



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Mandating Coronavirus/COVID-19 Testing for Certain Individuals, as Identified by Healthcare Professional)

WHEREAS, The Constitution of the White Mountain Apache 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 matters that concern the welfare of the Tribe”; and

WHEREAS, Since the Tribal Declaration of Emergency regarding Coronavirus/COVID-19 (“COVID-19”) on March 12, 2020, the Council has enacted proactive measures to slow the spread of this disease, including activating quarantine measures as provided by Section 2.4(B) of the Tribe’s Health and Safety Code; and

WHEREAS, The Health and Safety Code does not provide the Tribe with any legal authority over individuals who have not yet been diagnosed with a contagious or infections disease, nor does it provide a means to compel persons who are exhibiting symptoms or have been exposed to such diseases to receive diagnostic testing; and

WHEREAS, The Tribe’s Emergency Operations Center (“EOC”) has received credible reports that some members of the community who have symptoms of COVID-19 infection are refusing to be tested, as a means of avoiding being ordered to quarantine; and

WHEREAS, EOC has also received reports that individuals who have been in close contact with infected persons, or who have members of their household who have been identified, are also refusing to be tested, to avoid quarantine orders, and may be consequently infecting others and avoiding treatment; and

WHEREAS, The Council finds that this weakness in the Tribe’s Health and Safety Code is being exploited in a way that endangers the entire community, and that the Code needs to be amended, enacting an immediate remedy to this situation 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 healthcare professionals, including designated personnel from Indian Health Service, Johns Hopkins University’s Native American Research Centers for Health and the Tribe’s Community Health Representative Program, upon having contact with a person who is exhibiting symptoms of infection with COVID-19 or who has been in clear contact with an infected person, such that it poses a likelihood of transmission, shall have the authority to order such person to undergo a diagnostic test for COVID-19.

Resolution No. 07-2020-144


BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that after being ordered to undergo a test, should such individual still refuse such test, that such person shall be treated, legally, as having a positive diagnosis, and may be ordered to quarantine, pursuant to Section 2.4 of the Tribe's Health and Safety Code and as may be ordered by the Tribal Court.

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 **JULY 01, 2020** duly adopted by a vote of **TEN** for, **ZERO** against, and **ZERO** 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).

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|  | <u>7/14/2020</u> |  | <u>7-14-2020</u> |
| Gwendena Lee-Gatewood, Chairwoman | Date | Doreen T. Numkena, Tribal Secretary | Date |