BURNS PAIUTE TRIBAL COUNCIL
Burns Paiute Tribal Council

Response to the COVID-19 Pandemic State of Emergency

WHEREAS, the Burns Paiute Tribe ("Tribe") is a federally recognized Indian Tribe and has adopted a Tribal Constitution ("Constitution") designating the Burns Paiute Tribal Council ("Council") as the elected governing body of the Tribe; AND

WHEREAS, pursuant to Article VI, Section 1(i) of the Constitution, the Council is authorized to enact ordinances and laws to govern the conduct of all persons and to maintain order and protect the safety, health and welfare of all persons within the Tribe's jurisdiction and to enforce said ordinances and laws; AND

WHEREAS, pursuant to Article VI, Section 1(l) of the Constitution, the Council is authorized to regulate and define the duties and procedures of all subordinate Tribal organizations and otherwise establish policies and procedures for Tribal government personnel; AND

WHEREAS, pursuant to Article VI, Section 1(s) of the Constitution, the Council is authorized to take any and all actions necessary and proper for the exercise of powers and duties delegated to or vested in the Council; AND

WHEREAS, on March 11, 2020, the World Health Organization issued its Global COVID-19 Pandemic declaration and, on March 13, 2020, President Trump issued his Proclamation Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak; AND

WHEREAS, Oregon's Governor Kate Brown declared a state of emergency due to the COVID-19 outbreak in Oregon on March 8, 2020 and has issued stay at home orders and other protective measures to address the COVID-19 outbreak; AND

WHEREAS, the Council approved Resolution 2020-06 (March 16, 2020) in which the Council declared a state of emergency for the Burns Paiute Tribal membership and community due to the COVID-19 pandemic; AND
WHEREAS, the Council has approved the Burns Paiute Employee Manual – COVID-19 Policies and Procedures Addendum to ensure the safety of the Tribal community, members, employees and visitors in the provision of Tribal governmental services on October 8, 2020; AND

WHEREAS, there has been a recent surge of the COVID-19 virus in Harney County and on the Burns Paiute Reservation resulting in the death of two Tribal members and several Tribal members testing positive for the virus; AND

WHEREAS, the Council has determined that action must be taken to protect the health and safety of the Tribal community during the COVID-19 while continuing to provide essential governmental services to the Tribal community in a manner that is safe for both Tribal employees and the Tribal community;

NOW THEREFORE BE IT RESOLVED, that the Council, in reliance upon its prior declaration of a state of emergency for the Burns Paiute Reservation due to the COVID-19 pandemic and hereby directs that measures be taken to protect the health and welfare of the Tribal community, to implement measures to protect Tribal elders and members vulnerable to the COVID-19 virus due to their underlying medical condition and for the provision of essential governmental services that can be conducted in a manner that protects both Tribal employees and the Tribal community; AND

BE IT FURTHER RESOLVED, that the Council hereby determines that the Council shall serve as the COVID-19 Incident Commander during the COVID-19 state of emergency; AND

BE IT FURTHER RESOLVED, that the Council hereby approves the General Manager’s COVID-19 Mitigation Plan (COVID-19 Plan) attached to this Resolution as Exhibit 1 for the conduct of Tribal operations in Tribal facilities; AND

BE IT FURTHER RESOLVED, the Council hereby approves the amended Burns Paiute Employee Manual – COVID-19 Policies and Procedures Addendum attached to this Exhibit 2 which authorizes the provision of paid administrative leave to:
   a) Tribal employees who are not able to work at their workstation and who are not able to perform their job functions by working from home; and
   b) Tribal employees who have tested positive for the COVID-19 virus, or who are required to care for a family member residing within their home who has tested positive for the COVID-19 virus;
   which paid administrative leave shall not exceed ten (10) workings days and shall be paid from CARES Act funding received by the Tribe; AND

BE IT FURTHER RESOLVED, that the Tribal community shall comply with the public health measures and restrictions on public or group gatherings as provided in the COVID-19 Plan; AND

BE IT FURTHER RESOLVED, that the Council hereby requests that BIA law enforcement monitor the compliance with the COVID-19 Plan in the Tribal community and, where persons are found to engage in conduct or activity that violates the COVID-19 Plan in a manner that endangers the public health of the Tribal community, then such persons shall be cited for violating the public nuisance provisions of Section 3.1.104 of the Burns Paiute Tribal Code; AND
BE IT FURTHER RESOLVED, that the General Manager shall provide weekly reports to the Council on the implementation of the COVID-19 Plan and any challenges or changes to the Plan that may require further Council action.

CERTIFICATION

We, the undersigned Chairperson and Secretary-Treasurer of the Burns Paiute Tribal Council, do hereby certify that: the Tribal Council is composed of seven (7) members, of whom five (5) constitute a quorum; that a quorum was present at a meeting thereof duly and regularly called, noticed, convened, and held on this 21st day of January, 2021; and that the foregoing resolution was duly adopted by 5 affirmative votes with 2 opposing, and 0 abstaining. The Chairperson's vote is not required except in the case of a tie.

Jody Richards
Tribal Council Chairperson

Tracy Kennedy
ATTEST: Secretary-Treasurer

Date: 1/21/21

Exhibit 1: COVID-19 Mitigation Plan

COVID-19 Mitigation Plan

January 21, 2021

1. Tribal Council to Serve as Incident Commander

The Burns Paiute Tribal Council has determined that it will serve as the COVID-19 Incident Commander (Incident Commander) during the course of the COVID-19 state of emergency. The Tribal Council shall exercise all duties and obligations of the Incident Commander pursuant to this Plan.

2. Authority for Closure or Partial Closure of Tribal Operations

The Incident Commander shall have the authority to close down or restrict the use of Tribal facilities or Tribal operations under the following circumstances:

   a) COVID-19 test results from either the Wadatika Health Clinic (Wadakita) or Harney Health Department that shows that the rate of positive COVID-19 test results exceeds 5% in the prior two weeks;
   b) Wadakita COVID-19 test results showed that two or more Reservation residents have tested positive for the virus in the prior week;
   c) Harney County Health Department reports five positive COVID-19 test results for Harney County residents in the prior week; or
   d) The Oregon Health Authority raises the COVID-19 risk level in Harney County from its current lower risk level to a moderate, high or extreme risk level.

Upon a closure or restriction of Tribal operations, the Incident Commander shall monitor Wadakita and Harney County Health Department COVID-19 test results and the Oregon Health Authority COVID-19 website to determine when it is safe to reopen or remove restrictions on Tribal operations.

Pursuant to Burns Paiute Tribal Council Resolution 2021-03 (January 21, 2021), the Tribal Council declared a state of emergency on the Burns Paiute Reservation due to the COVID-19 pandemic and directed that measures be taken to protect the health and welfare of the Tribal community while providing essential governmental services in a manner that protects both Tribal employees and the Tribal community. Accordingly, effective January 20, 2021, Tribal governmental operations shall be subject to the following restrictions:

a) The Tribal Administration Office will be open Monday - Thursday from 8am-12pm to receive mail and other delivery services. The Tribal General Manager shall staff the office with minimal staff to carry out this function.

b) Wadatika Health Office shall be open 8:30am-4:30pm Monday – Friday to respond to COVID-19 patients, to conduct COVID-19 testing and for other essential health care services. The provision of health care via Telehealth facilities is recommended where appropriate. The Wadakita Director shall staff the clinic to carry out these functions.

c) Social Services will open only as needed to provide critical services to the Tribal community. Social Services staff shall work from home where it is feasible to do so. The Social Services Director shall ensure that any staff providing direct services or supplies shall do so with appropriate personal protective equipment (PPE).

d) The Natural Resources Department Director shall meet the Department’s contractual obligations while providing that staff travel to properties and work in a manner that ensures protections against the spread of COVID-19. Staff shall travel to work sites in separate vehicles and shall work wearing PPE and maintaining social distancing and overnight accommodations shall include separate living quarters.

e) All other Tribal Departments shall operate consistent with the Limited Operations Schedule – Tribal Closure attached to this COVID-19 Mitigation Plan as Exhibit 1.

4. General Rules Governing Tribal Operations

a) All in-person Tribal government meetings and gatherings are prohibited. Necessary meetings and governmental communications shall occur by virtual meeting platforms such as Zoom or by conference call.

b) Staff will be required to wear masks and other appropriate PPE and shall maintain social distancing at all times. When staff are in offices with the door shut, they do not need to wear a mask.

c) Governmental programs and services that are not considered essential governmental programs or services, or that cannot be provided by employees working from their homes, shall be postponed until it is safe to provide such programs or services. Upon request to restart a postponed program or service, the need for that program or service and the ability to provide the program or service in a safe manner will be considered on a case-by-case basis.

d) Supervisors shall provide essential governmental services in a manner that protects Tribal staff by identifying Tribal employees can work from home, establishing staggered shifts for staff to work in Tribal facilities in a manner that provides effective social distancing and ensuring staff is available at the Administration Building to provide essential services. Providing governmental services via telework is strongly encourage where feasible.
e) Supervisors shall be responsible to inform their staff about any new staffing schedule, when staff are permitted to enter Tribal facilities to collect documents or equipment and to outline any change in work priorities in light of the COVID-19 pandemic and resulting restriction in Tribal operations.

f) Tribal staff office phone numbers shall be forwarded to the Tribal staff cell phone for the continuity of governmental services to the Tribal community during the period of restricted governmental operations.

g) Employees who are working in close spaces will work with their supervisor to arrange split schedules, work from separate locations or telework.

h) Department Directors and supervisors shall ensure that Tribal facilities and workstations shall be routinely cleaned and disinfected following use by Tribal staff to minimize the spread of the COVID-19 virus. The cleaning and disinfecting of Tribal facilities, workstations and equipment shall be conducted consistent with the CDC guidance entitled Cleaning and Disinfecting Your Facility attached to this COVID-19 Mitigation Plan as Exhibit 2

5. Essential Tribal Programs and Services

The following Tribal Programs will be considered “Essential Services” and will be allowed to provided services to meet Tribal obligations and to meet the needs of the Tribal community with the following essential staff:

a) Tribal Finance – Finance Manager, and Finance Assistant; and Human Resource Director.

b) Tribal Administration – Interim General Manager

c) Tribal Law Enforcement & Courts – Police Chief & two officers; and Court Clerk

d) Tribal Health – Health Director, Health Clerk, Billing Clerk, Certified Coder/Billing, CHR, and CHN, Warehouse Manager

e) Natural Resources – Program Director, Admin. Assistant, Wildlife Biologist, Fish Biologist, Wildlife Manager, Fishery Manager, Environmental Manager, Environmental Tech, Site Manager, and Field Tech

f) Culture & Heritage – C & H Director, Archaeological Tech, Language Tech/2 Arch Tech

g) Tribal Fire & Emergency – Fire Chief, Firefighter, EM Coordinator

h) Social Services – Social Services Director

6. Tribal Governmental Travel

a) The current Burns Paiute Tribe travel ban will remain in effect until further notice. Other than routine travel to work sites by Natural Resources and Culture and Heritage staff, no work-related travel will be approved until further notice.

b) As of January 20, 2021, all Tribal staff returning to the Burns / Hines area from out-of-state are required to quarantine for 6-8 days unless they have tested negative for Covid-19. They must provide this negative test result to HR in order to be cleared to return to work.

c) Employees returning to the Burns / Hines area from in-state travel are required to quarantine for 6-8 days upon arrival, unless they receive a negative Covid-19 test result. They must provide this negative test result to HR in order to be cleared to return to work.

7. Children
a) The children or family members of Tribal employees shall not be permitted in the Tribal offices or workplace until further notice.

8. Covid-19 Mitigation

a) Employees who are well but who have a sick family member with Covid-19 symptoms or positive test result must notify their supervisor and follow CDC recommended precautions. Such employees shall not return to their Tribal workstation until cleared by the Wadakita Health Clinic or their supervisor.

b) Employees who have symptoms (i.e., fever, cough, or shortness of breath) must immediately notify their supervisor and stay home.

c) All employees must practice good hand hygiene (i.e., frequent hand washing, using hand sanitizer made of at least 60% alcohol).

d) Supervisors will need to establish frequent disinfecting schedule of employee workstations and encourage good hand hygiene.

e) Wadatika Health Office is working in partnership with the Harney County Health Department to administer COVID-19 tests and vaccinations. Please call Pam Lindgren for testing at: 541-890-0014 to make an appointment. Children under the age of 17 that are requesting a vaccination must be seen by the Health Department.

9. Community Restrictions

Until further notice by the Incident Commander, the Burns Paiute Tribal Community shall comply with the following guidelines:

a) Face Masks: community members will be required to wear face masks when outside of their homes at Reservation facilities or in Burns or Hines for shopping or other needed services; or when attending any outside events hosted by the Tribe or held on Trust Lands. This face mask requirement applies to all community members who are 5 years of age or older.

b) Handwashing: community members should frequently wash their hands for 20 seconds or use an alcohol-based hand sanitizer after restroom use.

c) Social Distancing: community members must maintain distance of 6 feet from each other. This will include activities both indoor or outdoor.

d) Stay at Home: community members are encouraged to stay at home, limit travel only for needed supplies in town. Elderly community members or those with chronic medical conditions such as heart disease, diabetes or obesity are especially encouraged to remain in their homes thereby limiting their exposure to the COVID-19 virus.

e) Protective Gloves: it is not mandatory to wear gloves except for those dealing with medical emergencies like emergency health staff, law enforcement personnel or first responders. Frequent hand washing is more effective in removing any germs.

f) Community Gathering: any indoor or outdoor gathering or activity will be limited to 10 persons provided that face masks and social distancing are required.

g) PPE Supplies: Emergency Management Services will make available to Burns Paiute community members or other enrolled Tribal members the following supplies: face masks, hand sanitizers, gloves. These supplies will be provided at no cost upon request.

h) Community Travel: Tribal member families are encouraged not to travel outside the immediate area and especially to areas, including Indian Reservations where positive cases of COVID-19 has
increased in recent months (which includes Ft. McDermitt and Warms Springs Indian Reservations).

i) Discourage Families from traveling to our Reservation: when you are aware that your family want to visit you from outside the area, community members shall discourage such travel until the threat of the COVID-19 virus has decreased.

j) Tribal Funerals: it is with sadness that our Tribal families cannot hold traditional functions to honor our family members such as serving lunches or dinners. Holding church services or traditional services is limited to 10 persons and only to immediate family members.

k) Curfew: the Burns Paiute Tribe will impose a 10:00 p.m. curfew for all residents residing on the Burns Paiute Reservation.

l) Enforcement: any Burns Paiute Tribal member or other enrolled Indian who violates any of these community restrictions may be subject to public nuisance citation under Section 3.1.104 of the Burns Paiute Tribal Code.