

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

RESOLUTION

No. MR-0-038

(Amending Resolution Nos. MR-20-032 and MR-20-033)

And

(Supplementing State of Emergency Declaration over Incidence of COVID-19)

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, the incidence of COVID-19 continues to rise throughout the United States and Arizona, prompting directives from the federal government and public health agencies throughout Arizona, and providing mitigation measures, travel restrictions and contact guidelines for members of the public; and

WHEREAS, based on the recommendations of the TERC, SCAHC and DHHS, the Council has a reasonable basis for closure of facilities operated by the San Carlos Apache Tribal Gaming Enterprise, as these may, if not closed, provide a sources of COVID-19 contamination of employees, customers and other visitors to such facilities; and

WHEREAS, the Tribe’s Emergency Response Commission (“TERC”), in coordination with first responders, the San Carlos Apache Healthcare Corporation (“SCAHC”) and (“DHHS”) and other agencies, this day requests the closure of facilities operated by the San Carlos Apache Gaming Enterprise (“SCAGE”), including the Apache

Gold Casino and Apache Sky for a minimum of fourteen (14) and up to thirty (30) days or longer, as may be determined by the TERC; and

WHEREAS, the TERC further requests that in the event that the SCAHC and DHHS require secondary hospital treatment facilities, the following should be commandeered for the purposes of quarantining those tested and for treatment of those found positive for COVID-19, as well as those they may have contacted:

1. The Apache Gold Hotel
2. Stanley Hall
3. Burdette Hall
4. Gilson Wash Community Center
5. Boys & Girls Club
6. School facilities
7. Any other large facility; and

WHEREAS, the Council concurs with the Commission and finds that such measures be 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 SCAGE is hereby directed to close its gaming facilities known as Apache Gold and Apache Sky, as well as the Golf Course.
2. The facilities identified herein shall be commandeered for the purposes expressed in the event that the SCAHC and DHHS require for mitigation and treatment of COVID-19. In such event, the SCAHC and DHHS, together with other members of the TERC, shall provide reasonable notice to and coordinate with SCAGE.
3. 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.
4. 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.
5. 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 nine **(9)** constituting a quorum, were at a Special Meeting hereto held on the **19th** day of **March, 2020**, and that the foregoing Resolution No. **MR-20-038** was duly adopted by a vote of **FOR: 8; 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