

Cherokee Nation Code Annotated

Title 63: Public Health and Safety

Chapter 4: Cherokee Nation Emergency Management Act

§ 404. Duties and Authority of the Cherokee Nation Department of Emergency Management

Cite as: 63 CNCA § 404

The Cherokee Nation Department of Emergency Management (hereinafter the "CNEM") is hereby established within the Cherokee Nation. The implementation of the CNEM shall include promulgation of rules, regulations, policies and/or procedures regarding the CNEM as necessary to accomplish its duties and authority set forth herein.

The CNEM shall be the coordinating agency for all activity in connection with Emergency Management of the Cherokee Nation. The CNEM shall be the instrument through which the Cherokee Nation may exercise the authority and discharge the responsibilities vested in them by the Office of the Principal Chief during an events of extraordinary circumstances, disasters, and/or a state of emergency.

This act will not relieve any Cherokee Nation department or agency of responsibilities or authority established by the Constitution of the Cherokee Nation or previously granted under laws of the Cherokee Nation except as expressly set forth herein.

(a) The CNEM shall be responsible for all duties set forth in this act and any additional duties and responsibilities prescribed by the Marshal and the Principal Chief. The CNEM shall report monthly to the Council with respect to all phases of Emergency Management activity. The CNEM shall be responsible for the planning, coordination and operation of the emergency management activities within the jurisdiction of the Cherokee Nation. The CNEM shall maintain liaison with local, state, federal and tribal authorities to ensure the most effective operations of the Emergency Management plans. The duties and authority shall include, but not be limited to, the following:

A. The CNEM shall:

(1) Organize a Department of Emergency Management within the executive branch of the Cherokee Nation; and

(2) Provide and support response efforts of the Cherokee Nation during natural, man-made or planned events; and

(3) Be the primary authority to activate and lead the Emergency Operations Center (EOC) during any natural or man-made disaster; and

(4) Consistent with tribal and federal law, the employees of the Cherokee Nation may be called upon to assist CNEM with execution of the Emergency Operations Plan (EOP). Duties assigned to these departments, agencies and/or instrumentalities shall be the same as or as similar to the normal duties of the department as possible, but in event of extraordinary circumstances these duties may be expanded; and

(5) Assist in leading the Incident Command in reference to the EOP using the Incident Command System standard; and

(6) Provide training recommendations for employees in position specific courses using the National Incident Management System (NIMS) standard; and

(7) Each department, board, commission, or branch shall have written plans and procedures in concurrence with the EOP to protect individual employees, administrators and visitors from natural and man-made disasters and emergencies occurring in the work place to support the responsibilities stated in the Cherokee Nation EOP; and

(8) Develop and coordinate emergency management plans, including but not limited to, for the immediate use of all facilities, equipment, manpower and other resources of the Cherokee Nation for the purpose of minimizing or preventing damage to persons and property; and protecting and restoring governmental services for the public health, safety and welfare of the Cherokee Nation and citizens of the Cherokee Nation; and

(9) Update, maintain and review annually:

- a. CNEM policies, procedures and operations
- b. Emergency Operations Plan
- c. All Hazards Mitigation Plan
- d. Threat and Hazard Identification Risk Assessment

(10) Coordinate the recruitment of volunteer personnel and agencies to augment the personnel and facilities of the Cherokee Nation for Emergency Management purposes; and

(11) Emergency Management personnel will include or the equivalent of, but not limited to the following:

- a. Emergency Manager
- b. Operations Manager
- c. Health Emergency Manager

d. Training & Exercise Coordinator

B. The CNEM may request participation of any other program or department as deemed appropriate.

C. The EM Advisory Committee will meet annually and/or as needed to review and recommend updates to the All-hazard Mitigation Plan and EOP.

D. The EM Advisory Committee will participate in the EOC as requested during natural or man-made disaster activation.

Historical Data

LA-12-20, eff. July 20, 2020