

**Chapter 35**  
**EMERGENCY MANAGEMENT**  
Yotlihokté Olihwá'ke  
Matters that are concerning immediate attention

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**35.1. Purpose and Policy**

35.1-1. The purpose of this law is to provide for the development and execution of plans for the protection of residents, property, and the environment in an emergency or disaster. It also provides for the direction of emergency management and response on the Reservation; as well as coordination with other agencies, victims, businesses and organizations.

35.1-2. This law also provides:

- (a) A description of the emergency management network of the Tribe;
- (b) Authorization for specialized activities to mitigate hazardous conditions and for the preparation of Tribal emergency response management plans;
- (c) For all expenditures made in connection with such emergency management activities to be deemed specifically for the protection and benefit of the inhabitants, property and environment of the Reservation.

**35.2. Adoption, Amendment, Repeal**

35.2-1. This law was adopted by the Oneida Business Committee by resolution #07-15-98-A and amended by BC-12-20-06-G.

35.2-2. This law may be amended pursuant to the procedures set out in the Oneida Administrative Procedures Act by the Oneida Business Committee or Oneida General Tribal Council.

35.2-3. Should a provision of this law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this law which are considered to have legal force without the invalid portions.

35.2-4. Any law, policy, regulation, rule, resolution or motion, or portion thereof, which directly conflicts with the provisions of this law is hereby repealed to the extent that it is inconsistent with or is contrary to this law.

35.2-5. This law is adopted under authority of the Constitution of the Oneida Tribe of Indians of Wisconsin.

**35.3. Definitions**

35.3-1. This section shall govern the definitions of words or phrases as used within this law. All words not defined herein shall be used in their ordinary and everyday sense.

- (a) “Director” means the Emergency Management Director.
- (b) “Emergency Management Network” means the governmental entities, volunteers, consultants, contractors, outside agencies and any other resources the Tribe may use to facilitate inter-agency collaboration, identify and share resources, and better prepare for local incidents and large-scale disasters.
- (c) “Emergency Management Plan” means the plan established to coordinate mitigation,

preparedness, response, and recovery activities for all emergency or disaster situations within the Reservation.

(d) “Fair Market Value” means the everyday cost of a product in an ordinary market, absent of a disaster.

(e) “National Incident Management System” means the system mandated by Homeland Security Presidential Directive (HSPD) 5 that provides a consistent nationwide approach for federal, state, local, and tribal governments to work effectively and efficiently together to prepare for, prevent, respond to, and recover from domestic incidents, regardless of cause, size, or complexity and may be referred to as NIMS.

(f) “Oneida Nation Emergency Planning Committee” means the Tribe’s emergency planning committee and may be referred to as ONEPC.

(g) “Proclaim” means to announce officially and publicly.

(h) “Reservation” means all land within the exterior boundaries of the Reservation of the Oneida Tribe of Indians of Wisconsin, as created pursuant to the 1838 Treaty with the Oneida, 7 Stat. 566, and any lands added thereto pursuant to federal law.

(i) “Tribe” or “Tribal” means the Oneida Tribe of Indians of Wisconsin.

(f) “Vital Resources” means equipment, sand, wood, or other materials obtained for the protection of life, property, and/or the environment during a proclaimed emergency.

#### **35.4. Emergency Management for the Oneida Reservation.**

35.4-1. The emergency management network of the Reservation shall be as specified in the Emergency Management Plan as adopted by the Oneida Business Committee.

#### **35.5. Oneida Nation Emergency Planning Committee (ONEPC)**

35.5-1. The ONEPC shall serve as the Reservation emergency planning and oversight committee.

(a) The ONEPC shall consist of representatives from tribal entities and a community representative as identified in the ONEPC bylaws as approved by the Oneida Business Committee.

(b) The ONEPC shall meet as necessary to assist the Director in drafting and maintaining the Emergency Management Plan.

(c) At the request of the Director, the ONEPC shall provide assistance to the Director in the implementation of the provisions of this law or any plan issued thereunder.

#### **35.6. Proclaiming an Emergency**

35.6-1. The Oneida Business Committee shall be responsible for proclaiming or ratifying the existence of an emergency and for requesting a gubernatorial or presidential declaration.

35.6-2. The Director may request that the Oneida Business Committee proclaim the existence of an emergency. In the event the Oneida Business Committee is unable to proclaim or ratify the existence of an emergency, the Director may declare an emergency which shall be in effect until such time the Oneida Business Committee can officially act on this declaration. The Oneida Business Committee may, however, proclaim the existence of an emergency without a request from the Director if warranted.

#### **35.7. Emergency Management Director**

35.7-1. The Director shall be responsible for coordinating and planning the operational response to

an emergency and is hereby empowered:

- (a) To organize and coordinate efforts of the emergency management network of the Tribe and to implement the Emergency Management Plan as adopted by the Oneida Business Committee.
- (b) To facilitate coordination and cooperation between departments and staff and to resolve questions that may arise among them.
- (c) To incorporate the HSPD 5, issued on February 28, 2003 which requires all Federal, state, local, and tribal governments to administer best practices contained in the NIMS.
- (d) To coordinate development and implementation of the NIMS within the Tribe.
- (e) To establish the line of authority as recorded in the Emergency Management Plan as adopted by the Oneida Business Committee.
- (f) To ensure that the following occurs:
  - (1) An emergency management plan is developed and maintained;
  - (2) Emergency resources, equipment and communications systems are developed, procured, supplied, inventoried, and accounted for; and
  - (3) The Emergency Management Plan includes training provisions for applicable personnel.

35.7-2. In the event of a proclamation of an Emergency on the Reservation, the Director is hereby empowered:

- (a) To obtain vital resources and to bind the Tribe for the fair market value thereof, as defined under 35.3-1(d), upon approval of the Tribal Treasurer, further, if a person or business refuses to provide the resource(s) required, to commandeer resources for public use and to bind the Tribe for the fair market value thereof. In the event the Tribal Treasurer is unavailable, the chain of command, as established by the Oneida Business Committee, shall be followed.
- (b) To require emergency activities of as many Tribal members as deemed necessary.
- (c) To execute all of the ordinary powers of the Director, all of the special powers conferred by this law or by resolution adopted pursuant thereto, all powers conferred on the Director by any agreement approved by the Oneida Business Committee, and to exercise complete emergency authority over the Reservation.
- (d) To coordinate with tribal, federal, state and local authorities.

35.7-3. Enter in mutual aid and service agreements with tribes and local governments which are subject to Oneida Business Committee approval.

### **35.8. Penalties**

35.8-1. It shall be a violation of this law for any person to willfully obstruct, hinder, or delay the implementation or enforcement of the provisions of this chapter or any plan issued thereunder during an emergency.

- (a) Violators subject to the jurisdiction of the Tribe may be subject to a fine of not more than \$200 per violation to be issued by the Oneida Police Department and paid to the Tribe.

35.8-2. All fines assessed under this section shall be paid within sixty (60) days of issuance of the citation, unless the person files an appeal with the Oneida Appeals Commission before the fine is to be paid.

*End.*

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Adopted - BC-7-15-98-A  
Amended -BC-12-20-06-G