

**TITLE 2 – GOVERNMENT ADMINISTRATION
PART VI- MISCELLANOUS
CHAPTER 6-5 EMERGENCY PREPAREDNESS AND RESPONSE**

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Legislative History: Enacted on May 26, 2021 by Resolution No. C05-141-21 and Ordinance No.21-21

SUBCHAPTER A GENERAL PROVISIONS

Section 10 Short Title; Codification (2 PYTC § 6-5-10)

This ordinance shall be known as the “Emergency Preparedness and Response Ordinance.”

Section 20 Purpose (2 PYTC § 6-5-20)

(A) The purposes of this Chapter are to:

- (1) Protect and promote the peace, health, safety and general welfare of the Pascua Yaqui people.
- (2) Delegate Emergency Powers to the Tribe’s Chairperson.
- (3) Establish reporting and notification requirements to provide the Pascua Yaqui community with important information involving emergencies.

(B) This Chapter shall be liberally construed to achieve its purpose and shall be interpreted to exercise the Tribe’s jurisdiction to the maximum extent permitted by law.

Section 30 Definitions (2 PYTC § 6-5-30)

(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) “Emergency” means the duly proclaimed existence of conditions of disaster (natural or man-made) or of extreme peril to the safety of persons and property within the territorial limits of the Tribe.
- (3) “Emergency Response Plan” means a set of departmental written procedures for dealing with emergencies that minimize the impact of the event and facilitate recovery from the event.
- (4) “Tribal Council” means the duly elected Tribal Council of the Pascua Yaqui Tribe.
- (5) “Tribal Facilities” means all buildings, structures or other areas utilized for the operation of the Tribal government or Tribally-managed businesses, enterprises, or services, whether or not the facility is owned by the Tribe, or held in trust by the Federal Government for the Tribe, or any member of the Tribe, providing the facility is not within the boundaries of the reservation of another Indian Tribe.
- (6) “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.
- (7) “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.
- (8) “Vice-Chairperson” means the vice-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.

SUBCHAPTER B DELEGATION OF AUTHORITY

Section 40 Tribal Chairperson (2 PYTC § 6-5-40)

- (A) In the event conditions rising to the level of an emergency exist on tribal lands, the Chairperson is authorized to issue a Tribal Declaration of Emergency.
- (B) The Chairperson is authorized to exercise all emergency powers set forth in Subchapter C during the period a Tribal Declaration of Emergency is in effect.
- (C) Upon issuing a Tribal Declaration of Emergency, the Chairperson shall call an Emergency Meeting of the Tribal Council, to be held as soon as reasonably possible, to discuss the continuing need for the Tribal Declaration of Emergency and the Chairperson’s exercise of emergency powers.
- (D) Tribal Council must affirm, by majority vote of the entire Council, the continued need for the Tribal Declaration of Emergency at the Emergency Meeting, and the duration of the emergency, or the Tribal Declaration of Emergency shall immediately terminate.
- (E) Tribal Council shall meet prior to the expiration of any Tribal Declaration of Emergency to determine whether continuing need exists for the Tribal Declaration of Emergency, and the additional period of time the Tribal Declaration of Emergency shall be extended.

SUBCHAPTER C EMERGENCY POWERS

Section 50 Powers (2 PYTC § 6-5-50)

- (A) The Chairperson shall have the following powers during the period a Tribal Declaration of Emergency is in effect:
 - (1) The power to transmit the Tribal Declaration of Emergency to all federal, state, and tribal authorities.
 - (2) The power to requisition and assign temporary duties to personnel of any division, department, or program of the Tribe.
 - (3) The power to represent the Tribe in all matters pertaining to the emergency which involve federal, state, and other tribal agencies, including the power to negotiate and enter into mutual aid agreements.
 - (4) The power to requisition and coordinate all tribal resources and facilities to address the full spectrum of actions to prevent, prepare for, respond to, and recover from an emergency.

- (5) The power to suspend tribal laws and ordinances to address the emergency, including the power to establish a curfew, direct evacuations, order a quarantine, and other like actions.
 - (6) The power to request assistance from the federal government, the State of Arizona, and other tribal governments.
 - (7) The power to restrict access to any area of tribal lands to promote the health and safety of individuals, efforts being made to overcome the emergency, or to prevent further aggravation of the emergency.
 - (8) The power to appoint a media spokesperson for the Tribe to coordinate and disseminate information pertaining to the emergency to the public.
 - (9) The power to modify or close the operation of offices, business establishments and other places to or from which people may travel or at which they may congregate.
 - (10) The power to establish and maintain continuity of the Tribe's government, by ensuring proper provisions for succession of authority according to the Tribe's law.
- (B) In the absence or disability of the Chairperson, the Vice-Chairperson shall have and shall exercise the emergency powers herein.
 - (C) The emergency powers set forth in this Subchapter are an express delegation to the Chairperson by Tribal Council, and such express delegation may be rescinded during the period a Tribal Declaration of Emergency is in effect upon a majority vote of the entire Council.
 - (D) Any exercise of the emergency powers set forth in this Subchapter pertaining to the use of tribal resources and/or the restriction or movement of individuals shall require a written proclamation of such exercise. Notice of the terms of the proclamation must be given to those affected by it, and such proclamation shall also be distributed to the public via mass communications media, if available.
 - (E) The exercise of emergency powers shall be limited to the exercise of such powers necessary to facilitate and assist the mitigation of preparation for, response to, and recovery from emergencies through the employment of the National Incident Management System's (NIMS) Incident Command System (ICS).

SUBCHAPTER D RESPONSIBILITIES OF TRIBAL DEPARTMENTS

Section 60 Emergency Response Plans (2 PYTC § 6-5-60)

- (A) Each Department shall create an Emergency Response Plan which shall identify the following:
 - (1) The Department's resources, including equipment and facilities.
 - (2) The Department's call-down tree;
 - (3) The Department's designated Emergency Coordinator; and
 - (4) The Department's full spectrum of actions to prevent, prepare for, respond to, and recover from an emergency.
- (B) Departmental Emergency Response Plans are subject to review and approval of the Emergency Management Director, and each Department shall cooperate with the Office of Emergency Management in creating and revising the Department's Emergency Response Plan.

Section 70 Emergency Preparedness Training (2 PYTC § 6-5-70)

- (A) All Departments shall participate in Emergency Preparedness Training as requested by the Emergency Management Office, the Pascua Yaqui Division of Health Services, or Pascua Yaqui law enforcement.

- (B) All Departments shall cooperate with the Department of Human Resources to ensure that departmental employees participate in emergency response training. The type and level of emergency response training will depend on an individual employee's job duties and responsibilities, but at a minimum, all employees must be trained in the following courses offered through the Federal Emergency Management Agency (FEMA) NIMS:
 - (1) Introduction to the Incident Command System;
 - (2) ICS for Single Resource and Initial Action Incidents;
 - (3) Intermediate ICS for Expanding Incidents; and
 - (4) National Incident Management System, An Introduction.