

**RESOLUTION OF THE COUNCIL OF KLAHOOSE FIRST NATION
("KFN)**

RESOLUTIONS passed at a duly convened meeting of the Council of KFN on April 7, 2020.

WHEREAS:

- A. The World Health Organization declared the outbreak of a novel coronavirus which causes coronavirus disease 2019 ("COVID-19") in humans and has recognized COVID19 as a pandemic;
- B. On March 18, 2020, British Columbia's Provincial Health Officer declared a state of emergency under the *Public Health Act* in respect of COVID-19 and has made orders intended to limit the spread of COVID-19 within the general population of the province;
- C. COVID-19 is highly contagious and the spread of COVID-19, is a serious threat to life, health, well-being and society;
- D. Chief and Council of KFN have the authority to govern their members on reserve and the fiduciary obligation to make decisions in the best interests of all KFN members;
- E. The *Indian Act* under s. 81 confirms the authority of KFN's Council to make by-laws providing for:
 - (a) ...the health of residents on the reserve and to prevent the spreading of contagious and infectious diseases;
 - ...
 - (c) the observance of law and order;
 - (d) the prevention of disorderly conduct and nuisances;
 - ...
 - (p) the removal and punishment of persons trespassing on the reserve or frequenting the reserve for prohibited purposes;
 - (q) with respect to any matter arising out of or ancillary to the exercise of powers under this section;
- F. Council seeks to take measures to safeguard and protect the health and safety of Residents of a Reserve;

NOW THEREFORE BE IT RESOLVED that the Council of KFN, at a duly convened meeting, enacts the following By-law:

1. **Short Title**

This By-law may be cited as "COVID-2019 Prevention By-Law".

2. **Definitions**

In this By-law:

"Authorized Person" means a person who is:

- (a) providing health care or emergency services;
- (b) providing essential appliance or home repairs services;
- (c) delivering goods to a resident of a Reserve;
- (d) a KFN member using a Reserve for a traditional purpose including harvesting; or
- (e) authorized in writing by Council or KFN's Administrator to enter a Reserve;

"Indian Act" means the *Indian Act*, R.S.C. 1985, c. I-5;

"Officer" means:

- (a) a Peace Officer; or
- (b) any person designated in writing by Council to enforce this By-law;

"Peace Officer" means:

- (a) an officer of the Royal Canadian Mounted Police;
- (b) any other person charged by Canada or British Columbia with the duty to preserve and maintain the public peace;

"person" means an individual;

"Reserves" means reserves set apart for KFN and includes the reserves known as Ahpokum 9, Deep Valley 5, Klahoose 1, Quaniwsom 2, Quequa 6, Salmon Bay 3, Siakin 4, Squirrel Cove 8, Tatpo-ose 10, and Tork 7 ;

"Resident" means a person who resides full-time on a Reserve;

"Unauthorized Person" means any person who is not a Resident or an Authorized Person;

3. **Application**

This By-law applies to the Reserves.

4. **Restrictions on Entering the Reserve**

Only a Resident or an Authorized Person may enter or remain on a Reserve.

5. **Physical Distancing Requirements**

- (a) Subject to section 5(b)(b), all persons on Reserve must adhere to physical distancing at all times by maintaining a minimum physical distance of at least 2 metres (6.5 feet) from all persons other than those with whom the person resides.
- (b) Where Authorized Persons who are healthcare providers determine, in their sole discretion, acting reasonably, that closer proximity is required for the delivery of health care, section 5(a) will not apply during the delivery of such health care.

6. **Restriction on Gatherings**

In addition to the physical distancing requirements set out in section 5, no person shall organize, host or attend a gathering, whether indoors or outdoors, of more than five people who do not reside in the same household.

7. **Self-Isolation**

In each of the following circumstances, if:

- (a) a Resident has travelled outside Canada and returned to a Reserve on or after March 12, 2020;
- (b) a Resident has been within two metres of a person known or suspected to have been infected with COVID-19;
- (c) after the coming into force of this By-law, a Resident has attended a gathering which did not comply with the restrictions on gatherings set out in section 6 (whether the gathering was on or off Reserve); or
- (d) a Resident develops any symptoms or signs of COVID-19, such as fever, cough, sore throat or difficulty breathing,

then the Resident must self-isolate, for a period of 14 days commencing upon the occurrence of the circumstance. Self-isolation is defined in the order of the Provincial Health Officer dated March 17, 2020, and includes remaining to the furthest extent possible physically separate and apart from all other persons and avoiding any direct or proximate contact with others.

8. Closure of Public Facilities

In order to reduce the likelihood of transmission of COVID-19, Council may, at its sole discretion, order the closure of, or set restrictions on access to, public facilities on Reserve.

9. Enforcement and Penalties

- (a) An Officer may stop people seeking to enter a Reserve or who are on a Reserve to determine whether the person is a Resident or Authorized Person.
- (b) A Peace Officer may take such reasonable measures as are necessary to prevent an Unauthorized Person from entering a Reserve or to cause an Unauthorized Person to leave a Reserve.
- (c) An Officer may enter a home to determine whether a gathering that does not comply with either section 5 or 6 (or both) is taking place. If the Officer determines that a gathering is in breach of either section 5 or 6 (or both) is taking place, the Officer may order persons who do not reside at the home to leave the home and may order persons who are not Residents to vacate a Reserve.
- (d) A person who contravenes any of the protective measures under this By-law commits an offence.
- (e) A person who commits an offence under this By-law is liable on summary conviction to a fine of up to \$1,000 pursuant to section 81(1)(r) of the *Indian Act*.
- (f) Where an act in contravention of this 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.
- (g) The offences created by this By-law are in addition to, and do not replace, any applicable provincial or federal offences.

10. Coming into Force and Duration

This By-law comes into effect on the date that it is adopted by Council and remains in effect until it is revoked by Council. This By-law will be posted on KFN's website and in the band office.

11. Amendments

- (a) Council may approve written amendments to this By-law, including additional protective measures, by vote at a duly convened meeting. Given the emergency situation, no consultation with membership will be required for any amendments.
- (b) If the Council approves an amended By-law, it will promptly post the new By-law on the KFN website and at the Band office.

12. **Approval**

This By-law is approved at an emergency meeting of Council held on April 7, 2020.

Chief Kevin Peacey

Councillor Billy Barnes

Councillor Michelle Robinson

Councillor Helen Hansen

Councillor Steven Brown