

VIRTUAL WEBINAR

Impacts COVID 19 – Part 3: COVID 19 Laws and Emergency Management Laws

Thu, June 4th 2020

9:30 AM (PDT) – 60 minutes



Angie Derrickson

Manager, Training, Mentorship
& Professional Development

TMPD Virtual Webinar Welcome



2020 Virtual Webinar Schedule



Training, Mentorship & Professional Development

TMPD Virtual Webinar & Workshop 2020 Schedule

4.	Impacts COVID 19 – Part 3 – Emergency Law Development	Jun 4
5.	First Nation Hub for Land Governance Planning – Updated Strategy	Jun 18
6.	GIS Needs Assessments	Jul 2
7.	Community Engagement (techniques, online tools, data collection)	Jul 16
8.	Impacts COVID 19 – Part 4 – TBD	Jul 30
9.	Framework Agreement Background	Aug 13
10.	Matrimonial Real Property Laws under Land Code, NALMA-COEMRP Partnership	Aug 27
11.	Mines and Minerals, Oil and Gas, Surface Access – Title & OIC	Sep 10
12.	Planning, Planning Types and Integrated Planning	Sep 24
13.	Property Transfer Tax, TULO Partnership (Tzeachten Case Study)	Oct 8
14.	Impacts COVID 19 – Part 5 – TBD	Oct 22
15.	Lands Advisory Board – Annual General Meeting	Oct 27-28
16.	Different meanings of Consultation & Engagement across Canada	Nov 5
17.	ATR/TLE, TULO Partnership (Brokenhead Case Study)	Nov 19
18.	Individual Agreement – Roles, Responsibilities & Expectations	Dec 3
19.	Historical Treaties	Dec 17

The screenshot shows the website's 'Upcoming Events' page. At the top, there's a navigation menu with options like 'WE ARE...', 'I AM A...', 'FRAMEWORK AGREEMENT', 'GOVERNANCE TOOLS', 'DISCOVER', 'EVENTS', and 'CONTACT US'. Below the menu, there's a search bar and a 'FIND EVENTS' button. The events are listed by month: June 2020 and July 2020. Each event entry includes a date and time, a topic, and a 'Find out more' link.

- Jun 4, 2020 @ 9:30 am - 10:30 am PDT**
Topic: Impacts COVID 19 – Part 3 – COVID 19 Laws & Emergency Management Laws
Date: June 4, 2020 Time: 9:30 AM (PDT) Length: 60 mins [-]
- Jun 18, 2020 @ 9:30 am PDT**
Topic: First Nation Hub for Land Governance Planning – Updated Strategy
Date: Jun 18, 2020 Time: 9:30 AM (PDT) SAVE THE DATE Notice & Registration will be [-]
- Jul 2, 2020 @ 9:30 am PDT**
Topic: GIS Needs Assessments
Date: Jul 2, 2020 Time: 9:30 AM (PDT) SAVE THE DATE Notice & Registration will be circulated once details are available.
- Jul 16, 2020 @ 9:30 am PDT**
Topic: Community Engagement (techniques, online tools, data collection)
Date: Jul 16, 2020 Time: 9:30 AM (PDT) SAVE THE DATE Notice & Registration will be circulated once details are available.



<https://labrc.com/events/>



TMPD Virtual Webinar Guidelines



Some administrative details to enhance the Webinar session:

1. Mute all your devices
2. Recording in Progress
3. SLIDO Questions, Comments, Closing Poll



A white rounded rectangle with a green border. On the left is a grey icon of two people with speech bubbles. To the right of the icon, the text "SLIDO.com" is written in a large, bold, black font, and "#TMPD-JUN-04" is written below it in a smaller, bold, black font.





1. Virtual Webinar Questions
2. TMPD Signatory Impacts Survey

Connect laptop & mobile device to:

Website-App www.sli.do
Event Code [#TMPD-JUN-04](https://twitter.com/TMPD-JUN-04)



Presentation & Materials
are available online: www.labrc.com/event



Agenda & Objectives



9:30

Introduction

9:35

Government Responses to the COVID 19 Pandemic

9:40

First Nation COVID-19 Laws

9:45

Emergency Management Laws

10:00

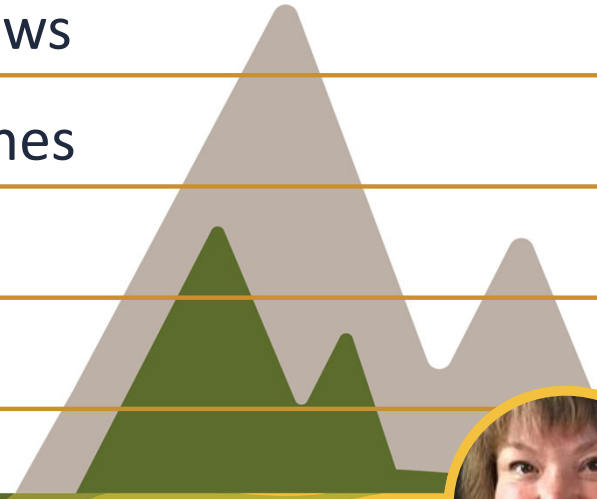
Community Based Approaches

10:10

Q&A, Discussion

10:30

Closing



TMPD Virtual Webinar Presenters

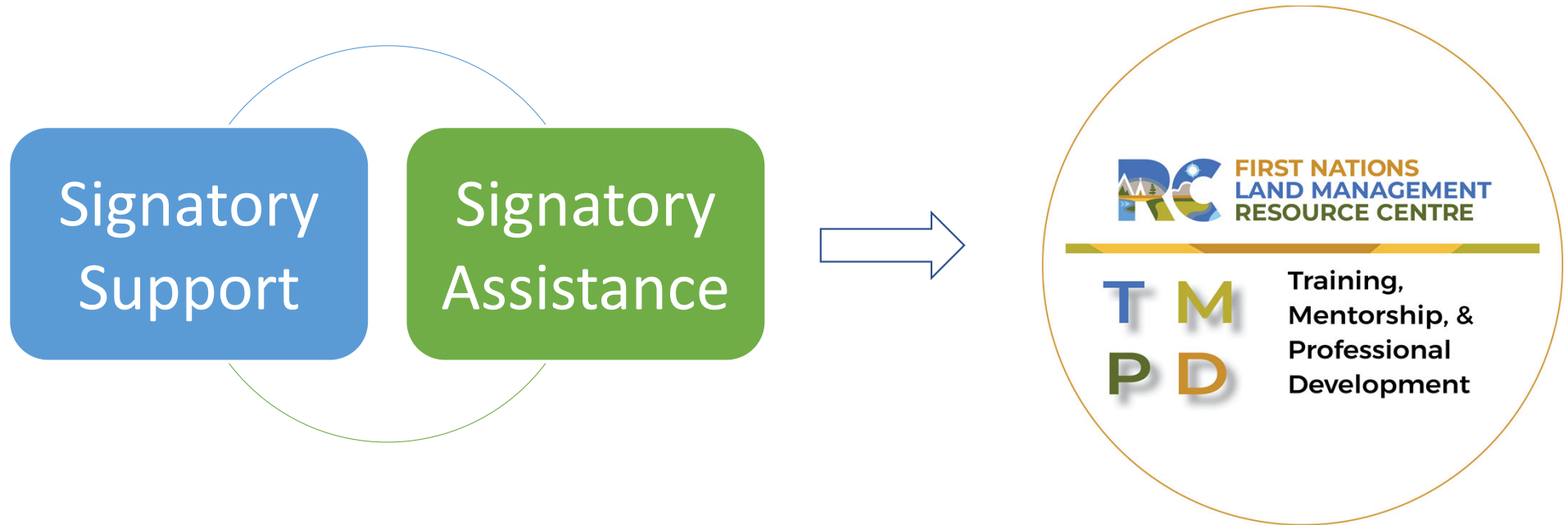


Andrew Beynon
Law Making &
Enforcement Advisor



Dawn Charlie
Sts'ailes

Framework Agreement



“Supporting First Nations to exercise their Inherent Right to govern their Lands and Resources.”



Introduction



- As with other governments in Canada, the pandemic has triggered a variety of responses
- Some First Nations have focused on education and health initiatives without enacting COVID 19 laws
- Others have enacted COVID 19 laws as part of a broader response to the pandemic
- There is no one size fits all response to the COVID 19 pandemic



COVID 19 Pandemic Response



- Framework Agreement (FA) First Nations have the option of enacting COVID 19 laws – no obligation to enact laws
- COVID 19 laws can be one element of the response along with signs, access checkpoints, health announcements, markings for social distancing in buildings, social media education, masks, etc.
- There are now useful examples of First Nation COVID 19 law to consider – but consider the needs and governance systems in your own particular community
- One size does not fit all



Federal, Provincial and First Nation COVID 19 Laws



- Canada has issued orders (essentially regulations) under Acts of Parliament for cross border issues – e.g. quarantine requirements for workers returning to Canada
- Canada’s international border laws likely apply to First Nations
- Provincial COVID 19 laws might apply on reserve – but not portions dealing with “use of land” - for example maximum occupancy
- Many First Nations have enacted COVID 19 laws which do not conflict with provincial laws
- First Nation COVID 19 laws typically build on provincial requirements and address priorities of particular importance to those First Nations



Federal, Provincial, and First Nation Emergency Management Laws



- FA: federal Emergencies Act applies (expropriation provisions restricted)
- Emergencies Act not used for COVID 19 – perhaps future emergencies?
- Provincial emergency laws refer to province wide and municipal emergencies (no mention of First Nations)
- However, where First Nations declare emergencies, provincial cooperation is triggered – provinces look to Canada for cost recovery
- Land code First Nations can enact Emergency Management Laws – future pandemics, earthquakes, natural disasters etc.
- Law can be linked to plans – systems, training, forms etc. built before next emergency occurs
- Emergency Management Laws typically: prevention, response, recovery



Indian Act COVID 19 by-laws



- Indian Act by-law making authority remains even if you have a land code
- Section 81 of the Indian Act provides in part for by-laws regarding:
 - (a) control of diseases
 - (c) observance of law and order
 - (p) trespass
- Indian Act by-laws provide for a maximum \$1000 fine for offences (along with possible imprisonment)
- RCMP and OPP have published special directives which might lead to enforcement of COVID 19 by-laws (but so far not land code laws)



Framework Agreement COVID 19 Laws



- Check your land code – do you have authority to make interim/urgent COVID 19 laws quickly?
- Land code COVID 19 laws have typically been based on land code provisions allowing for “interim” laws considered “urgent” by Council
- for a “maximum of 120 days”
- It is possible to amend interim laws – and to enact replacement laws for up to 120 days if the emergency persists
- COVID 19 laws are based on broad lands jurisdiction – tie the law to regulating lands (e.g. maximum occupancy of buildings)
- Again, FA First Nations can also enact Indian Act by-laws
- FA recognizes higher financial penalties for offences and more detail on enforcement than the Indian Act



Framework Agreement on First Nation Land Management – COVID 19 Laws



- First Nations which govern reserve lands under the FA have in many cases based COVID 19 laws on their broad lands jurisdiction (e.g. maximum occupancy of buildings)
- FA First Nations can also enact Indian Act by-laws
- FA recognizes higher financial penalties for offences and more detail on enforcement than the Indian Act
- COVID 19 laws are typically time limited (interim or emergency-based laws)



Contents of COVID 19 Laws



- Again, it can be helpful to look at other COVID 19 laws but always consider what makes sense for your community
- COVID 19 laws typically provide for:
 - Access restrictions – violation equals trespass
 - Stay at home/travel restrictions
 - Restriction/prohibition of public gatherings, parties
 - Maximum occupancy of residences, buildings
 - Closure/restricted access to schools and public buildings
 - Essential businesses/restricted hours/social distancing within businesses



Enforcement Considerations



- First Nation COVID 19 laws typically impose specific requirements but with flexibility to deal with individual cases
- COVID 19 laws typically delegate authority to appointed officials – respected individuals who can educate and promote compliance
- Consider scope of authority and limitations on liability of any appointed officials
- Set out expressly any authority to issue warnings and orders
- Violation of an order listed as a possible offence
- RCMP and OPP special measures for COVID 19 by-law enforcement appear to exclude Framework Agreement and comprehensive self-government



Law & Enforcement Questions

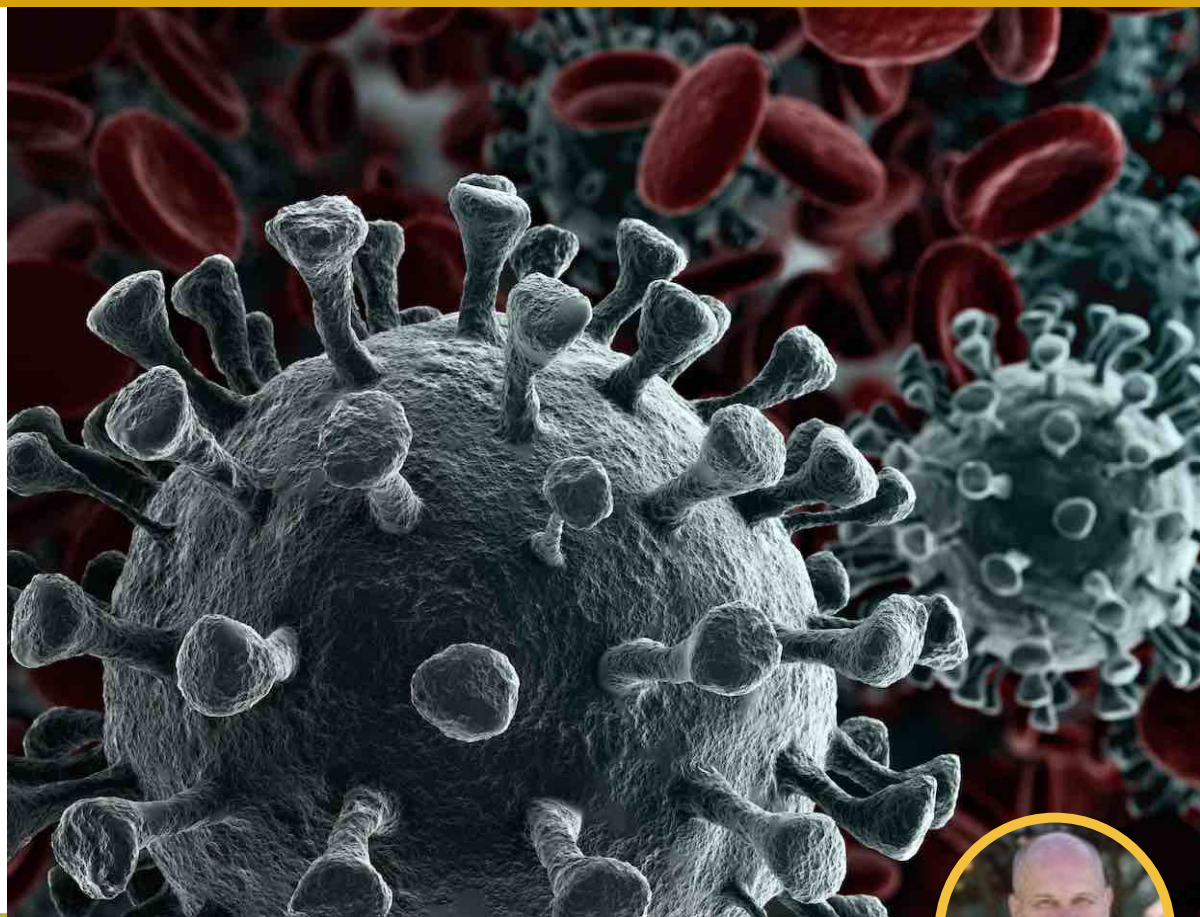


Questions



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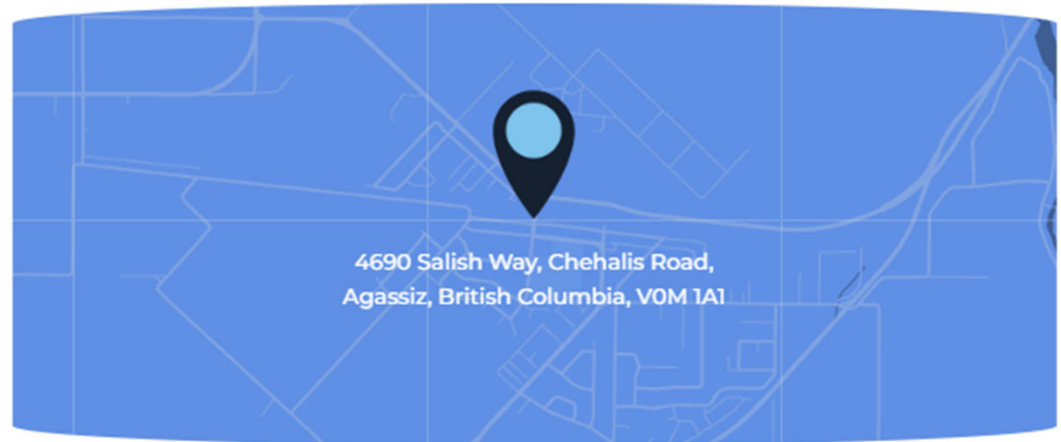
Community Approaches



Sts'ailes



Dawn Charlie
Sts'ailes Lands Manager



Denise Unger
Manager, First Nation
Support Services Fraser Valley



Sts'ailes

Land. People. Culture. Prosperity.

Sts'ailes Approach and Response to COVID 19

**TMPD Virtual Webinar
Impacts COVID 19 – Part 3**



Sts'ailes' Council

Chief



Ralph Leon Jr.



Boyd Peters



Chadley Paul



Cheryl Charlie



Daryl Francis



Kelsey Charlie Sr.

Council



Sherry Point



Sherylynn Crispin



Timothy Felix



Carla Charlie



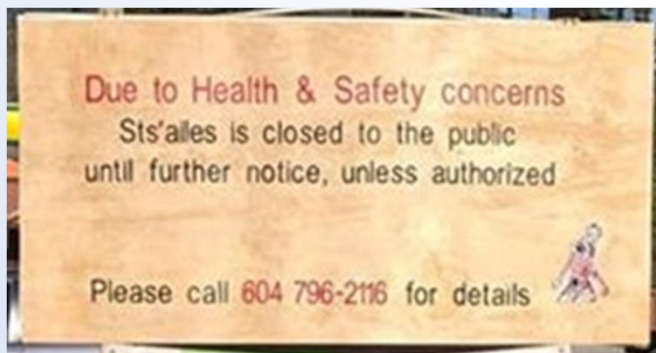
STS'AILES

Interim COVID 19 Virus Community Protection Law



Dated for Reference: May 12, 2020

000200534.13



Sts'ailes' response to COVID 19 Pandemic

MARCH 2020

Steps to implement protection and mitigation measures for the Sts'ailes community:

- Chief and Council opened the Emergency Operations Center – Level 1
- Administrative offices are closed to public access;
- Sts'ailes Store is open to Sts'ailes community only with shortened hours;
- Signage is posted – “Sts'ailes is closed to the public”;
- Vulnerable staff work from home;
- Office schedules are staggered for remaining admin staff:
 - Essential services are available via phone, email and in-person meetings with appropriate safety measures implemented;
 - Janitorial staff sanitize high touch areas within the administration offices.
- Enactment of the Sts'ailes Interim COVID 19 Virus Community Protection Law
 - Applicable to all residents, guests, employees and Council are subject to the Interim Emergency Law



**Sts'ailes Interim
COVID 19 Virus
Community Protection Law**

First Draft Outlines the Regulations and Restrictions for:

Entrance into the community monitored at the Gate:

- Sts'ailes Residents have open access
- Closed to off-reserve membership
- Contracted and Delivery Services – members inform Administration of delivery, Administration notifies the Gate

Gatherings in homes and public places:

- No person shall participate in public gatherings, assemblies, or parties involving two (2) or more persons on Sts'ailes Lands, without the specific written permission of Council.

Social Distancing:

- All persons present on Sts'ailes Lands must practice social distancing at all times by maintaining a minimum distance of six (6) feet or more from persons other than those with whom they share or occupy a dwelling.



Sts'ailes Phased Approach to Opening the Community:

Sts'ailes Interim COVID 19 Virus Community Protection Law

Sts'ailes Phase One:

- May 12, 2020, Sts'ailes relaxed the Sts'ailes Interim Law to allow up to six (6) community residents to gather at residents and public spaces while practicing social distancing

Sts'ailes Phase Two:

- Effective June 1, 2020 the community will open to the off-reserve members, the off-reserve members' spouse and children from 7:00am – 8:00pm daily (By application)
- Larger organized gatherings for community, cultural and spiritual purposes are permitted outdoors and requires approval through Sts'ailes Law. Again, social distancing and proper sanitizing has to be maintained.
- Contracted and Delivery Services have open access as long as they are a business (Canada Post, UPS, Plumber, etc.)

Sts'ailes Phase Three In Discussion:

- Open up outdoor gatherings from six (6) to allow as many people as the space allows, while practicing social distancing
- Open up Gate to include those who have family lineage



Challenges

- Some resistance from younger population of membership
- Elders upset that there was little community consultation
- High volume of tourists to the Sts'ailes' traditional territory, including nearby Provincial Parks
- Environmental concerns
- Enacting the Law before we had solid procedures drafted
- Changing situations – calls for amendment to the Interim Law = amendments to Procedures and Training Staff

Current Status



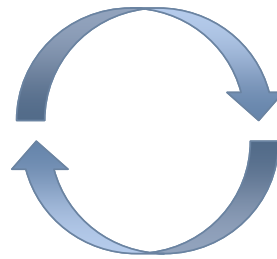
- Positive feedback and support from majority of Sts'ailes members
- Additional amendments are being considered
- Current efforts are focused on supporting and enhancing the Enforcement Team
 - Sts'ailes Officials
 - Gate Security
 - Administrative Arm
- Sts'ailes will continue to closely monitor the curve and situation of COVID-19 and to make required adjustments as needed in response to the situation.



Virtual Networking



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Raise you hand



Unmute Yourself



Turn Video On



Session Recorded



Impacts COVID 19 Webinar Series



IMPACTS COVID 19 – PART 4 - TBD
Jul 30, 2020



IMPACTS COVID 19 – PART 5 - TBD
Oct 22, 2020

Topics will be determined by ongoing signatory feedback & RC updates





THANK YOU!

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 ResourceCentre_TMPD

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