



**DECLARATION OF PUBLIC HEALTH EMERGENCY FOR THE PUEBLO OF
LAGUNA DUE TO INCIDENCE OF THE NOVEL CORONAVIRUS (“COVID-19”) IN
AREAS SURROUNDING THE PUEBLO**

WHEREAS, the Pueblo of Laguna (“Pueblo”) is a federally recognized Indian Tribe with all inherent sovereign governing powers; and

WHEREAS, the Pueblo of Laguna Council (“Pueblo Council”) is the governing body of the Pueblo, with the authority to promote and protect the public health and welfare of the members and other residents of the Pueblo and to administer aid to those in need, in accordance with the ordinances or written policies, pursuant to Article IV, Section 2(k), of the Pueblo of Laguna Constitution (2012); and

WHEREAS, the Pueblo Council approved Resolution 08-20 on February 28, 2020 adopting the revised Emergency Operations Plan (“EOP”) which establishes the ultimate responsibility and authority for emergency management functions with the Governor of the Pueblo (“Governor”); and

WHEREAS, in adopting the revised EOP, the Pueblo Council recognized the Governor’s authority to declare a disaster for the Pueblo to support emergency actions and requests for assistance should an emergency situation exceed the capabilities of the Pueblo to respond without additional resources; and

WHEREAS, the nature of the Coronavirus Disease (“COVID-19”) is such that it has spread and increased globally, as indicated by the Centers for Disease Control & Prevention (“CDC”), the World Health Organization (“WHO”), and other public health organizations within the U.S. and regionally, including 28 confirmed cases at the time of this declaration within the State of New Mexico; and

WHEREAS, the President of the United States (“U.S.”), the U.S. Secretary of Health and Human Services (“H.H.S.”), the Governor of the State of New Mexico, and the Cibola County Commission have issued emergency declarations for the COVID-19 virus as an imminent hazard and pandemic that has the potential for harm to people, the natural environment and the economy; and

WHEREAS, the Governor has consulted the Pueblo’s Public Safety Director and Emergency Preparedness and Safety Compliance Manager, state and federal officials, pursuant to the revised EOP, and has activated the Emergency Operations Center (“EOC”) for coordinating emergency communications and planning; and

WHEREAS, a single case of the COVID-19 virus has the potential to threaten the health of the entire Pueblo and has made it necessary to declare a public health emergency in order to protect the health and welfare of the Laguna people.

THEREFORE, for the reasons addressed above, I, Wilfred Herrera, Jr., Governor of the Pueblo of Laguna, by virtue of the authority vested in me by the inherent sovereignty, Constitution, and laws of the Pueblo of Laguna, do hereby DECLARE, ORDER and DIRECT:

1. A Public Health State of Emergency is hereby declared for all land subject to the jurisdiction of the Pueblo of Laguna in response to the incidence of COVID-19 in the southwest. This State of Emergency shall remain in effect until further notice.
2. The Pueblo of Laguna Emergency Operations Center (“EOC”) shall be fully operational to coordinate with local, state, and federal agencies to provide resources necessary to minimize physical and economic harm to the Pueblo of Laguna. All Pueblo employees, departments, programs, entities, and enterprises shall continue to adhere closely to directives, instructions, and policies communicated directly and through the EOC.
3. The Pueblo Administration and Pueblo Departments shall continue to provide essential public safety, welfare, and other required services. Each department director or program manager shall define the level of staffing required to maintain essential services. Each department shall develop a plan wherein necessary employees may work from home to the extent practicable and all others may be placed on leave for the duration of this Declaration, subject to funding as may be made available by the Pueblo, State, or the federal government.
4. All residents and employees of the Pueblo should sign up for the Laguna Emergency Notification System (ALERTS) using the Pueblo’s website.
5. Travel by Pueblo of Laguna employees out-of-state for Pueblo business purposes or training is suspended for the duration of this Declaration, unless deemed necessary and approved by the Governor. This suspension applies to all travel that normally requires authorization. Departments and programs are directed to seek alternatives to travel, including teleconferences, online video-conferencing, livestream or other alternatives for attending meetings, conferences or training. Travel requests that may still be approved are those in which the Pueblo's interests would be seriously affected or jeopardized by non-attendance, such as legal proceedings, law enforcement, or healthcare. Travel requests will be considered and approved on a case-by-case basis.
6. All Pueblo departments, entities, and enterprises shall determine and implement measures to prevent and mitigate the spread of COVID-19, including, but not limited to, assessing the health of employees commuting to and from their work sites, and ensuring that vendors and their employees, contractors, agents, or delivery services have taken reasonable and necessary measures to mitigate COVID-19.

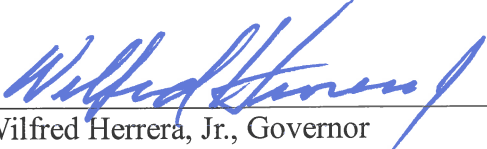
7. All Laguna residents, employees, and visitors shall heed the advice and direction of emergency officials with regard to this emergency in order to protect their health, safety and welfare.
8. The EOC and Department of Public Safety (“DPS”) and are hereby authorized to:
 - A) Commandeer or use private property, provided that the tenant or property owner be justly and reasonably compensated;
 - B) Detain, isolate and vaccinate individuals for the protection of the community in an event of a highly infectious, deadly disease threat; and
 - C) Control freedom of movement relating to evacuation and the disaster area should it become necessary.
9. As necessary to assist the Pueblo and for the protection of public health, the Pueblo shall enter into contracts to arrange for the procurement of materials, goods and services needed to assist in preparing for, containing, responding to, mitigating the effects of, and recovering from the spread of COVID-19. Applicable provisions of the Pueblo’s Procurement Policies, including, but not limited to, travel, advertising and competitive bidding requirements, are suspended to the extent necessary to address the effects of COVID-19.
10. Any properties owned by the Pueblo that the EOC determines are suitable and necessary for use to assist in preparing for, responding to, mitigating the effects of, or aiding in recovery from COVID-19 shall be made available for this purpose, notwithstanding any provision of law or policy that would restrict, delay or otherwise inhibit such use.
11. To promptly respond for the protection of public health, the Pueblo's agencies, EOC and first responders are authorized to share relevant medical information, limited to the patient's underlying health conditions, age, current condition, date of exposure and possible contact tracing, as necessary to address the effect of the COVID-19 outbreak, with federal, state and nongovernmental partners, with such information to be used for the limited purposes of monitoring, investigation and control, and the treatment and coordination of care. This direction shall be followed notwithstanding any conflicting requirements of the Health Insurance Portability and Accountability Act (“HIPAA”) per recent guidance provided by the U.S. Department of Health and Human Services.
12. To support consistent practices throughout the Pueblo, the EOC, in coordination with DPS, shall provide updated and specific guidance relating to preventing and mitigating the impacts of COVID-19 to schools, employees of the Pueblo and its entities and enterprises, first responders, and healthcare personnel.
13. The Community Health and Wellness Department may, to the extent it deems necessary to respond to the threat of COVID-19, waive any provisions or regulations of the Pueblo with respect to the use, licensing or approval of facilities or homes within the Pueblo's jurisdiction.

14. Should any provision of this Declaration be challenged in a court of law with jurisdiction and be deemed to violate applicable law, such provision shall be deemed severable and the remaining provisions of this Declaration will remain in full force and effect.

IT IS SO ORDERED, with Pueblo Council consent and support at Special Council Meeting held on March 20, 2020 by vote of 20 for and 0 against.

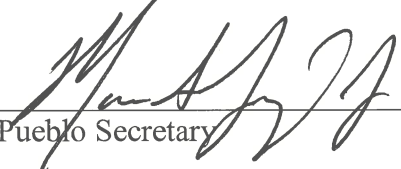
I will continue to monitor the COVID-19 situation, consult with the EOC, Pueblo Staff Officers and Pueblo Council, as well as appropriate state and federal officials, and order any further actions necessary to protect our Laguna people.

Date: March 20, 2020



Wilfred Herrera, Jr., Governor
Pueblo of Laguna

ATTEST:



Pueblo Secretary