

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AGUA CALIENTE BAND OF)
CAHUILLA INDIANS, <i>et al</i> ,)
)
)
Plaintiffs,)
)
v.)
)
STEVEN MNUCHIN, in his official)
Capacity as the Secretary of the United)
States Department of Treasury,)
)
)
Defendant.)

Case No. 1:20-cv-01136

DECLARATION OF JOHN PLATA

I, John Plata, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am General Counsel of the Agua Caliente Band of Cahuilla Indians (Agua Caliente or Tribe).

2. The statements herein are based on my own personal knowledge obtained within the scope of my role as General Counsel for Agua Caliente, and I could testify competently to them if called upon to do so.

3. The Agua Caliente Indian Reservation is in the Coachella Valley of California and comprises 29,094 acres encompassing large portions of the cities of Palm Springs, Cathedral City, Rancho Mirage, and some unincorporated areas of the County of Riverside within the State of California. This figure represents trust lands held in trust for the Tribe and its members, and lands the Tribe owns in fee simple. The Tribe has 509 enrolled members.

4. The Tribe provides governmental services throughout the Reservation including planning and development services, environmental regulatory services, building inspection

services, food safety regulatory services, water and power services, health and welfare services, educational programs, and social and cultural preservation facilities and programs.

5. The Agua Caliente tribal government, employs over 2,400 people. The Tribe's business enterprises on the Reservation include the Agua Caliente Casino Palm Springs, Agua Caliente Casino Rancho Mirage, Agua Caliente Casino Cathedral City (under construction), Indian Canyons Golf Resort, Tahquitz Canyon, Indian Canyons, The Spa at Séc-he (under construction), and the Agua Caliente Cultural Museum. All of these entities are currently closed with the exception of the golf courses, which re-opened recently. The Tribe engages in extensive residential and commercial leasing on the Reservation, with 810 leases of which the Tribe is the lessor or sublessor.

6. The Tribe has taken emergency protective measures and incurred substantial additional expenses to address the COVID-19 crisis. The Tribe has procured additional personal protective equipment (PPE) for distribution to Tribal members and Tribal staff; procured and distributed water and toiletries to Tribal members; established a tribal COVID-19 Emergency Disaster Relief Program to provide for tribal member essential needs during the COVID-19 crisis; promulgated a COVID-19 Emergency Expenditure and Tribal Worker Paycheck Protection Act mandating, pursuant to tribal law, that federal funds are used primarily to protect jobs; increased spending on cleaning and sanitation supplies including washing stations and thermometers; increased expenditures on cleaning and sanitation services at all locations, incurred additional IT and professional services related expenses; and incurred additional security expenses to secure closed facilities. These emergency actions and services are examples of the Tribe's unbudgeted expenses to date.

7. As of April 30, 2020, there were 633 COVID-19 cases and 21 related deaths in the Coachella Valley.

8. In response to the COVID-19 crisis, the Tribe has declared a State of Emergency. It has placed all non-essential employees on administrative leave and closed all commercial enterprises. The closure of these enterprises has eliminated the Tribe's sources of governmental revenue necessary to sustain essential governmental services and all employee salaries and benefits.

9. Agua Caliente timely submitted the requisite certification and information to the Secretary as requested by the Secretary to effectuate the timely distribution of the CARES Act funds to tribal governments. As of May 1, 2020, the Secretary has not disbursed CARES Act funding to Agua Caliente.

10. If Agua Caliente does not receive the emergency relief funding provided for by the CARES Act immediately, it will be forced curtail essential governmental services and lay off or furlough the overwhelming majority of its employees.

Executed this 1st day of May, 2020.


John T. Plata