FORT McDOWELL YAVAPAI NATION ORDER
TO REQUIRE ALL PERSONS TO WEAR A FACE MASK IN PUBLIC
DUE TO THE SPREAD OF THE NOVEL CORONAVIRUS (“COVID-19”)

WHEREAS, the Fort McDowell Yavapai Nation (“Nation”) is a federally recognized Indian tribe and a sovereign nation governed by the Constitution of the Fort McDowell Yavapai Nation (“Constitution”) and the Fort McDowell Yavapai Nation Law and Order Code (“Code”); and,

WHEREAS, the Fort McDowell Yavapai Nation Tribal Council (“Tribal Council”) is the governing body of the Nation; and,

WHEREAS, the Constitution provides the Tribal Council with the power “to protect and regulate the public health, safety and morals of the Nation” at Article V, Section 13(A)(5); and,

WHEREAS, on March 11, 2020, the World Health Organization officially declared a pandemic due to the novel coronavirus known as COVID-19; and,

WHEREAS, on March 18, 2020, the Nation declared a State of Emergency to exist as a result of the threat of COVID-19; and,

WHEREAS, COVID-19 poses a real and serious public health threat to the Nation, its members, employees, and visitors for infectious disease spread if proper precautions and recommendations by the Wassaja Memorial Health Center, public health officials, and the U.S. Center for Disease Control and Prevention (“CDC”) are not followed; and,

WHEREAS, the incidence of COVID-19 continues to rise throughout the State of Arizona, with at least one (1) known death related to COVID-19 within the boundaries of the Nation; and,

WHEREAS, it is necessary and appropriate to take action to ensure the spread of COVID-19 is controlled and that the Nation, its members, its employees, and its visitors remain safe and healthy; and,

WHEREAS, in order to protect and regulate the public health, safety, and morals of the Nation, and pursuant to the March 18, 2020 declaration of a State of Emergency, the Tribal Council now orders that all persons within the boundaries of the Nation shall be required to wear a face mask when in public, except while dining in public, effective immediately; and,
WHEREAS, the following definitions shall apply to this Order:

A. “Mask” shall mean a covering designed to filter a person’s breathing through both the nose and mouth. A mask must securely cover the face around the nose and mouth to prevent the person from breathing unfiltered air. A mask may be a commercially made face mask, or a homemade cloth face covering such as those found on the CDC website: https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/cloth-face-cover.html.

B. “Person” shall mean any individual over the age of two (2) years old, whether or not a member of the Fort McDowell Yavapai Nation, who is physically present within the boundaries of the Fort McDowell Yavapai Nation.

C. “Public” shall mean any area outside of a person’s home where the person could reasonably expect to come within six (6) feet of a person who is not from the person’s home. “Public” shall include all Fort McDowell Yavapai Nation owned enterprises, government offices, buildings, and tribal land, but shall not include that part of a tribal land where a person resides. “Public” shall not include an employee’s private office when the door to the office is closed and the employee is alone in the office, and shall not include the inside of a private vehicle and select outdoor public spaces of Fort McDowell Yavapai Nation owned enterprises as determined by Tribal Council.

WHEREAS, any violation of this Order herein shall be punishable as a civil offense pursuant to Chapter 14, Article 2 of the Nation’s Law and Order Code. It shall be an affirmative defense if the person is unable to obey this Order due to medical reasons; and,

WHEREAS, a first violation of this Order shall result in a fine of up to two hundred fifty dollars ($250.00), and a second or subsequent violation shall result in a fine of up to five hundred dollars ($500.00). Non-tribal members may be subject to exclusion pursuant to Chapter 15 of the Nation’s Law and Order Code.

NOW, THEREFORE, the Fort McDowell Yavapai Nation Tribal Council hereby invokes their authority under the Nation’s Constitution, Chapter 14, Article II of the Nation’s Law and Order Code, and the March 18, 2020 declaration of a State of Emergency to issue this Order, which shall be effective immediately and remain in place until further notice.

ORDERED for the Fort McDowell Yavapai Nation this 18th day of June, 2020.

[Signature]
Bernadine Burnette
President, Fort McDowell Yavapai Nation

Attested to:

[Signature]
Verlene Enos, Tribal Secretary

[Date]
June 18, 2020

Date