

SHESEGWANING FIRST NATION

An Act to Declare a State of Emergency and to Adopt Community Safety Recommendations in Response to COVID-19

Introduced By: Chief Dean Roy

Date: April 1, 2020

Approved by Resolution # 20-21-01

Date of Resolution: April 1, 2020

PREAMBLE

WHEREAS, the people of Sheshegwaning First Nation have the right to govern and make laws in our territories;

AND WHEREAS, Sheshegwaning First Nation has enacted and signed into law its Kchi-Naaknigewin (Constitution) on January 17, 2017;

AND WHEREAS, Sheshegwaning First Nation enacted and signed into law the Sheshegwaning Legislative Enactment Regulation on March 26, 2018;

AND WHEREAS, Sheshegwaning First Nation has an inherent right to pass laws to protect public health in and the safety of our community, to control access to our lands, and to respond to emergency situations affecting our community;

AND WHEREAS, Sheshegwaning First Nation exercises both the authority to enact its own laws and to enact By-laws under the provisions of the *Indian Act*;

AND WHEREAS, governments around the world are taking extraordinary steps to respond to the COVID-19 pandemic;

AND WHEREAS, Sheshegwaning First Nation is particularly vulnerable to the impacts of the COVID-19 pandemic owing to the close proximity in which our members reside, the prevalence of pre-existing health conditions in the community, the unavailability of tests for COVID-19, and the inadequacy of supplies of medical gear and equipment to either protect our members or treat those who fall ill;

AND WHEREAS, the urgent and extraordinary nature of the COVID-19 pandemic demands immediate action from our leadership, as an exception to the ordinary procedures for legislative enactment established by the Sheshegwaning Legislative Enactment Regulation;

NOW THEREFORE BE IT RESOLVED, that Sheshegwaning First Nation enacts this Law to Declare a State of Emergency and to Adopt Community Safety Recommendations in Response to COVID-19.

PURPOSE

The purpose of this Law is to declare a State of Emergency for Sheshegwaning First Nation and to adopt safety recommendations to best protect its Community Members and those around us from the community spread of COVID-19.

This Law constitutes a Law of the Sheshegwaning First Nation and concurrently a First Nation By-Law under the federal *Indian Act*.

This Law was passed under the inherent jurisdiction of the Sheshegwaning First Nation and the sovereign authority we have in our territory. We have a sacred responsibility for the use and maintenance of the land and resources, and to do so responsibly and sustainably. We have the responsibility of conservation for our children and future generations. In addition to our inherent jurisdiction, this By-Law is published in accordance with s. 81 and s. 86 of the *Indian Act*.

Section 1.0 Title

This Law may be referred to as the “COVID-19 Emergency Act”.

Section 2.0 Definitions

“Designated Safe Zones” means the territory within the boundaries of the Sheshegwaning First Nation reserve, and those areas designated by Chief and Council as safe zones.

“Community” means the Sheshegwaning First Nation.

“Community Members” means members and residents of Sheshegwaning First Nation.

“Council” means the elected Council of the Sheshegwaning First Nation, and includes the Chief.

“Health Care Professionals” means professionals licensed to provide essential health care, and includes emergency health care professionals such as paramedics.

“Law Enforcement” means only those members of law enforcement that are normally authorized to be present within the Community.

“Quorum” means 50% + 1 of the elected members of Council, and includes the Chief.

“Symptoms” means physical symptoms common with COVID-19, such as a fever, cough, body-aches, headache, fatigue, and difficulty breathing.

“Self-Isolate” means staying at one’s regular dwelling residence, without attending work, school, or other public/community places or events, using ride-sharing or other forms of public transportation, having no non-essential visitors, and staying more than two meters away from other people at all times.

“State of Emergency” means an occurrence of a natural or other disaster during which time normal constitutional procedures and rights are suspended for the enactment of procedures and laws that protect the safety, health, and order in the best interests of the collective community.

“Visitors” means all non-Member persons who wish to visit our Community and members who do not ordinarily reside on the reserve with the exception of Health Care Professionals or other essential service providers.

Section 3.0 Declaration of State of Emergency

A State of Emergency is declared by Chief and Council of Sheshegwaning First Nation.

Section 4.0 Community Safety Recommendations

4.1 Adoption of Community Safety Recommendations – To best ensure the safety and security of all, Community Members and Visitors to the Community must comply with the following provisions.

4.1.1 Persons with Symptoms

Persons with Symptoms:

- a) Must Self-Isolate for 14 days, or 24 hours after their Symptoms have fully resolved, whichever is longer;
- b) Must go home and stay at home;
- c) Must be isolated from others within the home to the greatest extent possible;
- d) Must undertake to visit their nearest emergency service provider if their Symptoms are worsening to a point where they cannot remain safely at home;
- e) Must wash their hands regularly with hot, soapy water for at least 20 seconds, and whenever returning home from outside of the home; and
- f) Must wear protective hand and face coverings (i.e.: gloves, scarves, and/or face masks) if required to leave the home for emergency care.

4.1.2 Community Members Returning from Travel Outside of Designated Safe Zones

Community Members returning to the Community from a trip outside of the Designated Safe Zones must Self-Isolate for 14 days.

Those who:

- a) Have Symptoms must follow the guidance in section 4.1.1.
- b) Do not have Symptoms must practice physical (social) distancing as described in section 4.1.3; practice social distancing by remaining at least two meters from others.
- c) Must leave their home for essentials or any other reason must wear protective gloves and face coverings (i.e.: gloves, scarves, and/or face masks) and wash hands thoroughly with hot, soapy water for at least 20 seconds after any outing.

4.1.3 All Community Members and Visitors – All Community Members and Visitors, except those to whom sections 4.1.1 or 4.1.2 apply, shall practice physical (social) distancing:

- a) Avoid all non-essential trips in the Community;
- b) Cancel all group gatherings and do not gather in groups larger than five people outside of the household;
- c) Connect via phone, video chat or social media instead of in person;
- d) Work from home, if possible;
- e) Avoid visiting elderly or sick friends or other relatives;
- f) Avoid crowds and maintain a distance of two meters from other people, even when outside.
- g) Wash hands regularly with hot, soapy water for at least 20 seconds, and whenever returning home from outside of the home; and
- h) Wear protective hand and face coverings (i.e.: gloves, scarves, and/or face masks) wherever possible in public.

Household contacts (people you live with) also need to distance from each other unless they are sick or have travelled within the past 14 days.

4.1.4 Community Visitors – Visitors may be screened and may be asked not to enter the Community without the approval of the Sheshegwaning First Nation and until the State of Emergency declared by this Law is lifted.

4.1.5 Groceries and Essential Items - If you are self-isolating in accordance with any of the provisions in section 4 and you require groceries or other essential items:

- a) **Within Designated Safe Zones;** you must send a local family member or member of your household, friend, or neighbor to get the items and leave them at your door outside of your home. You may not leave your home to obtain these items for yourself. If you are ill and have difficulty obtaining groceries or other essential items, immediately contact the Band Office for direction.
- b) **Outside of Designated Safe Zones;** you must have a designated errand runner, or other such person with clearance in accordance with s. 5.3 obtain these items.

5.0 Checkpoints at Points of Entry, Controlling Access to the Community

5.1 Community Access Restriction – Road access to the Community shall be limited to Community Members, Visitors approved in accordance with 4.1.4, Law Enforcement, and Health Care Professionals.

5.2 Procedures for Returning to Reserve – Anyone who enters the reserve in accordance with section 5.1 shall follow the procedures set out in s. 4.1.3.

5.3 Designated Errand Runners and Clearance – Sheshegwaning First Nation will establish a set of rules of engagement for those who are designated errand runners. Those who must leave the community due to extenuating circumstances, will be considered for clearance on a case by case basis. Those who have certified that they understand and will follow the rules of engagement, and have a clearance letter signed by the Chief, and witnessed by an authorized checkpoint security person, shall be exempt from the provisions set out in 4.1.2.

5.4 Departing the Community at Checkpoints – Vehicles with more than 2 persons, without clearance will not be permitted to depart. Children under the age of 16 will not be permitted to leave the Community, except for emergency or medical reasons.

6.0 Offenses and Penalties

6.1 Offenses – It is an offense under this Law to fail to comply with the community safety recommendations described in section 4.1 or the community access restriction described in section 5.1.

6.2 Penalties – Persons convicted of an offense under this Law may be subject to a fine not exceeding \$1000.

7.0 Repeal, Amendment, and the Lifting of the State of Emergency

7.1 Repeal or Amendment – This Law may be repealed or amended by a simple majority vote of a quorum of the Council; the ordinary Sheshegwaning Legislative Enactment Regulation procedures for repeal and amendment do not apply to this Law.

7.2 Periodic Review – Council shall continue to review whether the Law is still necessary to fulfill its Purpose of protecting Community Members and those around us from the community spread of COVID-19.

7.3 Lifting of the State of Emergency by Council Vote – The State of Emergency declared by this Law may be lifted by a simple majority vote of the Council.

8.0 Non-Derogation of Rights

Nothing in this Law shall derogate from our inherent rights or Aboriginal and Treaty rights as protected by s. 35 of the *Constitution Act, 1982*.

9.0 Enactment and Coming into Force

9.1 Enactment – This Law is enacted and signed into Law on behalf of the Chief and a Quorum of the Sheshegwaning First Nation, this _____ day of the month of _____ in the year of _____.

Egiigdajig (Council) Signatures

Gimaa (Chief) _____
Name:

Councillor _____
Name:

Councillor _____
Name:

Councillor _____
Name:

Councillor _____
Name:

8.2 Coming into force – This Law shall be in force on the _____ day of the month of _____ in the year of _____