



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 20-07

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 shall apply beginning Friday, July 24th at 5:00 P.M. and remain in effect until Friday, August 7th at 4:59 P.M.:

A. STAY-AT-HOME ORDER

All individuals shall remain at home except as provided below:

1. One individual from each home may leave to purchase food and other necessities on Mondays and Thursdays:
 - a. Between the hours of 8:00 A.M. and 2:00 P.M.; or
 - b. Where the only individual in the home that is able to drive is an essential employee who is on duty between the hours of 8:00 A.M. and 2:00 P.M., then such individual may leave home to purchase food and other necessities on the Mondays and Thursdays between the hours of 5:00 P.M. and 8:00 P.M.

c. In the event of an emergency (defined as a serious, unexpected, or dangerous situation requiring immediate action, including a medical condition that requires immediate treatment), only directly involved or affected individual(s) may leave a home.

2. An individual may tend to their own yards, gardens, pets, and livestock provided that where an individual must tend to his or her livestock on land outside of his or her residential assignment, then he or she must obtain prior approval from the President and the President may limit the hours and days such individual may tend to his or her livestock.

3. An individual does not have to remain indoors but must limit movement beyond the immediate area of his or her residence or residential assignment. This includes movement for exercise purposes. One individual from the home may leave between 8:00 A.M. and 10:00 A.M. to dispose of trash at the nearest dumpster only.

4. The President may approve travel by any individual who must report to work off-Reservation on a case by case basis provided that: 1) travel shall only be allowed by the most direct route to his or her place of employment; and 2) such individual must request permission in writing prior to such travel and such request must include the individual's schedule (signed by his or her immediate supervisor).

5. All Tribal and other governmental offices shall be closed to the public. Employees shall work from home as much as possible. Essential Tribal employees may be required to report to a location out in the field or at Tribal Administrative Offices, as a part of their duties, on an emergency basis and are exempted from this stay-at-home order for such purpose. This closure does not apply to essential healthcare facilities.

B. CLOSURE ORDER

1. All business and other public establishments, including restaurants and churches, shall be closed.

2. Mescalero Apache Schools shall remain closed until September 8, 2020.

3. Food stands/trucks and other vendors are prohibited.

4. All outside visitors to the Reservation are prohibited (does not apply to essential employees while on duty). As used in this Executive Order, “outside visitor” means any person who is not a current resident of the Reservation.

5. All Tribal roads (not including Highways 70 or 244) are closed to non-Resident traffic (does not apply to essential employees while on duty).

C. FACE MASKS REQUIRED

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 (2) 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 other prohibitions listed herein.

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.

D. MASS GATHERINGS

Mass gatherings are prohibited; “Mass gathering” means any public or private gathering that brings together five (5) or more individuals in a single room or connected space, confined outdoor space or an open outdoor space where individuals are within six (6) feet of each other, but does not include the presence of five (5) or more individuals where those individuals regularly reside; “Mass gathering” includes “individuals” congregated in a church, synagogue, mosque, or other place of worship.

E. HEALTH CARE SUPPLIES & NECESSITIES

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.

F. RELEASED INMATES & DETAINEES

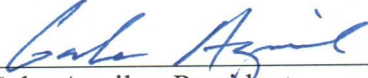
Any individual that was an inmate or detainee, but is released from incarceration, regardless of the location of the prison, jail or detention center, and returns to the Reservation must present him- or herself to Indian Health Services, Mescalero Service Unit to submit to

COVID-19 testing within eighteen (18) hours of release. Such inmate shall be exempt from the state-at-home order for purposes of testing only.

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 this Executive Order does hereby supersede and replace Executive Order 20-06.

DONE at the Administrative Offices of the Mescalero Apache Tribe, Mescalero, New Mexico this 22nd Day of July, 2020 at 3:00 P.M.



Gabe Aguilar, President
Mescalero Apache Tribe

ATTEST:



Dawn Hosetosavit, Secretary
Mescalero Apache Tribe