



Walker River Paiute Tribe

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**RESOLUTION OF THE GOVERNING BODY
OF THE
WALKER RIVER PAIUTE TRIBE
RESOLUTION NO. WR-47-2020**

COVID-19: TRESPASSING OR BANISHING NON-TRIBAL MEMBERS

BE IT RESOLVED BY THE TRIBAL COUNCIL OF THE WALKER RIVER PAIUTE TRIBE THAT:

WHEREAS, the governing body of the Walker River Paiute Tribe (“Tribe”) is organized under the provisions of the Indian Reorganization Act of June, 1934, as amended, to exercise certain rights of home rule and to be responsible for the promotion of the economic and social welfare of its members; and

WHEREAS, the Walker River Paiute Tribal Council is charged with the responsibility of establishing and enforcing policy to protect the peace and safety of Tribal members; and taking action to provide administrative guidelines based on the provisions of the Tribe’s Constitution and Bylaw, and in the exercise of the Tribe’s inherent powers; and

WHEREAS, on March 16, 2020, the Walker River Tribal Council adopted Resolution No. WR-37-2020 that declared a state of emergency based on the COVID-19 pandemic and established an Emergency Team to coordinate Tribal responses to COVID-19 events; and

WHEREAS, on March 27, 2020, the Tribal Council took a number actions to address the State of Emergency, including adopting Resolution No. WR-40-2020 that amended the Tribe’s Law and Order Code to create the crime of Failure to Comply with Tribal Directives During an Emergency, which provided an enforcement mechanism to ensure compliance with necessary actions; Resolution No. WR-41-2020 that closed non-essential businesses on the Reservation during the State of Emergency; and Resolution No. WR-42-2020 that ordered the public not to gather in groups of five or more people, and to maintain social distancing of at least six feet; and

WHEREAS, the actions taken by the Tribe do not provide a direct mechanism for the Tribe to enforce its order against non-Indians on the Reservation; and

WHEREAS, the COVID-19 pandemic continues to threaten the Tribal community, and cases of the illness continue to climb, with a similar rise in deaths; and many communities throughout the United States are experiencing a shortage of medical supplies needed

to treat infected persons; and

WHEREAS, the Tribal Council recognizes the need to take further action to protect Tribal members, visitors to the community, Tribal employees and any others from COVID-19, and only takes these actions after weighing the impact of any restrictions on Tribal members and the community with the threat from COVID-19;

NOW THEREFORE BE IT RESOLVED, that the Walker River Tribal Council hereby adopts for inclusion in the Tribe's Law and Order Code the following new Section 5-90-060 titled "Failure to Comply with Tribal Directives During Emergency by a Non-Tribal Member" which shall go into effect immediately:

5-90-060 Failure to Comply with Tribal Directives During Emergency by a Non-Tribal Member

(a) A non-Tribal member fails to comply with Tribal directives during an emergency if:

- (1) the Tribal Council declares a state of emergency;
- (2) during the state of emergency, the Tribal Council adopts or enacts an order, declaration, resolution or directive to address the emergency; and
- (3) the non-Tribal member intentionally fails to comply with any such Tribal Council order, declaration, resolution or directive after being directed to comply by a law enforcement officer or Tribal conservation officer.

(b) A violation of this section shall subject the offender to:

- (1) a civil penalty of \$200 for a first offense, \$1000 for a second offense within a one-year period, and up to \$5000 for a third or subsequent offense within a one-year period;
- (2) a notice from the law enforcement officer that the offender is considered to be in trespass if the offender enters the Reservation at any time during the State of Emergency (except while traveling on Highway 95 or Highway 95A), and that the person will be subject to Federal and/or Tribal fines and penalties for trespass; and/or
- (3) banishment from the Reservation as provided for in Tribal law.

(c) A "non-Tribal member" as used in this section refers to any person who is not a member of the Walker River Paiute Tribe. If the non-Tribal member is an Indian then that person may be subject to criminal penalties

and/or the civil penalties stated in this Section.

BE IT FINALLY RESOLVED, for this amendment, the Tribal Council hereby waives the Tribe's normal procedures for adopting amendments to the Tribe's Law and Order Code based on the existing state of emergency.

CERTIFICATION

It is hereby certified that the foregoing resolution of the Walker River Paiute Tribal Council of the Walker River Paiute Tribe composed of seven members of whom 6 constituting a quorum adopted the foregoing resolution on the 20th day of April 2020 by the affirmative vote of 5 FOR, 0 AGAINST, and 0 ABSTENTIONS; pursuant to the authority contained in the Constitution and By-Laws of the Walker River Paiute Tribe of Nevada.


Tribal Council Secretary
WALKER RIVER PAIUTE TRIBE