purposes of this Order, individuals may leave their residence to work for or obtain services at any Human Services Operations, including any provider funded by the Tribes, CSKT Tribal Health Department, Indian Health Service, DPHHS, or Medicaid, that is providing services to the public and including government-operated, institutional, or community-based settings providing human services to the public.

Human Services Operations includes, but is not limited to: long-term care facilities; residential settings and shelters for adults, seniors, children, and/or people with developmental disabilities, intellectual disabilities, substance use disorders, and/or mental illness; transitional facilities; home-based settings to provide services to individuals with physical, intellectual, and/or developmental disabilities, seniors, adults, and children; field offices that provide and help to determine eligibility for basic needs including food, cash assistance, medical coverage, child care, vocational services, rehabilitation services; developmental centers; adoption agencies; businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged individuals, individuals with physical, intellectual, and/or developmental disabilities, or otherwise needy individuals.

Human Services Operations shall be construed broadly to avoid any impacts to the delivery of human services, broadly defined.

- **8. Essential Infrastructure.** For purposes of this Order, individuals may leave their residence to provide any services or perform any work necessary to offer, provision, operate, maintain and repair Essential Infrastructure. Essential Infrastructure includes, but is not limited to: food production, distribution, storage, and sale; construction (including, but not limited to, construction required in response to this public health emergency, hospital construction, construction of long-term care facilities, public works construction, and housing construction); building management and maintenance; airport operations; aircraft fueling services; operation and maintenance of utilities, including water, sewer, and gas; electrical (including power generation, distribution, and production of raw materials); distribution centers; oil and biofuel refining; roads, highways, railroads, and public transportation; cybersecurity operations; flood control; operation of dams, locks, ditches, canals, diversions, and levies; solid waste and recycling collection and removal; and internet, video, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services).

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Essential Infrastructure shall be construed broadly to avoid any impacts to essential infrastructure, broadly defined.

- **9. Governmental Functions.** All first responders, emergency management personnel, emergency dispatchers, court personnel, law enforcement and corrections personnel, hazardous materials responders, child protection and child welfare personnel, fire protection personnel, wildland fire fighters, housing and shelter personnel, military, government employees involved in training the above functions, and other government employees are categorically exempt from this Order. For purposes of this Order, state, local and federal government employees are categorically exempt from this Order.

This Order does not apply to the United States government, the State of Montana or any political subdivision of the State of Montana. Nothing in this Order shall prohibit any individual from performing or accessing Essential Governmental Functions.

- **10. Businesses covered by this Order.** For the purposes of this Order, covered businesses include any for-profit, non-profit, or educational entities, regardless of the nature of the service, the function it performs, or its corporate or entity structure.
- **11. Essential Businesses and Operations.** For the purposes of this Order, Essential Businesses and Operations means Health Care and Public Health Operations, Human Services Operations, Essential Governmental Functions, and Essential Infrastructure, and the following:<sup>1</sup>
  - a. **Stores that sell groceries and medicine.** Grocery stores, pharmacies, farm and produce stands, supermarkets, convenience stores, and other establishments engaged in the retail sale of groceries, canned food, dry goods, frozen foods, fresh fruits and vegetables, pet supplies, fresh meats, fish, and poultry, alcoholic and non-alcoholic beverages, and any other household consumer products (such as cleaning and personal care products). This includes stores that sell groceries, medicine, including medication not requiring a medical prescription, and also that sell other non-grocery products, and products necessary to maintaining the safety, sanitation, and essential operation of residences and Essential Businesses and Operations;
  - b. **Food and beverage production and agriculture.** Food and beverage manufacturing, production, processing, and cultivation, including farming, livestock, fishing, baking, and other production agriculture, including

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<sup>1</sup> On March 19, 2020, the U.S. Department of Homeland Security, Cybersecurity & Infrastructure Security Agency, issued a *Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response*, available at: <https://www.cisa.gov/publication/guidance-essentialcritical-infrastructure-workforce>. The definition of Essential Businesses and Operations in this Order is meant to encompass the workers identified in that Memorandum.

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cultivation, marketing, production, and wholesale or retail distribution of animals and goods for consumption; and businesses that provide food, shelter, and other necessities of life for animals, including veterinary and animal health services, animal shelters, rescues, shelters, kennels, and adoption facilities; businesses that provide equipment, transportation, seed, feed, fertilizer, or other products or services critical to food and livestock production;

- c. **Organizations that provide charitable and social services.** Businesses and religious and secular nonprofit organizations, including food banks, when providing food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals, individuals who need assistance as a result of this emergency, and people with disabilities;
- d. **Media.** Newspapers, television, radio, and other media services;
- e. **Gas stations and businesses needed for transportation.** Gas stations and auto supply, auto repair, and related facilities and bicycle shops and related facilities;
- f. **Financial and real estate services and institutions.** Banks, consumer lenders, including but not limited, to pawnbrokers, accountants, consumer installment lenders and sales finance lenders, credit unions, appraisers, realtors or others providing real estate services, title companies, financial markets, trading and futures exchanges, affiliates of financial institutions, entities that issue bonds, related financial institutions, and institutions selling financial products;
- g. **Hardware and supply stores.** Hardware stores and businesses that sell electrical, plumbing, and heating material;
- h. **Critical trades.** Building and Construction Tradesmen and Tradeswomen, and other trades including but not limited to plumbers, electricians, exterminators, cleaning and janitorial staff for commercial and governmental properties, security staff, operating engineers, HVAC, painting, moving and relocation services, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, Essential Activities, and Essential Businesses and Operations;
- i. **Mail, post, shipping, logistics, delivery, and pick-up services.** Post offices and other businesses that provide shipping and delivery services, and businesses that ship or deliver groceries, food, alcoholic and non-alcoholic beverages, goods or services to end users or through commercial channels;
- j. **Educational institutions.** Educational institutions—including public and private pre-K-12 schools, colleges, and universities—for purposes of facilitating remote learning, performing critical research, or performing other essential functions consistent with prior orders on school closures and the continued provision of certain services, provided that social distancing of six-foot per person is maintained to the greatest extent possible.
- k. **Laundry services.** Laundromats, dry cleaners, industrial laundry services, and laundry service providers;

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- l. **Restaurants for consumption off-premises**. Restaurants and other facilities that prepare and serve food, but only for consumption off-premises, through such means as in-house delivery, third-party delivery, drive-through, curbside pick-up, and carry-out. Schools and other entities that typically provide food services to students or members of the public may continue to do so under this Order on the condition that the food is provided to students or members of the public on a pickup and takeaway basis only. Schools and other entities that provide food services under this exemption shall not permit the food to be eaten at the site where it is provided, or at any other gathering site due to the virus's propensity to physically impact surfaces and personal property.
- m. **Supplies to work from home**. Businesses that sell, manufacture, or supply products needed for people to work from home;
- n. **Supplies for Essential Businesses and Operations**. Businesses that sell, manufacture, or supply other Essential Businesses and Operations with the support or materials necessary to operate, including computers, audio and video electronics, household appliances; IT and telecommunication equipment; hardware, paint, flat glass; electrical, plumbing and heating material; sanitary equipment; personal hygiene products; food, food additives, ingredients and components; medical and orthopedic equipment; optics and photography equipment; diagnostics, food and beverages, chemicals, soaps and detergent; and firearm and ammunition suppliers and retailers for purposes of safety and security;
- o. **Transportation**. Airlines, taxis, transportation network providers (such as Uber and Lyft), vehicle rental services, paratransit, and other private, public, and commercial transportation and logistics providers necessary for Essential Activities and other purposes expressly authorized in this Order;
- p. **Home-based care and services**. Home-based care for adults, seniors, children, and/or people with developmental disabilities, intellectual disabilities, substance use disorders, and/or mental illness, including caregivers such as nannies who may travel to the child's home to provide care, and other in-home services including meal delivery;
- q. **Residential facilities and shelters**. Residential facilities and shelters for adults, seniors, children, and/or people with developmental disabilities, intellectual disabilities, substance use disorders, and/or mental illness;
- r. **Professional services**. Professional services, such as legal services, accounting services, insurance services, information technology services, real estate services (including appraisal and title services);
- s. **Manufacture, distribution, and supply chain for critical products and industries**. Manufacturing companies, distributors, and supply chain companies producing and supplying essential products and services in and for industries such as pharmaceutical, technology, biotechnology, Health Care, chemicals and sanitization, waste pickup and disposal, agriculture, food and beverage, transportation, energy, steel and steel products, petroleum and fuel, forest products, mining, construction, national defense, communications, as well as products used by other Essential Businesses and Operations.

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- t. **Critical labor union functions.** Labor union essential activities including the administration of health and welfare funds and personnel checking on the wellbeing and safety of members providing services in Essential Businesses and Operations – provided that these checks should be done by telephone or remotely where possible.
  - u. **Hotels and motels.** Hotels and motels, to the extent used for lodging and delivery or carry-out food services.
  - v. **Funeral services.** Funeral, mortuary, cremation, burial, cemetery, and related services.
- **12. Social Distancing Requirements for Essential Businesses and Operations.** Essential Businesses and Operations and businesses engaged in Minimum Basic Operations must take proactive measures to ensure compliance with Social Distancing Requirements, including where possible:
    - a. **Designate six-foot distances.** Designating with signage, tape, or by other means sixfoot spacing for employees and customers in line to maintain appropriate distance;
    - b. **Hand sanitizer and sanitizing products.** Having hand sanitizer and sanitizing products readily available for employees and customers;
    - c. **Separate operating hours for vulnerable populations.** Implementing separate operating hours for elderly and vulnerable customers; and
    - d. **Online and remote access.** Posting online whether a facility is open and how best to reach the facility and continue services by phone or remotely.
  - **13. Minimum Basic Operations.** For the purposes of this Order, Minimum Basic Operations include the following, provided that employees comply with Social Distancing Requirements, to the extent possible, while carrying out such operations:
    - a. The minimum necessary activities to maintain the value of the business’s inventory, preserve the condition of the business’s physical plant and equipment, ensure security, process payroll and employee benefits, or for related functions.
    - b. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.
  - **14. Essential Travel.** For the purposes of this Order, Essential Travel includes travel for any of the following purposes:
    - a. Any travel related to the provision of or access to Essential Activities, Essential Businesses and Operations, or Minimum Basic Operations.
    - b. Travel to care for elderly, minors, dependents, persons with disabilities, or other vulnerable persons.
    - c. Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services.

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- d. Travel to return to a place of residence from outside the jurisdiction.
  - e. Travel required by law enforcement or court order, including to transport children pursuant to a custody agreement.
  - f. Travel required for non-residents to return to their place of residence outside the Reservation. Individuals are strongly encouraged to verify that their transportation out of the Reservation remains available and functional prior to commencing such travel.
- **15. Intent of this Order.** The intent of this Order is to ensure that the maximum number of people self-isolate in their places of residence to the maximum extent feasible, while enabling essential services to continue, to slow the spread of COVID-19 to the greatest extent possible. These measures are designed to end the epidemic as early as possible, and to protect the well-being of Reservation residents by returning to the course of business and everyday life as soon as is practicable and safe. When people need to leave their places of residence, whether to perform Essential Activities, or to otherwise facilitate authorized activities necessary for continuity of social and commercial life, they should at all times and as much as reasonably possible comply with Social Distancing Requirements. All provisions of this Order should be interpreted to effectuate this intent.

**II. Order Is Public Health Order**

- This Order constitutes a public health order and a declaration of a public health emergency and disaster in accordance with and enforceable under applicable Tribal, federal and state law.

**III. Administration of this Public Health Order**

- The CSKT-Lake County Unified Command Center is directed to assist in the administration of this Order.

**IV. Publication**

- This Order shall be published on the Tribes' official website and in the Char-Koosta News.

**Limitations**

- This Order is effective immediately and shall remain in effect until revoked.
- This Order shall be implemented consistent with applicable law and subject to the availability of appropriations.
- If any provision of this Order or its application to any person or circumstance is held invalid by any court, this invalidity does not affect any other provision or application of this Order, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Order are declared to be severable.
- This Order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the Confederated Salish and Kootenai Tribes, its departments, agencies, or entities, its officers, employees, or agents, or any other person, entity or government.

**CERTIFICATION**

March 26, 2020

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The foregoing resolution was adopted by the CSKT Tribal Council on the 26 day of March, 2020, with a vote of 10 for; 0 opposed; and 0 not voting, pursuant to the authority vested in it by Article VI, Section 1 (a), (f) and (u) of the Tribes' Constitution and By-Laws, said Constitution adopted and approved under Section 16 of the Act of June 18, 1934 (48 Stat 984), as amended.

*Shelby R. Bryant*

**ATTEST:**

*Ellie Bundy McLeod*  
Tribal Council Secretary