

**SAN CARLOS APACHE TRIBE
SAN CARLOS APACHE INDIAN RESERVATION
SAN CARLOS, ARIZONA**

RESOLUTION

No. AP-20-052

**(Amending Resolution Nos. MR-20-032, -033, -038, -039, -040, -043, -044, -050
Motion Nos. 104-, 105-, 106-, 107-, 108-, 111-, 112- and 118-2020)**

And

**(Supplementing State of Emergency Declaration over Incidence of COVID-19
With Additional Measures – Banning Wakes, Funerals, and Non-Members; Face Masks
and Gloves; Road Closures; Arizona National Guard Assistance; Request for Coordination
of Surrounding Jurisdictions; and, Request for Defense Production Act Assistance for
Medical Supplies)**

WHEREAS, the San Carlos Apache Tribe (the “Tribe”) is a federally recognized Indian Tribe organized pursuant to the provisions of Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984); and

WHEREAS, the San Carlos Council (“Council”) has the authority, among other things, 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 [the Tribe’s] Constitution and Bylaws,” pursuant to Article V, Section 1(a) of the Amended Constitution and By-Laws of the San Carlos Apache Tribe; and

WHEREAS, pursuant to Resolution No. MR-20-032, the Council did institute certain measures to mitigate the novel coronavirus known as COVID-19; and

WHEREAS, pursuant to Resolution No. MR-20-033, the Council did declare a state of emergency due to the incidence and rate of COVID-19 infections nationwide and in Arizona; and

WHEREAS, pursuant to Resolution No. MR-20-038, the Gaming Enterprise was directed to close certain of its operations and identified certain facilities for potential secondary hospital-based services; and

WHEREAS, pursuant to Resolution No. MR-20-039, the Council did approve certain additional measures to further prevent the incidence of COVID-19; and

WHEREAS, pursuant to Resolution No. MR-20-040, the Council did approve certain limitations on the Tribal Court and the tolling of statutes of limitation; and

WHEREAS, pursuant to Resolution No. MR-020-043, the Council did approve a limitation on public gatherings to ten (10) people and commercial bus stops on the Tribe's property along State Route 70; and

WHEREAS, pursuant to Resolution No. MR-020-044, the Council did institute a curfew, mandate vehicle identification for commuters, and direct publication of the Covid-19 growth rate; and

WHEREAS, pursuant to Resolution No. AP-20-048, the Council did institute additional measures for PHN field contacts and reports for purposes of tracking patients, dialysis patients, and mandated certain CDC guidelines for retail stores; and

WHEREAS, pursuant to Resolution No. AP-020-050, the Council did approve an application to the Federal Emergency Management Agency for Covid-19 Pandemic Outbreak Disaster Relief; and

WHEREAS, the incidence of Covid-19 continues to rise throughout the United States and Arizona, prompting further directives from the federal government and public health agencies concerning travel and contact with members of the public; and

WHEREAS, the Tribe has a compelling government interest to implement public health, safety and welfare measures to mitigate the COVID-19, given that it presents a pandemic to the world, the United States, Arizona and areas surrounding the Reservation, as expressed in prior Resolutions Nos. MR-20-033, -038, -039, -040, -043, -044, AP-20-048 and -050, and Motion Nos. 104-, 105-, 106-, 107-, 108-, 111-, 112-, and 118-2000; and

WHEREAS, SCAHC advises the Council that it remains unable to secure adequate personal protective equipment ("PPE") to protect frontline healthcare workers in caring for persons under investigation ("PUI"), or who may be positive for Covid-19, that SCAHC currently has only 524 first line PPE kits to protect healthcare professionals and care for patients that require isolation, that the consumption rate is approximately 45 PPE kits per day to for the screening stations outside the hospital, that the SCAHC Emergency Department and the Inpatient Unit, that at this rate, SCAHC can only adequately care and protect our healthcare workers for 11 days for 1 patient, that while SCAHC has a contingency and crisis plan to reuse and stretch current supplies, it is still has less than the 1,350 per month that SCAHC needs to care for just 1 patient for 30 days; and

WHEREAS, following recommendations by the CDC and U.S. State Department, the SCAHC has implemented the screening stations and have needed to quarantine PUIs due to a variety of factors including homelessness, that SCHAC has maximized its hospital bed capacity to be able to house 54 patients, but with the current PPE supplies, SCAHC can only care for 11 patients for 1 day (based on the daily usage rate throughout the organization), that to safely protect our healthcare workers and patients from exposure, SCAHC needs 2,430 PPE kits for 1 day to just care for the

capacity that SCAHC needs 18,225 PPE kits to care for those 54 patients for the duration of the recommended incubation period (14 days); and

WHEREAS, SCAHC further advises that current N95 masks received from the National Stockpile earlier on in March have ALL past the shelf date (expiration date), that SCAHC has NO non-expired N95 masks and has only has 2,328 surgical masks on hand; and

WHEREAS, the Tribe's Emergency Response Commission ("TERC"), in coordination with first responders, the San Carlos Apache Healthcare Corporation ("SCAHC") and the Tribe's Department of Health & Human Services ("DHHS"), at a duly convened meeting of April 10 and 11, 2020, found that due to the continued high rate of incidence and exponential growth of COVID-19 in Maricopa, Navajo, Coconino, Pima, Pinal, and Graham Counties, and at the Salt River Indian Pima-Maricopa Community, the Gila River Indian Community and the Navajo Nation, and the potential deadly nature of the virus, that because of a funeral attended by certain members of another tribe who were infected who had come to San Carlos to attend a wake, that out of an abundance of caution and in order to heighten mitigation of the potential incidence and growth of the virus occurring on the San Carlos Apache Reservation ("Reservation"), the TERC ordered and this day requests certain additional measures; and

WHEREAS, the Council concurs with the Commission, and finds that the Tribe has a continued compelling government obligation and interest in responding to and to mitigate the COVID-19, and that such measures remain necessary for the protection of the health, safety and welfare of the Tribe and its members.

BE IT RESOLVED by the Council of the San Carlos Apache Tribe that upon recommendation of the TERC:

1. **Wakes and Funerals.** All wakes and funeral services are hereby banned, burial site services shall be limited to ten (10) people and to no more than two (2) hours, including staff from the funeral home; provided that those in attendance strictly follow the CDC guidelines.
2. **Gatherings.** Gatherings at private residences greater than ten (10) individuals are hereby banned, except for those already residing at the residence. If more than ten (10) individuals are found at a property who do not reside therein, then they shall be subject to citation, at the discretion of law enforcement, for nuisance or obstruction of tribal government operations, and subject to immediate removal.
3. **Non-members Excluded.** Non-members are hereby banned from the Reservation and subject to exclusion, except for those who are residents, married to members of the Tribe, first responders, healthcare workers or essential employees of government or economic development enterprises,

businesses or activities. Non-members who do not stand within said exceptions shall be subject to removal and exclusion at the discretion of law enforcement.

4. Face masks and gloves.

A. Local vendors. In addition to adhering to CDC and retailer guidelines adopted under prior Resolutions, local vendors shall wear face masks and gloves. Failure to adhere to the vendor guidelines and requirements, or in the event that a patient tests positive on the Reservation for Covid-19 and the patient's infection is traceable back to a vendor or group of vendors, said failure or event shall be cause for termination of that vendor's or group of vendor's license or licenses, plus applicable fines.

B. Residents. The public is hereby requested to wear face masks and gloves and, for such purpose, the DHHS, together with the TERC and SCAHC, shall issue and publicize guidelines for how masks and gloves may be made at home and sanitized for regular use.

5. Access to the Reservation. Roads entering the Reservation from U.S. Highway No. 170 are hereby closed to non-members, except for those who are residents, married to a member of the Tribe, first responders, healthcare workers, essential government and economic development enterprises and businesses employees, and commuters. Commercial enterprises on Highway No. 70 shall remain open to non-members for purposes of making purchases.

6. AZ National Guard and DEMA. The Arizona National Guard and the U.S. Department of Emergency and Military Affairs are hereby requested to assist the Tribe with law enforcement, Field Medical Station(s) and support, supplies, planning, isolation and quarantine, as may be required by the TERC.

7. Surrounding jurisdictions. All jurisdictions surrounding the Reservation, namely Gila County, Graham County, Sheriffs, and the Mayors of the towns therein are hereby requested to coordinate with the Tribe on all mitigation measures approved to date.

8. Shortage of medical supplies. Given the shortage of personal protection equipment and medical supplies necessary to mitigate the Covid-19 by the Tribe's healthcare providers, pursuant to the Defense Production Act (50 U.S.C. §50), the Governor of Arizona, the U.S. Congress and the President are hereby requested to marshal the private sector to immediately manufacture the products necessary to fill said shortfall, or otherwise earmark National Supply distributions to include the Tribe for those PPE supplies described herein.

9. Duration. Said authorities and requirements provided herein shall terminate and have no force or effect upon notice from the TERC that the COVID-19


pandemic has ended or is sufficiently controlled as to warrant a lifting of restrictions set forth herein, in whole or in part

10. **Violations.** Violations of the provisions of paragraphs 2 – 4 shall be subject to the Tribe's Law & Order Code, as amended.
11. If any provision or provisions of this Resolution stand in conflict with any prior act or Resolution of this Council, the provisions of this Resolution shall apply.
12. Should any provision of this Resolution be challenged in a court of law with jurisdiction and be deemed to unconstitutional or otherwise illegal, such provision shall be deemed severable and the remaining provisions of this Resolution will remain in full force and effect.

BE IT FURTHER RESOLVED by the Council of the San Carlos Apache Tribe that the Chairman, or in his absence, the Vice Chairman, or designee, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution.

CERTIFICATION

I, the undersigned, Secretary of the San Carlos Council, hereby certify that the Council is composed of eleven (11) members, of whom eleven (11), constituting a quorum, were at a Special Meeting hereto held on the 11th day of April, 2020, and that the foregoing Resolution No. AP-20-052 was duly adopted by a vote of FOR: 11; OPPOSED: 0; ABSTAINED: 0; of the Tribal Council pursuant to Article V, Section 1 (a) of the Amended Constitution and Bylaws of the San Carlos Apache Tribe, effective, February 24, 1954.



Santana Dillon
Council Secretary
SAN CARLOS APACHE TRIBE