

GILA RIVER INDIAN COMMUNITY

EXECUTIVE OFFICE OF THE GOVERNOR & LIEUTENANT GOVERNOR

"GILA RIVER STRONG"

STEPHEN ROE LEWIS
GOVERNOR



MONICA LYNN ANTONE
LIEUTENANT GOVERNOR

COMPREHENSIVE EXECUTIVE ORDER NO. 10 REGARDING CORONAVIRUS PANDEMIC

WHEREAS, from March 13, 2020 through October 2, 2020, I issued eight separate Executive Orders addressing various aspects of the coronavirus pandemic, ranging from a declaration of a public emergency to a requirement that all persons wear a mask while on the Gila River Indian Community Reservation; and

WHEREAS, I amended these separate Executive Orders on numerous occasions to extend and clarify them as necessary; and

WHEREAS, on October 2, 2020, I issued a new comprehensive Executive Order No. 9 that combined these prior Executive Orders into one single order, setting forth the numerous elements of our governmental response to the pandemic; and

WHEREAS, I have amended Executive Order No. 9 on two occasions to both address necessary clarifications, and also to extend its effect until April 12, 2021, in order to provide necessary time to consider important possible modifications to the pandemic restrictions contained therein; and

WHEREAS, I have had the opportunity to consult with the Community Council, the Tribal Health Department, the Tribal Education Department, the Unified Command of the Community's COVID-19 Task Force, and many other interested parties and entities on the Community's approach as we enter a new, more hopeful phase of our pandemic response; and

WHEREAS, as part of our pandemic response, the Community has emphasized the importance of COVID-19 vaccines and made them available to all members of the Community over the age of sixteen, all employees of the Community and its enterprises, and all residents of any household in which a Community member resides; and,

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WHEREAS, it is the policy of the Community under this Executive Order to encourage all those eligible to receive a vaccine take their vaccine at the earliest opportunity because future relaxation of pandemic restrictions will rely upon a high level of vaccine protection for the Community and its members; and

WHEREAS, due to the rise of new variants of the coronavirus, the Community must continue to be diligent in its efforts to address the coronavirus pandemic and take aggressive measures to continue to protect our Members and the public at large from this disease and the dangerous variants of it that are now afflicting our State and our Community.

NOW THEREFORE, I, Stephen Roe Lewis, Governor of the Gila River Indian Community, through the authority granted to me in the Constitution and Bylaws of the Gila River Indian Community and Title 1 of the Gila River Indian Community Code, hereby order as follows:

First, I hereby rescind Executive Orders 1 through 9, and all amendments to such orders, effective immediately, and replace those orders with this new Executive Order No. 10, which includes all requirements and measures that are to remain in effect from this date until the date ascribed herein for expiration, or until this Executive Order is otherwise amended or rescinded by a subsequent amendment or Executive Order.

Second, for purposes of this Executive Order No. 10, the following terms shall have the definitions set forth below:

- a. "Community COVID-19 State of Emergency" means the public health State of Emergency in the Gila River Indian Community regarding the COVID-19 Pandemic declared in the Third Clause of this Executive Order No. 10.
- b. "Community Public Safety Departments" means the Gila River Police Department, the Gila River Fire Department, the Department of Rehabilitation & Supervision, the Tribal Health Department, and the Office of Emergency Management.
- c. "COVID-19 Pandemic" means the ongoing pandemic of coronavirus disease 2019 (COVID-19) caused by severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).
- d. "Essential Activities" include the following activities:
 - Seeking medical care or assisting others to seek medical care;
 - Providing care for a family member, friend, or animal in another household;
 - Obtaining food and necessary household supplies and services, including obtaining such items for those in need of assistance such as children, Elders, and the disabled;

- Farming or ranching activities, including tending to crops or livestock, or related activities;
- Work activities as an employee of the Community government;
- Travel to and from a place of employment or school;
- Travel to or from a school located on the Reservation for the purposes of delivering or receiving instructional packets or meals for school-age children, or for transporting special needs children to and from school;
- Travel to and from off-Reservation schools by Community students to attend school or school activities off-Reservation;
- Special needs children attendance at schools located on the Reservation;
- Engaging in outdoor physical activities, such as exercise, in groups of less than ten people, subject to maintaining physical distancing and wearing a facial mask;
- Attending or participating in religious services;
- Travel related to an Essential Activity; and,

Any other activity determined by the Executive Office in writing to be an Essential Activity for purposes of this Executive Order.

- e. "First Responders" means any individual directed to respond to any call for health care, emergency or police call, or essential services, including, without limitation the following:
 - Employees of the Gila River Police Department
 - Employees of the Gila River Fire Department
 - Employees of Gila River EMS
 - Employees of Gila River Health Care Corporation
 - Utility workers who are conducting work within the Reservation, including employees of Gila River Indian Community Utility Authority and Gila River Telecommunications Inc.
 - Employees of the Tribal Health Department
 - Employees of Department of Community Housing who work in the field and interact with the public
 - Employees of the Community Services Department who work in the field and interact with the public
 - The Community Manager and all Department Directors
- f. "PHI" means protected health information.
- g. "Reservation" means the Gila River Indian Community Reservation.

Third, I hereby declare that there is a continued public health State of Emergency in the Gila River Indian Community regarding the COVID-19 pandemic, which shall continue until further notice.

Fourth, all business travel for Community employees who have not been fully vaccinated in accordance with guidelines from the Centers for Disease Control is suspended until June 30, 2021, unless such travel is deemed necessary and approved by

the Executive Office. This suspension applies to all travel that normally requires authorization under the Community's Travel Policy, adopted by Resolution GR-125-12, as amended. Departments and programs are directed to seek alternatives to travel, including teleconferences, online videoconferencing, livestream, or other alternatives for attending meetings, conferences or trainings. Travel requests that may be approved are those in which the Community's interests would be seriously affected or jeopardized by non-attendance, such as legal proceedings (e.g., court hearings), law enforcement matters (e.g., prisoner transports), or similar matters. The Executive Office shall consider all requests for necessary travel on a case-by-case basis.

Fifth, with the exception of meetings of elected and appointed officials, all gatherings on the Community's Reservation of more than ten (10) persons are prohibited, until June 30, 2021, unless specifically approved in writing in advance by the Executive Office. The Executive Office shall approve only those gatherings of more than ten (10) persons that: (i) are determined to be ones in which the Community's interests would be seriously affected or jeopardized if the gathering did not take place; and (ii) are conducted in accordance with social distancing and public health measures that are approved in writing by the Tribal Health Department.

- (1) *Community commercial enterprises*. This prohibition does not apply to Community commercial entities operating on the Community Reservation, provided those commercial enterprises are (i) undertaking efforts to prevent the transmission of COVID-19 among employees and customers, and (ii) providing appropriate personal protective equipment, including face masks, for employees and customers.
- (2) *Funerals*. This prohibition of gatherings of more than ten (10) persons applies to funeral services, wakes and cremations, which shall be subject to the following additional restrictions:
 - a. The place at which a funeral service, wake or cremation is held must be able to accommodate social distancing (at least six (6) feet) between all persons present;
 - b. All persons present must wear appropriate personal protection equipment, including a facial mask and protective gloves;
 - c. Individuals should not attend funeral services, wakes or cremations if they fall within a high-risk category for COVID-19 (as defined under guidelines from the Center for Disease Control), are exhibiting symptoms of COVID-19, have tested positive for COVID-19, or have been exposed to someone who has tested positive for COVID-19 in the last fourteen (14) days; and,
 - d. Those persons holding or sponsoring funeral services, wakes or cremations shall follow applicable guidelines of the Centers for Disease Control (<http://www.cdc.gov/coronavirus/2019-ncov/community/tribal/faq-burial-practice.html>).

Sixth, price gouging is unlawful on the Gila River Indian Reservation. GRIC Code Section 13.209 provides that “unconscionable and other unfair business practices” are grounds for the revocation of a business license. Individuals or businesses that engage in price gouging in the Community are subject to a revocation of their business licenses and non-members will be subject to exclusion from the Community under GRIC Code Section 8.101(C), which prohibits unfair business practices. I hereby direct law enforcement to fully and vigorously enforce these laws on the Gila River Indian Reservation to ensure that no business takes undue advantage of the COVID-19 Pandemic.

Seventh, no household or business shall have its utilities disconnected by the Gila River Indian Community Utility Authority (GRICUA) or Gila River Telecommunications Incorporated (GRTI) until the expiration of the Community COVID-19 State of Emergency.

Eighth, I hereby declare a continued moratorium on any new evictions being initiated by the Department of Community Housing (DCH) or the Department of Housing Development (DHD) until the expiration of the Community COVID-19 State of Emergency. This moratorium shall not apply to evictions based on criminal activity.

Ninth, I hereby designate and authorize the following departments, programs and entities to situationally receive PHI until the expiration of the Community COVID-19 State of Emergency:

- a. All First Responders;
- b. All Community Public Safety Departments;
- c. The Gila River Health Care Corporation;
- d. The GRICUA Administrator, but solely for utility workers who are conducting work within the Reservation;
- e. The GRTI Administrator, but solely for utility workers who are conducting work within the Reservation;
- f. The Community Services Department Director, Deputy Director, District Coordinators, and Assistant District Coordinators;
- g. The Department of Community Housing Director and Deputy Director;
- h. All field employees of CSD and DCH who are required to interact with the public;
- i. The Tribal Social Services Child & Family Welfare Administrator and Crime Victim Services Coordinator;
- j. The Tribal Health Department; and
- k. All Community department directors.

Tenth, departments, programs and entities identified in the Ninth Clause of this Executive Order No. 10 shall follow the guidelines contained in “COVID-19 and HIPAA: Disclosures to Law Enforcement, Paramedics and Other First Responders and

Public Health Authorities,” published by the United States Department of Health and Human Service, Office of Civil Rights.

Eleventh, Subject to the Twelfth Clause of this Executive Order No. 10, I hereby end the partial closure of all Community government departments and offices, effective April 12, 2021. Community employees will begin a phased-in return to work in accordance with the comprehensive “Tribal Government Return to Work” plan, which has been approved by the Executive Office in consultation and coordination with Community Council. Department directors are directed to continue utilizing teleworking or other alternative safe work arrangements as appropriate and practical. All employees who return to the workplace shall wear appropriate protective face masks at all times while at such employees’ workplace when in the proximity of other employees (less than 6 feet) until further notice.

Twelfth, under the Communicable Disease Ordinance, GRIC Code Title 17, any individuals who (i) have tested positive for COVID-19, have been diagnosed with COVID-19, or have been advised to self-quarantine by a health care professional or the Tribal Health Department, and (ii) do not submit to a voluntary quarantine may be subject to a written quarantine directive by the Tribal Health Department and court-ordered quarantine by the Community Court, enforceable by the Gila River Police Department. I strongly encourage all Community Members and residents of the Reservation to follow the directions of their health care providers and the Tribal Health Department with respect to measures addressing the COVID-19 Pandemic.

Thirteenth, the Gila River Police Department is authorized and directed to enforce the Twelfth Clause of this Executive Order No. 10 under the applicable provisions of the Gila River Indian Community Code.

Fourteenth, until further notice, all persons within the boundaries of the Reservation at any time over two (2) years of age, unless traveling through the Reservation on a federal or state right-of-way, shall wear a protective face mask while in a public area located within the Reservation. All Reservation-based employers and businesses shall provide personal protective equipment, including face masks for all employees and visitors to their facilities on Reservation. All Community members or individuals subject to the criminal jurisdiction of the Community who violate this face mask requirement shall be subject to a citation under the Community’s Criminal Code. All non-Indians who violate this face mask requirement shall be subject to a citation under the Community’s Civil Trespass Code.

Fifteenth, I hereby direct that all employees of the Community must be tested for COVID-19 as directed until further notice. In addition, employees of the Community may be required to undergo serology testing for COVID-19 antibodies or to be retested as appropriate. Employees of the Community who refuse testing or fail to show up for testing as directed will be subject to disciplinary action. The results of any testing shall

be kept confidential in accordance with applicable law and positive test results shall be reported as required by Community or federal law.

Sixteenth, I hereby direct that the Community shall also make COVID-19 testing available to the following groups of individuals on a regular bi-weekly basis or as directed until further notice:

- Community Council and elected and appointed officials of the Community
- Employees of all schools located on the Reservation
- All Community Members, including Urban Members residing in the surrounding communities
- Employees of all wholly-owned Community entities or operated entities, with the consent of those entities
- Employees of Boys & Girls Clubs on Reservation
- Such other groups of individuals as may be designated by the Executive Office in writing

Seventeenth, I hereby direct that all schools, including Sacaton Elementary School District, located on the Reservation shall provide education to the students enrolled in each such school only through virtual classes or distance learning, and not through in person, on-site classes, from the commencement of their school year through at least July 30, 2021. To the greatest extent possible, schools should offer synchronous learning through which instructors provide instruction in real-time to students. In-person classes may resume after July 30, 2021, unless upon review I determine that it is in the best interests of the Community to extend the period of virtual classes or distance learning.

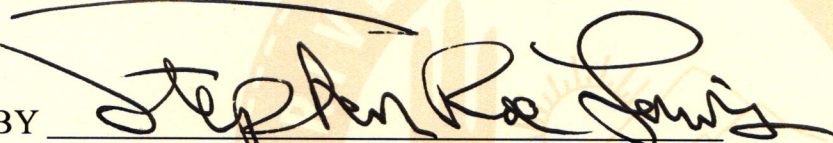
Eighteenth, notwithstanding Clause Seventeenth of this Executive Order No. 10, schools in the Community, beginning May 3, 2021, may offer on-site education to a limited number of students in accordance with an approved request for an exemption to the prohibition in Clause Seventeen. Such request for an exemption must be in writing in a form that is in accordance to procedures and guidance set forth by the Tribal Education Department. Schools may submit a request for an exemption pursuant to this Eighteenth Clause at any time after April 12, 2021, but no exemption, if approved, shall take effect prior to May 3, 2021.

Nineteenth, I hereby direct each school on the Reservation to develop and implement a plan for providing meals for students and other school-aged children using existing resources that each school has available to it. To the extent such meal programs exceed the resources available to any such school, such school may request such funding as may be necessary from the Community Treasurer. Such meal plans must include adequate public health safety measures.

Twentieth, all individuals who have not been fully vaccinated in accordance with guidelines from the Centers for Disease Control residing within the Reservation shall remain at their place of residence except when conducting an Essential Activity until June 30, 2021; provided that this requirement shall not apply to any individual who determines they are unsafe or could become unsafe in their place of residence, such as victims of accident, domestic violence, or crime. These individuals are encouraged to contact law enforcement or other available services for assistance. Notwithstanding any other provision of this Executive Order No. 10, all door-to-door sales or in-person solicitations, other than those conducted for purposes of the U.S. Census, are prohibited until June 30, 2021.

Twenty-first, I hereby urge all Community members, residents living with members, and employees of the Community and its enterprises to take the COVID-19 vaccine at the earliest opportunity possible in order to help ensure the health and safety of our entire Community.

DONE THIS 9th DAY OF APRIL, 2021.

BY 
GOVERNOR STEPHEN ROE LEWIS