



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Instituting a Stay-at-Home Order and Implementing Additional Precautionary Measures on the Fort Apache Indian Reservation)

WHEREAS, The Constitution provides, at Article IV, Section 1(a) that the Council shall exercise the power “To represent the Tribe and act in all matters that concern the welfare of the Tribe, and to make decisions not inconsistent with or contrary to this constitution”; and

WHEREAS, Worldwide, Coronavirus (“COVID-19”) has infected more than 1,357,000 people, and caused over 79,000 deaths; and

WHEREAS, Arizona continues to experience an exponential spike in cases as the federal government has been unable to control growth or provide adequate and timely testing of those exhibiting symptoms; and

WHEREAS, The most effective strategies for containment and mitigation of this pandemic are proving to be social distancing and quarantine; and

WHEREAS, Chapter Two of the Tribe’s Health and Safety Code provides the Tribe with authority to institute measures to prevent the spread of infectious disease, including but not limited to: involuntary confinement of contagious persons; placarding areas where a contagious disease exists; and other quarantine and sanitation laws; and

WHEREAS, The Tribe is experiencing rising numbers of positive and presumptively positive diagnoses among Tribal members residing within the Fort Apache Indian Reservation; and

WHEREAS, The Council now finds that issuing a Stay-at-Home Order and implementing additional precautionary measures are warranted as a way to slow the spread of COVID-19, and is in the best interests of the Tribe and its members.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that, effective immediately, a Stay-at-Home Order is hereby issued as a means to protect the health and safety of the Tribe and its members, which mandates and institutes the following temporary emergency measures:

1. Sundown Liquor Store shall be closed indefinitely.
2. All stores, including the convenience stores and Basha’s, shall close daily at 7:00 P.M.

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3. No children under the age of 14 shall be permitted inside any store.
4. All convenience stores shall limit the number of people inside (including employees and customers) to no more than 10 individuals at any given time. Additionally, Basha's shall follow the CDC guidelines for the store limit based upon its square footage, and shall implement social distancing protocols and protective measures.
5. At all times, masks must be worn in public.
6. Loitering in any public (non-residential) place, at any time, shall be strictly prohibited.
7. No sheltering by visitors on the Fort Apache Indian Reservation ("FAIR"). ("Visitors" is defined by anyone that does not currently reside on the FAIR. "Sheltering" includes any person staying on the FAIR, whether in a house, tent, RV, vehicle, or any other structure.)

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that a curfew is hereby imposed between the hours of 8:00 P.M. and 5:00 A.M., beginning Friday, April 10, 2020, during which it shall be unlawful for any person subject to the curfew to be present or travel upon any street or road, or public property, unless such travel is necessary to obtain medical assistance or travel to or from work, as deemed essential. In addition, individuals traveling to and from work during the restricted hours must carry their work badge and/or a letter from their employer indicating their schedule.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that persons found by law enforcement to be in violation of these measures shall be civilly liable to the Tribe in the following manner:

- A. \$1,000.00 fine; *and*
- B. Loss of Tribal Member privileges, including but not limited to: hunting; fishing; antler hunting; re-imposition of housing rental fees and water utility bills.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the \$1,000.00 fine and loss of Tribal Member privileges extends to all prior resolutions relating to the Tribe's COVID-19 response, and supersedes any inconsistent language therein, which was the original intent of the Tribal Council. Any person found in violation of these resolutions shall be subject to the aforementioned penalties of law.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that these measures shall remain in effect until such time that the Council acts to lift or modify them or until lifted by the Tribe's Incident Commander.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event that this Resolution conflicts with a prior Resolution or Policy, this Resolution shall supersede and govern over the conflicting subject matter.

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BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Chairwoman, or in her absence, the Vice-Chairman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution.

The foregoing resolution was on APRIL 8, 2020 duly adopted by a vote of NINE for, ZERO against, and TWO abstentions by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it under the enumerated powers listed in Article IV, Section 1 of the WMAT Constitution, so ratified on September 30, 1993, and federally recognized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).

		<u>4/9/2020</u>		<u>4-9-2020</u>
Gwendena Lee-Gatewood, Chairwoman	Date		Doreen T. Numkena, Tribal Secretary	Date