

Oneida Tribe of Indians of Wisconsin

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Oneida, WI 54155



UGWA DEMOLUM YATEHE
Because of the help of
this Oneida Chief in
cementing a friendship
between the six nations
and the colony of
Pennsylvania, a new
nation, the United States
was made possible.

Oneidas bringing several hundred bags of corn to Washington's starving army at Valley Forge, after the colonists had consistently refused to aid them.

BC Resolution # 07-15-98-A Oneida Emergency Service Ordinance Resolution

WHEREAS, the Oneida General Tribal Council is the duly recognized governing body of the Oneida Tribe of Indians of the Wisconsin, and

WHEREAS, the General Tribal Council has been delegated the authority of the Constitution of the Oneida Tribe of Indians of Wisconsin, and

WHEREAS, the Oneida Business Committee may be delegated duties and responsibilities by the Oneida General Tribal Council and is at all times subject to the review powers of the Oneida General Tribal Council, and

WHEREAS, the Oneida Tribe desires to adopt processes and procedures for the administration of services in the event of a natural disaster or other emergency which will allow a minimization of further damages, corrective action to be instituted, and costs offset by Federal Emergency Management Act funds, and

WHEREAS, the Emergency Services Ordinance has been developed and presented to Public Hearing which meets the needs for processes and procedures for the administration of services in the event of an emergency,

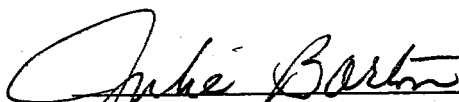
NOW THEREFORE BE IT RESOLVED, that the attached Emergency Services Ordinance is hereby adopted by the Oneida Business Committee to be effective upon adoption, and

NOW THEREFORE BE IT FURTHER RESOLVED, the membership of the Local Emergency Planning Committee as created by this Ordinance is hereby recognized to be those individuals currently serving in this capacity to be re-confirmed with the adoption of the by-laws, and

NOW THEREFORE BE IT FINALLY RESOLVED, that the Emergency Services Ordinance shall be distributed as needed by the Local Emergency Planning Committee.

CERTIFICATION

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida Business Committee is composed of 9 members of whom 5 members constitute a quorum. 8 members were present at a meeting duly called, noticed and held on the 15th day of July, 1998; that the foregoing resolution was duly adopted at such meeting by a vote of 7 members for; 0 members against, and 0 members not voting; and that said resolution has not be rescinded or amended in any way,


Julie Barton, Tribal Secretary
Oneida Business Committee

Chapter 35
EMERGENCY SERVICES ORDINANCE

35.1-1 Purpose and Policy
35.2-1 Adoption, Amendment, Repeal
35.3-1 Definitions

35.4-1 Emergency Services for the Oneida Reservation
35.5-1 Violations

35.1-1. Purpose and Policy. The purpose of this ordinance 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 services and response on the Reservation of the Oneida Tribe of Indians of Wisconsin; as well as coordination with other agencies, victims, businesses and organizations.

35.1-2. This ordinance also provides:

- (a) A description of the emergency organization of the Oneida Tribe of Indians of Wisconsin;
- (b) Authorization for specialized activities to mitigate hazardous conditions and for the preparation of Oneida tribal emergency response plans;
- (c) For all expenditures made in connection with such emergency services activities to be deemed conclusively for the protection and benefit of the inhabitants, property and environment of the Oneida Reservation.

35.2-1. Adoption, Amendment, Repeal. This law is adopted by the Oneida Business Committee by resolution # 07-15-98-A .

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. All other Oneida laws, policies, regulations, rules, resolutions, motions and all other similar actions which are inconsistent with this law are hereby repealed unless specifically re-enacted after adoption of this policy.

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

35.4-1. Emergency Services for the Oneida Reservation. The emergency services organization of the Oneida Reservation shall be as specified in the Oneida Tribal Emergency Plan as adopted by the Oneida Business Committee.

35.4-2. The Tribal Emergency Response Commission/Local Emergency Planning Committee (TERC/LEPC) shall serve as the Oneida Reservation disaster planning and oversight committee.

- (a) The Local Emergency Planning Committee shall consist of the following persons who shall be identified within the entities as representatives from that office or entity, and a Community Representative which shall be appointed by the Oneida Business Committee:

- (1) Oneida Business Committee

- (2) Oneida Police Department
- (3) Department of Public Works
- (4) Oneida Health Center
- (5) Communications Department
- (6) Risk Management Office
- (7) Oneida Nation School System
- (8) Planning Department
- (9) Environmental Department
- (10) Safety Department
- (11) Gaming Enterprise

(b) The Local Emergency Planning Committee shall meet as necessary to assist in drafting the Emergency Plan, maintain the plan, and during emergencies.

35.4-3. The Oneida Business Committee shall be responsible for proclaiming or ratifying the existence of a local emergency or disaster and for requesting a gubernatorial or presidential declaration.

35.4-4. The Director of Emergency Services of the reservation shall be responsible for the operational response to an emergency or disaster and is hereby empowered:

(a) To control and direct efforts of the emergency services organization of the Oneida Tribe and to implement the Oneida Tribe's Emergency Plan as adopted by the Oneida Business Committee.

(b) To request that the Oneida Business Committee proclaim the existence or potential existence of a disaster requiring action or potential action of the Local Emergency Planning Committee. In the event the Oneida Business Committee is unavailable for the proclamation of a disaster or potential disaster, the Emergency Services Director may request assistance from the Local Emergency Planning Committee and obtain ratification of this action from the Oneida Business Committee within seven days.

(c) To direct coordination and cooperation between departments and staff and to resolve questions of authority and responsibility that may arise among them.

35.4-5. In the event of a proclamation of a "Local Emergency" on the reservation, the Emergency Services Director is hereby empowered:

(a) To make and issue rules and regulations on reservation matters, provided such rules and regulations are to be confirmed at the earliest time by the Oneida Business Committee.

(b) To obtain vital resources for the protection of life, property, and the environment and to bind the reservation for the fair market value thereof, upon approval of the Tribal Treasurer or in the event the Tribal Treasurer is unavailable an officer of the Oneida Business Committee, and further, if required, to commandeer resources for public use.

(c) To require emergency activities of any Oneida Tribal employee and command the aid of as many citizens as he deems necessary. Such persons will be entitled to all privileges, benefits, and immunities as are provided by law for registered disaster service workers.

(d) To execute all of the ordinary powers of the Emergency Director, all of the special powers conferred by this ordinance or by resolution adopted pursuant thereto, all powers conferred on him by any agreement approved by the Oneida Business Committee, and to exercise complete emergency authority over the Oneida Reservation.

(e) To establish the line of authority as recorded in the Oneida Tribal Emergency Plan as adopted by the Oneida Business Committee.

35.4-6. In times other than a disaster or emergency, the Emergency Director is responsible to ensure that the following occurs:

- (a) The development and maintenance of an emergency services program.
- (b) Preparation of emergency plans for the reservation.
- (c) Supply and accounting of emergency resources.
- (d) Training of personnel.
- (e) Procuring and inventorying emergency equipment.
- (f) Development and inventorying emergency equipment communications systems.

35.5-1. Violations. It shall be an infraction for any person, during a “State of Emergency” or “Local Emergency” to:

- (a) Wilfully obstruct, hinder, or delay any member of the organization in the enforcement of any lawful rule or regulation issued pursuant to this ordinance, or in the performance of any duty imposed upon him/her by virtue of this ordinance.
- (b) Perform any act forbidden by lawful rule or regulation issued pursuant to this ordinance, if such act is likely to imperil the lives, property or environment of the inhabitants of this reservation or to prevent, hinder, or delay the protection thereof.

End.

Adopted - BC-7-15-98-A