

**FINAL RECORD OF CONCLUSION**  
**KAHNAWÀ:KE LEGISLATIVE COORDINATING COMMISSION**  
**November 25, 2021**  
 Microsoft Teams Meeting  
**1:30 pm - 3:00 pm**

<b>MEETING TYPE:</b>	KLCC Regular
<b>CHAIRPERSON:</b>	Leslie Skye
<b>NOTE TAKER:</b>	Paxton Phillips
<b>ATTENDEES:</b>	Ietsénhaienhs Tonya Perron, Jean Pommainville, Joe Delaronde, Kevin Fleischer, Jessica Lazare, and Chris Bush
<b>ABSENT:</b>	Winona Polson-Lahache (regrets)
<b>ITEM:</b>	<b>DESCRIPTION</b>

**1. Administrative – Review/Update & Decision**

**a) Approval of Previous Record of Conclusion 11/05/2020 – ALL**

The ROC was approved by Tonya Perron and seconded by Kevin Fleischer.

**b) KLCC Community Representative (2<sup>nd</sup> notice), Organizational Representative & Resolution**

A posting was made on the CDMP website requesting Community Representation for KLCC and one response has been received. Linda Delisle expressed an interest following her upcoming retirement in December 2021. A second posting was suggested to acquire an additional Community Representative since the KLCC Mandate states that there are two.

***ACTION:** Leslie to create a second posting on the CDMP website for a second KLCC Community Representative.*

The Organizational Representative: Lisa Phillips from the Executive Directors Committee

- Agreed by unanimous consensus via Microsoft Teams. In lieu of signatures, Leslie Skye will mark agreed along with the date, and note that Winona Polson-Lahache was absent
- Leslie Skye read the Resolution into the record
- Approved by Joe Delaronde and seconded by Kevin Fleischer

**c) 2021 – 2024 Legislative Agenda and/or Calendar Update**

It was noted that an MCED was presented to the Council of Chiefs on October 25, 2021, and modified during that meeting where reference to Regulations were removed.

It was then questioned why the Legislative Calendar was approved and prioritized through an MCED when the Council of Chiefs should be notified for information purposes as per the approved November 2, 2017, CDMP Policy and Procedural Manual (sec. 4.2 & 4.4 as per the KLCC Mandate).

The Legislative Calendar is established by the KLCC, but the Council of Chiefs determine which laws would be worked on during the term. An example of this was with the Kahnawà:ke Family Homes Law that was on Calendar but was put into abeyance after a decision was made that it could not be worked on during this term due to lack of time.

***DECISION:** The Legislative Calendar will be brought to the Council of Chiefs for briefing and information purposes without approval through an MCED and then posted online.*

**d) KLCC Mandate Revisions (Composition & Quorum)**

The KLCC Working Group will soon review the Composition to include Chris Bush. The Quorum section also needs to be reviewed because it currently states that 50% Commissioners present is required, but it does not specify whether it is voting or non-voting Commissioners. Decisions have always been made through consensus that included everyone's responses.

***ACTION:** Add Chris Bush*

**2. KLCC Update**

**a) Next mapping or Strategic Planning Session**

To be determined following the LPT meeting mentioned below.

**b) Legislation Portfolio Team (LPT) Planning Meeting & Project Charter**

An LPT meeting will be scheduled to review and revise the Project Charter and to decide when the next Mapping Session or Strategic Session will take place.

**3. CDMP Proposed Revisions – Update/Decision**

**a) Regulations Policy & Revised Flowchart**

Last revisions and accepted changes were incorporated.

The working group indicated that the original Flowchart that went out to the Community did not fit with the draft internal Policy.

**Question:**

Will both the policy and flowchart have to be brought back to the community, or will they simply have to be notified that it was adjusted, and clarifications were made?

Suggestion: both the Policy and Flowchart should go to the community for information purposes since the Policy is neither protected nor confidential

**Question:**

There are Community Representative positions on the KLCC, there is Community representation in the drafting and amendment to the Policy and Flowchart - does it still need to be made available to the community?

If these are posted – does it mean all the documents within the CDMP Manual have to be posted?

- Posting all documents (i.e. The Flowchart, the Policy, and the Procedural Manual) could possibly cause confusion but it is important to make things available and accessible for the community

Suggestion: post an executive summary online with highlights and changes and offer an option where more details and information can be made available, ‘click here’ option to view the policy and flowchart

- o Agreed by all

→ **Action item:** Post to the Kahnawake Making Decisions website

Discussion stemming from Principles Section 1.2 and Consultation Sections 3.21-3.24

**Question :**

What does “consultation” mean? Is ‘consultation’ whatever the TDC determines?

- Should “consultation” be changed to “engagement”?
- What was the intent of “consultation” when first started?
- It is called the “Community Decision-Making Process” – therefore, community is involved, but to what extent?
  - o Minutes from a KLCC meeting in 2014 suggested the drafting committee consult with stakeholders and there be something called a “standing committee” with hearings – take in comments from the community when regulations were being posted – different way of engaging the community to collect information – have 2 or 3 sessions scheduled to hear what people have to say and take note of it – not a formal meeting, like a kiosk
  - o In those Minutes and a Strategic Plan (2014) – it seems intent for Type I – not a lot of consultation, but for Type II there would be a lot more intense consultation.
- Recently, only two sets of regulations have gone through the Process from beginning to end: Residency (Type I) and Cannabis (Type II). For Residency – focus groups were held with community members – however, people were trying to make changes to the law via regulations.
- During drafting of Cannabis Regulations (Type II) it was very technical. The community did not have the background to understand all required for health, safety, community benefit. During the drafting the TDC flagged items that were not clear during drafting of the law or possibly affect public policy, then went back to the community with a phone survey and online survey, speaking to potential stakeholders who had knowledge about the industry and what it entails. Drafts were provided to Health & Safety Committee that is appointed under the law for their input.
- All feedback was taken into consideration by the TDC in determining what Regulations would look like and how to frame them in terms of Public Policy component. In taking that approach, focus groups and community hearings were not necessary.

Suggestion: if anything comes up in drafting of regulations in terms of public policy (see below re: public policy discussion) then community consultation should occur – use method below

- Type 2 laws are very technical, consultation can include: online surveys and random phone calls, speaking to stakeholders that have knowledge on the subject, health and safety committee input on certain components, kiosks, etc.
- The TDC is the best place to know how far engagement and consultation should go
- In Strat Plan 2014 – consultation discussion was in relation to Phase II in the Flowchart – was called the “Input Process” – propose changing it to the “Approval Process” – which entails simply holding a meeting to listen to the community but with no engagement or debate – merely for feedback to gather what they had to say and taking it into consideration.

**Question:**

Do we need 2 different Regulations processes for Type I and Type II?

- It's a sliding scale/spectrum of consultation depending on if it's Type I or Type II subject-matter, different factors

Suggestion: TDC to decide how far consultation/engagement should go

**Question:**

Still uncertainty as to appropriate label should be - is it “consultation”, “engagement”, “input”, “feedback” – and at what stage? In Flowchart different words are used depending on which stage of the process

- In Strat. Plan 2014 – it indicated intent of having a community rep. sit on the TDC – that has not occurred

Suggestion: keep it status quo with no community rep. since logistically/technically it would not be easy - instead have a 30 day posting – use different methods of consultation – surveys, kiosks, etc.

Discussion stemming from Principles Section 1.3

**Question**

What is Public Policy and who decides what it is?

Suggestion: governance is responsible for determining what public policy is

Discussion stemming from Section 3.5

– “...Council ...may temporarily suspend the rules of the present policy...to urgently create or amend a regulation...Council...must provide a written explanation of their reasons for suspending the rules.”

**Question** – Who will be provided with the “written explanation”?

Suggestion: The Community through a press release.

Regulation(s) Request Sections 3.6-3.11

Discussion re: 3.8 – update given to Council if affects Public Policy - TDC to obtain the community’s position – Council to take community’s position into account before approving or refusing. Most regulations are required to bolster the law – even if a matter of Public Policy still need regulation but have to be careful in how drafted and ensure communication with the Community.

**Question**

Should the Council of Chiefs be able to refuse a regulation?

- Present regulations to Council to inform them – and only if there is a grave concern coming from Council – then it can be brought up – but not to approve or deny - if there is a concern it can be brought to TDC’s attention.
- If contrary to Public Policy it may be in Council’s sphere and they would be more involved – reminder: there are 2 Chiefs on the KLCC who can act in an advisory capacity

- Example provided - Poker houses – can a Gaming licence be issued if they serve alcohol at the tables? – Kahnawa:ke Gaming Commission (KGC) went to Council and asked them to determine what Public Policy is here to determine how KGC could make their Regulations – overlap – can Council overrule? Designed so they work together – entities empowered by the law are the ones creating/amending the regulations – generally they are government entities – hope is they already know what the Public Policy concerns are and if they have not already been addressed by Council, the entity will bring it to Council
- Another example - countering how concerns were dealt with in previous example – when EGD’s (Electronic Gaming Devices) Regulations were passed – there had been referendums re: no casinos – calling the machines EGD’s versus “slot machines” is splitting of hairs – they’re both the same – this affected public policy – should the community have been consulted prior to the undertaking of those regulations?

Suggestion: have the entity consult along with Council if there is a Public Policy issue – TDC to address issue

Keep having Public Policy issue because CDMP is meant to give power back to the Community – but when it comes to regulations it gets complicated – in the case of the KGC’s EGD Regulations it actually created a whole new category of licenses – there was not any real consultation - a kiosk held for 2 days - this is why there is an issue with public perception of Council just doing what it decides and not listening to the Community.

→ CONTINUE AT 3.9

**4. Adjournment & Next Meeting:**

Meeting adjourned at 3:05pm

Next KLCC Regular Monthly Meeting  
December 9, 2021, Microsoft Teams 1:30 pm – 3:00 pm