

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

RESOLUTION

No. MR-20-043

**(Amending Resolution
Nos. MR-20-032, MR-20-033, MR-20-038, MR-20-039 and MR-20-040)
And
(Supplementing State of Emergency Declaration over Incidence of COVID-19
With Additional Measures – Crowd Size and Bus Stops)**

- 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,** 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, MR-20-038 and MR-20-039; 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 on March 24, 2020, found that due to the potential high rate of incidence and exponential growth of COVID-19 in Maricopa, Navajo, Coconino, Pinal, and Graham Counties, and the Gila River Indian Community and the Navajo Nation, and the potential deadly nature of the virus, that out of an abundance of caution and in order to mitigate the potential incidence and growth of the virus occurring on the San Carlos Apache Reservation, the TERC ordered and this day requests that the Council approve the following:

- (1) The cancellation of all religious, faith based and traditional ceremonies effective immediately until further notice; and
- (2) Greyhound bus services on Arizona State Route No. 70 within the exterior boundaries of the Reservation are hereby suspended. Notice of said suspension shall be provided to Greyhound; and

WHEREAS, the Council concurs with the Commission, in part, and finds that the Tribe has a continued compelling government obligation and interest in responding to and to mitigate the COVID-19, and such measures remain in the best interest of protection of the health, safety and welfare of the Tribe and its members, but that, instead, rather than specifically addressing religions, the number of all public gatherings should be limited with certain exceptions.

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

1. Paragraph 1 of Resolution No. MR-20-039 is hereby stricken and replaced as follows:

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 or agencies of the Federal government in effort for said mitigation. All public gatherings within a public building or outdoor facility, area, park or structure shall be limited to no more than ten (10) people, except for funerals, first responders, healthcare workers, essential government employees, and those engaged in essential economic development enterprises and activities, provided that said gatherings be subject to health assessments, social distancing and personal sanitizing.

2. Commercial passenger bus transportation carrier services on Arizona State Route No. 70 within the exterior boundaries of the Reservation are hereby suspended at all of the Tribe's and its economic development enterprise centers

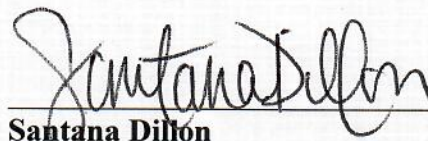
or facilities, and Indian Routes. Notice of said suspension shall be posted at all commercial centers within the Reservation on Arizona State Route No. 70 and provided to commercial bus lines that may make such stops.

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 eleven (11), constituting a quorum, were at a Special Meeting hereto held on the 25th day of March, 2020, and that the foregoing Resolution No. MR-20-043 was duly adopted by a vote of FOR: 7; OPPOSED: 3; ABSTAINED: 1; 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