



## NISICHAWAYASIHK CREE NATION OKEMAWIN

### ORDER IN COUNCIL

#### (ITASOWEWIN)

---

Date: Monday, February 13, 2023

Number: OIC-313-2023-1

Authorized by: Chief and Council

#### **WHEREAS:**

1. The COVID-19 pandemic declared by the World Health Organization on March 11, 2020 is continuing to evolve not only globally but also within Manitoba.
2. On March 20, 2020, in accordance with section 7 of the *Nisichawayasi* Emergency Measures Law, 2020, c. E-1, Chief and Council declared a State of Emergency to minimize the risks related to the COVID-19 pandemic.
3. The State of Emergency has been extended continuously since then and may be extended further.
4. Additional restrictions or community lockdowns may continue to be needed to quickly respond to rapidly changing COVID-19 conditions.
5. Chief and Council have been required to, and may continue to be required to take action to address issues arising from this unprecedented pandemic, including violence and mental health issues, which continues to pose serious risks to the health and safety of NCN Citizens and other residents on NCN Lands.
6. Public health officials have indicated that efforts must be made to combat COVID-19 by limiting potential exposure through vaccination and policies of physical distancing, ongoing sanitization measures and wearing masks for the foreseeable future.
7. Further Orders are required to address ongoing and emerging issues.

# ORDER

## Definitions

1. The following definitions apply in this Order

“community” means those persons who ordinarily live on or adjacent to NCN Lands at Nelson House, Manitoba;

“NCN Lands” means the lands described in *Aski-Pumenikiwin*, 2017, c. A and in particular IR 170, 170A, 170B, and 170C;

“*N’tuskenan*” has the same definition as in *Othasowewin*, 2017, c. O-1.

## Previous NCN COVID-19 Order revoked

2. NCN OIC 313-2022-4 was revoked and ended on February 12, 2023, and is being replaced with this new Order as of 9:00 am on February 13th, 2023.

## State of Emergency in Effect

3. The State of Emergency declared on March 20, 2020 is being reinstated and will remain in effect unless revoked or amended by a subsequent NCN Order in Council. During this period of time, due to the evolving nature of the COVID-19 pandemic, community violence and related mental health issues, Chief and Council may by written notice posted on the NCN website and social media declare that a partial or full lockdown is in effect and the rules that must be followed in addition to or in place of the rules in this Order in Council until a new Order in Council is issued.

## Entry to NCN Lands

4. Persons shall be allowed to enter and exit NCN Lands as long as they comply with directions at the checkstop.

## Isolation Upon Return

5. Any resident of the community who tests positive must report their positive test result to NCN public health and self-isolate at home or at an isolation unit for five days and follow any directions from the health team.

## No Travel if Full Lockdown

6. No travel will be allowed except for emergency medical reasons verified by the Nurse in Charge if Chief and Council have issued a written notice that a full community lockdown is in effect or the number of active COVID-19 cases outside of the community make it unsafe for such travel to continue.

### **Events Require Pre-approved Plan**

7. Persons planning to host events which will involve gatherings of people indoors or outdoors will only be allowed to host such vents on NCN Lands if

- (a) a written COVID-19 safety plan has been submitted to the Executive Director of Justice and Public Safety or designate at least 7 days in advance of the event;
- (b) written approval of the plan has been obtained from the Executive Director of Justice and Public Safety after consultation with the NCN Health Director or designate; and
- (c) a full lockdown of the community is not in effect.

### **Schools**

8. NCN schools and ATEC will remain open in accordance with their approved mitigation plans.

### **Facilities**

9. The Norman Linklater Multi-plex, Family and Community Wellness Centre Fitness Centre the Gilbert McDonald Arena, Medicine Lodge, Women’s Shelter, the VLT Centre and any other authorized NCN facility may remain open in accordance with mitigation plans approved by the Executive Director of Justice and Public Safety in consultation with the NCN Health Director or their designates.

### **Construction Workers**

10. Contract and construction workers can enter and exit the community on the condition that all such workers observe all public health measures, orders, directives, and the plan approved by the NCN Health Director or designate in consultation with Chief and Council for that group of workers which plan must comply with this Order.

### **Masks**

11. The wearing of masks at all facilities, businesses, and events on NCN Lands will be optional until further notice.

### **Alcohol and Drug Prohibitions**

12. All prohibitions on bootlegging or buying, selling and transporting illegal drugs as outlined in the *Nisichawayasi* Community Protection Law 2019, c. C-1 and federal or provincial legislation continue to apply during the State of Emergency and anyone bootlegging, transporting or selling illegal drugs may be evicted or banished from NCN Lands.

### **Bear Mace and Machetes**

13. No person shall be allowed to bring bear mace or a machete onto NCN Lands except in accordance with a regulation approved by Chief and Council and any person who causes harm or tries to cause harm to another person using bear mace, a machete, knives or other weapons may be immediately banished from NCN Lands or other alternate measures will be taken.

### **Retail and Home-Based Businesses**

14. Retail businesses including owners of a home-based business may remain open in accordance with mitigation plans approved by the Executive Director of Justice and Public Safety or designate.

### **NCN Government and Wellness Offices**

15. The NCN Government and Wellness offices shall remain open to deliver services to the community during a partial or full lockdown but in consultation with the NCN Health Director or designate may restrict access to the public and impose public health measures to be followed by employees working in these offices.

### **Curfew**

16. A curfew shall be in effect from 9:00 pm to 7:00 am for all children under the age of 18. No snowmobiles or ATVs shall be operated on or adjacent to NCN Lands from 9:00 pm to 7:00 am.

### **Patrols Within *N'tuskenan***

17. Patrols of all access roads, trails, rivers and waterways within *N'tuskenan* that lead to NCN Lands, including searches of vehicles and other personal property will continue to be in effect.

### **Persons Released from Jail**

18. NCN Citizens released from jail and who are not subject to a banishment order are allowed to visit or reside on NCN Lands only with a special pass issued by the Executive Director of Justice and Public Safety in consultation with the NCN Health Director or their designates following a risk assessment and determination of appropriate conditions.

### **Pandemic Plans**

19. The NCN Pandemic Response Plan as amended from time to time shall continue to be followed during this coronavirus (Covid-19) pandemic unless it differs from this Order in which case this Order shall prevail.

### **Facility and Asset Usage During Pandemic**

20. The NCN Health Director in consultation with the NCN EMO Director is authorized to establish and designate NCN owned buildings and other facilities as emergency shelters, health

treatment, isolation or quarantine centres or such other facilities as may be required to respond to the Covid-19 pandemic.

21. Isolation units shall remain in place on standby until further notice to facilitate issues that may arise on short notice.

22. Chief and Council may by written authorization, procure, use or distribute any assets or other resources owned by NCN or an NCN Entity as may be required to respond to the Covid-19 pandemic.

### **Rules if Active Cases in Community**

23. If there are at least 25 confirmed active cases of COVID-19 in the community Chief and Council in consultation with the Executive Director of Justice and Public Safety and the NCN Health Director or their designates will determine the restrictions that must go into effect to protect the health and safety of the community and the community shall be given written notice of such restrictions by notice posted on the NCN website, social media and through any other reasonable means.

### **Application of Order**

24. This Order applies to all individuals and businesses on NCN Lands excluding the Mystery Lake Lands in Thompson.

### **Penalties**

25. Failure to comply with this Order, with the exception of paragraph 12, unless a full community lockdown is in effect, constitutes an offence and will result in evictions, banishments, fines of \$500.00, removal of benefits or other penalties consistent with NCN Laws, which penalties shall be in addition to any fines or other penalties imposed for violations of orders issued pursuant to section 67 of *The Public Health Act* (Manitoba) or the *Quarantine Act* (Canada).

27. In addition to the penalties in paragraph 26, any employee of NCN or an NCN Entity who violates this Order or an NCN Law will be disciplined in accordance with NCN personnel policies.

### **Regular Review of Order**

28. This Order will be reviewed on a regular basis while it remains in effect and may be modified, revoked, or extended in whole or in part.

## **AUTHORITY**

*Nisichawayasi Nehethowuk Othasowewin*, 2017, c. O-1 states:

### **CHAPTER 4 JURISDICTION**

#### **4.1 Jurisdiction**

The jurisdiction of the *Nisichawayasi Nehethowuk Okimawin* extends over all persons, including *Nehetho* (Citizens), property, lands, air, water, resources and activities occurring on lands used by *Nisichawayasi Nehethowuk*.

The *Nisichawayasi Emergency Measures Law*, c. E-1, 2020 states:

### **PART III STATE OF EMERGENCY**

#### **Emergency Powers**

**12** Upon the declaration of and during a state of emergency, Chief and Council may make such orders or regulations it believes is necessary to deal with the emergency:

- (a) the regulation or prohibition of travel to, from or within any specified area of N'tuskenan or NCN Lands or part of either N'tuskenan or NCN Lands;
- (b) the evacuation of persons and the removal of personal property from any specified area and making arrangements for the adequate care and protection of persons and property;
- (c) control or prevent the movement of people and property;
- (d) authorize the entry into any building on NCN Lands without a warrant or order under the *Nisichawayasi Community Protection Law*;
- (e) authorize the procurement, use and distribution of essential resources, services and personnel and provide for reasonable compensation for in respect of the resources or services provided;
- (f) regulate and provide for the distribution and availability of essential goods, services and resources;
- (g) authorize and make emergency payments;
- (h) direct or authorize the closure of schools, businesses, and other facilities;

- (i) establish emergency shelters, health treatment, isolation or quarantine centres, or such other facilities as may be required;
- (j) assess the damage to the environment, any works, undertakings, infrastructure or other structures and the costs to repair, replace or restore the environment, such works, undertakings, infrastructure or other structures;
- (k) expend such sums as are necessary to pay expenses caused directly or indirectly by the emergency; and
- (l) evict, banish, imprison or impose fines consistent with the Nisichawayasi Community Protection Law 2019, c. C-1.

### **PREVIOUS NCN COVID-19 OICs**

NCN OIC 313-2020-4 approved March 20, 2020

NCN OIC 313-2020-5 approved March 27, 2020

NCN OIC 313-2020-6 approved April 17, 2020

NCN OIC 313-2020-7 approved April 23, 2020

NCN OIC 313-2020-8 approved May 2, 2020,

NCN OIC 313-2020-9 approved May 8, 2020

NCN OIC 313-2020-10 approved May 20, 2020

NCN OIC 313-2020-11 approved May 21, 2020

NCN OIC 313-2020-12 approved May 29, 2020

NCN OIC 313-2020-13 approved June 5, 2020

NCN OIC 313-2020-14 approved June 18, 2020

NCN OIC 313-2020-15 approved July 17, 2020

NCN OIC 313-2020-16 approved on August 30, 2020

NCN OIC 313-2020-17 approved on September 4, 2020

NCN OIC 313-2020-18 approved on September 30, 2020

NCN OIC 313-2020-19 approved on October 30, 2020

NCN OIC 313-2020-20 approved on November 13, 2020

NCN OIC 313-2020-21 approved on December 11, 2020

NCN OIC 313-2020-22 approved on December 22, 2020

NCN OIC 313-2021-1 (inadvertently numbered as NCN OIC 313-2020-23) approved on January 8, 2021

NCN OIC 313-2021-2 approved on February 5, 2021  
NCN OIC 313-2021-3 approved on March 3, 2021  
NCN OIC 313-2021-5 approved on April 1, 2021  
NCN OIC 313-2021-6 approved on April 30, 2021  
NCN OIC 313-2021-7 approved on May 28, 2021  
NCN OIC 313-2021-8 approved on June 11, 2021  
NCN OIC 313-2021-9 approved on June 25, 2021  
NCN OIC 313-2021-10 approved on September 23, 2021  
NCN OIC 313-2021-11 approved on November 26, 2021  
NCN OIC 313-2021-12 approved on December 7, 2021  
NCN OIC 313-2022-1 approved on February 3, 2022  
NCN OIC 313-2022-2 approved on March 17, 2022  
NCN OIC 313-2022-3 approved on June 13, 2022