



Terry Rambler
Chairman

SAN CARLOS APACHE TRIBE

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Tao Etpison
Vice-Chairman

April 9, 2020

To All Members of the Tribe and their Employers:

On behalf of the San Carlos Council, the governing body of the San Carlos Apache Tribe (the "Tribe"), please be advised that the Tribe has implemented certain measures to mitigate the coronavirus of Covid-19. As you know, the President of the United States and the Governor of Arizona both have declared a state of emergency because of the deadly nature of the virus and the speed with which it infects people. By this letter, I provide you notice of what those are and what we need from you.

You should understand how deadly this virus is. Worldwide there are over 1.5 million cases and over 90,000 deaths. The U.S. reports nearly 450,000 cases with nearly 15,000 deaths. Since January 20, when the first case was reported in the State of Washington, the rate of infection has become greater than that for cancer, gun violence, vehicle or opioid deaths.

According to the White House, we will not reach the apex of positive cases until mid- to late-April. However, some analysts find that the virus may continue through the Summer, if not into next year until a vaccine is found.

In Arizona, there are nearly 3,000 positive cases and 80 deaths – a nearly 50-fold increase since March 20. The Arizona Department of Health & Human Services estimates hundreds of thousands of positive cases and thousands of deaths.

Arizona Counties with the highest number of cases, known as hotspots, are Maricopa (1,559), Pima (415), Navajo (210), Coconino (163), Pinal (106), Yavapai (49), Apache (25), Mohave (20), and Yuma (13).

Contrary to what you may have heard, in Arizona, the highest risk group are those 45 to 65 years of age (37%), followed by those 20 to 44 years of age (37%), and those over 65 (24%). Those with diabetes, heart disease, obesity, high blood pressure, liver disease, or on

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dialysis are especially at risk.

On our Reservation, thankfully, we have no positive cases. This is largely thanks to those who have been listening. However, the virus has hit others – Navajo Nation, the Gila River Indian Community, Zuni, Pascua Yaqui, Tohono O’odham, the Salt River Pima Maricopa Indian Community, the Fort McDowell Yavapai Nation, and even White Mountain Apache Tribe, which has reported 8 cases.

Navajo Nation is the hardest hit among tribes with 384 cases, increasing at 30 per day, and 18 deaths, increasing at 2 per day. And to think that this is the result of two events – a church service and a funeral.

In response, among other measures, the San Carlos Council has enacted 11 resolutions and 13 motions that institute a wide range of measures to protect our health and welfare, and to ensure public safety. Here’s a summary

- A curfew from 10 p.m. to 6 a.m., except for first responders, healthcare workers, essential government and economic development employees, and commuters;
- Local vendors, who are considered essential employees, have to follow the CDC guidelines and can offer grab-and-go or delivery from their house;
- Public crowd size is limited to ten (10) people, even for churches, traditional ceremonies and funerals;
- For Easter, we requested the public to stay at home and shelter in place with no public recreation until April 13, 2020;
- For vendors of retail stores and their customers, we required a 6-foot distancing, no more than 10 customers in a store at any point in time, no children younger than 13 years of age, regular and routine sanitizing of all products that may be handled by customers, as well as point-of-sales devices, cash machines, fuel pumps and other public surfaces;
- We have also requested that residents of our Reservation practice social distancing, sanitizing, hand washing and that they stay at home, except when they have to go to the doctor or to get essential supplies; and
- Failure to comply will amount to criminal charges of nuisance and government obstruction with fines of \$1,000 each.

It is our hope that employers cooperate, because it is in your best interest to ensure that you have employees who we track for purposes of monitoring compliance with our

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mitigation measures, especially our curfew. Of course, if you do not, then we may publicize your failure to do so.

Covid-19 symptoms include a fever, dry cough, vomiting and diarrhea, fatigue and body ache. But, symptoms can lead to respiratory illness, such as pneumonia, and death. If you think you have these symptoms, you can call the Hospital, which has a 24-hour hotline with a nurse standing by at 1-833-361-9550. Anyone can confidentially call this number and report any information or questions related to Covid-19.

Anyone returning from out-of-state travel and commuters to the hotspots within Arizona, we ask you to call Public Health Nursing at (928) 961-6266 or (928) 200-6430, so they know where you have been. If you have come from out-of-state, you must self-quarantine. Similarly, commuters to the Reservation will also have to be identified.

According to the CDC, the best way to avoid Covid-19 is to stay home. If you go out, stay six feet or more away from others. Do not touch others. Avoid groups of more than 10 people. Avoid shopping trips and social visits. Do not visit nursing homes or long-term care facilities, unless you have been asked to provide critical assistance.

Trips out of the house should only be to seek medical care or for essential household shopping, such as groceries, the pharmacy, fuel, woods and cleaning products.

As we say in our Apache language, Ahi'yi'e (thank you) for your cooperation. We can defeat this virus if we follow these mitigation measures.

Sincerely,

SAN CARLOS APACHE TRIBE



Terry Rambler
Chairman

Cc: Tao Etpison, Vice Chairman
San Carlos Council
TERC
Chrono

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

RESOLUTION

No. AP-20-048

**(Amending Resolution Nos. MR-20-032, -033, -038, -039, -040, -042, -043, -044,
Motion Nos. 104-, 105-, 106-, 107-, 108-, 111-, and 112-2000)**

And

**(Supplementing State of Emergency Declaration over Incidence of COVID-19
With Additional Measures – Directing PHN Field Contacts and Reports for Purposes of
Tracking Patients, Directing Transfer of Certain Dialysis Patients, Mandating CDC
Guidelines for Retail Stores)**

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, pursuant to Resolution No. MR-20-040, the Council did approve certain limitations on the Tribal Court and the tolling of statutes of limitation; and

WHEREAS, pursuant to Resolution No. MR-020-043, the Council did approve a limitation on public gatherings to ten (10) people and commercial bus stops on the Tribe's property along State Route 70; and

WHEREAS, pursuant to Resolution No. MR-020-044, the Council did institute a curfew, mandate vehicle identification for commuters, and direct publication of the Covid-19 growth rate; 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, -033, -038, -039, -040, -042, -043 and -044, and Motion Nos. 104-, 105-, 106-, 107-, 108-, 111-, and 112-2000; 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 of April 5, 2020, found that due to the continued high rate of incidence and exponential growth of COVID-19 in Maricopa, Navajo, Coconino, Pima, Pinal, and Graham Counties, and at the Salt River Indian Pima-Maricopa Community, 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 heighten mitigation of the potential incidence and growth of the virus occurring on the San Carlos Apache Reservation ("Reservation"), the TERC ordered and this day requests that the Council approve the following:

- (1) Field contacts by Public Health Nurses or other staff as may be available from other agencies of the Tribe to follow up with presumptive and quarantined Covid-19 patients with reporting of status and location to SCAPD, SCAHC and TERC; and
- (2) Directing Fresenius, a dialysis provider, to limit its services on the Reservation only to enrolled members of the Tribe and to transfer all other patients to its clinics off the Reservation; and
- (3) Mandate all retail stores on the Reservation to implement and practice the Centers for Disease Control guidelines for mitigation of Covid-19 of social-distancing, reducing the number of customers at any point in time, prevent the access of children under thirteen (13) years of age, and sanitizing shelves, products, point-of-sales devices, cash machines, fuel pumps and other public surfaces; and

- (4) Request jurisdictions surrounding the Reservation to enforce said CDC mitigation guidelines and measures described in paragraph (4) above; and

WHEREAS, the Council concurs with the Commission, and finds that the Tribe has a continued compelling government obligation and interest in responding to and to mitigate the COVID-19, and that such measures remain necessary for the protection 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 upon recommendation of the TERC:

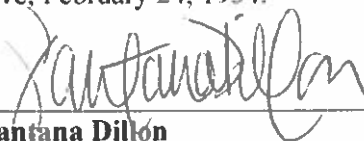
1. The U.S. Congress and the Executive Branch Administration are hereby requested to reimburse the Tribe for all expenditures made by the TERC, the Tribe, its governmental agencies and economic development enterprises.
2. The Tribe's DHHS Public Health Nurses or other staff as may be available from other agencies of the Tribe are hereby directed to follow up with all presumptive and quarantined Covid-19 patients, as may be identified by SCAHC, and report the status and location of said patients to SCAPD, SCAHC and TERC.
3. Fresenius, a dialysis provider, is hereby directed to serve only residents of the San Carlos Apache Reservation and transfer all others to its facilities off the Reservation.
4. All retail stores on the Reservation are hereby directed to implement and practice the Centers for Disease Control guidelines for mitigation of Covid-19 guidelines of social-distancing, reducing the number of customers at any point in time, prevent the access of children 13 years and younger, and sanitize shelves, products, point-of-sales devices, cash machines, fuel pumps and other public surfaces.
5. All jurisdictions surrounding the Reservation, namely Gila County, Graham County and the Mayors of the towns therein are hereby requested to enforce said CDC mitigation guidelines and measures described in paragraph (4) above.
6. 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
7. Violations of the provisions of paragraphs 2 – 4 shall be subject to the Tribe's Law & Order Code, as amended.

8. 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.
9. 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 6th day of April, 2020, and that the foregoing Resolution No. AP-20-048 was duly adopted by a vote of FOR: 11; 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.



Santana Dillon
Council Secretary
SAN CARLOS APACHE TRIBE