



PROTECTIVE MEASURES ORDER - SHELTER IN PLACE AND RESTRICTIONS ON ACCESS TO RESERVE

(Pursuant to Sections 5.2-5.5, 5.7, and 5.11 of the Cowichan Tribes COVID-19 Community Protection Bylaw)

The *Cowichan Tribes COVID-19 Community Protection Bylaw* is at:

https://www.cowichantribes.com/application/files/3915/9191/4750/COVID_19_Community_Protection_Bylaw.pdf (excerpts enclosed)

TO: COWICHAN TRIBES MEMBERS

TO: AUTHORIZED OCCUPANTS OF A RESIDENTIAL BUILDING ON COWICHAN TRIBES RESERVE LAND AND THOSE WHO ARE ORDINARILY RESIDENT ON RESERVE

BACKGROUND:

1. The Provincial Health Officer of British Columbia ("**BCPHO**") advises that:
 - a. The SARS-CoV-2 virus, an infectious agent, can cause outbreaks of COVID-19;
 - b. A person infected with SARS-CoV-2 can infect other people with whom the infected person is in direct contact, through droplets in the air, or from fluid containing SARS-CoV2 left on surfaces; and
 - c. The gathering together of people indoors or outdoors can promote the transmission of SARS-CoV-2 and increase the number of people who develop COVID-19.
2. On January 1, 2021, the Provincial Health Officer informed Cowichan Tribes of two (2) lab-confirmed cases of Covid-19 affecting Cowichan Tribes Members. Additional Cowichan Tribes Members are experiencing symptoms that may indicate a Covid-19 infection.
3. On January 6, 2020, the Chief and Council of Cowichan Tribes ("**Council**") determined that these recent confirmed or potential Covid-19 cases warrant additional protective measures on Reserve from 5 pm on January 6, 2021 until 5 pm on January 22, 2021 (the "**Closure Period**") to protect the health and safety of Cowichan Tribes members or the public. As a result, Council:

- a. Designated all occupied residential buildings within Cowichan Tribes' Reserve as Restricted Areas for the duration of the Closure Period.
- b. Directed and authorized Cowichan Tribes staff to take the following measures to ensure compliance with this Order and the *Cowichan Tribes COVID-19 Community Protection Bylaw* for the duration of the Closure Period:
 - i. Put in place barriers with information about the Restricted Areas and the Shelter in Place Order; and
 - ii. Put in place security checkpoints, as necessary, in areas that require additional education and enforcement efforts.
- c. Designated Cowichan Tribes Enforcement Officers Jason Seward and Daniel Norris Jr., and Fairlie Mendoza, Community Health Nurse, to act as Officers with the authority to enforce the *Cowichan Tribes COVID-19 Community Protection Bylaw*.

In order to protect the health and safety of Cowichan Tribes members, it is also necessary for Council to exercise its authority under s. 5.11 of the *Cowichan Tribes COVID-19 Community Protection Bylaw* to **ORDER** as follows:

1. **Definitions.** In this Order:

- a. **"Authorized Occupant"** means a person who
 - i. Is listed on the rental agreement as an occupant of a Cowichan Tribes rental home or
 - ii. Has their official address at a privately-owned home on Reserve.
- b. **"event"** refers to an in-person gathering of people in any place whether private or public, inside or outside, organized or not, on a one-time, regular or irregular basis, including drive-ins and drive-throughs, such as to see a display or to drop off items; events; meetings and conferences; a gathering in vacation accommodation, a private residence, banquet hall or other place; a gathering of passengers; a party; a worship or other religious service, ceremony or celebration; a ceremony; a reception; a wedding; a baptism; a funeral; a celebration of life; a musical, theatrical or dance entertainment or performance; a live solo or band musical performance; a disc jockey performance; strip dancing; comedic act; art show; magic show; puppet show; fashion show; book signing; reading; recitation; display, including a seasonal light display; a movie; film; lecture; talk; educational presentation (except in a school or post-secondary educational institution); auction; fund raising benefit; contest; competition; quiz; game; rally; festival; presentation; demonstration; group sport; indoor group high intensity exercise; indoor group low intensity exercise; exhibition; market or fair, including a trade fair, agricultural fair, episodic market selling food for human consumption, seasonal fair or episodic indoor event that has as its primary purpose the sale of merchandise or services such as Christmas craft market, home show antique fair and similar activities; and, for certainty, includes a gathering preceding or following another event.
- c. **"Member"** means a person whose name appears on the Cowichan Tribes membership list, or who is entitled to have their name appear on the Cowichan Tribes membership list.
- d. **"Restricted Area"** means the all occupied residential buildings on Cowichan Tribes' Reserve, as designated by Council in the Band Council Resolution dated January 6, 2021.

2. **Notice of Restrictions on Access to the Reserve**

- a. In accordance the Band Council Resolution dated January 6, 2021 and section 5.3 of the

Cowichan Tribes COVID-19 Community Protection Bylaw, a person may only be present on a Restricted Area if they are:

- i. a Member;
 - ii. an Authorized Occupant;
 - iii. the spouse or family member of a Member who routinely resides with a Member on the Restricted Area;
 - iv. conducting urgent appliance or home repairs;
 - v. delivering goods to a home or a Member-owned business on the Restricted Area, except not alcohol or drugs unless they are being delivered as part of an essential health service (e.g. managed alcohol program, prescription delivery);
 - vi. caring for an Authorized Occupant;
 - vii. providing emergency services (e.g. firefighting, child and family services, medical, RCMP and Search and Rescue services);
 - viii. doing work to maintain or repair utilities or public infrastructure (e.g. hydro, phone, internet, snowplowing, garbage removal);
 - ix. providing essential services or other work for Cowichan Tribes at Cowichan Tribes' request; or
 - x. ordinarily resident at such Restricted Area.
- b. In accordance with the Band Council Resolution dated January 6, 2021, a person may apply under section 5.4 of the *Cowichan Tribes COVID-19 Community Protection Bylaw* to Cowichan Tribes' General Manager, Derek Thompson or Director, Lulumexun - Lands & Governance, Larry George, to enter or be present on a Restricted Area for a reason not specified in section 2(a) of this Order.
- c. In accordance with section 5.5 of the *Cowichan Tribes COVID-19 Community Protection Bylaw*, a person who does not meet the criteria in section 2(a) of this Order, and has not received permission from either the Cowichan Tribes' General Manager, Derek Thompson, or Director, Lulumexun - Lands & Governance, Larry George, under section 2(b) of this Order, is not allowed to enter or be present on a Restricted Area and is an Unauthorized Person under the *Cowichan Tribes COVID-19 Community Protection Bylaw*.

3. Increased Protective Measures - Shelter in Place

- a. In accordance with section 5.11 of the *Cowichan Tribes COVID-19 Community Protection Bylaw*, the following shelter in place requirements are in effect for the duration of the Closure Period:
- i. Cowichan Members, Authorized Occupants, and others who are ordinarily resident on Reserve must stay home except for the following permitted reasons: work, school, medical appointments, to obtain groceries, medicines and other essential items, or to care for a family member who is ill. These activities must also be compliant with the orders of the Provincial Health Officer of British Columbia and Chief Public Health Officer of Canada.
 - ii. Cowichan Members, Authorized Occupants and others who are ordinarily resident on Reserve shall not host an event indoors or outdoors where there is a person present who is not a member of their immediate household.
 - iii. Despite section 4(a)(ii), a person who lives on their own may have up to two other persons who are not ordinarily resident present at their home for a social

purpose, if the other persons are individuals with whom that person regularly interacts.

- iv. Cowichan Members, Authorized Occupants, and others who are ordinarily resident on Reserve are strongly urged to designate one person per household to do all shopping and to try to limit trips to once per week.


This Order will expire when the Closure Period ends. Council may extend the Closure Period.

If you fail to comply with this Order, enforcement action may be taken against you under Part 6 of the *Cowichan Tribes COVID-19 Community Protection Bylaw*.

You may contact Cowichan Tribes regarding this order at:

- Cowichan Tribes' General Manager, Derek Thompson at general.manager@cowichantribes.com
- Director, Lulumexun - Lands & Governance, Larry George at Larry.George@cowichantribes.com

DATED THIS: 6th day of January 2021

SIGNED:  DocuSigned by:
Stephanie Atleo
BE2C344EF93C45A

Title: Councillor

Name: Stephanie Atleo

On behalf of the Chief and Council of Cowichan Tribes

DELIVERY BY: Cowichan Newsletter, posting on Cowichan Tribes Administrative buildings, posting on the Cowichan Tribes website and social media pages.

Enclosures:

1. Excerpts of the *Cowichan Tribes COVID-19 Community Protection Bylaw*

ENCLOSURE

Excerpts of the *Cowichan Tribes COVID-19 Community Protection Bylaw*

Cowichan Tribes COVID-19 Community Protection Bylaw

3. INTERPRETATION

3.1 In this Bylaw:

"**BCPHO**" means the Provincial Health Officer of British Columbia

"**CPHOC**" means the Chief Public Health Officer of Canada

"**Officer**" means

- (a) any person designated in writing by Council to enforce this Bylaw;
- (a) R.C.M.P. officers; and
- (b) any other person charged by Canada or British Columbia with the duty to preserve and maintain the public peace in accordance with their laws

"**Prohibited Purposes**" means any of the following activities conducted on the Reserve by any person, including a Member:

- (a) hawking or peddling of wares or merchandise without a valid license or permit;
- (b) loitering;
- (c) soliciting financial assistance;
- (d) participating in gatherings of people prohibited under this Bylaw; or
- (e) dealing, trafficking or delivering alcohol or drugs to any person, except if they are being delivered as part of an essential health service (e.g. managed alcohol program, prescription delivery).

"**Reserve**" means all those tracts of land set apart by Canada for the use and benefit of Cowichan Tribes and includes Tumuhw.

"**Restricted Area**" means any part of the Reserve designated by Council under section 5.2 of this Bylaw to be an area where access is restricted to those persons who meet the criteria in section 5.3 or who have received permission from Council under section 5.4.

"**Unauthorized Person**" means a person who meets none of the criteria in section 5.2 of this Bylaw or who has been designated by Council as an Unauthorized Person in accordance with section 5.5 of this Bylaw and is therefore not permitted to be on a Restricted Area.

Restrictions on access to the Reserve

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5.2 Council may designate any part of the Reserve to be a Restricted Area.

5.3 A person may only enter or be present on a Restricted Area if they are:

- (a) a Member;
- (b) an Authorized Occupant;
- (c) the spouse or family member of a Member who routinely resides with a Member on the Restricted Area;
- (d) conducting urgent appliance or home repairs;
- (e) delivering goods to a home or a Member-owned business on the Restricted Area, except not alcohol or drugs unless they are being delivered as part of an essential health service (e.g. managed alcohol program, prescription delivery);
- (f) caring for an Authorized Occupant;
- (g) providing emergency services (e.g. firefighting, child and family services, medical, RCMP and Search and Rescue services);
- (h) doing work to maintain or repair utilities or public infrastructure (e.g. hydro, phone, internet, snowplowing, garbage removal); or
- (i) providing essential services or other work for Cowichan Tribes at Cowichan Tribes's request.

5.4 Council may approve a request made in writing for a person to enter or be present on a Restricted Area for a reason not specified in section 5.3

5.5 A person who meets none of the criteria in section 5.3 and who has not received permission of Council pursuant to a written request made under section 5.4 is not allowed to enter or be present on a Restricted Area and is an Unauthorized Person.

Restrictions and Closure of Public Facilities

5.7 Council may order closure or restrictions on access to community facilities on the Reserve, including schools, playgrounds, recreational buildings and cultural buildings.

Council May Order Increased Protective Measures

5.11 Council may issue orders by resolution requiring Protective Measures on the Reserve that are more stringent than an order, recommendation or guidance of the CPHOC or BCPHO if Council determines such requirements are reasonable and necessary to protect the health and safety of Cowichan Tribes, Members or the public.

Inspection

6.1 An Officer may stop a person or vehicle, enter a vehicle or place and inspect a vehicle or place to monitor or confirm compliance with a provision of this Bylaw including, without limitation, to determine whether:

- (a) a person is allowed to enter or be on the Reserve or a Restricted Area, including by requesting appropriate written or verbal confirmation that the person meets one of the criteria in section 5.3 or that they have permission of Council under section 5.4;
- (b) a person is frequenting the Reserve for a Prohibited Purpose;
- (c) a person has been designated an Unauthorized Person by Council under section 5.6
- (d) a gathering of people or occupancy in a home or building on Reserve exceeds the

number specified in any order of the CPHOC or BCPHO prohibiting mass gatherings; or
(e) a person should be quarantined or self-isolating in accordance with an order of the CPHOC or BCPHO or pursuant to section 5.10.

6.2 Before entering a vehicle or place to conduct an inspection in accordance with section 6.1, an Officer must take reasonable steps to notify the owner or occupier of the vehicle or place and to obtain their consent to enter, except that an Officer can conduct an inspection without providing notice if

- (a) providing notice would not be reasonably possible or practical in the circumstances, or
- (b) in the case of a Protective Measure, providing notice would frustrate the purposes of the inspection.

