

## Emergency Management

### CHAPTER 32. EMERGENCY MANAGEMENT ORDINANCE<sup>1</sup>

#### **SMTC 32.1 Title**

This Chapter shall be known and cited as the “San Manuel Emergency Management Ordinance” (hereinafter “Ordinance”).

#### **SMTC 32.2 Statement of Purpose**

The purpose of this Ordinance is to ensure the efficient and effective use of Tribal resources during incidents, conditions, emergencies and disasters on or affecting the San Manuel Reservation that threaten life, health, property, the environment, or the normal and safe operation of Tribal governmental, business and other activities and programs, and to authorize the coordination of those resources and efforts with tribal and non-tribal public agencies and affected private persons, businesses and organizations to the extent necessary. The Tribe has adopted the National Incident Management System (NIMS) using the Incident Command System (ICS) and established a Standardized Emergency Management System (SEMS) which will be used to manage all emergencies on the Reservation based upon the Incident Command System (ICS) developed by Firefighting Resources of California Organized for Potential Emergencies (FIRESCOPE). The NIMS and SEMS will be used in accordance with this Ordinance.

#### **SMTC 32.3 Definitions**

32.3.1 “**Business Committee**” means the seven member committee established under the Tribe’s Articles of Association.

32.3.2 “**Controlled**” means an incident, emergency, or disaster has been substantially abated and is no longer an active threat to life, health, property, or the environment. Substantial mitigation or recovery efforts may remain after achieving Controlled status, however, the normal administrative and operational procedures of the Tribe are sufficient to manage and fully restore normalcy.

32.3.3 “**Cost Apportionment Agreement**” means a document developed and executed under exigent conditions that defines responsibilities for costs incurred in mitigating the emergency incident.

32.3.4 “**Crisis Management Team**” means the group of persons convened to provide policy advice to the Tribal Chairperson or its Successor and the Business Committee in event of a State of Emergency.

32.3.5 “**Delegation of Authority and Letter of Instruction**” means documents developed and executed under exigent conditions that grant authority to specified personnel for purposes of mitigating an Incident.

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<sup>1</sup> Adopted by the General Council on February 10, 2015. Amended June 9, 2015.

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32.3.6 **“Emergency Operations Plan” or “EOP”** means that certain emergency operations plan developed by the Tribes’ TERC.

32.3.7 **“Emergency Relief Activity”** means the response to an actual, impending, mock, or practice disaster or emergency.

32.3.8 **“Emergency Relief Worker”** means a person who is authorized under this ordinance, or directed by a Business Committee member or their Successor or a Tribal Emergency Official to respond to an Emergency Relief Activity.

32.3.9 **“General Council”** means the governing body of the Tribe.

32.3.10 **“Incident”** means an occurrence or event caused by human or natural phenomena that causes or has the potential to cause loss of life or damage to property or natural or cultural resources.

32.3.11 **“Incident Commander”** means the individual emergency responder responsible for all aspects of an emergency response; including quickly developing Incident objectives, managing all Incident operations, application of resources as well as responsibility for all persons involved.

32.3.12 **“Reservation”** means the federally designated trust lands of the San Manuel Band of Mission Indians.

32.3.13 **“State of Emergency”** means the existence of conditions of peril to the safety of persons and property within the Reservation caused by such conditions as air pollution, fire, flood, storm, civil disturbances, hazardous materials release, epidemic, drought, sudden and severe energy shortage, plant or animal infestations or disease, earthquake, or volcanic eruption, war-caused emergencies, acts of terrorism, acts of god, or other conditions which by reason of their magnitude are or are likely to be beyond the control of the services, personnel, equipment and facilities of the Tribe.

32.3.14 **“Successor”** means a person who has assumed a position or been appointed to act in the inaccessibility of the Tribal Chairperson or a Business Committee member in accordance with section 32.9 of this Ordinance.

32.3.15 **“TERC”** means Tribal Emergency Response Commission.

32.3.16 **“TERT”** means Tribal Emergency Response Team.

32.3.17 **“TERT Training”** means the TERT program administered by the San Manuel Fire Department using the Federal Emergency Management’s Community Emergency Response Team training curriculum.

32.3.18 **“Tribal”** means of or belonging to the Tribe.

32.3.19 **“Tribal Citizen”** means an enrolled member of the San Manuel Band of Mission Indians.

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32.3.20 **“Tribe”** means the San Manuel Band of Mission Indians, a federally recognized Indian tribe.

32.3.21 **“Tribal Emergency Official”** means a Business Committee member or Successor, or an employee of the department of Fire, Public Safety, Public Works or Environmental Services.

32.3.22 **“Unified Command”** means an agreement between multiple jurisdictions to perform as a consolidated command structure so as to better coordinate response and mitigation efforts.

32.3.23 **“Volunteers”** means those individuals who are not employees of the Tribe or a Tribal entity and who do not request compensation for any assistance rendered during an Incident or State of Emergency.

### **SMTC 32.4 Tribal Emergency Response Commission (TERC)**

32.4.1 **Formation.** The TERC was formed by a resolution dated June 11, 2002 in accordance with, and in fulfillment of requirements of Title III of the Superfund Amendments and Reauthorization Act (SARA), 42 U.S.C. §§ 1101-11050 to protect the lives, environment, cultural heritage, and property of the Tribe and to coordinate, enhance, and develop interdepartmental communications, resources, and expertise to plan for effective responses to any and all emergencies and disasters.

32.4.2 **Membership.** The General Council shall appoint members to the TERC by Tribal resolution, who shall serve at the pleasure of the General Council. The Committee shall consist of the following members:

- a. Fire Chief;
- b. Director of Public Safety;
- c. Environmental Manager;
- d. Safety and Loss Control Department Manager;
- e. Public Works Division Manager;
- f. at least one Tribal Citizen; and
- g. any other Tribal Citizen, Tribal official or employee appointed at the discretion of the General Council.

32.4.3 **Organization.** The TERC shall elect annually from its membership a Chairperson and Vice-Chairperson.

#### **32.4.4 Authorizations and Responsibilities.**

a. The TERC shall be authorized to approve, revise and amend Tribal emergency planning documents relating to the continuation of Tribal business and government operations

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in response to various threats to human life or property. Upon approval by the TERC, such plans shall be sent to the Business Committee or during a State of Emergency in the absence of a quorum of the Business Committee, the Tribal Chairperson or its Successor for approval and execution.

b. The TERC shall develop and maintain a Crisis Management Team Plan, which details the membership of the Crisis Management Team, crisis communications, team assembly, and Crisis Management Team organization.

### **SMTC 32.5 Tribal Emergency Response Teams (TERT)**

**32.5.1 Membership.** Membership in the Tribe's TERT(s) shall be open to Tribal Citizens, family members of Tribal Citizens, residents of the Reservation, Tribal employees, and Tribal authorized Volunteers.

a. Prospective members must enroll as TERT members through the Fire Department, and complete TERT Training prior to being accepted to the team and deploying to an Incident or State of Emergency.

b. TERC shall prescribe in the Tribe's written Emergency Operations Plan (EOP) the number of authorized TERT members.

**32.5.2 Activation.** A TERT or TERTs may be activated by the Fire Chief or an Incident Commander when needed to mitigate an Incident and will be under the management of the Fire Chief or Incident Commander that activated the TERT.

### **SMTC 32.6 Crisis Management Team**

**32.6.1 Formation.** A Crisis Management Team shall be convened ad hoc during a State of Emergency and may be convened as needed during an Incident for purposes of providing policy guidance to the Tribal Emergency Officials managing the incident, Tribal leadership, the Tribal membership, and Tribal enterprises.

**32.6.2 Membership.** The Crisis Management Team will consist of the Tribal Chairperson or its Successor and no less than five members chosen from the following:

- a. Tribal Vice Chairperson or its Successor;
- b. Business Committee Members or their Successors;
- c. Chief Executive Officer;
- d. Gaming Commissioner;
- e. Chief Legal Counsel;
- f. Tribal Chief Financial Officer;
- g. Casino Chief Financial Officer;

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- h. Chief Information Technology Officer;
- i. Fire Chief;
- j. Public Safety Director;
- k. Chief Human Resources Officer;
- l. Executive Director of Public Affairs;
- m. Safety and Loss Control Manager;
- n. Casino Facilities Director;
- o. Real Estate Division Manager;
- p. Planning and Development Senior Manager;
- q. Casino General Manager or Executive Director; and
- r. Public Works Manager.

**32.6.3 Authorizations and Responsibilities.** Activities of the Crisis Management Team shall include, but are not limited to, the following:

- a. Confirming or replacing the appointment of the Tribe's Incident Commander;
- b. Establishing a media policy for communicating information related to the State of Emergency;
- c. Determining the priority of Emergency Relief Activities;
- d. Approving Cost Apportionment Agreements;
- e. Authorizing the enlistment of Volunteers and policies related to their use; and
- f. Providing technical or legal advice.

### **SMTC 32.7 Responding to an Incident**

#### **32.7.1 Establishment of Incident Command.**

a. The position of Incident Commander will be initially assumed by the first arriving emergency official to the scene of the Incident and will subsequently transfer to a qualified Tribal Emergency Official from the appropriate department with primary mitigation responsibility over the Incident or State of Emergency as described in this section.

1. The Fire Department shall have primary mitigation responsibility for Incidents involving fires, hazardous materials spills and releases, rescues, and medical emergencies.

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2. Unless relieved by local law enforcement in accordance with Public Law 280, the Department of Public Safety shall have primary mitigation responsibility for Incidents involving explosives, acts of violence, criminal or suspected criminal activity, and civil unrest.

3. The Environmental Department shall have primary mitigation responsibility for Incidents involving environmental clean-up and restoration efforts.

4. The Public Works Department shall have primary mitigation responsibility for Incidents involving floods and damage to or debris obstructing roadways and infrastructure.

b. The transfer of the responsibility for the position of Incident Commander will be at the request of the Tribal Emergency Official wishing to assume command and the approval of the acting Incident Commander.

c. When the primary mitigation responsibility for an Incident or State of Emergency is unclear, transfer of Incident Commander responsibility is disputed, or primary mitigation responsibility rests with several Tribal departments, the selection of the Incident Commander, or subsequent transfer of Incident Commander responsibility shall be determined by the highest ranking officer of the San Manuel Fire Department responding to the Incident.

d. The transfer of responsibility for Incident Commander shall be communicated to emergency resources assigned to the Incident or State of Emergency.

### **32.7.2 Authorities.**

a. During an Incident, the Incident Commander shall have the authority to:

1. Activate any individual component(s) of the Emergency Operations Plan (EOP) or the EOP in its entirety;

2. Activate a TERT or TERTs;

3. Direct and compel the evacuation, for a designated area and time period, of all or part of the population from a stricken or threatened area within the Reservation if necessary for the preservation of life or other mitigation, response, or recovery activities;

4. Prescribe routes, modes, and destinations of transportation, and control ingress and egress of a Reservation area, the movement of persons within the area, and the occupancy of premises therein if necessary for the preservation of life or other mitigation, response, or recovery activities;

5. Order persons to shelter in place until such time as an Incident is abated, or they can be safely evacuated;

6. Command and issue direction to any Tribal employee or member of the public or press as may be necessary for the purposes of mitigating an Incident;

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7. Designate buildings, occupancies, and areas as areas of exclusion based on the determination of an unsafe condition of occupancy until such time as the hazard is abated, or a comprehensive structural or hazard review can be conducted;

8. Set priorities and define the organization of the Incident response teams and the overall Incident action plan; and

9. Assign individuals, who may be from the same agency or from assisting agencies, to subordinate or specific positions for the duration of the Incident.

b. During an Incident, a Tribal Emergency Official acting in the role of Incident Commander shall have all of the authorities of an Incident Commander above and shall have the authority to:

1. Direct Tribal building or safety inspectors to enter onto private property on the Reservation for purposes of assessing the conditions and ensuring the safety of occupants and responders of the area or property;

2. Enter into Unified Command agreement(s) specific to the Incident;

3. Execute Cost Apportionment Agreements on behalf of the Tribe, subject to the prior approval of the Business Committee, or in the absence of a quorum of the Business Committee, by the Tribal Chairperson or its Successor;

4. Sign Delegation of Authority and Letter of Instruction documents on behalf of the Tribe, subject to the prior approval of the Business Committee, or in the absence of a quorum of the Business Committee, by the Tribal Chairperson or its Successor;

5. Approve the release and distribution of information and press releases; provided, however, such information shall be pursuant to any media plan and approved for release by the Business Committee, or in the absence of a quorum of the Business Committee, the Tribal Chairperson or its Successor;

6. Develop a plan for access of the press, the public, employees, other responders, and Tribal Citizens to information regarding an Incident on or affecting the Reservation;

7. Command the movement of any vehicle for exigent needs or access to mitigate an Incident;

8. Authorize the use of equipment or vehicles owned and operated by the Tribal government or an entity wholly owned and operated by the Tribe; and

9. Authorize the use of water in swimming pools or water tanks, tools, construction equipment and commercial passenger vehicles stored on private property on the Reservation necessary to mitigate the Incident; provided, however, nothing herein shall be construed to authorize a Tribal Emergency Official to enter into private residential structures to search for items or use any privately owned non-commercial vehicles.

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### **32.7.3 Finance and Administration.**

a. A Tribal Emergency Official with the rank of Fire Department Battalion Chief or Department of Public Safety Lieutenant and above shall be authorized to expend, obligate, or encumber future expenditure(s) up to \$50,000.00 per Incident at the discretion of the Incident Commander to mitigate an Incident on or affecting the Reservation regardless of whether the spending is accounted for in the annual budget.

b. Spending authority shall not include staffing and manpower costs of Tribal employees. Staffing is ordered on an "as needed" basis by the Incident Commander and is not subject to the fiduciary controls described herein.

c. The Incident Commander shall document each such expenditure and send notification to the Tribal Chief Financial Officer.

### **SMTC 32.8 State of Emergency**

**32.8.1 Declaration of a State of Emergency.** When the Business Committee, or in the absence of a quorum of the Business Committee, the Tribal Chairperson or its Successor determines a State of Emergency Exists, they shall declare a State of Emergency.

#### **32.8.2 Authorities.**

a. Upon a proclamation of a State of Emergency, the Incident Commander may:

1. Command Tribal resources, services and equipment and as many Reservation residents as considered necessary in light of the State of Emergency; provided, that persons so commanded shall be entitled during the period of such service to all privileges, benefits and immunities as are provided by Tribal and applicable federal law for emergency personnel, as set forth in this Ordinance;

2. Authorize the deployment and use of personnel to which the EOP apply, and the use or distribution of Tribal supplies, equipment, materials, or facilities assembled or stockpiled as set forth in this Ordinance;

3. Transfer the direction, personnel, or functions of Tribal departments, agencies, or units thereof for the purpose of performing or facilitating emergency management;

4. Authorize the use of equipment or vehicles owned and operated by the Tribal government or an entity wholly owned and operated by the Tribe;

5. Authorize the use of water in swimming pools or water tanks, tools, construction equipment and commercial passenger vehicles stored on private property on the Reservation necessary to mitigate the Incident or State of Emergency; provided, however, nothing herein shall be construed to authorize a Tribal Emergency Official to enter into private residential structures to search for items or use any privately owned non-commercial vehicles;

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6. Direct and compel the evacuation, for a designated area and time period, of all or part of the population from a stricken or threatened area within the Reservation if necessary for the preservation of life or other mitigation, response, or recovery activities;

7. Provide temporary emergency housing for individuals evacuated from the Reservation; and

8. Direct all other actions which are necessary and appropriate under the circumstances.

b. Upon a proclamation of a State of Emergency, the Business Committee, or in the absence of a quorum of the Business Committee, the Tribal Chairperson may:

1. Exempt contracts from the Tribe's contract approval and execution policies and procedures;

2. Suspend a regulatory or procedural ordinance, order, or rule prescribing the procedures for the conduct of Tribal business, when strict compliance with the ordinance, statute, order, or rule would prevent, hinder, or delay necessary action in coping with the State of Emergency;

3. Suspend or limit the sale, dispensing, or transportation of alcoholic beverages, explosives, and combustibles;

4. Impose a curfew that prohibits, in certain specified areas and during certain specified time periods, the appearance in public of any person, provided, however, the Business Committee, or in the absence of a quorum of the Business Committee, the Tribal Chairperson or its Successor may exempt necessary personnel or activities from some or all of the curfew restrictions. Such curfew order shall apply during the specified period each day until modified or withdrawn;

5. Suspend normal working conditions in any collective bargaining agreements or memorandums of understanding during the period of the State of Emergency;

6. Call emergency meetings of the Business Committee on a minimum of one hour notice or of the General Council on a minimum of two hours' notice. Such notice of an emergency Business Committee or General Council meeting shall be via individual Tribal Citizen contact, either in person or via electronic or telephonic means. When so noticed, the quorum requirement shall be suspended and actions shall be approved by a vote of the majority of those participating in the meeting. Items considered in such meetings shall be limited to items directly related to the mitigation of the State of Emergency; and

7. Issue, amend, and rescind temporary emergency rules and regulations on matters reasonably related to the protection of life and property as affected by such State of Emergency.

c. Within ten (10) days of declaring the State of Emergency the Business Committee, or in the absence of a quorum of the Business Committee, the Tribal Chairperson

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or its Successor shall issue a written proclamation setting forth any emergency authorizations or restrictions.

### **32.8.3 Finance and Administration.**

a. Once a State of Emergency has been declared, the Incident Commander is authorized to expend, obligate, or encumber to a future expenditure up to \$250,000.00 per occurrence to meet the immediate financial needs to mitigate the Incident(s) giving rise to the State of Emergency until the Incident is declared Controlled with the concurrence and approval of any one of the following, provided, however, that the concurring official and the Incident Commander may not be the same person:

1. A member of the Business Committee or its Successor;
2. Fire Chief;
3. Public Safety Director;
4. Chief Executive Officer;
5. Tribal Chief Financial Officer; or
6. Casino Chief Financial Officer.

b. The Incident Commander is authorized to approve expenditures and services not to exceed \$250,000.00 without obtaining any bids routinely required under non-emergency procedures for executing an expense or purchase.

c. Spending Authority shall not include staffing and manpower costs of Tribal employees. Staffing is ordered on an "as needed" basis by the Incident Commander and is not subject to the fiduciary controls described herein.

d. The Incident Commander shall document each such expenditure and send notification to the Tribal Chief Financial Officer.

**32.8.4 Ratification of Proclamation by General Council.** If the State of Emergency continues to exist and there is a general meeting of the Tribe's General Council, the General Council may decide to either confirm or vacate any proclamation declaring a State of Emergency.

**32.8.5 Termination of Proclamation.** When the Business Committee, or in the absence of a quorum of the Business Committee, the Tribal Chairperson or its Successor is satisfied that a State of Emergency no longer exists, a written proclamation terminating the State of Emergency shall be issued terminating the authority of the Incident Commander, the Crisis Management Team and the emergency authorizations or restrictions provided for in the proclamation of a State of Emergency.

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### **SMTC 32.9 Succession during a State of Emergency**

**32.9.1 Determination of Inaccessibility.** To determine “inaccessibility” under any provision of this Ordinance, the following procedures shall be used:

a. The Incident Commander shall initiate a request for declaration of a State of Emergency to all members of the Business Committee via electronic or telephonic media using the contact information for such individuals listed in the EOP and on file with the Office of the Secretary.

b. Business Committee members receiving this request must promptly respond to the Incident Commander and include information on how they may be contacted going forward.

c. Business Committee members not responding to the request within sixty minutes are deemed to be inaccessible.

d. Notwithstanding the foregoing, once a person reports to the Incident Commander, they shall no longer be deemed to be inaccessible and will assume their position in the line of succession, unseating any individuals that may have held positions as interim Successors.

**32.9.2 Inaccessibility or Incapacity of the Tribal Chairperson.** In the inaccessibility or incapacity of the Tribal Chairperson as it relates to authorities solely under this Ordinance, the following succession applies to the exercise of executive authority of the Tribe:

- a. Tribal Vice Chairperson;
- b. Secretary of the Business Committee;
- c. Treasurer of the Business Committee;
- d. Members-at-large of the Business Committee (in order of seniority on the Business Committee);
- e. Past Tribal Chairpersons (in reverse chronological order of service dates);
- f. Past Tribal Vice Chairpersons (in reverse chronological order of service dates);
- g. Past Business Committee Members (in reverse chronological order of service dates);
- h. Chief Executive Officer;
- i. Present Chairperson of the TERC.

**32.9.3 Inability to Hold General Council Meeting.** In the absence of clear direction from the General Council solely as it relates to this Ordinance during a State of Emergency, the Business Committee can exercise the full authority of the General Council for all operational

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and financial matters directly related to the Incident or State of Emergency provided that the calling of a meeting of the General Council is determined by the Tribal Chairperson or its Successor to be impractical due to the Incident or State of Emergency. Upon a meeting of the General Council, the General Council shall determine whether any actions or directions of the Business Committee should continue in full force and effect, be modified, or be discontinued on a going forward basis.

### **32.9.4 Appointment of Emergency Interim Successors.**

a. In the event of a State of Emergency, the Business Committee, or in the absence of a quorum of the Business Committee, the Tribal Chairperson or its Successor may appoint emergency interim successors to exercise the powers and discharge the duties of any Tribal official or employee of the Tribe; provided, however, that such appointments shall only be invoked if the incumbent Tribal Official or employee is incapacitated or inaccessible and any appointment requiring certain professional licenses (excluding gaming licenses) shall be limited to those potential successors already possessing such licenses.

b. When called upon to exercise the powers and discharge the duties of an office, an emergency interim successor shall be accorded the same privileges, immunities and other perquisites accorded to the regular incumbent, but the emergency interim successor shall receive no additional compensation except his or her necessary and actual expenses in exercising the powers and discharging the duties of the office. Nothing in this section shall affect in any way the privileges, immunities, compensation, allowances and other perquisites of the regular incumbent.

c. The Business Committee, or in the absence of a quorum of the Business Committee, the Tribal Chairperson or its Successor may terminate at any time the authority of the emergency interim successors to exercise the powers and discharge the duties of any Tribal official or employee of the Tribe as herein provided.

d. The following department heads shall submit a succession plan for their department annually by January 1st of each year to the Business Committee to be placed in the EOP and automatically invoked in the event of inaccessibility of the listed official:

1. Chief Executive Officer;
2. Fire Department;
3. Department of Public Safety;
4. Environmental Department;
5. Water Department;
6. Public Works Department;
7. Tribal Finance Department;
8. Department of Health & Safety;

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9. Human Resources Department;
10. Gaming Commission;
11. Casino General Management; and
12. Casino Facilities Department.

### **SMTC 32.10 Mutual and Automatic Aid and Cost Apportionment**

**32.10.1 Cost Sharing or Apportionment Agreements.** When jurisdictional or fiduciary responsibility for the mitigation of an Incident rests with multiple agencies, a Tribal Emergency Official acting as the Incident Commander is authorized to negotiate and enter into cost sharing or Cost Apportionment Agreements subject to the dollar limits and approval mechanisms described in section 32.7.3 and 32.8.3 above.

### **SMTC 32.11 Liability**

**32.11.1 Compliance with Ordinance.** This Ordinance is an exercise by the Tribe of its governmental functions for the protection of the public peace, health and safety of the Reservation and its occupants, and neither the Tribe nor agents and representatives of same, or any individual, receiver, firm, partnership, corporation, association or trustee, or any of the agents thereof 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, shall be liable for any damage sustained to persons or property as the result of said activity.

**32.11.2 Real Estate.** Any person owning or controlling real estate or other premises who voluntarily and without compensation grants the Tribe the right to inspect, designate and use the whole or any part or parts of such real estate or premises for the purpose of sheltering persons during an Incident shall not be civilly liable for the death of or injury to any person on or about such real estate or premises under such license, privilege or other permission or for loss of or damage to the property of such person, except for those resulting from the owner's gross negligence or willful misconduct.

**32.11.3 Good Samaritan Protection.** Any person who, in good faith, renders emergency care or assistance to an injured or ill person during an Incident without the expectation of receiving or intending to receive compensation for such service shall not be liable in civil damages for any act or omission, not constituting gross negligence or willful misconduct, in the course of such care or assistance.

**32.11.4 Emergency Personnel and Volunteers.** Emergency Relief Workers or Volunteers directed by a Tribal entity and engaged in Emergency Relief Activities are entitled to the same rights and immunities as provided by law for the employees of the Tribe.

### **SMTC 32.12 Violations**

**32.12.1 Obstruction.** It shall be a civil violation for any person to willfully obstruct, hinder or delay any Tribal Emergency Official in the enforcement of the provisions of this Ordinance or an EOP issued thereunder.

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**32.12.2 Disobedience.** A person shall not knowingly or willfully disobey or interfere with the implementation of a rule, order, or directive issued by the Business Committee or the Tribal Chairperson or its Successor under this Ordinance.

**32.12.3 Civil Action.** The Tribe may bring a civil action for damages or equitable relief to enforce the provisions of this Ordinance and the orders, rules, or regulations made in conformity with this Ordinance. Such actions may be filed in the San Manuel Tribal Court or any court of competent jurisdiction. The San Manuel Tribal Court is hereby authorized to issue emergency orders to bring any violations into immediate compliance. Nothing herein should be construed to authorize a private cause of action for individuals injured during an Incident or State of Emergency.

**32.12.4 Tribal Citizens.** A Tribal Citizen who fails to follow a direction by the Business Committee, the Tribal Chairperson or its Successor in accordance with this ordinance, interferes with a Tribal Emergency Official in the exercise of his duties, or who violates any section of this Ordinance shall be subject to a fine not to exceed \$1,000.00 per violation and other such sanctions deemed appropriate by the San Manuel Tribal Court to correct the violation and may also be subject to the Tribe's Disorderly Conduct Ordinance.

**32.12.5 Employees.** An employee who fails to follow a direction by the Business Committee, the Tribal Chairperson or its Successor or a Tribal Emergency Official in accordance with this Ordinance, interferes with a Tribal Emergency Official in the exercise of his duties, or who violates any section of this Ordinance shall be subject to civil or disciplinary action up to and including termination of employment.

### **SMTC 32.13 Severability**

If any provision of this Ordinance is found to be invalid by the San Manuel Tribal Court, such invalidity shall not affect the remaining provisions that can be implemented without the invalid provision and to this end, the provisions of this Ordinance are declared to be severable.

### **SMTC 32.14 Sovereign Immunity**

Nothing contained in this Ordinance shall be deemed to constitute a waiver or diminution of any type whatsoever of the Tribe's sovereign immunity from unconsented suit, which sovereign immunity is hereby expressly reaffirmed.