

AK-CHIN INDIAN COMMUNITY

Community Government

42507 W. Peters & Nall Road • Maricopa, Arizona 85138 • Telephone: (520) 568-1000 • Fax: (520) 568-1001



DECLARATION OF THE AK-CHIN INDIAN COMMUNITY COUNCIL

(Declaration of Penalties for Non-Compliance With any Order of the Chairman Issued Pursuant to the State of Emergency Declared Pursuant to the COVID-19 Outbreak.)

WHEREAS, the Council is authorized pursuant to Article IV, Section (n) of the Constitution to “regulate all matters and take all actions necessary to preserve and safeguard the health, safety, welfare, and political integrity of the Community”; and

WHEREAS, on March 26, 2020, acting pursuant to the authorities vested in the Community Council under Article IV, Sections (a), (i), (n), (o), and (q) of the Constitution of the Ak-Chin Indian Community, the Council issued a Declaration of the Ak-Chin Indian Community Council (“Declaration”), which declared that a public health-based state of emergency exists across the Ak-Chin Indian Community due to the pandemic classification of the virus COVID-19 and the health risks posed by its inevitable spread to nearby communities; and

WHEREAS, the Declaration authorized the Chairman to act on behalf of the Community and to take (or direct the taking of) any and all actions necessary to carry out the intent of the Declaration; and

WHEREAS, subsequent to the issuance of the Declaration, and acting pursuant to the authorities granted in the Declaration, the Chairman issued various directives, including directives issued in the form of an Order of the Chairman, ordering that certain actions be taken in response to the COVID-19 outbreak; and

WHEREAS, the Directive did not specify how non-compliance an Order of the Chairman will be enforced; and

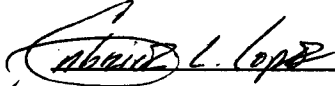
WHEREAS, the Council desires to clarify how non-compliance with any Order of the Chairman will be enforced.

NOW, THEREFORE, IT IS HERE BY DECLARED by the Community Council, acting pursuant to the authorities vested in the Community Council under Article IV, Sections (a), (h), (i), (j), (k), (m), (n), (p), and (q) of the Constitution of

the Ak-Chin Indian Community, that non-compliance with any Order of the Chairman issued pursuant to the Declaration of the Ak-Chin Indian Community Proclaiming a State of Emergency Due to the COVID- 19 Outbreak ("Declaration") is an imminent threat to the health, safety, welfare, and political integrity of the Community; enforcement is necessary to reduce the spread of COVID-19; and non-compliance may be enforced using any and all of the following civil penalties:


- fines not to exceed \$100 per individual incident of non-compliance;
- suspension and/or revocation of Council-issued permits or licenses unless Council has specifically authorized that certain specified activity may resume and/or occur while the Declaration is in effect;
- orders to suspend operations until the Declaration is rescinded by act of the Council or until the Council has specifically authorized that certain specified operations may resume and/or occur while the Declaration is in effect;
- removal or exclusion of any non-member of the Community because presence of such persons which don't comply with any Order of the Chairman is hereby declared to be injurious to the Community and its members and such person may be prohibited from re-entering the Community until such time as the Declaration is rescinded by act of the Council or until the Council has specifically rescinded any removal or exclusion of a specified individual while the Declaration is in effect;
- any other existing civil penalty available under the Ak-Chin Indian Community Law and Order Code or any Ordinance, law, or act of Council.

ORDERED this 17 Day of June, 2020.



Robert Miguel, Chairman
Ak-Chin Indian Community

ATTEST:



Victoria A. Smith, Council Executive Secretary
Ak-Chin Indian Community