



**MESCALERO** *Apache* **TRIBE**

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**MESCALERO APACHE TRIBE  
MESCALERO, NEW MEXICO**

**EXECUTIVE ORDER 20-04**



**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 at §§10-16-10, 24-5-5, 24-5-9, 24-5-13, 24-5-15, 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 regarding Face Masks are implemented immediately, and shall remain in effect until further notice:

**A. 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.

**B. WHEN FACE MASKS 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/other, 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 because of 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.

**C. NOTICE OF REQUIREMENT & REMOVAL**

1. 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.

2. 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.

**D. RECOMMENDATION FOR OUTDOOR ACTIVITIES**

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.

**E. DEFINITION OF FACE MASK**

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.

**F. REVISED DEFINITION OF MASS GATHERING**

The definition of “Mass Gathering” set forth in Executive Order 20-02 is revised to *include* “individuals” congregated in a church, synagogue, mosque, at ceremonial grounds, or other place of worship.

**G. CURFEW EXCEPTION FOR FEASTS & COMING OF AGE CEREMONIES**

Any Tribal members or affiliates attending a Mescalero Apache blessing feast or coming of age ceremony may be present at the respective ceremonial grounds or travel to or from such ceremonial grounds up until 12:00 A.M. each night of the blessing feast or coming of age ceremony. Otherwise, the curfew rules established in Executive Order 20-02 shall apply.

**H. EXISTING RESTRICTIONS CONTINUE**

These restrictions supplement and add to those restrictions listed in Executive Order 20-02. Existing restrictions remain in full force and effect.

**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.

**DONE** at the Administrative Offices of the Mescalero Apache Tribe, Mescalero, New Mexico this 12<sup>th</sup> Day of May, 2020 at 12:07 P.M.

  
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Gabe Aguilar, President  
Mescalero Apache Tribe

ATTEST:

  
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Larry Brusuelas, Jr., Secretary  
Mescalero Apache Tribe