



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

Ned Norris Jr. Wavalene M. Saunders
Chairman Vice Chairwoman



Executive Order

No. 2022-01

WHEREAS, on March 13, 2020, by Executive Order No. 2020-03, 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, through a series of executive orders, the Chairman established public health measures to reduce the spread of COVID-19 on the Nation, which included Stay at Home orders, curfew hours, governmental facility closures, social gathering and public feeding restrictions, wake and funeral guidelines, and mask mandates; 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*, making specific provisions of the Chairman's Executive Orders enforceable by law and subject to civil penalties for violation of those orders. 4 T.O.C. Chapter 4 – Violating a Public Health Measure automatic repeal date was extended to December 31, 2022 by TON Legislative Council Resolution No. 21-475; and

WHEREAS, pursuant to 4 T.O.C. Chapter 4, Section 4103 (C), the Chairman withdrew several public health measures listed under Section 4104 of the law by issuing and publishing the withdrawals by executive order to the general public; and

WHEREAS, between December 2021 and February 2022, consistent with the United States, the Nation experienced a surge in COVID-19 cases. Since the surge, there has been a significant decrease in COVID-19 cases nationwide, which have remained at a record low, thereby 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 in the best interest of the Nation.

NOW, THEREFORE BE IT RESOLVED, by the authority vested in the Chairman of the Nation, effective Tuesday, March 22, 2022, the Chairman hereby orders the following:

This Executive Order No. 2022-01, supersedes Executive Order No. 2021-03, and contains all health measures that remain in effect as of the date of this order, and shall remain in effect until lifted by executive order. The orders contained herein, also listed under Section 4104 of 4 T.O.C Chapter 4 – Violating a

Public Health Measure, shall continue to be legally enforceable until the law expires or is repealed by the Tohono O’odham Legislative Council.

Section 1. **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 2. **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.

Wake and funerals are no longer limited in duration. Overnight wakes are now permissible.

Persons in violation of this section remain subject to civil citations under 4 T.O.C. Chapter 4, *Violating a Public Health Measure*, Section 4104(D)(1) & (2); and

Section 3. **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.

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 4. **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, 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. *This applies to indoor/enclosed spaces only. Face Coverings are no longer required outdoors, regardless of location.*
- 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.

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 5. No Public Feedings.

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 services; 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.

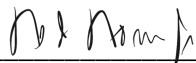
Section 6. Physical Distancing and Hygiene.

- 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.

BE IT FURTHER RESOLVED, 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. However, face coverings shall continue to be *required* for employees and customers/visitors at all times in public spaces (*indoors only*), regardless of vaccination status, until lifted by executive order.

BE IT FINALLY RESOLVED, mask requirements remain applicable to all indoor 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 22nd Day March, 2022 in Sells, Arizona.



Chairman, Tohono O'odham Nation