

SANITARY CONDITIONS LAW

THIRD READING

JANUARY 10, 2012

GOLDEN AGE CLUB

PRESENT

KLCC:

Kahente Horn- Miller

Leslie Skye

Joe Delaronde

Clinton Phillips

Kahsennenhawe Sky-Deer

Ron Skye

Community Members

Chiefs:

Mike Delisle

John D. Delormier

Lands Unit

Melanie Gilbert

Heather Jacobs-Whyte

Agenda:

Opening Address – Kahsennenhawe Sky-Deer

Kahsennenhawe opened the Third Reading with the Ohenton Karihwaterhkwen.

Introduction – Kahente Horn-Miller

Kahente welcomed everyone and thanked them for attending then explained that the Third Reading of the Sanitary Conditions Law would be filmed. This is an historic event being that it is the first amendment to a law to go through the CDMP.

Meeting Guidelines – Joe Delaronde

Joe asked that people use the microphone when speaking and conduct themselves in a respectful manner.

Reading of the Law – John D. Delormier

John D. Delormier read the Kahnawà:ke Sanitary Conditions Law 2011-2012 aloud into the record. He began by reading the list of amendment dates.

FINAL MINUTES

Sanitary Conditions Law - Third Reading

January 10, 2012

Next Steps – Kahente Horn-Miller

Kahente explained the following:

Completion of Phase 2

Community hearing report is made of 3rd Reading of Law

Coordinator presents Reading Report at a Legislative Session

Phase 3 - Enactment

Seven (7) copies of final law are prepared.

MCED titled Confirmation of the Will of the People is prepared and includes:

Final law

All implementation plans

All reading reports

All minutes for legislative sessions

Signed by chiefs

Distribution

Website is updated

5 year review date is applied

Close file

Implementation

Send to lands

Feedback

Question: A community member questioned the finality of this Third Reading. This law is giving the authority to adopt any regulation without any community input. What was the outcome of the last – Second Reading’s question about regulations? He stated that it seemed Council (through this law) had carte blanche for the Inspectors right to enter into a resident’s home and the right for people to post signs on their property. How do we confirm the will of the people? Why were no changes made to the law from community feedback at the last meeting (Second Reading of SCL)? Does the community have input?

Response: The proposed changes were brought forward from Lands to Council where it was felt that they were very specific and was not feasible to accept. Understand your concern about drafting of regulations, but right now we’re not at that point. Consultation with the community will be done once we’ve begun that process.

Community Member Comment: The way this law is written, it gives you carte blanche to do whatever you want and write any regulation without the consultation with the community.

Response: We aren’t trying to do anything outside of public consultation and or awareness. There is never a guarantee in anything, but if we are basing this, as it says on the will of the people, then whatever was said by the people who attended will be taken into consideration. The Kahnawà:ke Legislative Coordinating Commission and the Community Decision Making Process was put in place to ensure that it doesn’t only look at specific needs and interest groups, as in this type of law, it’s the overall protection of the community. We aren’t going to say that the community has no say in terms of how regulations come forward. Regulations will be drafted. Can’t say that they’ll fit everyone’s needs in the community, they are there to ensure the safety and protection of the environment. That’s why some of the feedback received at the last

Reading was not deemed necessary in terms of the law. It still is pretty much bare bones, with the majority of the work coming from the regulations.

Question: How is the will of the people confirmed here?

Response: People were invited... (*Interruption*)

Question: You said the next step is Confirmation of the Will of the People.

Response: That's been garnered through the other Hearings that were done. However many people that showed up... (*Interruption*)

Community Member Comment: At the last meeting I didn't hear anyone say 'Go Sanitary Conditions Law'. They pointed out some of the problems and issues that this law had. No one said this was the will of the people.

Response: Well those are the people that showed up, but there were also other people who chimed in through telephone calls and e-mail and other types of feedback. Again it's Type II not Type I.

Question: Where are those people's names and their feedback?

Response: I don't have access to them, you could ask Lands for them, but all of that information was given to Chief and Council.

Question: Are you going to use these anonymous e-mails to pass this law?

Response: I never said they were anonymous.

Question: Would these e-mails be made public?

Response: They're valid people just like other people that made comments. Everyone was allowed the same amount of time. Again it's Type II regulatory. It's very specific.

Community Member Comment: But it's not, it affects almost every segment of the community.

Response: In your opinion. In our opinion it's not.

Community Member Comment: You have a section on signage. If (specified community member) wants to put up a sign that says, 'screw Council', isn't that his right? You have a section about an inspector who has the right to go and seize your property?

Response: If it's in fact detrimental to environment ... (*interruption*)

Community Member Comment: ... I mean it's in there ...

Response: Excuse me, detrimental to the environment or the protection of the community.

Community Member Comment: That can be anything that's pursuant to the law or regulations. Any regulations you write, and that's the problem, is you have carte blanche to do what you like. Make signs illegal, make every business or cigarette store to follow and pay administrative fees probably for these signs.

Response: There are a lot of fear factors that possibly become part of the public notification, but tonight that is not the intention.

Community Member Comment: That may not be the intention but it does open the door to that.

Response: I think it closes the door to that, difference of opinion. We've had carte blanche for far too long; it's time for someone to take a stand against these environmental hazards that have alienated lots of land in this community to everyone in general. That's what this is for.

Community Member Comment: Well this inspector has the discretion to come to my house if I have bags of garbage in my yard and ... (*pause*)

Response: And you'll have the right to appeal that.

Question: Based on what law?

Response: This law.

Community Member Comment: There is no appeal process.

Response: Regulations are forthcoming.

Community Member Comment: There are no regulations right now.

Response: Agreed

Community Member Comment: You're asking us to accept this based on no regulations.

Response: Agreed

Community Member Comment: Trust you in other words.

Response: We brought this to the community to allow them to offer the opportunity ... (interruption).

Community Member Comment: The community? They didn't show up.

Response: Well we offer them the water. I can't bring them to the water.

Question: Well how do you confirm the will of the people? These e-mails that you've got don't count, do they?

Response: Of course they do.

Community Member Comment: I heard that only the people that show up at the hearings have their say.

Response: Everyone has an opportunity to have their say through the 30-day community consultation and to attend these meetings. But the people that I saw in attendance all had a personal vested interest.

Alternate Response: Your concerns may be valid, but you participate on the Justice Tech Team for the Justice Act. You know there is recourse for the individuals where a permit is issued by the MCK, that they have a right for redress. Those are the administrative tribunals. You're aware of that. So I don't understand your concern or comment in relation that people have nowhere to go. You're in the development process of that right now.

Community Member Comment: But that's not even accepted, there's no guarantee that there's going to be a Justice System. But these inspectors can put you in jail for 6 months if you don't pay your fine.

Response: No they can't. A court can. An inspector can't. There's a process and the process that's going to be used is what we have right now. The rights of the individuals will always be respected. We're not going to trample on someone's rights. Who would put up with that? What type of society would we be if we acted in that fashion? Everyone in this community has to open the doors to trust and understanding. We can't keep pointing the finger at each other saying this is wrong and that's wrong. We can find fault in everything. It's time to get away from that and start moving in the right direction. I don't think if you read the law that you'd disagree with any of the sections that relate to protection of the environment.

Community Member Comment: No not at all.

Response/Question: So what's the concern?

Community Member Comment: My concern is the impression of the people.

Response: There is no impression of the people. Do they have the right to redress?

Community Member Comment: I don't know.

Response: Of course, they can go to the court. They have the right to redress and appeal. You're not taking away anyone's rights. I don't understand the logic for your complaint.

Community Member Comment: I see inspectors can seize your property and go into a house anytime they like at their discretion.

Response: They can't go into your house.

Community Member Comment: It says it right there – premise.

Response: Premise ... (*Interruption – Sergeant at Arms requests community member let the other finish speaking*). It does not include residential premise. Residence is your home. If you're operating a business it's a different story. If someone wants to enter your home under the charter of human rights, they need a search warrant. So who can enter your home? Only a police officer, an inspector can't.

Community Member Comment: But isn't it the same for a business?

Response: No. In this law an inspector can enter a business. In the regulations it will probably state that an inspector can only enter a business within certain hours and must give notice to the owner.

Community Member Comment: That I agree with, because the law says that they can enter anytime.

Response: That will be laid out in the regulations. You have to have a little trust.

Additional Alternate Response: For clarity – *Structure* means building or other objects constructed from several parts...and not include a residence used solely for residential purposes. So they don't go into homes. You are bringing up issues that were already discussed/answered at the Second Reading...for example, your question about signs. These were part of an existing law that was already there. We made it clear that the amendments were put forth to create the regulations. We also made it clear that if someone doesn't like portions of the law, because they're out of date, they could send a letter saying, "I think we should amend that and remove it from the law." This law was about environment. The law has existed for over 40 years...The definitions make it clear, that it's not to go into someone's home.

Final Response: This is in relation to your comment about the *people*. Type II legislation is different from a Type I. The purpose, scope and intent are derived from Council. It's the Council that decides the scope of the law. In the Sanitary Conditions Law, they didn't look at the whole law itself. They were very specific as to what the Lands Unit wanted to do. Under Type II process, it's Council that determines the parameters. They are there to ensure the protection of the community, even though business owners want the right or ability to do whatever they want, Council has the responsibility to ensure the protection of everyone and the environment. Even though some manufacturers may want certain things - *carte blanche*, I don't want signs. I want to do what I want on my property. The elected still has an obligation to protect everyone. That's their mandate for a Type II and the mandate they gave to Lands to work within.

Closing – Kahsennenhawe Sky-Deer

Kahsennenhawe closed the meeting.