

**MANTO SIPI CREE NATION**

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

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## **PREAMBLE**

**WHEREAS** the people of Manto Sipi Cree Nation have the right to govern and make laws in our territories;

**AND WHEREAS** Council of the Manto Sipi Cree Nation (MSCN) have an obligation to ensure the safety of its Members;

**AND WHEREAS** Council was elected by the members of MSCN to fulfil its obligation to ensure community health and safety;

**AND WHEREAS** MSCN must act to protect the Community during Epidemics, Pandemics, and other public health crises, including the COVID-19 pandemic;

**AND WHEREAS** Council recognizes the importance of the traditional laws and collective rights of the community;

**AND WHEREAS** MSCN has the inherent authority, protected and confirmed in Treaty 5, to govern its own affairs, including with respect to who may or may not enter their Reserves, and further, the practice of banishment has been part of Cree traditional customary law as a remedy for dealing with individuals who posed a threat to Members or the community;

**AND WHEREAS** Sections 81(1)(a), (c), (d), (p),(p.), (q) and (r) of the *Indian Act* empower the Council to pass bylaws to provide for the health and safety of residents on the reserve, the observance of law and order, the prevention of disorderly conduct and nuisances, the removal and punishment of persons trespassing on reserve or frequenting the reserve for prohibited purposes, the residence of Members and other persons on the Reserve, in addition to matters arising out of or in addition to the exercise of powers under this section and the imposition of a penalty for the violation of any such bylaw;

**AND WHEREAS** the *Police Services Act*, the *First Nation Safety Officer Regulations*, and the Operating Agreement among the Province of Manitoba, the RCMP, and MSCN authorizes MSCN's FNSOs to enforce MSCN bylaws passed pursuant to s. 81(1)(c) of the *Indian Act*;

**NOW THEREFORE BE IT RESOLVED** that Manto Sipi Cree Nation enacts this Law to govern States of Emergency in the MSCN Community in response to Public Health crises.

*Part 1. Name*

**1.1** This Law may be referred to as the “State of Emergency Act”.

*Part 2. Definitions*

**2.1** For the purposes of this Bylaw:

“Community” means the Manto Sipi Cree Nation;

“Community Members” means members of the Manto Sipi Cree Nation;

“Council” means the elected Council of the Manto Sipi Cree Nation, and includes the Chief;

“Curfew” means the hours by which time all Community Members must be inside of their own Private Dwelling Place, or other indoor location as approved in advance by Council;

“Designated Safe Zones” means the territory within the boundaries of the Manto Sipi Cree Nation reserve;

“Essential Service Workers” means Council, Health Care Professionals, Law Enforcement and any other individuals that Council deems necessary to provide daily services essential to preserving life, health, public safety, and basic societal functioning;

“First Nations Safety Officer” or “FNSO” is a person properly trained and appointed as a First Nation Safety Officer pursuant to the *Police Services Act* CCSM c P94.5, the *First Nation Safety Officers Regulation*, Man Reg 229/2015, and the Operating Agreement among the Province of Manitoba, the RCMP, and the Community;

“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;

“Private Dwelling Place” means a family home or house on reserve;

“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, or another Epidemic or Pandemic pursuant to which Council declares a State of Emergency;

“Self-Isolate” means staying at one’s regular Private Dwelling Place, 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, for the purpose of this bylaw, an occurrence an Epidemic, Pandemic, or other public health crisis, including COVID-19, 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 Law Enforcement, Health Care Professionals or other essential service providers.

*Part 3. Declaration of State of Emergency*

- 3.1** The Council, in its sole discretion, may declare a State of Emergency by Band Council Resolution.
- 3.2** In anticipation of a State of Emergency or during a declared State of Emergency pursuant to Article 3.1, Council may from time to time direct or authorize preparatory or preventative or mitigation measures including, but not limited to:
- a) Directing staff and enacting policies with respect to preparatory, prevention, or mitigation responses;
  - b) Establish Emergency Response Plan(s), and review and revise those plans from time to time;
  - c) Coordinate with local public health officials and staff to establish protocols, procedures, and measures for Emergency management;
  - d) Set aside budgets and reserves for Emergency management;
  - e) Require Community Members to abide by the restrictions and requirements set out in this Bylaw; and
  - f) Coordinate with Federal and Provincial authorities and departments for Emergency management.
- 3.3** Upon declaration of a State of Emergency as set out in Article 3.1, the Council, its agents, and FNSOs are authorized to exercise their respective powers and duties as set out in this Bylaw.
- 3.4** A Canada-wide or regional declaration of a State of Emergency by the Federal Government or Provincial Government of Manitoba shall be deemed to be a State of Emergency as declared pursuant to this Bylaw, permitting the exercise of powers and duties set out pursuant to this Bylaw.

*Part 4. Community Safety Recommendations*

**4.1** To best ensure the safety and security of all, Council recommends Community Members and Visitors to the Community comply with the following provisions during a State of Emergency:

**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 return to their Private Dwelling Place and remain there;
- c) Must be isolated from others within a Private Dwelling Place to the greatest extent possible;
- d) Maintain a distance of at least two (2) meters from other individuals in a Private Dwelling Place, where possible;
- e) Maintain regular electronic communication with Public Health Officials regarding Symptoms, as required by public health officials;
- f) Must undertake to visit their nearest emergency service provider if their Symptoms are worsening to a point where they cannot remain safely at home;
- g) Must wash their hands regularly with hot, soapy water for at least 20 seconds, and whenever returning to a Private Dwelling Place;
- h) Sanitize and disinfect common areas as necessary; and
- i) Must wear protective hand and face coverings (i.e.: gloves, scarves, and/or face masks) if required to leave the Private Dwelling Place 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, or get a COVID-19 test at a nursing station and Self-Isolate until they receive two “negative” test results.

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) where possible and wash hands thoroughly with hot, soapy water for at least 20 seconds after any outing.

#### **4.1.3 Preventative Measures – All Community Members, except those to whom sections 4.1.1 or 4.1.2 apply, shall practice physical (social) distancing and other preventative measures. This means:**

- a) No non-essential trips within the Community, and where essential trips are required a distance of two (2) meters is required between all individuals in any public place including outdoors;
- b) Do not gather indoors or outdoors (other than those residing in the immediate household);
- c) Only 5 individuals (excluding Northern Store employees) masked and 2 metres apart may be in the Northern Store at any given time;
- d) Work from home (Private Dwelling Place) where possible;
- e) Do not visit friends or relatives;

- f) Avoid touching your face, where possible;
- g) Sanitize /disinfect all common area surfaces regularly within Private Dwelling Places;
- h) If you are the owner/operator of any public space, ensure that all surfaces are regularly sanitized /disinfected;
- i) Self-monitor for symptoms;
- j) Shield coughs and sneezes with the inside corner of your elbow, where possible, or use a clean napkin or tissue; and
- k) Face masks or other face coverings (such as scarves) are mandatory in indoor public places such as the Northern Store, Nursing Station, Airport, and any other indoor public building.

**4.1.4 Community Visitors** – Visitors are not permitted in the Community until the State of Emergency declared by this Law is lifted. This does not include Law Enforcement and Health Care Professional or other essential service providers.

**4.2** Council may from time to time designate and authorize Essential Personnel or Emergency Personnel to fulfil roles and responsibilities during the State of Emergency including but not limited to:

- a) delivery of supplies, including food, water, and medicine, to and from designated locations at such times and subject to such conditions as Council may determine;
- b) performance of essential tasks and services, including administrative services as may be required as the Council determines;
- c) Council may designate locations or facilities as Emergency Facilities for the purpose of responding to needs or administering or providing goods and services as may be required during the State of Emergency.

**4.3** Council may from time to time in its discretion change the length of time persons with symptoms must Self-Isolate by way of BCR.

*Part 5. Community Access*

**5.1** Access to the Community shall be limited to Community Members, Law Enforcement, and Health Care Professionals or other essential service providers. No Visitors are permitted until the State of Emergency is lifted.

**5.2** Community Members are only permitted to leave the Community for medical treatment or an emergency. If Community Members leave for any other reason, they are not permitted to enter the Community until the State of Emergency is lifted, or if Council approves their departure and return in advance using the Permission to Travel Form attached as Schedule 1. Chief and Council are permitted to leave the Community as essential workers as required.

**5.3** Community Members who enter the reserve in accordance with section 5.1 or 5.2 shall follow the procedures set out in s. 4.1.2.

**5.4** Anyone who enters the reserve in accordance with section 5.1 or 5.2 shall follow the procedures set out in s. 4.1.

*Part 6. Prohibited Activities*

**6.1** For the purpose of this bylaw, a prohibited activity shall include, but is not limited to, any activity or conduct which involves or contemplates:

- a) Causing a disturbance in a public place
  - i. i.e.: fighting, screaming, shouting, swearing, using insulting or obscene language;
  - ii. public intoxication;
  - iii. impeding or molesting other persons;
- b) loitering in a public place or in any way obstructing persons who are there;
- c) loitering near any private dwelling place;
- d) wilfully disregarding any of the preventative measures set out in Article 4.1.3;
- e) breach of curfew;
- f) exceeding the number of people allowed in a public place pursuant to this bylaw, an order of Council, or pursuant to an order issued by the Chief Provincial Public Health Officer;
- g) Failure to practice social distancing or physical distancing in Public Places, as determined by an FNSO;
- h) Endangering the health, safety, and well-being of any vulnerable person, including but not limited to Elders, children, and ill Community members;
- i) Allowing Non-Residents to enter the Community or concealing the location of a Non-Resident present in the Community during the State of Emergency;
- j) Attending any public or private gathering; and
- k) Any activity that reasonably would aid, abet, promote, or encourage the commission of any Prohibited Activity.

**6.2** From when this Law is enacted to when the State of Emergency is lifted, a Curfew is in place for all Community Members from 10:00PM to 7:00AM. Council may amend these hours from time to time by Band Council Resolution and public notice.

**6.3** Council may approve a Community Member to be outside of their Private Dwelling Place by Band Council Resolution.

*Part 7. Compensation for Pandemic Planning*

**7.1** No MSCN member should receive any compensation for assisting with the pandemic planning.



*Part 8. Offences and Enforcement*

**8.1** Any person who breaches an order below will be liable for a fine of up to \$1,000:

- a) A person who resides in a private household must not permit a person who does not normally reside in that household to enter or remain in the household; and
- b) Persons from different households are prohibited from gathering in groups of 5 or more at any indoor or outdoor public place or in the common areas of a multi-unit residence, unless for groceries or other essential purposes.

**8.2** An FNSO who finds a person in contravention of any provision of this Bylaw may:

- c) Require that person to produce identification;
- d) Warn that person to immediately cease the offending activity;
- e) Warn that person to return to their Private Dwelling Place where they are found to be in contravention of a provision of this Bylaw that requires the person to be in a Private Dwelling Place;
- f) If after a warning in (b) or (c) the person refuses or neglects to return to their Private Dwelling Place immediately, the FNSO may use such reasonable force as is necessary to escort that person to their Private Dwelling Place; and/or
- g) Issue a fine pursuant to Article 8.1.

For greater certainty, an FNSO may not take the actions listed in 8.2 unless so authorized by the *Police Services Act*, *First Nation Safety Officer Regulation*, and the Operating Agreement among the Province of Manitoba, the RCMP, and MSCN.

**8.2** Essential Service Workers are exempt from this section when performing their duties.

*Part 9. Repeal, Amendment, and the Lifting of the State of Emergency*

**9.1** This Bylaw may be repealed or amended by a simple majority vote of a quorum of the Council; the ordinary procedures for repeal and amendment do not apply to this Bylaw.

**9.2** Council shall continue to review whether the Bylaw is still necessary to fulfill its Purpose of protecting Community Members and those around us from the community spread of COVID-19 or another Epidemic or Pandemic pursuant to which a State of Emergency is declared under this Bylaw.

9.3 The State of Emergency declared by this Bylaw may be lifted by a simple majority vote of the Council.

Part 10. Non-Derogation of Rights

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

Part 11. Severability

11.1 In the event that a court of competent jurisdiction or any other body with jurisdiction determines that any provision herein is unlawful or beyond the jurisdiction of the MSCN, the said provision shall be severed from this Bylaw and the remainder of the terms of this Bylaw and any resolutions enacted under this Bylaw shall remain in force and effect.

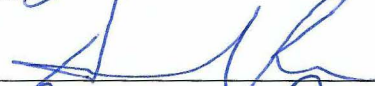
Part 12. Enactment and Coming into Force

12.1 This Bylaw is enacted and signed into Law on behalf of the Chief and a Quorum of the Manto Sipi Cree Nation, this 11 day of the month of March in the year of 2021.

12.2 This Bylaw comes into force on the date it is published to an internet website.

Council Signatures

Chief   
Name: \_\_\_\_\_

Councillor   
Name: \_\_\_\_\_

Councillor   
Name: \_\_\_\_\_

Councillor \_\_\_\_\_  
Name: \_\_\_\_\_

Councillor \_\_\_\_\_  
Name: \_\_\_\_\_