

PIC MOBERT FIRST NATION (NETIMIZAAGAMING NISHNAABEG)

BYLAW TO PROVIDE FOR THE HEALTH OF RESIDENTS ON THE PIC MOBERT RESERVE AND TO PREVENT THE SPREADING OF CONTAGIOUS AND INFECTIOUS DISEASE

DATE: March 27, 2020

WHEREAS the Pic Mobert First Nation Council has considered the situation created by the COVID 19 Pandemic, and determined that it constitutes a grave and immediate threat to the lives, health and safety of the residents of the Pic Mobert Reserve;

WHEREAS the Pic Mobert First Nation Council has declared a State of Emergency effective March 20, 2020;

WHEREAS the COVID 19 Pandemic has been declared a State of Emergency by the government of Ontario on March 17, 2020;

WHEREAS the COVID 19 virus has been declared a Pandemic by the World Health Organization on March 11, 2020; the Assembly of First Nations on March 24, 2020 and many other jurisdictions across the world have also declared it as such; closed their borders, restricted travel and implemented laws requiring persons to self-isolate and quarantine; and have encouraged people to remain indoors as a means to stopping the spread of COVID 19 etc.

WHEREAS the COVID 19 virus is extremely contagious and is both symptomatic and in some cases is asymptomatic, meaning a person can be a carrier of the disease or the infection, but experiences no symptoms and can still pass on the virus to others unknowingly;

WHEREAS the Pic Mobert First Nation is extraordinarily vulnerable to the COVID 19 virus due to overcrowding, members having compromised health conditions such as diabetes and immune deficiencies, and many families include elderly members and children who are at great risk;

WHEREAS the Pic Mobert First Nation Council advised its members to stay indoors and to practice social distancing and recognizes that children are at great risk and are dependent on adults/parents for their protection;

WHEREAS the Pic Mobert First Nation was already experiencing inequalities to health and other essential services prior to the outbreak of COVID 19; and the Pic Mobert First Nation does not currently have testing kits for the COVID 19 virus, and does not have public health assistance or medical supplies;

WHEREAS the Pic Mobert First Nation is doing its best to monitor policies and health practices and laws for the containment of the COVID 19 virus of other First Nations and from other jurisdictions including the World Health Organization, and Ontario and Canada's directives to contain the outbreak of COVID 19 etc.;

WHEREAS the Pic Mobert First Nation will support any laws from Ontario and Canada which may apply on its First Nation in order to contain the COVID 19 virus;

WHEREAS the Pic Mobert First Nation will implement measures to protect the residents of the First Nation's reserve land and its residents from exposure to and illness and/or fatalities from the COVID 19

virus including a requirement for persons to isolate or remain quarantined; to control traffic in and out of the reserve; to identify and implement measures to support the suppression of the pandemic, including disentiing persons from entry or residency on reserve who pose a threat to the First Nation and its members, and providing for enforcement of its measures by fines and/or jail.

THEREFORE THE PIC MOBERT FIRST NATION COUNCIL HEREBY ENACTS THE FOLLOWING AS A BYLAW:

This bylaw is made pursuant to the Council's inherent and traditional powers as the government of the Pic Mobert First Nation, and pursuant to subsections 81(1) (a), (b), (c), (p), (p.1), (q) and (r) of the *Indian Act*.

TO PROVIDE FOR THE HEALTH OF RESIDENTS ON THE RESERVE AND TO PREVENT THE SPREADING OF CONTAGIOUS AND INFECTIOUS DISEASE

COUNCIL MAY IMPLEMENT ONE OR MORE MEASURES

1. The Council may at any time, by way of a BCR or by way of a simple motion passed by Council and recorded in writing and certified by the signature of the Chief or any Councillor, a copy of which BCR or motion passed by Council to be held at the Band Office and also posted publicly to the Pic Mobert website:
 - A. Put into effect or remove from application any one or more of the measures or penalties as set out herein, including removal of entitlement of any person to reside at the Pic Mobert Reserve;
 - B. Extend a quarantine period beyond 14 days as provided for in paragraphs 2 and 3, designate a quarantine building under paragraph 4, reasonably amend the list of persons authorized to enter the reserve under paragraph 8, reasonably amend the specific conditions of entry under paragraph 9, or identify any person, persons or class of persons authorized to enter or leave the reserve under sub-paragraph 18.C.v.

MANDATORY QUARANTINE

2. Persons who are residents of the Pic Mobert Reserve shall upon entry to the reserve after any absence, quarantine and monitor themselves in their homes , with their family members if in the same household, for a minimum period of 14 days and this may be extended to a period of up to 28 days;
3. Persons who are current residents and who exhibit symptoms of cold, flu, or COVID 19 shall also quarantine and monitor themselves in their homes, with their family members if in the same household, for a minimum period of 14 days and this may be extended to a period of up to 28 days;
4. A person who is quarantined may also be quarantined in a designated building as authorized by the Council.
5. The mandatory quarantines above are subject to only the following exceptions:
 - A. Medical emergency or to see a health care provider;
 - B. To escort a family member to travel out of the community for a medical emergency or to see a health care provider or to provide necessary assistance to another person;
 - C. Any person who is under quarantine may communicate (under precautionary measures including gloves, masks, social distancing of 6 ft etc.) with:
 - i. A health care provider to deal with symptoms and monitoring and if necessary, for the purpose of admittance to hospital or testing for the COVID 19 virus;
 - ii. A First Nation representative to deal with food, medications, support and monitoring etc.

6. All persons who are under quarantine may have their names made public, including posted publicly to the Pic Mobert website and social media platforms, so that other residents can take proper precautions to stay away, prayers can be given, and/or ceremonies can be made if in accordance with paragraphs 15-17 (Limit to Gatherings).

RESTRICTIONS ON ENTRY, TRAVEL TO RESERVE, RESIDENCY

7. A road block at the reserve entrance has been erected and will be secured and manned 24 hours per day.
8. Entry to the Reserve will not be allowed to any persons who are not ordinary residents of the Pic Mobert Reserve, subject only to the following exceptions, who shall be escorted in and out:
 - a. Medical, fuel, and food suppliers;
 - b. The Anishinabek Police Services;
 - c. The Ontario Provincial Police Services;
 - d. Fire and ambulance services;
 - e. Sewage and septic operators;
 - f. health officials;
 - g. Child and Welfare agencies;
 - h. Security personnel;
 - i. Contractors working on projects identified as essential by the Council;
 - j. Other authorized persons as approved by Council;
 - k. Authorized employees of any of the above, if necessary.
9. All persons entering and leaving, whether resident or not, shall be subject to the following conditions of entry:
 - a. A screening questionnaire;
 - b. Providing contact and vehicle identification information including licence numbers;
 - c. Infrared thermometer testing;
 - d. Location of where they are traveling to and coming from;
 - e. COVID 19 Test Kits if available;
 - f. Identity of all persons in the vehicle.
10. Security personnel controlling the entry gate shall be provided with an up to date list of authorized persons and any additional specific conditions of entry.

CURFEWS, SOCIAL DISTANCING, STAYING IN OWN RESIDENCES

11. A curfew shall be in effect from 10 pm to 6 am.
12. The curfew shall apply to all persons on reserve without exception.
13. All residents are to stay indoors in their own residences or yards as much as possible during this pandemic and outbreak of COVID 19.
14. If out of their residences, all residents are to follow social distancing policies of 6 feet or 2 meters apart from persons not residing in the same household, as recommended by medical experts.

LIMITS TO GATHERINGS AT PUBLIC AND PRIVATE PLACES

15. There shall be no gatherings greater than 5 persons by residents in their private places, homes or yards, except where more than 5 persons are residing together in the same residence.

16. If there is a necessary gathering in the Band office or Community Rec Hall, attendees shall not exceed 5 persons;
17. All gatherings must adhere to social distancing rules recommended by medical experts of 6 feet or 2 meters apart from other persons.

TRAVEL FOR MEDICAL EMERGENCIES ONLY, COMMUNITY LOCKDOWN, SECURITY, RESIDENCY

18. During a community lockdown, No persons, including ordinary residents, are permitted to enter or leave the Pic Mobert Reserve, subject only to the following exceptions:
 - A. Medical emergency or to see a health care provider,
 - B. To Assist residents in a medical emergency.
 - C. Deliveries of essential services:
 - i. Medical supplies;
 - ii. Food supplies;
 - iii. Fuel supplies;
 - iv. Mail;
 - v. Any other person that the Council has approved, including pursuant to paragraph 8.
19. Any persons who leave the Reserve without authorization pursuant to this bylaw are subject to paragraph 21 (loss of entitlement to residency on the reserve, fines etc.) and other penalties and enforcements.
20. The Pic Mobert First Nation may appoint a licenced security firm to assist with and support the enforcement of this bylaw as a measure to save, protect and reduce harm to the lives, health and safety of the First Nation and its members and all residents of the Pic Mobert Reserve.

PENALTIES

21. Contravention of this bylaw is punishable by:
 - A. immediate removal of the violator from the Pic Mobert Reserve, cancellation of the violator's entitlement, if any, to reside at the reserve, or both, and
 - B. imposition on summary conviction of a fine not exceeding one thousand dollars or imprisonment for a term not exceeding thirty days, or both.

FURTHER ENFORCEMENT

22. In addition to enforcement under paragraph 20, the First Nation Council is authorized to apply to a court of competent jurisdiction:
 - A. under subsection 81(2) of the Indian Act for an order against any person prohibiting the continuation or repetition of any offence under this bylaw, or
 - B. under subsection 81(3) of the Indian Act for an order restraining any person from contravening this bylaw.

COPIES OF BYLAW AND AMENDMENTS

23. Copies of this bylaw shall be held at the Band Office, the entry gate and also will be posted publicly to the Pic Mobert website.
24. This Bylaw may be Amended from time to time by approval of the Council.

**THIS BYLAW WAS ENACTED UNDER EXTRAORDINARY AND EMERGENCY MEASURES BY THE
(NETIMIZAAGAMING NISHNAABEG) COUNCIL AT A DULY CONSTITUTED MEETING HELD March 27,
2020.**