GILA RIVER INDIAN COMMUNITY

Executive Office of the Governor & Lieutenant Governor

"Putting Our People First"

Stephen Roe Lewis
Governor

Robert Stone
Lieutenant Governor

AMENDED COMPREHENSIVE EXECUTIVE ORDER NO. 9 REGARDING CORONAVIRUS PANDEMIC

WHEREAS, from March 13, 2020 through today, I have 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 have amended these separate Executive Orders on numerous occasions to extend and clarify them as necessary; and

WHEREAS, on October 2, 2020, I issued Comprehensive Executive Order No. 9 Regarding Coronavirus Pandemic; and

WHEREAS, the coronavirus pandemic has resurged in the United States and, specifically, the western United States is experiencing a dramatic increase in cases; and

WHEREAS, 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.

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. 9 Regarding Coronavirus Pandemic and order as follows:

First, this Amended Executive Order No. 9 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date until the date ascribed herein for expiration, or until this Amended Executive Order No. 9 is otherwise amended or rescinded by a subsequent Executive Order.

Second, for purposes of this Amended Executive Order No. 9, the following terms shall have the definitions set forth below:

525 West Gu u Ki · P.O. Box 97 · Sacaton, Arizona 85147
Telephone: 520-562-9841 · Fax: 520-562-9849 · Email: executivemail@gric.nsn.us

a. "Community COVID-19 State of Emergency" means the ongoing public health State of Emergency in the Gila River Indian Community regarding the COVID-19 Pandemic recognized and declared in the Third Clause of this Amended Executive Order No. 9.
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;
    - Travel to and from a place of employment;
    - 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;
    - 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. "Essential Functions" includes the following functions, among others:
    - Healthcare services;
    - Public safety functions;
    - Tribal government functions;
    - Businesses that sell groceries or medicine;
    - Farms and livestock production;
    - Employment at a business enterprise located on the Reservation;
    - Gas stations;
    - Financial institutions;

- Hardware and supply stores;
- Post offices and delivery services;
- Private and commercial transportation services;
- Professional and legal services;
- Day care centers for employees fulfilling an Essential Function;
- Funeral services (subject to the limits set forth in the Fifth Clause of this Amended Executive Order No. 9);
- All commercial and business enterprises located on Reservation;
- Other functions defined as "essential" by Arizona Executive Order 2020-18; and
- Functions designated in writing by the Executive Office as Essential Functions.

f. "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 Health Care Corporation, including Emergency Medical Services;
   - 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 are likely to interact with the public;
   - Employees of the Community Services Department who work in the field and are likely to interact with the public; and
   - The Community Manager, Assistant Community Manager and all Department Directors.

g. "High-Risk Employee(s)" means an employee of a Reservation-based employer who is considered to be at high-risk of contracting COVID-19 (pursuant to the guidelines issued by the Centers for Disease Control). This includes employees who fall within the following categories, among others:
   - Employees who are 65 years old or older;
   - Employees who are immunocompromised or who have autoimmune disorders (many conditions can cause a person to be immunocompromised, including cancer treatment, smoking, bone marrow or organ transplantation, immune deficiencies, poorly controlled HIV or AIDS, and prolonged use of corticosteroids and other immune weakening medications);
   - Employees with severe obesity (a body mass index (BMI) of 40 or higher);
   - Employees with diabetes;

- Employees with chronic kidney disease undergoing dialysis; and
- Employees with liver disease.

h. PHI" means "protected health information."
i. "Reservation" means the Gila River Indian Community Reservation.

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

Fourth, all travel for Community employees is suspended until January 31, 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 Community-sponsored gatherings of more than ten (10) persons are prohibited, until January 31, 2021, unless specifically approved in writing in advance by the Executive Office. The Executive Office shall approve only those Community-sponsored 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) *Commercial Enterprises.* This prohibition does not apply to commercial enterprises or entities lawfully operating on the Reservation, provided those commercial enterprises: (i) are undertaking efforts to prevent the transmission of COVID-19 among employees and customers, and (ii) are 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, Inc. (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. The Tribal Social Services Child & Family Welfare Administrator and Crime Victim Services Coordinator; and,
i. The Tribal Health Department.

Tenth, departments, programs and entities identified in the Ninth Clause of this Amended Executive Order No. 9 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 Amended Executive Order No. 9, I hereby extend the partial closure of all Community government departments and offices, excluding Community Public Safety Departments, until January 31, 2021, and all Community employees will return to work on February 1, 2021, unless this order is amended to change these dates. Certain essential employees may be directed to return to the Community workplace prior to February 1, 2021 as needed. Department directors are directed to continue utilizing teleworking or other alternative safe work arrangements for as many employees as practical. All employees that return to the workplace shall wear appropriate protective face coverings at all times while at such employees' workplace when in the proximity of other employees (less than 6 feet) until further notice.

Twelfth, full government operations will resume pursuant to a comprehensive "Tribal Government Return to Work" plan and phased-in approach which will be approved by the Executive Office in consultation and coordination with the Community Council.

Thirteenth, all individuals residing within the Reservation shall remain at their place of residence except when conducting an Essential Activity until January 31, 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 Amended Executive Order No. 9, all door-to-door sales or in-person solicitations, other than those conducted for purposes of the U.S. Census, are prohibited until January 31, 2021.

Fourteenth, 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.

Fifteenth, the Gila River Police Department is authorized and directed to enforce the Fourteenth Clause of this Amended Executive Order No. 9 under the applicable provisions of the Gila River Indian Community Code.

Sixteenth, 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 or coverings for all employees and visitors to their facilities on Reservation. Community members found violating this face mask requirement shall be subject to citation under the Community's Criminal Code. All non-members found violating this face mask requirement shall be subject to citation under the Community's Civil Trespass Code.

Seventeenth, all Reservation-based employers must have in place policies providing High-Risk Employees the option to: (i) telework; or (ii) take a paid leave of absence; or (iii) work through some other safe alternative work arrangement, at the discretion of the employer, for a period of up to forty-five (45) days, or longer if this period is extended by subsequent Executive Order.

Eighteenth, No High-Risk Employee who works for the Community shall be permitted to return to the Community workplace until further notice. Pursuant to the Community's amended Leave of Absence for Coronavirus ("COVID-19") policy, as adopted at the June 26, 2020 Special Meeting of the Community Council, until further notice, all High-Risk Employees Community employees shall be: (i) placed on teleworking status; or (ii) placed in paid leave status; or (iii) provided another safe work alternative.

Nineteenth, I hereby direct that all employees of the Community must be tested for COVID-19 every two weeks 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 COVID-19 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.

Twentieth, 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 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; and

- Employees of Boys & Girls Clubs on Reservation.

Twenty-first, subject to the Twenty-second Clause of this Amended Executive Order No. 9, 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 January 31, 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 on February 1, 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.

Twenty-second, schools in the Community may offer on-site services to provide voluntary specialized services to children with developmental delays or impairments who have specific Individualized Education Plans (IEPs) and 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, students and staff wear face masks and other appropriate PPE, and the school follows the Centers for Disease Control (CDC) guidelines for operating schools during the COVID-19 pandemic, found at https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/schools.html. Transporting students to and from schools for on-site services or activities shall not be a violation of this Executive Order.

Twenty-third, 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.

DONE THIS 15th DAY OF NOVEMBER, 2020.

BY _____
GOVERNOR STEPHEN ROE LEWIS