1		WAGANAKISING OD	AWAK STATUTE 2021-XXX	
2	EXECUTIVE ORDER and JOINT TRIBAL CHAIR and TRIBAL COUNCIL			
3	DECLARATION for EMERGENCY or DISASTER			
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6	SECTION I.	PURPOSE		
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8	The purpose of thi	s Statute is to establish the	law that governs both an Executive Order for an	
9	Emergency or Disaster, and a Joint Tribal Chair and Tribal Council Declaration of Emergency of			
10	Disaster.			
11				
12				
13	SECTION II.	AUTHORITY		
14				
15	Pursuant to provisi	ions of the Little Traverse	Bay Bands of Odawa Indians Constitution, adopted	
16	February 2, 2005, including Article I, B, 2. "Promote with special care the health, educational			
17	and economic interests of all the people, especially our children and Elders, and shall protect			
18	them from social injustice and all forms of exploitation; and 4. "Establish and maintain within			
19	the limits of their economic capacity and development, effect provision for securing the right to			
20	work, to education and assistance, in cases of unemployment, old age, sickness and disablement			
21	and in other cases of need".			
22				
23				
24	SECTION III.	DEFINITION	S	
25				
26	A. "Emergence	y" or "Disaster" means any	y unusual incident resulting from natural or	
27	unnatural causes w	which endangers the health,	safety or resources of the Tribe, Tribal Citizens or	
28	employees and wh	ich is or may become too l	arge in scope or unusual in type to be handled in its	
29	entirety by regular	Tribal programs or service	es.	
30				
31	B. "Emergence	y or Disaster Response Pla	ns" are plans that are developed based on a risk	
32	assessment that identified potential emergency scenarios.			
33				
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	_	oint Tribal Chair and Tribal Cou	uncil Declaration for Emergency or Disaster sponsored by	
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1	C. "Executive" means the Executive Branch of government under Article VIII of the			
2	Constitution the power of which is vested in the Tribal Chairperson and the Vice-Chairperson.			
3				
4	D. "Incident Commander" mean the person in charge of the incident and has the authority to			
5	command the planning, operations, logistics and finance/administration of the incident.			
6				
7	E. "Incident Command System" means a standardized hierarchical structure that allows for			
8	a cooperative response by multiple governmental departments, agencies both within and outside			
9	of government, to organize and coordinate response activities without compromising the			
10	decision-making authority of Incident Commander.			
11				
12	F. "Joint Tribal Chair and Tribal Council Declaration" means a declaration that was			
13	requested by the Tribal Chair and approved by majority vote of Tribal Council for an Emergency			
14	or Disaster.			
15				
16	G. "LTBB" or "Tribe" means the Little Traverse Bay Bands of Odawa Indians.			
17				
18	H. "Public Information Officer" means the person who disseminates information to Tribal			
19	Citizens, Tribal Officials, employees, and persons within the Tribe's jurisdiction through the			
20	media or other means.			
21				
22	I. "Renewed/extended Declaration of Emergency" means a declaration that is either			
renewed or extended for a period of time.				
24				
25	J. "Tribal Citizen" means an enrolled member of the Little Traverse Bay Bands of Odawa			
26	Indians.			
27	manus.			
28	K. "Tribal Council" or "Council" means the elected body of the Little Traverse Bay Bands			
29	of Odawa Indians to carry out legislative powers under Article VII of the Constitution.			
30				
31				
32	SECTION IV. TRIBAL CHAIR'S EXECUTIVE ORDER FOR STATE OF			
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EMERGENCY or DISASTER

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2	

- 3 A. If the Tribal Chair finds an emergency or disaster has occurred or the threat of an
- 4 emergency or disaster exists, the Tribal Chair may issue an Executive Order for a State of
- 5 Emergency or Disaster. Such Executive Order for a State of Emergency or Disaster shall have
- 6 the force and effect of law. Such Executive Order may be amended or rescinded by the Tribal
- 7 Chair.

8

- 9 **B.** The Executive Order for a State of Emergency or Disaster shall indicate the nature of the
- 10 emergency or disaster, the area or areas threatened, the conditions causing the emergency or
- disaster, the name and title of the person who is appointment as the Incident Commander and the
- Public Information Officer, and the measure of conditions that permit the termination of the state
- of emergency or disaster.

14

- 15 C. An Executive Order shall be disseminated promptly by means calculated to bring its
- contents to the attention of Tribal Citizens, Tribal Officials, employees, and persons within the
- 17 Tribe's jurisdiction.

18

- 19 **D.** The Executive Order for a State of Emergency or Disaster shall continue until the Tribal
- 20 Chair finds that the threat or danger has passed, the emergency or disaster has been dealt with to
- 21 the extent that conditions no longer exist, or until the declared state of emergency or disaster has
- been in effect for twenty-one (21) days. After the expiration of the twenty-one (21) day period,
- 23 the Executive Order will automatically become null and void, unless renewed by approval of
- 24 Tribal Council by a Joint Tribal Chair and Tribal Council Declaration. Any amendment(s) to the
- 25 Executive Order does not extend the effective date of twenty-one (21) days.

26

- 27 E. After twenty-one (21) days, the Tribal Chair shall request for a Joint Tribal Chair and
- 28 Tribal Council Declaration of a State of Emergency or Disaster in order to continue the State of
- 29 Emergency or Disaster.

30

- 31 **F.** The Joint Tribal Chair and Tribal Council Declaration of a State of Emergency or
- 32 Disaster shall be approved by majority vote of Tribal Council.

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1	G. The Joint Tribal Chair and Tribal Council Declaration of a State of Emergency or					
2	Disaster shall indicate the nature of the emergency or disaster; the area or areas threatened; the					
3	conditions causing the emergency or disaster; the name and title of the person who is					
4	appointment as the Incident Commander and the Public Information Officer; a specific number					
5	of days; and a measure of conditions that permit the termination of the state of emergency or					
6 7	disaster if the matter is resolved within the specific number of days as stated in the Declaration.					
8	H. The Joint Tribal Chair and Tribal Council Declaration of a State of Emergency or					
9	Disaster shall be disseminated promptly by means calculated to bring its contents to the attention					
10 11	of Tribal Citizens, Tribal Officials, employees, and persons within the Tribe's jurisdiction.					
12	I. If after the specific number of days, as stated in the Joint Tribal Chair and Tribal Council					
13	Declaration of a State of Emergency or Disaster, has past but the conditions of the emergency or					
14	disaster has not been resolved, then the Chair shall present to Tribal Council a request to either					
15	renew or extend the Joint Tribal Chair and Tribal Council Declaration of a State of Emergency or					
16	Disaster. Such renewed or extended Joint Tribal Chair and Tribal Council Declaration of a State					
17 18	of Emergency or Disaster shall be approved by majority vote of Tribal Council.					
19	J. Any Renewed or Extended Joint Tribal Chair and Tribal Council Declaration of a State of					
20	Emergency or Disaster shall be disseminated promptly by means calculated to bring its contents					
21	to the attention of Tribal Citizens, Tribal Officials, employees, and persons within the Tribe's					
22	jurisdiction.					
23						
24	K. If Tribal Council finds an emergency or disaster has occurred or the threat of an					
25	emergency or disaster exists, by majority vote may request the Tribal Chair issue an Executive					
26	Order for a State of Emergency or Disaster.					
27						
28						
29	SECTION V. POWERS OF AN ORDER FOR STATE OF EMERGENCY or					
30	DISASTER					
31						
32	A. An emergency or disaster order may contain the following acts:					
33						
34	 Suspension and waiver of rules and regulations during the emergency. Page 4 of 6 					
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1	2.	Activation of Tribal Council approved emergency or disaster response plans for		
2	forese	foreseeable or potential emergencies or disasters.		
3	3.	Activation of mutual aid agreements that have been approved by Tribal Council		
4	4.	Activation of emergency or disaster incident command system.		
5	5.	Authority to expend funds and deploy personnel, equipment, supplies, and		
6	stock	kpiles in accordance with the emergency or disaster response plans and mutual aid		
7	agreements.			
8	6.	Activation of statutory immunities and liability protections for those involved in		
9	response activities.			
LO	7. Streamlining of administrative procedures or requirements.			
l1	8.	Closing of buildings or businesses.		
L2	9.	Limiting or modifying programs and/or services.		
L3	10.	Establishing curfew.		
L4	11.	Request federal aid or assistance from the United States Federal Emergency		
L5	Mana	gement Agency.		
L6				
L7	B. Any o	other actions that are not listed in the above list, will require prior approval by Tribal		
L8	Council.			
L9				
20				
21				
22	SECTION V	I. SAVINGS CLAUSE		
23				
24	In the event t	hat any phrase, provision, part, paragraph, subsection or section of this statute is found		
25	by a court of competent jurisdiction to violate the Constitution, laws or ordinances of the Little			
26	Traverse Bay	y Bands of Odawa Indians, such phrase, provision, part, paragraph, subsection or		
27	section shall be considered to stand alone and to be deleted from this statute, the entirety of the			
28	balance of the statute to remain in full and binding force and effect.			
29				
30				
31	SECTION V	II. EFFECTIVE DATE		
32				
33	Effective upo	on signature of the Executive or shall be deemed enacted if not expressly vetoed by		
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- the Executive within thirty (30) days of submission. The Tribal Council may, by an affirmative
- 2 vote of seven (7) members of the Tribal Council, override a veto by the Executive.

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4

CERTIFICATION



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