

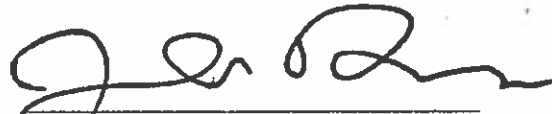


# Quinault Indian Nation

POST OFFICE BOX 189 • TAHOLAH, WASHINGTON 98587 • TELEPHONE (360) 276-8211

QUINAULT BUSINESS COMMITTEE  
HAND-CARRY SIGN OFF SHEET  
FOR  
RESOLUTION NO. 20-325-98

\_\_\_\_\_  
Fawn R. Sharp, President

  
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John O. Bryson Jr., 3<sup>rd</sup> Councilman

  
\_\_\_\_\_  
Tyson L. Johnston, Vice-President


 **ABSTAIN**  
\_\_\_\_\_  
Noreen Underwood, 4<sup>th</sup> Councilwoman

  
\_\_\_\_\_  
Larry Johnston, Treasurer

  
\_\_\_\_\_  
Dawneen DeLaCruz, 5<sup>th</sup> Councilwoman

  
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Latosha L. Underwood, Secretary

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Clarinda Underwood, 6<sup>th</sup> Councilwoman

  
\_\_\_\_\_  
Gina V. James, 1<sup>st</sup> Councilwoman

 **ABSTAIN**  
\_\_\_\_\_  
Thomas Obi, 7<sup>th</sup> Councilman

\_\_\_\_\_  
Chet Tweed, 2<sup>nd</sup> Councilman

December 3, 2020  
Date Approved

\_\_\_\_\_  
Date Ratified



# Quinault Indian Nation

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## QUINAULT BUSINESS COMMITTEE RESOLUTION NO. 20 - 325 - 98

### A RESOLUTION ADOPTING AN ISOLATION AND QUARANTINE POLICY

WHEREAS, the Quinault Business Committee is the recognized governing body of the Quinault Indian Nation under the authority of the Quinault Indian Nation's Constitution adopted by the Quinault General Council on March 22nd, 1975; and

WHEREAS, the Quinault Indian Nation has inherent sovereign governmental powers to protect and promote the health, safety and general welfare of the people of the Quinault Nation; and

WHEREAS, under Article I, Section 2 of the Quinault Constitution, the Business Committee is empowered to provide for the general safety and welfare of all persons acting by the right of membership in the Quinault Nation or acting or residing within the jurisdiction of the Quinault Nation ("Quinault Community"); and

WHEREAS, per Resolution # 20-55-98, as duly adopted by the Business Committee on March 13, 2020, the Nation declared a Public Health Emergency for the Quinault Reservation in response to the global outbreak of the Coronavirus epidemic ("COVID-19"); and

WHEREAS, in recognition of the significant health risks, epidemiological risks of spread and containment, critical nature of the success of the medical response, and importance of social distancing strategies, the Business Committee closed all non-essential governmental operations, businesses, and services, announced the closures of various enterprises, including the Quinault Beach Resort and Casino and the Quinault Sweet Grass Hotel, issued a "stay at home" order, furloughed non-essential staff, and reduced the work week for essential staff; and

WHEREAS, the Nation has unique needs for protecting its vulnerable populations that drive its analysis of the best available science and data in deciding an appropriate course of action related to the pandemic; and

WHEREAS, per Resolution # 20-217-98, as duly adopted by the Business Committee on August 26, 2020, the Business Committee reserved the right to impose consequences and/or penalties upon individuals who do not comply with isolation and quarantine orders; and

WHEREAS, in November, 2020, the Nation has experienced a surge in the number of positive cases and households in quarantine on the Quinault Reservation; and

WHEREAS, those households that are quarantined or isolated have been provided specific orders necessary to protect them and the general public from the health risks of exposure to COVID-19; and

WHEREAS, there have been confirmed reports of individuals and households failing to comply with quarantine orders, placing the general public at risk for contracting COVID-19; and

WHEREAS, failure to comply with isolation and quarantine orders constitutes an imminent public health threat and creates an immediate menace to public health and safety; and

WHEREAS, every individual in the Quinault Community has a responsibility to themselves, to their families and neighbors, and to their communities to act in accordance with all isolation and quarantine orders; and

WHEREAS, while voluntary compliance with isolation and quarantine orders is preferred, the Business Committee finds that it is now necessary to utilize certain consequences and penalties to compel individual compliance when necessary to protect the general public from the spread of COVID-19 and the associated health and safety risks and consequences.

NOW, THEREFORE, BE IT RESOLVED that the Business Committee hereby approves and adopts the attached Isolation & Quarantine Policy to address non-compliance with isolation and quarantine orders, including but not limited to the public identification of households in quarantine and the imposition of civil citations and fines on individuals who do not comply with isolation and quarantine orders.

BE IT FURTHER RESOLVED that the Business Committee directs the Incident Command Team, in coordination with the Quinault Nation Police Department, to implement the policy.

BE IT FURTHER RESOLVED that the Business Committee will continue to monitor the COVID-19 situation and will either rescind or modify this resolution as needed.

#### CERTIFICATION

AS SECRETARY OF THE QUINAULT BUSINESS COMMITTEE, I HEREBY CERTIFY THAT THE FOREGOING RESOLUTION WAS DULY ENACTED BY THE QUINAULT BUSINESS COMMITTEE ON THE 3<sup>rd</sup> DAY OF NOVEMBER, 2020 BY A VOTE OF 6 FOR, 0 AGAINST, AND 2 ABSTAINING.



Fawn R. Sharp, President  
Quinault Indian Nation



Latosha Underwood, Secretary  
Quinault Indian Nation

## **Isolation & Quarantine Policy**

### **I. Policy Statement**

The intent and goal of this policy is to prevent risks of the spread of COVID-19 and safeguard the Quinault Indian Nation (QIN) membership, employees, and its communities. Isolation and quarantine help protect the community by preventing exposure to the people who have or may have COVID-19, which is and will remain highly contagious until a vaccine is widely available.

Every individual in the Quinault community has a responsibility to themselves, their families their neighbors, and their associates to act in accordance with all isolation and quarantine orders.

### **II. Authority**

Under Article I, Section 2 of the Quinault Constitution, the Business Committee is empowered to provide for the general safety and welfare of all persons within its jurisdiction. Pursuant to that authority, the Business Committee declared a national public health emergency by Resolution #20-55-98, as duly adopted on March 13, 2020, through which the Incident Command Team was established and directed to coordinate a response to the COVID-19 pandemic. Per Resolution #20-217-98 approved on August 26, 2020, the Business Committee reserves the right to impose the consequences and/or penalties of this policy upon individuals who do not comply with isolation and quarantine orders for the benefit of the QIN.

### **III. Definitions**

C & C Investigator	The Case & Contact investigator is the person tasked with contacting positive cases of COVID-19, or contacts of positive cases of COVID-19.
Civil Citation	A written notice that indicates non-compliance and identifies possible outcomes if non-compliance activities continue.
Close Contact	A close contact is a person who has been within about 6 feet of a person with confirmed novel coronavirus infection for a prolonged period of time or has had direct contact with a person with confirmed novel coronavirus infection.
COVID-19	An infectious disease caused by a newly discovered coronavirus.
Fine	A dollar penalty amount determined as a result of non-compliance.
ICT	The Incident Command Team (ICT) are staff deemed responsible by the Quinault Business Committee to coordinate and implement the Nation's response to COVID-19.
Isolation	Isolation refers to the practice of keeping someone who tested positive for COVID-19 away from others.
Non-Compliance	Failure to follow policies and procedures in accordance with isolation and quarantine protocols.
Persons	People who are identified as QIN Cases or Contacts, including cases and contacts identified by a County.
Point of Contact	The Point of Contact is the identified person who is notified of any positive QIN Case.
QIN Community	Quinault tribal members, wherever they reside, and community residents of Taholah, Q-Village, Amanda Park, Queets, and all other areas within the Quinault Reservation.
QIN Case	Any Quinault tribal member or community resident who tests positive for COVID-19, regardless of where they were tested.

QIN Contact	Any Quinault tribal member or community resident who was identified as a close contact of a person who tested positive for COVID-19, regardless of whether they have been identified by the ICT or by a County.
Quarantine	Quarantine refers to the practice of separating individuals who have had close contact with someone with COVID-19 to determine whether they develop symptoms or test positive for the disease.
RSHC	Roger Saux Healthcare Center

#### IV. Policy

As a nation directive and expectation, the ICT will be tasked with monitoring individual compliance with this isolation and quarantine policy.

##### **Case & Contacts**

Every individual identified to be a QIN Case or Contact needs to comply with isolation and quarantine procedures relayed by ICT, RSHC staff, and/or a County case & contact investigator.

##### **Consequences and penalties**

Failure to comply with isolation and quarantine orders constitutes an imminent public health threat and creates an immediate menace to public health and safety. If identified by the ICT to be in any level of non-compliance with isolation or quarantine orders, consequences and/or penalties may include, but are not limited to, the following:

- Imposition of civil citations
- Imposition of fines
- Public identification of QIN Case or Contact persons or households
- Exclusion from the Quinault Reservation for a period of time
- Suspension of Quinault treaty rights for a period of time
- Restriction on access to the Reservation for a period of time

##### **Off Reservation Residents**

Persons who reside off the reservation that are identified as a QIN Case or Contact may be restricted from accessing the Reservation for their indicated isolation or quarantine timeframe if they commit a Level 2 non-compliance violation.

##### **Publicizing names or households in isolation or quarantine**

As identified in the non-compliance protocols, any person who commits a Level 1 or Level 2 non-compliance violation may have their name or household publicly posted, including but not limited to the following methods of publication:

- Written notice published at the Taholah Mercantile or Taholah Post Office
- Written notice published on Social Media
- Written notice published to QIN Employees

##### **Exclusion from Reservation and Suspension of Treaty Rights**

As a last resort, and after all other consequences have been exhausted, persons who commit a Level 2 non-compliance violation may be subject to exclusion from the Reservation and, if a Quinault citizen, suspension of their treaty rights for their indicated isolation or quarantine timeframe.

#### V. Non-Compliance Violations

**Level 1 – Persons who are non-compliant in the following manner may be subject to consequences and penalties as provided in Section VI below.**

#### **Unresponsive communication**

Case & Contact Investigators and/or the Point of Contact are tasked with getting in immediate contact with the case and/or the contact to notify them of their positive test result and/or that they were identified as a close contact. Case investigations are to be completed and reported within 24 hours and contact investigations are to be completed and reported within 48 hours. It is imperative for QIN Cases and Contacts to actively monitor the contact methods they provided to the medical practice where they obtained their test and respond as timely as possible.

#### **Refusal to communicate**

Persons who refuse to speak and/or share pertinent information to the Point of Contact, ICT staff, or RSHC staff.

#### **Providing misinformation**

Persons providing misinformation and/or withholding or lying about certain information.

#### **Refusal to test**

If a QIN Case or Contact refuses to test, they can opt-in to an additional 10 days or more of isolation and/or quarantine as determined by ICT or RSHC staff. If they are a QIN employee, they will not be provided Emergency Leave for these extra days with a refusal to test.

**Level 2 – The following are more serious violations, which could put others at risk, and persons who are non-compliant in the following manner may be subject to consequences and penalties as provided in Section VI below.**

#### **Abusing isolation & quarantine procedures**

Persons identified in actions that put others at risk may be subject to consequence or penalty. Examples include but are not limited to the following:

- Leaving the area you are isolating and/or quarantining in to go to public areas such as stores, post offices, or to attend social gatherings such as birthday parties, holiday get-togethers etc.
- Allowing others to visit inside your location where you are isolating or quarantining.
- Putting yourself around other people regardless of location.

#### **Leaving isolation or quarantine early**

QIN ICT and RSHC staff, or a County's ICT, if applicable, are the only ones permitted to release individuals from isolation and quarantine regardless of negative test results. Protocols are in place according to CDC guidelines to remain in isolation and quarantine that is determined by science-based techniques according to individual scenarios.

### **VI. Non-Compliance Protocol**

Depending on individual circumstances, one or a combination of consequences and penalties may be imposed on persons in non-compliance. If non-compliance continues, additional penalties may be imposed.

#### **Level 1 Non-Compliance**

If a Level 1 non-compliance violation is committed, an individual may be given a written citation that could lead to potential fines and additional consequences.

- After the first citation and a second Level 1 non-compliance violation is committed, a fine of \$50 may be imposed in addition to publicizing the identification of the individual's name and/or household.
- Each additional Level 1 non-compliance violation committed thereafter warrants an additional \$50 fine.

#### **Level 2 Non-Compliance**

If a Level 2 non-compliance violation is committed, an individual will be given a written citation and an automatic \$100 fine will be imposed in addition to publicizing the identification of the individual's name and/or household.

- After the first citation, each additional Level 2 non-compliance measure committed thereafter warrants an additional \$100 fine.
- If the Level 2 non-compliance measure includes leaving isolation or quarantine early, a \$100 fine may be imposed for each day the individual is out of compliance.
- As a last resort, the individual may be excluded from the Reservation, and if the individual is a Quinault tribal citizen, the individual's Quinault treaty rights may also be suspended for the indicated isolation or quarantine timeframe.

## **VII. Appeal**

A person aggrieved by the imposition of a fine for non-compliance under this policy is entitled to judicial review only under the provisions of this policy and such person may not use any other procedure to obtain review of such penalty even though another review procedure is provided elsewhere by tribal law, rule, regulation or Business Committee resolution.

Judicial review shall be commenced by the filing of a petition for review in the Quinault Indian Nation Tribal Court. The petition shall be served and filed within five (5) business days of the imposition of the fine. Copies of the petition for review shall be served upon the QIN Office of the Attorney General (OAG) by personal service or by certified mail, return receipt requested.

The filing of a petition for review will stay enforcement of a fine.

Within ten (10) business days after service of the petition, or within such further time as the Tribal Court may allow, the OAG shall transmit to the Tribal Court a copy of any and all documentary evidence supporting the imposition of the fine.

The review shall be conducted by the Tribal Court without a jury and the Tribal Court may hold a hearing to take additional evidence or hear testimony. The Tribal Court may affirm the imposition of the fine; or reverse the fine, in whole or in part, if the rights of petitioner have been prejudiced because the decision:

1. Violates the Quinault Indian Nation Constitution or the Indian Civil Right Act, 25 U.S.C. 1301 et. seq.;
2. Is clearly erroneous in view of the entire record; or
3. Is arbitrary or capricious.

The decision of the Tribal Court shall be final and not subject to further review by the Quinault Business Committee nor any other Court.