

**RECORD OF CONCLUSION**  
**KAHNAWÀ:KE LEGISLATIVE COORDINATING COMMISSION**  
**February 2, 2017**  
 Large Conference Room  
**1:30 pm-4:00 pm**

<b>MEETING TYPE:</b>	KLCC Regular
<b>CHAIRPERSON:</b>	Leslie Skye
<b>NOTE TAKER:</b>	Kim Beauvais
<b>ATTENDEES:</b>	Ron Skye, Chief Robert Patton, Jr., Chief Kahsennenhawe Sky-Deer, Dale Dion Dell, Jean Pommerville, Vernon Goodleaf, Winona Polson-Lahache, Joe Delaronde
<b>REGRETS:</b>	Kevin Fleischer
<b>INVITED GUESTS:</b>	Grand Chief Joe Norton , Chief Rhonda Kirby (regrets), Chief Gina Deer, Chief Martin Leborgne (regrets), Chief Arlene Jacobs and Dennis Diabo
<b>ITEM</b>	<b>DESCRIPTION</b>
<b>1. Previous ROC</b>	REVIEW/DECISION: 11/10/2016 ROC – Approved & 12/06/2016 ROC - Approved with minor changes
<b>2. File Update</b>	REVIEW/DECISION
<b>A) Kahnawà:ke Membership Law (KML) &amp; B) Proposed Kahnawà:ke Residency Law – Kahsennenhawe Sky-Deer</b>	
	<p>A combined update on Membership and Residency was given with an explanation why the community decided at the CDMP Membership Hearing to remove any section pertaining to Residency and place it in the parking lot.</p> <ul style="list-style-type: none"> <li>• The Residency Law will go to the Community to ask for a mandate to proceed; prior to this should the KML begin the Second Hearing?</li> <li>• Membership to propose a target date of March 31<sup>st</sup> for the Residency Law Community Consultation.</li> <li>• The definition of Great Grandparents may have to be readdressed in the KML Second Hearing. The Kanien'kehá terminology to define "some Kanien'kehá:ka lineage" is subjective, is no clearer and will result in problems in the future.</li> <li>• Of note, the Federal Government has gone to the Superior Court of Quebec and was granted a (5) month extension on the ruling of the Descheneaux case. There is a small window to get this KML and Residency work done. A working group has been struck consisting of Rhonda Kirby, Mary Lee Armstrong, Suzanne Jackson, and two technicians – Winona Polson-Lahache and Rose-Ann Morris. They are planning to meet with KLCC to confirm the process and to solidify benchmark timelines.</li> <li>• There is a target of 300 completed surveys during the consultation phase of the Residency Law. To date, 150 surveys have been completed. The next Kiosk is planned for Feb. 8<sup>th</sup>, from 9am – 1 pm at the Services Complex lobby. The MCK staff in the main building has been surveyed. Other EDC organizations are planned to be surveyed. The survey is geared to gather the Community's opinions on Non-Members residing here, including Non-Natives and different scenarios of Natives not on the KKR. It is felt that the surveys will encourage dialogue on the subject, giving Chief and Council insight to what the Community wants.</li> <li>• The Federal Government will never recognize our KML. We have it within our power to regulate</li> </ul>

residency - a Residency Law will be enforceable. Many of the rights listed in the current KML belong in other laws, i.e. Election Law, and Land Code. There was a suggestion to have communication to remind people of the reason why Residency has been separated from the KML.

- Legal Services has indicated that the first draft of the KML would be ready this week. It is being reviewed by other lawyers within Legal Services. Once received, it will be reviewed by the TDC with the Community Representatives. It will then have to be posted for 30 days, which will bring us to the end of March, in line with the Community Consultation for a mandate to proceed with the proposed Residency Law.

***Decision: It was decided the KML wait until the Residency Law receives the mandate from the community before bringing Membership to the Second Hearing.***

### **C) Kahnawà:ke Tobacco Law – Leslie Skye/Bobby Patton/Gina Deer**

KLCC received a request to bring the "Summary of Legal Issues" to a Second Hearing to ask the community if they agree with amending the draft to address all of the issues presented. The request to go to the Community is a result of a meeting where KTA has taken the position that they are not the authority to make those changes that the community has that authority.

- The document is "client attorney privileged", which begs the question: Who is the client? The client has the right to waive the client/attorney privilege.
- It was suggested that the MCK working group and the KTA meet to review the Summary of Legal Issues and come to an agreement on the necessary changes. This has recently been tried unsuccessfully.
- The law is seriously flawed as it is now and it will create a nightmare internally with membership, jurisdiction with respect to workman's compensation, MSI, paramountcy and problems connecting up to the Court in Kahnawà:ke. It is a law that attempts to carve out a little jurisdiction away from not only outside laws, but also from Kahnawà:ke's laws. This needs to be said to the community in plain language so that they understand the problems.
- The other issue is the "Implementation Plan" submitted by the KTA. It is a cut and paste of the draft law.
- The MOU between the MCK and the KTA is outside of the normal process that should be used. This was a pilot project to get the law into the normal process. The community and the KTA must understand that with all the issues surrounding the law the way it is proposed, Council may not sign off on it. This could lead to the community not trusting the process. This must be communicated effectively.
- What is the fear of bringing the legal summary of issues to the Community? There is the possibility that the meeting would be comprised mostly of tobacco industry employees whom are required to attend. It was noted that this law is most relevant to those within the industry, while the general population is not as highly invested.
- The KTA is the proponent; they are the group that the community mandated to put the law into this Process. They have a shared responsibility to address legal issues with the working group and provide comments and solutions for the community.
- Has the working group exhausted all avenues to come to consensus on addressing the issues outlined in the Legal Opinion, agreeing on how to rectify the problems and present this back to the community? First, the KTA has to acknowledge that there are problems with the law as it is drafted and they need to be fixed. They are the ones who wrote the law.

***Decision: It was agreed that the client is the MCK Council and is responsible for the Law and***

**as such the MCK may share the Legal Issues with whom it chooses. Leslie is to send a letter to the MCK/KTA working group to schedule a meeting.**

D) Kahnawà:ke Family Homes Law - *Leslie Skye*

**Update:** A proponent package was sent to Paul Nicholas and Clinton Phillips. A meeting is to be scheduled between L. Skye, K. Sky-Deer, W. Polson-Lahache, P. Nicholas, and C. Phillips to discuss the next steps.

### **3. Other UPDATE**

- A) Repeal Process
- B) Regulations Process
- C) Five-Year Mandatory Review

**Updates:** All are in progress and should be completed soon.

**4. Next Meeting & Adjournment:** The meeting adjourned at 4:00 pm

**Next KLCC Meeting:** March 2, 2017 (**TBD - March break vacation period**)  
KLCC Regular Monthly Meeting, Large C., 1:30 – 3:00 pm