

Subject: Bylaw No. 20/010 - Fort Chipewyan Social Distancing Enforcement Bylaw

APPROVALS:

Jamie Doyle

Director

Chief Administrative Officer

Recommended Motion:

1. THAT Bylaw No. 20/010, being the Fort Chipewyan Social Distancing Enforcement Bylaw, be read a second time.
2. THAT Bylaw No. 20/010 be read a third and final time.

Summary:

On April 14, 2020, Council passed first reading of Bylaw No. 20/010 Fort Chipewyan Social Distancing Bylaw and put second reading on the floor, which permitted delegates to speak to the bylaw. Following public input and discussion, an amendment to Bylaw 20/010 was proposed as follows:

THAT Bylaw No. 20/010 be amended by:

1. Inserting as 2(a): "Curfew" means the period of time commencing at 10:00 p.m. and continuing to the following 6:00 a.m.", and re-lettering sections 2(a) to 2(g) as 2(b) to 2(h) accordingly.
2. Adding as section 5: "No person in the Fort Chipewyan community shall be in a Public Place during a Curfew" and renumbering the remaining sections accordingly.
3. Adding as 5 d): "is made while accessing essential services, or for the purpose of traditional hunting or fishing, or to carry out employment."

To allow for further input on the proposed bylaw and curfew matter, this item was deferred by Council to allow for discussions and dialogue with the leadership in the community of Fort Chipewyan.

On April 20, 2020, Council held and invited Fort Chipewyan leadership to attend a Special Council meeting. The proposed Bylaw is now being brought back under unfinished business to have the matter addressed at the April 28, 2020, Council meeting.

The amending motion will be open for comment and consideration of Council prior to considering second reading of the proposed bylaw. For clarity, a redlined version of Bylaw No. 20/010 incorporating the proposed amendment has been included (Attachment 2).

It is important to note that since the April 14, 2020, Council meeting, Athabasca Chipewyan First Nation (ACFN) as well as Mikisew Cree First Nation (MCFN) have issued notification and have implemented a curfew for their respective members in the community.

Background:

On March 17, 2020, the CMOH recommended to the Lieutenant Governor in Council that a public health emergency be declared in Alberta due to the presence of pandemic COVID-19 and, as a result such emergency was declared.

On March 20, 2020, Mayor Don Scott declared a state of local emergency (SOLE) in the RMWB to assist the Government of Alberta's efforts to respond to the spread of COVID-19.

On March 27, 2020, the CMOH further ordered (Order 07-2020) that (paraphrased):

- a) the gathering of persons **in excess of 15 people in a group**, in an outdoor location be prohibited;
- b) any persons gathering in an outdoor location **must maintain a minimum of 2.0 metres distance from one another** ("social distancing"); and
- c) all non-essential businesses cease offering services at publicly accessible locations.

On March 27, 2020, the RMWB Council passed a motion that "the Interim (Chief Administrative Officer) and the (Director of Emergency Management) **address those matters raised by the leadership of the Indigenous and rural communities to address the pandemic in an expeditious manner**".

As of April 5, 2020, there were two confirmed cases of COVID-19 in the RMWB's rural service area. Alberta Health Services has not disclosed the exact location or community of these cases.

On April 7, 2020, leadership from the Athabasca Chipewyan First Nation (ACFN), Mikisew Cree First Nation (MCFN) and Métis Local 125, met with members of RMWB

Administration via virtual call, to discuss how the RMWB can proactively support the health and well-being of those residing in the Fort Chipewyan community.

While the CMOH has limited gatherings of persons to a maximum of 15, the initial maximum limit was 50 persons. Other provinces, specifically Ontario (on March 28, 2020), have limited social gatherings to a maximum of 5 persons. Where such rules have been applied, private households with five or more people are excepted out.

Alternatives:

The following actions can act as alternatives or measures that can be taken in addition to or in place of passing the proposed Fort Chipewyan Social Distancing Enforcement Bylaw.

- Implementation of additional focused communications to support awareness and education of the social distancing requirements and legal obligations under CMOH Order 07-2020. All residents of Fort Chipewyan should be especially made aware that the Order is fully applicable to them, regardless of the passage of the proposed Fort Chipewyan Social Distancing Enforcement Bylaw and that contravening the provincial Order risks substantial financial penalties.
- Continuing to work collaboratively with Indigenous, Métis and rural communities to increase awareness and provide education on social distancing requirements and general best practices for limiting the spread of COVID-19.

Budget/Financial Implications:

Additional resources may be required in order to communicate COVID-19 preventative measures in the Fort Chipewyan community and to enforce the proposed bylaw.

Rationale for Recommendation:

Successful implementation of social distancing measures can substantially reduce the rate at which COVID-19 spreads. This is an effective strategy which has proven effective in other nations where COVID-19 pandemic is more advanced in its cycle.

Indigenous leaders across Canada have voiced concerns about issues such as community isolation, overcrowded housing and difficulties accessing medical care, that put their communities at a higher risk to COVID-19 than the rest of the population.

While the Municipality and RCMP currently have the capacity to enforce the CMOH Orders, passing of the proposed bylaw would enhance enforcement by allowing municipal bylaw officers to enforce social distancing and, critically, would also decrease the allowed gathering size from 15 people to 5 people.

The RMWB Council may pass a bylaw related to "the safety, health, and welfare of the people and the protection of people and property" pursuant to subsection 7(a) of the *Municipal Government Act*.

Strategic Priorities:

Rural and Indigenous Communities and Partnerships

Attachments:

- 1. Bylaw No. 20.010 - Fort Chipewyan Social Distancing Enforcement Bylaw**
- 2. Bylaw No. 20.010 - Fort Chip Social Distancing Bylaw Redlined Version**