

1                                   **WAGANAKISING ODAWAK STATUTE 2020-XXX**  
2                                   **INCIDENT COMMAND in an EMERGENCY or DISASTER**

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5   **SECTION I.                                   PURPOSE**

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7   The purpose of this Statute is to establish the law that governs the Incident Command System in  
8   an emergency or disaster.

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11   **SECTION II.                                   AUTHORITY**

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13   Pursuant to provisions of the Little Traverse Bay Bands of Odawa Indians Constitution, adopted  
14   February 2, 2005, including Article I, B, 2. *“Promote with special care the health, educational*  
15   *and economic interests of all the people, especially our children and Elders, and shall protect*  
16   *them from social injustice and all forms of exploitation; and 4. “Establish and maintain within*  
17   *the limits of their economic capacity and development, effect provision for securing the right to*  
18   *work, to education and assistance, in cases of unemployment, old age, sickness and disablement,*  
19   *and in other cases of need”.*

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22   **SECTION III.                                   DEFINITIONS**

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24   **A.**     “Emergency” or “Disaster” means any unusual incident resulting from natural or  
25   unnatural causes which endangers the health, safety or resources of the Tribe, Tribal Citizens or  
26   employees and which is or may become too large in scope or unusual in type to be handled in its  
27   entirety by regular Tribal programs or services.

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29   **B.**     “Emergency or Disaster Response Plans” are plans that are developed based on a risk  
30   assessment that identified potential emergency scenarios.

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32   **C.**     “Executive” means the Executive Branch of government under Article VIII of the  
33   Constitution the power of which is vested in the Tribal Chairperson and the Vice-Chairperson.

1 **D.** “Incident Commander” mean the person in charge of the incident and has the authority to  
2 command the planning, operations, logistics and finance/administration of the incident.

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4 **E.** “Incident Command System” means a standardized hierarchical structure that allows for  
5 a cooperative response by multiple governmental departments, agencies both within and outside  
6 of government, to organize and coordinate response activities without compromising the  
7 decision-making authority of Incident Commander.

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9 **F.** “Joint Tribal Chair and Tribal Council Declaration” means a declaration that was  
10 requested by the Tribal Chair and approved by majority vote of Tribal Council.  
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12 **G.** “LTBB” or “Tribe” means the Little Traverse Bay Bands of Odawa Indians.  
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14 **H.** “Renewed/extended Declaration of Emergency” means a declaration that is either  
15 renewed or the time period has been extended.  
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17 **I.** “Tribal Citizen” means an enrolled member of the Little Traverse Bay Bands of Odawa  
18 Indians.  
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20 **J.** “Tribal Council” or “Council” means the elected body of the Little Traverse Bay Bands  
21 of Odawa Indians to carry out legislative powers under Article VII of the Constitution.  
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24 **SECTION IV. APPOINTMENT OF THE INCIDENT COMMANDER**  
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26 **A.** As required by the *WOS 2020- Emergency or Disaster Order Statute*, an executive order  
27 issued shall contain the name and title of the person who is appointment as the Incident  
28 Commander.  
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30 **B.** Upon the issuance of an executive order for a state of emergency or disaster, or the  
31 issuance of a joint Tribal Chair and Tribal Council Declaration, the person who is appointment as  
32 the Incident Commander shall the authority to implement the following:  
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- 34 **1.** Suspension and waiver of rules and regulations during the emergency.

- 1           **2.**     Activation of Tribal Council approved emergency or disaster response plans.
- 2           **3.**     Activation of mutual aid agreements that have been approved by Tribal Council.
- 3           **4.**     Activation of emergency or disaster operations center and incident command
- 4           system.
- 5           **5.**     Authority to expend funds and deploy personnel, equipment, supplies, and
- 6           stockpiles 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.
- 10          **7.**     Streamlining of administrative procedures or requirements.
- 11          **8.**     Closing of buildings or businesses.
- 12          **9.**     Limiting or modifying programs and/or services.
- 13          **10.**    Establishing curfew.
- 14          **11.**    Request federal aid or assistance from the United States Federal Emergency
- 15          Management Agency.

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

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20 **SECTION V. INCIDENT COMMANDER RESPONSIBILITIES and AUTHORITY**

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22 **A.**     The Incident Commander has the responsibility for the following:

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- 24           **1.**     Performing command activities, such as establishing command and establishing
- 25           the Incident Command Plan.
- 26           **2.**     Protecting life and property
- 27           **3.**     Controlling personnel and equipment resources
- 28           **4.**     Maintaining accountability for responder and public safety, as well as for task
- 29           accomplishment
- 30           **5.**     Establishing and maintaining an effective liaison with outside agencies and
- 31           organizations, including Tribal Officials and Tribal Citizens.

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33 **B.**     The Incident Commander has the authority to implement an Incident Command System,  
34 that may include the following:

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**INCIDENT COMMAND in an EMERGENCY or DISASTER-sponsored by Legislative Leader Emily**

**Proctor**

**Secretary Julie Shananaquet \_\_\_\_**

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1. Establishing command
2. Ensuring responder safety
3. Assessing incident priorities
4. Determining operational objectives
5. Developing and implementing the Incident Action Plan (IAP)
6. Developing an appropriate organizational structure
7. Maintaining a manageable span of control,
8. Managing incident resources
9. Coordinating overall emergency activities
10. Coordinating the activities of outside agencies
11. Authorizing the release of information to the media
12. Keeping track of costs

**C.** The Incident Commander has the authority to delegate positions appropriately as needed for an incident. The Incident Commander also may assign employees to serve as Section Chiefs for the planning, operations, logistics, and finance/administration sections. The Section Chiefs have the authority to expand or contract their operations as the demands of the incident increase or decrease.

## **SECTION VI.**

**A.** The Incident Commander Responsibilities and Authority shall remain in effect until either the threat or danger has passed, the emergency or disaster has been dealt with to the extent that conditions no longer exist, or until the Executive Order for a state of emergency or disaster has been has expired.

**B.** The Incident Commander Responsibilities and Authority may continue either upon an issuance of a Joint Tribal Chair and Tribal Council Declaration; or the issuance of a Renewed or Extended Declaration of Emergency as approved by Tribal Council.

**C.** Any replacement or change of the person who is appointed as Incident Commander requires a new or amended Executive Order or Joint Tribal Chair and Tribal Council Declaration.

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**SECTION VII. 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 VIII. EFFECTIVE DATE**

Effective upon signature of the Executive or shall be deemed enacted if not expressly vetoed by the Executive within thirty (30) days of submission. The Tribal Council may, by an affirmative vote of seven (7) members of the Tribal Council, override a veto by the Executive.

**CERTIFICATION**