

Motion to Revise Current Mitigation Measures

February 22, 2021

Overall, the community spread of the virus remains under control, standing at five active cases as of February 21, 2021, and the 14-day rolling infection rate (R naught) average remains low at 0.01 percent, owing in part to an increased rate of recovery (3,947) and vaccinations (4,644) – indicators that show the Tribe is making substantial progress toward its herd immunity goal, largely thanks to public compliance, isolation and quarantining at the alternate care site, and other mitigation efforts; however, throughout the State of Arizona and the United States, the virus remains uncontrolled and the threat of a potential surge from the virus variants on the Reservation continues, factors that require continued vigilance by members of the community, and for these reasons;

Motion to move revise COVID-19 mitigation efforts as follows, subject to review and a determination by TERC as to whether the Tribe has reached its goal of 80% herd immunity and the potential effects of variants to the virus:

1. The State of Emergency due to presence of COVID-19 shall continue until further notice;
2. Continue operations to move toward the TERC Phase III Plan for re-opening of government, businesses and other activities on the Reservation;
3. Travel
 - A. Off-Reservation travel for essential supplies shall continue to be open every day of the week;
 - B. Travel will be reinstated for the business of the Tribe and its subsidiary economic development enterprises;
 - C. Departments and programs are encouraged to seek alternatives to travel, including teleconferences, video conferencing, livestream or other alternatives for attending meetings, conferences or training;
 - D. Commercial bus transportation shall remain suspended until further notice;
 - E. The stay-at-home order is hereby rescinded;
 - F. Reservation border checkpoints are hereby discontinued.
4. **Outdoor activities**
 - A. Crowds – Continue limit on crowd gathering to 50 people, subject to CDC Guidelines;

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- B. Parks and recreational facilities – Ball parks, gyms and skate parks will now be open from 5:00 am to 8:00 pm subject to a limit of 50 people;
- C. Exercise – Horseback riding, walking, running and other forms of exercise shall be allowed on roads and trails at the lower elevations;
- D. Curfew is hereby rescinded;
- E. Prohibition against non-members/non-resident visitors is hereby rescinded;
- F. Rescind the restriction on banning of funerals and wakes;
- G. Subject to fire restrictions:
 - (1) Upper elevations of the Reservation shall be open daily;
 - (2) Fishing and hunting shall be open to non-members, subject to Ord. No. 76-1;
 - (3) Wood cutting and timber harvesting shall be allowed in the upper elevation;
 - (4) Mineral collecting and antler harvesting shall be allowed for all permit holders (members only); and
 - (5) Camping is allowed following fire restrictions.
- 5. Gaming Enterprise. Apache Stronghold Golf Course will reopen.
- 6. Commercial liquor sales shall be allowed.
- 7. Children under 13 years of age are now allowed to enter businesses or other public buildings with adult supervision until further notice provided that the wearing of masks is strictly enforced.
- 8. All businesses and vendors are hereby allowed to open fully, subject to temperature checks and CDC guidance.
- 9. CDC Guidelines shall continue – social distancing, masks or face coverings and sanitizing public surfaces shall remain mandatory in public areas. Anyone found not wearing a mask or face covering in public areas shall be subject to a warning first, and then fines for obstruction of government operations, or nuisance, or both.

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10. Alternate Care Site (“ACS”). Quarantine and isolation measures and operations shall continue to be provided at the Apache Gold Hotel, as required until 80% herd immunity may be attained.
11. All prior acts or Resolutions or Motions of this Council related to COVID-19 mitigation measures made after Resolution No. MR-20-032 that are not inconsistent with this Motion shall remain in full force and effect.
12. If any provision or provisions of this Motion stand in conflict with any prior act or Resolution or Motion of this Council, the provisions of this Motion shall prevail.
13. Should any provision of this Motion be challenged in a court of law with jurisdiction and be deemed to be unconstitutional or otherwise illegal, such provision or provisions shall be deemed severable and the remaining provisions of this Motion will remain in full force and effect.