

**TITLE 72**

**EMERGENCY MANAGEMENT ORDINANCE**

**of the Hoopa Valley Tribe**

# Table of Contents

ARTICLE I	GENERAL PROVISIONS.....	1
Section 72.1	Intent and Purpose.....	1
Section 72.2	Authority.....	1
Section 72.3	Jurisdiction.....	1
Section 72.4	No Waiver of Sovereign Immunity.....	2
Section 72.6	Severability.....	2
ARTICLE II	PROHIBITIONS AND RESTRICTIONS DURING STATES OF EMERGENCY .....	2
Section 72.7	Prohibitions and Restrictions.....	2
Section 72.8	Authorization of Prohibitions and Restrictions.....	3
Section 72.9	Curfew.....	3
Section 72.10	Access To Reservation.....	3
Section 72.11	Vehicle Tags.....	4
Section 72.12	Petition for Isolation or Quarantine.....	4
Section 72.13	Scope of Prohibitions and Restrictions.....	4
Section 72.14	Termination of Prohibitions and Restrictions.....	4
Section 72.15	Violations.....	5
Section 72.16	Conflicting Law.....	5
CERTIFICATION.....		6

## **ARTICLE I      GENERAL PROVISIONS**

### **Section 72.1    Intent and Purpose.**

- A.     This Emergency Management Ordinance (“Ordinance”) is adopted to affirm tribal sovereignty and principles of self-governance, and to provide essential protection for the Tribe, Tribal members, and the rest of the Reservation community during emergencies and disasters within the Hoopa Valley Indian Reservation (“Reservation”).
- B.     It is the intent of this Ordinance to maintain order and protect the health, safety, and welfare of all persons within the exterior boundaries of the Reservation, and to provide for reasonable and cost effective procedures for the enforcement of this Ordinance to ensure the efficient utilization of all Tribal resources when responding to emergencies and disasters within the Reservation.
- C.     The Office of Emergency Services shall be the coordinating agency for all activities in connection with the Emergency Management of emergencies and disasters and shall be the Tribal department used to exercise authority and carry out the responsibilities vested in the Tribal Council or the Chairman during emergencies and disasters.
- D.     This Ordinance shall not relieve any Tribal department or Entity of any responsibilities or authority granted to them by a Tribal Charter or by Tribal law, nor will it adversely affect the work of any volunteer agency organized for relief in disaster emergencies.

### **Section 72.2    Authority.**

Pursuant to the Constitution and Bylaws of the Hoopa Valley Tribe (“Tribe”), the Tribal Council has the authority to safeguard and promote the economic security, peace, safety, morals, and general welfare of the Hoopa Valley Indians, and to promulgate and enforce ordinances governing the conduct of members and nonmembers.

### **Section 72.3    Jurisdiction.**

- A.     Subject Matter Jurisdiction. The Hoopa Valley Tribal Court (“Court”) shall have jurisdiction over all alleged violations of this Ordinance. The Court’s jurisdiction under this Ordinance is civil in nature and includes the right to issue all orders necessary to ensure the safety of the Tribe, Tribal members, and Reservation community during emergencies and disasters within the Reservation.
- B.     Personal Jurisdiction. The Court shall have jurisdiction over all persons who are alleged to have violated this Ordinance.
- C.     Territorial Jurisdiction. The Court shall have jurisdiction over all alleged violations of this Ordinance that occur within the exterior boundaries of the Reservation or within any lands owned by the Tribe.



#### **Section 72.4 No Waiver of Sovereign Immunity.**

Nothing in this Ordinance shall be interpreted, implied, construed, or deemed to be a waiver of the sovereign immunity of the Tribe, its officers, directors, employees, agents, or any representative, acting in good faith, carrying out, complying with or attempting to comply with any order, rule, or regulation promulgated pursuant to the provisions of this Ordinance.

#### **Section 72.5 Liability.**

Neither the Hoopa Tribe, nor any employee or representative thereof, including Police or Law Enforcement Officers, shall be liable for any bodily injury, personal injury, or property damage resulting from any act or omission where the act or omission was in good faith carried out under this Ordinance, or any order, rule, directive, or regulation promulgated pursuant to the provisions of this Ordinance, which shall include any duties carried out in the exercise of the discretion vested in the Tribe, employee, or representative thereof, whether or not such discretion be abused, and which discretion shall be interpreted broadly. Acts or omissions, and the exercise of discretion hereunder shall include any and all Tribal Police or Law Enforcement activity, including but not limited to confiscation actions, emergency services, intervention, or other similar actions, including responding to calls for assistance, investigating complaints, or calling/not calling for backup. It shall be recognized that any liability associated with bodily injury, personal injury, or property damage was carried out in good faith under this Ordinance, or any order, rule, directive, or regulation promulgated pursuant to the provisions of this Ordinance is expressly waived, and that nothing herein shall be interpreted as a waiver or limitation of any and all immunities available to the Hoopa Tribe or any of its subdivisions or departments.

#### **Section 72.6 Severability.**

In event that any provision of this Ordinance is found to be invalid, illegal, or unenforceable, the validity, legality, and enforceability of the remaining provisions shall not in any way be affected or impaired thereby.

### **ARTICLE II PROHIBITIONS AND RESTRICTIONS DURING STATES OF EMERGENCY**

#### **Section 72.7 Prohibitions and Restrictions.**

- A. In the event that a State of Emergency is declared by the Tribe and the Emergency Operations Plan is activated, any prohibitions and restrictions deemed necessary to ensure the health, safety, and general welfare of the Tribe, Tribal members, and the Reservation community are hereby authorized.
- B. The following are exempt from all or any part of such restrictions, while acting in the line of and within the scope of their respective duties: personnel assigned to the Incident; law enforcement officers, firemen, and other public employees, rescue squad members, doctors, nurses, employees of hospitals and other medical facilities; on-duty military

personnel; critical infrastructure workers; on-duty employees of public utilities, public transportation companies, and newspaper, magazine, radio broadcasting and television broadcasting corporations operated for profit; and such other classes of persons that are essential to the preservation of public order and immediately necessary to serve the safety, health, and welfare needs of people within the Reservation.

- a. All personnel above have the responsibility to carry the appropriate identification so that law enforcement officers can properly identify who is exempt and not exempt under this Ordinance.

#### **Section 72.8 Authorization of Prohibitions and Restrictions.**

- A. Any prohibitions and restrictions described in this Ordinance or that are deemed necessary under this Ordinance, shall be approved by the Tribal Council.
- B. The Agency Administrator and the Incident Commander may suggest as many prohibitions and restrictions as they find necessary in order to maintain an acceptable level of public order and services, and to protect the life, safety, and property of the Reservation.
- C. All prohibitions and restrictions shall be in writing and shall be posted for the public, in accordance with Tribal law.

#### **Section 72.9 Curfew.**

- A. A curfew may be imposed on the Reservation in certain areas and/or during certain periods. In the event a curfew is imposed the geographical area or areas and the period during each 24-hour day to which the curfew applies shall be specified.
- B. When a curfew is imposed on the Reservation in certain areas and/or during certain periods and a person is found to be in violation of the curfew, law enforcement officers shall cite the person and then escort the person back to their residence.
  - i. If the person resides on the Reservation, then the law enforcement officer shall escort them to their home on the Reservation.
  - ii. If the person does not reside on the Reservation, then the law enforcement officer shall escort them to the exterior boundaries of the Reservation.
- C. Unless otherwise specified, the curfew shall apply until Tribal Council removes the curfew and/or until the State of Emergency is declared over.

#### **Section 72.10 Access To Reservation.**



- A. Prohibitions and restrictions to access of certain areas on the Reservation may be imposed for the general health, safety, and welfare of the Tribe, tribal members, and Reservation community during a State of Emergency.
- B. Areas to which access is denied or restricted shall be designated as such by the Chief of Police and his subordinates or other law enforcement officers when directed by the Tribal Council to do so.
- C. When acting under this authority, the Chief of Police and his subordinates may restrict or deny access to any area, street, highway, or location within Reservation and any trust lands if that restriction or denial of access or use is reasonably necessary to promote efforts being made to overcome the emergency or to prevent further aggravation of the emergency.

#### **Section 72.11 Vehicle Tags.**

- A. The use of special vehicle tags may be imposed to help the Chief of Police and his subordinates distinguish between authorized and unauthorized individuals on the Reservation.
- B. When the Chief of Police and his subordinates or other law enforcement officers identify an unauthorized vehicle in an area that has been restricted, they shall immediately inform the individual that they are trespassing and shall escort that individual to the nearest area they are authorized to be in.

#### **Section 72.12 Petition for Isolation or Quarantine.**

The Court may issue an order of isolation or an order of quarantine only when and so long as the public health is endangered, all other reasonable means for correcting the problem have been exhausted, and no less restrictive alternative exists. Before petitioning for isolation or quarantine, the Incident Commander shall consult with the Agency Administration and Tribal Council.

#### **Section 72.13 Scope of Prohibitions and Restrictions.**

The Tribal Council, the Agency Administrator, or the Incident Commander may prohibit or restrict:

- A. The movement of people in public places;
- B. The operation of offices, business establishments, and other places which people may travel or at which they may congregate; and
- C. Any other activities or conditions which may be reasonably necessary to maintain order and protect lives or property during the State of Emergency.

#### **Section 72.14 Termination of Prohibitions and Restrictions.**

Any prohibitions and restrictions issued under this Ordinance shall terminate upon action by the Tribal Council and/or once the State of Emergency has been declared over.

#### **Section 72.15 Violations.**

- A. Violations. It shall be a civil penalty for any person to violate any of the provisions of this Ordinance or any prohibitions or restricted imposed pursuant to the authority contained herein, or to willfully obstruct, hinder, or delay any member of the Emergency Management Organization in the enforcement of this Ordinance or any Order issued during a State of Emergency.
- B. Civil Penalties. A person who commits a violation under this Ordinance has committed a civil infraction and shall be subject to the following:
  - i. First offense: a civil fine of One Thousand Dollars (\$1,000.00).
  - ii. Second offense: a civil fine of Two Thousand Dollars (\$2,000.00) and seizure of any property that was used to aid in the violation.
  - iii. Third offense: a civil fine of Five Thousand Dollars (\$5,000.00), seizure of any property that was used to aid in the violation, and exclusion from the Reservation for at least one year.
  - iv. If a person is found to be in violation of a curfew under this Ordinance, then they shall be subjected to the following:
    - a. First offense: a civil fine of Five Hundred Dollars (\$500.00).
    - b. Second offense: a civil fine of One Thousand Dollars (\$1,000.00).
    - c. Third offense: a civil fine of One Thousand and Five Hundred Dollars (\$1,500.00).
- C. Seizure of Security. A law enforcement officer, citing a person pursuant to this Ordinance, may seize such property in the possession of the person that the officer deems reasonably necessary to secure payment of any civil penalty which may be levied upon the defendant upon conviction of the civil infraction. The officer shall, at the time of seizure, provide the person with a receipt accurately describing the property seized.

#### **Section 72.16 Conflicting Law**

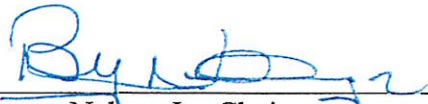
If this Ordinance conflicts with any other Ordinance of the Tribe then this Ordinance shall amend and supersede the conflicting provision.


[CERTIFICATION PAGE FOLLOWS]

## CERTIFICATION

I, the undersigned, as Chairman of the Hoopa Valley Tribal Council, do hereby certify that the Hoopa Valley Tribal Council is composed of eight (8) members of which seven (7) were present, constituting a quorum at a Special Emergency Meeting thereof; duly and specially called, noticed, convened, and held this 1<sup>st</sup> day of April 2020; and that this Ordinance was duly adopted by a vote of (5) in favor with zero (0) opposed and one (1) abstaining, and that said Ordinance has not been rescinded or amended in any way.

DATED THIS FIRST DAY OF APRIL 2020.

  
Byron Nelson Jr., Chairman  
Hoopa Valley Tribal Council

ATTEST:   
Amber Turner, Executive Secretary  
Hoopa Valley Tribal Council