



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

Ned Norris Jr. Wavalene M. Saunders
Chairman Vice Chairwoman



Executive Order

No. 2020-04

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 wide spread novel coronavirus, or COVID-19, therein establishing the Unified Command to centralize all Nation's resources and efforts in response to the potential devastating effects of COVID-19; and

WHEREAS, on March 16, 2020, in response to the state of emergency and increasing health and safety concerns of the Nation, the Tohono O'odham Legislative Council passed Resolution No. 20-094 which, in part, authorizes the Chairman or Vice-Chairwoman to enforce quarantine orders, restrict the movement of people within the Nation, and prohibit gatherings of people in groups within the Nation; and

WHEREAS, on March 18, 2020, by Executive Order No. 2020-02, the Chairman ordered the suspension of all non-essential programs and released all non-essential employees of regular duties, with pay until April 23, 2020, in order to help reduce the spread of COVID-19 and make available to the Unified Command all non-essential employees to be used in their efforts; and

WHEREAS, on March 30, 2020, by Executive Order No.2020-03, the Chairman issued a STAY AT HOME EXECUTIVE ORDER, therein ordering, in part, all Nation's residents remain at home, "except as needed for medical, health, safety, and food for themselves or their family members," limited authorization for individuals and businesses entering the Nation, and established a curfew on the Nation from 9pm through 6am; and

WHEREAS, as of April 16, 2020, of the persons tested for COVID-19 in the state of Arizona, 4,234 persons have tested positive, with 150 cases resulting in death; of those, 16 members of the Nation have tested positive and one of our members has tragically lost their life to the virus; and

WHEREAS, the Constitution of the Tohono O'odham Nation vests the Chairman, as chief executive officer, with the power to oversee the administration and management of the government, Constitution, Art. VII, Sec. 2.; within that power is the inherent authority to issue and amend executive orders; and

WHEREAS, the Executive Branch Personnel Policies Manual (PPM) was established by Executive Order 99-01; and

WHEREAS, the PPM can be amended by subsequent executive orders. PPM, Sec. I.A.; and

WHEREAS, given the unique structure of Native communities, it is inevitable that the Nation will be disproportionately affected by COVID-19 and its members are at a higher risk for devastating outcomes, therefore, it is imperative that the Nation take all measures necessary to protect our people.

NOW, THEREFORE BE IT RESOLVED, by the authority vested in the Chairman of the Nation, the Chairman hereby declares the following:

1. Executive order No. 2020-02, ordering the partial closure of Nation's program's and departments, shall be amended to expire June 4, 2020, unless amended by a subsequent executive order, all other sections of Executive Order No. 2020-02 not inconsistent with this order shall remain in full force and effect; and
2. Executive Order No 2020-03, Stay at Home Order, shall continue to remain in effect until further notice. Tohono O'odham Police Department has been directed to issue citations, consistent with the TON Criminal Code, to individuals in violation of Executive Order 2020-03; and
3. The PPM is hereby amended to authorize the Unified Command, established for the duration of the State of Emergency due to COVID-19, to detail non-essential employees to essential employees and assign duties as necessary in their efforts. Employees are ordered to report to assignments by the Unified Command. If an employee is not available for an assignment by the Unified Command at the time they receive an assignment, the employee:
 - a. Is authorized to submit leave request for the duration of the assignment.
 - b. In the absence of available/accrued leave, the employee's absence will result in leave without pay.
 - c. All other sections of the PPM shall remain in full force and effect.
4. Employees called in for regularly assigned duties remain subject to the PPM; failure to report may result in disciplinary action.

ORDERED this 17th Day of April, 2020 in Sells, Arizona.



Chairman, Tohono O'odham Nation