

EMERGENCY SERVICES ORDINANCE

ORDINANCE NO. 92-11-18

Section I. PURPOSE AND SCOPE. The purpose of this ordinance is to provide for the development and execution of plans for the protection of residents, property and the environment in an emergency or disaster. It also provides for the direction of emergency services and response on the reservation; as well as coordination with other agencies, victims, businesses and organizations. It also provides:

- (a) A description of the emergency organization of Rincon Reservation;
- (b) Authorization for specialized activities to mitigate hazardous conditions and for the preparation of reservation emergency response plans;
- (c) For all expenditures made in connection with such emergency services activities to be deemed conclusively for the protection and benefit of the inhabitants, property and environment of the Rincon Reservation.

Section 2. DEFINITION OF EMERGENCY. As used herein, the term "emergency" or "disaster" means the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the exterior boundaries of the Rincon Indian Reservation, caused by such conditions as hazardous materials release, fire, flood, storm, epidemic, riot, drought, air pollution, sudden and severe energy shortage, plant or animal infestation or disease, earthquake or warning thereof, or other similar conditions.

Section 3. EMERGENCY SERVICES FOR THE RINCON RESERVATION.

- (a) The emergency services organization of the Rincon Reservation shall be as specified in the Rincon Reservation Emergency Plan, as adopted by the Tribal Council.
- (b) The Tribal Emergency Response Commission/Local Emergency

Planning Committee (TERC/LEPC) shall serve as the Rincon Reservation disaster planning and oversight committee.

- (c) The Tribal Council shall be responsible for proclaiming ratifying the existence of a local emergency (within the boundaries of the Rincon Reservation) or disaster and for requesting a gubernatorial or presidential declaration.
- (d) The Tribal Administrator shall be the Director of Emergency Services of the reservation and, as such, shall be responsible for the operational response to an emergency or disaster and is hereby empowered:
 - (1) To control and direct the efforts of the emergency services organization of Rincon and to implement the reservation's emergency plan as adopted by the Tribal Council.
 - (2) To request the Tribal Council to proclaim the existence or threatened existence of a "Local Emergency" if the Council is in session, or to issue such proclamation if the Council is not in session, subject to ratification by the Council within 7 days.
 - (3) To direct the coordination and cooperation between departments and staff and to resolve questions of authority and responsibility that may arise among them.
- (e) In the event of a proclamation of "Local Emergency" on the reservation, the Tribal Administrator is hereby empowered:
 - (1) To make and issue necessary emergency rules and regulations on reservation matters, provided such rules and regulations are to be confirmed at the earliest time by the Tribal Council.
 - (2) To obtain vital resources for the protection of life, property and the environment and to bind the reservation for the fair market value thereof, and further, if required, to commandeer resources for public use.
 - (3) To require emergency activities of any reservation employee and command the aid of as many citizens as he deems necessary. (Such persons will be entitled to all privileges, benefits and immunities as are provided by law for registered disaster service workers.)

- (4) To execute all of his ordinary powers as Tribal Administrator, all of the special powers conferred upon him by this ordinance or by resolution adopted pursuant thereto, all powers conferred on him by any agreement approved by the Tribal Council, and to exercise complete emergency authority over the Rincon Reservation.
 - (5) To establish the line of authority as recorded in the Rincon Emergency Plan, as adopted by the Tribal Council.
- (f) In times other than a disaster or emergency, the Tribal Administrator is responsible to ensure that the following occur:
- (1) The development of an emergency services program
 - (2) Preparation of emergency plans and procedures for the reservation
 - (3) Supply and accounting of emergency resources
 - (4) Training of personnel for emergency activities
 - (5) Procuring and inventorying emergency equipment
 - (6) Development and maintenance of an emergency communications system

Section 4. VIOLATIONS. It shall be an infraction for any person, during a "State of Emergency" or "Local Emergency" to:

- (a) Wilfully obstruct, hinder, or delay any member of the organization in the enforcement of any lawful rule or regulation issued pursuant to this ordinance, or in the performance of any duty imposed upon him/her by virtue of this ordinance.
- (b) Perform any act forbidden by lawful rule or regulation issued pursuant to this ordinance, if such act is likely to imperil the lives or property or environment of the inhabitants of this reservation or to prevent, hinder, or delay the protection thereof.

Section 5. ADOPTION. This Ordinance shall take effect when adopted by a majority vote of the Tribal Council.

C E R T I F I C A T I O N

This is to certify that the above Ordinance was duly adopted at a Tribal Council Meeting of the Rincon Band of Mission Indians on the 18th day of November 1992, by a vote of 3 "for", 0 "against" and 0 "abstaining." The above has not been rescinded or amended in any way.

Robert G. Calac
Robert G. Calac, Chairman

Richard Garcia
Richard Garcia, Vice Chairman

Ruth Calac
Ruth Calac, Member

Absent
(Anita) Molly Rounds, Member

Absent
John Mazzetti, Member