April 6, 2020

The Honorable Kristi Noem  
Office of the Governor  
500 East Capitol Avenue  
Pierre, SD 57501

Dear Governor Noem:

Thank you for your efforts to lead the State of South Dakota in its response to the COVID-19 pandemic. This is a difficult time for our leaders and all South Dakotans as they try to make the best decisions possible in the interest of the public health. We know you and your team are working diligently to keep us safe.

The authority currently available to municipalities, which dates back to 1939, is untested in this type of crisis. What little authority counties possess, which is also untested in these circumstances, is cumbersome at best. In these difficult times, local governments need to know with certainty they are able to adequately address the COVID-19 emergency and that all levels of government are working cooperatively. To accomplish this, it is imperative for you to encourage the Secretary of Health to declare a Public Health Emergency in South Dakota with your consent and exercise your authority under South Dakota Codified Law 34-22-43.

COVID-19 certainly meets the definition under SDCL 34-22-41 as an “imminent threat of an illness, health condition, or widespread exposure to an infectious or toxic agent that poses a significant risk of substantial harm to the affected population.” Numerous states in the nation have also taken the additional step of declaring a Public Health Emergency. The attached draft declaration and consecutive executive order would allow our local governments to carry out the provisions of Executive Order 2020-08.

Furthermore, a declaration of a public health emergency at the state or local level may be necessary for South Dakota to receive federal funding. The Families First Coronavirus Response Act, that became effective April 1, provides funds to states for the public health emergency created by COVID-19. This act requires a state to issue an emergency declaration to access funds for South Dakota households under its SNAP provision for emergency allotments to address temporary food needs. In addition, the recently enacted Coronavirus Aid, Relief, and Economic Security (CARES) Act creates a coronavirus relief fund that will grant South Dakota $1,250,000,000 to use towards expenditures incurred due to the public health emergency. A declaration of a public health emergency would give South Dakota access to these, and potentially others, much needed funds.
Cases of COVID-19 have been confirmed in nearly half of South Dakota’s counties, and community spread numbers are rising every day. In a situation like this, time is of the essence and swift action on this declaration is necessary to prepare and limit impact as much as possible.

Thank you, Governor Noem, for your consideration of this matter.

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Terry Wright, Mayor, White
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<th>Name</th>
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<td>Rick Lehman</td>
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