



CEGA'KIN (Carry the Kettle) NAKODA NATION
PANDEMIC RESPONSE BYLAW NO. 2021-01
April 22, 2021

WHEREAS the Chief and Council of Cega'kin (Carry the Kettle) Nakoda Nation has exercised and continues to exercise, an inherent right to self-government, which is recognized and affirmed by Section 35 of the *Constitution Act, 1982*, including its authority to place its Laws in writing and enforce them within Nation lands.

WHEREAS the Chief and Council of Cega'kin has the power to make such a bylaw pursuant to paragraphs 81(1) (a)(b)(c)(d)(p) and (r), 86(1), (2), (3), (4), and (5) of the *Indian Act*.

WHEREAS COVID-19 is present in Saskatchewan and constitutes a health emergency as a novel or highly infectious agent that poses a significant risk to public health and which presents particular and unique risks to the health and welfare of the residents and members of Cega'kin.

WHEREAS the Chief and Council wish to support and adopt all standards and orders passed by the Chief Medical Health Officer of Saskatchewan and/or by the Medical Health Officer of Indigenous Services Canada (First Nations Inuit Health Branch; FNIHB) in relation to any pandemic and/or any communicable diseases and see the same enforced on our Nation lands so long as they do not deny, detract from or abrogate our Treaty Rights.

WHEREAS there are unique conditions on the Nation lands, including the overcrowding of homes and unequal access to health care and other services, that result from factors including historical and systemic injustice and discrimination in relations to First Nations and Treaty peoples, from the failure of the Governments of Canada to honor their obligations, act in accordance with the Honor of the Crown and fully embrace reconciliation.

WHEREAS it is considered to be expedient and necessary to provide for the protection of the residents and members of Cega'kin during the spread of any communicable disease (e.g., COVID-19 virus) during a pandemic.

WHEREAS the Chief and Council wish to enact and enforce a bylaw in respect of a response to a pandemic for the health and safety of the Nation, its members and its residents in accordance with the *Indian Act R.S.C., 1985, c.1-5*.

WHEREAS to meet the unique needs and interests of Cega'kin, the Chief and Council must establish additional measures to address any communicable infectious diseases (e.g., COVID-19) that may differ from Federal or Provincial standards to more fully reflect the realities of the Nation and our rights as a People.

1.0 SHORT TITLE

- 1.1 This Bylaw may be cited as the “Cega’Kin Nakoda Nation Pandemic Response Bylaw”

2.0 INTERPRETATION

2.1 In this Bylaw:

- a. “***Authorized Personnel***” means individuals other than members or residences authorized by Chief and Council to enter, exit, provide services or engage in other activities authorized by Cega’kin within the Nation lands.
- b. “***Authorized Occupant***” means a person who is listed on the housing and/or rental agreements as an occupant of the Cega’kin Nakoda Nation home.
- c. “***Band Council Resolution***” or “***BCR***” means the documented written decision approved by four or more members of Council made at a duly convened meeting of Council, whether held in person or by electronic means.
- d. “***Cega’Kin***” means the Carry the Kettle Nakoda Nation.
- e. “***Council***” means the duly elected Chief and Council of Cega’Kin (Carry the Kettle) Nakoda Nation.
- f. “***CTK Pandemic Enforcement Officer***” means any person hired by Cega’kin to carry out duties under, or enforce, this Bylaw or other Cega’kin Laws.
- g. “***Emergency Management Team***” or “***EMT***” means the Cega’kin Emergency Management Team, as it exists on the date this Bylaw is adopted or such other bodies or individuals as the Council may appoint to the EMT from time to time.
- h. “***Emergency Manager***” means the individual appointed by Council to act and oversee all emergencies.
- i. “***Essential Services***” means:
 - i) Any services provided by first responders or the EMT whether in relation to floods, fires, other natural disasters, criminal activity, child welfare matters, or a medical emergency.
 - ii) Services provided to members or residents of Cega’kin who require home care or similar services.
 - iii) Services required to provide food, water, household cleaning products or similar items.
 - iv) Services required to provide plumbing, heating or other essential or emergency home repairs.
 - v) Provision of propane to houses.
 - vi) All required services approved by Council or EMT as essential services.

- j. “**Essential Travel**” means travel that is not prohibited by a shut-down order and may include:
- i) Travel by a member or resident for the purposes of returning to their residence within the Nation regarding employment.
 - ii) Travel by a member or resident for medical purposes.
 - iii) Travel by individuals, businesses, government entities or organizations who are providing essential services.
 - iv) Travel by authorized personnel.
 - v) Travel by a member or resident in order to obtain essential services outside of the reserve land.
 - vi) Any other travel authorized as essential travel by the Council or EMT.
- k. “**Member**” means any individual on the Cega’kin membership list.
- l. “**Nation lands**” means all those lands defined as a reserve within the meaning of the Indian Act, RSC 1985 c.1-15, and set apart for the use and benefit of the Cega’kin Nakoda Nation.
- m. “**Police**” means any person who is an officer under the *Royal Canadian Mounted Police Act*, RSC 1985, c.10, the *Police Act*, RSA 2000, c.P-17, any person authorized to act to uphold laws or orders regarding public health and safety under the *Public Health Act*, RSA 2000, c.P-37 or the *Emergency Management Act*, RSA, c.E-6.8 or by a CTK Pandemic Enforcement Officer appointed under this Bylaw.
- n. “**PPE**” means personal protective equipment (e.g., face masks, gloves, gowns, face shields, hand sanitizer).
- o. “**Prohibited Purpose**” means any activities conducted on the reserve by any person, including a member, for the following purposes: loitering, soliciting for financial gain, participating in gatherings of people prohibited by this Bylaw, gang activity, or dealing, trafficking or delivering alcohol or drugs to any person, except if they are being delivered as part of an essential health service (e.g., managed alcohol program, prescription delivery).
- p. “**Public Health Order(s)**” as declared by the Chief Medical Health Officer of Saskatchewan and/or by the Medical Health Officer of Indigenous Services Canada (First Nations Inuit Health Branch; FNIHB).
- q. “**Public Places**” means any structure or facility on the Nation lands, including administration buildings, schools, playgrounds, sports fields, recreation facilities, outdoor gathering spaces or any other building or area under the jurisdiction of Cega’kin.
- r. “**Resident**” means any individual who habitually resides within the Nation lands and is authorized by Cega’kin Nakoda Nation to do so, but who is not a member.

- s. “**Road**” means any street, lane, driveway, path or other place used for the passage of motor vehicles, ATV’s snowmobiles, bicycles or similar forms of transportation and location within the Nation lands.
 - t. “**Unauthorized Person(s)**” means any individual:
 - iii) who attempts to enter or enters Cega’kin Nation lands for any purpose other than essential services or essential travel during a pandemic period or a state of local emergency period.
 - iv) whom Council and the EMT have reasonable grounds to believe is a threat to the health and safety of others on Cega’kin Nation lands. Reasonable grounds will include refusals to follow the pandemic guidelines and previous and ongoing violations of this Bylaw.
 - v) who is not a member, resident or authorized person and yet is present on Cega’kin Nation land.
 - vi) who is under mandatory isolation in another community.
- 2.2 Security personnel, members or residents must notify the Emergency Manager when they identify unauthorized persons on Nation lands.
- 2.3 Where there is a conflict between the provisions of this Bylaw, a state of local emergency notice or shut-down order, the provisions of this Bylaw and all notices or orders issued under it, will govern on Nation lands.
- 2.4 This Bylaw shall be interpreted and applied in a manner consistent with the customs, traditions, and values of Cega’kin Nakoda Nation and nothing in this Bylaw will be construed or interpreted so as to deny, abrogate or derogate from any of the Treaty Rights of Cega’kin Nakoda Nation or its members.

3.0 PURPOSE AND APPLICATION

- 3.1 The purpose of this Bylaw include:
- a. Limiting or preventing the spread of communicable diseases within the Nation lands.
 - b. Supporting the presence of the Police on Nation lands as necessary to enforce any provisions of Provincial Public Health Orders that apply on Nation lands and assist with enforcement of the provisions of this Bylaw.
 - c. Confirming that the state of local emergency within the Nation lands continues and that more restrictive measures are needed within Nation lands.
 - d. Council authorizing the EMT to impose any restrictions or measures within the Nation lands that are necessary to fulfill the purposes of the Bylaw.
 - e. Creating the penalties, including fines in situations where this Bylaw is breached.

- 3.2 This Bylaw applies on Nation lands, to all persons present on Nation lands and to all businesses or commercial activities operating on Nation lands.
- 3.3 This Bylaw applies to residential property and community residents on Nation lands.
- 3.4 During a state of local emergency, all members, residents, authorized personnel, Cega'kin employees and contractors, other individuals present on Nation lands and commercial ventures or corporations operating on Nation lands must comply with the provisions of this Bylaw and any state of local emergency notices or shut-down orders issued under it or face the penalties provided for in Article 6 (Enforcement and Penalties).
- 3.5 Breaches of this Bylaw may be considered by Council and the EMT in relation to making decisions on matters including:
- a. Whether to cancel or renew authorizations issued under this Bylaw.
 - b. Renewal, revocation or termination of Business Lease Agreements.
 - c. Issuance or revocation of Business BCRs.
 - d. Decisions on renewals, or awards of, contracts with Cega'kin Nakoda Nation.
 - e. Employee performance or disciplinary matters.
 - f. Decisions regarding discretionary benefits and services to members or residents.
 - g. Any other Cega'kin Nakoda Nation decisions where Council considers breaches to be relevant consideration.

4.0 STATE OF LOCAL EMERGENCY

- 4.1 A state of local emergency will be declared by Council through a BCR and will remain in place until rescinded by a BCR.
- 4.3 During a state of local emergency, Council and the EMT may issue notices, orders, directives, guidelines, or implement any other measures it determines appropriate, in its discretion, to ensure compliance with this Bylaw and with the Provincial Public Health Order(s) within our Nation lands.
- 4.4 During a state of local emergency and upon confirmation of any communicable diseases (i.e., epidemic and pandemic) within the Nation lands, Council and the EMT may issue a shut-down order for any period of time and on such terms, as they determine appropriate to ensure compliance with this Bylaw.
- 4.5 Subject to the terms of any state of local emergency notice or shut-down order, Cega'kin will maintain essential travel and essential services during the state of local emergencies.
- 4.6 State of local emergency notices or shut-down orders may address matters, including:

- a. Full shut-down measures including restrictions on unessential travel, unessential services, interactions between households, gatherings of any kind and other reasonable measures necessary to limit the risk of the spread of communicable diseases (i.e., COVID-19).
- b. Terms and conditions under which members, residents, authorized personnel, Cega`kin employees, or other individuals may enter and exit the Nation lands.
- c. Establishment of checkpoints to ensure compliance with this Bylaw on any road or public place.
- d. Regulation of traffic within Nation lands and use of roads.
- e. Restrictions on hours of operation and manner of operation, or any business or commercial activity, operated or otherwise conducted within our Nation lands.
- f. Regulation of unauthorized persons and trespassers on Nation lands, including denial of access to Nation lands, removal from Nation lands, or restrictions and conditions on access to Nation lands for any period of time determined appropriate, until the state of local emergency is rescinded.
- g. Restrictions on access to, and use of, any Cega`kin owned building or facility, including public places.
- h. Curfews within Nation lands as deemed necessary by Council and EMT.
- i. Measures needed to ensure compliance with Provincial Public Health Order(s) and this Bylaw, include:
 - i) Requirements to wear PPE within our Nation lands.
 - ii) Requirements for self monitoring/self-isolation is mandatory if returning from a region declared as an outbreak by the Chief Medical Health Officer of Saskatchewan and/or by the Medical Health Officer of Indigenous Services Canada (First Nations Inuit Health Branch; FNIHB).
 - iii) Restrictions and rules for all activities within our Nation lands, including commercial, public or private gatherings, religious gatherings, weddings, funerals, education, and/or community sporting and cultural events.
 - iv) Requirements to maintain appropriate social distancing.
 - v) Other safety measurements determined appropriate by the Council and the EMT.
- j. Other regulations that may assist with achieving the purpose of this Bylaw.

4.7 State of local emergency notices and shut-down orders will be published on Cega`kin website (www.cegakin.com), posted on social media (i.e., myCTK), the Nakoda Junction store and in any buildings that remain accessible to the public and conspicuous locations within the Nation lands.

5.0 UNAUTHORIZED ACCESS

- 5.1 No person is permitted on Nation lands, or any part of it, if that person is frequenting the reserve for a prohibited purpose.
- 5.2 Council may designate any part of the Nation lands to be a restricted area.
- 5.3 A person may only enter or be present on a restricted area if they are:
- a. A member of Cega`kin.
 - b. An authorized occupant.
 - c. The spouse or family member who routinely resides with a member on restricted area.
 - d. Conducting emergency repairs.
 - e. Delivering goods to a home or a member-owned business in the restricted area, except alcohol or drugs unless they are being delivered as part of an essential health service as approved by a physician or a certified health professional.
 - f. Caring for an authorized occupant/resident.
 - g. Providing emergency services (e.g., firefighting, child and family, medical, police and search and rescue services).
 - h. Doing work to maintain or repair public infrastructure (e.g., utilities, hydro, phone, internet, snowplowing, garbage removal).
- 5.4 Council may approve a request made in writing for a person to enter or be present in a restricted area for a reason not specified in section 5.3 above.
- 5.5 Council may designate a person to be unauthorized if they have been determined to be a threat to the health and safety of Cega`kin Nakoda Nation.
- 5.6 Non-compliance with Community Alert Levels (refer to the Communicable Disease Emergency Plan).
- 5.7 **Restrictions and Closure of Public Facilities**
- a. Council may order closure or restrictions on access to community facilities on the Nation lands, including schools, playgrounds, recreation and cultural facilities.
- 5.8 **Restrictions on Businesses**
- a. Council may make orders restricting the hours of operation and number of persons entering businesses or other premises on Nation lands.

5.9 Compliance with the Public Health Order(s)

- a. All individuals present on our Nation lands must strictly adhere to the Public Health Order(s) and recommendations on the following:
 - i) Travel restrictions.
 - ii) Self-isolation and/or self-monitoring.
 - iii) Pending restrictions on mass gatherings of people (e.g., funerals).
 - iv) Stay home.
 - v) Pending restrictions on household visiting, (e.g., including other family members living on Cega'kin).
 - vi) Social distancing.
 - vii) Wearing PPEs within public areas.

5.10 Mandatory Isolation

- a. A person who resides in the same household as a person who is under mandatory isolation pursuant to orders of the Provincial Public Health orders or this Bylaw, must self-isolate for fourteen (14) days.

5.11 Extending Protective Measures

- a. Council may extend Protective Measures on Nation lands to be more stringent than an order or recommendations made by the Provincial Public Health Officer or by FNIHB, if Council determines such requirements are reasonable and necessary to protect the health and safety of Cega'kin Nakoda Nation.

6. ENFORCEMENT AND PENALTIES

6.1 Inspection

- a. The Police have authority to follow-up on reports (from security or individuals) of persons not complying with the provisions of this Bylaw, Provincial Public Health orders and FHNIB, without limitation, to determine whether:
 - i) A person is given authority to be on our Nation lands, confirmed by the Emergency Manager.
 - ii) A person is frequenting the reserve for a prohibited purpose.
 - iii) A person has been designated an unauthorized person by Council under section 5.6.
 - iv) A gathering of people in a home, building and outside on our Nation lands that exceeds the number specified in any order of the Provincial Public Health, FNIHB or this Bylaw.
 - v) A person is under mandatory isolation in accordance with an order from the Provincial Public Health order, FNIHB or this Bylaw.

6.2 Orders

- a. The CTK Pandemic Enforcement Officer or Police may order a person to comply with Public Health orders, FHNIB or this Bylaw that is necessary to:
 - i) Determine whether Unauthorized Access (s.5) procedures are being followed.
 - ii) Prevent exposure to a communicable disease (e.g., COVID-19) or to decrease the risk of harm of exposure to the virus.
 - iii) Bring the person into compliance with this Bylaw.
- b. The CTK Pandemic Enforcement Officer or the Police may:
 - i) Order any person who is frequenting our Nation lands for a prohibited purpose to immediately leave.
 - ii) Where a gathering of people on our Nation lands exceeds the number specified in any Provincial Public Health order, FNIHB or this Bylaw by ordering an immediate disbursement.
 - iii) Order any person who is under mandatory isolation in accordance with an order from the Provincial Public Health Officer, FNIHB or this Bylaw to adhere to the isolation order.
- c. Where a person who has been ordered to leave the Nation lands fails or refuses, the CTK Pandemic Enforcement Officer or Police will take reasonable measures to remove the person from our Nation lands.

6.3 Offences

- a. A person can not interfere with, obstruct, or fail to comply with the CTK Pandemic Enforcement Officer or the Police exercising their enforcement powers.
- b. A person who contravenes or breaches any of the Unauthorized Access procedures under this Bylaw.
- c. Each offence committed will be deemed a separate offence and may be punished as such.
- d. The offences created by this Bylaw are in addition to, and do not replace, any applicable Provincial and/or Federal offences.

6.4 Penalties

- a. A person living on our Nation lands who does not comply to the mandatory isolation order given by a Public Health Nurse, Cega'kin Health Nurse, or FNIHB COVID Nurse (e.g., COVID-19).
- b. A person who breaches the provisions of this Bylaw, a Provincial Public Health order or fails or refuses to obey an order pursuant to this Bylaw (e.g., mass gatherings, close contacts).

- c. Any person who refuses to comply with a state of local emergency order and/or community restrictions.
- d. Any unauthorized person present on our Nation lands is trespassing contrary to section 30 of the *Indian Act*.
- e. Persons in breach of this Bylaw commit an offence punishable on summary conviction by a fine not exceeding \$2,800.00 or imprisonment, for a term not exceeding 30 days, or both, pursuant to section 81(1)(r) of the *Indian Act*.
- f. The CTK Pandemic Enforcement Officer will notify the Police of any breaches of this Bylaw, including the name, date and incident.
- g. The Police may issue a violation ticket and/or removal to any member or residence for a breach of this Bylaw.
- h. Violation tickets issued by the Police may impose any reasonable sanction or penalty, including:
 - i) Fines, up to \$2,800.00 and/or imprisonment for term not exceeding 30 days, or both.
 - ii) A prohibition on access to Cega`kin, its property and lands, private residences (other than their own), or public places for a period of time, not to exceed 30 days per violation.
 - iii) A prohibition on entry or exit from the Nation lands for a specified period of time not to exceed 30 days per violation.
 - iv) Removal from, or denial of entry to our Nation lands.
- i. In addition to the possible fine and term of imprisonment, a person may be found to be in violation of any provincial public health order(s) and regulations, meant to prevent the introduction and spread of communicable diseases.
- j. Where a Violation Ticket imposes a fine, unpaid fines under this Bylaw constitute a debt owed to Cega`kin.
- k. Cega`kin may recover unpaid fine amounts, in total or in installments, from any discretionary funds owed to the individual who was issued the Violation Ticket.
- l. The offences created by this Bylaw are in addition to and do not replace any applicable provincial public health order(s).
- m. Council will support the Police in the prosecution of offences under this Bylaw and may pursue private prosecution or Court-ordered enforcement of the provisions of this Bylaw, including orders restraining contravention of this Bylaw or removals of unauthorized persons, as it determines is appropriate.

7. GENERAL

- 7.1 Upon enacting this Bylaw, Council will publish the Bylaw on the Cega`kin website, in the First Nations Gazette and by posting a copy of this Bylaw in conspicuous locations on the Nation lands. The Bylaw will remain on the Cega`kin website so long as it remains in force.
- 7.2 No member of Council, an Official, Cega`kin employees or representatives of Cega`kin or Council are liable for:
- a. Loss or damage caused by anything said or done or omitted to be done in good faith in the performance or intended performance of their functions, duties or powers under this Bylaw.
 - b. Any loss or damage, including economic loss, experienced by any person, or sustained by the property of any person, as a result of neglect or failure, for any reason, to discover or detect any contravention of this Bylaw.
 - c. From the neglect or failure, for any reasons, to enforce this Bylaw.
- 7.3 Should a Court determine that any provision of this Bylaw is invalid for any reasons, the provision shall be severed from the Bylaw, and the validity of the rest of the Bylaw shall not be impacted.

8. EFFECTIVE DATE

- 8.1 This Bylaw comes into force and is effective on the date on which it is first published in accordance with Section 86 of the Indian Act.
- 8.2 This Bylaw may be amended by Band Council Resolution. All amendments will be published on the Cega`kin website and will be effective as the date of the publication.

THIS BYLAW IS HEREBY DULY ENACTED by Council on the 22nd day of April 2021 at Cega`kin Nakoda Nation in the Province of Saskatchewan at a duly called and conducted Council meeting at which the required quorum of four (4) members of Council was present throughout.



Chief Brady O'Watch



Councillor Scott Eashappie



Councillor Morris Pasap



Councillor Shawn Spencer



Councillor Conrad Medicine Rope

Councillor Orleen Saulteaux