



Tohono O'odham Nation
Office of the
Chairman and Vice Chairwoman

Ned Norris Jr. Wavalene M. Saunders
Chairman Vice Chairwoman



Executive Order

No. 2020-09

WHEREAS, on March 13, 2020, the Chairman issued a Declaration of the Tohono O'odham Nation Proclaiming a State of Emergency in response to the nationwide spread of COVID-19, therein establishing the Unified Command to centralize all Nation's resources and efforts in response to the potential devastating effects of COVID-19 on the Nation; and

WHEREAS, on March 16, 2020, the Tohono O'odham Legislative Council passed Resolution No. 20-094 which, in part, authorizes the Chairman or Vice-Chairwoman to enforce quarantine orders, restrict the movement of people within the Nation, and prohibit gatherings of people in groups within the Nation and "require compliance with public health orders or directives issued by the State of Arizona or local governments that would not otherwise apply within the Nation"; and

WHEREAS, on June 17, 2020, Arizona Governor Doug Ducey issued the State of Arizona Executive Order #2020-40, *Containing the Spread of COVID-19, Continuing Arizona Mitigation Efforts*, which, in part, delegated authority to local governments to implement policies regarding face covering requirements in public spaces. Following the AZ Executive Order city mayors began implementing face covering requirements within each of their respective jurisdictions; and

WHEREAS, on July 2, 2020, the Chairman issued Executive Order 2020-08 which set forth all existing executive orders related to COVID-19 mitigation and response in one place to provide clarity and reduce confusion; and

WHEREAS, during the summer months, as anticipated, COVID-19 cases peaked nationwide, putting a strain on the healthcare system and requiring leaders around the county to implement more strict policies, including the shutdown of in-person learning in educational institutions. Recently, COVID-19 cases have far surpassed the summer peak. COVID-19 cases in the state of Arizona and on the Nation are at an all-time high, threatening the health and safety of the Nation's members. In consultation with Tohono O'odham Health Care COVID-19 Medical Team, the Chairman has determined that a new Executive Order is necessary to reduce the spread of COVID-19 on the Nation.

NOW, THEREFORE BE IT RESOLVED, by the authority vested in the Chairman of the Nation, effective this day, December 2, 2020, the Chairman orders the following:

1. All persons who reside on the Nation are ordered to **stay at home** or at their place of residence, except as needed for employment; to meet medical, educational, health, or safety needs; to obtain food for themselves or their family members; to attend wakes and funeral services; or to tend to legal matters.

2. Individuals and businesses are **not authorized** to enter the exterior boundaries of the Tohono O’odham Nation, with the exception of:
 - a. Employees and volunteers on the Nation, including medical and healthcare providers
 - b. Delivery services providing medicine, food, and other essential items
 - c. Public and private transportation services necessary for the health and safety needs of the individuals on the Nation
 - d. Mail carrier services
 - e. Financial services
 - f. To patronize a business in operation
 - g. Businesses that provide maintenance services that are necessary to maintain the health and safety of the households or buildings on the Nation
 - h. Other necessary professional services as needed

Businesses and others entering districts for the purpose of providing services or delivering supplies must provide notice to Districts before entering.

3. The Curfew for all Nation’s residents remains in effect until further notice. Curfew hours are from **8:00pm to 6:00am**; during these hours’ residents shall remain home unless:
 - a. Individual is working at a business in operation during the curfew hours, or traveling to or from work;
 - b. Individual is seeking medical care, or traveling to or from those services;
 - c. Individual is traveling to provide necessary care for another who cannot care for themselves; or
 - d. Individual is seeking protection from a dangerous situation, such as seeking shelter from domestic violence.
4. All playgrounds and sports areas, such as football fields, basketball courts, baseball fields, etc., shall remain closed until further notice; and
5. The Human Resources *Return to Work – Standard Operating Procedures*, and any subsequent revisions, remain in effect; all Executive Branch departments and programs must adhere to the minimum requirements set forth therein. Employees who fail to report to work when assigned are subject to disciplinary action under the Executive Branch Personnel Policies Manual; and
6. The Tohono O’odham Nation Unified Command *Guidelines: Wakes/Funerals*, and any subsequent revisions, remain the minimum standards for all wakes and funeral held on the Nation until further notice. If necessary, district leadership is to implement additional standards.
 - a. At least one (1) individual must be identified as the host/in charge of the wake/funeral services and assumes the responsibility for ensuring compliance with all applicable laws, Executive Orders and local district requirements.
 - b. Individuals in charge of/hosting wakes/funerals, or their designees, are responsible for ensuring all attendees physically distance from others who do not reside in the same household and wear face coverings at all times during attendance.

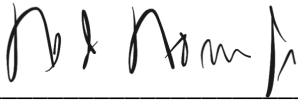
- c. All wakes and funerals held on the Nation shall be limited to a combined six (6) hours, from beginning to end. Services must be completed in one (1) calendar day during daylight hours, between sunrise and sunset.
7. Social Gatherings. With the exception of persons residing in the same household, all social gatherings are hereby *prohibited* until further notice. “Social gatherings” shall include all events and activities held for social and/or community purposes. Religious services and traditional ceremonies are not considered social gatherings, however, any activities held in association with a religious services or ceremony for social purposes (i.e. gathering before/after for eating, drinking, dancing, socializing, etc.) are prohibited.
8. Face Coverings: Individuals are *required* to wear face coverings in all public spaces.
 - a. “Public Spaces” means any place that is accessible by the general public (indoor and outdoor), including but not limited to: all governmental facilities, grocery stores, gas stations, convenience stores, post offices, establishments serving food or beverages, establishments offering recreational activities or entertainment and places that offer medical or health services or transportation to the general public.
 - b. “Face masks or coverings” means cloth, fabric or other soft material that covers the nose and mouth. Coverings may be homemade or commercially manufactured, or may be improvised from ordinary materials such as a scarf or bandana.
 - c. *Limited Exceptions*. Face coverings are not required for children under the age of two (2), in accordance with CDC guidelines; individuals who should not wear face coverings due to medical conditions, mental health conditions, or developmental disabilities; or first responders where face covering would interfere with their duties.
9. No public feedings. At no time shall meals or to-go plates be offered in association with wakes/funerals, memorials services, rosaries, birthdays, or anniversaries, unless event occurs solely among persons residing in the same household.
10. Physical Distancing and Hygiene.
 - a. When leaving the home, physically distance yourself from others who do not reside in your household by maintaining a 6ft distance from others, when possible.
 - b. Individuals should wash hands and/or use hand sanitizer regularly, avoid touching their face, and disinfect frequently touched surfaces regularly.
 - c. Individuals are discouraged from unnecessary travel.
 - d. Individuals who become ill and demonstrate signs and symptoms related to COVID-19 should remain out of the public, however, are encouraged to seek treatment and testing.
11. Tribal enterprises and businesses, operating within the exterior boundaries of the Nation, are *required* to implement guidelines consistent with CDC Guidelines to protect the health and safety of employees and the general public, including requiring face coverings for employees and customers/visitors at all times in public spaces.

BE IT FURTHER RESOLVED, that the Chairman of the Nation continues to strongly urge religious leaders of every denomination practicing within the exterior boundaries of the Nation to suspend in-

person services, and instead find other ways to spread their messages in a safe manner during this health pandemic. Mask requirements remain applicable to all religious services, in accordance with order. Additionally, all CDC Guidelines should be adhered to, including by not limited to social distancing, hand washing or hand sanitizing stations readily available, frequent disinfecting of facilities/communal spaces, etc.

BE IT FINALLY RESOLVED, a separate document, titled *Executive Order 2020-09 Examples and Explanations*, shall be incorporated by this reference. This document shall be used to provide additional information and examples and address frequently asked questions in connection with this order.

ORDERED this 2nd Day of December, 2020 in Sells, Arizona.



Chairman, Tohono O'odham Nation

Executive Order 2020-09 Examples and Explanations

This document is meant to be read in connection with, and to provide further explanations and examples for, Executive Order 2020-09.

Section 1. Stay at Home

Stay at Home orders pertain to all hours of the day: 24 hours a day, 7 days a week.

- This section does not apply to employees or volunteers for essential services and businesses in operation that have been determined by the Nation, Districts, and entities on the Nation.
- Legal matters include attending court hearings and/or meeting with legal counsel; carrying out custody arrangements (exchanging children); handling matters at the court building (filings, making payments, picking up documents, etc.)
- Employment includes local council and committee commitments, community meetings, and volunteer work.
- Persons who fall under the employment exception are only authorized to leave their residence to work, including travel to and from work; any other activities, which do not fall under another exception, are in violation of this order and subject to potential consequences.

Section 2. Outside Entities and Individuals. No further explanation needed.

Section 3. Curfew

Individual participating in authorized conduct outside of their household under section 1 **must be in their home by the curfew hour, 8pm**, and remain in the home until 6am. Work and travel exceptions during curfew hours do not include authorization for any other conduct during these hours, unless conduct falls under exceptions under subsection b-d.

Section 4. Play/Sports Areas. No further explanation needed.

Section 5. Executive Branch Employees. No further explanation needed.

Section 6. Wakes and Funerals

Community spread of COVID-19 has been linked to wakes and funerals held on the Nation, therefore, restrictions are necessary to reduce the spread. These restrictions are temporary and will be reassessed as COVID-19 cases on the Nation decrease.

While not intended, public feedings at wakes and funerals encourage people to congregate, either by people from multiple households coming together to prepare food in the kitchen, or by people standing in lines waiting for food; therefore, public feedings are prohibited at wakes and funerals as stated in section 9 of Executive Order 2020-09.

The Unified Command *Guidelines: Wakes/Funerals* sets forth the **minimum requirements** for wakes and funerals, meaning everyone **shall** adhere to these requirements; additional safety measures may be implemented by the host families. Additionally, Districts may implement further requirements, as authorized under this section, which then must be followed in addition to the Unified Command Guidelines.

Attending wake and funeral services is a personal choice; we strongly encourage individuals to make these choices wisely and take all measures necessary to protect themselves and their loved ones as they pay their respects. Additional precautions may include remaining in vehicle at gravesite, reducing amount of time spent at services, or sending condolences by telephone call or mail.

Section 7. Social Gatherings

Examples of Social Gatherings include, but are **not limited to**:

- Birthday, graduation and holiday celebrations
- Weddings
- Sports events/tournaments
- Band practice with persons who do not reside in the same household.
- Feast gatherings

If you are gathering with persons who do not reside in your household for any purpose not specified as an exception under this order you are in violation of Executive Order 2020-09.

Section 8. Face Coverings. No further explanation needed.

Section 9. No Public Feedings.

This section does not include Districts, Executive Branch programs, or approved food distributors (such as church programs and humanitarian aid organizations) providing food distribution for elders and/or the community. Home delivery and/or car delivery service is the preferred method of distribution to eliminate unnecessary gathering of people waiting for food.

Section 10. Physical Distancing and Hygiene. No further explanation needed.

Section 11. Tribal Enterprises and Businesses. No further explanation needed.

Executive Order 2020-09 executed on December 2, 2020