



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  
23 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  
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.

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32 **SECTION IV. TRIBAL CHAIR’S EXECUTIVE ORDER FOR STATE OF**

1 **EMERGENCY or DISASTER**

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 Such Executive Order may be amended or rescinded by the Tribal  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  
11 disaster, the name and title of the person who is appointment as the Incident Commander and the  
12 Public Information Officer, and the measure of conditions that permit the termination of the state  
13 of emergency or disaster.

14  
15 **C.** An Executive Order shall be disseminated promptly by means calculated to bring its  
16 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  
22 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.

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 disaster if the matter is resolved within the specific number of days as stated in the Declaration.  
7

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 of Tribal Citizens, Tribal Officials, employees, and persons within the Tribe's jurisdiction.  
11

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 of Emergency or Disaster shall be approved by majority vote of Tribal Council.  
18

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 **1.** Suspension and waiver of rules and regulations during the emergency.

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2. Activation of Tribal Council approved emergency or disaster response plans for foreseeable or potential emergencies or disasters.
3. Activation of mutual aid agreements that have been approved by Tribal Council. –
4. Activation of emergency or disaster incident command system.
5. Authority to expend funds and deploy personnel, equipment, supplies, and stockpiles in accordance with the emergency or disaster response plans and mutual aid agreements.
6. Activation of statutory immunities and liability protections for those involved in response activities.
7. Streamlining of administrative procedures or requirements.
8. Closing of buildings or businesses.
9. Limiting or modifying programs and/or services.
10. Establishing curfew.
11. Request federal aid or assistance from the United States Federal Emergency Management Agency.

**B.** Any other actions that are not listed in the above list, will require prior approval by Tribal Council.

## **SECTION VI. SAVINGS CLAUSE**

In the event that any phrase, provision, part, paragraph, subsection or section of this statute is found by a court of competent jurisdiction to violate the Constitution, laws or ordinances of the Little Traverse Bay Bands of Odawa Indians, such phrase, provision, part, paragraph, subsection or section shall be considered to stand alone and to be deleted from this statute, the entirety of the balance of the statute to remain in full and binding force and effect.

## **SECTION VII. EFFECTIVE DATE**

Effective upon signature of the Executive or shall be deemed enacted if not expressly vetoed by

1 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.

3  
4

CERTIFICATION

DRAFT