



Micmacs of Gesgapegiag Band Council
Résolution du Conseil De Bande

DO HEREBY RESOLVE:
DECIDÉ PAR LES PRÉSENTES:

BAND COUNCIL RESOLUTION

Adoption and Entry into Force of the Temporary Bylaw Concerning Preventive Measures Associated with the COVID-19 Pandemic

Whereas the World Health Organization declared a pandemic of COVID-19 on March 11, 2020;

Whereas on March 13, 2020, the government of Quebec declared a state of health emergency throughout Quebec in order to slow down the spread of COVID-19 among the Quebec population;

Whereas COVID-19 is a highly contagious virus and poses a serious and immediate threat to the health and lives of the members of the Micmacs of Gesgapegiag, especially elders and members with underlying health conditions;

Whereas International, Canadian and Quebec health authorities have made it clear that reducing the spread of COVID-19 requires physical (or “social”) distancing and limiting the size of gatherings;

Whereas COVID-19 epidemic is a situation that is evolving rapidly and the risks associated with this disease are also becoming more important for the Canadian population and especially for the community of Gesgapegiag;

Whereas the Chief and Council of the Micmacs of Gesgapegiag (the “**Council**”) must take urgent action to help protect the community from the spread of COVID-19;

Whereas the Council asked the Legal Firm Borden Ladner Gervais to prepare and propose a draft by-law to provide for various preventive measures aiming at responding to the COVID-19 epidemic, including a ban of non-essential visitors entering the community and a better control over the entry and exit of the population on reserve.

Whereas section 81(1) of the *Indian Act* (R.S.C., 1985, c. I-5) confirms the authority of the Council to make by-laws for various purposes including:

- (a) to provide for the health of residents on the reserve and to prevent the spreading of contagious and infectious diseases;
- (b) the regulation of traffic;
- (c) the observance of law and order;
- (m) the control or prohibition of public games, sports, races, athletic contests and other amusements;
- (p) the removal and punishment of persons trespassing on the reserve or frequenting the reserve for prohibited purposes;
- (p.1) the residence of band members and other persons on the reserve;
- (q) matters arising out of or ancillary to the exercise of other powers under section 81(1) of the *Indian Act*;
- (r) the imposition on summary conviction of a fine not exceeding one thousand dollars or imprisonment for a term not exceeding thirty days, or both, for violation of a by-law made under section 81(1) of the *Indian Act*;

Whereas the Council must take exceptional emergency measures on a temporary basis to protect residents of the community and thereby prevent or limit the spread of the COVID-19 epidemic;

Whereas the *Bylaw Concerning Preventive Measures Associated with the COVID-19 Epidemic* (“COVID-19 Bylaw”) aims to protect the health and safety of members of the community, in particular the members most vulnerable to the spread or risk of spread of COVID-19;

Whereas a special meeting of the Council was duly convened on May 6th, 2020 during which the COVID-19 Bylaw, attached hereto, was on the agenda and was duly adopted by Council;

Therefore, be it hereby resolved that the COVID-19 Bylaw as attached hereto comes into force on May 6, 2020 at 11:59 p.m.;

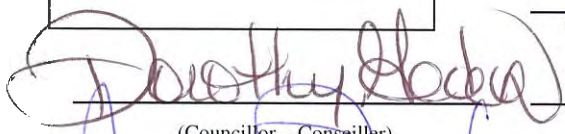
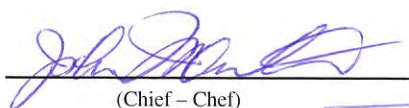
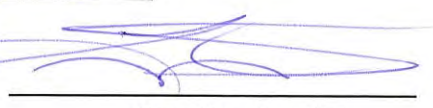
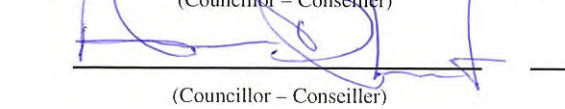
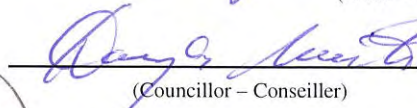
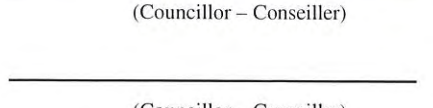
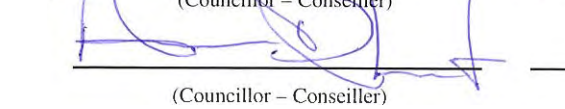
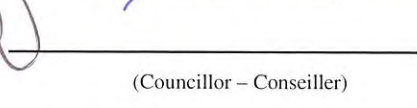
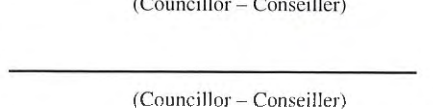
And be it hereby further resolved that the Council authorizes and mandates the Director General, the Director of Public Security services and the Director of the Gesgapegiag Health and Community Services to inform and educate the population of Gesgapegiag regarding the measures set out in the COVID-19 Bylaw;

And be it hereby further resolved: That the Council authorizes and mandates the Director General, the Director of Public Security services and the Director of the Gesgapegiag Health and Community Services to support the implementation of the COVID-19 Bylaw in accordance with the rules set out therein and in collaboration with all competent authorities;

And be it hereby further resolved that the Council authorizes and mandates the Director General to do everything that is necessary to implement this resolution.

Finally, be it resolved that this resolution come into force upon its adoption.

A quorum for this Band
Pour cette bande le quorum est
Consists of
Fixé à 05

 _____ (Councillor – Conseiller)	 _____ (Chief – Chef)	 _____ (Councillor – Conseiller)
 _____ (Councillor – Conseiller)	 _____ (Councillor – Conseiller)	 _____ (Councillor – Conseiller)
 _____ (Councillor – Conseiller)	 _____ (Councillor – Conseiller)	 _____ (Councillor – Conseiller)

BCR# 1501

2020-05-20

MICMACS OF GESGAPEGIAG

COVID-19 BYLAW

A BYLAW CONCERNING PREVENTIVE MEASURES ASSOCIATED WITH THE
COVID-19 EPIDEMIC

2020

WHEREAS:

COVID-19 is a highly contagious virus and poses a serious and immediate threat to the health and lives of the members of the Micmacs of Gesgapegiag, especially elders and members with underlying health conditions;

International, Canadian and Quebec health authorities have made it clear that reducing the spread of COVID-19 requires physical (or “social”) distancing and limiting the size of gatherings;

The Chief and Council of the Micmacs of Gesgapegiag (the “**Council**”) must take urgent action to help protect the community from the spread of COVID-19;

Section 81(1) of the *Indian Act* (R.S.C., 1985, c. I-5) confirms the authority of the Council to make by-laws for various purposes including:

- (a) to provide for the health of residents on the reserve and to prevent the spreading of contagious and infectious diseases;
- (b) the regulation of traffic;
- (c) the observance of law and order;
- (m) the control or prohibition of public games, sports, races, athletic contests and other amusements;
- (p) the removal and punishment of persons trespassing on the reserve or frequenting the reserve for prohibited purposes;
- (p.1) the residence of band members and other persons on the reserve;
- (q) matters arising out of or ancillary to the exercise of other powers under section 81(1) of the *Indian Act*;
- (r) the imposition on summary conviction of a fine not exceeding one thousand dollars or imprisonment for a term not exceeding thirty days, or both, for violation of a by-law made under section 81(1) of the *Indian Act*;

The Council must take exceptional emergency measures on a temporary basis to protect residents of the community and thereby prevent or limit the spread of the COVID-19 epidemic;

The *Bylaw Concerning Preventive Measures Associated with the COVID-19 Epidemic* (“COVID-19 Bylaw”) aims to protect the health and safety of members of the community, in particular the members most vulnerable to the spread or risk of spread of COVID-19;

NOW THEREFORE, the Council enacts as follows:

CHAPTER I

DEFINITIONS

ARTICLE 1

The following definitions apply to this COVID-19 Bylaw:

- a) “Community” means the population of Gesgapegiag;
 - b) “Council” means the Chief and Council of the Micmacs of Gesgapegiag;
 - c) “Director of Public Security” means the Gesgapegiag Director of Public Security or any other person duly authorized to replace him or act in his name;
 - d) “Director General” means the Director General of the Micmacs of Gesgapegiag or any other person duly authorized to replace him or act in his name;
 - e) “Essential Service” means all services, facilities or activities that are or may be necessary for the health and safety of all or part of the residents, occupants or members of the Community, in particular, the Council, the Gesgapegiag Pandemic Team, the Gesgapegiag Emergency Preparedness Team, the GHCS and other health services, police force / public security services, fire department, social services, waste collection, packages and postal mail delivery, services related to the production, transformation, transport, provision and delivery of essential goods or services (which include in particular food, supplies for food markets and grocery stores, medical supplies, products for the production and treatment of drinking water, gas and fuel oil) and other services that may be identified by the Council, the Director of Public Security or the Director General;
 - f) “GHCS” means the Gesgapegiag Health and Community Services;
 - g) “GHCS Director” means the Director of the Gesgapegiag Health and Community Services or any other person duly authorized to replace her or act in her name;
 - h) “Officer” means a member of the Gesgapegiag police force / Public Security services or any person designated in writing as such by the Director of Public Security;
 - i) “Reserve” means the tract of land reserved for the use and for the benefit of the Micmacs of Gesgapegiag, designated as a reserve under the *Indian Act* (R.S.C., 1985, c. I-5) and referred to by the name of Gesgapegiag.
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CHAPTER II

PURPOSE AND APPLICATION

ARTICLE 2

The purpose of this COVID-19 Bylaw is to temporarily restrict and limit access to the Community for anyone coming from outside of it.

This COVID-19 Bylaw also aims to temporarily restrict and limit all movement of people within the community of Gesgapegiag.

ARTICLE 3

This COVID-19 Bylaw applies on the Reserve.

CHAPTER III

PREVENTIVE MEASURES

ARTICLE 4

The following mandatory quarantine and self-isolation measures are in force:

- a) Any person who is experiencing flu symptoms such as fever or coughing must notify GHCS and remain at their residence in quarantine for a period of 14 days;
- b) Any person returning to the Reserve from anywhere outside of the Gaspésie-Îles-de-la-Madeleine region other than the City of Rimouski or any town located between the City of Rimouski and the border of the Gaspésie-Îles-de-la-Madeleine region must remain at their residence in quarantine for a period of 14 days; this paragraph (b) does not apply to employees and representatives of Essential Services who have traveled outside of the Gaspésie-Îles-de-la-Madeleine region to provide Essential Services and to persons specifically identified as such by the GHCS Director, the Director of Public Security or the Director General;
- c) Any person above the age of 70 should avoid leaving their residence unless it is absolutely necessary to do so, as they are at a higher risk of serious consequences should they be infected by COVID-19;
- d) Any person who has tested positive to COVID-19 must notify GHCS, follow treatment and abide by strict isolation measures until a medical test confirms that such person has recovered and is not infected with COVID-19 anymore.

ARTICLE 5

The following physical and social distancing measures are in force:

- a) Except for Essential Services, access of the general public to all public services buildings and business buildings on the Reserve is restricted.
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- b) Any public event, party or gathering of more than ten (10) persons from more than three (3) households, in public or private spaces, is prohibited.
- c) All businesses and services on the Reserve that remain open or functioning while this COVID-19 Bylaw is in force must respect the health directives and rules established by the GHCS Director, the Director of Public Security, the Council or the Director General.

ARTICLE 6

A general curfew is issued for all persons present in the Reserve between midnight and 6:00 a.m., except for emergency reasons or for Essential Services.

ARTICLE 7

Entry in the Reserve is restricted for all persons except the following:

- a) Gesgapegiag residents;
- b) Employees and representatives of Essential Services;
- c) Visitors who have an essential or urgent reason, such as in relation to illness or death of a family member;
- d) Persons authorized by the GHCS Director, the Director of Public Security or the Director General.

ARTICLE 8

Any person who is authorized to enter the Reserve under article 7 must register in the register that shall be kept by the GHCS in accordance with the procedures set out therein (name, place of destination and isolation, reason, duration, scheduled date of entry / exit / return, contact details and presence of any symptoms).

ARTICLE 9

The restrictions covered by this COVID-19 Bylaw shall not prevent, upon verification, the delivery of essential goods and services as long as such delivery respects the health directives and rules established by Council, the GHCS Director, the Director of Public Security or the Director General.

CHAPTER IV

ENFORCEMENT AND PENALTIES

ARTICLE 10

It is the responsibility of the Gesgapegiag police force / Public Security services or, failing this, any police force having jurisdiction, to enforce the provisions of this COVID-19 Bylaw and the Director of Public Security is authorized to take all necessary measures to ensure their strict observance.

ARTICLE 11

An Officer may stop any person or motor vehicle seeking to enter or leave the Reserve to determine whether such person is allowed to enter, exit or be on the Reserve, including by requesting appropriate written or verbal confirmation that such person meets applicable criteria under this COVID-19 Bylaw.

ARTICLE 12

An Officer may order any unauthorized person not to enter or to immediately leave the Reserve.

ARTICLE 13

An Officer who has reasonable motive to suspect that an event, party or gathering is taking place in contravention to article 5 may attend any residence on the Reserve to enforce the restrictions provided in this Bylaw and such Officer may order any person who is not an authorized occupant of the residence to leave the property immediately.

ARTICLE 14

An Officer may order any person who should be staying at their residence under the quarantine and self-isolation requirements provided in article 4 to return to their residence.

ARTICLE 15

No person may interfere with, obstruct or fail to comply with an Order from an Officer who is exercising enforcement powers under this COVID-19 Bylaw.

ARTICLE 16

Any person who contravenes to or breaches a provision of this COVID-19 Bylaw commits an offence.

ARTICLE 17

A person who commits an offence under this COVID-19 Bylaw is liable on summary conviction to a fine of \$1,000, to imprisonment for up to 30 days, or to both, pursuant to section 81(1)(r) of the *Indian Act* (R.S.C., 1985, c. I-5).

ARTICLE 18

Where an act in contravention of this COVID-19 By-law continues for more than one day, each day on which the offence is committed will be deemed a separate offence and may be punished as such.

ARTICLE 19

Contravention or breach of this COVID-19 By-law may, in addition to any other remedy and to any penalty imposed by the COVID-19 By-law, be restrained by court action at the instance of the Council.

ARTICLE 20

The offences created by this COVID-19 Bylaw are in addition to, and do not replace, any applicable provincial or federal offences.

CHAPTER V

COMING INTO FORCE AND DURATION

ARTICLE 21

This COVID-19 Bylaw comes into force on the date determined by a resolution of the Council, which date has been set to be April 8, 2020 at 11:59 p.m.

ARTICLE 22

This COVID-19 Bylaw is in effect for a temporary period of two (2) weeks, which period may be renewed every two (2) weeks thereafter following a duly adopted resolution of the Council.

CHAPTER VI

AMENDMENTS

ARTICLE 23

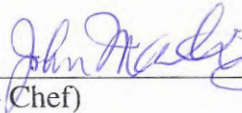
The Council may approve written amendments to this COVID-19 Bylaw, including additional preventive measures, by vote at a duly convened meeting. Given the emergency situation, no consultation with membership will be required for any amendments.

ARTICLE 24

If the Council approves amendments to this COVID-19 Bylaw, the amendments or the amended bylaw shall be promptly posted on the Council website and in prominent locations on the Reserve.

APPROVAL

This COVID-19 Bylaw is presented at a duly convened special (emergency) Council meeting on April 8, 2020 in Gesgapegiag. Approved and adopted on April 8, 2020.

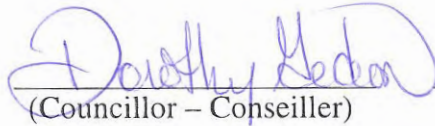
(Chief - Chef)

(Councillor - Conseiller)

(Councillor - Conseiller)

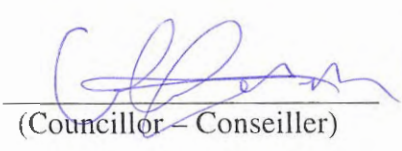


(Councillor - Conseiller)

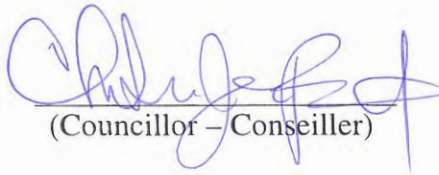


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