

An Act

Legislative Act 06-25

AN ACT AMENDING THE CHEROKEE NATION EMERGENCY MANAGEMENT ACT

§ 101. Title and Codification

This act shall be known as the Cherokee Nation Emergency Management Act 2025 Amendments, or alternatively “the Cherokee Nation Emergency Management Act.” and shall be codified in Title 63, Chapter 4 of the Cherokee Nation Code Annotated.

§ 102. Purpose.

The purpose of this act is to enhance the existing emergency management structure to ensure the efficient use of all Cherokee Nation resources during events, disasters and states of emergency resulting from natural or man-made causes. To ensure preparation for the Nation to adequately mitigate, respond and recover from disasters or emergencies. Provide for the common defense and protect the public peace, health, safety, preserve the lives and property of the citizens and carry out the objectives of the Cherokee Nation survival and recovery in the event of a disaster or emergency.

1. Establish a Cherokee Nation Department of Emergency Management (CNEM);
2. Provide for the formulation and execution of an emergency operations plan for the Nation;
3. Codify for the Principal Chief and the executive branch of the Nation emergency powers as guided by the Cherokee Nation Department of Emergency Management, including but not limited to the authority to declare a “State of Emergency” or an “Anticipated State of Emergency.”
4. Provide for an Emergency Management Advisory Committee and Task Book Committee.
5. Provide for the rendering of mutual aid agreements within the reservation, the state of Oklahoma and other states to coordinate with the federal government with respect to carrying out emergency management functions and hazard mitigation; and
6. Provide sufficient organization to mitigate, prepare, respond, recover, prevent, or reduce emergencies in the best interest and welfare of the public and the Nation.
7. Establish the Cherokee Nation Community and Citizens Emergency Response Fund consistent with the recommendations of the Cherokee Nation Task Force on Disaster Response of December 4, 2024.

§ 103. Legislative History

LA 12-20

§ 104. Definitions.

The following definitions shall apply in the interpretation of this act:

- (1) "Attack" shall mean any direct or indirect physical assault against the Cherokee Nation, citizens of the Cherokee Nation, Cherokee Nation reservation, trust, restricted, and/or fee simple lands owned or operated by Cherokee Nation agencies and/or instrumentalities of the Cherokee Nation government, its environs, or of the United States by the forces of a hostile nation or the agents thereof, including assault by bombing; conventional, cyber, nuclear, and chemical or

biological warfare; terrorism or sabotage.

(2) "Council" shall mean the Council of the Cherokee Nation.

(3) "Disaster" shall mean an occurrence of a natural catastrophe, technological accident, or human-caused event that has resulted in severe property damage, deaths, and/or multiple injuries endangering or threatening to endanger health, life or property of the Cherokee Nation or its citizens.

(4) "Emergency Management" shall mean the managerial function charged with creating the framework within which Cherokee Nation and in partnership with its communities reduce vulnerability to hazards and cope with natural and man-made disasters.

(5) "Incident Management Team" shall mean the employees, equipment and facilities of the CNEM, and any agencies and/or instrumentalities of the Cherokee Nation as provided herein; and, in addition, it shall include all volunteer personnel, equipment and facilities contributed by, or obtained from, volunteer persons or agencies.

(6) "Emergency Management Volunteer" shall mean any person and/or entity duly registered, identified and appointed by CNEM and assigned to participate in Emergency Management activities.

(7) "Event of Extraordinary Circumstances" shall mean an event beyond the control of the Tribal Council, Executive Branch, or any other agency and/or instrumentality of the Cherokee Nation, including but not limited to war, strike, riot, criminal unrest, plague, pandemic or an event described by the legal term act of God (tornado, flood, earthquake, volcanic eruption, etc.).

(8) "Emergency Operations Plan" (EOP) shall refer to a documented plan that describes how people and property will be protected in emergencies and disasters. Identifies personnel, equipment, facilities, supplies, and other resources available--within the jurisdiction or by agreement with other jurisdictions--for use during response and recovery operations.

(9) "Hazard Mitigation Plan" shall refer to a documented plan to understand risks from natural hazards and develop long-term strategies to reduce the impacts of disasters on people, property, and the environment.

(10) "Resident" shall mean any person that lives within the physical jurisdiction of the Cherokee Nation, including, but not limited to, any and all reservation, trust, and/or restricted lands of the Cherokee Nation.

(11) "Citizen" shall mean any and/or all citizens of the Cherokee Nation as provided under Article IV of the Constitution of the Cherokee Nation.

(12) "State of Emergency". A State of Emergency may be declared by proclamation or executive order of the Principal Chief as set forth herein.

(13) "Volunteer" or "Volunteering" shall mean contributing a service, equipment or facilities to the CNEM without remuneration.

(14) "Man-made disaster" means a disaster caused by acts of man including, but not limited to, an act of war, terrorism, chemical spill or release, or power shortages.

(15) "Natural disaster" means any natural catastrophe, including, but not limited to, a tornado, severe storm, high water, flood waters, wind-driven water, earthquake, pandemic, landslide, mudslide, snowstorm, or drought which causes damage of sufficient severity and magnitude to

warrant hazard mitigation or the use of resources of the federal government, or the state of Oklahoma thereof to alleviate the damage, loss, hardship or suffering caused.

(16) "Incident Command System" means a standardized approach to the command, control, and coordination of emergency response providing a common hierarchy within which responders from multiple agencies can be effective.

(17) "Political subdivision" shall mean any county, city, town or municipal corporation of a state represented by an elected governing body.

(18) "Pandemic" shall mean a widespread occurrence of an infectious disease over a whole country or the world at a particular time.

(19) "Emergency Management Advisory Committee" shall refer to a group of subject matter experts from various Cherokee Nation departments and one member of the Council of the Cherokee Nation, and they will provide guidance and information on program scope, staffing, resources, services, regulations, and requirements.

§ 105. Duties and Authority of the Cherokee Nation Department of Emergency Management.

The Cherokee Nation Department of Emergency Management (hereinafter the "CNEM") is hereby established within the Cherokee Nation. The implementation of the CNEM shall include promulgation of rules, regulations, policies and/or procedures regarding the CNEM as necessary to accomplish its duties and authority set forth herein.

The CNEM shall be the coordinating agency for all activity in connection with Emergency Management of the Cherokee Nation. The CNEM shall be the instrument through which the Cherokee Nation may exercise the authority and discharge the responsibilities vested in them by the Office of the Principal Chief during an events of extraordinary circumstances, disasters, and/or a state of emergency.

This act will not relieve any Cherokee Nation department or agency of responsibilities or authority established by the Constitution of the Cherokee Nation or previously granted under laws of the Cherokee Nation except as expressly set forth herein.

(a) The CNEM shall be responsible for all duties set forth in this act and any additional duties and responsibilities prescribed by the Marshal and the Principal Chief. The CNEM shall report monthly to the Council with respect to all phases of Emergency Management activity. The CNEM shall be responsible for the planning, coordination and operation of the emergency management activities within the jurisdiction of the Cherokee Nation. The CNEM shall maintain liaison with local, state, federal and tribal authorities to ensure the most effective operations of the Emergency Management plans. The duties and authority shall include, but not be limited to, the following:

A. The CNEM shall:

(1) Organize a Department of Emergency Management within the executive branch of the Cherokee Nation; and

(2) Provide and support response efforts of the Cherokee Nation during natural, man-made or planned events; and

(3) Be the primary authority to activate and lead the Emergency Operations Center (EOC) during any natural or man-made disaster; and

(4) Consistent with tribal and federal law, the employees of the Cherokee Nation may be called upon to assist CNEM with execution of the Emergency Operations Plan (EOP). Duties assigned to these departments, agencies and/or instrumentalities shall be the same as or as similar to the normal duties of the department as possible, but in event of extraordinary circumstances these duties may be expanded; and

(5) Assist in leading the Incident Command in reference to the EOP using the Incident Command System standard; and

(6) Provide training recommendations for employees in position specific courses using the National Incident Management System (NIMS) standard; and

(7) Each department, board, commission, or branch shall have written plans and procedures in concurrence with the EOP to protect individual employees, administrators and visitors from natural and man-made disasters and emergencies occurring in the work place to support the responsibilities stated in the Cherokee Nation EOP; and

(8) Develop and coordinate emergency management plans, including but not limited to, for the immediate use of all facilities, equipment, manpower and other resources of the Cherokee Nation for the purpose of minimizing or preventing damage to persons and property; and protecting and restoring governmental services for the public health, safety and welfare of the Cherokee Nation and citizens of the Cherokee Nation; and

(9) Update, maintain and review annually:

- a. CNEM policies, procedures and operations
- b. Emergency Operations Plan
- c. All Hazards Mitigation Plan
- d. Threat and Hazard Identification Risk Assessment

(10) Coordinate the recruitment of volunteer personnel and agencies to augment the personnel and facilities of the Cherokee Nation for Emergency Management purposes; and

(11) Emergency Management personnel will include or the equivalent of, but not limited to the following:

- a. Emergency Manager
- b. Operations Manager
- c. Health Emergency Manager
- d. Training & Exercise Coordinator

B. The CNEM may request participation of any other program or department as deemed appropriate.

C. The EM Advisory Committee will meet annually and/or as needed to review and recommend updates to the All-hazard Mitigation Plan and EOP.

D. The EM Advisory Committee will participate in the EOC as requested during natural or man-made disaster activation.

§ 106. Emergency Management Task Book Committee

The Emergency Management Task Book committee will be composed of the following and/or his or her designee: the Cherokee Nation Emergency Manager, the Marshal, the Chief of Staff, and one federal certified task book evaluator. The committee will meet semi-annually as determined by CNEM. The Task Book Committee shall evaluate and credential National Qualification System position specific task books.

§ 107. Mutual Aid Agreements

(a) CNEM in collaboration with other public and private agencies within the reservation and the state of Oklahoma, develop or cause to be developed mutual aid agreements for reciprocal emergency management aid and assistance in case of disaster or event too great to be dealt with unassisted. Such agreements shall be consistent with the EOP and in time of emergency or event shall be the duty of CNEM to render assistance in accordance with the provisions of such mutual aid agreements.

(b) CNEM may, subject to the approval of the Chief or designee enter into mutual aid agreements with emergency management agencies or organizations in other Tribal Nations or border states for reciprocal emergency management aid and assistance in case of disaster or event too great to be dealt with unassisted.

§ 108. Declared State of Emergency; Anticipated State of Emergency

(a) During events of extraordinary circumstances, times of public crisis, disaster, rioting, catastrophe, or similar public emergency, and/or for when public safety authorities are unable to maintain public order or afford adequate protection for the lives, safety and/or property of citizens and/or residents of the Cherokee Nation, the Principal Chief has authority to declare a state of emergency whenever the occurrence of any such condition is imminent.

(b) Following the declaration of a State of Emergency, the Principal Chief has authority to issue any public proclamations as necessary to notify all citizens and/or residents the existence of such a State of Emergency, and, in order to more effectively protect the lives and property of citizens and/or residents of the Cherokee Nation, to place in effect any or all of the restrictions necessary, and/or to qualify for any federal funding as may become available.

(c) The aforementioned Declaration shall be in writing, shall specify the basis for the Declaration under this statute and shall be delivered to the speaker of the Council of the Cherokee Nation within 24 hours of its execution.

(d) Anticipated State of Emergency: As determined by the Principal Chief upon a recommendation from the Chief of Staff or his designee, the Principal Chief may issue an “Anticipated State of Emergency on any bases set forth in 107(a) which the Principal Chief reasonably anticipates a imminent State of Emergency, which shall take the form of a written advisory from the Principal Chief to executive branch leadership as determined by the Principal Chief, the Deputy Principal Chief and the Speaker of the Council within 24 hours of the Principal Chief’s determination of an Anticipated State of Emergency.

(e) Activation of Gadugi Corps: Upon the declaration of a “State of Emergency” or the determination of an “Anticipated State of Emergency,” the Principal Chief, by his designee, shall activate the “Gadugi Emergency Response Corps,” within the meaning of the Cherokee Nation Gadugi Corps Volunteer and National Service Act, to supplement Emergency Response Assistance

administered by other Cherokee Nation departments.

§ 109. Community and Citizens Emergency Response Fund


- (a) Community and Citizens Emergency Response Fund: Beginning in Fiscal Year 2025, the Council authorizes a perpetual “Community and Citizens Emergency Response Fund,” alternative known as the “Emergency Response Fund,” to be utilized in response to an “Anticipated State of Emergency” or a “State of Emergency,” or as otherwise provided for in this Section.
- (b) Funding Sources; Authorized Amounts, Carry Over:
 - a. Sources: The Emergency Response Fund shall be funded by any available general fund revenue or federal fund revenue sources for which can be used within the meaning of this Section, including existing funds used for emergency response prior to this authorization.
 - b. Authorized Amounts: The Community and Citizens Emergency Response Fund is authorized not to exceed \$5 million, but shall be funded at no less than \$1 million by the end of fiscal year 2025.
 - c. Funds Carry Over: Funding authorized, appropriated by not expended in one fiscal year may be carried over to successive fiscal years, provided such carry over is allowed by the particular underlying funding source.
 - d. Limitations: Nothing herein shall compel the expenditure of authorized funds in a manner prohibited by a particular funding source or without following policies and procedures mandated by the particular funding source.
- (c) Expenditures Permitted: The Principal Chief shall administer the funds appropriated pursuant to the authorization herein when the Principal Chief declares a “State of Emergency” or determines an “Anticipated State of Emergency” within the meaning of this Act or upon a determination that Cherokee Nation citizens living outside the Cherokee Nation reservation are experiencing a “State of Emergency” conditions in their community within the meaning of that term defined in this Act and the expenditure of funds can, as determined by the Principal chief, reasonably alleviate such conditions.
- (d) Expedited Expenditures: When expenditures under the Community and Citizens Emergency Response Fund are permitted, the Principal Chief shall cause said expenditures to be made on an expedited basis without delay and shall communicate to the Speaker of the Council a single primary point of contact for inquiries into said expenditures.
- (e) Categories of Expenditures: The Community and Citizens Emergency Response Fund may be utilized to:
 - a. Mitigate loss of basic necessities, including but not limited to food, by Cherokee Nation citizens.
 - b. Mitigate economic loss experienced by Cherokee Nation citizens.
 - c. Provide temporary shelter for Cherokee Nation citizens.
 - d. Provide forms of community wide of relief, including but not limited to temporary emergency shelters, community disaster cleanup, and community wide food security events.
 - e. Purchase equipment, supplies and fund training programs relating to emergency response.
 - f. Meet other needs as reasonably related warranted by the emergency conditions.
 - g. Grant funds to third parties for the administration of assistance to Cherokee Nation citizens or to communities within the Cherokee Nation Reservation or to communities outside the Cherokee Nation reservation where Cherokee Nation citizens are experiencing State of Emergency conditions.
- (f) Attribution: Funds administered under this Section of the Act shall be referred to for all purposes as “Cherokee Nation Community and Citizens Emergency Response Funds” or alternatively “Funded by” or “Made Possible By,” the “Cherokee Nation Community and Citizens Emergency Response Fund” with communications related to said expenditures bearing such reference.

§ 110. Applicability.


This act shall apply throughout the jurisdiction of the Cherokee Nation, including, but not limited to all reservation, trust, and restricted lands of the Cherokee Nation, and to the extent not limited by federal law and regulation.

CERTIFICATION

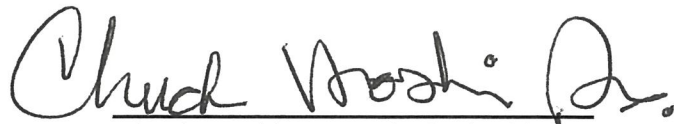
Enacted by the Council of the Cherokee Nation on the 10th day of February, 2025.


Mike Shambaugh, Speaker
Council of the Cherokee Nation


ATTEST:


Johnny Jack Kidwell, Secretary
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 12th day of February, 2025.


Chuck Hoskin, Jr., Principal Chief
Cherokee Nation

ATTEST:


Shella Bowlin, Secretary of State
Cherokee Nation

YEAS AND NAYS AS RECORDED:

Sasha Blackfox-Qualls	<u>Yea</u>	Melvina Shotpouch	<u>Yea</u>
Candessa Teehee	<u>Yea</u>	Kendra McGeady	<u>Yea</u>
Lisa Hall	<u>Yea</u>	Dora Smith Patzkowski	<u>Yea</u>
Mike Dobbins	<u>Absent</u>	Joe Deere	<u>Absent</u>
E.O. "Jr." Smith	<u>Yea</u>	Kevin Easley, Jr.	<u>Yea</u>
Daryl Legg	<u>Yea</u>	Danny Callison	<u>Yea</u>
Joshua Sam	<u>Yea</u>	Julia Coates	<u>Absent</u>
Codey Poindexter	<u>Yea</u>	Johnny Kidwell	<u>Yea</u>
Mike Shambaugh	<u>Yea</u>		

Cherokee Nation Act/Resolution Proposal Form

Act Resolution

**ADMINISTRATIVE
CLEARANCE**

Dept/Program:

TITLE:

**AN ACT ESTABLISHING THE CHEROKEE
NATION EMERGENCY MANAGEMENT ACT**

Signature/Initial _____ Date _____

Executive Director:

DEPARTMENT CONTACT: Chuck Hoskin Jr.

RESOLUTION PRESENTER: Canaan Duncan

Signature/Initial _____ Date _____

**Treasurer (Required:
Grants/Contracts/Budgets):**

COUNCIL SPONSOR: Mike Shambaugh, Kevin Easley,
Danny Callison, Johnny Kidwell
Cody Poundexter, Joe Deere

NARRATIVE:

Signature/Initial _____ Date _____

Government Relations:

Signature/Initial _____ Date _____

Administration Approval:

 _____ 1-15-2025

Signature/Initial _____ Date _____

LEGISLATIVE CLEARANCE:

Legal & Legislative Coordinator:

 _____ 1/15/25

Signature/Initial _____ Date _____

Standing Committee & Date:

 _____ 1/30/25

Chairperson:

 _____

Signature/Initial _____ Date _____