



## Legislation Text

File #: 20-036, Version: 1

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

#### **§ 101. Title and Codification**

This act shall be known as 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. Confer upon the Chief and upon the executive branch of the Nation emergency powers provided by the Cherokee Nation Department of Emergency Management.
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.

#### **§ 103. 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, 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) "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.

#### **§ 104. 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.

### **§ 105 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.

### **§ 106 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.

**§ 107. Declared 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.**§ 108. 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.