



# MESCALERO *Apache* TRIBE

P.O. Box 227  
101 Central Avenue

Mescalero, New Mexico 88340

Office: (575) 464-4494  
Fax: (575) 464-9191



## MESCALERO APACHE TRIBE MESCALERO, NEW MEXICO

### EXECUTIVE ORDER 21-03

**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 COVID-19 safety provisions are made and implemented effective immediately and shall remain in effect until further notice:

#### **A. MASS GATHERINGS ALLOWED UNDER CERTAIN CIRCUMSTANCES**

1. Mass gatherings are prohibited except as provided herein. The term "mass gathering" means any public or private gathering that brings together ten (10) or more persons but does not include the presence of ten (10) 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.

2. Outdoor and indoor school-sponsored events, including athletic matches, tribal or school-sponsored community gatherings, and entertainment events hosted by the Inn of the Mountain Gods shall be allowed provided that:

- a. The temperature of each person is checked prior to entry to the event and each person with a temperature of 100.4 degrees Fahrenheit or greater shall be denied entry;

- b. Occupancy is limited to no more than fifty percent (50%);
- c. Entry into and exit from the event is regulated to minimize close contact between persons entering and leaving;
- d. All persons keep a distance of at least six (6) feet from other persons except for groups of family members of ten (10) or less, who may be closer together; and
- e. All other restrictions enacted by this Executive Order and Tribal law are enforced.

**B. GOVERNMENTAL OFFICES CLOSED TO THE PUBLIC**

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

**C. ALL VENDORS ALLOWED**

All food stands/trucks and other vendors ("vendors") are allowed provided that such vendors comply with all other Tribal laws.

**D. DINE-IN ALLOWED AT FULL CAPACITY**

A restaurant may resume indoor seating for dine-in customers at full capacity where the restaurant has implemented COVID-19 sanitizing and safety rules listed herein and established by the Mescalero Apache Tribe and the State of New Mexico.

**E. INDOOR CHURCH SERVICES INCREASED CAPACITY**

Indoor services may resume at each church or other place of worship located within the exterior boundaries of the Mescalero Apache Reservation provided that such church or other place of worship:

1. Checks the temperature of each person entering the church or place of worship prior to entry and denies entry to individuals with a temperature of 100.4 degrees Fahrenheit or greater;



2. Limits occupancy to no more than seventy-five percent (75%) and regulates entry into and from the church or place of worship to minimize close contact between persons entering and leaving the church or place of worship;

3. Ensures a distance of at least three (3) feet between persons; and

4. Ensures that all other restrictions enacted by Executive Order are enforced.

**F. OUTSIDE VISITORS ALLOWED EXCEPT ON TRIBAL ROADS**

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). Outside visitors have limited access to other Tribal roads; outside visitors may access Tribal roads for official business and upon the invitation of Tribal members provided that such outside visitors comply with all Tribal laws and this Executive Order. The term "outside visitor" does not include non-resident Tribal members; non-resident Tribal members are allowed on all Tribal roads.

**G. 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 1) within eighteen (18) hours of release; and 2) again, between three (3) and five (5) days of release.

**H. 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.

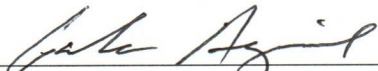
6. This Executive Order does not require any person to wear a Face Mask while driving alone, or exclusively with other members of the same family or household, in a motor vehicle.

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.

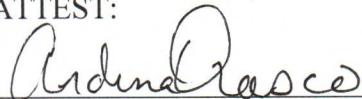
**BE IT FURTHER DECLARED** that all other Executive Orders implementing COVID-19 safety regulations are hereby repealed.

**BE IT FINALLY 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; disciplinary actions in the case of employees of the Tribe or any Tribal enterprise; or removal from the Reservation in the case of non-Tribal Members.

**DONE** at the Administrative Offices of the Mescalero Apache Tribe, Mescalero, New Mexico this 9<sup>th</sup> Day of April, 2021 at 10:00 A.M.

  
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Gabe Aguilar, President  
Mescalero Apache Tribe

ATTEST:

  
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Ardena Orosco, Secretary  
Mescalero Apache Tribe