



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

Ned Norris Jr. Wavalene M. Saunders
Chairman Vice Chairwoman



Executive Order

No. 2021-03

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; and

WHEREAS, on December 2, 2020, the Chairman issued Executive Order No. 2020-09 which set forth all current executive orders related to COVID-19 mitigation and response, and incorporated by reference *Examples and Explanations* to provide additional information and examples to address frequently asked questions in connection with Executive Order No. 2020-09; and

WHEREAS, in order to support and enforce public health measures during the pandemic the Legislative Council enacted 4 Tohono O'odham Code Chapter 4 – *Violating a Public Health Measure*, effective December 14, 2020 through June 1, 2021, making specific provisions of the Chairman's Executive Orders enforceable by law and subject to civil penalties for violation of those orders. The law was subsequently extended through December 31, 2021 by TON Legislative Council Resolution No. 21-164; and

WHEREAS, pursuant to 4 T.O.C. Chapter 4, Section 4103 (C), the Chairman may withdraw public health measures listed under Section 4104 by issuing and publishing the withdrawal by executive order to the general public; and

WHEREAS, on April 20, 2021, the Chairman issued Executive Order No. 2021-02, lifting the curfew for the Nation and amending Section 6(c), *Wakes and Funerals*, of Executive Order No. 2020-09 to allow wake and funeral services to be held anytime during a single calendar day, not to exceed a total of six (6) hours; and

WHEREAS, COVID-19 cases on the Nation have remained relatively low and the vaccination rate of Nation's members has steadily increased, slowly reducing the threat COVID-19 poses on the Nation; and

WHEREAS, the Chairman and Vice Chairwoman continue to coordinate with the Tohono O'odham Health Care COVID-19 Medical Team to closely monitor the effects and spread of COVID-19 on the Nation in order to make informed decisions; and

WHEREAS, after careful consideration, the Chairman has determined that it is safe to continue lifting restrictions to reflect the current state of affairs, and will continue to reassess the state of the Nation on a regular basis and reduce or increase safety measures accordingly.

NOW, THEREFORE BE IT RESOLVED, by the authority vested in the Chairman of the Nation, effective Monday, June 14, 2021, the Chairman amends Executive Order No. 2020-09 as follows:

Section 1. **Stay at Home Orders.** This section shall be withdrawn in its entirety.

Pursuant to 4 T.O.C. Chapter 4, Section 4103, no person shall be cited for violating the Stay at Home provisions under Section 4104(A).

Nation's members and residents are authorized to move freely throughout the Nation, subject to the restrictions which remain in place by this executive order; and

Section 2. **Exclusion from the Tohono O'odham Nation.** This section shall be withdrawn in its entirety.

Pursuant to 4 T.O.C. Chapter 4, Section 4103, no person shall be cited for violating provisions under Section 4104(B) and;

Section 3. **Curfew** This section remains withdrawn as ordered by Executive Order No. 2021-02.

Pursuant to 4 T.O.C. Chapter 4, Section 4103, no person shall be cited for violating curfew provisions under Section 4104(C) and;

Section 4. **Playground and Sports Areas Closure.** This section shall be withdrawn in its entirety.

Pursuant to 4 T.O.C. Chapter 4, Section 4103, no person shall be cited for violating provisions under Section 4104(E)(4) and;

Section 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

Section 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.

Persons in violation of this section remain subject to citations under 4 T.O.C. Chapter 4, *Violating a Public Health Measure*, Section 4104(D); and

Section 7. **Social Gatherings.** With the exception of persons residing in the same household, all social gatherings are *prohibited* until further notice. "Social gatherings" shall include all events and activities held for social and/or community purposes. Wakes/funerals, religious services and traditional ceremonies are *not* considered social gatherings.

This section remains in effect, as ordered by Executive Order No. 2020-09; persons in violation of this section remain subject to citations under 4 T.O.C. Chapter 4, *Violating a Public Health Measure*, Section 4104(E)(1); and

Section 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.

Face covering/mask requirements, as stated above, remain applicable regardless of individuals vaccination status.

This section remains in effect, as ordered by Executive Order No. 2020-09; persons in violation of this section remain subject to citations under 4 T.O.C. Chapter 4, *Violating a Public Health Measure*, Section 4104(E)(3); and

Section 9. **No Public Feedings.** Section 9 shall be amended as follows:

Meals and to-go plates may be offered in association with wakes/funerals and other religious services **only**, so long as hosts/servers observe the following precautions:

1. Any line formed in association with food distribution must be appropriately spaced to allow for distancing among individuals not residing in the same household; and
2. Persons must be masked and gloved at all times while preparing/handling food; and
3. Tables and chairs set out for people to eat may not accommodate more than 25 persons at one time and must allow for households to be appropriately spaced while eating; and
4. Handwashing stations and hand sanitizer must be made available.

Pursuant to 4 T.O.C. Chapter 4, Section 4103, no person shall be cited for violating provisions under Section 4104(B) when the event is in association with a wake/funeral or religious service; all other provisions remain in effect until withdrawn by executive order or expiration of the law.

At no time shall meals or to-go plates be offered in association with birthdays, graduation celebrations, or anniversaries, unless event occurs solely among persons residing in the same household.

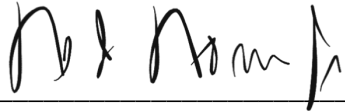
Section 10. Physical Distancing and Hygiene.

- 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.

Section 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. Face coverings shall continue to be *required* for employees and customers/visitors at all times in public spaces, regardless of vaccination status, until lifted by executive order.

BE IT FURTHER RESOLVED, mask requirements remain applicable to all religious services, in accordance with this order. Additionally, all health and safety precautions should be adhered to, including but not limited to social distancing, hand washing or hand sanitizing stations readily available, frequent disinfecting of facilities/communal spaces, etc.

ORDERED this 11th Day of June, 2021 in Sells, Arizona.



Chairman, Tohono O'odham Nation