

**ENGLISH RIVER FIRST NATION
EMERGENCY MEASURES BY-LAW NO. 2020-001**

WHEREAS English River First Nation ("ERFN") deems it necessary and in the best interest of members to establish local emergency measures to protect and preserve the life, safety and health of the community, specifically for its elders and vulnerable members, property and environment;

AND WHEREAS English River First Nation has the authority to enact laws through their inherent right to self-govern and as well as sections 81(1)(a), 81(1)(c), 81(1)(m), 81(1)(p), 81(1)(p.1), 81(1)(q) of the *Indian Act*, RSC, 1985, c I-5;

NOW THEREFORE English River First Nation Council enacts the following by-law:

1. TITLE

1.1 This by-law may be cited as the "Emergency Measures by-law".

2. STATE OF EMERGENCY

2.1 Council may, in its sole discretion, declare a state of emergency by way of a band council resolution on such terms and for such length of time, including, without limitation, an indefinite period of time, as Council may deem appropriate.

3. POWERS OF COUNCIL UPON DECLARATION OF A STATE OF EMERGENCY

3.1 Upon declaring a state of emergency, Council may, by band council resolution, make orders it considers appropriate, in its sole discretion, for the protection and preservation of the life, safety and/or health of the community, including, without limitation, for its elders and vulnerable members, property and environment.

3.2 Without limitation to the powers in s. 3.1, such orders may include but are not limited to:

- (a) the regulation or prohibition of travel, entry, or exit to, from or within any specified area of the reserve(s);
- (b) the imposition of a curfew for people, including groups of people, located on a reserve of ERFN;
- (c) the regulation or prohibition of social gatherings on a reserve of ERFN;
- (d) the regulation and eviction of people from band owned housing;
- (e) the evacuation of persons and the removal of personal property from any specified area and the making of arrangements for the adequate care and protection of persons and property;
- (f) the closure of St. Louis School and band offices; and/or
- (g) the establishment of emergency shelters.

- 3.3 For greater certainty, any power exercised under s. 3.1 may be applied to all reserves of ERFN or a portion of a reserve of ERFN.
- 3.4 This by-law and any orders made pursuant to this by-law prevails over any alleged lease agreement respecting any property located on a reserve of ERFN. In the event of any difference between an alleged lease and any order made under this by-law, this by-law and orders made under this by-law shall prevail.
- 3.5 Council may establish, by way of band council resolution, an Emergency Planning Committee to provide advice and assistance as Council deems necessary.

4. Enforcement

- 4.1 Council may appoint, by band council resolution, a person or persons to act as the "Emergency Measures by-law Enforcement Officer" or work with the Royal Canadian Mounted Police, local community rangers or any other designated persons to enforce band council resolutions established pursuant to this by-law as Council deems necessary.
- 4.2 Council may, by band council resolution, set out the terms under which violations can be challenged within a band council resolution.

5. Penalty

- 5.1 A violation of a band council resolution established pursuant to this by-law may result in the imposition of:
 - (a) immediate eviction and removal of a party from any or all of the reserves of ERFN;
 - (b) liable on summary conviction to a fine not exceeding \$1,000.00; or
 - (c) imprisonment of a term not exceeding 30 (thirty) days.

6. Immunity

- 6.1 No action for damages lies or may be instituted against present or past Council, members, employees, servants or agents of either English River First Nation or Council:
 - (a) for anything said or done or omitted to be said or done by that person in the performance or intended performance of the person's duty or the exercise of the person's authority; or
 - (b) for any alleged neglect or default in the performance or intended performance of the person's duty or the exercise of the person's authority.
- 6.2 Section 6.1 does not provide a defence if Council, members, employees, servants or agents have, in relation to the conduct that is the subject matter of the action, been guilty of dishonesty, gross negligence, or malicious or wilful misconduct.
- 6.3 English River First Nation present or past Council, or members, employees, servants or agents of any of English River First Nation or Council is not liable for any damages or

other loss, including economic loss, sustained by any person, or to the property of any person, as a result of neglect or failure, for any reason to discover or detect any contravention of this by-law or band council resolution pursuant this by-law or from any other law of English River First Nation, or from the neglect or failure, for any reasons or in any manner, to enforce this by-law or band council resolution pursuant this by-law or any other law of English River First Nation.

6.4 All actions against English River First Nation for the unlawful doing of anything that:

(a) is purported to have been done by English River First Nation under the powers conferred by this by-law or band council resolution pursuant to this by-law or any other law of English River First Nation; and

(b) might have been lawfully done by English River First Nation if acting in the manner established by law

must be commenced within 6 (six) months after the cause of action first arose, or within a further period designated by Council in a particular case, but not afterwards.

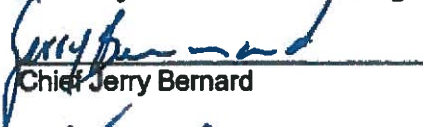
6.5 English River First Nation is in no case liable for damages unless notice in writing, setting out the time, place and manner in which the damage has been sustained, is delivered to English River First Nation within 2 (two) months from the date on which the damage was sustained. Failure to give notice is not a bar to the maintenance of an action if there was a reasonable excuse and English River First Nation has not been prejudiced in its defence by the failure or insufficiency.

7. Coming into Force

7.1 This by-law is retroactive to March 19, 2020.

7.2 All previous by-laws governing emergency measures on reserve are hereby revoked and are of no force and effect.

THIS BY-LAW IS HEREBY made at a duly convened meeting of Council of English River First Nation on this 26th day of March, 2020 at Patuanak, Saskatchewan. Voting in favour of the by-law are the following members of Council:


Chief Jerry Bernard


Councillor Irene Apesis


Councillor Katrina Maurice


Councillor Megan Gar


Councillor Randy McIntyre


Councillor Jenny Wolverine


Councillor Sandra Wolverine