

**MUSQUEAM INDIAN BAND**  
**EMERGENCY MEASURES AND MANAGEMENT BY-LAW**



**CERTIFIED TRUE COPY:**

**On this 14<sup>th</sup> day of April 2020**

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## WHEREAS

- A. As xʷməθkʷəy̓əm (Musqueam) people, we hold sacred sni̓w (teachings) and practices which are part of who we are. Our sni̓w have persevered because of the wisdom and resilience of our ancestors, and our intrinsic connection to our lands and waters. Our sni̓w are expressed in our šxʷtəhim̓ (manners and customs), in our day-to-day interactions, and in the respect we show to each other and to our work on behalf of our people.
- B. An important element of our sni̓w is to take care of each other, to come together and hold one another up during challenging times.
- C. xʷməθkʷəy̓əm people continue to honour our collective responsibilities to safeguard the health and wellbeing of our community, to keep our culture vital and strong, share our teachings and laws, and work collaboratively in the best interests for all.
- D. The United Nations Declaration on the Rights of Indigenous Peoples states that:
- Article 21. Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
- E. Through this By-law, Musqueam Indian Band wishes to take active measures to safeguard the health of residents on the Musqueam Reserve and lands to prevent the spreading of contagious and infectious diseases. Specifically, this includes developing measures to prevent, prepare for, respond to and implement recovery steps in regard to an emergencies, disasters or hazards.
- F. In some instances, it may be necessary to establish access points to the Musqueam Indian Band reserve lands as a precaution against the spread of a contagious and infectious disease.
- G. Section 81(1)(a), (c), (d) and (p) of the *Indian Act* empower a band council to make by-laws to “provide for the health of residents on the reserve and to prevent the spreading of contagious and infectious diseases” and provide for the observance of law and order, the removal and punishment of persons trespassing on the reserve and the imposition of a penalty for the violation of any such bylaw.
- H. Musqueam exercises various governance authorities under the Musqueam Land Code that was approved by Band membership on December 3, 2012 and came into legal force on June 5, 2017. Under Musqueam’s Land Code, we have taken over all of the authority for Reserve land management that was formerly held by the federal Minister and Department of Indigenous Services.
- I. Musqueam Indian Band has adopted relevant By-laws including:
- Nuisance Bylaw (January 1990); and
  - Dangerous Persons Bylaw (January 30, 2006);
- J. The Musqueam Indian Band has entered into a City Service Agreement with the City of Vancouver for the provision of various services. This includes Musqueam providing compensation to the City of

Vancouver for policing services to support community safety, law enforcement efforts and other necessary supports.

**NOW THEREFORE**, the Chief and Council of the Musqueam Indian Band enacts as follows:

## 1. CITATION

1.1. This By-law may be cited as the, “Emergency Measures and Management By-law”.

## 2. INTERPRETATION

2.1. In this By-law, unless the context otherwise requires:

“**Band**” means the Musqueam Indian Band.

“**Communicable Disease**” means a human disease that is caused by infectious agent or biological toxin and poses a risk of significant harm to public health, or a disease or an infectious agent that causes a communicable disease.

“**Police Officer**” means a peace officer or constable as provided under the *Police Act* employed by the Vancouver Police Board or a member of the Royal Canadian Mounted Police.

“**Quarantine facility**” means any place that has been designated use by Chief and Council for quarantine or self-isolation purposes.

“**Reserve**” means any reserve lands of the Band.

## 3. ROLE OF CHIEF AND COUNCIL

### 3.1. Authorities of Chief and Council

The Chief and Council have general authorities to protect the health and safety of Musqueam Members and Reserve occupants including:

- a. exercising relevant authorities under the Musqueam Land Code and the *Indian Act*;
- b. the general direction and control of Musqueam Indian Band’s efforts directed to prevention, mitigation, preparedness, response and recovery in regard to an emergency, disaster or hazard, including direction on the establishment of emergency plans, policies and procedures necessary to facilitate preparation, response and recovery from an emergency, disaster or hazard consistent with available best practices;
- c. establishing a standing Emergency Management Committee;
- d. appointment of an individual to serve as the Emergency Response Coordinator;
- e. directing that a structure on Musqueam Indian Band Reserves be designated as a quarantine station or Quarantine Facility, and amending or canceling such a designation, including setting

guiding principles for access and use of such stations or facilities in accordance with guidance of medical professionals;

- f. establishing specific access points to the Musqueam Indian Band Reserves during an emergency period to maintain various controls reasonably necessary to safeguard the health of residents on Musqueam Reserves, to support efforts directed at the prevention and spreading of contagious and infectious diseases, which may include:
  - i. ensuring those attempting access to our lands during an emergency period are residents; and
  - ii. to share information related to the emergency or hazardous situation, which may include response measures.

### 3.2. Interim Authority to act without quorum

When it is not possible to assemble a quorum of the Council during an emergency situation, the Chief Councillor of Musqueam Indian Band may act independently to carry out responsibilities specified in this By-law where there is an imminent threat arising due to an emergency, disaster or hazard, provided that the Chief Councillor has made every effort to obtain the consensus of the other members of the Council and that the Chief Councillor updates all Council in writing as soon as possible after acting under this subsection.

## 4. EMERGENCY MANAGEMENT COMMITTEE

### 4.1. Composition

The Emergency Management Committee will comprise, at minimum:

- a. member(s) of Chief and Council;
- b. the Musqueam Indian Band Chief Administrative Officer;
- c. Band Emergency Management Coordinator; and
- d. such other members whom Chief and Council may determine and designated by BCR.

### 4.2. Accountability

The Emergency Management Committee that is accountable to Chief and Council and will report back to Chief and Council as necessary.

### 4.3. Responsibilities

The Emergency Management Committee is responsible for:

- a. providing leadership to the administration through facilitation of emergency preparations, response and recovery measures;
- b. seeking instructions from Chief and Council or their designate, through the preparation of recommendations and identification of proposed actions necessary to prepare for and respond to emergencies, disasters or hazards;



- c. facilitating the implementation of instructions provided by Chief and Council or their designate;
- d. providing strategic direction and support to the Emergency Management Coordinator;
- e. Supporting the Musqueam Indian Band administration in the implementation of this Bylaw and any Musqueam Indian Band emergency policies and procedures developed to facilitate preparation for, response to, and recovery from an emergency, disaster or hazard;
- f. the identification, monitoring and assessment of on-going risks, hazards and vulnerabilities;
- g. providing updates, reports and relevant information to Chief and Council as necessary.;
- h. identification and coordination with internal and external emergency preparedness and response partners, including identifying existing initiatives and available funding supports as necessary;
- i. ensuring access to appropriate machinery and technology to support response efforts and coordinating the mobilization of all necessary resources to address response needs; and
- j. any other activities and responsibilities identified by Chief and Council from time to time.

## 5. EMERGENCY RESPONSE COORDINATOR

### 5.1. Council Appointment

This individual may be appointed by Chief and Council. The appointee may be drawn from existing Musqueam Indian Band administration or may be an external appointment.

### 5.2. Accountability

The Emergency Response Coordinator is accountable to the Emergency Management Committee.

### 5.3. Responsibilities

The Emergency Response Coordinator is responsible for:

- a. providing leadership to the administration through facilitation of emergency preparations, response and recovery measures;
- b. coordinating preparation and response efforts;
- c. working closely with the Emergency Management Committee and other internal and external emergency response partners;
- d. establishing and maintaining an emergency operations centre if deemed necessary by Chief and Council or their designate;
- e. coordinating communications materials and disbursement of all notices to residents of Musqueam Reserves;
- f. providing updates to the Emergency Management Committee and other affected peoples as necessary; and
- g. any other activities and responsibilities identified by Chief and Council from time to time.

## 6. PROTECTIVE MEASURES

### 6.1. Coordinated Response

The Emergency Management Committee and Emergency Response Coordinator will work closely with appropriate Musqueam Indian Band administrative departments, other professionals and external partners to inform response, actions and implementation activities.

### 6.2. Protective/Pre-Cautionary Measures

Where appropriate, and in response to a known outbreak of a Communicable Disease or pandemic:

- a. Musqueam Chief and Council may issue direction to the Emergency Management Committee to develop guidelines applicable to individuals residing on Musqueam Reserves to implement community-wide protective measures, including any other such measures deemed necessary to reduce the spread of contagious and infection disease consistent with best available practices or orders issued by a public health officer;
- b. Measures may include establishing access guidelines for access to Musqueam Reserve Lands as a precaution against the spread of contagious and infectious diseases; and
- c. Council may issue orders by Band Council Resolution to ensure compliance with the above guidelines or measures and in support of relevant orders issued by a public health officer.

### 6.3. Individual Responsibilities

As xʷməθkʷəy̓əm (Musqueam) people our sniw (teachings) and practices are part of who we are. Our sniw as expressed in our šxʷtəhiṁ (manners and customs), in our day-to-day interactions, has been shared with us by our elders and ancestors. An important element of our sniw is to take care of each other and work together to ensure that our community and our wellbeing is safeguarded. As a result, as xʷməθkʷəy̓əm (Musqueam) people we have a responsibility to act in a manner that supports the spirit and intent of this By-law, and ask everyone seeking to access Musqueam Reserve Lands or to travel through Musqueam Reserve Lands to support the spirit and intent of the By-law.

## 7. CONTRAVENTION AND ENFORCEMENT

### 7.1. Contravention

Any person who violates any provision of this By-Law or who suffers or permits an act or thing to be done in contravention or in violation of any provisions of this By-law, who disobeys an order given under this By-law, or who neglects or refrains from doing any act or thing required by any provision of this By-Law, is guilty of an offence under this By-Law and is liable to penalties imposed herein.

## 7.2. Enforcement

- a. A Police Officer or Musqueam Indian Band employee authorized to enforce the Band's By-laws may take all legal, reasonable steps required to carry out any actions or measures to enforce this By-law or orders given under it.
- b. No person shall obstruct, interfere with or hinder Chief and Council, a Police Officer, Musqueam Indian Band employee or other individual authorized to enforce the Band's Bylaws in carrying out their duties and responsibilities.

## 7.3. Offences and Penalties

Any individual violating any provisions of this By-law or an order or regulation under this By-law may be subjected to one or more of the following:

- a. a violation notice warning, issued by Chief and Council, a Police Officer, any individual or Musqueam Indian Band employee authorized to enforce the Band's Bylaws;
- b. a compliance order directing the individual to:
  - i. immediately refrain from the act giving rise to the violation of this By-law;
  - ii. take any action or measure necessary to remedy the contravention within a reasonable timeframe; or
  - iii. leave the Reserve or be subject to physical removal from the Reserve;
- c. face administrative sanctions such as restricted, or complete elimination of, access to any or all discretionary programs and services offered by the Band; and
- d. be found guilty of an offence punishable on summary conviction by a court of competent jurisdiction and shall be liable to a fine not exceeding One Thousand Dollars (\$1,000) or imprisonment for a term not exceeding thirty days or both.

## 8. REGULATIONS AND ORDERS

Council may make regulations or issue orders it considers necessary or advisable for purposes under this By-law.

## 9. GENERAL

### 9.1. Application

This By-law shall apply to all Musqueam Indian Band Reserves.



## 9.2. Compliance with other Acts, regulations and laws

Where any federal Act or regulation, provincial Act or regulation or other Musqueam Indian Band By-law or law may apply to any matter covered under this By-law, compliance with this By-law alone will not relieve an individual from also complying with the provisions of other applicable federal or provincial Acts, regulations or Musqueam laws.

## 9.3. Severability

If any section of this By-Law is for any reason determined to be invalid by a court of competent jurisdiction, the invalid section or subsection will be severed from this By-law and the remaining sections of this By-law will continue to apply.

## 10. LIABILITY

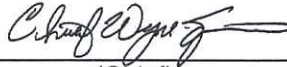
### 10.1. No Liability for Loss, Cost, Expense, Damage or Injury

No person, including, without limitation, the Chief and Council, members of the Emergency Management Committee, the Emergency Response Coordinator, employees of the MIB, police or enforcement officials, volunteers or any other person appointed, authorized or requested to carry out measures relating to emergencies, disasters or hazards is liable for any loss, cost, expense, damage or injury to persons or property that result from the person acting in good faith or omitting to do an act that the person is appointed, authorized or required to do under this bylaw, unless in doing or omitting to do the act, the person was grossly negligent or not acting in good faith.

## 11. COMING INTO FORCE

This By-Law comes into force immediately upon being passed by Council.

**APPROVED AND PASSED** at a duly convened meeting of the Chief and Council of the Musqueam Indian Band Administration Office, 6735 Salish Drive, Vancouver, British Columbia this 14<sup>th</sup> day of April, 2020.

  
(Chief)

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(Councillor)

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