



MESCALERO Apache TRIBE

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MESCALERO APACHE TRIBE MESCALERO, NEW MEXICO

EXECUTIVE ORDER 22-03

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 February 28, 2022 and shall remain in effect until further notice:

A. FACE MASKS REQUIRED ONLY FOR CERTAIN INDIVIDUALS

1. Except as provided below, Face Masks shall be worn by all unvaccinated persons in any indoor public space.
2. All clients, customers, patrons, guests, or visitors entering or physically present inside Tribal Administrative Offices shall be required to wear a Face Mask while physically on such premises regardless of vaccination status. Vaccinated employees are not required to wear a Face Mask while entering or physically present inside Tribal Administrative Offices.
3. Face Masks may be required for all persons, regardless of vaccination status, entering or present in buildings operated by Mescalero Apache Schools, Mescalero Head Start, Mescalero Care Center, Mescalero Elderly Center, day care facilities, or medical and/or health

facilities located within the exterior boundaries of the Reservation. Where a Face Mask is required to be worn by all persons, the respective entity shall post such requirement prominently at each entrance.

4. All individuals shall be encouraged to wear a Face Mask in all public places.

B. WHEN FACEMASKS ARE NOT REQUIRED

1. 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/etc., and anywhere members of the public or other coworkers are regularly present.

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

3. 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.

4. 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.

5. 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.

6. Wearing a Face Mask is recommended but not required while engaged in outdoor recreation such as walking, hiking, bicycling, or running.

BE IT FURTHER DECLARED that all other provisions COVID-19 safety provisions enacted through Executive Order and not inconsistent with this Executive Order, remain in full force and effect until further notice.

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 Mescalero Apache Tribe, sub-entities of the Tribe, or any Tribal business 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 28th Day of February, 2022 at 12:00 P.M.



Eddie Martinez, President
Mescalero Apache Tribe

ATTEST:



Ardena Orosco, Mescalero Apache Tribe