ORDER #2020-4

ORDER OF THE HOOPA VALLEY TRIBE
MODIFICATION OF THE CURFEW TIME.

DATE OF ORDER: APRIL 23, 2020
EFFECTIVE APRIL 26, 2020 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.


Summary:

On April 1, 2020, the Tribal Council authorized the Incident Commander to sign and issue Order #2020-2 which implemented a curfew from 8:00 pm to 4:00 am.

This Order modifies the time of the curfew and reduces the curfew from 8:00 pm to 10:00 pm. Therefore, effective Sunday, April 26, 2020, the curfew time will be 10:00 pm to 4:00 am.

1. The Hoopa Valley Tribe is in a State of Emergency because of the COVID-19 Pandemic. The spread of COVID-19 is a substantial danger to the health, safety, and general welfare of the Hoopa Valley Tribe, its Tribal members, and the Reservation community.

2. 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. Furthermore, it is to ensure that all people who are in public wear a Face Covering to reduce the likelihood that they may transmit or receive COVID-19. This is necessary to slow the spread of COVID-19 to the maximum extent possible and mitigate the impact of COVID-19.

3. 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.
4. Curfews have been used in an attempt to halt or slow the progress of the COVID-19 Pandemic and public health departments throughout California and other states have utilized their authority to declare curfews to keep people of the streets for non-essential activity.

5. The Tribe, Tribal Council, and Incident Commander find that it is necessary and proper to modify the curfew that was instituted on April 1, 2020, as follows:
   a. Effective immediately the curfew hours shall be:
      i. 10:00 pm every day until 4:00 am of the following day.

6. This Order is issued based on evidence of increasing occurrence of COVID-19 within the Reservation, County, State, and the United States, scientific evidence, and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically. Due to the outbreak of COVID-19 in the general public, which is a pandemic according to the World Health Organization, there is a public health emergency throughout the Reservation. Therefore, the Tribe believes that implementing a curfew will halt or slow the progress of the COVID-19 Pandemic.

7. 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.

8. 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.

9. Copies of this Order shall promptly be posted and accessible at https://hoopaoes.org and the following places: the Tribe’s website, the applicable Facebook pages, the Informational Boards on the Reservation; and provided to any member of the public requesting a copy of this Order.

10. This Order is issued in accordance with, and incorporates by reference, the Declaration of the State of Emergency issued by the Chairman on March 4, 2020; the Resolution 20-08 passed by Tribal Council on March 5, 2020, and the Order (#2020-2) issued by me on April 1, 2020.

11. Please take notice that this Order does not supersede any previous Orders. For clarity, this Order is in addition to the Order issued on April 1, 2020, and only modifies the curfew start time.

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

13. 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: 4-26-2020

Time: 12:00 PM

By:  

Amos Pole, Incident Commander
COVID-19 Emergency