

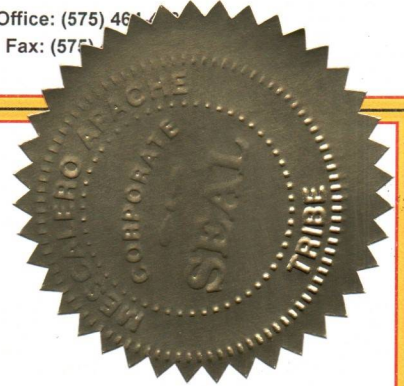


MESCALERO Apache **TRIBE**

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**MESCALERO APACHE TRIBE
MESCALERO, NEW MEXICO**

EXECUTIVE ORDER 20-09

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 August 7, 2020 at 12:00 P.M., and shall remain in effect until further notice:

A. MASS GATHERINGS PROHIBITED

1. Mass gatherings are prohibited.
2. "Mass gathering" means any public or private gathering, including "individuals" congregated in a church, synagogue, mosque, or other place of worship, that brings together ten (10) 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 ten (10) or more individuals where those individuals regularly reside.

B. GOVERNMENTAL OFFICES CLOSED TO THE PUBLIC

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

C. 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.

D. VENDORS ALLOWED

Food stands/trucks and other vendors (“vendors”) are allowed.

E. DINE-IN/CARRY-OUT ONLY

Restaurants may remain open but only for delivery or carry out.

F. CURFEW

1. A curfew is in place. No person may be any place other than their usual place of abode between the hours of 10:00 P.M. and 6:00 A.M. except in the case of an emergency or while performing traditional activities.

2. This curfew does not apply to essential employees performing work-related duties.

3. 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.

G. TRAVEL RESTRICTIONS

1. Reservation residents and Tribal employees (including employees of Tribal Enterprises) that travel out-of-state (including travel to El Paso) are required to self-quarantine or self-isolate for at least fourteen (14) days upon return to the Reservation.

2. The Tribal President may provide a limited exception to this rule in the case of individuals travelling with students to college out-of-state.

3. Reservation residents and Tribal employees (including employees of Tribal enterprises) that travel within the State of New Mexico are not required to self-quarantine or self-isolate upon return to the Reservation.

H. 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.

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 individual who does not reside on the Reservation except non-Resident Tribal members or affiliates or essential employees (while on duty only).

J. 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.

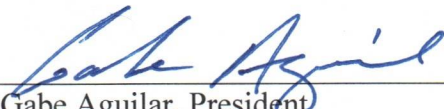
10. In addition, all entities must take reasonable steps to prohibit any member of the public who is not wearing a Face Mask from entering, must not serve that person if those efforts are unsuccessful, and must seek to remove that person.

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.

DONE at the Administrative Offices of the Mescalero Apache Tribe, Mescalero, New Mexico this 7th Day of August, 2020 at 12:00 P.M.



Gabe Aguilar, President
Mescalero Apache Tribe

ATTEST:


Dawn Hosetosavit Secretary
Mescalero Apache Tribe