

WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Implementing Temporary Restrictions and Extending Closure)

- WHEREAS, The Constitution of the White Mountain Tribe ("Tribe") of the Fort Apache Indian Reservation provides, at Article IV, Section 1(a) that the Tribal Council ("Council") shall exercise the power, "To represent the Tribe and act in all manners that concern the welfare of the Tribe, and to make decisions not inconsistent with or contrary to this constitution"; and
- WHEREAS, The World Health Organization declared a Public Health Emergency of International Concern regarding COVID-19 on January 30, 2020; the U.S. Department of Health and Human Services declared a Public Health Emergency related to COVID-19 on January 31, 2020; and the Tribe issued an Emergency Declaration due to COVID-19 on March 12, 2020; and
- WHEREAS, the Tribe has a total of 516 positive COVID-19 cases as of May 21, 2020 with four confirmed deaths; 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;
- WHEREAS, Today, Johns Hopkins Center for American Indian Health ("JHCAIH") presented three reports for the Tribe's consideration: (1) COVID-19 Data Briefing for WMA Tribe date May 21, 2020; (2) Considerations for Re-Opening the Fort Apache Indian Reservation; and (3) Overview of May 21, 2020 Data Report, WMAT;
- WHEREAS, The objectives the of the data report are to: (1) understand the conditions of the state of COVID-19 on the FAIR and testing patterns; (2) monitor the trends and death rates on the FAIR; and (3) provide information that will assist the Tribe in its determination whether to lift restrictions; and
- **WHEREAS**, In light of the data provided by JHCAIH indicating continued growth of COVID-19 on the Fort Apache Indian Reservation, the Tribal Council has a compelling government intertest to take additional measures to protect the health and safety of the public.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby implements the following measures:

- 1. Maintain all current restrictions and guidelines effectuated by all prior resolutions related to the WMAT COVID-19 Incident through June 6, 2020, with the following exceptions:
 - a. Open the Tribal forest for the following Tribal business purposes: (1) Tribal Forestry 638 thinning contracts; (2) WMATCO to open up with limited operations for the purposes of logging activities at Lone Pine and Tonto North; and (3) the livestock associations. All safety precautions must be taken by each organization, and coordination must be made with Game and Fish Department on road closures.
- 2. Allow the casino to open the RV park for long term residents with safety precautions they currently have in place, including but not limited to, strict social distancing, cleaning procedures, and personal protective equipment (PPE) must be used while providing services at the RV park.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby clarifies prior resolutions that require the postponement of all religious and traditional congregations and gatherings to include church camp meetings and traditional Holy Ground ceremonies until further notice

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event this Resolution directly conflicts with the Tribal Constitution, Tribal Ordinances, or any material facts concerning the issues presented are later found to be false, this Resolution shall be deemed null and void and have no legal effect.

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.

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 MAY 22, 2020 duly adopted by a vote of TEN for, ZERO against, and ONE 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).

Doreen T. Numkena, Tribal Secretary