Chief of Staff Office
Chief of Staff, Cindy Giago
442 Apache Dr. P.O Box 1796 Pine Ridge S.D. 57770
--Phone: (605) 867-2746 -- Fax: (605) 867-2748--

To: ALL ESSENTIAL PROGRAM
FROM: Cindy Giago, Chief of Staff
Oglala Sioux Tribe
DATE: 6/26/20
RE: Personal Protective Equipment and Ordinance 20-31

Mitakuyepi,

As of this morning we have 60 confirmed positives in Oglala Lakota County. This is a friendly reminder to everyone that the use of MASKS/FACIAL COVERINGS is tribal law. During a regular session held on April 28th, 2020, the Oglala Sioux Tribal Council passed Ordinance 20-31 requiring “individuals who live nearby and work on the reservation to adopt safety measures for essential businesses that are open to the public and to adopt a requirement for individuals to wear facial coverings in public.” This ordinance became effective on May 18th, 2020. Because the numbers of confirmed cases of COVID 19 have been steadily climbing it is now more important than ever to adhere to this Ordinance (see attached).

The intent is of this ordinance is to limit exposure and transmission of the virus. This memo is to remind all of our staff that ALL Essential Employees are REQUIRED to use, at a minimum, a mask and wash hands frequently when in contact with clientele, tribal members and other individuals outside of your immediate family. If you have not done so already begin implementing safety measures provided in the attached Ordinance. Essential Employees and First Responders, MUST follow your programs recommended/established protocol. Please follow the recommendations for decontamination when going home to your families as well.

Respectfully, tribal employees are directed to strictly adhere to the “Mask Ordinance,” failure to do so may result in Civil Fine and/or disciplinary action. If you have any question, please call.
ORDINANCE NO. 20-31

ORDINANCE OF THE OGLALA SIOUX TRIBAL COUNCIL
OF THE OGLALA SIOUX TRIBE
(An Unincorporated Tribe)

ORDINANCE OF THE OGLALA SIOUX TRIBAL COUNCIL OF THE OGLALA SIOUX TRIBE
ADOPTING COVID-19 PUBLIC HEALTH SAFETY MEASURES ORDER TO ESTABLISH SAFETY
MEASURES FOR CERTAIN BUSINESSES AND TO ESTABLISH SAFETY MEASURES FOR
INDIVIDUALS IN PUBLIC PLACES.

WHEREAS, the Oglala Sioux Tribe adopted its Constitution and By-
Laws by referendum vote on December 14, 1935, in accordance with Section
16 of the Indian Reorganization Act of 1934 (25 U.S.C. § 5123), and under
Article III of the Constitution, the Oglala Sioux Tribal Council is the
governing body of the Oglala Sioux Tribe, and

WHEREAS, pursuant to the Constitution and By-laws of the Oglala
Sioux Tribe, the Oglala Sioux Tribal Council exercises legislative powers
to enact and promulgate resolutions and ordinances, and

WHEREAS, Article IV, Sections 1(f), 1(k), 1(m), and 1(w) empower
the Tribal Council to manage the economic affairs of the Tribe, protect
and preserve the property of the Tribe, adopt laws governing the conduct
of persons on the Pine Ridge Indian Reservation, and adopt laws
protecting and promoting the health and general welfare of the Oglala
Sioux Tribe and its membership, and

WHEREAS, the Tribal Council adopted Resolution No. 20-70 affirming
President Bear Runner’s Declaration of a State of Emergency on the Pine
Ridge Indian Reservation due to the novel coronavirus named SARS-CoV-2
and the disease it causes, “coronavirus disease 2019” or “COVID-19”, and

WHEREAS, in response to the COVID-19 pandemic and risk posed to the
health and general welfare of residents of the Pine Ridge Indian
Reservation as well as those who live nearby and work on the Reservation,
the Tribal Council adopted Ordinance No. 20-18 (Shelter In Place) in
order to help decrease the spread of infection within the boundaries of
the Reservation and Ordinance No. 20-26 (Reservation-Wide Curfew) in
order to limit normal travel during certain hours, along with other
Ordinances and Resolutions relating to the COVID-19 pandemic, and

WHEREAS, the Tribal Council has determined that it is in the best
interests for the health and welfare and the protection of the residents
of the Pine Ridge Indian Reservation as well as those individuals who
live nearby and work on the Reservation to adopt safety measures for
essential businesses that are open to the public and to adopt a
requirement for individuals to wear facial coverings in public; now

THEREFORE BE IT ORDAINED, that the Oglala Sioux Tribe does hereby
adopt the COVID-19 Public Health Safety Measures Order.
"COVID-19 PUBLIC HEALTH SAFETY MEASURES ORDER

1. Intent.

The intent of this Order is to limit potential exposure and transmission of COVID-19 from person to person on the Pine Ridge Indian Reservation. Because essential businesses on the Reservation remain open, strong mitigation is necessary to slow the spread of the virus. This Order is intended to provide requirements for essential businesses that maintain in-person operations and for individuals to wear facial coverings in public places.

2. Rationale.

The age, condition, and health of a significant portion of the population of the Reservation places it at risk for serious health complications, including death, from COVID-19. Persons have been shown to be infectious up to 48 hours before onset of symptoms, and as many as 50% of infections seem to occur from asymptomatic persons. All persons who contract COVID-19, regardless of their level of symptoms (none, mild, or severe), may place other vulnerable members of the public at significant risk. Currently, there is no vaccine available to protect against COVID-19 and no specific treatment.

COVID-19 is spread through respiratory droplets that are produced when an infected person coughs, sneezes or talks. These droplets can land in the mouths or noses of others who are nearby, or can be inhaled into their lungs. COVID-19 has been shown to attach to surfaces for days and remain viable in the air for up to three hours after the infected person has left. When properly worn by the user, facial coverings have the potential to slow the spread of the virus by limiting the spread of these droplets. Even a small reduction in community transmission could make a major difference to the demand on healthcare system.

3. Facial Coverings, definition.

"Facial coverings" means any fabric or cloth that covers the mouth and nose. The facial covering can be made using household items (including scarves, bandanas, t-shirts, sweatshirts, towels, turtlenecks, or other fabric), can be sewn by hand, or factory-made. Further guidance on facial coverings can be found on the CDC website: https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html

a. An essential business that is authorized to maintain in-person operations, other than health care providers, shall implement, as applicable, the following social distancing, mitigation, and cleaning protocols:

i. In addition to maintaining the business’s pre-existing cleaning protocols, clean and disinfect high-touch areas routinely in accordance with guidelines issued by the Centers for Disease Control and Prevention (CDC), in spaces that are accessible to customers, tenants, or other individuals;

ii. Maintain pre-existing cleaning protocols established by the business for all other areas of the building;

iii. Establish protocols for execution upon discovery that the business has been exposed to a person who is a probable or confirmed case of COVID-19, including:

• Close off areas visited by the person who is a probable or confirmed case of COVID-19.

• Open outside doors and windows and use ventilation fans to increase air circulation in the area.

• Wait a minimum of 24 hours, or as long as practical, before beginning cleaning and disinfection.

• Cleaning staff should clean and disinfect all areas such as offices, bathrooms, common areas including but not limited to employee break rooms, conference or training rooms and dining facilities, shared electronic equipment like tablets, touch screens, keyboards, remote controls, and ATM machines used by the ill person, focusing especially on frequently touched areas;

• Identify employees that were in close contact (within about six feet for about 10 minutes) with a person with a probable or confirmed case of COVID-19 from the period 48 hours before symptom onset to the time at which the patient isolated;
If the employee remains asymptomatic, the person should adhere to the practices set out by the CDC in its April 8, 2020 Interim Guidance for Implementing Safety Practice for Critical Infrastructure Workers Who May Have Had Exposure to a Person with Suspected or Confirmed COVID-19;

If the employee becomes sick during the workday, the person should be sent home immediately. Surfaces in the employee's workspace should be cleaned and disinfected. Information on other employees who had contact with the ill employee during the time the employee had symptoms and 48 hours prior to symptoms should be compiled. Others at the workplace with close contact within six feet of the employee during this time would be considered exposed;

Promptly notify employees who were close contacts of any known exposure to COVID-19 at the business premises, consistent with applicable confidentiality laws;

Ensure that the business has a sufficient number of employees to perform the above protocols effectively and timely;

- Implement temperature screening before an employee enters the business, prior to the start of each shift or, for employees who do not work shifts, before the employee starts work, and send employees home that have an elevated temperature or fever of 100.4 degrees Fahrenheit or higher. Ensure employees practice social distancing while waiting to have temperatures screened;

- Employees who have symptoms (i.e., fever, cough, or shortness of breath) should notify their supervisor and stay home; and

- Sick employees should follow CDC-recommended steps. Employees should not return to work until the CDC criteria to discontinue home isolation are met, in consultation with healthcare providers and state and
local health departments. Employers are encouraged to implement liberal paid time off for employees who do not return to work as set forth above.

iv. Stagger work start and stop times for employees when practicable to prevent gatherings of large groups entering or leaving the premises at the same time;

v. Provide sufficient amount of space for employees to have breaks and meals while maintaining a social distance of 6 feet, while arranging seating to have employees facing forward and not across from each other in eating and break settings;

vi. Stagger employee break times to reduce the number of employees on break at any given time so that appropriate social distancing of at least six feet may be followed;

vii. Limit persons in employee common areas (such as locker or break rooms, dining facilities, training or conference rooms) at any one time to the number of employees that can maintain a social distance of six feet;

viii. Conduct meetings and trainings virtually (i.e., by phone or through the internet). If a meeting must be held in person, limit the meeting to the fewest number of employees possible, not to exceed ten employees at one time, and maintain a social distance of six feet;

ix. Provide employees access to regular handwashing with soap, hand sanitizer, and disinfectant wipes and ensure that common areas (including but not limited to break rooms, locker rooms, dining facilities, rest rooms, conference or training rooms) are cleaned on a regular basis, including between any shifts;

tax. Provide masks for employees to wear during their time at the business, and make it a mandatory requirement to wear masks while on the work site, except to the extent an employee is using break time to eat or drink, in accordance with the guidance from the OST Task Force and the CDC. Employers may approve masks obtained or made by employees in accordance with CDC or OST Task Force guidance;
xi. Ensure that the facility has a sufficient number of employees to perform all measures listed effectively and in a manner that ensures the safety of the public and employees;

xii. Ensure that the facility has a sufficient number of personnel to control access, maintain order, and enforce social distancing of at least six feet;

xiii. Ensure that notice is provided that non-essential visitors should not enter the premises of the business; and

xiv. Ensure that all employees are made aware of these required procedures.

b. In addition to the above, the following measures apply to essential businesses, other than health care providers, that serve the public within a building or a defined area:

i. Businesses should conduct business with the public by appointment only and to the extent that this is not feasible, businesses must limit occupancy to no greater than 50% of the number stated on the applicable certificate of occupancy at any given time, as necessary to reduce crowding in the business, and must maintain a social distance of 6 feet at check-out and counter lines, and must place signage throughout each site to mandate social distancing for both customers and employees;

ii. Based on the building size and number of employees, alter hours of business so that the business has sufficient time to clean or to restock or both;

iii. Where feasible, install shields or other barriers at registers and check-out areas to physically separate cashiers and customers or take other measures to ensure social distancing of customers from check-out personnel, or close lines to maintain a social distance between of 6 feet between lines where feasible;

iv. Encourage use of online ordering by providing delivery or pick-up options;
v. Designate a specific time for high-risk and elderly persons to use the business at least once every week if there is a continuing in-person customer-facing component;

vi. Require all customers to wear masks while on premises, and deny entry to individuals not wearing masks, unless the business is providing medication, medical supplies, or food, in which case the business must provide alternative methods of pick-up or delivery of such goods; however, individuals who cannot wear a mask due to a medical condition (including children under the age of 2 years per CDC guidance) may enter the premises and are not required to provide documentation of such medical condition;

vii. In businesses with multiple check-out lines, only use every other register, or fewer. After every hour, rotate customers and employees to the previously closed registers. Clean the previously open registers and the surrounding area, including credit card machines, following each rotation;

viii. Schedule handwashing breaks for employees at least every hour; and

ix. Where carts and handbaskets are available for customers’ use, assign an employee to wipe down carts and handbaskets before they become available to each customer entering the premises.

c. Essential businesses may, to the extent authorized by law and in conformity with this Order, refuse admission or service to any customer or visitor who fails to wear facial coverings.

5. Safety Measures for Individuals in Public Places.

a. All persons shall wear facial coverings before they enter any indoor facility besides their residence, any enclosed open space, or while outdoors when the person is unable to maintain a six-foot distance from another person at all times.

b. This Order does not apply when the person is driving alone or with members of their households, unless the windows in the vehicle are lowered to interact with first responders, food service workers, or other persons who are not members of their households. Persons should refrain from purchasing medical-
grade masks, such as surgical masks and N95 respirators; those are critical supplies that must continue to be reserved for healthcare workers and other medical first responders coming into contact with infected persons.

c. Facial coverings should not be placed on children under age 2 or on anyone who has trouble breathing or is unconscious, incapacitated, or otherwise unable to remove the mask without assistance.

d. Facial coverings are meant to protect the public from the user in case the user is infected and not yet displaying symptoms. Facial coverings are not a substitute for social distancing.

e. The user should limit touching their face or their facial coverings, and should wash their hands before applying their facial covering, shortly after touching their facial coverings and after removing their facial covering.

f. Facial coverings should be frequently washed or sanitized for the health and safety of the user and others. Single-use facial coverings must be properly discarded into trash receptacles.

6. Compliance; Civil Fine.

The Chief of Police shall ensure compliance with and enforce this Ordinance. The violation of any provision of this Ordinance constitutes an imminent threat to public health, constitutes a public nuisance, and is punishable by fine.

Law enforcement personnel may issue a citation for violations of this Ordinance. The Revenue Director may issue a citation against Businesses for violations of this Ordinance.

a. Individuals may be ordered to leave public places if they do not have facial coverings. Individual violations may result in a civil fine of $25.00 per incident.

b. Business violations may be subject to a civil fine of $100.00 per day and repeated violations may result in revocation of their Tribal business license.

c. Citations may be appealed to the Tribal Court.
7. Effective Date.

This Order shall become effective on May 18, 2020 and shall remain in effect until it is rescinded by Tribal Council action or otherwise expires by its own terms. If this Ordinance is not extended by the Tribal Council or is not otherwise rescinded, it shall expire on June 30, 2020 at 11:59 p.m.

8. Severability.

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.

9. Interpretation with other COVID-19 Ordinances.

This Ordinance should be read and interpreted in conjunction with the other COVID-19 Ordinances (Ordinance Nos. 20-18, 20-20, 20-21, 20-26, 20-28, 20-29), as amended, unless those Ordinances have been specifically rescinded or repealed."

BE IT FURTHER ORDAINED, that this Ordinance shall take effect beginning on May 18, 2020 and shall supersede, repeal, and replace all prior, inconsistent laws of the Oglala Sioux Tribe.

C-E-R-T-I-F-I-C-A-T-I-O-N

I, as the undersigned Secretary of the Oglala Sioux Tribal Council, of the Oglala Sioux Tribe hereby certify that this Ordinance was adopted by a vote of: 10 For; 6 Against; 0 Abstain; and 2 Not Voting; during a REGULAR SESSION held on the 28TH day of APRIL, 2020.

JENNIFER SPOTTED BEAR
Secretary
Oglala Sioux Tribe

A-T-E-S-T:

JULIAN R. BEAR RUNNER
President
Oglala Sioux Tribe