

**TITLE 2 – GOVERNMENT ADMINISTRATION
PART II – DEPARTMENTS; DIVISIONS
CHAPTER 2-23-OFFICE OF EMERGENCY MANAGEMENT**

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Legislative History: Enacted on May 26, 2021 by Resolution No. C05-137-21 and Ordinance No. 20-21.

SUBCHAPTER A GENERAL PROVISIONS

Section 10 Establishment of the Office of Emergency Management (2 PYTC §2-23-10)

- (A) The purpose of this Chapter is to establish the Office of Emergency Management of the Pascua Yaqui Tribe and to provide authorization and guidance for its operation.
- (B) The organizational division to be known as the Office of Emergency Management is hereby created as a division of the Executive Branch of the Pascua Yaqui Tribe Government.

Section 20 Short Title; Codification (2 PYTC §2-23-20)

This ordinance shall be known as the “Office of Emergency Management Ordinance.”

Section 30 Purpose of Department (2 PYTC §2-23-30)

To be responsible for overseeing incidents caused by natural and/or man-made disasters or emergencies, and to provide departmental and community education and assistance in conjunction with Emergency Response Organizations in providing services to governmental offices, the community at large and surrounding areas.

Section 40 Definitions (2 PYTC §2-23-40)

- (A) As used in this Chapter, unless the context otherwise requires, the following terms shall have the following meanings:
 - (1) “Chairperson” means the chairperson of the Tribe duly elected and serving in such capacity pursuant to Article V, Section 3 of the Constitution of the Pascua Yaqui Tribe.
 - (2) “Comprehensive Tribal Emergency Management Plan” means a written basic plan with elements that address all natural and man-made emergencies to which the Tribe is vulnerable. The Plan specifies the purpose, organization, responsibilities, capabilities and facilities of agencies, departments, and officials of the Tribe in the mitigation of, preparation for, response to, and recovery from emergencies.
 - (3) “Emergency” means the duly proclaimed existence of conditions of disaster (natural and/or man-made) or of extreme peril to the safety of persons and property within the territorial limits of the Tribe.
 - (4) “Emergency Response Organization” means any tribal, other governmental, or private entity equipped or created for responding to environmental, health, or other emergencies. This definition includes, among other things, federal agencies and their departments, police departments, hospitals, fire departments, emergency airlift or other medical response entities, and environmental cleanup or containment crews or companies.
 - (5) “State” means state and county municipalities or regional fire districts.
 - (6) “Tribal Council” means the duly elected Tribal Council of the Pascua Yaqui Tribe.

- (7) “Tribal Lands” means all land within the exterior boundaries of:
 - (a) The Pascua Yaqui Reservation established by Public Law 95-375;
 - (b) Such other lands as may have been or may hereafter be added thereto by purchase, gift, act of Congress or otherwise.
- (8) “Tribe” means the Pascua Yaqui Tribe, a federally recognized Indian tribe, organized under a constitution adopted by the Tribe on January 26, 1988 and approved by the Secretary of the Interior on February 8, 1988 pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934.

SUBCHAPTER B DIRECTOR

Section 50 Creation and Appointment (2 PYTC §2-23-50)

- (A) The position of Emergency Management Director is hereby created.
- (B) The Emergency Management Director shall not be deemed to a tribal officer as defined in Article VII of the Constitution of the Pascua Yaqui Tribe; and
- (C) The Emergency Management Director shall be nominated by the Chairperson and must be approved by the Tribal Council by majority vote of the entire Council. Approval by the Tribal Council will constitute appointment to the position of Emergency Management Director.
- (D) The Emergency Management Director will be a full-time employee of the Tribe and will be paid compensation commensurate with his or her skills, education, experience, and responsibilities within the standards of compensation, if any, established by the Tribe.
- (E) The Emergency Management Director must report to, and will be directly supervised by, the Chairperson.
- (F) The Emergency Management Director serves at the pleasure of the Tribal Council and may be removed from that position only by a majority vote of the entire Council.

Section 60 General Duties of Director (2 PYTC § 2-23-60)

- (A) The Emergency Management Director will administer, supervise and direct activities of the Department.
- (B) The Emergency Management Director will coordinate and be responsible for developing, organizing, planning, revising, and updating the tribal Emergency Operations Plan (EOP), and providing his/her recommendations to Tribal Council.
- (C) The Emergency Management Director will coordinate and be responsible for ensuring tribal operations continuity planning for all emergency scenarios, and providing his/her recommendations to Tribal Council.
- (D) The Emergency Management Director will be responsible for planning, organizing, coordinating, and administering programs related to emergency operations, including the development, implementation and management of training strategies, objectives, and priorities, the recommendation and administration of related policies and procedures, and the development and recommendation of long-term plans to improve emergency preparedness and response within and among the Tribe’s Divisions, Departments, Programs, and Enterprises.
- (E) The Emergency Management Director will help to ensure all tribal laws and ordinances, and all applicable local, state, and federal laws and ordinances are properly enforced.

- (F) The Emergency Management Director will advise the Chairperson regarding;
 - (1) Establishment of, and conformance with, policies and procedures of the Office of Emergency Management; and
 - (2) All matters related to or affecting the Office of Emergency Management and the execution of its purpose.

Section 70 Supervisory Duties and Authorities of Director (2 PYTC § 2-23-70)

- (A) The Emergency Management Director has authority to select, appoint, and hire employees necessary to carry out the laws, regulations, policies and programs adopted by the Tribal Council including, but not limited to:
 - (1) Hiring authority, subject to the policies and procedures of the Tribe’s Employee Handbook and the personnel policies;
 - (2) Termination authority, subject to the policies and procedures of the Tribe’s Employee Handbook and the Office of Emergency Management Policies and Procedures.
 - (3) Personnel discipline;
 - (4) Personnel performance review; and
 - (5) Personnel job assignments.
- (B) The Emergency Management Director has authority to delegate any function, powers, and authorities to other employees of the Office, except as may be prohibited by Tribal law.
- (C) The Emergency Management Director has budgetary authority for the Office.
- (D) The Emergency Management Director has authority to develop and implement internal policies for the efficient and effective administration of the Office.
- (E) The Emergency Management Director has signature authority for the Office, except as may be permissibly delegated.

SUBCHAPTER C ORGANIZATION

Section 80 Organization (2 PYTC § 2-23-80)

- (A) The Office of Emergency Management consists of an Emergency Management Director and such departments and offices necessary for the execution of its mission, performance of its mandated functions, and to achieve its long- and short-term goals and objectives.
- (B) The Office may employ staff professionals, support personnel, and/or contract with professional service firms as the Emergency Management Director determines, consistent with the laws of the Tribe and approved budgetary authority.
- (C) The Office must maintain a current organizational chart. The organizational chart must accompany its annual budget submission and any budget modification requests during the fiscal year, in accordance with the Tribe’s Fiscal Management Ordinance.

SUBCHAPTER D AUTHORIZED PROGRAMS

Section 90 Authorized Programs (2 PYTC § 2-23-90)

- (A) The Department will have the following authorized programs, and such other programs as the Tribal Council or the Chairperson may assign:
 - (1) Emergency protection/communications;
 - (2) Emergency Operations Services;
 - (4) Emergency Training and Exercise;
 - (5) Emergency Community Outreach; and
 - (6) Grant-funded programs, where available.
- (B) If a program is authorized by the Tribal Council, it may terminate such program at any time, and such termination shall act as a revision to this Chapter.
- (C) If a program is authorized by the Chairperson, it may be terminated, in whole or in part, by either the Chairperson or the Tribal Council.

SUBCHAPTER E RESPONSIBILITY FOR COMPREHENSIVE TRIBAL EMERGENCY MANAGEMENT PLAN

Section 100 Requirements (2 PYTC § 2-23-100)

- (A) As set forth at Section 60(B), the Emergency Management Director shall be responsible for developing the Tribe's EOP, the EOP shall be a Comprehensive Tribal Emergency Management Plan utilizing the National Incident Management System's (NIMS) Incident Command System (ICS), principles, and concepts.
- (B) The Comprehensive Tribal Emergency Management Plan shall include:
 - (1) The identification of Emergency Response Organizations in, adjacent to, or otherwise available to the Tribe.
 - (2) Mutual aid agreements with other jurisdictions entered into by the Tribe, and any allocation of emergency response resources.
 - (3) Identification of facilities and resources subject to the emergency planning requirements of this Ordinance.
 - (4) The identification of any vulnerable facilities, such as schools and hospitals located on tribal lands.
 - (5) The methods and procedures to be followed by facility owners and operators and local emergency and medical personnel to respond to any emergency.
 - (6) Designation of an emergency coordinator for each Department subject to the emergency planning requirements of this Ordinance, who will make determinations necessary to implement the Comprehensive Tribal Emergency Management Plan.
 - (7) Procedures providing reliable, effective, and timely notification by the facility emergency coordinator to persons designated in the Comprehensive Tribal Emergency Management Plan, and to the public, that an emergency has occurred or is imminent.

- (8) Methods for determining the area or population likely to be affected by an emergency.
- (9) A description of emergency equipment and facilities in the community and at each facility in the community subject to the emergency planning requirements of this Ordinance, including identification of the persons responsible for such equipment and facilities.
- (10) Evacuation plans, including provision for precautionary evacuation and alternative traffic routes.
- (11) Training programs, including schedules for training of local emergency response and medical personnel.
- (12) Methods and schedules for exercising the Comprehensive Tribal Emergency Management Plan.

SUBCHAPTER F PROGRAM EVALUATION AND MONITORING

Section 110 Program Evaluation and Monitoring (2 PYTC § 2-23-110)

- (A) The Emergency Management Director must conduct ongoing evaluation of all programs under his or her control.
- (B) The Emergency Management Director must monitor all programs under his or her control on a regular basis. In the event the Emergency Management Director discovers any irregularity in a program under his or her control, he or she must report that irregularity immediately to the Chairperson.
- (C) The Emergency Management Director must report to the Council on programs under his or her control on a schedule determined by the Tribal Council.”