RESOLUTION EXTENDING TEMPORARY SHELTER-IN-PLACE ORDER FOR THE FORT MCDOWELL YAVAPAI NATION TO PREVENT THE SPREAD OF THE NOVEL CORONAVIRUS (COVID-19)

Resolution No. Ft. McD. 2020-74

WHEREAS, the Fort McDowell Yavapai Nation ("Nation") is a federally recognized Indian tribe and a sovereign nation governed by its Constitution and laws; and,

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

WHEREAS, the Constitution of the Fort McDowell Yavapai Nation ("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, the Constitution provides the Tribal Council with the power "to provide for the public welfare and particularly the welfare and protection of children, the poor, disabled and aged" at Article V, Section 13(A)(6); and,

WHEREAS, the Constitution further provides the Tribal Council to "take any and all other actions necessary and proper for the exercise of the foregoing powers and duties" at Article V, Section 13(B)(2); and,

WHEREAS, the World Health Organization ("WHO") declared the novel coronavirus known as COVID-19 ("COVID-19") a pandemic; 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, the incidence of COVID-19 continues to rise significantly throughout the United States and Arizona, with the Nation also seeing an increase in positive cases; and,

WHEREAS, for the preservation of public health and safety throughout the boundaries of the Fort McDowell Yavapai Nation, and in order to prevent the spread of the COVID-19, the Tribal Council finds it necessary for all Tribal and Community Members living on the Nation to shelter in place as defined in this Resolution.
NOW, THEREFORE, BE IT RESOLVED that the Tribal Council, in accordance with the Fort McDowell Yavapai Nation Constitution and pursuant to the Nation’s declaration of a State of Emergency issued on March 18, 2020, hereby extends the Shelter-In-Place Order (“Order”) that was issued on June 30, 2020:

IT IS HEREBY ORDERED THAT:

1) To preserve the public health and safety, and to ensure the healthcare system of the Nation and the State of Arizona in general are capable of serving all, and prioritizing those at the highest risk and vulnerability, all Tribal and Community Members living within the boundaries of the Nation are directed to stay home or at their place of residence except as necessary to conduct essential activities. No Tribal or Community Member shall allow any visitor or overnight guest into their home during the duration of this Order.

2) Essential activities are defined as:
   a. Health & Safety - those activities or tasks essential to the health and safety of Tribal or Community Members or the health or safety of their family or household members, including pets, including but not limited to obtaining medical supplies, visiting a healthcare professional or caring for a family member living on or off the Nation; and,
   b. Necessary Services & Supplies - those activities needed to obtain necessary services or supplies, such as food, pet supplies, household consumer products, office supplies to work from home, and other products necessary to maintain the safety, sanitation, and essential operation of residences; and,
   c. Outdoor Activities - those outdoor activities, such as walking, hiking, running, or bicycling, so long as any such activity is done in a group of fewer than ten (10) persons and at distance of six (6) or more feet from the nearest person at all times; and,
   d. Home & Public Safety - those activities related to essential infrastructure, such as emergency home or business repairs, utility services, road repairs, and public safety; and,
   e. Farming, Food & Livestock - those activities related to food cultivation and production, including farming, livestock, and fishing; and,
   f. Work/Employment - the activity of working (job, for employment) or reporting to work (a job, for employment).

3) Gatherings - All public or private gatherings of more than ten (10) persons are prohibited except as necessary to achieve an essential activity.

4) Travel - Unless otherwise allowed in this Order, all travel, including but not limited to travel on foot, bicycle, scooter, horse, motorcycle, automobile, or public transit, except to and from essential activities is prohibited. This Order allows travel into or outside/off the Nation to perform essential activities.
5) **Curfew** - A mandatory curfew shall be in effect each day of the week (Monday through Sunday) 8:00 PM to 5:00 AM during which all persons within the boundaries of the Nation shall remain at home. A curfew shall not apply to anyone performing emergency or first responder services, essential government services, law enforcement services, rescue services, safety services, health services (emergency or non-emergency), essential utility services, or military services. A curfew shall not apply to anyone traveling to and from or engaging in lawful employment.

6) **Health & Safety Practices** - All Tribal and Community Members shall continue to practice social distancing measures, including maintaining a minimum distance of six (6) feet from other individuals, washing hands with soap and water for at least twenty (20) seconds as frequently as possible or using hand sanitizer, covering coughs and sneezes, wearing face covering in public and when necessary, regularly cleaning high touch surfaces, and not shaking hands or doing other physical displays of affection.

7) **Penalties** - Pursuant to Chapter 14, Article II of the Nation’s Law and Order Code, a violation of this Order shall be punishable by up to two hundred and fifty dollars ($250.00) for a first offense and up to five hundred dollars ($500.00) for any subsequent offense, and/or other penalties pursuant to the Nation’s laws and/or other applicable laws.

8) **Duration** - This Order shall be extended until 5:00 AM on August 17, 2020 and shall remain in place until rescinded or unless extended by the Tribal Council.

**CERTIFICATION**

Pursuant to the authority contained in Article V, Sections 13(A)(6), (15), and 13(B)(1) and (2) of the Constitution of the Fort McDowell Yavapai Nation, ratified by the Tribe on October 19, 1999, the foregoing Resolution No. Ft. McD. 2020-14 was adopted on this 14th day of July, 2020, at a Special Emergency Tribal Council Meeting held via teleconference/Zoom, at which a quorum of 5 members were present and 0 were absent by a vote of 4 for and 0 opposed and 0 abstained.

**Vote of the Tribal Council:**
Per the Nation’s Constitution, Article V, the President only votes in a tie vote or under Article IX.

Bernadine Burnette, President  
Paul J. Russell, Vice President  
Pansy Thomas, Treasurer  
Gerald Doka, Council Member  
Ruben Balderas, Council Member

Absent for opposed abstained  
Absent X for opposed abstained  
Absent X for opposed abstained  
Absent X for opposed abstained

[Signature]  
[Signature]

Attested to:  
Verlene Enos, Secretary

Date: 7/19/2020