August 11, 2020

Dear Fort McDowell Yavapai Nation Tribal Members,

It is important we continue to be safe to prevent the spread of COVID-19. Today (August 11, 2020), the Tribal Council terminated the Temporary Shelter-In-Place Order pursuant to Resolution 2020-86. Certain restrictions remain in place including the following until further notice:

1. The Nation's road closures.
2. The Verde River and other body of waters on the Nation are closed to the public except to enrolled Fort McDowell Yavapai Nation tribal members.
3. Traditional sweats and other cultural practices are postponed.
4. Vendor lots are closed.
5. Only tribal and community members are allowed to conduct food sales (e.g. personal, fundraisers, door-to-door, in-home, churches and by social media). All food sales must follow U.S. Center for Disease Control and Prevention (CDC) guidelines and tribal health and safety laws and regulations (e.g. food handler's permit).
6. In-person church gatherings and board and committee meetings may be held but must be restricted to 25 people or less.

Please continue to maintain precautions of social distancing, good personal hygiene, wearing a mask or facial covering in public and limit travel to areas with high incidence COVID-19 positive cases.

If you have questions, please contact the Tribal Government General Manager Phil Dorchester at (480) 266-4616 or at pdorchester@fmyn.org.

Sincerely,

Bernadine Burnette
President, Fort McDowell Yavapai Nation

Attachment: Resolution Ft. McD. No. 2020-86

cc: FMYN Tribal Council
FMYN Phil Dorchester, Government GM
FMYN Office of General Counsel
Bert Parra, FMYN CFO
Phil Dorchester, Acting FMYNE CBO
FMYN GM Supervisory Group
RESOLUTION TERMINATING SHELTER-IN-PLACE ORDER AND ORDERING FORT MCPDOVELL YAVAPAI NATION RESTRICTIONS TO PREVENT THE SPREAD OF THE NOVEL CORONAVIRUS (COVID-19)

Resolution No. Ft. McD. 2020-80

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, the Tribal Council issued a Shelter-In-Place Order on June 30, 2020, pursuant to Resolution No. Ft. McD. No. 2020-69, and extended it on July 18, 2020, pursuant to Resolution Ft. McD. 2020-74.
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 terminates the Shelter-In-Place Order ("Order") today, August 11, 2020, but:

IT IS HEREBY ORDERED THAT:

1) **Gatherings** - All public or private gatherings of more than twenty-five (25) persons are prohibited. Gatherings include church gatherings and board and committee meetings.

2) **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, and encouraged not to travel to high incidence areas (referred as "hot spots") of COVID-19 positive cases.

3) **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.

4) **Duration** - This Order shall begin on August 11, 2020 and shall remain in place until rescinded or amended by the Tribal Council and subject to COVID-19 daily data.

**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. 2020-80 was adopted on this 11th day of **August**, 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.
Resolution No. Ft. McD. 2020-84 Cont. Terminate Shelter-In-Place & Order Restrictions

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_
_Absent_ X for _opposed_ _abstained_

Attested to:

Verlene Enos, Secretary

Bernadine Burnette  
President, Tribal Council

_August 11, 2020_  
Date