

# ONEIDA NATION PUBLIC MEETING NOTICE

**TUESDAY, DECEMBER 13 2022, 12:15 pm**

Norbert Hill Center-Business Committee Conference Room  
N7210 Seminary Rd., Oneida, Wisconsin

Find Public Meeting Materials at

[Oneida-nsn.gov/government/register/public meetings](http://Oneida-nsn.gov/government/register/public%20meetings)

Send Public Comments to

[LOC@oneidanation.org](mailto:LOC@oneidanation.org)

Ask Questions here

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920-869-4417



## EMERGENCY MANAGEMENT LAW AMENDMENTS

The purpose of the Emergency Management 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; to provide for the direction of emergency management, response, and recovery on the Reservation; as well as coordination with other agencies, victims, businesses, and organizations; to establish the use of the National Incident Management System (NIMS); and to designate authority and responsibilities for public health preparedness.

### The Emergency Management law amendments will:

- ◆ Eliminate the Oneida Nation Emergency Planning Committee and replace it with an Emergency Management Operations Team.
- ◆ Provide that members of the Emergency Management Operations Team shall attend meetings, or send a designee in their absence, and comply with any training requirements set forth by the Emergency Management Director.
- ◆ Require that within forty-eight (48) hours of an emergency, the Emergency Management Director shall prepare, or shall work in conjunction with the appropriate entity to prepare, an emergency briefing to be presented to the Oneida Business Committee regarding the status of the emergency, actions taken to address the emergency, and the activation of the Emergency Response Plan.
- ◆ Allow the Oneida Business Committee to direct the Emergency Management Director to provide additional emergency briefings to the Oneida Business Committee.
- ◆ Require that within thirty (30) days of an emergency subsiding, unless additional time is granted by the Oneida Business Committee, the Emergency Management Director shall prepare, or shall work in conjunction with the appropriate entity to prepare, a preliminary emergency assessment report to be presented to the Oneida Business Committee, any interested entity, and the public.
- ◆ Extend the amount of time for the Emergency Management Director to prepare and present an after-action report to the Oneida Business Committee, any interested entity, and the public, from sixty (60) days to ninety (90) days .

Individuals may attend the public meeting for the proposed Emergency Management law amendments in person at the Norbert Hill Center, or virtually through Microsoft Teams. If you wish to attend the public meeting through Microsoft Teams please contact [LOC@oneidanation.org](mailto:LOC@oneidanation.org).

If the Norbert Hill Center's Administrative Offices guidelines prohibits a public meeting from being held in person on December 13, 2022, based on the COVID-19 Community levels in Brown and Outagamie Counties, then the public meeting will be held solely on Microsoft Teams.

## PUBLIC COMMENT PERIOD CLOSSES TUESDAY, DECEMBER 20, 2022

During the public comment period, anyone may submit written comments, questions or input. Comments may be submitted to the Oneida Nation Secretary's Office or the Legislative Reference Office in person, by U.S. mail, interoffice mail, or e-mail.



For more information on the proposed Emergency Management law amendments please review the public meeting packet at [oneida-nsn.gov/government/register/public meetings](http://oneida-nsn.gov/government/register/public%20meetings).



## EMERGENCY MANAGEMENT LAW AMENDMENTS LEGISLATIVE ANALYSIS

### SECTION 1. EXECUTIVE SUMMARY

<i>Analysis by the Legislative Reference Office</i>	
<b>Intent of the Proposed Amendments</b>	<ul style="list-style-type: none"> <li>▪ Eliminate the Oneida Nation Emergency Planning Committee and replace it with an Emergency Management Operations Team. <i>[3 O.C. 302.5-1]</i>;</li> <li>▪ Provide that members of the Emergency Management Operations Team shall attend meetings, or send a designee in their absence, and comply with any training requirements set forth by the Emergency Management Director. <i>[3 O.C. 302.5-3]</i>;</li> <li>▪ Require that within forty-eight (48) hours of an emergency, the Emergency Management Director shall prepare, or shall work in conjunction with the appropriate entity to prepare, an emergency briefing to be presented to the Oneida Business Committee regarding the status of the emergency, actions taken to address the emergency, and the activation of the Emergency Response Plan. <i>[3 O.C. 302.8-4]</i>;</li> <li>▪ Allow the Oneida Business Committee to direct the Emergency Management Director to provide additional emergency briefings to the Oneida Business Committee. <i>[3 O.C. 302.8-4]</i>;</li> <li>▪ Require that within thirty (30) days of an emergency subsiding, unless additional time is granted by the Oneida Business Committee, the Emergency Management Director shall prepare, or shall work in conjunction with the appropriate entity to prepare, a preliminary emergency assessment report to be presented to the Oneida Business Committee, any interested entity, and the public. <i>[3 O.C. 302.8-5]</i>;</li> <li>▪ Extend the amount of time for the Emergency Management Director to prepare and present an after-action report to the Oneida Business Committee, any interested entity, and the public, from sixty (60) days to ninety (90) days. <i>[3 O.C. 302.8-6]</i>.</li> </ul>
<b>Purpose</b>	To provide for the development and execution of plans for the protection of residents, property, and the environment in an emergency or disaster; to provide for the direction of emergency management, response, and recovery on the Reservation; as well as coordination with other agencies, victims, businesses, and organizations; to establish the use of the National Incident Management System (NIMS); and to designate authority and responsibilities for public health preparedness. <i>[3 O.C. 302.1-1]</i>
<b>Affected Entities</b>	Emergency Management Operations Team, Emergency Management Director, Oneida Business Committee
<b>Public Meeting</b>	A public meeting has not yet been held.
<b>Fiscal Impact</b>	A fiscal impact statement has not yet been requested.
<b>Expiration of Emergency Legislation</b>	Emergency legislation expires six (6) months after adoption and may be renewed for an additional six (6) month period. The emergency amendments to this law will expire on March 14, 2022.

1 **SECTION 2. LEGISLATIVE DEVELOPMENT**

2 **A. *Background.*** The Emergency Management law (“the Law”) was first adopted by the Oneida Business  
3 Committee on July 15, 1998,(formally known as the Emergency Management and Homeland Security  
4 law) and most recently amended on March 10, 2021. The Law provides for the development and  
5 execution of plans for the protection of residents, property, and the environment in an emergency or  
6 disaster; to provide for the direction of emergency management, response, and recovery on the  
7 Reservation; as well as coordination with other agencies, victims, businesses, and organizations; to  
8 establish the use of the National Incident Management System (NIMS); and to designate authority and  
9 responsibilities for public health preparedness. [3 O.C. 302.1-1].

10 **B. *Adoption of Emergency Amendments.*** On June 15, 2022, the Oneida Nation and surrounding areas  
11 experienced a severe thunderstorm, high winds and tornados affecting power, damaging homes and  
12 businesses, and impacting access through downed trees causing multiple buildings and much of the  
13 programs and services of the Nation to be negatively impacted through damage to buildings, lack of  
14 power and utilities, and inability of employees to come to work as a result of the same impact on their  
15 homes. The Oneida Business Committee declared an emergency resulting from the damages caused by  
16 the June 15, 2022, severe weather through the adoption of resolution BC-06-20-22-A, *Declaration of*  
17 *Emergency Resulting from the Damages Caused by the June 15, 2022, Severe Weather and Tornado.*  
18 On June 24, 2022, the Oneida Business Committee storm held an emergency debrief session with the  
19 Emergency Management Director, and in that meeting it was identified that amendments to the  
20 Emergency Management law would be needed to address the Oneida Nation Emergency Planning  
21 Committee, and the difficulties of composing this Team to meet the needs of the Nation for an  
22 emergency response. The Legislative Operating Committee added these amendments to its Active Files  
23 List on July 6, 2022, and determined that these amendments should be pursued on an emergency basis.

24 ■ The Oneida Nation Emergency Planning Committee assists the Emergency Management Director  
25 in drafting and maintaining the Emergency Response Plan, and at the request of the Emergency  
26 Management Director, the Oneida Nation Emergency Planning Committee shall provide assistance  
27 to the Emergency Management Director in the implementation of the provisions of this law or any  
28 plan issued thereunder. The Oneida Nation Emergency Planning Committee shall consist of  
29 representatives from entities and a community representative as identified in the Oneida Nation  
30 Emergency Planning Committee bylaws.

31 ■ Some of the positions identified in the Bylaws are direct reports to the Oneida Business Committee  
32 or General Manager, or are employees of the Nation’s Internal Audit Department, Finance  
33 Administration, Law Office, Business Committee Support Office, or Intergovernmental Affairs and  
34 Communications. Currently, section 105.15-3 of the Boards, Committees, and Commissions law  
35 provides that direct reports to the Oneida Business Committee or General Manager, or are  
36 employees of the Nation’s Internal Audit Department, Finance Administration, Law Office,  
37 Business Committee Support Office, or Intergovernmental Affairs and Communications are  
38 ineligible to serve on an appointed or elected boards, committee, or commission of the Nation.  
39 Amendments to the Law are being sought to address the Oneida Nation Emergency Planning  
40 Committee since it is essential that direct reports and employees of those designated areas  
41 participate on this committee in order to achieve the best emergency response for the Nation.

42 ■ The emergency adoption of amendments to this Law were necessary for the preservation of the  
43 safety and general welfare of the Reservation population in order to ensure that the Nation can  
44 adequately respond to emergencies that occur by ensuring that there is an Emergency Management

45 Operations Team that can assist the Emergency Management Director in drafting and maintaining  
46 the Emergency Response Plan., as well as assist the Emergency Management Director in the  
47 implementation of the provisions of this law or any plan issued thereunder.

- 48 ■ Observance of the requirements under the Legislative Procedures Act for adoption of the  
49 emergency amendments to this Law were contrary to public interest since the process and  
50 requirements of the Legislative Procedures Act cannot be completed in time to ensure that the  
51 Emergency Management Operations Team can be established and prepared to aid in the emergency  
52 response prior to the next emergency occurring within the Nation.
- 53 ■ The Oneida Business Committee adopted emergency amendments to the Emergency Management  
54 law on September 14, 2022, through the adoption of resolution BC-09-14-22-B. The emergency  
55 amendments to the Emergency Management law will expire on March 14, 2022.

56

### 57 **SECTION 3. CONSULTATION AND OUTREACH**

58 A. Representatives from the following departments or entities participated in the development of the  
59 emergency amendments to this Law and legislative analysis:

- 60 ■ Emergency Management Department;
- 61 ■ General Manager; and
- 62 ■ Government Administrative Office.

63 B. The following laws were reviewed in the drafting of this analysis:

- 64 ■ Emergency Management law; and
- 65 ■ Boards, Committees, and Commissions law.

66

### 67 **SECTION 4. PROCESS**

68 A. The development of the proposed amendments to the Emergency Management law complies with the  
69 process set forth in the Legislative Procedures Act (LPA).

- 70 ■ On July 6, 2022, the Legislative Operating Committee added the Law to its Active Files List.
- 71 ■ On September 7, 2022, the Legislative Operating Committee approved the Emergency  
72 Management law emergency amendments adoption packet and forward these materials to the  
73 Oneida Business Committee for consideration.
- 74 ■ On September 14, 2022, the Oneida Business Committee adopted resolution BC-09-14-22-B  
75 entitled, *Emergency Amendments to the Emergency Management Law*.
- 76 ■ On October 5, 2022, the Legislative Operating Committee approved the draft of the proposed  
77 amendments to the Emergency Management law and directed that a legislative analysis be  
78 completed.
- 79 ■ On October 19, 2022, the Legislative Operating Committee approved the legislative analysis.

80 B. The Legislative Operating Committee has held the following work meetings specific to the proposed  
81 emergency amendments to this Law:

- 82 ■ July 18, 2022: Work Session with Governmental Administrative Office, General Manager, and  
83 Emergency Management Department.
- 84 ■ August 2, 2022: Work Session with Governmental Administrative Office, General Manager, and  
85 Emergency Management Department.
- 86 ■ August 25, 2022: Work Session with Governmental Administrative Office, General Manager, and  
87 Emergency Management Department.

- 88       ▪ August 25, 2022: LOC work session.
- 89       ▪ August 30, 2022: LOC work session with the Emergency Management Department.
- 90       ▪ October 4, 2022: Work Session with Gaming General Manager and Staff, General Manager,  
91       Finance Administration, and the Emergency Management Director.
- 92

## 93 **SECTION 5. CONTENTS OF THE LEGISLATION**

94 **A. *Emergency Management Operations Team.*** Previously the Law provided that there be an Oneida  
95 Nation Emergency Planning Committee which consisted of representatives from entities and a  
96 community representative as identified in the Oneida Nation Emergency Planning Committee bylaws  
97 as approved by the Oneida Business. The proposed amendments to the Law eliminate the Oneida Nation  
98 Emergency Planning Committee and replace it with an Emergency Management Operations Team. [3  
99 *O.C. 302.5-1*]. The Emergency Management Operations Team consists of representatives from entities  
100 as identified by the Emergency Management Director. *Id.* The purpose of the Emergency Management  
101 Operations Team remains the same as the purpose of the Oneida Nation Emergency Planning  
102 Committee, which is to assist the Emergency Management Director in drafting and maintaining the  
103 Emergency Response Plan, as well as to assist the Emergency Management Director in the  
104 implementation of any provision of the Law or any plan issued thereunder. [3 *O.C. 302.5-2*].  
105 Additionally, a new provision added to the Law sets expectations for the Emergency Management  
106 Operations Team by providing the requirement that members attend meetings, or send a designee in  
107 their absence, and comply with any training requirements set forth by the Emergency Management  
108 Director. [3 *O.C. 302.5-3*].

- 109       ▪ ***Effect.*** The proposed amendments to the Law replace the Oneida Nation Emergency Planning  
110 Committee with the Emergency Management Operations Team. This revision demonstrates  
111 that the Nation is better suited with the Emergency Management Operations Team which exists  
112 not as a board, committee, or commission of the Nation, but instead as a network of different  
113 employee positions throughout the Nation that all have a responsibility to aid in the Nation’s  
114 response to emergencies. This eliminates the previous difficulty in composing this Team to  
115 meet the needs of the Nation for an emergency response since a conflict with section 105.15-3  
116 of the Boards, Committees, and Commissions law no longer exists, and the direct reports and  
117 employees of those designated areas can now participate on this Emergency Management  
118 Operations Team to achieve the best emergency response for the Nation.

119 **B. *Emergency Briefings.*** A new provision was added to the Law which requires that within forty-eight  
120 (48) hours of an emergency, the Emergency Management Director shall prepare, or shall work in  
121 conjunction with the appropriate entity to prepare, an emergency briefing to be presented to the Oneida  
122 Business Committee regarding the status of the emergency, actions taken to address the emergency,  
123 and the activation of the Emergency Response Plan. [3 *O.C. 302.8-4*]. The Oneida Business Committee  
124 may then direct the Director to provide additional emergency briefings. *Id.*

- 125       ▪ ***Effect.*** The new provision ensures that the Emergency Management Director is briefing the  
126 Oneida Business Committee on the status of the emergency, actions taken to address the  
127 emergency, and the activation of the Emergency Response Plan so that the Oneida Business  
128 Committee stays informed on an emergency occurring within the Nation in an effort to make  
129 better policy decisions and provide greater communication to the community.

130 **C. *Preliminary Emergency Assessment Report.*** A new provision was added to the Law which requires  
131 that after an emergency has subsided, the Director shall prepare, or shall work in conjunction with the

132 appropriate entity to prepare, a preliminary emergency assessment report to be presented to the Oneida  
133 Business Committee, any interested entity, and the public. [3 O.C. 302.8-5]. This report is required to  
134 be presented to the parties no later than thirty (30) days after the emergency has subsided, unless an  
135 extension is granted by the Oneida Business Committee.

- 136     ▪ *Effect.* The new provision to the Law ensures the Emergency Management Director is  
137 providing the Oneida Business Committee, any interested entity, and the public with a  
138 preliminary report that reviews the Nation’s response to an emergency and identifies any areas  
139 in which the response could have been improved. Providing this information in a preliminary  
140 emergency assessment report allows the Nation to be best prepared in how to improve  
141 emergency response, in case an additional emergency occurs before the full analysis of a  
142 particular emergency response can be provided in the after-action report.

143 **D. *Extension of the Timeframe for an After-Action Report.*** Previously, the Law provided that after an  
144 emergency has subsided, the Emergency Director shall prepare, or shall work in conjunction with the  
145 appropriate entity to prepare, an after-action report to be presented to the Oneida Business Committee,  
146 any interested entity, and the public no later than sixty (60) days after the emergency has subsided,  
147 unless an extension is granted by the Oneida Business Committee. The amendments to the Law extend  
148 the timeframe for when an after-action report is required to be presented from sixty (60) days to ninety  
149 (90) days. [3 O.C. 302.8-6].

- 150     ▪ *Effect.* The amendments to the Law provide the Emergency Management Director additional  
151 time to prepare an after-action report to be presented to the Oneida Business Committee, any  
152 interested entity, and the public. The Emergency Management Director informed the  
153 Legislative Operating Committee that sixty (60) days is not a sufficient time allowance to  
154 complete this report, especially when there are times that information needs to be collected  
155 from other agencies to be included in the report.

## 156 157 **SECTION 6. EXISTING LEGISLATION**

158 **A. *Related Legislation.*** The following laws of the Nation are related to the emergency amendments to this  
159 Law:

- 160     ▪ *Legislative Procedures Act.* The Legislative Procedures Act was adopted by the General Tribal  
161 Council on January 7, 2013, for the purpose of providing a standard process for the adoption  
162 of laws of the Nation which includes taking into account comments from members of the  
163 Nation and input from agencies of the Nation. [1 O.C. 109.1-1, 109.1-2].
  - 164         ▪ The Legislative Procedures Act provides a process for the adoption of emergency  
165 legislation when the legislation is necessary for the immediate preservation of the  
166 public health, safety, or general welfare of the Reservation population and the  
167 enactment or amendment of legislation is required sooner than would be possible under  
168 this law. [1 O.C. 109.9-5].
    - 169             ▪ The Legislative Operating Committee is responsible for first reviewing the  
170 emergency legislation and for forwarding the legislation to the Oneida  
171 Business Committee for consideration. [1 O.C. 109.9-5(a)].
    - 172             ▪ The proposed emergency legislation is required to have a legislative analysis  
173 completed and attached prior to being sent to the Oneida Business Committee  
174 for consideration. [1 O.C. 109.9-5(a)].

- 175 a. A legislative analysis is a plain language analysis describing the  
176 important features of the legislation being considered and factual  
177 information to enable the Legislative Operating Committee to make  
178 informed decisions regarding legislation. A legislative analysis  
179 includes a statement of the legislation’s terms and substance; intent of  
180 the legislation; a description of the subject(s) involved, including any  
181 conflicts with Oneida or other law, key issues, potential impacts of the  
182 legislation and policy considerations. [1 O.C. 109.3-1(g)].
- 183 ■ Emergency legislation does not require a fiscal impact statement to be  
184 completed or a public comment period to be held. [1 O.C. 109.9-5(a)].
  - 185 ■ Upon the determination that an emergency exists the Oneida Business  
186 Committee can adopt emergency legislation. The emergency legislation  
187 becomes effective immediately upon its approval by the Oneida Business  
188 Committee. [1 O.C. 109.9-5(b)].
  - 189 ■ Emergency legislation remains in effect for a period of up to six (6) months,  
190 with an opportunity for a one-time emergency law extension of up to six (6)  
191 months. [1 O.C. 109.9-5(b)].
  - 192 ■ Adoption of these proposed emergency amendments conform with the requirements of  
193 the Legislative Procedures Act.
  - 194 ■ *Boards, Committees, and Commissions Law.* The Boards Committees and Commissions law  
195 governs boards, committees, and commissions of the Nation, including the procedures  
196 regarding the appointment and election of persons to boards, committees and commissions,  
197 creation of bylaws, maintenance of official records, compensation, and other items related to  
198 boards, committees and commissions. [1 O.C. 105.1-1].
    - 199 ■ The Boards, Committees, and Commissions law provides that direct reports to the  
200 Oneida Business Committee or General Manager, or are employees of the Nation’s  
201 Internal Audit Department, Finance Administration, Law Office, Business Committee  
202 Support Office, or Intergovernmental Affairs and Communications are ineligible to  
203 serve on an appointed or elected boards, committee, or commission of the Nation. [1  
204 O.C. 105.15-3].
    - 205 ■ The proposed amendments to the Law replace the Oneida Nation Emergency Planning  
206 Committee with the Emergency Management Operations Team to eliminate any  
207 conflict with section 105.15-3 of the Boards, Committees, and Commissions law.
- 208

## 209 SECTION 7. OTHER CONSIDERATIONS

- 210 A. *Deadline for Permanent Adoption of Legislation.* The emergency amendments to the Law will expire  
211 on March 14, 2022. The emergency legislation may be renewed for an additional six (6) month period.
- 212 ■ *Conclusion:* The Legislative Operating Committee will need to determine if the adoption of these  
213 amendments is necessary on a permanent basis, and if so, develop the permanent amendments to  
214 this Law within the next six (6) to twelve (12) months.
- 215 B. *Fiscal Impact.* Under the Legislative Procedures Act, a fiscal impact statement is required for all  
216 legislation except emergency legislation [1 O.C. 109.6-1]. Oneida Business Committee resolution BC-  
217 10-28-20-A titled, “*Further Interpretation of ‘Fiscal Impact Statement’ in the Legislative Procedures*  
218 *Act,*” provides further clarification on who the Legislative Operating Committee may direct complete

219 a fiscal impact statement at various stages of the legislative process, as well as timeframes for  
220 completing the fiscal impact statement.

221     ▪ *Conclusion.* The Legislative Operating Committee has not yet directed that a fiscal impact  
222 statement be completed.

223

224



**DTitle 3. Health and Public Safety – Chapter 302**  
**Yotlihokté Olihwá:ke**  
*Matters that are concerning immediate attention*  
**EMERGENCY MANAGEMENT**

- |   |  |
|---|--|
| 302.1. Purpose and Policy   | 302.6. Entity Cooperation                  |
| 302.2. Adoption, Amendment, Conflicts   | 302.7. Public Health Emergencies           |
| 302.3. Definitions  | 302.8. Proclamation of an Emergency        |
| 302.4. Emergency Management Department  | 302.9. Emergency Core Decision Making Team |
| 302.5. <del>Oneida Nation</del> Emergency <del>Planning Committee</del> <u>Management Operations Team</u> | 302.10. Enforcement and Penalties          |

**302.1. Purpose and Policy**

302.1-1. *Purpose.* The purpose of this law is to:

- (a) provide for the development and execution of plans for the protection of residents, property, and the environment in an emergency or disaster;
- (b) provide for the direction of emergency management, response, and recovery on the Reservation; as well as coordination with other agencies, victims, businesses, and organizations;
- (c) establish the use of the National Incident Management System (NIMS); and
- (d) designate authority and responsibilities for public health preparedness.

302.1-2. *Policy.* It is the policy of the Nation to provide:

- (a) a description of the emergency management network of the Nation;
- (b) authorization for specialized activities to mitigate hazardous conditions and for the preparation of the Nation’s emergency response plans, as well as to address concerns related to isolation and/or quarantine orders, emergency care, and mutual aid; and
- (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.

**302.2. Adoption, Amendment, Repeal**

302.2-1. This law was adopted by the Oneida Business Committee by resolution BC-07-15-98-A ~~and~~<sub>2</sub> amended by resolution BC-12-20-06-G, BC-05-13-09-F, ~~and~~ BC-03-10-21-A~~2~~, ~~and~~ BC-~~2~~<sub>2</sub> ~~2~~<sub>2</sub>.

302.2-2. This law may be amended or repealed by the Oneida Business Committee ~~and~~ or General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

302.2-3. 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.

302.2-4. In the event of a conflict between a provision of this law and a provision of another law, the provisions of this law shall control.

302.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

**302.3. Definitions**

302.3-1. 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) “Biological agent” means an infectious disease or toxin that has the ability to adversely affect human health in a variety of ways, from mild allergic reactions to serious medical

- 39 conditions, and including death.
- 40 (b) “Communicable disease” means any disease transmitted from one person or animal to
- 41 another directly by contact with excreta or other discharges from the body, or indirectly via
- 42 substances or inanimate objects that may cause a public health emergency.
- 43 (c) “Community/Public Health Officer” means an agent of the Comprehensive Health
- 44 Division, or his or her designee(s), who is responsible for taking the appropriate actions in
- 45 order to prevent a public health emergency from occurring on the Reservation.
- 46 (d) “Comprehensive Health Division” means the Oneida Comprehensive Health Division,
- 47 which is authorized to issue compulsory vaccinations, require isolation, and quarantine
- 48 individuals in order to protect the public health.
- 49 (e) “Director” means the Director of the Nation’s Emergency Management Department.
- 50 (f) “Emergency” means a situation that poses an immediate risk to health, life, safety,
- 51 property, or environment which requires urgent intervention to prevent further illness,
- 52 injury, death, or other worsening of the situation.
- 53 (g) “Emergency Management Network” means the entities, volunteers, consultants,
- 54 contractors, outside agencies, and any other resources the Nation may use to facilitate inter-
- 55 agency collaboration, identify and share resources, and better prepare for local incidents
- 56 and large-scale disasters.
- 57 (h) “Emergency Response Plan” means the plan established to coordinate mitigation,
- 58 preparedness, response, and recovery activities for all emergency or disaster situations
- 59 within the Reservation.
- 60 (i) “Entity” means any agency, board, committee, commission, or department of the
- 61 Nation.
- 62 (j) “Fair Market Value” means the everyday cost of a product in an ordinary market,
- 63 absent of a disaster.
- 64 (k) “Isolation” means the separation of persons or animals presumably or actually infected
- 65 with a communicable disease, or that are disease carriers, for the usual period of
- 66 communicability of that disease in such places and under such conditions as will prevent
- 67 the direct or indirect transmission of an infectious agent to susceptible people or to those
- 68 who may spread the agent to others.
- 69 (l) “Nation” means the Oneida Nation.
- 70 (m) “National Incident Management System” or “NIMS” means the system mandated by
- 71 Homeland Security Presidential Directive 5 (HSPD 5) issued on February 28, 2003, that
- 72 provides a consistent nationwide approach for federal, state, local, and tribal governments
- 73 to work effectively and efficiently together to prepare for, prevent, respond to, and recover
- 74 from domestic incidents, regardless of cause, size, or complexity.
- 75 ~~(n) “Oneida Nation Emergency Planning Committee” means the committee that assists the~~
- 76 ~~Director in the implementation of this law.~~
- 77 ~~(e)(n)~~ “Proclaim” means to announce officially and publicly.
- 78 ~~(p)(o)~~ “Public Health Emergency” means the occurrence or imminent threat of an illness
- 79 or health condition which:
- 80 (1) is a quarantinable disease, or is believed to be caused by bioterrorism or a
- 81 biological agent; and
- 82 (2) poses a high probability of any of the following:
- 83 (A) a large number of deaths or serious or long-term disability among

84 humans; or  
85 (B) widespread exposure to a biological, chemical, or radiological agent  
86 that creates a significant risk of substantial future harm to a large number of  
87 people.

88 (ep) “Quarantine” means the limitation of freedom of movement of persons or animals  
89 that have been exposed to a communicable disease or chemical, biological, or radiological  
90 agent, for a period of time equal to the longest usual incubation period of the disease or  
91 until there is no risk of spreading the chemical, biological, or radiological agent. The  
92 limitation of movement shall be in such manner as to prevent the spread of a communicable  
93 disease or chemical, biological, or radiological agent.

94 (fq) “Reservation” means all land within the exterior boundaries of the Reservation of the  
95 Oneida Nation, as created pursuant to the 1838 Treaty with the Oneida, 7 Stat. 566, and  
96 any lands added thereto pursuant to federal law.

97 (sr) “Trial Court” means the Trial Court of the Oneida Nation Judiciary, which is the  
98 judicial system that was established by Oneida General Tribal Council resolution GTC-01-  
99 07-13-B, and then later authorized to administer the judicial authorities and responsibilities  
100 of the Nation by Oneida General Tribal Council resolution GTC-03-19-17-A.

101 (ts) “Vital resources” means food, water, equipment, sand, wood, or other materials  
102 obtained for the protection of life, property, and/or the environment during a proclaimed  
103 emergency.  
104

### 105 **302.4. Emergency Management Department**

106 302.4-1. The Emergency Management Department shall be responsible for planning and  
107 coordinating the response to a disaster or emergency that occurs within the boundaries of the  
108 Reservation.

109 302.4-2. *Authority of the Director.* The Director shall be responsible for coordinating and  
110 planning the operational response to an emergency and is hereby empowered to:

- 111 (a) organize and coordinate efforts of the emergency management network of the Nation;
- 112 (b) implement the Emergency Response Plan as adopted by the Oneida Business  
113 Committee;
- 114 (c) facilitate coordination and cooperation between entities and resolve questions that may  
115 arise among them;
- 116 (d) incorporate the HSPD 5 which requires all federal, state, local, and tribal governments  
117 to administer the best practices contained in the NIMS;
- 118 (e) coordinate the development and implementation of the NIMS within the Nation;
- 119 (f) ensure that the following occurs:
  - 120 (1) an Emergency Response Plan is developed and maintained, and includes  
121 training provisions for applicable personnel;
  - 122 (2) emergency resources, equipment, and communications systems are developed,  
123 procured, supplied, inventoried, and accounted for;
- 124 (g) establish the line of authority as recorded in the Emergency Response Plan as adopted  
125 by the Oneida Business Committee; and
- 126 (h) enter into mutual aid and service agreements with tribal, local, state, and federal  
127 governments, subject to Oneida Business Committee approval.

128 302.4-3. *Action when an Emergency is Proclaimed.* In addition, in the event of a proclamation of  
129 an emergency on the Reservation, the Director is hereby empowered:

130 (a) to obtain vital resources and to bind the Nation for the fair market value thereof, upon  
131 approval of the Emergency Management purchasing agent, who is identified in the  
132 Emergency Response Plan. If a person or business refuses to provide the resource(s)  
133 required, the Director may commandeer resources for public use and bind the Nation for  
134 the fair market value thereof. In the event the purchasing agent is unavailable, the chain of  
135 command, as approved by the Oneida Business Committee, shall be followed.

136 (b) to require emergency activities of as many members of the Nation and/or employees  
137 as deemed necessary.

138 (c) to execute all of the ordinary powers of the Director, all of the special powers conferred  
139 by this law or by resolution adopted pursuant thereto, all powers conferred on the Director  
140 by any agreement approved by the Oneida Business Committee, and to exercise complete  
141 emergency authority over the Reservation.

142 (d) to coordinate with tribal, federal, state, and local authorities.

143  
144 **302.5. ~~Oneida Nation Emergency Planning Committee~~ Management Operations Team**

145 302.5-1. ~~The Oneida Nation Establishment and Composition. There is hereby established an~~  
146 Emergency ~~Planning Committee~~ Management Operations Team which shall consist of  
147 representatives from entities ~~and a community representative of the Nation~~ as identified ~~in the~~  
148 ~~Oneida Nation Emergency Planning Committee bylaws as approved by the Oneida Business~~  
149 ~~Committee.~~ Director.

150 302.5-2. Purpose. The ~~Oneida Nation Emergency Planning Committee~~ Management Operations  
151 Team shall meet as necessary ~~to, as determined by the Director, for the following purposes:~~

152 (a) assist the Director in drafting and maintaining the Emergency Response Plan; and

153 (b) assist the Director in ~~302.5-3. At the request of the Director, the Oneida Nation~~  
154 ~~Emergency Planning Committee shall provide assistance to the Director in the~~  
155 ~~implementation of the provisions of this law or any plan issued thereunder.~~

156 302.5-3. Expectations. Members of the Emergency Management Operations Team shall attend  
157 meetings, or send a designee in their absence, and comply with any training requirements set forth  
158 by the Director.

159  
160 **302.6. Entity Cooperation**

161 302.6-1. All entities shall comply with reasonable requests from the Director relating to  
162 emergency planning, emergency operations, and federal mandate compliance.

163 302.6-2. The Nation may implement more strict policies or requirements than those issued by the  
164 Community/Public Health Officer.

165  
166 **302.7. Public Health Emergencies**

167 302.7-1. In order to prevent a public health emergency, the Director and the Community/Public  
168 Health Officer shall take action to limit the spread of any communicable disease, in accordance  
169 with this law.

170 302.7-2. *Investigation of Communicable Disease.* If the Community/Public Health Officer  
171 suspects or is informed of the existence of any communicable disease, the Community/Public  
172 Health Officer shall investigate and make or cause examinations to be made, as are deemed  
173 necessary.

174 302.7-3. *Quarantinable Diseases.* The Community/Public Health Officer shall provide a list of  
175 quarantinable diseases specified in a resolution to be adopted by the Oneida Business Committee.

176 302.7-4. *Authority of the Community/Public Health Officer.* The Community/Public Health  
177 Officer shall act as necessary to protect the public including, but not limited to, the following  
178 actions:

179 (a) Request the Director to take the necessary steps to have a public health emergency  
180 proclaimed;

181 (b) Quarantine, isolate, or take other communicable disease control measures upon an  
182 individual(s); and

183 (c) Issue any mandate, order, and/or require restrictions which may limit the spread of any  
184 communicable disease to any individual, business, or the general population of the  
185 Reservation.

186 302.7-5. *Quarantine and Isolation.* The Community/Public Health Officer shall immediately  
187 quarantine, isolate, and/or take other communicable disease control measures upon an individual  
188 if the Community/Public Health Officer receives a diagnostic report from a physician or a written  
189 or verbal notification from an individual or his or her parent or caretaker that gives the  
190 Community/Public Health Officer a reasonable belief that the individual has a communicable  
191 disease that is likely to cause a public health emergency.

192 (a) If an individual is infected with a communicable disease and the Community/Public  
193 Health Officer determines it is necessary to limit contact with the individual, all persons  
194 may be forbidden from being in direct contact with the infected individual, except for those  
195 persons having a special written permit from the Community/Public Health Officer.

196 (b) Any individual, including an authorized individual, who enters an isolation or  
197 quarantine premises may be subject to isolation or quarantine under this law.

198 (c) When the Community/Public Health Officer deems it necessary that an individual be  
199 quarantined, isolated, or otherwise restricted in a separate place, the Community/Public  
200 Health Officer shall have that individual removed to such a designated place, if it can be  
201 done without danger to the individual's health.

202 302.7-6. *Action when a Public Health Emergency is Proclaimed.* In addition, when a public health  
203 emergency is proclaimed, the Community/Public Health Officer may do all of the following, as  
204 necessary:

205 (a) organize the vaccination of individuals;

206 (1) The following types of individuals shall not be subject to a vaccination:

207 (A) an individual who the vaccination is reasonably likely to lead to serious  
208 harm to the individual; and

209 (B) an individual, for reason of religion or conscience, refuses to obtain the  
210 vaccination.

211 (b) isolate or quarantine individuals, including those who are unable or unwilling to receive  
212 a vaccination; and

213 (c) prevent any individual, except for those individuals authorized by the  
214 Community/Public Health Officer, from entering an isolation or quarantine premises.

215 302.7-7. The Oneida Police Department shall take enforcement action when necessary and work  
216 with the Community/Public Health Officer to execute the Community/Public Health Officer's  
217 orders and properly guard any place if quarantine, isolation, or other restrictions on communicable  
218 disease are violated or intent to violate becomes apparent.

219 302.7-8. Expenses for necessary medical care, food, and other articles needed for an infected  
220 individual shall be charged against the individual or whoever is liable for the individual's care and  
221 support.

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**302.8. Proclamation of an Emergency**

302.8-1. *Proclamation of an Emergency.* The Oneida Business Committee shall be responsible for proclaiming or ratifying the existence of an emergency and for requesting a gubernatorial or presidential declaration.

(a) The Director may request that the Oneida Business Committee proclaim the existence of an emergency. The Oneida Business Committee may proclaim the existence of an emergency without a request from the Director, if warranted.

(b) In the event the Oneida Business Committee is unable to proclaim or ratify the existence of an emergency, the Director may proclaim an emergency which shall be in effect until such time the Oneida Business Committee can officially ratify this declaration.

302.8-2. No proclamation of an emergency by the Oneida Business Committee or the Director may last for longer than sixty (60) days, unless the proclamation of emergency is extended by the Oneida Business Committee.

302.8-3. *Management Network.* The emergency management network of the Reservation shall be as specified in the Emergency Response Plan, as adopted by the Oneida Business Committee.

302.8-4. Emergency Briefings. Within forty-eight (48) hours of an emergency, the Director shall prepare, or shall work in conjunction with the appropriate entity to prepare, an emergency briefing to be presented to the Oneida Business Committee regarding the status of the emergency, actions taken to address the emergency, and the activation of the Emergency Response Plan. The Oneida Business Committee may direct the Director to provide additional emergency briefings.

~~302.8-5. After Action Preliminary Emergency Assessment Report.~~ After an emergency has subsided, the Director shall prepare, or shall work in conjunction with the appropriate entity to prepare, ~~an after-action~~ preliminary emergency assessment report to be presented to the Oneida Business Committee, any interested entity, and the public. This report shall be presented to the required parties no later than ~~sixty (60)~~ thirty (30) days after the emergency has subsided, unless an extension is granted by the Oneida Business Committee.

302.8-6. After-Action Report. After an emergency has subsided, the Director shall prepare, or shall work in conjunction with the appropriate entity to prepare, an after-action report to be presented to the Oneida Business Committee, any interested entity, and the public. This report shall be presented to the required parties no later than ninety (90) days after the emergency has subsided, unless an extension is granted by the Oneida Business Committee.

~~302.8-7. 302.8-5.~~ During a proclaimed emergency, the Conservation Department shall be responsible for the care, disposal, and sheltering of all abandoned domestic animals and livestock. The Conservation Department may delegate this responsibility to a contracted agency.

**302.9. Emergency Core Decision Making Team**

302.9-1. *Emergency Core Decision Making Team.* Upon the proclamation of an emergency under this law, the Oneida Business Committee may establish an Emergency Core Decision Making Team through the adoption of a motion. The motion shall identify the positions of the Nation which shall make up the members of the Emergency Core Decision Making Team based on the type and severity of emergency the Nation is experiencing.

302.9-2. *Delegation of Authority.* The Emergency Core Decision Making Team shall have emergency authority to take the following actions:

(a) Notwithstanding any requirements of the Legislative Procedures Act, declare exceptions to the Nation’s laws during the emergency period which will be of immediate

268 impact for the purposes of protecting the health, safety, and general welfare of the Nation's  
269 community, members, and employees; and  
270 (b) Notwithstanding any requirements in any policy, procedure, regulation, or standard  
271 operating procedures, declare exceptions to any policy, procedure, regulation, or standard  
272 operating procedure during the emergency period which will be of immediate impact for  
273 the purposes of protecting the health, safety, and general welfare of the Nation's  
274 community, members, and employees.

275 302.9-3. *Declarations.* All declarations made by the Emergency Core Decision Making Team  
276 shall:

- 277 (a) be written on the Nation's letterhead;
- 278 (b) provide the date the declaration was issued;
- 279 (c) contain a clear statement of the directives;
- 280 (d) provide the date the directive shall go into effect;
- 281 (e) be signed by the Oneida Business Committee Chairperson, or Vice Chairperson in the  
282 Chairperson's absence; and
- 283 (f) be posted on the Nation's website.

284 302.9-4. *Duration of Authority for Exceptions Declared by the Emergency Core Decision Making*  
285 *Team.* Any declaration made under the authority granted in this section shall be effective upon  
286 the date declared by the Emergency Core Decision Making Team and shall be effective for the  
287 duration of any proclaimed emergency, or for a shorter time period if identified.

288 302.9-5. *Notification to the Oneida Business Committee.* Within twenty-four (24) hours of a  
289 declaration being made, the Emergency Core Decision Making Team shall provide notification of  
290 the declaration to the Oneida Business Committee.

291 302.9-6. The Oneida Business Committee may modify, extend, or repeal any declaration or  
292 emergency action taken by the Emergency Core Decision Making Team.

293

### 294 **302.10. Enforcement and Penalties**

295 302.10-1. It shall be a violation of this law for any person to not comply with or willfully obstruct,  
296 hinder, or delay the implementation or enforcement of the provisions of this law or any plan issued  
297 thereunder, whether or not an emergency has been proclaimed.

298 302.10-2. *Citations.* An Oneida Police Department officer may issue a citation to any person who  
299 violates a provision of this law.

300 (a) A citation for a violation of this law shall be processed in accordance with the procedure  
301 contained in the Nation's laws and policies governing citations.

302 (b) The Oneida Business Committee shall adopt through resolution a citation schedule  
303 which sets forth specific fine amounts for violations of this law.

304 (c) The Trial Court shall have jurisdiction over any action brought under this law.

305 302.10-3. *Disciplinary Action.* An employee of the Nation who violates this law during their work  
306 hours or who refuses to follow the Emergency Response Plan may be subject to disciplinary action  
307 in accordance with the Nation's laws and policies governing employment.

308 (a) An employee of the Nation who is disciplined under this law may appeal the  
309 disciplinary action in accordance with the Nation's laws and policies governing  
310 employment.

311

312 *End.*

313

- 314 Adopted - BC-07-15-98-A
- 315 Amended - BC-12-20-06-G
- 316 Emergency Amended – BC-04-30-09-A (Influenza A (H1N1))
- 317 Amended - BC-05-13-09-F
- 318 Emergency Amended – BC-03-17-20-E (COVID-19)
- 319 Extension of Emergency – BC-08-26-20-A
- 320 Amended – BC-03-10-21-A
- 321 Emergency Amended – BC-09-14-22-B
- 322 Amended – BC- - - -



**Title 3. Health and Public Safety – Chapter 302**  
**Yotlihokté Olihwa’ke**  
*Matters that are concerning immediate attention*  
**EMERGENCY MANAGEMENT**

302.1. Purpose and Policy  
302.2. Adoption, Amendment, Conflicts  
302.3. Definitions  
302.4. Emergency Management Department  
302.5. Emergency Management Operations Team

302.6. Entity Cooperation  
302.7. Public Health Emergencies  
302.8. Proclamation of an Emergency  
302.9. Emergency Core Decision Making Team  
302.10. Enforcement and Penalties

**302.1. Purpose and Policy**

302.1-1. *Purpose.* The purpose of this law is to:

- (a) provide for the development and execution of plans for the protection of residents, property, and the environment in an emergency or disaster;
- (b) provide for the direction of emergency management, response, and recovery on the Reservation; as well as coordination with other agencies, victims, businesses, and organizations;
- (c) establish the use of the National Incident Management System (NIMS); and
- (d) designate authority and responsibilities for public health preparedness.

302.1-2. *Policy.* It is the policy of the Nation to provide:

- (a) a description of the emergency management network of the Nation;
- (b) authorization for specialized activities to mitigate hazardous conditions and for the preparation of the Nation’s emergency response plans, as well as to address concerns related to isolation and/or quarantine orders, emergency care, and mutual aid; and
- (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.

**302.2. Adoption, Amendment, Repeal**

302.2-1. This law was adopted by the Oneida Business Committee by resolution BC-07-15-98-A, amended by resolution BC-12-20-06-G, BC-05-13-09-F, BC-03-10-21-A, and BC-\_\_-\_\_-\_\_-\_\_.

302.2-2. This law may be amended or repealed by the Oneida Business Committee or General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

302.2-3. 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.

302.2-4. In the event of a conflict between a provision of this law and a provision of another law, the provisions of this law shall control.

302.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

**302.3. Definitions**

302.3-1. 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) “Biological agent” means an infectious disease or toxin that has the ability to adversely affect human health in a variety of ways, from mild allergic reactions to serious medical conditions, and including death.

- 39 (b) “Communicable disease” means any disease transmitted from one person or animal to  
40 another directly by contact with excreta or other discharges from the body, or indirectly via  
41 substances or inanimate objects that may cause a public health emergency.
- 42 (c) “Community/Public Health Officer” means an agent of the Comprehensive Health  
43 Division, or his or her designee(s), who is responsible for taking the appropriate actions in  
44 order to prevent a public health emergency from occurring on the Reservation.
- 45 (d) “Comprehensive Health Division” means the Oneida Comprehensive Health Division,  
46 which is authorized to issue compulsory vaccinations, require isolation, and quarantine  
47 individuals in order to protect the public health.
- 48 (e) “Director” means the Director of the Nation’s Emergency Management Department.
- 49 (f) “Emergency” means a situation that poses an immediate risk to health, life, safety,  
50 property, or environment which requires urgent intervention to prevent further illness,  
51 injury, death, or other worsening of the situation.
- 52 (g) “Emergency Management Network” means the entities, volunteers, consultants,  
53 contractors, outside agencies, and any other resources the Nation may use to facilitate inter-  
54 agency collaboration, identify and share resources, and better prepare for local incidents  
55 and large-scale disasters.
- 56 (h) “Emergency Response Plan” means the plan established to coordinate mitigation,  
57 preparedness, response, and recovery activities for all emergency or disaster situations  
58 within the Reservation.
- 59 (i) “Entity” means any agency, board, committee, commission, or department of the  
60 Nation.
- 61 (j) “Fair Market Value” means the everyday cost of a product in an ordinary market,  
62 absent of a disaster.
- 63 (k) “Isolation” means the separation of persons or animals presumably or actually infected  
64 with a communicable disease, or that are disease carriers, for the usual period of  
65 communicability of that disease in such places and under such conditions as will prevent  
66 the direct or indirect transmission of an infectious agent to susceptible people or to those  
67 who may spread the agent to others.
- 68 (l) “Nation” means the Oneida Nation.
- 69 (m) “National Incident Management System” or “NIMS” means the system mandated by  
70 Homeland Security Presidential Directive 5 (HSPD 5) issued on February 28, 2003, that  
71 provides a consistent nationwide approach for federal, state, local, and tribal governments  
72 to work effectively and efficiently together to prepare for, prevent, respond to, and recover  
73 from domestic incidents, regardless of cause, size, or complexity.
- 74 (n) “Proclaim” means to announce officially and publicly.
- 75 (o) “Public Health Emergency” means the occurrence or imminent threat of an illness or  
76 health condition which:
- 77 (1) is a quarantinable disease, or is believed to be caused by bioterrorism or a  
78 biological agent; and
- 79 (2) poses a high probability of any of the following:
- 80 (A) a large number of deaths or serious or long-term disability among  
81 humans; or
- 82 (B) widespread exposure to a biological, chemical, or radiological agent  
83 that creates a significant risk of substantial future harm to a large number of

- 84 people.
- 85 (p) “Quarantine” means the limitation of freedom of movement of persons or animals that  
86 have been exposed to a communicable disease or chemical, biological, or radiological  
87 agent, for a period of time equal to the longest usual incubation period of the disease or  
88 until there is no risk of spreading the chemical, biological, or radiological agent. The  
89 limitation of movement shall be in such manner as to prevent the spread of a communicable  
90 disease or chemical, biological, or radiological agent.
- 91 (q) “Reservation” means all land within the exterior boundaries of the Reservation of the  
92 Oneida Nation, as created pursuant to the 1838 Treaty with the Oneida, 7 Stat. 566, and  
93 any lands added thereto pursuant to federal law.
- 94 (r) “Trial Court” means the Trial Court of the Oneida Nation Judiciary, which is the  
95 judicial system that was established by Oneida General Tribal Council resolution GTC-01-  
96 07-13-B, and then later authorized to administer the judicial authorities and responsibilities  
97 of the Nation by Oneida General Tribal Council resolution GTC-03-19-17-A.
- 98 (s) “Vital resources” means food, water, equipment, sand, wood, or other materials  
99 obtained for the protection of life, property, and/or the environment during a proclaimed  
100 emergency.

#### 101 **302.4. Emergency Management Department**

102 302.4-1. The Emergency Management Department shall be responsible for planning and  
103 coordinating the response to a disaster or emergency that occurs within the boundaries of the  
104 Reservation.

105 302.4-2. *Authority of the Director.* The Director shall be responsible for coordinating and  
106 planning the operational response to an emergency and is hereby empowered to:

- 107 (a) organize and coordinate efforts of the emergency management network of the Nation;  
108 (b) implement the Emergency Response Plan as adopted by the Oneida Business  
109 Committee;  
110 (c) facilitate coordination and cooperation between entities and resolve questions that may  
111 arise among them;  
112 (d) incorporate the HSPD 5 which requires all federal, state, local, and tribal governments  
113 to administer the best practices contained in the NIMS;  
114 (e) coordinate the development and implementation of the NIMS within the Nation;  
115 (f) ensure that the following occurs:  
116 (1) an Emergency Response Plan is developed and maintained, and includes  
117 training provisions for applicable personnel;  
118 (2) emergency resources, equipment, and communications systems are developed,  
119 procured, supplied, inventoried, and accounted for;  
120 (g) establish the line of authority as recorded in the Emergency Response Plan as adopted  
121 by the Oneida Business Committee; and  
122 (h) enter into mutual aid and service agreements with tribal, local, state, and federal  
123 governments, subject to Oneida Business Committee approval.

124 302.4-3. *Action when an Emergency is Proclaimed.* In addition, in the event of a proclamation of  
125 an emergency on the Reservation, the Director is hereby empowered:

- 126 (a) to obtain vital resources and to bind the Nation for the fair market value thereof, upon  
127 approval of the Emergency Management purchasing agent, who is identified in the  
128 Emergency Response Plan. If a person or business refuses to provide the resource(s)  
129

130 required, the Director may commandeer resources for public use and bind the Nation for  
131 the fair market value thereof. In the event the purchasing agent is unavailable, the chain of  
132 command, as approved by the Oneida Business Committee, shall be followed.

133 (b) to require emergency activities of as many members of the Nation and/or employees  
134 as deemed necessary.

135 (c) to execute all of the ordinary powers of the Director, all of the special powers conferred  
136 by this law or by resolution adopted pursuant thereto, all powers conferred on the Director  
137 by any agreement approved by the Oneida Business Committee, and to exercise complete  
138 emergency authority over the Reservation.

139 (d) to coordinate with tribal, federal, state, and local authorities.  
140

### 141 **302.5. Emergency Management Operations Team**

142 302.5-1. *Establishment and Composition.* There is hereby established an Emergency Management  
143 Operations Team which shall consist of representatives from entities of the Nation as identified by  
144 the Director.

145 302.5-2. *Purpose.* The Emergency Management Operations Team shall meet as necessary, as  
146 determined by the Director, for the following purposes:

147 (a) assist the Director in drafting and maintaining the Emergency Response Plan; and

148 (b) assist the Director in the implementation of the provisions of this law or any plan issued  
149 thereunder.

150 302.5-3. *Expectations.* Members of the Emergency Management Operations Team shall attend  
151 meetings, or send a designee in their absence, and comply with any training requirements set forth  
152 by the Director.  
153

### 154 **302.6. Entity Cooperation**

155 302.6-1. All entities shall comply with reasonable requests from the Director relating to  
156 emergency planning, emergency operations, and federal mandate compliance.

157 302.6-2. The Nation may implement more strict policies or requirements than those issued by the  
158 Community/Public Health Officer.  
159

### 160 **302.7. Public Health Emergencies**

161 302.7-1. In order to prevent a public health emergency, the Director and the Community/Public  
162 Health Officer shall take action to limit the spread of any communicable disease, in accordance  
163 with this law.

164 302.7-2. *Investigation of Communicable Disease.* If the Community/Public Health Officer  
165 suspects or is informed of the existence of any communicable disease, the Community/Public  
166 Health Officer shall investigate and make or cause examinations to be made, as are deemed  
167 necessary.

168 302.7-3. *Quarantinable Diseases.* The Community/Public Health Officer shall provide a list of  
169 quarantinable diseases specified in a resolution to be adopted by the Oneida Business Committee.

170 302.7-4. *Authority of the Community/Public Health Officer.* The Community/Public Health  
171 Officer shall act as necessary to protect the public including, but not limited to, the following  
172 actions:

173 (a) Request the Director to take the necessary steps to have a public health emergency  
174 proclaimed;

- 175 (b) Quarantine, isolate, or take other communicable disease control measures upon an  
176 individual(s); and  
177 (c) Issue any mandate, order, and/or require restrictions which may limit the spread of any  
178 communicable disease to any individual, business, or the general population of the  
179 Reservation.

180 302.7-5. *Quarantine and Isolation.* The Community/Public Health Officer shall immediately  
181 quarantine, isolate, and/or take other communicable disease control measures upon an individual  
182 if the Community/Public Health Officer receives a diagnostic report from a physician or a written  
183 or verbal notification from an individual or his or her parent or caretaker that gives the  
184 Community/Public Health Officer a reasonable belief that the individual has a communicable  
185 disease that is likely to cause a public health emergency.

186 (a) If an individual is infected with a communicable disease and the Community/Public  
187 Health Officer determines it is necessary to limit contact with the individual, all persons  
188 may be forbidden from being in direct contact with the infected individual, except for those  
189 persons having a special written permit from the Community/Public Health Officer.

190 (b) Any individual, including an authorized individual, who enters an isolation or  
191 quarantine premises may be subject to isolation or quarantine under this law.

192 (c) When the Community/Public Health Officer deems it necessary that an individual be  
193 quarantined, isolated, or otherwise restricted in a separate place, the Community/Public  
194 Health Officer shall have that individual removed to such a designated place, if it can be  
195 done without danger to the individual's health.

196 302.7-6. *Action when a Public Health Emergency is Proclaimed.* In addition, when a public health  
197 emergency is proclaimed, the Community/Public Health Officer may do all of the following, as  
198 necessary:

199 (a) organize the vaccination of individuals;

200 (1) The following types of individuals shall not be subject to a vaccination:

201 (A) an individual who the vaccination is reasonably likely to lead to serious  
202 harm to the individual; and

203 (B) an individual, for reason of religion or conscience, refuses to obtain the  
204 vaccination.

205 (b) isolate or quarantine individuals, including those who are unable or unwilling to receive  
206 a vaccination; and

207 (c) prevent any individual, except for those individuals authorized by the  
208 Community/Public Health Officer, from entering an isolation or quarantine premises.

209 302.7-7. The Oneida Police Department shall take enforcement action when necessary and work  
210 with the Community/Public Health Officer to execute the Community/Public Health Officer's  
211 orders and properly guard any place if quarantine, isolation, or other restrictions on communicable  
212 disease are violated or intent to violate becomes apparent.

213 302.7-8. Expenses for necessary medical care, food, and other articles needed for an infected  
214 individual shall be charged against the individual or whoever is liable for the individual's care and  
215 support.

216

### 217 **302.8. Proclamation of an Emergency**

218 302.8-1. *Proclamation of an Emergency.* The Oneida Business Committee shall be responsible  
219 for proclaiming or ratifying the existence of an emergency and for requesting a gubernatorial or  
220 presidential declaration.

221 (a) The Director may request that the Oneida Business Committee proclaim the existence  
222 of an emergency. The Oneida Business Committee may proclaim the existence of an  
223 emergency without a request from the Director, if warranted.

224 (b) In the event the Oneida Business Committee is unable to proclaim or ratify the  
225 existence of an emergency, the Director may proclaim an emergency which shall be in  
226 effect until such time the Oneida Business Committee can officially ratify this declaration.

227 302.8-2. No proclamation of an emergency by the Oneida Business Committee or the Director  
228 may last for longer than sixty (60) days, unless the proclamation of emergency is extended by the  
229 Oneida Business Committee.

230 302.8-3. *Management Network.* The emergency management network of the Reservation shall  
231 be as specified in the Emergency Response Plan, as adopted by the Oneida Business Committee.

232 302.8-4. *Emergency Briefings.* Within forty-eight (48) hours of an emergency, the Director shall  
233 prepare, or shall work in conjunction with the appropriate entity to prepare, an emergency briefing  
234 to be presented to the Oneida Business Committee regarding the status of the emergency, actions  
235 taken to address the emergency, and the activation of the Emergency Response Plan. The Oneida  
236 Business Committee may direct the Director to provide additional emergency briefings.

237 302.8-5. *Preliminary Emergency Assessment Report.* After an emergency has subsided, the  
238 Director shall prepare, or shall work in conjunction with the appropriate entity to prepare, a  
239 preliminary emergency assessment report to be presented to the Oneida Business Committee, any  
240 interested entity, and the public. This report shall be presented to the required parties no later than  
241 thirty (30) days after the emergency has subsided, unless an extension is granted by the Oneida  
242 Business Committee.

243 302.8-6. *After-Action Report.* After an emergency has subsided, the Director shall prepare, or  
244 shall work in conjunction with the appropriate entity to prepare, an after-action report to be  
245 presented to the Oneida Business Committee, any interested entity, and the public. This report  
246 shall be presented to the required parties no later than ninety (90) days after the emergency has  
247 subsided, unless an extension is granted by the Oneida Business Committee.

248 302.8-7. During a proclaimed emergency, the Conservation Department shall be responsible for  
249 the care, disposal, and sheltering of all abandoned domestic animals and livestock. The  
250 Conservation Department may delegate this responsibility to a contracted agency.

### 251 **302.9. Emergency Core Decision Making Team**

252 302.9-1. *Emergency Core Decision Making Team.* Upon the proclamation of an emergency under  
253 this law, the Oneida Business Committee may establish an Emergency Core Decision Making  
254 Team through the adoption of a motion. The motion shall identify the positions of the Nation which  
255 shall make up the members of the Emergency Core Decision Making Team based on the type and  
256 severity of emergency the Nation is experiencing.

257 302.9-2. *Delegation of Authority.* The Emergency Core Decision Making Team shall have  
258 emergency authority to take the following actions:

259 (a) Notwithstanding any requirements of the Legislative Procedures Act, declare  
260 exceptions to the Nation's laws during the emergency period which will be of immediate  
261 impact for the purposes of protecting the health, safety, and general welfare of the Nation's  
262 community, members, and employees; and

263 (b) Notwithstanding any requirements in any policy, procedure, regulation, or standard  
264 operating procedures, declare exceptions to any policy, procedure, regulation, or standard  
265 operating procedure during the emergency period which will be of immediate impact for  
266

267 the purposes of protecting the health, safety, and general welfare of the Nation's  
268 community, members, and employees.

269 302.9-3. *Declarations*. All declarations made by the Emergency Core Decision Making Team  
270 shall:

- 271 (a) be written on the Nation's letterhead;
- 272 (b) provide the date the declaration was issued;
- 273 (c) contain a clear statement of the directives;
- 274 (d) provide the date the directive shall go into effect;
- 275 (e) be signed by the Oneida Business Committee Chairperson, or Vice Chairperson in the  
276 Chairperson's absence; and
- 277 (f) be posted on the Nation's website.

278 302.9-4. *Duration of Authority for Exceptions Declared by the Emergency Core Decision Making*  
279 *Team*. Any declaration made under the authority granted in this section shall be effective upon  
280 the date declared by the Emergency Core Decision Making Team and shall be effective for the  
281 duration of any proclaimed emergency, or for a shorter time period if identified.

282 302.9-5. *Notification to the Oneida Business Committee*. Within twenty-four (24) hours of a  
283 declaration being made, the Emergency Core Decision Making Team shall provide notification of  
284 the declaration to the Oneida Business Committee.

285 302.9-6. The Oneida Business Committee may modify, extend, or repeal any declaration or  
286 emergency action taken by the Emergency Core Decision Making Team.

287

### 288 **302.10. Enforcement and Penalties**

289 302.10-1. It shall be a violation of this law for any person to not comply with or willfully obstruct,  
290 hinder, or delay the implementation or enforcement of the provisions of this law or any plan issued  
291 thereunder, whether or not an emergency has been proclaimed.

292 302.10-2. *Citations*. An Oneida Police Department officer may issue a citation to any person who  
293 violates a provision of this law.

294 (a) A citation for a violation of this law shall be processed in accordance with the procedure  
295 contained in the Nation's laws and policies governing citations.

296 (b) The Oneida Business Committee shall adopt through resolution a citation schedule  
297 which sets forth specific fine amounts for violations of this law.

298 (c) The Trial Court shall have jurisdiction over any action brought under this law.

299 302.10-3. *Disciplinary Action*. An employee of the Nation who violates this law during their work  
300 hours or who refuses to follow the Emergency Response Plan may be subject to disciplinary action  
301 in accordance with the Nation's laws and policies governing employment.

302 (a) An employee of the Nation who is disciplined under this law may appeal the  
303 disciplinary action in accordance with the Nation's laws and policies governing  
304 employment.

305

306 *End.*

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307

308 Adopted - BC-07-15-98-A

309 Amended - BC-12-20-06-G

310 Emergency Amended – BC-04-30-09-A (Influenza A (H1N1))

311 Amended - BC-05-13-09-F

312 Emergency Amended – BC-03-17-20-E (COVID-19)

313 Extension of Emergency – BC-08-26-20-A

314 Amended – BC-03-10-21-A  
315 Emergency Amended – BC-09-14-22-B  
316 Amended – BC-\_\_-\_\_-\_\_-\_\_