

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

RESOLUTION

No. MR-20-039

**(Amending Resolution Nos. MR-20-032, MR-20-033 and MR-20-038)
And
Supplementing State of Emergency Declaration over Incidence of COVID-19
With Additional Measures)**

- 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-0-038, the Gaming Enterprise was directed to close certain of its operations and identified certain facilities for potential secondary hospital-based services; 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-20-032, Mr-20-033, and MR-20-038; 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"), and other agencies, this day presents plans for action, budgets and certain additional measures, as attached and incorporated by this reference; and

WHEREAS, the Council concurs with the Commission and finds that the Tribe's government has a continued compelling government obligation and interest in responding to and mitigate the COVID-19, and such measures remain in the best interest 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:

1. The Tribe hereby adopts the Centers for Disease Control guidelines for mitigation of COVID-19 and any other directive as may be issued by the Governor of the State of Arizona and agencies of the federal government. This means that today, subject to said guidelines or other directive(s), all gatherings at any event are hereby limited to no more than ten (10) people in attendance.
2. The TERC, in the event of State or federal directives, may issue a Reservation-wide order for residents to stay at home and otherwise order a curfew from 10 p.m. to 6 a.m., except first responders, healthcare workers, essential economic development enterprise and government employees, or those who are required to work as a matter of their employment in the form of a written notice from their employer. Such order(s) shall be publicly announced by the Chairman of the Council, the Vice Chairman or their designee.
3. Local Vendors Selling Goods or Food – this provision does not apply to suppliers of the Tribe or its economic development enterprises.
 - A. Permitted or licensed vendors may offer "grab-and-go" or delivery services from their home.
 - B. The Tribe's DHHS shall issue written guidelines for sales of goods or food products for local vendors.
 - C. Vendors shall locate their operations no less than twenty (20) feet from any other vendor.
 - D. Every vendor shall be licensed by the Tribe's General Manager.
 - E. The General manager shall issue the DHHS guidelines for sales of goods or food products to every licensed vendor to ensure sanitary contacts with customers.
 - F. Every vendor shall follow the DHHS guidelines.

- G. Permits and licenses for non-member vendors, not otherwise married to or within the immediate family of a member of the Tribe, are hereby suspended until further notice.
4. The TERC Plan and Budget for \$438,000 in supplies, as attached, is hereby approved; provided that the Tribe's Attorney General, together with the Executive Director of Human Resources, research whether hazard pay would be reasonable and appropriate.
 5. The SCAHC Plan, as attached is hereby approved.
 6. All permits for access, recreation, game hunting and fishing are hereby suspended for non-members until further notice.
 7. Any person returning from out-of-state travel, and hot spots identified as the date of this Resolution, the Counties of Maricopa, Pinal, and other County that may be identified and Navajo Nation shall provide notice by calling 928-961-1940, or e-mailing Celestina.cosen@scat-nsn.gov, and immediately self-quarantine. A DHHS Public Health Nurse shall follow-up. For those who are first responders, healthcare workers or economic development enterprise and essential government services employees of the Tribe, commuting to a work site on the Reservation, then said employees shall be subject to a health assessment as implemented by their agency's director or CEO.
 8. Any person directed to self-quarantine by medical staff of either the SCAHC or DHHS shall follow said direction.
 9. Any person directed to test for or otherwise follow any healthcare worker's directive related to mitigation of COVID-19 shall comply with said direction.
 10. The TERC is hereby authorized to commandeer and task employees or supplies from any agency of the Tribe, as may be required, provided that any such effort be reasonable and directly related to mitigation of COVID-19.
 11. The Chairman, Vice Chairman, or their designee, the Treasurer, Executive Director of Human Resources, Chief Executive and Financial Officers of the Tribe's economic development enterprises are hereby directed to coordinate and collectively:
 - A. Develop a forecast of revenues, expenses and staffing requirements over the next 120 days;
 - B. Provide an assessment of outstanding credit facilities and negative covenants;

- C. Research grant and loan options that may be available through the federal government; and
 - D. Provide a written report of findings and recommendations to the Council within ten (10) business days of this Resolution.
12. In the event that anyone violates any of the above measures, then they will be charged at least with obstructing Tribal operations.
 13. 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
 14. 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.
 15. 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 eight (8), constituting a quorum, were at a Special Meeting hereto held on the 23rd day of March, 2020, and that the foregoing Resolution No. MR-20-039 was duly adopted by a vote of FOR: 6; OPPOSED: 0; ABSTAINED: 2; 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