



MESCALERO Apache **TRIBE**

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**MESCALERO APACHE TRIBE
MESCALERO, NEW MEXICO**

EXECUTIVE ORDER 20-15

KNOW ALL PERSONS BY THESE PRESENTS that pursuant to the power vested in me by the Revised Constitution of the Mescalero Apache Tribe and the Mescalero Apache Tribal Code, having declared a *State of Emergency* on the Mescalero Apache Reservation at the request of the Mescalero Apache Tribal Council and in order to slow the spread of the coronavirus (COVID-19), do **HEREBY PROCLAIM** that the following restrictions are implemented effective immediately and remain in effect until further notice, except as provided in Paragraph A below:

A. NECESSARY TRAVEL ONLY

All persons shall refrain from unnecessary travel. Necessary travel includes, but is not limited to, travel to/from: a nearby store to purchase food and other necessities, the hospital or a doctor's office for a necessary medical appointment, place of employment for work, the post office to check mail, school or college (where in-person classes are mandated by the school or college), and outside areas for hunting or to cut wood for personal use (with a valid permit and as allowed under Tribal law). Only the person directly involved in the necessary travel should travel except where that person is the legal guardian or parent of (a) minor child(ren) or the caretaker of a disabled adult and there is no other adult in the home to supervise or care for the minor child(ren) or disabled adult or the necessary travel involves the minor child(ren) or disabled

adult, then that person may take his or her minor child(ren) or the disabled adult when he or she leaves the home for necessary travel.

B. NO ENTRY INTO RESIDENCE WHERE NON-RESIDENT

A person may not enter a residence if he or she is not a regular resident of that residence.

C. MASS GATHERINGS PROHIBITED

Mass gatherings are prohibited. "Mass gathering" means any public or private gathering that brings together five (5) or more persons but does not include the presence of five (5) or more persons where those persons: 1) are in the residence where they regularly reside or 2) live together in the same residence and must travel in a single motor vehicle.

D. INDOOR CHURCH SERVICES PROHIBITED

Indoor church services are prohibited. Church services may be conducted virtually/on-line or outside where all attendees remain in motor vehicles.

E. GOVERNMENTAL OFFICES CLOSED TO THE PUBLIC

All Tribal and other governmental offices shall be closed to the public.

F. LIMITATION ON THE PURCHASE OF CERTAIN GOODS

In order to minimize the shortage of health care supplies and other necessary goods, the Tribal Store and other retailers are hereby directed to limit the sale of medications, durable medical equipment, baby formula, diapers, sanitary care products, and hygiene products to three items per individual.

G. TRIBAL MEMBER VENDORS ALLOWED

Tribal Member food stands/trucks and other vendors ("vendors") are allowed.

H. DINE-IN ALLOWED ON A LIMITED BASIS

Restaurants, at their discretion, may allow patrons to “dine-in” only if occupancy is limited to 50% and all COVID-19 regulations set forth by Executive Order are followed.

I. OUTSIDE VISITORS ALLOWED EXCEPT ON TRIBAL ROADS

1. Outside visitors to the Reservation are allowed on Highways 70 and 244 and Tribal Route 4 (from Highway 70 to the Reservation line at Carrizo Canyon Road).

2. All other Tribal roads (including BIA roads) are closed to outside visitors.

3. “Outside visitor” means any person who does not reside on the Reservation *except* non-Resident Tribal members or affiliates, essential Reservation employees (while on duty only), Z-Trans employees (while on duty only), school busses and personnel (while on duty only), and U.S. Postal Service/FedEx/UPS workers (while delivering the mail/packages to the Reservation).

The President may allow contractors to provide services on the Reservation where he determines that the risk to public health is not increased by allowing the same, the contractor agrees to follow all Tribal COVID-19 safety precautions, and the delay in the provision of services would be detrimental to public health or welfare.

J. RELEASED INMATES & DETAINEES

Any individual who was an inmate or detainee, but is released from incarceration, regardless of the location of the prison, jail or detention center, and returns to the Reservation must present him- or herself to Indian Health Services, Mescalero Service Unit to submit to COVID-19 testing within eighteen (18) hours of release.

K. FACE MASKS REQUIRED FOR CERTAIN PLACES/EMPLOYEES

1. Face Masks shall be worn by all employees, agents, assigns, representatives and contractors/subcontractors, collectively referred to herein as “employees,” of the Tribal

Government, enterprises owned by the Tribe, or any other public or private entity, business, agency, church or other religious organization, or person operating or conducting business within the exterior boundaries of the Reservation, collectively referred to herein as “entities,” during working hours or while performing duties or providing services except as listed herein.

2. In addition, all clients, customers, visitors, etc. to such entities shall be required to wear a Face Mask while physically on the premises of the respective entity.

3. Face Masks must also be worn at any Mass Gathering as such term is defined herein.

4. A Face Mask is not required where an employee is alone and in a space not regularly visited by the public, like a personal office, but that employee must put on a Face Mask when coworkers are nearby, when being visited by a client/customer/other, and anywhere members of the public or other coworkers are regularly present.

5. Entities shall not require a child aged two years or less to wear a Face Mask because of the risk of suffocation. Parents and caregivers must supervise use of Face Masks by children to avoid misuse.

6. This Executive Order does not require any person to wear a Face Mask while driving alone, or exclusively with other members of the same family or household, in a motor vehicle.

7. A Face Mask is not required if an individual can show either: (1) a medical professional has advised that wearing a Face Mask may pose a health-related risk; or (2) wearing a Face Mask would create a risk to the person related to their work as determined by workplace safety guidelines.

8. A Face Mask should also not be used by anyone who has trouble breathing or is unconscious, incapacitated, or otherwise unable to remove the Face Mask without assistance.

9. All entities must take reasonable measures, such as posting signs, to remind the public of the requirement that they wear a Face Mask while inside of or waiting in line to enter the business, facility, or location.

10. In addition, all entities must take reasonable steps to prohibit any member of the public who is not wearing a Face Mask from entering, must not serve that person if those efforts are unsuccessful, and must seek to remove that person.


11. Wearing a Face Mask is recommended but not required while engaged in outdoor recreation such as walking, hiking, bicycling, or running; but each person engaged in such activity must comply with the Mass Gathering prohibition in Executive Order 20-02.

12. As used in this Executive Order, a “Face Mask” means a covering made of cloth, fabric, or other soft or permeable material, without holes, that covers only the nose and mouth and surrounding areas of the lower face; examples include a scarf or bandana; a neck gaiter; a homemade covering made from a t-shirt, sweatshirt, or towel; or a mask, which need not be medical grade. Members of the public should not purchase medical grade masks (like N95 masks); such masks should be reserved for health care providers and first responders.

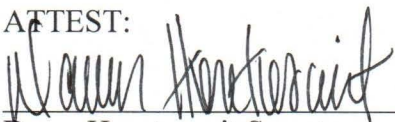
BE IT FURTHER DECLARED that any person who shall violate any of the above restrictions may be subject to criminal penalty, pursuant to Section 10-16-10 (D) of the Tribal Code, or removal from the Reservation, in the case of non-Tribal Members; and Tribal employees or employees of Tribal enterprises may be subject to disciplinary action including and up to termination.

BE IT FINALLY DECLARED that all existing Executive Orders issued under and relating to the *State of Emergency* restrictions are hereby repealed.

DONE at the Administrative Offices of the Mescalero Apache Tribe, Mescalero, New Mexico this 23rd Day of November 2020 at 3:00 P.M.



Gabe Aguilar, President
Mescalero Apache Tribe

ATTEST:


Dawn Hosetosavit Secretary
Mescalero Apache Tribe