

PUEBLO OF SANTA ANA

RESOLUTION OF THE TRIBAL COUNCIL

RESOLUTION NO. 2020-R-14

RE: RESOLUTION APPROVING EXECUTIVE ORDER OF THE PUEBLO OF SANTA ANA ADOPTING THE STATE OF NEW MEXICO EMERGENCY ORDERS REGARDING COVID-19 SAFETY MEASURES AND TO PROVIDE NOTICE OF INTENT TO INITIATE LAWFUL ISOLATION AND QUARANTINE PROCEEDINGS AND PROSECUTION FOR INDIVIDUALS WHO DO NOT SELF-ISOLATE OR SELF-QUARANTINE

WHEREAS, the Pueblo of Santa Ana is a federally recognized Indian tribe governed under a traditional form of government, and possessing all the inherent sovereign powers of self-government; and

WHEREAS, the Tribal Council is the duly recognized decision and policy making body for the Pueblo of Santa Ana; and

WHEREAS, the Tribal Council and its Governors have the duty to take measures that protect the safety and well-being of the Pueblo and all persons who may conduct business or travel through the Pueblo; and

WHEREAS, the Pueblo of Santa Ana Governor Lawrence Montoya and Lt. Governor Joseph Sanchez are Traditional Court Judges with the inherent authority to enter Executive Orders for the safety and well-being of the Pueblo of Santa Ana; and

WHEREAS, on March 11, 2020, the Governor of the State of New Mexico issued Executive Order 2020-004 declaring a statewide public health emergency pursuant to the Public Health Emergency Response Act and invoked gubernatorial powers under the All Hazard Emergency Management Act; and

WHEREAS, despite the best efforts of our state, local, other tribal governments, and the citizens of New Mexico, COVID-19 has spread within the exterior boundaries of the Pueblo of Santa Ana, and ongoing efforts are still necessary to mitigate and contain the spread of COVID-19; and

WHEREAS, it is in the best interest of the health, safety, and welfare of the Pueblo of Santa Ana that the Governors/Traditional Court adopt the State of New Mexico Governor's Executive Order 2020-004 Declaring a State of Public Health Emergency and Invoking the Powers Provided by the All Hazard Emergency Management Act and the Emergency Licensing Act, and Executive Order 2020-013 Directing Individuals Traveling to New Mexico Through an Airport to Self-Isolate or Self-Quarantine for a Limited Period and Directing the New Mexico Department of Health to Initiate Lawful

Isolation and Quarantine Proceedings for Individuals Who Do Not Self-Isolate or Self-Quarantine; and

WHEREAS, on April 1, 2020, the Governors of the Pueblo issued a memo outlining the requirements for Self-Isolation and Quarantine on the Pueblo of Santa Ana; and

WHEREAS, in Resolution 2016-R-67, the Pueblo of Santa Ana Tribal Council adopted the State of New Mexico criminal codes, and chapter 25 of the Code of Federal Regulations; and

WHEREAS, the Pueblo of Santa Ana Contemporary Court has exclusive jurisdiction over all criminal cases, and is authorized by the Santa Ana Pueblo Rules of Procedure for the Contemporary Court to hear both criminal cases, and all matters that fall within the jurisdiction of the Pueblo of Santa Ana;

NOW THEREFORE BE IT RESOLVED, by the Tribal Council of the Pueblo of Santa Ana that it hereby approves and adopts the State of New Mexico Executive Order 2020-004 and Executive Order 2020-013. The provisions of these Executive Orders, and subsequent Executive Orders related to the COVID-19 safety precautions, are adopted by this Order; and

BE IT FURTHER RESOLVED that all Memos and Orders of the Governors of the Pueblo of Santa Ana issued for the health, safety, and welfare of the Pueblo of Santa Ana during the COVID-19 pandemic shall be enforced by the Santa Ana Police Department and the Tribal Officials; and

BE IT FURTHER RESOLVED that the Pueblo of Santa Ana Police Department and Officials are authorized to isolate or quarantine individuals or groups as necessary to prevent or limit the spread of a threatening communicable disease; and

BE IT FURTHER RESOLVED that, for the reasons set forth above, the Santa Ana Tribal Council hereby authorizes the Pueblo of Santa Ana Prosecutor and the Santa Ana Police Department to charge any and all criminal offenses applicable for violation of this Order; and

BE IT FURTHER RESOLVED that the Pueblo of Santa Ana Contemporary Tribal Court may enforce the provisions of this Order by imposing civil and criminal penalties and citations. Civil or Criminal prosecution or lawsuits may be filed for violations of this Order in accordance with the Pueblo of Santa Ana Resolution 1993-R-28 Special Trespass Action Code, or according to the criminal code adopted by the Pueblo of Santa Ana. Possible prosecution can include, but shall not be limited to, violations of Public Nuisance (NMSA 30-8-1), Disobedience of a Lawful Order of the

Court (25 CFR 11.433), and Resisting, Evading or Obstructing an Officer (NMSA 30-22-1). Each offense can be charged, and violators may face up to 365 days in jail and up to \$5,000.00 in fines; and

BE IT FURTHER RESOLVED that the Pueblo of Santa Ana Traditional Court and Pueblo of Santa Ana Tribal Officials may enforce the provisions of this Order by imposing traditional remedies for each violation which can include, but are not limited to, temporary or permanent banishment or exclusion; and

BE IT FINALLY RESOLVED that the provisions contained herein shall become effective as of the date of this Order.

CERTIFICATION

I, the undersigned, as the Governor of the Pueblo of Santa Ana, hereby certify that the Santa Ana Tribal Council, at a duly called meeting that was convened with proper notice and was held on the 3rd day of April, 2020, at the Pueblo of Santa Ana, New Mexico, a quorum being present, approved the foregoing Resolution with 13 members voting in favor and 0 opposed.

GOVERNOR

Lawrence A. Montoya

ATTEST:

Julian T. Garcia Julian T. Garcia
Councilman (signed and printed name)

Eliseo Raton Jr. ELISEO RATON JR.
Councilman (signed and printed name)

Simon Jay Garcia SIMON JAY GARCIA
Councilman (signed and printed name)

* Special Tribal Council, because of Covid 19 the vote reflects majority vote.

PUEBLO OF SANTA ANA

July 10, 2020

To All Residents of Santa Ana Pueblo:

By Resolution No. 2020-R-14, adopted by the Tribal Council on April 3, 2020, the Tribal Council formally adopted the State of New Mexico Executive Orders 2020-004 and 2020-013, and any subsequent Executive Orders setting forth required safety precautions intended to protect our community from the COVID-19 pandemic. That resolution further gave the Governors the power to issue orders to protect the health, safety and welfare of the People of Santa Ana, authorized the Santa Ana Police Department to take steps to enforce the resolution and orders of the Governor, and conferred jurisdiction on the Santa Ana Contemporary Court and Traditional Court for any enforcement actions that, for whatever reason, may require civil or criminal sanctions.

Pursuant to the authority vested in us by that Resolution, we have concluded that maintaining the health and safety of our Pueblo in this critical time requires the following measures, adherence to which will be strictly enforced, until the Tribal Council determines that the emergency has ended:

1. The Pueblo villages are formally closed to access by outsiders, except as set forth herein. The access roads into the villages will be manned 24 hours a day, 7 days a week, until further notice.
2. Tribal members who reside within the Pueblo villages, and certain persons who are not enrolled in the Pueblo ("non-members"), as set forth herein, will be allowed to leave only for the following reasons: employment outside the Pueblo, at a place that has not been ordered to be closed by Gov. Michelle Lujan Grisham; medical appointments and emergencies (and in the case of a medical emergency, the person experiencing the emergency may be driven by a family member); or a need to obtain groceries or other necessary supplies, in which case no more than two close friends or family members will be allowed to exit. Anyone allowed to leave the Pueblo for any of these reasons will be expected to return as soon as the reason for the trip has ended, and may be required to verify their activities while outside the Pueblo. Members may also leave the Pueblo with the intention of not returning during the persistence of these emergency measures. Persons who remain outside the Pueblo overnight will be allowed to reenter only if they quarantine themselves for 14 days.

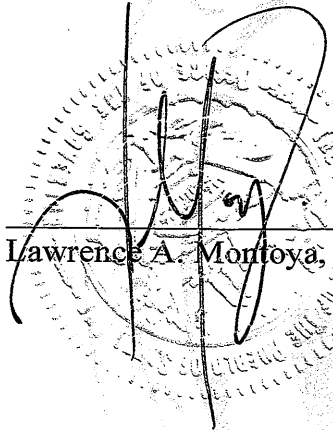
02 DOVE ROAD ♦ SANTA ANA ♦ NM 87004

TEL: 505-771-6700 ♦ FAX: 505-771-6745 ♦ EMAIL: GOV@SANTAANA-NSN.GOV

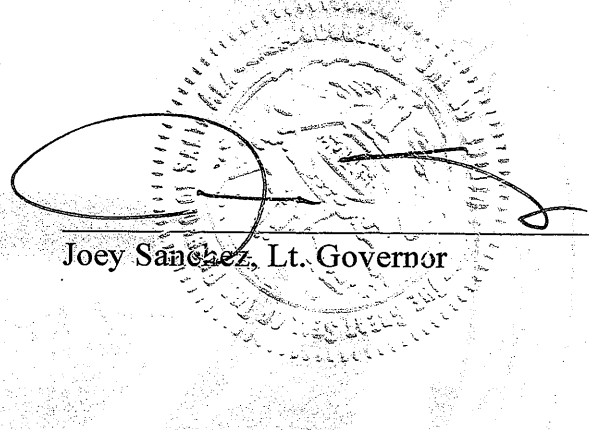
3. No non-member who does not reside within the Pueblo will be allowed entry into the Pueblo villages except government employees and officials on official business, employees of the Pueblo and Pueblo entities, workmen summoned to make repairs or maintenance for the Pueblo or a Pueblo member (but only after the Pueblo member confirms by phone that such person has been summoned for urgently needed repairs or maintenance, such as an electrical problem, plumbing problem or the like; this does not include discretionary maintenance such as lawn work), persons delivering mail or packages to the Pueblo or residents. medical personnel summoned for a bona fide medical emergency, or others having prior express authorization from the Governors. The Pueblo reserves the right to require any such person to answer certain questions about prior contacts with possibly infected persons, and to have their temperature taken. No one who exhibits symptoms of illness, has recently been around infected persons, or shows a temperature exceeding 100.5 degrees, will be allowed entry for any reason.
4. Non-enrolled persons who have been residing in the Pueblo will be required to leave, within two days of being notified by the Santa Ana Tribal Police. This does not apply to non-member spouses of Pueblo members who have been accepted by the War Chief and who have complied with their traditional obligations.
5. The Pueblo reserves the right to require any person who is permitted under the foregoing terms to remain at the Pueblo to obtain a COVID-19 test, as often as weekly, and to produce the results at the Governors' Office. A positive test result will require immediate quarantining at the person's home or at a location designated by the Pueblo for Covid-19-positive persons. Any persons who have associated with the person who obtains the positive test result must also be quarantined for no less than 14 days, and must also submit to Covid-19 testing.
6. All persons within the Pueblo shall wear facial masks when in any place where they are likely to come into contact with others, except when eating, and all persons shall maintain social distancing (a minimum of six feet of separation) from all others except family members with whom they reside. Masks must also be worn whenever any person is in the presence of other persons outside of the Pueblo.
7. All persons who exhibit symptoms consistent with the COVID-19 illness shall immediately seek medical care, and should report to and may be assisted by the Incident Command Center. Any person who believes that he or she has been exposed to an infected, but does not exhibit symptoms, must self-quarantine for no less than 14 days and be tested.

8. Any person who is permitted to reside at the Pueblo under the foregoing provisions who must travel out of state must report to the Incident Command Center the dates of departure and return, and the place or places to which the person will travel. Such persons will be required to self-quarantine upon their return, and to submit to Covid-19 testing.

Please understand that all of the foregoing measures are intended to preserve and protect the health and safety of the entire community during this unprecedented health emergency. Any Indian person, whether member or non-member, who knowingly violates any of these directives, or assists another in doing so, may be subject to prosecution in the Contemporary Tribal Court. Any non-Indian who violates any of the foregoing directives will be immediately and permanently excluded from the Pueblo; and any resistance to such exclusion will be reported to federal authorities. We urge all members of our community to cooperate with us to the fullest extent possible. Each of us has an obligation to do whatever is needed to keep our community safe.



Lawrence A. Montfoya, Governor



Joey Sanchez, Lt. Governor

