



First Nation Council Resolution

Chronological no. File reference no. 003 2020/2021

Note: The words "from our Band Funds" "capital" or "revenue," whichever is the case, must appear in all resolutions requesting expenditures from Band Funds.

Table with columns for Cash free balance, Capital account, Revenue account, Date of duly convened meeting (Day, Mos., Yr), and Ontario.

DO HEREBY RESOLVE:

SUPPLEMENTARY BAND COUNCIL RESOLUTION FIRST NATION BORDER CLOSURE ORDER

WHEREAS the COVID-19 virus has been declared a Pandemic by the World Health Organization and is spreading at an alarming rate.

WHEREAS Constance Lake First Nation (the "community") asserts title over the whole of our territory, rooted in the pre-colonization occupation of land by our relatives, and in our pre-existing systems of law and governance.

WHEREAS the right of Aboriginal title is both a right of possession and a right to govern the communal lands of Aboriginal title-holders in accordance with our own systems of law and governance.

WHEREAS the community relies upon the inherent jurisdiction to create law, enshrined in Canadian law with the signing of Treaty #9, and renewed with "A Declaration of the Nishnawbe-Aski, 1977", asserting our rights and principles of law, and inherent right to self-determination.

WHEREAS Constance Lake First Nation has already passed a by-law (a copy of which is attached to this BCR) to curb the spread of the virus within the community.

WHEREAS the community has the authority to create a Border Closure Order to restrict non-member's access to our territory pursuant to Section 30 of the Indian Act R.S.C., 1985, c. I-5:

30 A person who trespasses on a reserve is guilty of an offence and liable on summary conviction to a fine not exceeding fifty dollars or to imprisonment for a term not exceeding one month or to both.

WHEREAS the community has the further authority and jurisdiction to enforce this Border Closure Order to restrict travel for the health or safety of our citizens and residents, pursuant to Section 2(1)(b) of the Trespass to Property Act, R.S.O. 1990:

2 (1) Every person who is not acting under a right or authority conferred by law and who, (b) does not leave the premises immediately after he or she is directed to do so by the occupier of the premises or a person authorized by the occupier, is guilty of an offence and on conviction is liable to a fine of not more than \$10,000.

WHEREAS the community has the authority to enforce restrictions to entry of our borders, pursuant to Section 9 of the Trespass to Property Act, R.S.O. 1990:

9 (1) A police officer, or the occupier of premises, or a person authorized by the occupier may arrest without warrant any person he or she believes on reasonable and probable grounds to be on the premises in contravention of section 2.

Quorum: 4

Handwritten signature of the Chief

Chief

Handwritten signature of a Councillor

Councillor

Handwritten signature of a Councillor

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Councillor

FOR DEPARTMENTAL USE ONLY

Table with columns for Expenditures, Authority (Indian Act Section), Source of funds (Capital, Revenue), and Recommending officer (Signature, Date).



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The Council of Constance Lake First Nation					Cash free balance	
					Capital account	
Date of duly convened meeting *	Day	Mos.	Yr	Ontario	Revenue account	
	21	04	20			

DO HEREBY RESOLVE:

**SUPPLEMENTARY BAND COUNCIL RESOLUTION
FIRST NATION BORDER CLOSURE ORDER (CONT'D)**

WHEREAS the authority to make law necessarily includes the authority to enforce the same.

BE IT RESOLVED that the community will close its borders to all non-essential travel and will work with Nishnawbe Aski Police Service ("NAPS") as an independent partner in the joint restriction of travel measures.

FURTHER BE IT RESOLVED that NAPS enforce this border closure order with the following offences:

- o Fail to comply with an order made during an emergency = Fine of \$750 or imprisonment of not more than 30 days;
- o Obstruction of Person exercising a power in accordance with an emergency order = Fine of \$1,000;
- o Obstruction of Person performing a duty in accordance with an emergency order = Fine of \$1,000.
- o Fail to abide by refusal of entry by an officer pursuant to the Indian Act and Trespass Act = arrest without a warrant

FURTHER BE IT RESOLVED that while the police, using all lawful means, will assist in the enforcement of this Order, NAPS must remain independent of all political leadership as required by the relevant bylaw(s) and funding agreement(s).

FURTHER BE IT RESOLVED that the Chief of Police will have final independent authority over operational enforcement actions and that such authority is to be exercised independent of any political direction, pressure or interference.

FURTHER BE IT RESOLVED that the Chief and/or an operational designate will maintain a Border Closure List of Essential Service Providers and Border Closure List of Essential Travel, and that such lists will be publicly available. It is expected that this list may from time to time be updated at the discretion of the Chief and/or an operational designate and that such update will be provided in the form of a notice, distributed in the same manner as this resolution.

FINALLY, BE IT RESOLVED that this BCR will remain in effect until the provincial State of Emergency has been lifted, or by further order of Chief and Council.

Quorum: 4

Chief

Councillor

Councillor

Councillor

Councillor

Councillor

Councillor

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Expenditures	Authority (Indian Act Section)	Source of funds		Expenditure	Authority (Indian Act Section)	Source of funds	
		Capital	Revenue			Capital	Revenue
Recommending officer:				Recommending officer:			
Signature		Date		Signature		Date	
				Approving officer:			
Signature		Date		Signature		Date	