

**SALT RIVER PIMA-MARICOPA
INDIAN COMMUNITY**
10,005 East Osborn Road
Scottsdale, Arizona 85256

ORDINANCE NUMBER – SRO-476-2016

AN ORDINANCE TO ESTABLISH THE PROCESS TO DECLARE LOCAL EMERGENCIES AND DISASTERS IN THE COMMUNITY AND TO CODIFY THE PROCESS FOR EMERGENCY PROCUREMENT BY THE COMMUNITY.

BE IT ENACTED:

Chapter 1, Article V, Section 500 of the Salt River Pima-Maricopa Indian Community Code of Ordinances is enacted:

Sec. 1-500. Local Emergency Declaration Process.

- a) *Declaration of a Local Emergency.* The President or in his/her absence, the Vice President, may issue a local emergency declaration when an emergency arises and the Community government needs to invoke special or additional procurement and safety procedures to protect the public health, welfare, safety and property, or in efforts to lessen a catastrophe. Some examples of a local emergency include a natural disaster, man-made disaster, epidemics, riots, and equipment failure.

- b) *Authority of Executive to Secure and Protect.* If the President or Vice President has issued a declaration of a local emergency, then the President or in his/her absence the Vice President, will have the authority to:
 - 1) Establish curfews, blockades and limits on utility usage,
 - 2) Authorize evacuations,
 - 3) Implement necessary security measures, and
 - 4) Put in place reasonable measures to maintain order and protect lives and property.

Sec. 1-501. Major Disaster Declaration Process

- a) *Declaration of a Major Disaster.* The Community Council may issue a major disaster declaration when there exists a serious threat to public health, welfare, property or safety. If appropriate, the Community Council may also apply for federal emergency assistance by enacting a resolution declaring that a major disaster exists within the Community's boundaries,

and this emergency is above and beyond the Community's capability to recover without outside assistance. Major disasters can be natural events, including any tornado, storm, high water, wind-driven water, earthquake, landslide, mudslide, snowstorm, drought, or other non-natural event arising from a fire, flood, explosion or anything defined as a major disaster by federal law.

- 1) Before requesting a major disaster declaration, the Community's emergency manager shall conduct a damage assessment to assess the impact and magnitude of the disaster on Community members and their families, businesses within the Community, and the Community government and its enterprises.
 - 2) The community manager and the emergency manager will make a joint recommendation to the Council on whether or not a major disaster declaration is warranted.
 - 3) The community council shall determine whether to request assistance from the federal government either directly or through the state based on what is in the Community's best interest.
 - 4) In a catastrophic event where it is not possible for a quorum of the community council to convene, the President or the Vice President is delegated the authority to declare a major disaster and seek federal assistance pursuant to this ordinance.
- c) *Authority of Executive to Secure and Protect.* If the Community has declared a major disaster then the President, or in his/her absence the Vice President, will have the authority to:
- 1) Establish curfews, blockades and limits on utility usage,
 - 2) Authorize evacuations,
 - 3) Implement necessary security measures,
 - 4) Inform other local, state and federal governments and agencies of the situation,
 - 5) Request outside assistance, and
 - 6) Put in place reasonable measures to maintain order and protect lives and property.

Sec. 1-502. Emergency procurement

- a) *Emergency Procurement.* Upon declaration of a local emergency or major disaster, the community manager may make or authorize others to make emergency procurements if there exists a threat to public health, welfare, property or safety or if a situation exists which

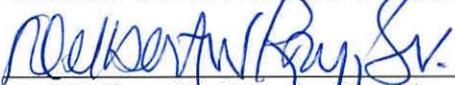
makes compliance with the Community's Procurement Policy, Policy 3-5, impracticable, unnecessary or contrary to the public interest.

- 1) Either the declaration of a local emergency or major disaster creates an immediate and serious need for commodities, services or construction that cannot be met through normal procurement methods and threatens the functioning of the Community government, the preservation of property or public health or safety.
 - 2) Such emergency procurements shall be made with such competition and preference that is practicable under the circumstances.
 - 3) A written determination of the basis for the emergency and for the selection of the particular contractor shall be included in the contract file.
- b) *Department purchases.* If either a local emergency or major disaster declaration has been issued, a Community department director may proceed with an emergency procurement without the approval of the community manager if the emergency necessitates immediate response and it is impracticable to contact the community manager. Any department conducting emergency procurement shall limit the procurement to such actions necessary to address the emergency. The affected department director shall keep a record of all emergency procurements and ensure that all costs are charged to account string that is set up for this specific event by the finance department.

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

This Ordinance is hereby enacted pursuant to the authority contained in Article VII, Section 1 of the Constitution of the Salt River Pima-Maricopa Indian Community ratified by the Tribe, February 28, 1990, and approved by the Secretary of the Interior, March 19, 1990, and amended by the Tribe, February 27, 1996, and approved by the Secretary April 23, 1996, the foregoing Ordinance was adopted this 14th day of October, 2015, in a duly called meeting held by the Community Council in Salt River, Arizona at which a quorum of 9 members were present by a vote of 9 for; 0 opposed, 0 abstentions, and 0 excused.

**SALT RIVER PIMA-MARICOPA
INDIAN COMMUNITY COUNCIL**



Delbert W. Ray, Sr., President

ATTEST:



Erica Harvier, Council Secretary

Approved as to Form by the
Office of the General Counsel
Theresa Rosier
September 22, 2015
