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EXECUTIVE ORDER NO. 2020-04
“SHELTER IN PLACE”

WHEREAS, on March 15, 2020, pursuant to an Executive Order and State of Emergency Proclamation authorized by Ordinance 50-A, I determined that a State of Emergency existed on the Tribal lands of the Mississippi Band of Choctaw Indians (“MBCI” or “Tribe”); and

WHEREAS, on January 31, 2020, the United States Department of Health and Human Services Secretary Alex Azar declared a public health emergency for COVID-19 beginning on January 27, 2020; on March 11, 2020, the World Health Organization characterized COVID-19 as a pandemic; on March 13, 2020, the President of the United States declared a nationwide State of Emergency due to the COVID-19 pandemic; and on March 14, 2020, Mississippi Governor Tate Reeves declared a State of Emergency in Mississippi; and

WHEREAS, on March 11, 2020, the Mississippi State Department of Health confirmed the first presumptive case of novel coronavirus (“COVID-19”) in Mississippi and as of April 15, 2020, there were 3,624 positive cases with 129 deaths in Mississippi and 14 positive cases among persons who are eligible for healthcare at the Choctaw Health Center; and

WHEREAS, by Executive Order No. 2020-1, I ordered the partial shut-down of the Tribal Government with only critical employees remaining, including suspension of educational services at the Division of Early Childhood Education and Choctaw Tribal Schools; and

WHEREAS, despite the previous efforts to reduce the number of employees working and directives for self-reporting, social distancing and aggressive hygiene, including frequent handwashing, the rate of incidence of COVID-19 is increasing on the Reservation, which puts the essential MBCI employees who continue to work and the community at risk; and

WHEREAS, Section VI of Ordinance 50-A authorizes the Tribal Chief to prohibit activities or conditions during a State of Emergency to maintain public order and protect lives and property for the safety, health and welfare of tribal members and to impose prohibitions and restrictions as are necessary to accomplish those goals; and

WHEREAS, additional measures are needed to further disrupt and slow the spread of COVID-19 within the Reservation communities and to manage needed healthcare and emergency management resources;

NOW, THEREFORE, I, Cyrus Ben, Chief of the Mississippi Band of Choctaw Indians, pursuant to the authority of Ordinance 50-A, do find it is in the best interest of members of the

Mississippi Band of Choctaw Indians to temporarily remain in their homes or places of residence and shelter there, and certain businesses and public amenities be temporarily closed to the public and do further hereby order and direct as follows:

I. SHELTER IN PLACE

- A. **Duration:** This Shelter in Place Order shall become effective at 08:00 a.m. on Monday, April 20th, 2020, and shall remain in full force and effect until 8:00 a.m. on Monday, April 27, 2020, unless rescinded, modified or extended.
- B. **Shelter in Place:** All individuals who are currently residing on Choctaw Indian Lands are ordered to stay at home or in their place of residence for twenty-four (24) hours a day except as allowed in this Executive Order for Essential Activities or Essential Travel.
- i. For purposes of this Executive Order, “home” and “residence” include single family homes, hotels, rental units, shelters, mobile home parks, and similar facilities used as an individual’s dwelling.
 - ii. Individuals using outdoor space of their homes or residence shall at all times maintain social distancing of a minimum of a 6 foot distance between each individual and shall not gather in groups of more than 10 people;
- C. **Evictions Suspended:** Evictions on the Reservation are suspended, and all law enforcement officers are directed to cease enforcement of any orders of eviction from residential premises during this Shelter in Place Order. No provision contained within this Executive Order shall be construed as relieving any individual of the obligation to pay rent, to make mortgage payments or to comply with any other obligation that an individual may have under tenancy or mortgage. Executive Order 2020-03 remains in effect which contains specific provisions regarding the deferral of mortgage and rental payments.

II. ESSENTIAL BUSINESSES OR OPERATIONS

- A. Essential Businesses and Operations shall remain open.
- B. For purposes of this Executive Order, the phrase Essential Businesses or Operations mean:
- Essential Government functions including public safety and first responders, law enforcement, fire prevention and response, Choctaw Transit, courts and court personnel, military, emergency management personnel, corrections, probation and parole, child protection, child welfare, EMTs, 911 call center employees, and all workers and vendors that support law enforcement and emergency management operations and services;

- Essential healthcare operations including hospitals/clinics, laboratory operations, nursing homes, residential health care facilities, dialysis centers, congregate care facilities, elder care, home health workers and aides, medical supply and equipment providers, medical waste disposal, hazardous waste disposal, and other ancillary healthcare services;
- Essential infrastructure operations including utilities, power generation, utility poles and components, fuel and transmission, petroleum producers, suppliers and distributors, telecommunications, electronic security and life safety services, wireless communication, communications sales and customer support, telecommunication and data center, flood control, operation of roads and highway, pipelines, transportation infrastructure, public water and waste water, hazardous waste disposal, hotels and commercial lodging services;
- Agriculture and farms including food cultivation, livestock, cattle, and poultry operations, repair of agricultural equipment, gas, diesel and petroleum suppliers, forest products businesses, including those involved in forestry operations and logging;
- Essential retail includes all supermarkets, food and beverage stores, convenience stores, and restaurants, as long as service at restaurants are limited to drive-thru, curbside and/or delivery service
- Essential services include trash collection, mail and shipping services, home repair, laundromats/laundry service;
- Education services including educators and employees, supporting Division of Early Childhood, the Choctaw Tribal Schools, and the Tribal Scholarship Program for purposes of facilitating distance learning or other essential functions;
- Financial services including banks and related financial institutions, or institutions providing insurance, payroll, accounting, processing financial transactions or services related to financial markets;
- Providers of basic necessities to economically disadvantaged populations including religious and non-profit organizations, food banks, homeless or domestic abuse shelters;
- Construction and construction related services including building and construction, electricians, plumbers, exterminators, cleaning and janitorial services, HVAC industry, painting or other skilled trades and other related firms and professionals for maintaining essential infrastructure;
- Essential services to maintain the safety, sanitation and essential operations of residences and essential businesses operations, including maintenance, building code

enforcement, security, emergency management and response, building cleaning including disinfection, mortuaries and cemeteries;

- Vendors that provide essential services or products and services needed to ensure the continuing operation of an Essential Business or Operation, operation of government agencies and to provide for the health, safety and welfare of the public;
- MBCI Tribal Enterprises;
- Religious entities;
- Categories of workers and related industries identified by the U.S. Department of Homeland Security, Cybersecurity & Infrastructure Security Agency (CISA) in its “Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response,” as may be amended;
- Other categories as may be identified and deemed essential.

III. PROHIBITED ACTIVITIES

- A. All public and private social and other non-essential gatherings in groups of more than 10 people in a single space at the same time where individuals are in close proximity (less than 6 feet) to each other shall be cancelled or rescheduled;
- B. All places of recreation, whether indoors or outdoors, including but not limited to ball fields, playgrounds, basketball courts, are closed except as allowed in Essential Activities, §IV E.

IV. ESSENTIAL ACTIVITIES

Individuals may leave their residences only to perform the following Essential Activities:

- A. To perform work providing essential products and services at Essential Businesses or Operations or to carry out activities permitted in this Executive Order;
- B. To engage in activities or perform tasks necessary to their health safety, or the health and safety of their family or household members (including pets) or the health and safety of those persons who are unable to or should not leave their home;
- C. To obtain necessary food, services or supplies for themselves and members of their household needed to maintain the safety, sanitation and essential operation of the home or residence, or to deliver those services or goods to those persons who are unable to or should not leave their home;
- D. To engage in individual outdoor activity or recreation;
- E. To engage in individual hunting or fishing activities approved under the MBCI Wildlife Proclamation.

V. ESSENTIAL TRAVEL

- A. Travel for Essential Business or Operation as defined herein;
- B. Travel for Essential Activities as defined herein;
- C. Travel to care for elderly, minors, dependents, persons with disabilities or other vulnerable persons, including to obtain medical care for such individuals;

- D. Travel to or from educational institutions for purposes of receiving materials for distance learning, and other education related purposes;
- E. Travel to or from their place of residence;
- F. Travel required by law enforcement by court order, including to transport children pursuant to a custody agreement.

VI. SOCIAL DISTANCING

While performing Essential Business or Operations, Essential Activities or Essential Travel, persons shall take all necessary steps to avoid social and other non-essential gatherings in groups of more than 10 people where the gatherings are in a single space at the same time where individuals are in close proximity to each other. This prohibition does not apply to medical and healthcare facilities or retail shopping including grocery stores.

VII. ENFORCEMENT OF THIS EXECUTIVE ORDER REGARDING SHELTER IN PLACE

This Shelter in Place Order may be enforced by officers of the MBCI Department of Public Safety to the fullest extent of the law pursuant to Section VIII of Ordinance 50-A which makes it a Class C criminal offense to violate orders or plan and issued pursuant to the authority of Ordinance 50-A, subject to a fine of up to \$50.00 and 30 days in jail and additional civil penalties as outlined in the Ordinance.

SO ORDERED, THIS THE 17th DAY OF APRIL, 2020.



CYRUS BEN, TRIBAL CHIEF

TRIBAL SEAL