



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Activating a 57-Hour Weekend Lockdown Per the Tribe's COVID-19 Shelter-in-Place Activation System)

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, 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; and

WHEREAS, On August 5, 2020, via Resolution No. 08-2020-179, the Tribe adopted a COVID-19 reopening plan, including a Shelter-in-Place Activation System, which provides that the Tribe will automatically go into a 57-Hour Weekend Lockdown for all residents and businesses on the Reservation when there is a total of 45-57 new COVID-19 cases during a three-day period; and

WHEREAS, This criteria has been met during the current week, necessitating a 57-Hour Weekend Lockdown; and

WHEREAS, The Council finds that activating a 57-Hour Weekend Lockdown, effective at 8:00 P.M. on November 6th, 2020, is required by the Tribe's Reopening Plan 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 a 57-Hour Weekend Curfew is hereby imposed on the Fort Apache Indian Reservation, effective at 8:00 P.M. on Friday, November 6, 2020 through Monday, November 9, 2020 at 5:00 A.M., which includes the following mandatory regulations, and shall carry the force of law:

1. All residents of the Fort Apache Indian Reservation are required to shelter-in-place within their homes or places of residence, meaning remaining in their place of residence at all times and taking every possible precaution to limit social interaction to prevent the spread of COVID-19 to themselves or any other person. For the purposes of this Resolution, "places of residence" means the outer boundaries of a person's residential land assignment, homesite lease, apartment or rental property boundary, or other similar individual property's residential boundary.

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2. Individuals may leave their homes or places of residence only in the following circumstances:
 - a. Traveling to or from work which is either Essential or for which a non-tribal employer has not excused the employee; or
 - b. Obtaining or seeking medical care.
3. All businesses on the Fort Apache Indian Reservation will be required to shut down at the close of business on November 6, 2020 at 6:00 P.M. and will be able to reopen at the end of curfew on November 9, 2020 at 5:00 A.M., with one exemption listed below for Apache Enterprise.
4. Apache Enterprise shall remain open on November 7, 2020 and November 8, 2020 from 9:00 A.M. to 12:00 P.M. to provide fuel for emergency response vehicles. Essential programs shall procure fuel slips before the 57-hour lockdown and shelter-in-place order begins, if possible.
5. “Essential Services” and “Essential” mean first responders; medical providers; members of the Tribe’s EOC; Tribal Business Office; Tribal Vital Records Office and support staff; Tribal government employees acting under the direction of their supervisors and within the scope of their duties; infrastructure workers, including utility and telecommunications technicians; Isolation and Quarantine staff; on-call Social Services staff required to respond to abuse and neglect reports; Department of Corrections; Client Business Office drivers and Non-Emergency Medical Transportation Company drivers; Tribal Department and Program security officers and providers, and other persons as may be designated by written decision of the Tribal Chairwoman.
6. Additionally, the following departments are specifically identified as essential workers during this lockdown and are responsible for notifying the community of the lockdown:
 - a. Police Department / Dispatchers
 - b. EMS Department / Dispatchers
 - c. Fire Department
 - d. Client Business Office
 - e. Non-Emergency Medical Transport Companies
 - f. Community Health Workers
 - g. Rainbow Treatment Center Employees (security, IQS and Support Staff)
 - h. Emergency Operations Center Employees
 - i. Child Protective Services
 - j. Game Rangers / Dispatchers / Wildlife Technicians
 - k. Apache Enterprise Employees
 - l. WMAHA Security/dispatchers
 - m. Johns Hopkins Center for American Indian Health
 - n. Indian Health Service Employees
 - o. Tribal Department and Program Security Personnel

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All listed departments will coordinate with the Police Department to support the lockdown.

7. All essential workers must display one of the following on their person or vehicle: a badge, a letter from employer, or uniform.
8. This resolution shall not apply to continuous travel across the Reservation using state routes or U.S. Highway 60, provided that the persons traveling across the Reservation do not stop within the Reservation boundaries.
9. Law Enforcement may institute checkpoints to enforce this Resolution, may stop, detain, arrest, or transport non-compliant persons to enforce it, and may exercise appropriate discretion in its enforcement.

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

- A. \$1,000.00 fine per violation; *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 this Resolution shall not act to lift or repeal other consistent measures enacted by Council in response to the COVID-19 pandemic, provided 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 Tribe's Emergency Operations Center is hereby vested with the authority to declare subsequent 57-hour lockdowns, and shelter-in-place and stay-at-home orders, upon the meeting of criteria provided for in the Tribe's Reopening Plan and Shelter-in-Place Activation System.

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.

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The foregoing resolution was on **NOVEMBER 6, 2020** duly adopted by a vote of **SEVEN** for, **TWO** 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).



Gwendena Lee-Gatewood, Chairwoman

11/9/2020

Date



Doreen T. Numkena, Tribal Secretary

Date