

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

**RESOLUTION**

**No. MR-20-033**

**(Amending Resolution No. MR-20-032)**

**And**

**(Declaring State of Emergency 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**, the incidence of COVID-19 continues to rise throughout the United States and Arizona, and with one case now occurring in Graham County; 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 a state of emergency be instituted to make additional resources available, formalize emergency actions already underway across the Tribe's agencies, and help the Tribe prepare for the apparently inevitable broader spread of COVID-19; and

**WHEREAS**, the Council concurs with the Commission and finds that such a declaration would 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. A state of emergency is hereby declared in response to the incidence of COVID-19 in Arizona and shall remain in effect until further notice by the Council or TERC.



2. In preparing for and responding to COVID-19, all agencies of the Tribe's government and its enterprises, to the extent available and practicable, shall use and employ personnel, equipment and facilities or perform any and all activities consistent with the direction of the TERC.
3. The Directors of each of the Tribe's departments, programs and agencies shall develop a plan wherein employees shall work from home to the extent practicable and all others shall be placed on paid administrative leave for up to thirty (30) days from the date of this Resolution, subject to funding as may be made available by the Tribe or the federal government; provided that essential government services, public safety and welfare services continue to be provided. Each Director shall define the level of staffing required for said services.
4. Travel for business of the Tribe and its subsidiary economic development enterprises is hereby suspended for the next 30 days unless deemed necessary and approved by a department director or chief executive officer. This suspension applies to all travel that normally requires authorization. Departments and programs are directed to seek alternatives to travel, including teleconferences, online videoconferencing, livestream or other alternatives for attending meetings, conferences or training. Travel requests that may still be approved are those in which the Tribe's interests would be seriously affected or jeopardized by non-attendance, such as legal proceedings, law enforcement, or healthcare. Travel requests will be considered and approved on a case-by-case basis.
5. All gatherings of more than 100 people, excluding religious activities, traditional ceremonies, economic development activities and healthcare enterprise of the Tribe, are hereby prohibited. This prohibition is consistent with the CDC guidance regarding the avoidance of large gatherings, particularly for individuals who are at a higher risk of developing complications from COVID-19.
6. All school boards and administrations are requested to meet as soon as possible to determine what measures should be taken to prevent and mitigate the spread of COVID-19, including consideration of possible short-term closures.
7. All enterprises of the Tribe are hereby directed to determine and implement measures to prevent and mitigate the spread of COVID-19, including, but not limited to, assessing the health of employees commuting to and from their work sites, and ensuring that all vendors and their employees, contractors, agents, or delivery services have taken all reasonable and necessary measures to mitigate COVID-19.



8. All residents and visitors are to heed the advice and direction of emergency officials with regard to this emergency in order to protect their health, safety and welfare.
9. The TERC, first responders, DHHS and SCAHC are hereby, *inter alia*, authorized to:
  - A. Commandeer or use private property, provided that the tenant or property owner be justly and reasonably compensated;
  - B. Detain, isolate and vaccinate individuals for the protection of the community in an event of a highly infectious, deadly disease threat; and
  - C. Control freedom of movement relating to evacuation and the disaster area.
10. As necessary to assist the Tribe and for the protection of public health, the Tribe shall enter into contracts to arrange for the procurement of materials, goods and services needed to assist in preparing for, containing, responding to, mitigating the effects of, and recovering from the spread of COVID-19. Applicable provisions of the Purchasing Policies and Procedures Manual, including, but not limited to, travel, advertising and competitive bidding requirements, are suspended to the extent necessary to address the effects of COVID-19.
11. Price gouging is hereby prohibited as to any emergency and medical supplies, including disinfection products sold within the exterior boundaries of the Reservation.
12. Any properties owned by the Tribe that the TERC determines are suitable and necessary for use to assist in preparing for, responding to, mitigating the effects of, or aiding in recovery from COVID-19 shall be made available to the TERC, public safety agencies, the SCAHC or the DHHS for this purpose, notwithstanding any state or local law that would restrict, delay or otherwise inhibit such use.
13. The TERC is hereby directed to apply for any federal program or funds that may provide emergency assistance required to mitigate COVID-19.
14. The SCAHC may waive any of its licensing or certification requirements to allow its facilities to treat legally isolated patients while protecting public health and safety, subject to SCAHC's disaster and mass casualty plan.
15. During the course of this emergency, any Arizona state-certified EMT licensees shall have the authority to transport patients to medical facilities other than acute care hospitals, if approved by the Arizona Department of Health & Human Services.

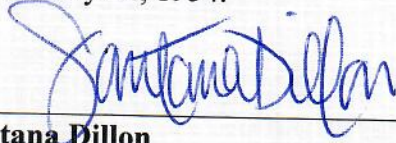


16. To promptly respond for the protection of public health, the Tribe's agencies, SCAHC and first responders are authorized to share relevant medical information, limited to the patient's underlying health conditions, age, current condition, date of exposure and possible contact tracing, as necessary to address the effect of the COVID-19 outbreak with federal, state and nongovernmental partners, with such information to be used for the limited purposes of monitoring, investigation and control, and the treatment and coordination of care.
17. To support consistent practices throughout the Reservation, the Tribe's public safety agencies, DHHS and SCAHC, in coordination with the TERC, shall provide updated and specific guidance relating to preventing and mitigating the impacts of COVID-19 to schools, employees of the Tribe and its subsidiary economic development enterprises, first responders and healthcare personnel.
18. The Tribe's Department of Social Services may, to the extent the Department deems necessary to respond to the threat of COVID-19, waive any provisions or regulations of the Tribe with respect to the use, licensing or approval of facilities or homes within the Tribe's jurisdiction.
19. 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.
20. 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.
21. 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 **14th** day of **March, 2020**, and that the foregoing Resolution No. **MR-20-033** was duly adopted by a vote of **FOR: 7; 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.



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**Santana Dillon**  
**Council Secretary**  
**SAN CARLOS APACHE TRIBE**