ORDER #2020-2

ORDER OF THE HOOPA VALLEY TRIBE
DIRECTING ALL INDIVIDUALS
LIVING ON THE HOOPA VALLEY INDIAN RESERVATION
TO STAY AT HOME.

DATE OF ORDER: APRIL 1, 2020
EFFECTIVE UNTIL FURTHER NOTICE

Please read this Order carefully. This Order was prepared after careful consideration of the Orders that have been issued throughout California and the rest of the United States. Please note that violations of or failure to comply with this Order, will be considered a direct threat to the Hoopa Valley Tribe and appropriate legal actions may occur.

Furthermore, please take notice that this Order applies to all people while they are on the Reservation and that there may be other Orders that apply when leaving the Reservation. It is your responsibility to follow all applicable Orders when traveling during the COVID-19 Pandemic.


1. The intent of this Order is to preserve the public health and safety for all individuals (“people”) on the Hoopa Valley Indian Reservation (“Reservation”), and to ensure the healthcare system is capable of serving everyone in need, especially those at high risk and vulnerable to COVID-19. This is necessary to slow the spread of COVID-19 to the maximum extent possible.

2. All provisions of this Order shall be interpreted to effectuate the intent to safeguard and promote the peace, safety, morals, and general welfare of the Hoopa Valley Tribe. Failure to comply with any of the provisions of this Order will constitute an imminent threat to public health, safety, and welfare of the Hoopa Valley Tribe and the Hupa people, at large.

3. This Order is issued based on:

   a. The evidence of the increasing number of COVID-19 cases within Humboldt County, and throughout California and the United States;

   b. A finding that immediate and drastic measures are necessary to mitigate the imminent
threat of widespread or severe damage, injury, or loss of life or property resulting from COVID-19;

c. The recommendations provided by the Tribe’s COVID-19 Response Team; and

d. My delegated authority and responsibility to ensure that all people residing on the Reservation remain safe and healthy during the Tribe’s Response to the COVID-19 Pandemic.

4. All people currently living within the exterior boundaries of the Hoopa Valley Indian Reservation ("Reservation") are directed to stay in their residences ("homes") and are to remain in their home unless performing an Essential Activity. To the extent people are using shared or outdoor spaces, they must always maintain social distancing of at least six (6) feet from any other person when you are outside your home. All persons may leave their homes for Essential Activities, Essential Governmental Functions, or to operate Essential Businesses, as defined in this Order. People experiencing homelessness are exempt from this but are strongly urged to obtain shelter, to the maximum extent possible.

5. IF YOU LEAVE YOUR HOME, it should be to obtain or perform an Essential Service that is necessary for the health, safety and welfare of yourself, your family, or the Hoopa Valley Tribe. You should comply with the Social Distancing Requirements as defined in this Order, to the fullest extent possible.

6. All businesses operating on the Reservation, except “Essential Businesses” as defined herein, are ordered to cease all activities except those necessary to maintain the “Minimum Basic Operations,” as defined in this Order.

a. For clarity, businesses consisting exclusively of employees or contractors performing activities at their home (i.e., working from home) may continue to operate.

b. All Essential Businesses are strongly encouraged to remain open, to operate with as many employees working from home, and, to the greatest extent feasible, shall comply with the Social Distancing Requirements and any other applicable restriction listed in this Order.

c. For purposes of this Order, businesses providing essential goods and services shall take all the steps necessary to do the following:

i. Designate morning hours for people considered high risk of severe illness from COVID-19 to shop for services or supplies and limit access to only those people during that designated time;

ii. Limit the handling of all paper money, as much as possible;

iii. Adhere to all applicable and relevant health and safety laws and guidelines to ensure the health, safety, and welfare of the Hupa people;
iv. Reduce the number of allowable customers to an appropriate and safe number;

v. Reduce the number of staff working to only those employees that have been deemed “Essential;” and

vi. Implement staggered work hours to reduce contact between employees, to the greatest extent possible.

7. All public and private gatherings of any number of people occurring outside a household or living unit are prohibited. Nothing in this Order prohibits the gathering of members of a household or living unit (i.e., families living in the same house). However, these households or living units are strongly encouraged to practice the Social Distancing Requirements in this Order. Practicing the Social Distancing Requirements is necessary to slow the spread of COVID-19 and will ensure that we protect our Tribe, our beloved Elders, and the rest of the Reservation community.

8. All travel, except Essential Travel as defined in this Order, is prohibited. Public transit shall only be used for the purposes of performing Essential Activities, or to travel to and from work to operate Essential Businesses or maintain Essential Governmental Functions.

9. Visitors and Tourists, who under different circumstances, would be welcome on the Hoopa Valley Indian Reservation, are directed to return home immediately upon the issuance of this Order, by the fastest and safest available means. For purposes of this Order, a “Visitor” and “Tourist” is defined as a person who is not a tribal member, does not maintain his or her permanent home on land within the Reservation, or who is not an employee of the Tribe.

10. This Order allows all travel into and out of the Reservation that is protected under the Constitution and Bylaws of the Hoopa Valley Tribe and other applicable laws, provided that such travel is not prohibited under any order or directive and is necessary in order to perform an Essential Activity, operate an Essential Business, or maintain Essential Governmental Functions as further defined in this Order.

11. All Tribal contractors and vendors performing critical services must comply with the Tribe’s screening process.

12. This Order establishes that the Tsewenaldin Inn shall be utilized as an “Alternative Care Site” or “Isolation Facility” for the Reservation.

13. This Order finds that it is necessary and proper to institute a curfew in public places within the exterior boundaries of the Reservation in order to protect the public health, safety, and general welfare of the Tribe, tribal members, and Reservation community.

   a. Effective immediately the curfew hours shall be:

      i. 8:00 p.m. every day until 4:00 a.m. of the following day.
b. No person shall be punished for violating the curfew if it is an Emergency. For purposes of this Order, an “Emergency” means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

14. This Order is vital to the continuation of the Hupa culture and people, which is under imminent threat due to the outbreak of COVID-19 in the World. The World Health Organization has declared that the COVID-19 virus is a Pandemic. Therefore, there is a Public Health Emergency on the Reservation. Making the problem worse, some people who have COVID-19 show no symptoms or have mild symptoms, which means they may not be aware they carry COVID-19. This is important to understand because even people without symptoms can give COVID-19 to another person. Evidence shows COVID-19 is easily spread and gathering in large groups can result in preventable transmission of COVID-19. During this State of Emergency, it is essential to slow the spread of COVID-19, as much as possible. This is necessary to protect those people who are at high risk of severe illness from COVID-19 (i.e., our beloved elders and precious children) and to prevent our health care system from being overwhelmed. One proven way to slow the spread of COVID-19 is to limit interactions among people to the greatest extent possible. This Order helps preserve critical and limited healthcare capacity on the Reservation by imposing prohibitions and restrictions to reduce the potential spread of COVID-19.

15. This Order is issued in accordance with, and incorporates by reference, the Declaration of a State of Emergency issued by the Chairman on March 4, 2020, and Resolution 20-08 passed by Tribal Council on March 5, 2020.

16. This Order comes after the release of substantial guidance from the California County Health Officer, the Centers for Disease Control and Prevention, the California Department of Public Health, and other public health officials throughout the United States and around the world, and in conjunction with the recommendations made by K’ima:w Medical Center.

17. Definitions and Exemptions:

a. For purposes of this Order, people at high risk of severe illness from COVID-19 and people who are sick are ordered to stay home, except as necessary to seek medical care. For purposes of this Order, “people at high risk of severe illness from COVID-19” are people who meet the CDC definition of higher risk.

b. For purposes of this Order, people may leave their home but only to perform the following “Essential Activities:”

i. To engage in activities or perform tasks essential to the health and safety of themselves, their family, or household members;
ii. To obtain or to deliver the necessary services or supplies for themselves, their family, or household members;

iii. To perform work for a department or entity that has been deemed Essential;

iv. To perform work for a business deemed critical to the infrastructure of another jurisdiction; or

v. To carry out any other activity specifically permitted in this Order.

c. For purposes of this Order, people may leave their home to work for or obtain services at any “Healthcare Operations” including hospitals, clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, or any related and/or ancillary healthcare services. This exemption shall be construed broadly to avoid any impacts to the delivery of healthcare, broadly defined. “Healthcare Operations” does not include fitness and exercise gyms and similar facilities.

d. For purposes of this Order, people may leave their home and may travel outside the Reservation to provide any services or perform any work necessary to the operations and maintenance of the Essential Government Infrastructure of another jurisdiction, provided that they carry out those services and that they practice the Social Distancing Requirements as defined in this Order.

e. For purposes of this Order, all first responders, emergency management personnel, public health staff, emergency dispatchers, court personnel, law enforcement personnel, all personnel on the COVID-19 Response Team, and all others who have been determined to be Essential to the Tribal government or another jurisdiction are categorically exempt from this Order while performing Essential Government Functions.

i. Each Tribal department and entity shall identify and designate an appropriate employee(s) and/or contractor(s) to continue providing and carrying out any Essential Governmental Functions.

ii. All Essential Governmental Functions shall be performed in accordance with the applicable CDC Guidelines and suggested Social Distancing Requirements, as defined in this Order.

iii. All personnel who are assigned to the COVID-19 Response Team are hereby determined to be Essential to the Tribal government and shall be assigned by the Incident Commander in accordance with the principles of the National Incident Management System and Incident Command System. Any person who interferes with the assignment of personnel shall be found to be interfering with the Tribe’s response to COVID-19 and such action will be taken as a direct threat to the public health, safety, and welfare of the Hoopa Valley Tribe and the Hupa people, at large.
f. This Order applies to all businesses on the Reservation, including any for-profit, non-profit, or educational entities, regardless of the nature of the service the business provides, the function the business performs, or its corporate or entity structure.

g. For the purposes of this Order, “Essential Businesses” and “Essential Government Functions” includes:

   i. K’ima:w Medical Center and other approved Healthcare Operations located on the Reservation;

   ii. Essential Government Infrastructure;

   iii. Hoopa Grocery Store;

   iv. Agriculture, including but not limited to, food and beverage cultivation, processing and distribution, including but not limited to, farming, ranching, fishing, forestry, and livestock;

   v. Businesses that are necessary to supply agriculture, food, and beverage cultivation, processing and distribution;

   vi. Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;

   vii. Newspapers, television, radio, and other media services;

   viii. Hoopa Mini Mart;

   ix. Banks and related financial institutions;

   x. Hardware stores; home improvement stores and nurseries;

   xi. Plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of your home, Essential Activities, and Essential Businesses;

   xii. Businesses providing mailing and shipping services, including post office boxes;

   xiii. Educational institutions—including public and private K-12 schools and colleges - for the limited purposes of facilitating distance learning or performing essential functions, provided that the Social Distancing Requirements are followed to the greatest extent possible;

   xiv. Laundromats, drycleaners, and laundry service providers;
xv. Schools and other entities that typically provide free food services to students or members of the public may continue to do so under this Order, provided that the food is given to students or members of the public on a pick-up and take-away basis only;

xvi. Businesses that supply products which would enhance the quality of life for people while staying at home, provided that they are sold and purchased in a way that prevents handling by the customer prior to purchase (i.e. curbside pick-up);

xvii. Businesses that supply products needed for people to work from home;

xviii. Businesses that supply other essential businesses with the support or supplies necessary to operate;

xix. Businesses that ship or deliver groceries, food, goods, or services directly to your home, provided all the applicable COVID-19 precautionary measures are implemented;

xx. Airlines, taxis, and other private transportation providers providing transportation services necessary for Essential Activities and other purposes expressly authorized in this Order;

xxi. Home-based care for seniors, adults, or children;

xxii. Residential facilities and shelters for seniors, adults, and children;

xxiii. Professional services, such as legal or accounting services, when necessary to assist in compliance with legally mandated activities; and

xxiv. Childcare facilities providing services that enable employees exempted in this Order to work as permitted.

a. To the extent possible, these childcare facilities must operate under the following mandatory conditions:

1. Childcare must be carried out in accordance with the applicable CDC guidance;

2. Children shall not change from one group to another;

3. If more than one (1) group of children is cared for at one facility, each group shall be in a separate room. Groups shall not mix with each other; and

4. Childcare providers shall remain solely with one (1) group of children.

h. For the purposes of this Order, “Minimum Basic Operations” includes the following:
i. The minimum amount of activities necessary to maintain the value of the business’s inventory, ensure security, process payroll and employee benefits, or for related functions; or

ii. The minimum amount of activities necessary to facilitate employees can continue to work remotely from their home.

i. For the purposes of this Order, “Essential Travel” includes travel for any of the following purposes:

i. Any travel related to Essential Activities, Essential Governmental Functions, Essential Businesses, or necessary to maintain Minimum Basic Operations;

ii. Travel to care for an elder, minors, dependents, persons with disabilities, or other vulnerable persons;

iii. Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services;

iii. Travel required by law enforcement or court order;

iv. Travel required for non-residents to return to their place of residence outside the Reservation. People returning to their place of residence are strongly encouraged to verify that their transportation out of the Reservation remains available and functional prior to commencing such travel.

j. For the purposes of this Order, “home” or “residence” may include hotels, motels, shared rental units, and other similar facilities.

k. For the purposes of this Order, “Social Distancing Requirements” includes:

i. maintaining at least six (6) feet social distancing from other people;

ii. washing hands with soap and water for at least twenty (20) seconds as frequently as possible or using hand sanitizer;

iii. covering coughs or sneezes (into the sleeve or elbow, not hands);

iv. regularly cleaning high touch surfaces;

v. not shaking hands; and

vi. not visiting extended family, unless absolutely necessary.
12. Pursuant to the Tribe’s inherent sovereignty and the Constitution and Bylaws ratified by Congress, the Hoopa Valley Tribal Council has the authority to safeguard and promote the economic security, peace, safety, morals, and general welfare of the Hoopa Valley Indians, and to promulgate and enforce ordinances and orders governing the conduct of members and nonmembers within the exterior boundaries of the Reservation.

13. The Hoopa Valley Tribal Police and Hoopa Valley Tribal Court shall take necessary actions to ensure compliance with and enforcement of this Order. These steps are necessary due to the Public Health Emergency and threat that the Reservation is facing as a result of the COVID-19 Pandemic.

14. Copies of this Order shall promptly be provided to: KIDE; Hoopa Valley Tribe’s website, which can be accessed at https://hoopaoes.org; the following Facebook pages: K’ima:w Medical Center, Hoopa Valley Tribe, and Hoopa Fire Department and Office of Emergency Services; Information Boards located at: K’ima:w Medical Center, Neighborhood Facility, Hoopa Grocery Store, and Tribal Police department; and provided to any member of the public requesting a copy of this Order.

15. If any provision of this Order to the application thereof to any person or circumstance is held to be invalid, the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

16. Please take notice that this Order supersedes the previous Order issued on March 19, 2020.

17. The Chairman, the Tribal Council, and the COVID-19 Response Team, will continue to assess the quickly evolving situation and I, as Incident Commander, may modify this Order, or issue additional Orders, related to the COVID-19 Pandemic.

IT IS SO ORDERED:

Date: 04-01-2020

By: ______________
Amos Pole, Incident Commander
COVID-19 Emergency

Time: 11:59