

Nisqually Indian Tribe
Tribal Council Resolution No. 24 -2020

A Resolution Adopting Title 5 Establishing a Public Health Officer and Public Health Code

WHEREAS, the Nisqually Indian Tribe is the successor descendent entity of the Nisqually Nation signatory to the Treaty of Medicine Creek of 1854 (10 Stat. 1132), and unto this day has retained and maintained its Tribal identity, its governing body, and its sovereign powers; AND

WHEREAS, the Nisqually Indian Tribe is a federally recognized American Indian Tribe organized under its governing Constitution and Bylaws approved by the U.S. Secretary of the Interior on September 9, 1946 and amended on October 28, 1994, pursuant to Section 16 of the Indian Reorganization Act, 25 U.S.C. 476; AND

WHEREAS, the Nisqually General Council is the duly constituted governing body of the Nisqually Tribe, and the Tribal Council is the duly elected representative body of the General Council by the authority of the Tribe's Constitution and Bylaws, as amended; AND

WHEREAS, The Tribal Council finds that the wellbeing of the members of the Nisqually Tribe would be served by having a Public Health Officer and Public Health Code;

NOW, THEREFORE, BE IT RESOLVED that the Nisqually Tribal Council does hereby appoint Mary Szafranski as the Public Health Officer for the Nisqually Indian Tribe. In the event Mary Szafranski is unable to serve the Tribal Council may designate an Acting Public Health Officer who shall be a licensed medical professional in the State of Washington and possess either a M.D., M.P.H., or R.N. degree.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Nisqually Tribal Council does hereby adopt the following as Title 5 Nisqually Public Health Code

Chapter 1 - Nisqually Public Health Officer

5.1.1 The Nisqually Public Health Officer, acting under the direction of the Tribal Council, shall

- (1) Enforce the public health laws of the Tribe, including any emergency directives adopted by the Public Health Officer, including imposition of penalties authorized under Chapter 3 below;
- (2) Take such action as is necessary to maintain health and sanitation supervision over the territory within his or her jurisdiction;
- (3) Control and prevent the spread of any dangerous, contagious or infectious diseases that may occur within his or her jurisdiction;
- (4) Inform the public as to the causes, nature, and prevention of disease and disability and the preservation, promotion and improvement of health within his or her jurisdiction;
- (5) Prevent, control or abate nuisances which are detrimental to the public health;
- (6) Advise the Tribal Council on matter of public health;

- (7) Take such measures as he or she deems necessary in order to promote the public health.

Chapter 2 – Powers of the Public Health Officer – Public Health Emergency

5.2.1 The Public Health Officer may declare a public health emergency. When making such a declaration, the Public Health Officer shall submit a written copy of such Declaration to all members of the Tribal Council as soon as practicable. Such Declaration shall be effective immediately upon issuance and continue in effect for a period of up to 30 days, unless modified or extended by the Tribal Council. The Tribal Council retains the authority to issue, modify, or revoke a declaration of a public health emergency.

5.2.2 When a public health emergency has been declared, the Public Health Officer is authorized to impose directives; as the Public Health Officer deems necessary for the preservation of life; to any individual, group, or department of the Tribe; that is within the jurisdiction of the Nisqually Indian Tribe. A knowing violation of such a directive shall subject the offender to penalties as detailed in Chapter 3.

5.2.3 When a public health emergency has been declared, the Public Health Officer is authorized to request on behalf of the Tribe aid from any individual, group or body outside the jurisdiction of the Nisqually Indian Tribe.

Chapter 3 – Violations of Public Health Directives

5.3.1 Unless the Tribal Council or the Public Health Officer sets a different amount, each violation of a Public Health Directive shall subject the offender to a \$500 fine. For continuing violation the fine is per day. The Public Health Officer may set a fine of up to \$10,000 for a single violation.

5.3.2 A willful violation of a Public Health Directive in the presence of the Public Health Officer or a Nisqually Police Officer shall subject the violator to detention, until such time as the Officer is assured that the violation will not continue. Such detention shall not exceed forty-eight (48) hours, unless the Prosecuting Attorney files a request with the Nisqually Tribal Court for review. Such detention shall not exceed seventy-two (72) hours unless authorized by an order of the Court. The Court shall authorize such detention only if, giving deference to the public health officer, the Court finds that continued detention is necessary for the preservation of life, or that continued detention is likely to result in compliance with the directive.

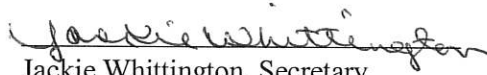
Certification

I certify that the above Resolution was adopted at a regular meeting of the Nisqually Tribal Council held on the 16th day of March 2020 at the Nisqually Administration Building, at which time a quorum was present and voting 6 FOR 0 AGAINST 0 ABSTENTIONS.

ATTEST:



E. K. Choke, Chairman
Nisqually Indian Tribe



Jackie Whittington, Secretary
Nisqually Indian Tribe