



BLACKFEET NATION

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EXECUTIVE COMMITTEE
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Iliiff "Scott" Kipp, Vice-Chairman
Lauren Monroe, Jr., Secretary
Tinsuwella Bird Rattler, Treasurer

BLACKFEET TRIBAL BUSINESS COUNCIL
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Mark Pollock
Vera Weaselhead
Virgil Last Star
Stacey Keller
Lauren Monroe, Jr.
Iliiff "Scott" Kipp, Sr.
Marvin Weatherwax, Jr.

RESOLUTION

Approving the Third Amendment to the Blackfeet Tribe COVID-19 Business Regulation Order

No. 170-2021

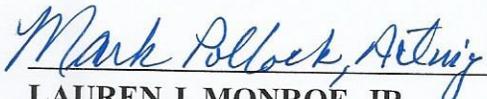
- WHEREAS,** The Blackfeet Tribal Business Council is the duly constituted governing body within the exterior boundaries of the Blackfeet Indian Nation pursuant to Section 16 of Act of June 18, 1934 and Amendments thereof, and
- WHEREAS,** The Blackfeet Tribal Business Council has been organized to represent, develop, protect and advance the views, interests, and resources education and resources of the Blackfeet Indian Reservation, and
- WHEREAS,** The Blackfeet Tribal Business Council is empowered, pursuant to Article VI-Powers of the Council, Section 1(e) to manage all economic affairs and enterprises of the Blackfeet Reservation; and, Section 1(g) to manage tribal affairs in an acceptable and businesslike manner and in accordance with the administrative plan called the Plan of Operations; and, Section 1(k) to promulgate ordinances for the purposes of safeguarding the peace and safety of residents of the Blackfeet Indian Reservation, and
- WHEREAS,** The Blackfeet Tribal Business Council passed the "*Blackfeet Tribe COVID-19 Ordinance*" No. 121 and *Resolution No. 2020-181 "Reaffirming the Declaration Addressing the COVID-19 Outbreak for the Blackfeet Reservation"* and other orders to limit the risk of infection from the global pandemic outbreak of COVID-19 to members and residents of the Blackfeet Reservation, and

WHEREAS, Based upon current statistics and advice from the scientific and medical community, and in accordance with the *COVID-19 Ordinance #121*, the Blackfeet Tribal Business Council finds that the *Business Regulation Order passed by Resolution No. 196-2020*, is in need of a third amendment to reflect the current Phase II that the Blackfeet Tribe is now under to allow administrative orders for non-essential businesses and to repeal the restriction on lodging for one (1) night, now

THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. Third Amendment to Business Regulation Order. The Blackfeet Tribal Business Council hereby approves the Third Amendment to the Business Regulation Order, to which is hereby attached and incorporated into this Resolution by reference.
2. Replacement of Resolution No.89-2021. Resolution No. 89-2021 adopting the Second Business Regulation Order on December 1, 2021 is hereby replaced with the Third Amendment adopted in this resolution.
3. Public Advertisement. The Public Information Officer is hereby directed to make notice effective immediately of this Resolution to the Public. Administrative Orders shall be made public by the Public Information Officer and the Blackfeet Revenue Director.
4. Business Contact. The Blackfeet Revenue Department is directed to make contact with all businesses with this Third Amendment and any Administrative Orders issued.
5. That the Chairman or Vice-Chairman in the Chairman's absence and Secretary of the Blackfeet Tribal Business Council are hereby authorized to sign this Resolution and any other documents to effectuate the purpose of this Resolution.

ATTEST:


LAUREN J. MONROE, JR.
Secretary

**THE BLACKFEET TRIBE OF THE
BLACKFEET INDIAN RESERVATION**


TIMOTHY F. DAVIS
Chairman

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Blackfeet Tribal Business Council in a duly called noticed and convened Special Session assembled for business the 27th day of January, 2021, with Six (6) members present to constitute a quorum and by a vote of Six (6) For, zero (0) Opposed and zero (0) Abstained.

Mark Pollock, Acting

LAUREN J. MONROE JR., Secretary
Blackfeet Tribal Business Council

(SEAL)

**BLACKFEET TRIBE
COVID-19 BUSINESS REGULATION ORDER**

**EFFECTIVE BY THE BLACKFEET TRIBAL BUSINESS COUNCIL
AS AMENDED JANUARY 27, 2021**

In accordance with and pursuant to the Blackfeet Tribe's COVID-19 Ordinance No. 121, the Blackfeet Tribal Business Council hereby orders that the following measures be adopted concerning businesses on the Blackfeet Reservation. This order supplements previous orders issued by the Blackfeet Tribal Business Council.

The intent of this order is to ensure essential services to continue in a safe manner, to permit the opening of non-essential businesses in a safe manner for the purpose of slowing the spread of COVID-19 to the greatest extent possible. These measures are intended to continue the Blackfeet Tribe's current activity of reducing infection of COVID-19 within the Blackfeet Reservation. This order shall remain in place until there is sufficient scientific and medical evidence that these regulations may be repealed safely.

1. Non-Essential Business and Operations (NBOs) to open upon Administrative Order.

All non-essential businesses and operations on the Reservation may be permitted to open upon administrative order issued by the Department of Revenue, based upon the current COVID-19 Phase the Blackfeet Reservation is under.

2. Covered Businesses. 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.

3. Essential Businesses and Operations (EBOs). For the purposes of this order, Essential Businesses and Operations (EBOs) mean: Health Care and Public Health Operations, Human Services Operations, Essential Governmental Functions, and Essential Infrastructure, and the following:

- a. **Stores that sell groceries and medicine.** Grocery stores, pharmacies, resident farm and produce stands, supermarkets, convenience stores, and other establishments engaged in the retail sale of groceries.
- b. **Food production and agriculture.** Food manufacturing, production, processing, and cultivation, including farming, livestock, and other production agriculture, and the 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.** Organizations providing food, shelter, and social services, and other necessities of life for individuals, 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, auto supply, auto repair.
- f. **Financial and real estate services**. Banks, consumer lenders, pawn shops and credit unions.
- 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, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences and EBOs.
- i. **Mail, post, shipping, logistics, delivery, and pick-up services**. Post offices and other businesses that provide shipping and delivery services.
- j. **Educational institutions**. Educational institutions—The Blackfeet Tribe shall follow the decision of local schools to remain open or not. In the event of such school opening, this order shall apply.
- k. **Laundry services**. Laundromats, dry cleaners, industrial laundry services, and laundry service providers. These services shall be required to clean all areas utilized by patrons in between uses.
- l. **Liquor Business**. The Blackfeet Tribe's laws regarding the sale of liquor shall remain in effect as to hours of sale and sales limited to package liquor. Businesses with current Blackfeet Tribal Liquor Licenses are prohibited from selling liquor in a bar, nor shall any open container be sold from the business to the patron. The Blackfeet Tribal Business Council shall prescribe regulations limiting the current Blackfeet Liquor Ordinance for administration through the Blackfeet Revenue Department.
- m. **Food Consumption**. Restaurants and other entities that prepare and serve food, but only for food 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 pick-up and take away 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.
- n. **Supplies for EBOs**. Businesses that sell, manufacture, or supply other EBOs with the support or materials necessary to operate.
- o. **Home-based care and services**. Home-based care for adults, seniors, children, and/or people with developmental disabilities, intellectual disabilities, substance abuse disorders, and/or mental illness, and other services including meal delivery.
- p. **Residential facilities and shelters**. Residential facilities and shelters for adults, seniors, children, and/or people with developmental disabilities, intellectual disabilities,

substance use disorders, and/or mental illness.

- q. **Professional services.** Professional services, such as legal services, accounting services, insurance services, information technology services, real estate services (including appraisal and title services).
- r. **Supplies for cultural/regalia projects.** Businesses that provide supplies for the crafting of cultural items and regalia projects, such as beads, material, leather, etc.
- s. **Manufacture and distribution for critical products and industries.** Manufacturing companies, distributors, and supply chain companies producing and supplying essential personal protective equipment.
- t. **Critical labor union functions.** Labor union essential activities including the administration of health and welfare funds and personnel checking on the wellbeing and safety of members providing services in EBOs – provided that these checks should be done by telephone or remotely where possible.
- u. **Lodging businesses.** For purposes of this section, “lodging business” means any activity of renting out quarters regardless of size or facility amenities. This includes hotels, motels, VRBOs, campgrounds and RV Parks. Lodging businesses are permitted to lodge primarily personnel of listed essential businesses herein and, essential governmental personnel; and, then to occupants that are passing through the Blackfeet Reservation. For purposes of this section, employees of lodging businesses engaged primarily in lodging tourist or recreation patrons are deemed non-essential for purposes of obtaining rental units.

Lodging facilities are required to maintain a 72-hour period of vacancy of rooms between occupants with deep cleaning occurring during the 72-hour period. All lodging facilities are prohibited from opening any commonly used areas such as breakfast bars, restaurants, swimming pools, spas, shower stalls, lobby, gift shops, restrooms, bars, etc. Lodging facilities are currently prohibited from housing any persons intending to recreate on the Blackfeet Reservation, until further notice.

All tourist reservations shall be cancelled if related to vacationing or recreating during this order, until the Department of Revenue issues an administrative order with safety protocols pursuant to approval by the Blackfeet Tribal Business Council, in accordance with the current COVID-19 Phase the Blackfeet Tribe is under.

- v. **Funeral Services.** Funeral, mortuary, cremation, burial, cemetery and other related services.

4. Minimum Regulations. All businesses must take proactive measures to ensure compliance with Social Distancing and Safety Requirements, including where possible, at a minimum:

- a. **Designate six-foot distances.** Designating with signage, tape, or by other means six-foot spacing for employees and customers in line to maintain appropriate distance.
- b. **Hand sanitizer and sanitizing products.** Having hand sanitizer and sanitizing products readily available for employees and patrons.

- c. **Separate operating hours for vulnerable populations.** Implementing separate operating hours for elderly and vulnerable customers.
- d. **PPE for Employees.** Provision of personal protective equipment to employees. For retailers engaged in point of sale contact, a plexi-glass barrier shall be erected between the clerk or teller and patron at the point of sale area.
- e. **Online and remote access.** Posting online whether a facility is open and how best to reach the facility and continue services by phone or remotely.
- f. **PPE Required for Patrons.** All Businesses shall require all patrons to wear a mask and when on premises.
- g. **Cleansing of Common Areas.** In areas used by patrons, each business shall require regular cleansing of such areas, preferably between the periods of patron use.
- h. **Any Industry Standard.** Industry standards including Centers for Disease Control recommendations governing each industry.

5. Minimum Basic Operations. For the purposes of this order, Minimum Basic Operations include the following, provided that, employees comply with Section 4 above, to the extent possible, while carrying out such operations:

- a. The minimum necessary activities to maintain the value of the business's inventory, preserve the condition of the business's physical plant and equipment, ensure security, process payroll and employee benefits, or for related functions.
- b. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.

6. Travel. For the purposes of this order, essential travel related to the provision of or access to EBOs or Minimum Basic Operations shall be allowed.

7. Revenue Department-Administrative Rule-Making Authority. The Blackfeet Revenue Department shall have the authority to make administrative rules to govern the regulation of businesses on the Blackfeet Reservation. Such scope of authority shall include the power to:

- a. promulgate rules governing businesses pursuant to Center for Disease Control guidelines, in consultation with the tribal public health officer and the Blackfeet Tribal Business Council;
- b. To issue administrative orders consistent with this Resolution and tribal law;
- c. To determine appeals administratively within the Department of Revenue; pursuant to tribal law or, when such tribal law is not in effect, pursuant to duly noticed appeal guidelines within the department; and
- d. Penalties for violations of administrative orders.

8. Enforcement.

- a. Enforcement. Violations of this order shall be enforced by the Blackfeet TERO and Revenue Department Compliance Officers including any commissioned officer of the Blackfeet Tribe.
- b. Jurisdiction. The enforcement and penalty section of this order shall be considered civil in nature and jurisdiction shall be over all persons and entities found within the exterior boundaries of the Blackfeet Reservation under this order and any other Blackfeet Tribal laws that may be applicable.

9. Business Tags and Rating.

The Blackfeet Revenue Department shall establish tags for essential business employees for purposes of identification as an essential employee. Each tag shall have a term identifying the business and period the business/employee is engaged in the essential business activity as authorized by this order.

Further, the Blackfeet Revenue Department shall develop a rating system of businesses within the Blackfeet Reservation recording compliance with this order and the laws of the Blackfeet Reservation. The purpose of this section is to inform the public of the level of safety measures each business is adhering to and to offer incentives to such businesses from the Blackfeet Tribe such as subsidies for complying with this order.

10. Closure of Business and Operations upon Community Transmission or Outbreak.

In the event the a community transmission or outbreak is in place where containment has not occurred, the Blackfeet Tribal Business Council, upon recommendation of the Department of Revenue shall close businesses until contact-tracing has demonstrated effective containment or no new cases have occurred for fourteen (14) days; thereupon, the Blackfeet Tribal Business Council may consider re-opening of such businesses.