

## Order of the President of the Rosebud Sioux Tribe

REVISED 3/27/2020

Pursuant to Article 1, Clause 1 of the Rosebud Sioux Tribe By-Laws and pursuant to Rosebud Sioux Tribe Council Resolution 2020-75, which was passed on March 25, 2020, I am hereby issuing the following Order effective at 12:01 A.M. (After midnight Friday night) on March 28, 2020:

1. **A reservation-wide curfew of 10 p.m. – 6 a.m.** shall be in effect covering all persons found upon the reservation. Exceptions to this are as follows:
  - a. Going to/from the hospital or a doctor's/dentist appointment or providing transportation for someone who is. This includes dialysis services as well.
  - b. Persons who are taking care of elderly relatives.
  - c. Medical professionals and essential staff going to/from work.
  - d. Persons identified as essential employees of the Rosebud Sioux Tribe going to/coming from their place of employment.
  - e. Clergy and medicine men who are engaged in pastoral care and related services.
2. **Business Hours.** Businesses who operate gas stations, convenience stores, retail stores or restaurants shall close at 8 p.m. and may not reopen before 6:30 a.m. the next day. This will enable employees working at these places and their customers to honor the curfew.
3. **Shelter in Place—(STAY HOME).** With exceptions as outlined below, all individuals currently living within the exterior boundaries of the Rosebud Sioux Tribe are directed to stay at home or at their place of residence to the greatest extent possible, except as provided below.

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.

**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.**

Non-essential business and operations to cease. All businesses and operations within the exterior boundaries of the Rosebud Sioux Tribe, 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.

**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:

- a. **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.
- b. **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 products necessary to maintain the safety, sanitation, and essential operation of residences.
- c. **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, provided they remain open to recreation. Our residents 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.

- d. **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.
- e. **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.

4. **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 eye care centers, including those that sell glasses and contact lenses; home Health centers; reproductive health care, care services providers; **medicine men**, 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 as well as 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.

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.**

5. **Human Services Operations.** For purposes of this Order, individuals may leave their residence to work for or obtain services at any Human Services Operations, regardless of funding source, that is providing services to the public, institutional, or community-based settings providing human services to the public.

This 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; tribal programs and 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.

**6. 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; 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).

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

**7. Governmental Functions.** All first responders, emergency management personnel, emergency dispatchers, court personnel, law enforcement and corrections personnel, legal services personnel such as judges, prosecutors, public defenders, probation, 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 essential government employees are categorically exempt from this Order. Elected officials who are performing essential government functions are specifically exempt. Local governments are permitted to designate which functions and employees are essential and exempt for the purposes of this Order, apart from those positions and functions named above.

**8. 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.

**9. 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, as well as the following:

**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 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 our people, 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-feet per person is maintained to the greatest extent possible.

**k. Laundry services.** Laundromats, dry cleaners, industrial laundry services, and laundry service providers;

**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.** Airplanes, taxis, 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, White Buffalo Calf Women's Society, Her House, Spotted Tail Crisis Center, and other 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.

**t. Hotels and motels.** Hotels and motels, to the extent used for lodging and delivery or carry-out food services.

**u. Funeral services.** Funeral, mortuary, cremation, burial, cemetery, and related services. No more than ten persons in a facility observing the six-foot rule.

**10. Severability.** If any provision of this Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, 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 promotes a compelling government interest and 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 Rosebud Sioux Tribe, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

**11. Unaccompanied Minors prohibited.** There will no unaccompanied minors in public. They must be accompanied by a parent or guardian.

**12. Businesses are closed to non-residents.** For the purposes of this Order, people living in Cherry County (NE), Gregory County, Lyman County, Mellette County, Todd County, and

Tripp County are considered residents. Persons unable to prove that they reside in any of the counties listed may be refused service.

Individuals found to have violated this order will be assessed a civil fine of \$250 per incident.

Businesses found to have violated this order will be assessed a civil fine of \$500 per incident and face possible suspension or revocation of their business license.

**THIS ORDER SHALL AUTOMATICALLY EXPIRE WHEN THE STATE OF EMERGENCY HAS BEEN RESCINDED UNLESS SOONER RESCINDED BY THE PRESIDENT OR THE ROSEBUD SIOUX TRIBAL COUNCIL.**

**RODNEY M. BORDEAUX, PRESIDENT**