

GILA RIVER INDIAN COMMUNITY

EXECUTIVE OFFICE OF THE GOVERNOR & LIEUTENANT GOVERNOR

“GILA RIVER STRONG”

STEPHEN ROE LEWIS
GOVERNOR



MONICA LYNN ANTONE
LIEUTENANT GOVERNOR

AMENDED COMPREHENSIVE EXECUTIVE ORDER NO. 12 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 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, on April 9, 2021, I issued comprehensive Executive Order No. 10, which made various changes including approval of the Tribal Government Return to Work Plan and easing certain restrictions for fully vaccinated individuals; and

WHEREAS, on June 16, 2021, I issued comprehensive Executive Order No. 11 to address growing concerns regarding new COVID-19 variants; and

WHEREAS, on August 6, 2021, I issued Comprehensive Executive Order No. 12 to further address recent increases in COVID-19 due primarily to the spread of the Delta variant among unvaccinated individuals; and

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WHEREAS, I have had the opportunity to consult with the Standing Committees, 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 face yet another surge of COVID-19 infections in the Community, Arizona and the United States; 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 twelve, all employees of the Community and its enterprises, all Community residents, all residents of any household in which a Community member resides, and all teachers who teach at a school located on the Gila River Indian Reservation; and

WHEREAS, it continues to be 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; and

WHEREAS, due to the rise of new variants of the coronavirus, especially among our children, 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 amend Comprehensive Executive Order No. 12 Regarding Coronavirus Pandemic and order as follows:

First, this Amended Executive Order No. 12 includes all requirements and measures that are to remain in effect from this date until the date ascribed herein for expiration, or until this Amended Executive Order No. 12 is otherwise amended or rescinded by a subsequent amendment or Executive Order.

Second, for purposes of this Amended Executive Order No. 12, 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 Amended Executive Order No. 12.

- 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. "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
- e. "PHI" means protected health information.
- f. "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 employee business travel that normally requires authorization under the Community's Travel Policy, adopted by Resolution GR-125-12, as amended, shall be subject to a separate directive issued by the Executive Office. All employee personal travel shall likewise be subject to a separate directive issued by the Tribal Health Department pursuant to Resolution GR-034-21. Generally, Community employees who have not been fully vaccinated in accordance with Centers for Disease Control and Prevention guidelines shall be limited in business and personal travel. Departments and programs are directed to continue seeking alternatives to travel, including teleconferences, online videoconferencing, livestream, or other alternatives for attending meetings, conferences or trainings. The Executive Office shall continue to 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 fifteen (15) persons are prohibited, until further notice, unless specifically approved in writing in advance by the Executive Office. The Executive Office shall approve only those gatherings of more than fifteen (15) persons that are conducted in accordance with public health measures that are approved in writing by the Tribal Health Department.

- (1) *Community commercial enterprises.* This prohibition of gatherings of more than fifteen (15) persons 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) making available appropriate personal protective equipment, including face masks, for employees and customers.
- (2) *Funerals.* **This prohibition of gatherings of more than fifteen (15) persons shall apply to funeral preparations, services, wakes and cremations, provided that individuals responsible for a particular funeral, service, wake or cremation, or preparations for such events, agree to COVID-19 protection protocols set forth in the Community's Funeral Guidance, which shall be subject to oversight by each District.**

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, 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.

Eighth, 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.

Ninth, departments, programs and entities identified in the Eighth Clause of this Amended Executive Order No. 12 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.

Tenth, all Community departments and employees will continue to comply with the comprehensive “Tribal Government Return to Work Plan,” and their department or program plans.

Eleventh, 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. All Community Members and residents of the Reservation are strongly encouraged to follow the directions of their health care providers and the Tribal Health Department with respect to measures addressing the COVID-19 Pandemic.

Twelfth, the Gila River Police Department is authorized and directed to enforce the Twelfth Clause of this Amended Executive Order No. 12 under the applicable provisions of the Gila River Indian Community Code.

Thirteenth, *until further notice, all persons including Community members, employees and visitors over two (2) years of age who are present within the boundaries of the Reservation shall wear a protective face mask while inside any public building located within the Reservation, regardless of vaccination status.* Further, all teachers, staff, students or visitors to any school on the Reservation shall wear a protective face mask regardless of vaccination status. All Community employees shall continue to participate

in daily COVID-19 screenings. All Community departments, schools and Reservation-based employers and businesses shall make protective face masks available for all employees and visitors. All persons who are 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.

Fourteenth, I hereby direct that (i) all employees of the Community who have not been fully vaccinated, and (ii) any employees, including fully vaccinated employees, who have displayed symptoms of the COVID-19 virus, must be tested for COVID-19 as directed until further notice. Any Community government employee who displays symptoms of the COVID-19 virus must be tested immediately by their health care provider. We strongly recommend that any employee of any enterprise or business located on the Reservation who displays symptoms of the COVID-19 virus be tested immediately by their health care provider. In addition, employees of the Community government may be required to undergo serology testing for COVID-19 antibodies or to be re-tested as appropriate. Employees of the Community government 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.

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

- Fully vaccinated employees of the Community government
- Community Council and elected and appointed officials of the Community
- Employees and students 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

Sixteenth, I hereby direct that all schools 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 August 16, 2021 until further notice. To the greatest extent possible, schools should offer synchronous learning through which instructors provide instruction in real-time to students. Notwithstanding the prohibition on in-person teaching, teachers may use their

classrooms for providing virtual education to their students, provided they observe appropriate COVID-19 health requirements while in a school building on Reservation. A school may seek an exception to continue in person, on-site classes for up to an additional seven (7) days after August 16, 2021, if it can demonstrate that it is unable to provide education through virtual classes effectively due to the limited time for transition. A school seeking such an exception must file its request with the Tribal Education Department. The Tribal Education Department shall consult with the Tribal Health Department and the COVID-19 Task Force in preparing its response to the request.

Seventeenth, schools in the Community may provide on-site services to children with developmental delays or impairments who have specific Individualized Education Plans (IEPs) or students whose needs cannot be met through virtual learning, so long as there are no more than ten (10) students present on campus at any time, social/physical distancing guidelines are followed, all students, staff and visitors wear face masks indoors and utilize other appropriate PPE and COVID-19 prevention measures.

Eighteenth, 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 and COVID-19 prevention measures.

Nineteenth, all individuals who have not been fully vaccinated in accordance with guidelines from the Centers for Disease Control and Prevention residing within the Reservation are strongly encouraged to stay at home as much as possible. I emphasize that, for those not fully vaccinated, the safest place continues to be at home and that staying home is the best way to protect yourself and others from getting sick.

Twentieth, I urge all Community members, employees, and all others eligible to receive a vaccine from the Community 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 13th DAY OF AUGUST, 2021.

BY


GOVERNOR STEPHEN ROE LEWIS